

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 09, 2017

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Lotter 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 Vice Mayor Jones.

COUNCIL MEMBER PRESENT: Greg Bolin, Jody Jones, Melissa Schuster, Mike Zuccolillo and Scott Lotter, Mayor.

COUNCIL MEMBERS ABSENT: None

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

Mayor Lotter stated that in order for the Council to discuss and make the recommendation on this matter (see below), the item must be formally added to the agenda. It takes a two thirds vote to add the item to the agenda, or if less than two thirds are present a unanimous vote of those present.

As such, Council is requested to take the following actions:

Pursuant to Government Code Section 54954.2(b)(2) the Town Council finds that there is a need to take immediate action and that the need came to the attention of the Town after the posting of the agenda concerning the following item:

Agenda item 6(d) Consider Approving an in-kind match from the Town of Paradise pertaining to residential fire hazard inspection; and, authorizing the Town Manager to sign the letter addressed to the Butte County Fire Safe Council (BCFSC). (The letter will serve as the Town's in-kind match toward the Butte County Fire Safe Council's application for the Paradise shaded Fuel Break and Defensible Space Chipper program grant through the California Fire Safe Council.)

Motion by Zuccolillo, seconded by Schuster, the Town Council finds that there is a need to take immediate action and that the need came to the attention of the Town after the posting of the agenda and added

Agenda Item 6(d) approving an in-kind match from the Town of Paradise pertaining to residential fire hazard inspection; and, authorizing the Town Manager to sign the letter addressed to the Butte County Fire Safe Council (BCFSC). Roll call vote was unanimous.

- 1a. Mayor Lotter presented a Proclamation recognizing May as Mental Health Awareness Month, received by Emily Bateman. (180-40-26)
- 1b. A report on the Love Paradise Spring Clean Fling was presented by Garrison Chaffee.
 - Ward Habriel commented on the large amount of volunteers that assisted the community for the weekend and that it was nice to have a formal organization coordinating the event.

At 6:11 p.m. Council Members Bolin and Zuccolillo recused themselves from the dais.

- 1c. An update on the Paradise Sewer Project was presented by Town Engineer Marc Mattox.
 - Ward Habriel commented that the information is good, but there are still a lot of questions from citizens and recommended a short statement to inform people of the necessity/benefits of a sewer system.

At 6:16 p.m. Council Members Bolin and Zuccolillo returned to the dais.

2. CONSENT CALENDAR

Council Member Schuster asked that consent agenda item 2(c) be pulled from the agenda due to a conflict of interest.

MOTION by Bolin, seconded by Jones, approved consent calendar items 2a, 2b, 2d-2g. Roll call vote was unanimous.

- 2a. Approved Minutes of the April 11, 2017 Regular Town Council Meeting.
- 2b. Approved April 2017 Cash Disbursements in the amount of \$999,178.11. (310-10-32)
- 2c. Item removed from consent calendar.
- 2d. Authorized the Town Manager to enter into a two-year extension for financial audit services with Mann Urrutia Nelson CPA's and Associate, LLP. (510-20-80)
- 2e. Approved Town Council Resolution No. 17-13 , "A Resolution of the Town of Paradise Establishing Landmark Tree Status for a Large Black Oak Tree Growing on Residential Property Located at 5567 Vista Way, Paradise, California (ANDERSON)." (740-60-21)

- 2f. 1. Concurred with staff's recommendation of Coastland Civil Engineering Inc. to perform construction engineering services for three scheduled construction projects; and, 2. Approved the Professional Services Agreement with Coastland Civil Engineering Inc. and authorized the Town Manager and Town Mayor to execute; and, 3. Authorized the Town Manager to execute additional work orders up to 10% of the contract amount. (510-20-160, 950-40-26, 950-40-25, 950-40-21)
- 2g. Adopted Resolution No. 17-14, A Resolution of the Town Council of the Town of Paradise authorizing agents to execute an application with the California Governor's Office of Emergency Services for obtaining certain Federal financial assistance. (420-20-18)

3. ITEMS REMOVED FROM CONSENT CALENDAR

Council Member Schuster abstained from voting on Agenda Item 2(c).

- 2c. **MOTION by Jones, seconded by Zuccolillo**, approved a Letter of Support for the appointment of Council Member Melissa Schuster to serve as the Butte County Representative to the Shasta Cascade Wonderland Association and Shasta Cascade Educational Foundation. Ayes of Bolin, Jones, Zuccolillo and Mayor Lotter. Abstention of Schuster. (180-10-29)

4. PUBLIC COMMUNICATION

1. Ward Habriel – invited Town Council to the 25th Annual Paradise Garden Tour, June 3rd & 4th; announced that there are several transitions from regular to drought tolerant gardens and that it provides a great educational opportunity to the community.

5. PUBLIC HEARINGS

For items that require a published legal notice and/or a mailed notice.

Public Hearing Procedure:

- A. Staff Report
 - B. Mayor opens the hearing for public comment in the following order:
 - i. Project proponents (in favor of proposal)
 - ii. Project opponents (against proposal)
 - iii. Rebuttals – if requested
 - C. Mayor closes the hearing
 - D. Council discussion and vote
- 5a. Mayor Lotter announced that the Town Council would conduct the duly noticed and scheduled public hearing regarding the Planning Commission recommendation for the Town Council to consider amending portions of the Town's Zoning Ordinance Regulations (Paradise Municipal Code Chapter 17.31). If adopted, the proposed text amendments would

expressly prohibit the outdoor cultivation and delivery of marijuana, would prohibit marijuana collectives, cooperatives and dispensaries in all Town of Paradise zoning districts and would reasonably regulate indoor cultivation of marijuana. After the close of the Public hearing consider, waiving the first reading of entire Ordinance No. 566 and read by title only: and 2. Introducing Ordinance No. 566, an Ordinance of the Town of Paradise amending sections 17.31.100, 17.31.200, 17.31.300 and 17.31.500 of the Paradise Municipal Code regulating medical or nonmedical marijuana cultivation and delivery and prohibiting marijuana collectives and cooperatives. (540-16-135)

Community Development Director Craig Baker provided an overview of the proposed marijuana ordinance and the changes that would be made due to the approval of Proposition 64, commonly referred to as the "Adult Use of Marijuana Act" (AUMA). AUMA allows for the cultivation of marijuana, this conflicts with the current Paradise Municipal Code Chapter 17.31 which prohibits the cultivation of any marijuana in Town by any person, for any reason. The proposed ordinance would allow any individual over the age of 21 to cultivate up to six plants, indoors, not exceeding 50 square feet.

Mr. Baker recommended a change to the proposed ordinance on page 80 subsection D, where *non-commercial* is struck out, the recommendation is to keep the word *non-commercial* in the ordinance. Attorney Moore recommended one change on page 81, item 10; to insert the word *Standards* in the California Building *Standards* Code.

The public hearing was opened at 6:27 p.m.

1. Ward Habriel – stated that he has lost renters due to the smell and thinks that enforcement is the issue. Supports the ordinance.
2. Jim Ratekin – Lives in the Plantation where there is a large illegal marijuana grow in the neighborhood, has tried to resolve the issue, but is concerned with enforcement of the new ordinance. Supports the ordinance.
3. Sam Knoche – stated that the smell is obnoxious, devalues property and can bring crime to the area. Agrees that starting small to see how other communities handle marijuana is good.
4. Garrison Chaffee – thanked the Town Council for being conservative and starting small.

Mayor Lotter closed the public hearing at 6:35 p.m.

Motion by Jones, seconded by Zuccolillo, with staffs recommended changes and Vice Mayor Jones two changes to include in Section 3, 17.31.300, Definitions, item D after the word lockable doors, "and includes an air filtration system that is approved by the Town Building Official" and at the end of the paragraph, "Electricity cannot come from outdoor generators". Waived the first reading of entire Ordinance No. 566 and read by title only: and 2. Introduced Ordinance No. 566, an Ordinance of the Town of Paradise amending sections 17.31.100, 17.31.200, 17.31.300 and 17.31.500 of the Paradise Municipal Code regulating

medical or nonmedical marijuana cultivation and delivery and prohibiting marijuana collectives and cooperatives. Roll call vote was unanimous.

6. COUNCIL CONSIDERATION

- 6a. Administrative Analyst Colette Curtis presented information on the proposed Memorial Trailway name change. Bill Hartley from the Gold Nugget Museum provided information on the history of the local pioneers that may be recognized as part of the program and shared the plan to educate the youth in the community. Mr. Hartley stated that the Gold Nugget Museum is currently fundraising to cover costs of the plaques and continued maintenance.

MOTION by Zuccolillo, seconded by Schuster, authorized the Town Manager to execute an agreement on behalf of the Town of Paradise with the Gold Nugget Museum to make improvements to the Memorial Trail and rename the trail "Yellowstone Kelly Heritage Trail". Roll call vote was unanimous. (950-18-07)

Mayor Lotter took a recess at 7:19 p.m. and resumed the meeting at 7:29 p.m.

- 6b. **MOTION by Jones, seconded by Bolin**, 1. Awarded Contract No. 17-05, Measure C Bille Rd Overlay, to Knife River Construction of Chico, CA in the amount of their Bid of \$120,637.00.; and, 2. Authorized the Town Manager to execute an agreement with Knife Construction relating to Contract No. 17-05 and to approve contingency expenditures not exceeding 10%. 3. Approved Fiscal Year 2017/18 Measure C Budget Appropriation of \$132,701 for the project. Roll call vote was unanimous. (510-20-161, 510-20-153)
- 6c. Administrative Services Director Will reported on the progress of the 2017/18 budget process, no action was taken. (340-40-14)
- 6d. **Motion by Zuccolillo, seconded by Schuster**, approved an in-kind match from the Town of Paradise pertaining to residential fire hazard inspection; and, authorized the Town Manager to sign the letter addressed to the Butte County Fire Safe Council (BCFSC). Roll call vote was unanimous. (440-70-01)

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items - None
- 7b. Council reports on committee representation

Council Member Schuster attended the Love Paradise event, welcomed bicycle riders from the Wildflower race into town and showed postcards for business to hand out that highlight the benefits from Measure C.

Council Member Jones attended Butte County Association of Governments and Butte County Air Quality Management District meetings, was asked to be a representative on the advisory committee for the Road User Charge (the mileage tax proposal) and on Friday will be attending the Sacramento Division League of California Cities meeting in Yreka (topic on homelessness).

Council Member Lotter attended the Business license registration meeting and stated that the Tuesday morning and Thursday evening Farmer's Market has started.

7c. Future Agenda Items – None

8. STAFF COMMUNICATION

8a. Town Manager Report

Manager Gill informed the Town Council that she will not be at the June 13, 2017 Council meeting.

Marc Mattox updated Town Council on the Road Repair Accountability Act of 2017 that was passed by the State Representatives and will provide an additional \$600,000 per year to the Town of Paradise.

Manager Gill reported on AB1250, a de-facto ban on local government contracts that would be harmful to local government. The Town Manager sent a letter to Assemblyman Gallagher encouraging him to oppose the bill.

- Community Development Director Baker provided an update on the following projects: Skyway/Black Olive Center (Safeway), Starbucks, Taco Bell, final map for Valley Vista Subdivision (14 lots) and final for Risley Parcel Map (4 parcels). The Planning Commission will be approving two time extension maps for the Skyway Land project and Williams Drive and the Housing Element and Implementation Status report of the 1994 General Plan, a proposed pizza parlor on Clark Road next to the laundromat, permits have been issued for the Chico Certified Farmer's market on Tuesday morning/Thursday evening and for the Chocolate Festival events.

Town Engineer Marc Mattox updated the Council on the Almond Street Multi-Modal Improvements project which is a \$3.7 Million Active Transportation Program (ATP) Grant that will provide drainage, sidewalks, bike paths and other upgrades between Pearson and Elliott Road. Construction will take place during the summer of 2019.

9. CLOSED SESSION – None

10. ADJOURNMENT

Mayor Lotter adjourned the Council meeting at 8:00 p.m.

Date Approved: June 13, 2017

By:

_____/S/_____
Scott Lotter, Mayor

Attest:

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