

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – August 12, 2014**

1. OPENING

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Scott Lotter at 6:00 p.m. Following the Pledge of Allegiance to the Flag of the United States of America, Council Member Steve “Woody” Culleton offered an invocation.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Jody Jones John J. Rawlings and Scott Lotter, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Gill, Town Attorney Moore, Housing Supervisor Anderson, Finance Director Will, Assistant Town Clerk Volenski, Human Resources Manager Peters, Community Development Director Baker, Town Engineer Mattox, Onsite Sanitary Official Danz, Police Chief Tazzari-Dineen, Building Official/Fire Marshal Lindsey, Public Works Manager Derr, Division Chief Hawks and Battalion Chief Lawrie.

Mayor Lotter presented the Proclamation recognizing the CA Reads Initiative, War Comes Home, to Mel Lightbody, Butte County Librarian.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

- 2a. Town Engineer Mattox provided an oral update on the progress and schedule for construction of the Downtown Paradise Safety Project.

3. CONSENT CALENDAR

MOTION by Jones, seconded by Culleton, approved all items on the Consent Calendar by a unanimous roll call vote.

- 3a. Approved the minutes of the June 25, 2014 Adjourned Regular Meeting and the minutes of the July 8, 2014 Regular Meeting.
- 3b. Approved July 2014 Cash Disbursements in the amount of \$2,150,336.37. (310-10-30)
- 3c. Adopted Resolution No. 14-38, A Resolution of the Town Council of the Town of Paradise Adopting and Updated Handbook for Members of Committees and Commissions appointed by the Town Council. (180-35-18)
- 3d. Adopted Resolution No. 14-39, A Resolution Approving a Wildland Fire Traffic Control Plan. (440-05-23)

- 3e. Adopted Resolution No. 14-40, declaring certain Town Equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee. (380-10-03)
- 3f. Adopted Ordinance No. 546, "An Ordinance Adding Section 17.06.940 and Amending Section 17.32.100 within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones" (540-16-115)
- 3g. Adopted Urgency Ordinance No 547, An Ordinance Repealing Town Ordinance No. 541, a Moratorium on the Establishment of Fences, Gates or Barriers Within or Across Private Access Easements. (540-16-116)
- 3h. Accepted the 1994 LTP carrier type trailer class AB radar trailer valued at \$600 donated by Wesley Dinsmore to the Paradise Police Department. (395-50-13)

4. PUBLIC HEARING PROCEDURE

The Town Council has adopted the following procedure for public hearings:

- a. Staff report to Council (15 minutes total maximum)
- b. Mayor or Presiding Chair opens the hearing for public comment in the following order:
 - 1. Project proponents or in favor of (15-minute time limit)
 - 2. Project opponents or against (15-minute time limit)
 - 3. Rebuttals - when requested (15-minute time limit or 3 minutes per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS

Community Development Director Baker reported to Council regarding the Withdrawal of an Appeal to the Town Council of a Planning Commission Decision Finding, filed by Dana and Denise Bettis, that a Proposed Gate Across a Private Road Access Easement Does not Constitute a Violation of Town Zoning Ordinance Regulations Prohibiting the Establishment of Fences in Access Easements (Paradise Municipal Code Section 17.06.600(E)(4).

Mayor Lotter opened the public hearing at 6:25 p.m.

- 1. Jon Remalia stated that because the Council did not act upon the appeal within 90 days, he believes the Planning Commission decision is affirmed.

Town Attorney Moore stated that when the urgency ordinance established a moratorium relating to fences, gates and/or barriers within an access easement, all pending actions were frozen at that time including this appeal. The action by Planning Commission was not concerning any active application, new regulations have since been established and whether or not the Planning Commission took action is not an issue, and is immaterial, irrelevant and meaningless.

Mayor Lotter closed the public hearing at 6:57 p.m.

- 5a. **MOTION by Culleton, seconded by Rawlings**, accepted the withdrawal of the appeal of the Planning Commission finding, filed by Dana and Denise Bettis, that a Proposed Gate Across a Private Road Access Easement Does not Constitute a Violation of Town Zoning Ordinance Regulations Prohibiting the Establishment of Fences in Access Easements (Paradise Municipal Code Section 17.06.600(E)(4). Roll call vote was unanimous. (750-10-05)

6. PUBLIC COMMUNICATION

1. Gene Mapa stated that he is living on a piece of property that has been in their family for over 37 years, that he has been coming to Paradise for over 32 years, and that he has two questions that he would like the Council to direct the staff to answer. He provided Council the two questions in writing that relate to work being done on a property adjacent to property that he owns regarding enforcement of a stop work order, and the procedure for follow-up to a complaint he filed with the Town.

2. Ronald and Joan Wolfe stated that they would like the Town to provide enforcement of the Town's law that dog owners pick up their own dog's droppings off the Paradise Memorial Trailway, informed the Council that they have picked up over 300 piles of dog feces from the Trailway, that dog owners have refused the plastic 'poop bags' they carry and offer to pet owners to pick up after the dogs they have allowed to defecate on the Trailway, and walk away from their responsibility to curb their dog.

Town Manager Gill stated that the Town would look into what could be done, which might include more signage reflecting the law to curb one's dog and provide more bag stations along the Trailway.

3. Jim Clarkson thanked the Town for officially designating October 25th as the Arlan Hudson Make A Difference Day, and informed Council that local clergy are already planning projects for this date.

7. COUNCIL CONSIDERATION

Town Engineer Mattox reported that the 1987 Clean Water Act imposes regulations that mandate local government to control and reduce stormwater pollutant runoff into receiving water. The State Water Resources Control Board (SWRCB) has delegated authority to its regional boards to invoke permitting requirements. Under adoption of Order 2013-0001-DWQ by the SWRCB, the Town is subject to a State permit as a Small Municipal Separate Storm Sewer System (Small MS4). The permit requires the Town to possess the authority to implement procedures to regulate the entry of pollutants and non-stormwater discharge into the Town's stormwater conveyance system. The proposed ordinance provides definitions, discharge prohibitions, exceptions to discharge prohibitions, procedure for elimination of illicit connections and outlines "best management practices" (BMP) to prevent or reduce discharge of pollutants into the municipal storm drain system.

Town Manager Gill stated that the Town must comply with this unfunded state mandate and if the Town does not adopt the ordinance it will be subjected to fines and the Town's NPDES permit will not be renewed.

Mayor Lotter opened the matter to public comment.

1. Tom Kelly stated that this mandate is overwhelming and everyone in the community will be impacted. When the Town started the onsite district the Town began monitoring wells in the waterways of Paradise and thinks we have been doing very well and that the State rules have gone way too far.

- 7a. **MOTION by Rawlings, seconded by Jones**, (1) Waived the first reading of Town Ordinance No. 548 and approved reading by title only; and, (2) Introduced Ordinance No. 548 adding Chapter 8.56 to the Paradise Municipal Code relating to Stormwater Management. The purpose and intent of this ordinance is to fulfill requirements of the Town's NPDES Permit and to protect and enhance the water quality of watercourses and water bodies within the incorporated areas of the Town, including discharges to Butte Creek and Lake Oroville, in a manner consistent with State and Federal water quality regulations. Roll call vote was unanimous. (540-16-117)
- 7b. **MOTION by Rawlings, seconded by Lotter**, authorized the implementation of Public Safety Recruitment Incentives for the Police Department in an attempt to be more competitive in the recruitment and hiring process. These incentives could include a referral bonus, applicant sign-on bonus, lateral credited leave bank, and relocation assistance and would sunset December 31, 2015. Roll call vote was unanimous. (650-60-11)
- 7c. Vice Mayor Bolin stated that he is recusing himself from voting on the Fire Station 1 re-roof proposal, but not for any financial conflict of interest.

MOTION by Culleton, seconded by Rawlings, (1) Authorized the purchase of material to replace flat roof design of Fire Station 1 with a new pitched designed roof in the estimated amount of \$54,853; (2) Authorized volunteer labor offered for the project from Alliance Kingdom Builders in an estimated amount of \$75,000; and, (3) Accepted the Paradise Elks Lodge #2026 Donation of \$1,500 towards the materials necessary to reroof Fire Station 81. Ayes of Culleton, Jones, Rawlings and Mayor Lotter; abstention by Bolin. (280-50-01, 395-50-13, 440-65-021)

Mayor Lotter recognized Mike Zuccolillo, the Exalted Ruler of the Elks, and thanked him for the \$1,500 donation from the Elks Lodge towards the Fire Station reroof project.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council discussed providing direction to the Town's voting delegate regarding the League of California Cities proposed resolution for the annual conference, noting that in the past the Council has concurred that

the voting delegate may vote their conscience. Council Member Jones, voting delegate for 2014, stated that she would like the Town Council to consider writing a letter of support relating to the subject matter of the resolution. The resolution calls for support from the governor and legislature to address the environmental impacts of illegal marijuana grown on private and public lands through California and the increasing threats to public safety.

Council directed staff to place this matter of a letter of support for the League's resolution relating to illegal marijuana grows on a future Council agenda.

8b. Council oral reports of their representation on Committees/Commissions.

Council Member Rawlings reported that he is working with Animal Control Officer Robbins to meet with local veterinarians for the purpose of formulating a dog licensing system that could be administered by the local vets.

Council Member Culleton attended the BCAG & BCAQMD meetings and informed Council that the Dutch Oven Cook-Off raised \$1800 for the Gold Nugget Museum and \$600 for the Boys & Girls Club.

Council Member Jones reported on committee work relating to the Request for Proposals for the Cypress Curve Project, and that she attended the Dutch Oven Cook-Off with her five grandchildren.

Mayor Lotter attended the Chamber/Town Party in the Park event and relayed the message from Volunteer Loretta Griffin that she thinks the Town should make more use of the Paradise Community Park. Mayor Lotter suggested that persons wishing to support events in the park could channel donations through the Paradise Community Foundation. Mayor Lotter also attended the LAFCo Board Meeting and City Selection Committee meeting. The City Selection Committee is a meeting of the Mayors. The Mayors discussed, among other things, that cities are not in competition with each other, and that they plan to meet more often with each other to discuss matters of mutual concern.

8c. Discussion of future agenda items

Council Member Culleton stated that he would like an agenda item that would add a penalty provision to the solid waste regulations to prevent persons from stealing the products from the NRWS public recycling containers. Mr. Culleton informed Council that NRWS has designated C.O.V.E. as the recipient agency to recycle those products. C.O.V.E. is a local non-profit organization dedicated to providing residential and vocational support to developmentally disabled adults.

Council concurred to direct staff to review and bring back recommendations regarding the suggestions of Council Member Culleton regarding amending the current solid waste regulations in the Town's municipal code.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager Oral Reports – None.
- 9b. Community Development Director Baker updated Council on several development projects within the Town which include the establishment of a second Dollar General store, a Verizon cell tower, site analysis for a new location for Safeway, a Big Five store on Skyway and Maxwell, demolition permits issued for abandoned buildings – the Eggroll Express at the Wagstaff/Clark shopping center and for two buildings at the Skyway/Pearson intersection. The Skyway Lodge demolition bids have been obtained and other uses for the property are being evaluated.

10. CLOSED SESSION

- 10a. Pursuant to Government Code Section 54956.9(d) (1), the Town Council will hold a closed session with the Town Attorney and Town Manager relating to the following pending litigation: Town of Paradise, a Municipal Corporation, vs. Rose E. Kallunki; et al; Butte County Superior Court Case No. 161781.

Mayor Lotter reconvened the meeting at 8:30 p.m. and the Town Attorney announced no action was taken in closed session.

11. ADJOURNMENT

Mayor Lotter adjourned the Council meeting at 8:30 p.m.

DATE APPROVED: September 9, 2014

By: _____/s/_____
Scott Lotter, Mayor

_____/s/_____
Joanna Gutierrez, CMC, Town Clerk