

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 14, 2013**

OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Timothy Titus at 6:01 p.m. in the Town Hall Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, an invocation was offered by Town of Paradise Chaplain Lloyd Tremain.

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Interim Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Gina Will, Community Development Director Craig Baker, Fire Marshal/Building Official Tony Lindsey, Police Chief Gabriela Tazzari-Dineen, Division Fire Chief Rob Cone, Cal Fire Paradise Fire; Battalion Chief Curtis Lawrie, Cal Fire/Paradise Fire; Assistant Town Clerk Dina Volenski, Associate Civil Engineer Marc Mattox, Onsite Sanitary Official Doug Danz, and Public Works Manager Paul Derr.

Presentations:

- (1) Dean Fender, President of Rotary Club of Paradise, presented the Town Council a check in the amount of \$3,500 to purchase equipment to live stream public meetings
- (2) Fire Safe Council Presentation by Phil John, Vice Chair
- (3) Presentation by InReach - Police Department Mobile Phone Application
- (4) Northern Recycling and Waste Services Annual Report of franchised waste services provided to the Town of Paradise by Doug Speicher (940-10-20)

ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

CONSENT CALENDAR

Mayor Titus called for public comment on consent calendar items.

1. Ward Habriel stated that he thinks the purchase of equipment itemized in agenda item 3f is unnecessary as there are other places the firefighter PPE’s can be decontaminated.

MOTION by Lotter, seconded by Rawlings, adopted all items on the Consent Calendar by a unanimous roll call vote.

- 3a. Approved Minutes of the April 9, 2013 Regular Meeting and the April 23, 2013 Special Council Meeting.
- 3b. Approved cash disbursements in the amount of \$897,755.78. (310-10-29)
- 3c. Accepted a donation of labor and equipment from Green Ridge Landscaping to maintain the Neal Road/Skyway Gateway facility valued in an amount \$2,140 per year. (395-50-13)
- 3d. (1) Waived second reading of entire Ordinance No 528 and approved reading by title only; and, (2) Adopted Ordinance No. 528, An Ordinance Amending Town of Paradise Municipal Code Section 10.02.060 - Prima Facie Speed Limit to reflect speed limit modification along Pearson Road between Cherry Lane and Pentz Road. (540-16-97 & 490-20-04))
- 3e. Adopted Resolution No. 13-24, A Resolution Declaring Town of Paradise Fire Department Equipment Surplus and Authorizing Disposal of Said Equipment. (Outdated communication equipment including radios, pagers and cell phones.) (380-10-03)
- 3f. Pursuant to Paradise Municipal Code section, 2.45.120, (1) Made the finding that the bid shall not be awarded to the lowest bidder in light of the circumstances; and, (2) Approved purchase of UniMac Washer/Extractor from Longfellow Commercial Appliance in the budgeted amount of \$10,942.63. [Equipment is necessary to comply with OSHA/NFPA requirements for decontaminating Firefighter Personal Protective Equipment (PPE) after contamination from working in hazardous environments]. (440-30-04)
- 3g. Reviewed and acknowledged receipt of the 3rd Quarter Investment Report for the Fiscal Year Ended June 30, 2013. (360-30-05)
- 3h. Adopted Resolution No. 13-25, A Resolution of The Town Council of The Town Of Paradise Establishing Privacy and Refund Policies for Internet Transactions. (110-10-36)
- 3i. Reviewed and acknowledged receipt of the Fiscal Year 2011/12 financial statement audit report as submitted. (385-10-31)
- 3j. Adopted Resolution No. 13-26, A Resolution of the Town Council of the Town of Paradise, California, Authorizing the Execution and Delivery of a Lease with Option to purchase, and authorizing certain actions in connection therewith. (Lease purchase with Leasource Financial Services, Inc., for the refurbish of two (2) police vehicles in the amount of \$51,687.06 approved by Council on April 9, 2013.) (380-45-51)

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

PUBLIC HEARINGS

Following reports and power point presentation from town staff regarding the various recommendations proposed on the revised fee schedule, Mayor Titus opened the public hearing at 7:25 p.m.

1. Fred Aldred stated that the Paradise Tea Party has looked at the entire presentation, had discussions with Council Members and the Town Manager, and they applaud the efforts that have been made relating to the updated master fee schedule and thanked the staff and Council for their efforts.

Mayor Titus closed the public hearing at 7:27 p.m. Following discussion, Council concurred to delay action on the proposed master fee schedule until after discussion and action is consider on related agenda items 7b, noise ordinance regulations amendment; 7c, alarm system proposed ordinance regulations; and 7e, business registration proposed ordinance, at this time.

Agenda Item 7b: Following a report from Police Chief Gabriela Tazzari-Dineen regarding the proposed amendment to the Town's noise ordinance that would allow an administrative fee to be charged to recover the cost of police department response to repeated violations of the noise control statutes, Mayor Titus opened the matter for public comment.

1. Fred Aldred stated that he is against the proposed amendment as brings us to that 'slippery slope' of what's next with regard to fees being associated with police services that he believes are already paid for with tax dollars.

7b. MOTION by Lotter, seconded by Culleton, (1) Waiving the reading of entire proposed Ordinance No. 529 and approved reading by title only; and, (2), Introduced Ordinance No. 529, An Ordinance Adding Section 9.18.415 to the Paradise Municipal Code relating to Noise. **(ROLL CALL VOTE)** Approval of the ordinance will allow for an administrative fee to be charged to recover the cost of police department response to repeated violations of the noise control statutes.

Agenda Item 7c: Police Chief Tazzari-Dineen reported to Council regarding the proposed amendment to the Town's existing alarm system ordinance. The purpose of the alarm ordinance is to provide a permit and registration system with appropriate regulations to facilitate the reduction of false alarms, to provide police response and administration, and to advance the proper use of alarm systems by alarm users.

Chief Tazzari-Dineen stated that if the revision is approved, the Town's alarm ordinance would be administered in-house rather than as a contracted service; an annual registration fee assessed; one free false alarm would be allowed; and authority provided for citation after a fourth false alarm, for assessment of fines for persons not registering systems and for alarm providers who fail to provide a monthly customer list. First response fees would be lower and a waiver of registration fee allowed for residential systems if no false alarms occurred within one year. Chief Tazzari-Dineen stated that there are over 1,000 alarm systems in the Town of Paradise with more than 500 calls for service related to false alarms and this ordinance would provide incentives to ensure that alarms systems are properly maintained and more like to be fixed when not working.

Mayor Titus opened the matter for public comment.

1. Paul Lyons asked for clarification regarding the fee to register an alarm as he does not remember ever having to pay this fee.

Council discussed deferring consideration of the proposed revised alarm ordinance to a future meeting to provide opportunity to clarify applicability of certain provisions to residential and commercial alarm systems, whether or not registered systems would be re-assessed the one-time annual registration fee, and any other matters associated with the proposed ordinance.

7c. MOTION by Lotter, seconded by Bolin, deferred to a future agenda the discussion and introduction of the ordinance proposed to repeal Chapter 9.60 of the Paradise Municipal Code and adding a new Chapter 9.60 to the Paradise Municipal Code Relating to Alarm Systems. Council vote was unanimous.

Agenda Item 7e: Town Manager Lauren Gill reported to Council regarding the business registration ordinance proposed for inclusion in the Paradise Municipal Code. This new program would be implemented using the Town's existing Accella software, providing citizens with a new opportunity to process application and payment of fees using electronic means. A business registry could be created that would further the Town Council goal of providing enhanced public safety by providing a point of contact, increasing building security for the business owners through knowledge of business locations and floor plans, and also enhance safety for emergency responders by providing current information on a building's floor plan and/or existence of hazardous materials associated with a business operation. A business directory would be created on the Town's website to provide an additional resource for residents and visitors

searching for information related our local business operations. The proposed annual fee of \$54 would be payable by all businesses and would cover staff time associated with creation, implementation and maintenance of the business registry and the directory on the Town's website.

Mayor Titus opened the matter for public comment.

1. Fred Aldred stated that he doesn't think a business registration is necessary, rather, that the registration is an additional source of revenue for the Town and not for protection of the people.
2. Kelly Conner, on behalf of the Paradise Chamber of Commerce, stated that a business registry would be a benefit to the people, the cost must be minimal, the Chamber could partner with the Town with a web link, and informed Council that a Round Table committee had been formed after a meeting with the former Town Manager and the question she has is, how are people going to be educated about this proposed program as there is a lot of resistance to the suggestion.
3. Larry Duncan stated that he thinks the registration fee is a license, which is a tax, and that it would be appropriate for the Council to hold a protest hearing.
4. Bill Hartley, stated that he is a retired police officer, has a son in fire service, and is concerned about what might in the various businesses that would pose a danger to emergency responders, and that knowing exact locations is critical to response – one shouldn't have to go through the phone book – and that the community would be better protected if it had a business registry program.
5. Linda Horton-Lyons stated that she has been a merchant for 31 years in Paradise and in Chico, and asked the Town Council to table the matter of a business registration program and provide opportunity for citizens to work on a solution with the Town Council.
6. Cliff Jacobson stated that he deals with hazardous materials on a daily basis, that he is required to have an emergency response plan as emergency responders must know what they are facing in order to properly respond, and in the absence of such information, and emergency personnel may not be in a position to respond to a fire and be forced to let a building burn that could have been saved, and that he thinks many business owners are not aware of the requirement to have such an emergency response plan. He further stated that the proposed fee is a small price to pay is amazed the Town doesn't already have a business license requirement.
7. Tom Maxwell stated that he is a small business owner, is against the proposed business registration program, and that although a \$54 fee is not a lot, he thinks there will be increases in the future and would like government to step back.

8. Kimball Shirey, representative of the Paradise Chamber of Commerce, stated they do not support the registration program in its current form and supports postponing the decision and holding additional public forums.
9. Daniel Wentland stated that this is town and not a city, categories of fees have been discussed in the past, surveys have come back with 80% rejection, thinks we do not need a registration program and this fee will only increase, such as the tree permit fee has increased over the years, and that he agrees with the suggestion of the Chamber of Commerce.

Mayor Titus closed the public comment on agenda item 7e. Council discussed their thoughts regarding the business registration proposal, including their responsibility for safety of emergency responders, the definition of a business, possible duplication of certain services as some businesses are already required to have license, and the importance of a clear statement of purpose and the public benefit of such a program which would include an understanding within the community that the business registration is of benefit, and that the program fee is strictly for cost recovery and is not a revenue source.

7e. MOTION by Culleton, seconded by Bolin, directed Town staff to meet with the Paradise Chamber of Commerce, the business community, concerned citizens and two Council Members to work together towards a solution relating to establishment of a business registration program and to bring the matter back to the Council. Council vote was unanimous.

Mayor Titus called for a ten-minute recess at 9:00 pm and reconvened the meeting at 9:12 pm. Mayor Titus stated that he would like to address public communication at this time prior to considering action on agenda item 5a.

PUBLIC COMMUNICATION

1. Colin Dever stated that he has a developmental disability, discussed his positive experiences with, and provided the Town Council with information on, the Far Northern Regional Center (FNRC) and the services and support it provides for people with developmental disabilities. FNRC has an office in Redding and in Chico.
2. Ward Habriel presented Council with a written request to enforce the Paradise Municipal Code relating to public nuisance abatement on property located at 5357 Sawmill Road, Paradise California.

PUBLIC HEARING (Conclusion)

5a. MOTION by Lotter, seconded by Culleton, (1) Deleted proposed new fees for business registration and alarm fees and directed staff to re-insert the previous fees in the Master Schedule of Fees; and, (2) Adopted Resolution No. 13-27, A Resolution of the Town Council of the Town of Paradise Establishing a

New Master Schedule of Fees for Town Services (repealing the fees scheduled previously adopted by Resolution No. 09-43 and 09-48 – except for fees relating to alarms systems.) Roll call vote was unanimous. (395-20-18)

7. COUNCIL CONSIDERATION

Mayor Titus called for public comment on agenda item 7a.

1. Ward Habriel stated that, in light of the Town's objective to buy local, he opposes the Council awarding a contract to an out-of-town contractor.
- 7a. **MOTION by Lotter, seconded by Bolin**, awarded Contract No. 13-03, for the Paradise Micro-Surfacing Project 2013, to Intermountain Slurry Seal of Reno, NV in the amount of their base bid of \$291,949.02. Roll call vote was unanimous. (510-20-59 & 950-40-18)
- 7b. See page 3. Ordinance No. 529, amendment to provisions of the Town's municipal code relating to noise control was discussed and introduced prior to action on item 5a. Approval of the ordinance will allow for an administrative fee to be charged to recover the cost of police department response to violations of the noise control statutes.
- 7c. See page 4. The ordinance proposed to amend provisions of the Town's municipal code relating to alarm systems was deferred to a future agenda.
- 7d. Following a report from Community Development Director Craig Baker regarding the correspondence from Department of Alcoholic Beverage Control relating to the request of the owner of the business located at 9225 Skyway ABC to modify certain conditions assigned to the liquor license, Mayor Titus opened the matter for public comment.
1. Don Clark asked why the Blues Society could not be allowed to play on Thursday night.

Police Chief Tazzari-Dineen stated that the restrictions on live music were placed on the business by the Department of Alcoholic Beverage Control, and, that the business does not abide by the current restrictions.

2. Larry Duncan stated that he has no financial connection with the Optimo and the reason he is here is because the restrictions were placed on the business under a prior owner, that four of the calls relating to security were because the security guy was not wearing an appropriate shirt, that he thinks this business is being singled out, stating that he thinks one of the reasons the owner got in trouble is because he allowed live music on New Year's Eve which happened to fill on a Wednesday.
3. Larry Duncan II stated that he is an eleven-year employee of the Optimo, that the new owner was unaware of the restrictions on the liquor license, that when the business owner was notified of violations the business complied, that he thinks live music would have no negative impact, that other bars have

higher calls of service, have no restrictions on live music, that the Optimo loses business to competing bars because they aren't allowed to have live music, and that he is ok with closing at midnight on the weekdays.

4. Ward Habriel stated that if a business has restrictions it cannot compete fairly.
5. Daniel Patterson stated that he lives two doors down from the Optimo and has never heard loud music from that location.
6. Chris Tennant stated that he is the bartender at the Optimo and thinks the owner should be given a chance to compete fairly.
7. Nay H. Leal, previous owner of the Optimo, stated that when she took over the bar to protect the restaurant there were restrictions placed on the liquor license and she would like the new people to make a living here.
8. Wayne Wise asked the Council to consider the workers at the Optimo and that he thinks it is unfair to penalize the owners for stupidity of individual patrons, and that he would like live music to be allowed.
9. Jian Lin Xie (Woody) stated that he has good employees at the Optimo, discussed the operation of the business and security issues, and that he would like to have Karaoke at the Optimo on Wednesday and Thursday nights.

Community Development Director Baker stated that the conditions placed on the liquor license were agreed to by the licensee on January 1, 2012, explained that this is a Type 47 license assigned to an eating establishment, and that reference to the Optimo as a bar is not legally accurate.

7d. MOTION by Lotter, seconded by Rawlings, directed staff to communicate a written objection to the petition to modify conditions assigned to the liquor license for Lynn's Optimo Restaurant to the Department of Alcoholic Beverage Control (ABC), with the exception of a minor modification to Condition #10 as recommended by the Paradise Police Department. (Note: Condition #10 requires Petitioner/licensee to be present while premise is providing live entertainment.) Roll call vote was unanimous. (550-50-01)

7e. See page 6. The ordinance proposed to add a section to the Paradise Municipal Code relating to a business registration program was deferred.

COUNCIL COMMUNICATION (Council Initiatives)

8a. No reports.

- 8b. Council discussed formation of a committee or hiring a consultant in the near future to assist Council/Staff in investigating long term solutions to the Town's revenue deficits, including research as to what other cities are doing that has been successful.
- 8c. Council concurred to designate Council Member Culleton as the voting delegate, Council Member Rawlings as alternate #1 and Council Member Bolin as alternate #2 to take action on proposed resolutions that establish League policy that will be presented at the Annual Business Meeting at the League of Cities Annual Conference in Sacramento, California, September 18-20, 2013. (150-50-65)

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

Manager Gill introduced Dave Berman who discussed plans to promote Paradise as an 'art destination' for local photographers/artists and providing a signature gallery at Town Hall for display and sale of artwork inspired by the beauty of the local area.

Council concurred with the Town Attorney suggestion that Council adopt a resolution that would clarify policy relating to art displays at the Town Hall.

10. CLOSED SESSION

Mayor Titus opened the closed session matters to public comment.

- 1. Ward Habriel stated that the Town has lost its Fire Department, is understaffed at the Police Department, the Town is full of empty business, and that he thinks this is a sign of failed management and poor stewardship.

At 10:15 Mayor Titus announced that the Town Council would adjourn to closed session for the following matters:

- 10a. Pursuant to Government Code Section 54957.6, the Town Council hold a closed session to meet with Dwight Moore and Crystal Peters, its designated representatives, regarding labor relations as they relate to the employment agreement for Town Manager services with Lauren Gill.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreement with Lauren Gill for Town Manager services.

The Town Council meeting will be reconvened to consider taking action relating to a proposed employment agreement with Lauren Gill for Town Manager services.

- 10b. Pursuant to Government Code Section 54957.6, the Town Council hold a closed session to meet with Dwight Moore and Crystal Peters, its

designated representatives, regarding labor relations as they relate to the employment agreement for Town Clerk services with Joanna Gutierrez.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreement for Town Clerk services with Joanna Gutierrez.

- 10c. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with its designated representative, Lauren Gill, regarding labor relations as they relate to the agreement for Town Attorney Services with Dwight Moore.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the agreement for Town Attorney services with Dwight Moore.

- 10d. Pursuant to Government Code section 54956.9(b), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: Town of Paradise v. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.

At 11:30 pm Mayor Titus reconvened the Council meeting and announced that no action was taken in closed session and that direction was given relating to the pending litigation, Town of Paradise vs. Sierra Preservation Partners, LLC.

11. ADJOURNMENT

Mayor Titus adjourned the Council Meeting at 11:30 p.m.

DATE APPROVED: June 11, 2013

By: _____/s/_____
Timothy Titus, Mayor

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