

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – September 09, 2014

1. OPENING

The September 9, 2014 Town Council Meeting was called to order by Mayor Scott Lotter at 6:00 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, Vice Mayor Greg Bolin offered an invocation.

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

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, Police Chief Tazzari-Dineen, Building Official/Fire Marshal Lindsey and Division Chief Hawks.

1 e. Proclamations:

- (1) The Recognition of The Distance Between Us by Reyna Grande as the Book in Common 2014/2015 was accepted by Susan Serrano, Paradise Branch Librarian. (180-40-24)
- (2) The Recognition of September 17-23 as Constitution Week, as requested by the Daughters of the American Revolution Golden Nugget Chapter to commemorate the adoption of the United States Constitution, was accepted by Anne Williams, DAR. (180-40-24)

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

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

3. CONSENT CALENDAR

Two cards were submitted to comment on consent calendar items 3e and 3g.

1. Ward Habriel stated that the wording for agenda item 3e does not include a description of the items that the Town plans for lease purchase.
2. Doreen Younger-Barcroft stated that she is the current landlord for the Butte County EMS Responders, that she did not know there was any intention for them to move to another location and she would like them to stay.

MOTION by Culleton, seconded by Rawlings, adopted all consent calendar items as presented. Roll call vote was unanimous.

- 3a. Approved the minutes of the August 12, 2014 Regular Meeting.

- 3b. Approved August 2014 Cash Disbursements in the amount of \$1,038,400.84. (310-10-30)
- 3c. Concurred with the revisions approved by the Paradise Recreation and Park District Board and authorized the Town Manager to execute the revised Community Service Sign Rules agreement. The revisions increase the number of available advertising spaces and increase the space rental fees for information relayed on the electronic sign board located in the Terry Ashe Park at 6626 Skyway, Paradise. (510-20-24)
- 3d. (1) Waived the second reading of Town Ordinance No. 548 and approved reading by title only; and, (2) Adopted 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. (540-16-117 & 960-50-01)
- 3e. Adopted Resolution No. 14-41, A Resolution of the Town Council of the Town of Paradise Authorizing the Execution and Delivery of a Lease with Option to Purchase, and Authorizing Certain Actions in Connection Therewith. (380-45-052)
- 3f. Acknowledged receipt of the 4th Quarter Investment Report for the Fiscal Year Ended June 30, 2014. (360-30-06)
- 3g. (1) Approved lease of Town of Paradise Fire Station #83 to Butte County EMS, LLC; and, (2) Authorized the Town Manager and Mayor to execute a lease of the premises as approved by the Town Attorney. (510-20-83)
- 3h. Approved the Town of Paradise Cellular Phone Policy 415. (610-25-05 & 110-10-32)
- 3i. Adopted Resolution No. 14-42, A Resolution of the Town Council of the Town of Paradise approving the adoption of the Butte County Fire Department Volunteer Firefighter Standard Operating Procedures for the Town of Paradise Volunteer Firefighter Program with amendments and additions. (440-05-011)

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

Following a report from Town Manager Lauren Gill, Mayor Lotter opened the public hearing at 6:17 p.m. to receive comments on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program. There were no speakers for or against the matter and Mayor Lotter closed the public hearing at 6:17 p.m.

- 5a. **MOTION by Bolin, seconded by Jones**, authorized the Town Manager to submit the 2013/2014 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant to the Department of Housing and Urban Development. The CAPER outlines CDBG accomplishments and expenditures, as well as providing an evaluation of the Town's progress in meeting its community development goals and objectives. Roll call vote was unanimous. (710-10-80)

6. PUBLIC COMMUNICATION

1. Ward Habriel informed the Council that the Paradise Garden Club will be offering to participate in the Arlan Hudson Make A Difference Day, and that the Paradise Irrigation District is providing signs for people to promote conservation of water and encouraged the Town Council members to pick up a sign to put in their own yards from the Paradise Irrigation District.
2. Susan Serrano, Paradise Branch Librarian, invited the Town Council members to the Paradise Branch of the Butte County Library 100 year celebration. October 9th is Author's Night, where local authors will be at the library with their books, and October 11th is the day of celebration with a special appearance by Emma Blackburn, the library's first librarian.
3. Ron Wolfe stated that the Trailway is much cleaner this month than last month when he spoke on the subject of people not picking up their dogs' dropping, and informed Council of a dangerous situation that occurred when he was on the Trailway wherein he was threatened by a homeless person, a man who confronted him on the Trailway with a request for money and who suggested he tape \$20 to the front of his wheelchair shade cover, and thanked the Police Department for their response to the situation.

7. COUNCIL CONSIDERATION

- 7a. Following a report from Town Engineer Mattox regarding the Cypress Realignment Project, Mayor Lotter opened the matter for public comment.
1. Tom Kelly asked for clarification as to the location of Cypress Curve.
 2. Carolyn Kirk stated that in straightening the curve, she fears that the speed of the trucks that already travel that road might increase and create a more dangerous situation that is presented by the curve in the road.

MOTION by Jones, seconded by Bolin, (1) Concurred with staff's recommendation of Mark Thomas & Company to perform engineering services for the Cypress Realignment Project; (2) Approved a Professional Services Agreement with Mark Thomas & Company 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. Roll call vote was unanimous. This project is 90% funded with Cal Trans Highway Safety Improvement Project funds. (950-40-21 & 540-20-84)

- 7b. **MOTION by Rawlings, seconded by Culleton,** (1) Adopted Resolution No. 14-43, A Resolution of the Town Council of the Town of Paradise Approving the Plans and Specifications for the Paradise Signal Upgrades Project; and, (2) Authorized Advertisement for Bids on the project. Roll call vote was unanimous. (950-40-22)

- 7c. **MOTION by Jones, seconded by Bolin,** adopted Resolution 14-44, A Resolution Authorizing and Approving the Borrowing of Funds for Fiscal Year 2014-2015, the Issuance and Sale of a 2014-2015 Tax and Revenue Anticipation Note Therefore, and Approving Certain Other Actions related thereto. Roll call vote was unanimous. The Town received one response from U.S Bank for the \$2.7 million note at 1.35% for ten months. (350-40-15)

- 7d. Community Development Director Baker reported that Council directed staff to bring a recommendation regarding text amendments to the Paradise Municipal Code that would address theft of recyclable products from Town-owned solid waste containers. Subsequent to the printing of the staff report and ordinance that is in the agenda packet, staff determined that the following prohibition should also be included:

#10. For anyone other than a person authorized by the property owner to remove or otherwise interfere with recyclable materials which have been placed in a waste disposal container.

Mayor Lotter opened the matter of the proposed amendment to the Town's municipal code regarding recyclable material for public comment.

1. Ward Habriel stated that he is in favor of the proposed language as it protects the hauler by providing a revenue offset that will prevent a rate increase, and questioned how this would be policed.

MOTION by Culleton, seconded by Rawlings, (1) Concurred with the proposed amendment as stated by the Community Development Director that adds an additional prohibition to the ordinance; (2) Waived the reading of entire Ordinance No. 549 and approve reading by title only; and, (3) Introduced Ordinance No. 549, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 8.08 Relating to Recyclable Solid Waste. Roll call vote was unanimous. The ordinance would make it unlawful for persons to pick up or remove recyclable material placed in Town-owned containers, or from containers placed

curbside for collection by the Town's franchised solid waste collector, or from any waste disposal container without the permission of the property owner. (540-16-118)

- 7e. **MOTION by Jones, seconded by Culleton**, approved the recommended general fund and gas tax budget adjustments. Roll call vote was unanimous. (340-40-13)

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. **MOTION by Jones, seconded by Rawlings**, authorized staff to draft a letter for all Council Members' signature in support of the League of California Cities resolution calling upon the governor and the legislature to convene a summit to address the environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing problem to public safety related to these activities. Council vote was unanimous.

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

Vice Mayor Bolin provided an update on the progress by AKB at Fire Station 81 followed by a presentation of the project by Building Official/Fire Marshal Anthony Lindsey. The project is on budget, has an aggressive work schedule, and received a donation of cement mix from Mathews Ready Mix which allowed the sidewalk to be replaced entirely. Portions of the walk had to be removed for footings.

Council Member Rawlings reported on his attendance at the League of California Cities Conference where he presided over two presentations, one relating to sustainability and the other relating to customers services. CM Rawlings is also serving on the committee to re-write LCC policies.

Council Member Culleton reported on his attendance at the Butte County Association of Governments (BCAG) and Butte Quality Air Management District (BCAQMD) meetings, that the AQMD woodstove replacement program is in progress; that he attended the LCC Annual Conference social media workshops; encouraged attendance at the Gold Nugget Museum Days of Living History on Saturday; and, that he obtained a \$1,000 grant from Wells Fargo for the museum that will help upgrade the computer and go towards the Cowboy Poetry event.

Council Member Jones reported on work done to formulate regulations regarding commercial and residential blight in Paradise, that she, Council Members Rawlings, and three business people in the community serve on the committee with the Town Manager and Community Development Director. CM Jones stated that she also attended the LCC conference and that all four Council Members that attended paid for their expenses and lodging in order to attend the conference; that she attended the "America in Bloom" presentation which provided beautification ideas that

could tie into the Arlan Hudson Make a Difference Day projects; and, has information relating to funding for a sewer project.

Council Member Culleton stated that the Town of Paradise is conducting three public forums relating to Measure C that will be held by the Town – two on September 30 and one on October 11th - in order to gather input from citizens as to what are their community priorities for Measure C revenues.

Mayor Lotter reported that this morning he attended a State of the Town presentation given to the Board of Realtors by Town Manager Gill, Finance Director Will and Town Engineer Mattox; that he attended the LCC Annual Conference workshop relating to receiverships and social media policies; that the City of Chico received a Helen Putnam Award for “Team Chico”; learned about eco-friendly materials for cleaning up spills, LED lighting retro-fits; that the “America in Bloom” is very big on the east coast, and recently on the west coast by the City of Aurora Grande.

8c. Discussion of future agenda items – None.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

9b. Community Development Director oral reports

Community Development Director Craig Baker updated the Council on development projects occurring within the Town, including the progress of Big Five, and the second Dollar General, and informed Council that the committee formed to address blight issues met to discuss and make recommendations regarding an ordinance that would regulate both residential and commercial blight. The committee consists of himself, the Town Manager, Council Members Jones and Rawlings, and three members of the business community.

Mayor Lotter opened the matter for public comment.

1. Ward Habriel spoke in favor of the Council addressing elimination of blighted properties as he thinks that effort would result in an increase in all property values which is of benefit to the community.

10. CLOSED SESSION

At 7:45 pm Mayor Lotter announced that the Town Council would recess to closed session for the following:

- 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 8:17 p.m. Town Attorney Moore announced that the Town Attorney informed the Council of the current status of pending litigation and no action was taken in closed session.

11. ADJOURNMENT

Mayor Lotter adjourned the Town Council meeting at 8:18 p.m.

DATE APPROVED: October 14, 2014

By: _____/s/_____
Scott Lotter, Mayor

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