

MINUTES

GARDEN GROVE SANITARY DISTRICT

A Regular Meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, September 26, 2006, at 6:17 p.m.

ROLL CALL: PRESENT: (3) PRESIDENT DALTON, MEMBERS KREBS,
ROSEN

ABSENT: (2) MEMBERS LEYES, NGUYEN (Member Leyes
joined the meeting at 6:31 p.m., and Member
Nguyen joined the meeting at 7:00 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

ADJOURN TO CLOSED SESSION

At 6:21 p.m., under the Ralph M. Brown Act, the President announced that the meeting was being adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) - Pending Litigation [Litigation to which local agency is a party and has been initiated formally.]

Sanitation District Board of Directors closed session to confer with Litigation Counsel regarding pending litigation: *RD Golf Center Company, LLC vs. Garden Grove Sanitary District; the City of Garden Grove; Matthew Fertal; the Garden Grove Agency for Community Development; Atrium Plaza, LLC; Flamingo Street, LLC; Landmark Companies, LLC; Rigg Hotel; Garden Grove Lodging, LLC; Harbor Suites, LLC; Buca Incorporated; and Does 1-10, Inclusive*, Pending in Orange County Superior Court (OCSC), Case No. 04CC12195, filed December 15, 2004.

MEMBER LEYES JOINED THE MEETING AT 6:31 P.M.

MEMBER NGUYEN JOINED THE MEETING AT 7:00 P.M.

RECONVENE IN OPEN SESSION

At 7:05 p.m., the meeting was reconvened in the Council Chamber with President Dalton and all Board Members in attendance and it was announced that the previously disclosed item was discussed, and a settlement was reached relative to the RD Golf Center Company, LLC vs. Garden Grove Sanitary District; the City of Garden Grove; Matthew Fertal; the Garden Grove Agency for Community Development; Atrium Plaza LLC; Flamingo Street, LLC; Landmark Companies, LLC; Rigg Hotel; Garden Grove Lodging, LLC; Harbor Suites, LLC; Buca Incorporated; and Does 1 -10, Inclusive, Case No. 04CC12195, by which RD Golf Center Company, LLC, will be paid the total sum of \$2,050,000 in return for giving up its lease and vacating the property, and dismissal of the lawsuit in its entirety, by the following vote:

AYES:	MEMBERS:	(4)	KREBS, LEYES, ROSEN, DALTON
NOES:	MEMBERS:	(0)	NONE
ABSENT:	MEMBERS:	(1)	NGUYEN

RECESS

At 7:06 p.m., the President declared a recess.

RECONVENE

At 7:13 p.m., the meeting was reconvened in the Council Chamber with President Dalton and all Members in attendance.

ORAL COMMUNICATIONS – PUBLIC

There were no oral communications relevant to the Sanitary District.

RECESS

At 7:24 p.m., the President declared a recess.

RECONVENE

At 7:30 p.m., the meeting was reconvened with President Dalton and all Members in attendance.

STATUS REPORT ON THE SANITARY DISTRICT OPERATIONS WITHIN THE CITY (F: S-128.3)

Staff report dated September 26, 2006, was introduced, reviewing the status of the Garden Grove Sanitary District activities from mid-July through mid-August, 2006.

It was moved by Member Krebs, seconded by Member Leyes, and carried by unanimous vote, that the Status Report on the Sanitary District activities within the city from mid-July through mid-August, 2006, be and hereby is received and ordered filed.

AMENDMENT TO THE ORANGE COUNTY SANITATION DISTRICT AGREEMENT FOR REIMBURSEMENT THROUGH THE COOPERATIVE PROJECTS GRANT PROGRAMS RELATIVE TO THE SEWER COLLECTION SYSTEM (F: 74.2) (XR: S-97.1)

Staff report dated September 26, 2006, was introduced.

It was moved by Member Krebs, seconded by Member Leyes, and carried by unanimous vote, that the Amendment to the Agreement by and between the Garden Grove Sanitary District and the Orange County Sanitation District for reimbursement in the amount of \$24,408.98 through the Cooperative Projects Grant Programs, be and hereby is approved; and the President and Secretary are authorized to execute the amendment.

EXCAVATION AGREEMENT WITH THE CITY OF WESTMINSTER FOR PROJECT NO. 7829, COAST SEWER IMPROVEMENTS ON TRASK AVENUE (F: 92.proj.7829) (XR: 55)

Staff report dated September 26, 2006, was introduced.

It was moved by Member Krebs, seconded by Member Leyes, and carried by unanimous vote, that the Excavation Agreement by and between the Garden Grove Sanitary District and the City of Westminster for the construction of a portion of sanitary sewer improvements on Trask Avenue within the city limits of Westminster (Project No. 7829), be and hereby is approved; and the General Manager and Secretary are authorized to execute the agreement.

ACCEPTANCE OF EASEMENT FOR SANITARY SEWER PURPOSES; AND
RELINQUISHMENT AND QUITCLAIM OF AN EXISTING EASEMENT NO LONGER
REQUIRED FOR PUBLIC USE OVER A PORTION OF VACATED COAST STREET
(F: 92proj.7829) (XR: S-84.1)

Staff report dated September 26, 2006, was introduced.

It was moved by Member Krebs, seconded by Member Leyes, and carried by unanimous vote, that the Easement Deed be and hereby is accepted on behalf of the District; and the General Manager and Secretary are authorized to execute the Quitclaim Deed on behalf of the District.

MINUTES (F: Vault)

It was moved by Member Krebs, seconded by Member Leyes, and carried by unanimous vote, that the Minutes of the Regular Meeting of the Sanitary District held August 22, 2006, be and hereby is approved.

ADJOURNMENT

At 7:32 p.m., the meeting was declared adjourned.

RUTH E. SMITH
SECRETARY