

CALL TO ORDER

Mayor Luna called the meeting to order 6:50 p.m., and led the flag salute.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Ralph J. Fernandez, Councilmember Robert S. Gonzales, Vice Mayor John T. Procter, and Mayor Ray C. Luna responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and City Clerk Josie G. Herrera were also present.

PUBLIC COMMENT

Bill Mensing, 500 W. Santa Maria Street, presented a \$1,000 check to help defray the cost of the May 8, 2007 Special Election.

Humberto Reyna, 319 Ojai Road, addressed his concern with the closure of the Joshua House and asked the City Council for their assistance in keeping the program open.

ORDER OF BUSINESS

A. Water Recycling Facility Project VERTREAT™ Technology Presentation

City Manager Wally Bobkiewicz provided a summary of the City's wastewater operating permit, the Time Service Order issued by the Regional Water Quality Control Board, the agreement between the City and the Board to apply the millions of dollars in fines towards the cost to construct a new plant that would meet permit requirements, design by Kennedy/Jenks of a membrane bioreactor plant, and the value engineering process.

John Bishop, Executive Officer of the Los Angeles Regional Water Quality Control Board (RWQCB), stated that it would be the City's decision regarding the type of technology it would use; however, the Board expects the City to meet the deadline for the Time Schedule Order. He also noted that there have been only two major changes regarding discharge requirements since the 1930s: the Clean Water Act adopted in the 1970s and receiving water requirements for toxic materials.

Dr. Steve Bachman, representing United Water Conservation District, stated that the District had no opinion on which technology the City uses; however, they oppose any further waiver of penalties or extension of time, and want the new water recycling facility to built by 2009.

Bill Wilson, Environmental Engineer and Planning Consultant, provided a brief history of his contact with City residents regarding the VERTREAT™ system.

Pat McKay, representing Foundation of the Pacific Development Group LLC, provided information regarding rate stabilization options for financing the VERTREAT™ system. He suggested that the City could enter into a lease contract for a design-build project. He responded to a question regarding guarantees for repayment by stating that the lease would be guaranteed by a municipal contract based on ratepayers' monthly payments.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a break at 8:17 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 8:40 p.m.

Clive Brereton, Senior Engineer for Noram, provided a review regarding Noram Engineering and Constructors' experience and capabilities.

Jeff Guild, Business Manager for Noram, provided a Power Point™ presentation regarding VERTREAT™ system's core technology, conceptual design, Title 22 compliance, and estimated capital and operating costs. He responded to questions regarding corrosion, drilling process, Title 22 certification, and activated sludge treatment.

City Attorney Karl H. Berger responded to a question regarding the need to amend the environmental impact report (EIR) should the City decide on the VERTREAT™ technology by stating that the EIR would require an amendment, public hearing, and circulation for comments.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a break at 10:17 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 10:38 p.m.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 10:38 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Procter, seconded by Councilmember Gonzales, to suspend the rules and continue the meeting. All were in favor under roll call vote, and the motion carried.

Jeff Guild responded to questions regarding water leakage, performance guarantee, provision of a value engineering on the VERTREAT™ technology, and regulatory compliance.

Public Works Director/City Engineer Clifford G. Finley provided a Power Point® presentation regarding the City Council's summary of decisions, milestones, components of value engineered water recycling facility, and engineer's estimate for a membrane bioreactor (MBR) treatment process.

Dr. Edward McGowan, 3152 Via Real, Carpinteria, provided his written statement regarding his concerns with pathogens discharged into the environment along with the effluent.

Ken Chapman, 15119 Todd Lane, spoke in support of VERTREAT™ deep shaft technology and expressed concerns with the use of percolation ponds and screens for the headworks.

Woody Maxwell, no address given, spoke in support of VERTREAT™ technology.

Katherine Malzacher Maxwell, no address given, expressed concern with the proximity of a proposed MBR treatment process being placed adjacent to her family's property.

Discussion included the engineer's estimate for an MBR treatment process versus the cost estimate for the VERTREAT™ technology and receiving an "apples to apples" cost comparison.

City Manager Wally Bobkiewicz suggested that if the City Council wished to pursue the VERTREAT™ technology, staff would need to explore how to move forward using current contracting regulations, receive competitive bids, consider public contracting laws, and consider options to change public contracting law.

City Attorney Karl H. Berger suggested that the City Council contemplate whether to remain in the wastewater system business, whether to consider a different delivery system other than MBR treatment process, whether to consider a design-build-operate-finance option, and whether to consider technology versus cost.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales, to direct the City Attorney to provide an analysis by February 20, 2007 of the legal ramifications should the City switch from an MBR treatment process to VERTREAT™ technology. All were in favor under roll call vote, and the motion carried.

Discussion included asking City staff and Noram staff to work together to provide a cost comparison.

City Manager Wally Bobkiewicz suggested that staff could be directed to come back with a clearer definition on the use the VERTREAT™ system for: 1) design, build, operate; 2) lease; or 3) design, build, operate, finance.

Discussion included the City Council's desire to meet only once for a Special City Council Meeting the following week to continue the discussion regarding the water recycling facility, and to not meet for the scheduled February 20, 2007 Regular City Council Meeting.

It was moved by Councilmember Aguirre, seconded by Mayor Luna, to schedule a special City Council Meeting for February 21, 2007. All were in favor under roll call vote, and the motion carried.

CITY COMMUNICATIONS

No City Communications.

FUTURE AGENDA ITEMS

No Future Agenda items.

ADJOURNMENT

Mayor Luna adjourned the meeting at 1:06 a.m., February 14, 2007.

ATTEST:

Josie G. Herrera
City Clerk