

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – September 08, 2015**

1. OPENING

The September 8, 2015 Town Council meeting was called to order by Mayor Greg Bolin at 6:02 p.m. in the Town Council Chamber at 5555 Skyway, Paradise, California, who led the Pledge of Allegiance to the Flag of the United States of America. Council Member Steve “Woody” Culleton offered an invocation.

COUNCIL MEMBERS PRESENT: Steve Woody Culleton, Jody Jones, Scott Lotter, and Greg Bolin, Mayor.

COUNCIL MEMBERS ABSENT: John J. Rawlings.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight Moore, Finance Director Gina Will, Assistant Town Clerk Dina Volenski, Business and Housing Services Supervisor Kate Anderson, Community Development Director Craig Baker, Public Works Director/Town Engineer Marc Mattox, Building Official Anthony Lindsey, Police Chief Gabriela Tazzari-Dineen and Battalion Chief Curtis Lawrie.

e. Presentation:

- (1) Monica Nolan, Executive Director of the Paradise Chamber of Commerce and Steve Crowder, Owner of “A Stitch Above” embroidery services, thanked the many Town employees and Council Members who volunteered their services during the 2015 Party in the Park event, and presented each volunteer with an “It’s Cooler Up Here” T-shirt, a joint recognition by the Paradise Chamber of Commerce and “A Stitch Above”.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

Mayor Bolin called for comment cards on the Consent Calendar.

1. Ward Habriel stated that he is speaking for six to eight people who think that there are too many expenditure items on the consent calendar and that too many expenditures are made outside of Butte County.

Town Manager Gill noted that many of the products and services necessary for the Town operation are very specialized and are not provided or available in our area.

MOTION by Lotter, seconded by Jones, approved by unanimous roll call vote the consent calendar items 3a – 3j as presented; Rawlings absent and not voting.

- 3a. Approved Minutes from the August 4, 2015 Special Joint Meeting with Paradise Irrigation District and the August 11, 2015 Regular Town Council Meeting.
- 3b. Approved cash disbursements for August 2015 in the amount of \$1,065,764.58. (310-10-30)
- 3c. Accepted a \$1,000 cash donation to the Paradise Fire Department. (395-50-13)
- 3d. Authorized the Town Manager to execute documents to purchase the Police Vehicle Emergency Equipment and Installation to Sutter Buttes Communications Inc, 445 Palora Avenue, Yuba City, California 95991 for a total amount of \$41,398.30. The vehicles will be financed through a five-year lease purchase agreement approved by Council on August 11, 2015. (380-45-53 & 510-20-109)
- 3e. Awarded Contract 15-12, Fire Engine Exhaust Removal Project, to Air Vacuum, Inc. of Dover, NH in the amount of their bid of \$20,511.00 and authorized the Town Manager to execute the Agreement. (510-20-110 & 440-65-22)
- 3f. Approved an amended and restated professional services agreement with Lauren Gill for Town Manager services with an expiration date of June 30, 2020. (510-20-55)
- 3g. Acknowledged receipt of the 4th Quarter Investment Report for the Fiscal Year Ending June 30, 2015. (360-30-006)
- 3h. Approved reading ordinance by title only; and, introduced Ordinance No. 557 adding Chapter 15.14 of the Town of Paradise Municipal Code relating to Expedited Permitting Procedure for Small Residential Rooftop Solar Systems. (540-16-126)
- 3i. Authorized the Town Manager to enter into a one-year Partnership Investment Agreement with 3Core. A partnership with 3Core is a requirement for applying to EDA and other grants which could provide funding for a sewer and other projects. Fiscal impact for 2015/2016 is \$3,500. (110-30-28 & 510-20-111)
- 3j. Approved Resolution No. 15-36, A Resolution of the Town Council of the Town of Paradise Approving Government Crime Policies for the Purpose of Bonding Town Officers and Employees and Establishing Policy Limits. (170-30-006)

4. PUBLIC HEARING PROCEDURE

The Mayor referenced the Town Council adopted procedure for public hearings:

5. PUBLIC HEARINGS

- 5a. Following a report from Town Manager Lauren Gill, Mayor Bolin conducted a public hearing to receive comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program. Mayor Bolin opened the hearing at 6:19 pm. There were no speakers for or against the item and Mayor Bolin closed the hearing at 6:20 pm.

MOTION by Lotter, seconded by Culleton, authorized the Town Manager to submit the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program to the Department of Housing and Urban Development. Roll call vote was unanimous; Rawlings was absent and not voting. (710-10-81)

6. PUBLIC COMMUNICATION

1. Tom Kelly discussed the Sierra Nevada Conservancy meeting that was held in Paradise and informed Council that the Fire Safe Council (FSC) took the attendees on a tour to demonstrate fuel clearances that were accomplished via the FSC management of over \$5 million worth of grant funding, that the FSC has received a \$21,000 grant for an evacuation trailer, discussed the benefits of being a FireWise community and invited the Town Council to the next Fire Safe Council meeting.
2. Carol Kirk, PHS High School, stated that because she has many of her high school students in the audience that she would like to clarify that the Council is an elected body and that she has a problem with the general nature of a statement made earlier by one person on behalf of other people, that she thinks the people should be at the meeting to speak for themselves, and if the people are not happy with the Council then they can vote them out of office.

7. COUNCIL CONSIDERATION

Following a report from Town Manager Gill and Casey Hatcher, Butte County representative, Mayor Bolin called for public comment on the proposed resolution of consent for the County to form a tourism business improvement district.

1. Tom Kelly spoke in favor of the resolution, stating that tourism is what brought him to Paradise fifty years ago.
- 7a. **MOTION by Lotter, seconded by Culleton**, adopted Resolution No. 15-37, A Resolution of the Town Council of the Town of Paradise Granting Consent to the County of Butte to Form the Butte County Tourism

Business Improvement District (BCTBID). Roll call vote was unanimous; Rawlings was absent and not voting. (1060-30-02)

- 7b. **MOTION by Jones, seconded by Lotter**, awarded Contract 15-13, Pearson Rd Pavement Rehabilitation Project, to Franklin Construction of Chico, California, in the amount of their bid of \$99,979.00; and, (2) Acknowledged Paradise Irrigation District's (PID) Letter of Intent dated August 27, 2015 to reimburse the Town of Paradise for incurred pavement rehabilitation costs. Roll call vote was unanimous; Rawlings was absent and not voting. (510-20-112)

Following a report by Public Works Director/Town Engineer Marc Mattox, Town Attorney Moore stated for the record that Mayor Greg Bolin has no conflict of interest relating to the Clark Road Safety Enhancements Project.

- 7c. **MOTION by Jones, seconded by Lotter**, awarded Contract 14-05, Clark Road Safety Enhancements, to Franklin Construction of Chico, California in the amount of their bid of \$441,441.00 and authorized the Town Manager to execute necessary documents. Roll call vote was unanimous; Rawlings was absent and not voting. (510-20-113 & 950-40-24)

- 7d. **MOTION by Lotter, seconded by Culleton**, (1) Adopted Resolution No. 15-38, "A Resolution of the Town Council of the Town of Paradise Declaring an Emergency and Authorizing Repair or Replacement of the Paradise Police Department Building Exterior Siding Without Observance of Public Bidding Requirements"; and, (2) Authorized the Town Manager to execute agreements for a contractor and/or materials for the subject project. Roll call vote was unanimous; Rawlings was absent and not voting. (510-20-115)

Council discussed the probability of the cost of this project exceeding the estimate and that it is likely that additional funding will be necessary.

1. Ward Habriel suggested that cementitious siding be considered for this project.

- 7e. **MOTION by Lotter, seconded by Jones**, (1) Adopted Resolution No. 15-39, "A Resolution of the Town Council of the Town of Paradise Declaring an Emergency and Authorizing Repair or Replacement of the Guardrail on Skyway Without Observance of Public Bidding Requirements"; and, (2) Awarded Contract 15-15 Skyway Guardrail Repair to Santos Excavating in the amount of their bid of \$24,842.00 and authorized the Town Manager and Town Attorney to execute the necessary documents. Roll call vote was unanimous; Rawlings was absent and not voting. (510-20-114)

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Discuss responsibility and procedures for cleanup of roadways after traffic collisions. **(LOTTER)**

Council Member Lotter stated that he placed this matter on the agenda after observing excess glass left in the roadway at two separate locations after traffic accidents, and that it is his understanding that the tow companies that are called out to accidents on a rotating basis are responsible for the cleanup of the road way.

Police Chief Gabriela Tazzari-Dineen stated that she has reviewed the 34-page agreement with the tow companies, explained that tow companies are contracted and certified by the California Highway Patrol (CHP), and that picking up glass after an accident is not one of the requirements of the contract. Chief Tazzari-Dineen stated that she has requested officers on scene of an accident to take extra steps to work with the tow companies after a traffic accident, and noted that many traffic accidents are not reported to the police department and, as such, officers not dispatched to the scene. Council discussed with the Town Attorney the pros and cons of adopting an ordinance to compel clean up by tow companies after an accident; discussed the cost to public works for extra callouts; and took no action on the matter.

- 8b. Consider approving a letter of support to Representative Doug LaMalfa for H.R. 2775 regarding Remote Transaction Parity Tax. (550-30-001)

Vice Mayor Jones stated that she requested that this item be put on the agenda as online retailers are obligated to collect the same sales tax as brick and mortar businesses and she would like to level the playing field as Paradise is missing out due to our location and lack of retail merchandisers.

1. Tom Kelly stated that people like to shop online and thinks everyone in the Town should be able to vote on whether or not sales tax is collected for online sales.

Council concurred to approve a letter of support to Representative Doug LaMalfa for HR 2775 regarding Remote Transaction Parity Tax for all Council Members to sign.

- 8c. Consider designating an additional alternate voting delegate to the Town's voting delegate regarding the League of California Cities 2015 annual conference. (150-50-65)

Council concurred to appoint Council Member Steve "Woody" Culleton as the Town's voting delegate at the LCC 2015 annual conference in place of Council Member John J. Rawlings who is unable to attend.

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

Vice Mayor Jones attended Butte County Association of Governments (BCAG) and Butte County Air Quality Management (BCAQMD) District board meetings; and, presented information at the September 1, 2015, Chico City Council meeting regarding the Town's desire to include a pipeline to the Chico plant as a feasible wastewater disposal alternative for the purpose of applying for grant monies for an environmental study and that the Chico Council indicated that they might schedule this item on a future agenda for discussion.

Council Member Culleton attended the September 1, 2015, City of Chico Council meeting; a reception at the Butte County Fairgrounds for the Executive Directors and informed that a Paradise girl was a runner up in the Miss Butte County contest.

Council Member Lotter attended the September 1, 2015, City of Chico Council meeting and has heard many compliments on Vice Mayor Jones' presentation; attended the Butte County Fair; sat in on an Emergency Operations Training in Paradise and provided feedback for improvements to the operation, informed Council there was a good turnout of volunteers and staff; attended the LAFCo board meeting; and the Gold Nugget Museum's Days of Living History event.

Mayor Bolin and Vice Mayor Jones attended a meeting with Northern Recycling and Waste Services, the Town's franchised waste disposal service provider, to discuss the future with this waste disposal company.

8e. Discussion of future agenda items

Council concurred to schedule Vice Mayor Jones' presentation that was shown at the September 1, 2015, Chico City Council for the next Paradise Town Council meeting.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

- Appointment to fill a vacancy on the Measure C Committee will be on the next Council agenda as the committee chair, Kelly Wells, has resigned as she is moving out of the jurisdictional area.
- Since Council Member Rawlings is unable to attend the 2015 Annual League of California Cities Conference, Manager Gill plans to attend as a presenter at a breakout session to discuss how the Town used the League's fiscal health diagnostic tool.

9b. Community Development Director oral reports

- Pheasant Ridge Commons was issued three Certificates of Completion for three buildings/six units
- Dental Office behind the Holiday Market, a 6500 square foot building, was issued a permit for septic construction; a certificate of correction was issued for this facility relating to setbacks; a site plan relating to drainage will be turned in tomorrow
- Lynn's (Optimo) project for an expansion to include two drive-thrus, was approved by the Planning Commission in July and construction plans are in development
- Code Enforcement action relating to a public nuisance property located at Nunneley and Sawmill has brought about a positive response and cleanup of the nine-acres by the property owners; demolition permits for the two houses on the property have been issued; eighteen vehicles have been removed

Mayor Bolin adjourned the Council meeting at 7:51 p.m. to hold the Successor Agency Meeting and reconvened the Council meeting at 7:55 p.m.

10. CLOSED SESSION

1. Ward Habriel commented on the number of closed session items relating to litigation.

Attorney Moore noted that only one of the lawsuits was initiated by the Town.

At 7:56 pm Mayor Bolin announced that the Town Council would hold closed sessions for the following matters:

- 10a. Pursuant to Government code section 54956.9(a), the Town Council will hold a closed session to meet with Town Attorney Dwight Moore and Town Manager Lauren Gill relating to existing litigation as follows:

- (1) Town of Paradise vs. Brandy L. Braun, Butte County Superior Court Case No. 164611.
- (2) Harold Funk vs. Town of Paradise, U.S. District Court, Eastern District of California, Case No. 2:09-cv-01000-MCE-KJM.
- (3) Richard Martin vs. Town of Paradise, U.S. District Court, Eastern District of California, Case No. 2:15-cv-00594-JAM-AC.
- (4) Denise Russell vs. County of Butte; Town of Paradise, U. S. District Court, Eastern District of California, Case No. 2:14-cv-00694-TLN-CMK.

- 10b. Pursuant to Government Code section 54956.9(d)(2), the Town Council will hold a closed session to meet with Town Attorney Dwight Moore and

Town Manager Lauren Gill relating to significant exposure to litigation, one potential case, concerning allegation of Brown Act violation by M. Zuccolillo.

Mayor Bolin reconvened the meeting at 9:45 p.m.

Town Attorney Moore reported that the Town Council met with the Town Attorney and received information relating to pending litigation listed above and no action was taken; and, regarding one potential litigation item, determined no action was required.

11. ADJOURNMENT

Mayor Bolin adjourned the meeting at 9:47 p.m.

Date approved: October 13, 2015

By: _____/s/_____
Greg Bolin, Mayor

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