

**CALL TO ORDER**

Mayor Aguirre called the meeting to order at 9:05 a.m.

**ROLL CALL**

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

**PUBLIC COMMENT**

Bert Rapp, 250 Central Avenue, City Engineer for the City of Fillmore, expressed concern with the impact that the termination of the contract with Operations Management International (OMI) for operation of the wastewater treatment plant will have on the City of Fillmore. He noted that the cost of Fillmore's contract with OMI would increase \$40,000 per year if OMI does not continue to contract with the City of Santa Paula.

**CLOSED SESSION**

Mayor Aguirre recessed the City Council to the City Hall Administration Conference for a Closed Session at 9:10 a.m. to discuss:

1. Conference with Legal Counsel, Anticipated Litigation. Significant exposure to litigation. Pursuant to Government Code *Section 54956.9 (b)*. Facts or circumstances: Termination of agreement for Operations, Maintenance, and Management Services of Santa Paula Wastewater Treatment Plant, Operations Management International, Inc. A copy of the termination notice is available at the City Clerk's office. Number of potential cases: One.

Mayor Aguirre reconvened the City Council into Open Session at 9:40 a.m.

City Manager Wally Bobkiewicz stated that he and City Attorney Karl H. Berger met with representatives from OMI on February 3, 2004, and that OMI served the City with a letter of intent to terminate operation of the wastewater treatment plant in 90 days. He noted that during the Closed Session, the City Council directed the City Attorney to take actions in order to keep the wastewater treatment plant operating.

City Attorney Karl H. Berger noted that on September 15, 2003, the City Council approved a revised contract with OMI; however, as of December 2003, OMI had not executed the contract due to unresolved issues with the City's NPDES permit. He also stated that he received notice from OMI of their decision to unilaterally change the fully

negotiated contract by making changes to their liability exceptions to the contract. At the City Council's direction, he informed OMI that the City expected OMI to fulfill their obligations under the negotiated contract. Their response was the letter of intent to terminate the contract. He noted that neither the City nor OMI executed the newly negotiated contract. Accordingly, it does not have any legal effect against the City, and OMI is operating pursuant to the terms of the 1998 contract.

### **ORDER OF BUSINESS**

#### **A. Discussion of Options for the Operation of the Wastewater Treatment Plant**

City Manager Wally Bobkiewicz proposed the following options for the operation of the wastewater treatment plant: 1) send out a Request for Proposals to seek a new private operator; 2) contract with the Ventura Regional Sanitation District; or 3) have the City operate the wastewater treatment plant and hire staff. He stated that discussions would continue with representatives from the City of Fillmore regarding the replacement of the wastewater treatment plant and with keeping them informed regarding the options for the operation of the wastewater treatment plant. He suggested that the City Council direct him to bring back report at the March 15, 2004 City Council Meeting with specific proposals on how to move forward. He responded to a question regarding whether information on the budget for the wastewater treatment plant for supplies, maintenance, capital improvements, and utilities by stating that this information is available in the agreement approved in September 2003, and that this information could be provided to the City Council.

A discussion ensued regarding the City operating the wastewater treatment plant; seeking short and long-term solutions; and exploring the implications for the joint regional plant with the City of Fillmore.

It was moved by Vice Mayor Krause, seconded by Councilmember Cook to direct the City Manager to bring back a report on March 15, 2004 with specific recommendations as discussed. There was no opposition, and the motion carried.

### **CITY COMMUNICATIONS**

City Manager Wally Bobkiewicz stated that he attended the League of California Cities City Managers Meeting, and that the League is moving forward with gathering signatures on a petition for a ballot initiative to require voter approval before the State may take local tax funds.

### **FUTURE AGENDA ITEMS**

There were no Future Agenda Items.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Aguirre adjourned the meeting at 9:59 a.m.

ATTEST:

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Josephine G. Herrera  
Deputy City Clerk