

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – August 14, 2018**

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Jones at 6:00 p.m. in the Town Council Chamber located at 5555 Skyway, 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, Scott Lotter, Melissa Schuster, Mike Zuccolillo and Jody Jones, Mayor.

COUNCIL MEMEBERS ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Administrative Services Director Gina Will, Assistant Manager/Public Works Director/Town Engineer Marc Mattox, Business and Housing Services Director Kate Anderson, IT Manager Josh Marquis, Acting Police Chief Eric Reinbold, Police Lieutenant Anthony Borgman, North Division Chief David Hawks, Community Development Director Craig Baker and CDD Manager/Assistant Planner Susan Hartman.

- 1a. Division Chief David Hawks presented an update on the Carr Fire burning in the Redding area.

1. Julian Martinez asked how long will it take to evacuate the Town?

Chief Hawks explained that the Town of Paradise has an evacuation plan that is 20 years old. There are zones that could be evacuated depending on the incident and he would discourage people from evacuating that are not in an evacuation zone.

- 1b. Josh Marquis presented an update on the Business License - Business Directory.

1. James Holmes asked how much it cost the Town to run the business license program; why it was necessary to have a business directory page when you could just Google a business in town and why there is a business license required when small businesses are struggling.

Mayor Jones stated that the approximate cost of the business license is the approximate amount to run the program, there is no profit for the town. She stated that there is no cost to register for a business license until January 2019; the registration fee will pay for the business license

expense and that the Town Council has previously adopted the business license program to provide information to police and fire.

2. **CONSENT CALENDAR**

Matt Pearce requested the Town Council consider choosing his bid, agenda item 2i, which is \$600 higher than the recommended bid for installation of emergency equipment into three 2019 Ford Interceptor Utility vehicles. Mr. Pearce stated that he is a local vendor, offers a lifetime warrantee, has a two-hour response time, has an interest in the Town and thinks the PMC allows the Town Council to choose someone else besides the lowest bidder.

Attorney Moore stated that according to the Paradise Municipal Code, the Town awards bids to the lowest responsible bid and that the reasons offered by Mr. Pearce are not enough to award to another bidder.

Acting Police Chief Reinbold stated that the bid did require a warranty and the 3-year warranty that is provided by the recommended bidder meets the needs of the department.

Mayor Jones asked that agenda item 2(f) be pulled from the consent calendar for further discussion.

MOTION by LOTTER, seconded by Bolin, approved all consent calendar items, except 2f, 2a-2e and 2g-2k as presented. Roll call vote was unanimous.

- 2a. Approved minutes of July 10, 2018 Regular and July 24, 2018 Special Town Council meetings.
- 2b. Approved July 2018 cash disbursements in the amount of \$3,895,157.46.
- 2c.
 1. Waived second reading of the entire Town Ordinance No. 570 and approved reading by title only; and, adopted Ordinance No. 570, "An Ordinance Rezoning Certain Real Properties from "RR-1" (Rural Residential, 1-Acre Minimum) to a "TR-1/2" (Town Residential- 1/2 Acre Minimum) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (PL18-00093; Jerome Balasek).
- 2d.
 1. Approved the Program Supplement Agreement No. O31-Rev 1 to Administering AgencyState Agreement No. 00449S specific to State-Aid Project ATPL-5425 (031) to assure receipt of \$3,429,000 in state funds for the Almond St Multi-Modal Improvements Project.
 2. Approved the Program Supplement Agreement No. O32-Rev 1 to Administering AgencyState Agreement No. 00449S specific to State-Aid Project ATPL-5425 (034) to assure receipt of \$539,000 in state funds for the Downtown Paradise Equal Mobility Project.

3. Adopted Resolutions 18-30 and 18-31 authorizing the Town Manager, or her designee, to sign the Program Supplement Agreement Nos. O31-Rev 1 and O32-Rev 1 to Administering Agency-State Agreement for State-Funded Projects No. 00449S.
- 2e. Authorized the award of the contract for three (3) 2019 Ford Interceptor Utility Vehicles to Folsom Lake Ford, 12755 Folsom Blvd., Folsom, CA 95630; and, Authorized the Town Manager to execute all related agreements for the purchase of the three vehicles.
- 2f. Agenda item 2f was removed from the consent calendar.
- 2g. Approved appointment of Town Council Member Mike Zuccolillo to the Butte Countywide Homeless Continuum of Care Board as a representative from the Town of Paradise
- 2h. Authorized the Police Department to award the Police Vehicle Emergency Equipment and Mobile Data Computer (MDC) contracts to Lehr Auto Electric, 4707 Northgate Blvd., Sacramento, CA 95834; and, 2. Authorized the Town Manager to execute all related contracts for the Police Vehicle Emergency Equipment and the MCD's.
- 2i. 1. Authorized award of the Installation of Police Patrol Vehicle Emergency Equipment and Mobile Data Computer (MDC) Contract (install emergency equipment into three 2019 Ford Interceptor Utility vehicles) to Precision Wireless Service, 791 Blevins Street, Lakeport, CA 95453; and, 2. Authorized the Town Manager to execute all related contracts for the Installation of Police Patrol Vehicle Emergency Equipment and Mobile Data Computer (MDC).
- 2j. Approved Resolution No. 18-32, A Resolution of the Town Council of the Town of Paradise adopting Administrative Policy 330, A Credit Card Policy.
- 2k. Authorized the State of California Office of Emergency Services 9-1-1 Emergency Communications Branch to enter into an agreement with AT&T to upgrade the Paradise Police Department 9-1-1 Emergency and Non-Emergency Dispatch Phone System; and, Authorized the Town Manager or Designee to execute all related Contracts for the Police 9-1-1 Emergency and Non-Emergency Dispatch Phone System

3. ITEMS REMOVED FROM CONSENT CALENDAR

Item 2f was removed from the Consent Calendar.

Mayor Jones asked for clarification of agenda item 2f which is the new plan for the fire engines; thinks the staff report was not clear, agrees with the recommendation, but wants to hear the reasons.

Division Chief Hawks stated that it was originally recommended to sell the Sutphen engine, but it has not sold after being on the market for the last year and a half. Revenues have been generated by renting the Engine to the State and it makes financial sense to continue renting the engine. Selling rather than renting the engine could potentially make less money. Chief Hawks stated that the 29 year old Pearce Dash Engine is currently out of service, parts are becoming more difficult to obtain and with Council's approval it will be declared surplus.

- 2f. **MOTION by Lotter, seconded by Schuster,** 1. Authorized the Paradise Fire Department to remove Sutphen Engine 81 from its listing for sale and return it to use as a reserve engine in the Department's fleet; and, 2. Adopted Resolution No. 18-32 declaring a certain fire vehicle to be surplus property; and, 3. Authorized the Town Manager to surplus the Pierce Dash Engine 83. Roll call vote was unanimous.

4. PUBLIC COMMUNICATION

1. Claudia Benike informed the Town Council about the Paradise Symphony Orchestra 60th year celebration fundraiser on Sunday, August 26, 2018, 6:00 p.m. at Chapelle de l'artiste. Ms. Benike also informed the Council that the Gold Nugget Museum is hosting gold panning on the weekends during the month of August and September 8th & 9th will be the Day's of Living History from 10 a.m. - 4 p.m.
2. Steve Crowder informed the Town Council about the dedication of the Yellowstone Kelly Heritage Trailway on Thursday, September 6, 2018, 5:30 p.m. at Paradise Community Park.
3. Ward Habriel thanked Mayor Jones for participating in the Special Event at Noble Orchards concerning the loss of revenue due to the bears; thanked Town Engineer Marc Mattox for discussing, on television, the intersection at Clark and Skyway and for having Public Works clearing trees from overhanging roadways. Mr. Habriel announced that the Fire Safe Council will be making presentations to different groups to help with awareness of Fire Wise Landscaping.
4. James Holmes, Commander of the newly formed Sons of the American Legion, informed the Town Council about LegionTown, asked the Town Council to support a project working with the Police Department and the VA to determine if a homeless person is a veteran. Mr. Holmes wants to make sure the youth and the ill know that Sons of the American Legion are available to assist those in need.

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

At 7:03 p.m. Council Member Schuster recused herself from the dias due to a potential conflict of interest.

- 6a. The Town Council conducted a public discussion regarding the collection of Transient Occupancy Tax (TOT) from short-term rental of single-family residences; and, Conducted a public discussion regarding short-term rentals in the Town of Paradise in the context of the potential adverse effects upon the town's existing residential neighborhoods and efforts by other local jurisdictions that have developed or are developing new regulations to address them.

Community Development Director Craig Baker provided an overview of short-term rentals of single-family residences and the potential adverse effects upon the Town's existing residential neighborhoods. Mr. Baker explained that most short term rentals are regulated through zoning and in the Paradise Municipal Code (PMC) they could fall under hotel, motel, lodging or bed and breakfast; they would need an administrative permit to operate and the Town would have the ability to collect the TOT due to their type of operation. Mr. Baker stated that the regulations to collect the TOT already exist in the PMC and that the Town would just need to start enforcing the current regulations.

1. Rick Bush asked why there needed to be more taxes?

Town Council explained that this was not double taxing and that by implementing regulations on Airbnb it would level the playing field.

2. Kristen Van Natta stated that by not passing the tax more people may come to Paradise and potentially promote more tourism.
3. Claudia Benike stated that if people are unfamiliar with the Town that it is important for them to be aware of the Evacuation Plan and what to do in case of an emergency.

The Town Council asked that if an Airbnb were subject to the TOT would they also be subject to the Tourism Business Improvement District (TBID) fees? The Council does not think that short term rentals need to be subject to a permit and if at some time Paradise becomes a destination, then it could be addressed.

The Town Council determined that they are not interested in creating more regulations or making homeowners apply for a use permit, but would like to enforce the ordinance to collect the TOT, know who the homeowners are so that Police and Fire are able to contact them in case of an emergency and directed staff to look into entering into an agreement with Airbnb and VRBO to collect the TOT. This item will come back to the Town Council to authorize the Town Manager to enter into the agreement with Airbnb and VRBO.

At 7:26 p.m. Council Member Schuster returned to the dias.

At 7:27 p.m. Council Member Zuccolillo recused himself from the dias due to a potential conflict of interest.

- 6b. Town Council considered providing staff with direction on desired changes to the Paradise Municipal Code relating to the street vending regulations, if any, to present at a future council meeting.

Assistant Planner Hartman provided a historical overview of the regulations regarding vending/food trucks in the downtown. There are currently only four (4) food trucks in Town. Mobile food trucks are required to have bathroom facilities within 200 feet of their trucks. Food trucks require a vending business license from the Town, sellers permit from the state and an inspection by Butte County Public Health

1. James Holmes invited the Town Council to the next food truck night on August 29 and asked Council to not remove food trucks.
2. Christine Waterstripe stated that it is a wonderful cultural event, brings people together, brings people to town and is the heart of the town and should be preserved; Understands permanent businesses not wanting a food truck next door and suggested a designated space for food trucks.
3. Mike Zuccolillo thinks that allowing food trucks downtown may bring people into the downtown area.
4. Julian Martinez stated that food trucks are an emerging trend and that maybe a site could be developed to specifically deal with food trucks and get local businesses to participate.
5. Mike Pollack stated that parking needs to be considered.
6. Wayne Noel suggested that food trucks could park at the Veteran's Hall and Terry Ashe Park for people to gather.

Council discussed that trends in food trucks have changed significantly; parking spaces in the downtown are valuable; that food trucks could provide an opportunity to bring people into the downtown area since there is not a lot of restaurants. Council discussed if the food truck look was desirable in the downtown or should they be placed somewhere else and if there are any ADA compliance issues (No, because they are not permanent.)

Ms. Hartman stated that there has been no inquiries about vending in the downtown in the past year.

The Town Council members present directed staff to look at the downtown, identify the 5 places that would work for food trucks; consider making the downtown available if people are interested and consider a higher level of aesthetics and accessibility if a truck is going to be in the downtown.

At 8:10 p.m. Council Member Zuccolillo returned to the dias.

7. COUNCIL INITIATED ITEMS AND REPORTS

a. Council initiated agenda items

Provide direction to the Town's voting delegate regarding the League of California Cities (LCC) proposed resolution for the 2018 Annual Conference.

Town Council provided the following direction to voting delegate Schuster on the LCC Resolutions.

Resolution No. 1 – All Town Council Members were in support of Resolution No. 1

Resolution No. 2. – All Town Council Member were in support of Resolution No. 2 if line item No. 6. “Endorse a repeal of California Food and Agriculture Code §11501.1 to end local preemption of regulating pesticides”, was removed from the Resolution.

b. Council reports on committee representation

Council Member Zuccolillo attended the Continuum of Care for the Homeless meetings, read the proclamation for Achieve Charter’s High School grand opening

Council Member Schuster attended the Achieve Charter High School grand opening, Butte County Mosquito and Vector Control meeting, League of California Cities meeting in Shasta, Explore Butte County TBID,

Council Member Lotter attended LAFCo, Achieve Charter High School Ribbon Cutting and visited the Emergency Operation Center in Lakeport during the evacuation in Lake County.

Vice Mayor Bolin attended the Achieve Charter High School Ribbon Cutting.

Mayor Jones went to the CalWater meeting with the Town Manager regarding the sewer discussion.

c. Future Agenda Items - Council Member Zuccolillo requested that the homeless transient issue be discussed at a future meeting.

8. STAFF COMMUNICATION

Town Manager reported that she and Mayor Jones met with Cal Water to look at opportunities for public/private funding for the sewer project.

Marc Mattox provided an update on the Skyway Sidewalk Improvement project which was an Active Transportation Grant for \$539,000 with the intent to remove barriers to mobility.

Community Development Director reported on the Black Olive/Safeway project, Lynn’s Optimo, Woodview Retirement Cottages, Balasek General Plan Amendment/Rezone, Gold Seekers, Capay Hops Factory, Bank of the West remodel, Children’s Community

Charter School, Sonntag General Plan Amendment/Rezone, Rivera Use Permit and Immediate Care interior remodel.

9. CLOSED SESSION

At 8:41 p.m. Mayor Jones announced that the Town Council would go into closed session for the following item:

- 9a. 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. 16V020701.

1. Ward Habriel commented that the property at 6066 Lucky John was disgusting when Tony Lindsey presented pictures to the Town Council to move forward with the lawsuit and now the public does not know what happened previously to get to this point and what is currently going on.

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

At 9:07 p.m. Mayor Jones reconvened the meeting and announced that the Town Council gave authority for the Town Manager to execute the indemnity agreement related to the sale of the property at 6066 Lucky John.

10. ADJOURNMENT

Mayor Jones adjourned the Council meeting at 9:08 p.m.

Date Approved: September 11, 2018

By: _____/s/_____
Jody Jones, Mayor

Attest:

_____/s/_____
Dina Volenski, CMC, Town Clerk