

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – July 08, 2014**

1. OPENING

The Regular Meeting of the Town Council was called to order by Mayor Scott Lotter at 6:04 pm. Following the Pledge of Allegiance to the Flag of the United States of America, an invocation was offered by Council Member Jody Jones.

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

COUNCIL MEMBERS ABSENT: Greg Bolin.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Gill, Town Attorney Moore, Housing Supervisor Anderson, Finance Director Will, Assistant Town Clerk Volenski, Community Development Director Baker, Building Official/Fire Marshal Lindsey, Town Engineer Mattox, and Gabriela Tazzari-Dineen, Police Chief.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

3. CONSENT CALENDAR

MOTION by Jones, seconded by Culleton, approved all items on the consent calendar as presented. Roll call vote of those present was unanimous; Bolin absent and not voting.

- 3a. Approved the June 10, 2014 Regular Meeting Minutes.
- 3b. Approved June 2014 cash disbursements in the amount of \$687,886.46.
(310-10-30)
- 3c. (1) Waived second reading of the entire Town Ordinance No. 543 and approved reading by title only; and, (2) Adopted Town Ordinance No. 543, "An Ordinance Amending Text Regulations within Paradise Municipal Code Chapters 17.04 and 17.06 Related to: Definitions; General Site Development Regulations." (540-16-112)

The intent is to establish a new definition of the term “fence” and prohibit the installation of fences, as defined, within a private roadway easement without the written consent of all persons with a legal right to use such an easement.
- 3d. (1) Waived second reading of the entire Town Ordinance No.544 and approve reading by title only; and, (2) Adopted Town Ordinance No. 544, an Ordinance Amending Regulations in Paradise Municipal Code Section 6.08.020 Relating to Dog License Fees. Approval will result in eliminating the late fee applied to first-time applications for dog licenses and reduce the license fee for dogs between 4 months and 1 year. (540-16-113)

- 3e. (1) Waived second reading of entire Ordinance No 545 and approved reading by title only; and, (2) Adopted Ordinance No. 545, An Ordinance Amending And Adding Chapter 3.22 to the Paradise Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization. (540-16-114)

Ordinance No. 545 amends Chapter 3.22 to the Paradise Municipal Code, previously adopted to establish a sales tax measure for voter consideration at the November 4, 2014 general election. Ordinance No. 545 amends Ordinance 540 relating to the sales tax measure by adding a section that establishes a Citizen Oversight Committee.

- 3f. Ratified the acceptance of \$3,400.00 worth of labor and equipment from Rivera Concrete Inc. to place donated concrete at the Town of Paradise Animal Control Facility for the walking path at the front gate entry.(395-50-13)
- 3g. Ratified the acceptance of \$572.00 worth of ready-mixed concrete from McGregor Rock Yard to the Town of Paradise Animal Control Facility to install a walking path at the front gate entry. (395-50-13)
- 3h. Ratified acceptance of two potted pine trees and flowers valued at \$282 donated by Arlan Hudson. (395-50-13)
- 3i. Adopted Resolution No. 14-35, A Resolution of the Town Council of the Town of Paradise, California, Declaring Certain Software and Information Technology Equipment Surplus and Authorizing the Destruction or Disposal of Said Surplus. (380-10-03)

4. PUBLIC HEARING PROCEDURE

Mayor Lotter reviewed the adopted public hearing procedure.

5. PUBLIC HEARINGS

- 5a. Following a report by Community Development Director Baker, Mayor Lotter opened the duly noticed and scheduled public hearing at 6:24 p.m. for Town Council consideration of an outdoor merchandise ordinance that would add a section to the Paradise Municipal Code that would regulate exterior displays of merchandise in commercial zones.
1. Ward Habriel stated that he appreciates the safety factor of the proposed ordinance but thinks that business owners would move merchandise if requested to do so, that he would like business owners to have the opportunity to apply for exemptions, and discussed the location of a BBQ at a local fast food Mexican restaurant that he believes presents a safety hazard.
2. Dan Wentland, Paradise Planning Commissioner, stated that if the ordinance is adopted, many businesses will be out of compliance and because enforcement is complaint driven he hopes that no one turns them in, that forwarding this ordinance was difficult because of the many unique factors associated with the many businesses such as road size, etc., that the

Planning Commission added a purpose section to address aesthetics and thanked the Council for stating that this ordinance may have to be revisited in the future.

3. Tom Kelly stated that he thinks this is a good attempt, that there is a merchant in Town who is parking vehicles on the sidewalk, and that he thinks complaint driven enforcement is nonsense.

Mayor Lotter closed the public hearing at 6:30 p.m.

MOTION by Culleton, seconded by Rawlings, (1) Concurred with the project "CEQA determination" finding adopted by the Planning Commission on June 17, 2014, and embodied within Planning Commission Resolution No. 14-4; (2) Waived the first reading of Town Ordinance No. 546 and approved reading by title only; and, (3) Introduced Town 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." Roll call vote of those present was unanimous; Bolin absent and not voting. (540-16-115)

6. PUBLIC COMMUNICATION

1. Ward Habriel discussed blighted properties and informed Council that the graffiti on the Egg Roll Express building was removed by a volunteer, that the vacant building that is located diagonally across from Stratton's Markets on Sawmill has collapsed, and if there is an issue with the appearance of the triangle at Elliott and Foster it is because the Garden Club does not know how to regulate the timing of the sprinkler and asked if the Town would be sure to keep the plumbing working.

2. Tom Kelly stated that he appreciates the Town Council members and the Town staff for their hard work and discussed the rebuilding of the bridges on Jordan Hill and Whiskey Flats; discussed issues with fire insurance policies for citizens in Paradise being cancelled because of the lack of detail in the Google earth map that is being used by insurance companies; and that he would like Paradise to become a Fire wise certified community.

7. COUNCIL CONSIDERATION

- 7a. **MOTION by Culleton, seconded by Rawlings,** appointed applicant Martin Nichols to fill the pending vacancy on the Paradise Planning Commission, a four-year term that is set to expire on June 30, 2017. Roll call vote of those present was unanimous; Bolin absent and not voting. (760-45-12)
- 7b. **MOTION by Jones, seconded by Culleton,** adopted Resolution No. 14-36, A Resolution Adopting the Butte County Local Hazard Mitigation Plan. Roll call vote of those present was unanimous; Bolin absent and not voting. The plan is eligible for final approval by FEMA pending its adoption by Butte County and all participating jurisdictions. (420-20-15)

- 7c. Council concurred to direct staff to insert the information provided by Council Members Jones titled Ethics and Conflict of Interest in the proposed Council Member Handbook as Section II. Town Attorney Moore informed Council that he is an independent contractor, not a contract employee, and the language in Section III, B (2) should be amended to reflect his status. Council concurred to direct staff to make that amendment.

MOTION by Jones, seconded by Rawlings, adopted Resolution No. 14-37, A Resolution Updating the Council Member Handbook previously approved by Resolution No. 06-04. Roll call vote of those present was unanimous; Bolin absent and not voting. (180-35-17)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member Rawlings thanked Tom Kelly for his work in facilitating the repair of the bridges at Jordan Hill and Whiskey Flats.

Council Member Culleton stated that he plans to attend the Butte County Board of Supervisors meeting to oppose their franchising two solid waste companies as that will mean twice as many trucks will be required to serve the Magalia area causing additional wear on the Town's roadways.

Council Member Jones stated that she attended the swearing-in ceremony for our new police officer, went to the Party in the Park event, and announced that she is officially retired from Cal Trans.

Mayor Lotter attended the swearing-in ceremony for our new police officer, and informed Council that he was contacted by a Rotarian to support an annual Work Day in honor of Arlan Hudson and that Dan Wentland volunteered to paint the Help-4-People building.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

Town Manager Gill discussed a County/City collaboration meeting on July 7, that the County CEO does as much as he can for the cities regarding tourism and business related issues, that County funds are being budgeted for economic development, the County website is being updated and a brand is being created for all cities to use. The County recently completed a tourism study that involved hotel, restaurant and property owners in the County in making a map that includes an app for smart phones to show recreational opportunities, agricultural tours and other attractions in our area. There was discussion about a hotel tax that would be under the control of the hotel owners, which proposal may be

coming forward to the Council. Town staff is freshening up the Town's website to include more commercial information.

Community Development Director Baker informed Council that the second Dollar General store is planning a November opening; the AT&T cell tower at 8792 Skyway is completed; Verizon is requesting approval for a cell tower at 6661 Pentz Road; there is progress on the proposed site for Safeway; Big 5 is under construction with a planned September opening. Staff met with the owner of the Egg Roll Express who informed that the building should be demolished within two weeks. Several other blighted properties are being cited every ten days. Staff will be bringing forward an ordinance that will provide a means to address commercial blight. Regarding private property, staff investigation is complaint driven.

Council Member Jones and Council Member Rawlings volunteered to serve on an ad-hoc committee to be formed by the Town Manager to discuss commercial blight regulations.

10. CLOSED SESSION

- 10a. At 7:45 p.m. Mayor Lotter announced that pursuant to Government Code Section 54956.9(d) (1), the Town Council would hold a closed session with the Town Attorney relating to the following pending litigation: Town of Paradise, a Municipal Corporation, vs. Rose E. Kallunki; Pacific Gas and Electric Company; Doe 1 through Doe 50, inclusive, Butte County Superior Court Case No. 161781.

Mayor Lotter reconvened the meeting at 7:57. The Town Attorney announced that direction was given and no action was taken in closed session.

11. ADJOURNMENT

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

DATE APPROVED: August 12, 2014

By: _____/s/_____
Scott Lotter, Mayor

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