

CALL TO ORDER

Mayor Procter called the meeting to order at 6:45 p.m., and led the Pledge of Allegiance to the Flag.

ROLL CALL

Councilmember Richard C. Cook, Councilmember Mary Ann Krause, Councilmember Ray C. Luna, Vice Mayor Gabino Aguirre, and Mayor John T. Procter responded to roll call. City Manager Wally Bobkiewicz, Interim City Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas was absent.

PUBLIC COMMENT

There was no Public Comment.

CITY COUNCIL, STAFF COMMUNICATIONS

Interim City Attorney Karl H. Berger announced that during the Closed Session held at 6:00 p.m., for Item No. 4A2 Evaluation of the City Manager, the City Attorney was directed to select a third party consultant to conduct the City Manager's annual evaluation, pursuant to Section 24 of the City Manager's contract.

APPROVAL OF FINAL AGENDA

There were no changes to the agenda.

ORDER OF BUSINESS

A. Joint Wastewater Treatment Plant with the City of Fillmore

City Manager Wally Bobkiewicz's report dated May 15, 2003, and Power Point presentation.

A discussion ensued regarding the shared cost for construction, and the cost for an Environment Impact Report for a joint project and for an individual project. City Manager Wally Bobkiewicz noted that information on the joint wastewater treatment plant may be obtained at www.santapaulafillmore.org.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to receive the report of the Joint Wastewater Treatment Plant Committee with the City of Fillmore. There was no opposition, and the motion carried.

A discussion ensued regarding applications for sewer connection outside of the City's Sphere of Influence. Interim City Attorney Karl H. Berger responded that he had proposed attaching an example of the existing Sphere of Influence lines to the Memorandum of Understanding; however, his suggestion was specifically declined for the reason that Sphere of Influence lines tend to fluctuate. Further, depending upon any particular date when any particular city would want to have authorized connections to the sewer line, the determination would be made to where the Sphere of Influence lines are on that particular date.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to approve the Memorandum of Understanding Regarding Agreement for Development of Regional Wastewater Collection, Treatment and Disposal System between the Cities of Fillmore and Santa Paula. There was no opposition, and the motion carried.

It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, that Councilmember Mary Ann Krause and Mayor John T. Procter be allowed to stay on the Project Oversight Committee. There was no opposition, and the motion carried.

It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, to authorize the preparation of a Request for Proposal to retain environmental consultant to conduct the necessary environmental review for the proposed project. There was no opposition, and the motion carried.

A discussion ensued regarding concerns with a state law which mandates abandoning septic systems and connecting into a sewer system if one is nearby. Interim City Attorney Karl H. Berger responded that he was not familiar with this law; however, if this is a state mandate, cities may request reimbursement from the State. Also, there could be a legal battle if both cities reject an attempt to hook into a sewer line without the cities' mutual consent. The City Council further discussed that if a septic system is in an unincorporated area, the County and not the property owner would request connection into the sewer system.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to authorize the Mayor to send a joint letter with the Mayor of Fillmore to the Ventura County Board of Supervisors to ascertain their interest in participation in this project. There was no opposition, and the motion carried.

B. Update on Regulatory Issues – Santa Paula Wastewater Treatment Plant

City Manager Wally Bobkiewicz's report dated May 20, 2003. He responded to a question regarding whether the regulatory board would allow fines to be applied to the construction of a new plant by stating that there is the possibility of using funds toward construction of a new plant and applying the fine toward its construction. He further

responded to a question regarding whether the City Council had ever been briefed regarding fines by stating that since the wastewater treatment plant's permit was issued 1997, staff briefed the City Council regarding fines on several occasions; however, based on his initial review, there was no sense of urgency. He further responded to a question regarding the City Council's meetings in Closed Session to discuss this issue by stating that Attorney Melissa Thorne and her firm reviewed all of the records to ensure that the City Council had a full understanding of the issues. Interim City Attorney Karl H. Berger added that there were certain legal steps that the City had to position itself into in order to act quickly, and that staff wished to present the City Council and the public with the full picture. Also, there were well publicized events regarding the wastewater treatment facility that are separate from the City's efforts in regards to its 1997 permit. Additionally, there was a complication in that the City contracts for services at the wastewater treatment plant and there have been two separate management companies operating the wastewater treatment plant.

The City Council discussed the criminal investigation dealing with the wastewater treatment plant operator and that the City Council had knowledge regarding the non-criminal, civil investigation. Further, that the City Council was not aware of the criminal investigation until a search warrant was served.

City Manager Wally Bobkiewicz indicated for the record that the City is only aware of search warrants that were served in Fillmore and Santa Paula, and that the City is not aware of any others in California in that particular time frame. He responded to a question regarding payment of fines by stating that the regional board has looked at payment plans in the past for large fines, and that it is a matter of working out the specifics, such as credit toward a new plant or a combination of a credit and a cash plan. Additionally, other communities have been asked to donate toward water reclamation projects.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to receive and file this update on regulatory issues associated with Santa Paula Wastewater Treatment Plant. There was no opposition, and the motion carried.

C. Adoption of Proposed FY 2003/04 City Council Goals and Priority Projects

City Manager Wally Bobkiewicz's report dated May 14, 2003.

It was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, to adopt the proposed FY 2003/04 City Council Goals and Priority Projects. There was no opposition, and the motion carried.

D. Set Dates for Committee Interviews

City Manager Wally Bobkiewicz's report dated May 21, 2003. He noted that four applications were received for four vacancies for the Economic Development Advisory Committee from Anna Marie Manzano, Jeffrey Novak, Kay Wilson-Bolton, and Peter Wright.

A discussion ensued regarding appointing the members to the Economic Development Advisory Committee at the earliest opportunity and concerns with the makeup of the background of committee members.

It was moved by Councilmember Luna, seconded by Vice Mayor Aguirre, to keep the recruitment open in case anyone else wishes to submit his or her name.

A discussion ensued regarding keeping the recruitment open for the Economic Development Advisory Committee until further notice.

There was no opposition, and the motion carried.

It was moved by Mayor Procter, seconded by Vice Mayor Aguirre, to consider the applications for the Community Visioning Steering Committee at the meeting of June 9, 2003. There was no opposition, and the motion carried.

City Manager Wally Bobkiewicz noted that staff had prepared a matrix of the applicants for the Community Visioning Steering Committee. The City Council discussed the process for selecting the committee members.

It was moved by Councilmember Cook that each Councilmember bring back five names each.

A discussion ensued regarding the fact that this is a steering committee, and encouraging those who are not selected to participate in subcommittees.

Councilmember Cook amended his motion, seconded by Mayor Procter, that this is a steering committee and to encourage those who are not selected to participate in subcommittees. There was no opposition, and the motion carried.

A discussion ensued regarding bringing back names at the June 9, 2003 Council Meeting.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Cook, to submit the five nominations to city staff by Tuesday, June 3, 2003, to be considered at the June 9, 2003 Council Meeting. There was no opposition, and the motion carried.

E. Closed Session

Interim City Attorney Karl H. Berger announced that the Closed Session would be to discuss: Conference with Legal Counsel, Potential Litigation. Number of potential cases: One. Facts and circumstances, if known to potential plaintiffs: Unknown. Identification of claims, if any: Unknown. Identification of public threat of litigation, if any: Unknown. Pursuant to *Government Code §54956.9 (b)*.

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz mentioned that a Special City Council Meeting has been scheduled for June 2, 2003, for commission interviews and suggested having the meeting earlier in the evening due to the number of applicants. A discussion ensued regarding holding interviews for the Planning Commission at 5:30 p.m., and perhaps reappointing the candidates for the Mobile Home Rent Review Commission and the Recreation Commission. It was the consensus of the City Council to schedule the Planning Commission interviews for June 2, 2003, at 5:30 p.m., and agendaize on the next regular agenda to consider the applications of the Mobile Home Rent Review Commission and the Recreation Commission to allow the City Council to interview and appoint the applicants.

FUTURE AGENDA ITEMS

It was moved by Councilmember Cook, seconded by Mayor Luna, to consider the resolution received from SEIU for supporting city employees, and sending the resolution to the Governor. There was no opposition, and the motion carried.

CLOSED SESSION

Mayor Procter recessed the City Council to a Closed Session at 8:29 p.m., and reconvened into Open Session at 10:05 p.m.

No action was taken during the Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Procter adjourned the meeting at 10:08 p.m.

ATTEST:

Josephine G. Herrera
Deputy City Clerk