

**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR ADJOURNED MEETING – 6:00 PM – July 11, 2017**

**1. OPENING**

The Regular meeting of the Paradise Town Council was called to order by Mayor Lotter at 6:02 p.m. at the Paradise Performing Arts Center located at 777 Nunneley Road, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Bolin.

**COUNCIL MEMBERS PRESENT:** Greg Bolin, Jody Jones, Melissa Schuster, Michael Zuccolillo and Scott Lotter, Mayor.

**COUNCIL MEMBERS ABSENT:** None

**STAFF PRESENT:** Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Public Works Director/Town Engineer Marc Mattox, Administrative Services Director/Town Treasurer Gina Will, Administrative Analyst Colette Curtis, Business and Housing Services Supervisor Kate Anderson, Police Chief Gabriela Tazzari-Dineen, Community Development Director Craig Baker and Fire Chief David Hawks.

**2. CONSENT CALENDAR**

**MOTION by Zuccolillo, seconded by Schuster,** approved consent calendar items 2a through 2g. Roll call vote was unanimous.

2a. Approved Minutes of the June 13, 2017 Regular and June 27, 2017 Adjourned Town Council meetings.

2b. Approved June 2017 Cash Disbursements in the amount of \$3,640,462.35. (310-10-032)

2c. Adopted Resolution No. 17-28, A Resolution of the Town Council of the Town of Paradise Allowing the Town of Paradise to Complete the Police Department Roof Replacement Project without complying with State Public Works Bidding Requirements; and, 2. Authorized the Town Manager to select a private contractor to complete the project; and, 3. To enter into an agreement relating thereto at a price not to exceed \$45,000. (280-60-004)

2d. 1. Adopted Resolution No. 17-29, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager of the Town of Paradise or her Designee to Sign Program Supplement Agreement No. P91 to the Administering Agency-State Agreement for State Funded Projects Corresponding to Project No. SSARPL 5425 (037) and 2. Approved the Program Supplement Agreement No. P91 to Administering Agency-State Agreement No. 00449S for State-Funded Project SSARPL 5425 (037) (Systemic Safety Analysis Report Program) to assure receipt of \$225,000 in state

funds and authorized the Town Manager to execute. (The Paradise SSAR will study the Town's extremely underdeveloped and narrow two-lane roadways, including historical collision data and potential improvements eligible for future grant opportunities.) (510-20-166)

2e. Awarded Contract No. 17-10 Greenwood Drive Storm Damage Repairs to Franklin Construction, Inc. of Chico, CA in the amount of their Bid of \$100,551.00; and, 2. Authorized the Town Manager to execute an agreement with Franklin construction relating to Contract No. 17-10 and to approve contingency expenditures not exceeding 10%. (Funding for the Greenwood Dr. Storm Damage Drain Repair Project will be shared with FEMA-75%, Cal OES-18.75% and Town of Paradise Gas Tax-6.25%) (510-20-167)

2f. Awarded Contract No. 17-11, Paradise PD Window Replacement to The Screen and Door Shop of Paradise, CA in the amount of their Bid of \$9,974.23; and, 2. Authorized the Town Manager to execute an agreement with The Screen and Door Shop relating to Contract No. 17-11 and to approve contingency expenditures not exceeding 15%. (510-20-168)

2g. 1. Concurred with staff's recommendation of Harris & Associates to perform pavement management services for the Town's 100 centerline mile roadway network; and, 2. Approved the Professional Services Agreement with Harris & Associates and authorized the Town Manager to execute same; and, 3. Authorized the Town Manager to execute additional work orders up to 10% of the contracts amount. (510-20-169)

**3 ITEMS REMOVED FROM CONSENT CALENDAR - None**

**4. PUBLIC COMMUNICATION**

1. Claudia Benike – informed the Town Council about the Gold Panning lessons at the Gold Nugget Museum on Saturdays from July 8 through August 12 and encouraged everyone to participate.

**5. PUBLIC HEARINGS - None**

**6. COUNCIL CONSIDERATION**

At 6:05 p.m. Council Members Bolin and Council Member Zuccolillo recused themselves from discussion and voting on the Sewer Recommendation due to a ruling by the Fair Political Practices Commission (FPPC) that there was a conflict of interest because of the amount of property owned by the two Council Members in the proposed sewer district. (960-70-04)

Town Manager Lauren Gill introduced Mike Massaro from Bennett Engineering who provided a brief presentation on the Sewer Project.

Mr. Massaro presented highlights from the Paradise Sewer Project Feasibility Report reiterating that this is the 7<sup>th</sup> feasibility study and that the sewer/septic issue continues to be a concern that needs to be addressed or businesses and residential septic systems will continue to fail which decreases property values and makes it difficult for businesses to operate in the Town of Paradise.

The five options that were provided for consideration were:

- a. Localized Wastewater Treatment Plant with Effluent Land Application
- b. Localized Wastewater Treatment Plant with Surface Water Discharge Location
- c. Regional Connection to the City of Chico Water Pollution Control Plant
- d. Wastewater Treatment with Beneficial Reuse.
- e. No Project.

Town Manager Lauren Gill thanked all the participants in the study and reviewed the economic benefits to the entire region and community, both commercial and residential.

Town Engineer Marc Mattox, provided an overview of the staff recommendations which included the following:

1. Acknowledge and accept Bennett Engineering's Town of Paradise Sewer Project, Alternatives Analysis and Feasibility Report: Determining a Preferred Option for Implementation; and,
2. Concur with staff recommendation to:
  - a. Select the Direct Connection to the City of Chico Water Pollution Control Plant alternative as the preferred alternative.
  - b. Commence efforts with the City of Chico to determine with certainty if they are willing to negotiate a regional connection.
  - c. Defer Special Assessment District Formation until adequate funding has been secured for construction of the selected alternative.
  - d. Engage state and federal representatives on project need and alternative grant funding options.
  - e. Secure additional grant funding for preliminary design and environmental studies.

Mayor Lotter opened the meeting up for public comments:

1. Ward Habriel – stated that there are not enough people in attendance to get the message out, would like a positive message to the community, current businesses have made an investment in the community with engineered systems, how do you convince other businesses that they need to invest in a

sewer system, where does wastewater go and how will the lack of wastewater impact the trees/plants/environment?

2. Monty Knittel, President/CEO of Feather River Hospital – stated that his main concern is health care, wants this to be a thriving community and to be able to recruit talented employees - supports the project.
3. Matt Miller – had questions regarding the right of way area, if everyone could pay for the sewer system even if they weren't in the assessment district and if there would be an impact to development fees – supports a regional connection.

Staff informed Mr. Miller that his questions would be answered later in the process during the engineering or other phases of the project, that it was not legal to have citizens pay who were not in the district and it is not clear yet what development impacts there will be.

4. Martin Nichols - inquired as to what Chico's terms would be before moving forward and suggested keeping the local option.
5. Kelly Serl – has been personally impacted by the rising water table, problem will not go away, is affecting the entire community and property values, not just proposed district, make sure if money is spent that it will provide a benefit for the entire community and stated that Butte County will no longer be operating a wastewater treatment center (septage receiving station) as of September 1, 2017 and encouraged everyone to be prepared.
6. Jim Harding – pointed out that this sewer system will maintain septic tanks if you already have one or need to add one and inquired about the suggested cost in the report and why the funding amount was higher.

Staff stated that the interest for financing the project is what raised the cost.

Council Member Jones thanked the citizens and consultants for the time and effort put into the study and discussed the report.

Council Member Jones does not support the staff recommendation as written because Chico is in the middle of studying their Wastewater system and may not be willing/able to participate in the project. She then suggested two changes to the staff recommendation, section A and B. (changes are reflected in the motion below)

Council Member Schuster, concurred with Vice Mayor Jones and stated that two options make sense, suggested a change to section c to say, "identified" instead of "secured" , suggested that there could be other opportunities within the area and would like to refer to the project as a Wastewater system, not a sewer system.

Mayor Lotter concurred with the alternative options choice, thinks there's an advantage to the local discharge option and informed the citizens that the Butte

County Board of Supervisors will be closing the septage receiving facility portion of the Neal Road Landfill leaving the closest septic receiving station in Lincoln.

Mayor Lotter also addressed the issue of the two Council Members who have recused themselves from discussion/voting on the sewer project. Council Members with property in or near to the proposed district wrote a letter to the Fair Political Practices Commission (FPPC) to get a determination on whether there was a conflict of interest. The FPPC concluded that Council Members Bolin and Zuccolillo owned numerous properties within the proposed district disallowing their participation in the discussion.

6a. MOTION by Jones, seconded by Schuster, approved the following:

1. Acknowledge and accept Bennett Engineering's Town of Paradise Sewer Project, Alternatives Analysis and Feasibility Report: Determining a Preferred Option for Implementation; and,
2. Modified the staff recommendations to take the following actions:
  - a. Select the Direct Connection to the City of Chico Water Pollution Control Plant and a wastewater treatment plant, with or without reuse, as alternatives to bring forward in the environmental process.
  - b. Commence efforts with the City of Chico to determine with certainty if they are willing to negotiate a regional connection and draft a letter from the Town of Paradise Town Council to the City of Chico Council bringing them up to speed on what we have accomplished so far.
  - c. Defer Special Assessment District Formation until adequate funding has been identified for construction of the selected alternative.
  - d. Engage state and federal representatives on project need and alternative grant funding options.
  - e. Secure additional grant funding for preliminary design and environmental studies.

Roll call vote was unanimous with Bolin and Zuccolillo absent and not voting.

At 7:24 p.m. Council Members Bolin and Council Member Zuccolillo returned to the stage.

## **7. COUNCIL INITIATED ITEMS AND REPORTS**

7a. Council initiated agenda items

**MOTION BY ZUCCOLILLO, seconded by Jones,** authorized the Mayor to sign the letter prepared by the Oroville Dam Coalition and Assemblyman Gallagher's office to the Federal Energy Regulatory

Commission (FERC) to delay Relicensing of the Oroville Dam. Roll call vote was unanimous. (510-15-040/06-03)

7b. Council reports on committee representation

Council Member Schuster attended the Butte County Mosquito and Vector Control meeting, Explore Butte County launch Party, Klamath Falls Blue Zone meeting and Work Training Center barbeque.

7c. Future Agenda Items – None

**8. STAFF COMMUNICATION**

- 8a. Town Manager Report – None
- Community Development Director - None

**9. CLOSED SESSION**

9a. At 7:30 Mayor Lotter announced that pursuant to Government Code Section 54956.9(d)(1), the Town Council will hold a closed session with the Town Manager and Town Attorney regarding the following existing litigation:

Town of Paradise v. Wendy Jane Baker, et al. County of Butte, Superior Court Case No. 16V02070

Council Member Bolin recused himself from the Closed Session due to a potential conflict of interest.

At 7:54 p.m. Mayor Lotter announced that action was taken to authorize the Town Attorney to sign a Joint Stipulation Request Order regarding the lawsuit with the Town of Paradise v. Wendy Jane Baker, et al. County of Butte Superior Court Case No. 16V02070.

**10. ADJOURNMENT**

Mayor Lotter adjourned the Council meeting at 7:55 p.m.

Date Approved: August 8, 2017

By:

\_\_\_\_\_/s/\_\_\_\_\_  
Scott Lotter, Mayor

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Dina Volenski, CMC, Town Clerk