

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

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Scott Lotter at 6:05 pm 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, the invocation was offered by Council Member John J. Rawlings.

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight Moore, Finance Director Gina Will, Assistant Town Clerk Dina Volenski, Human Resource Manager Crystal Peters, Administrative Analyst Colette Curtis, Community Development Director Craig Baker, Town Engineer Marc Mattox, Public Works Manager Paul Derr, Acting Police Chief Steve Rowe, Division Chief David Hawks

1e. Proclamations/Presentations:

- (1) The Child Abuse Prevention Month Proclamation was presented to Kelly Doty, Youth For Change (180-40-24)
- (2) The Sexual Assault Awareness Month proclamation was presented to Danielle Serna, Rape Crisis Intervention. (180-40-24)

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

- 2a. No action requested, report for information update only. The objective of the Downtown Paradise Safety Project is to address existing challenges along Skyway between Vista Way and Elliott Road. In the previous 10 years, over 90 injury collisions have occurred in these limits, including 3 fatalities. The absolute priority for the project is safety. The Downtown Paradise Safety Project presents an opportunity for a public investment in the community by creating a safer commercial corridor which addresses high speeds, difficult crosswalks, limited parking, common collision hazards, and an aging roadway. These objectives may be achieved by accepting a reduction in lanes and small delays in travel time during the peak commute periods.

Engineer Mattox stated the focus of this update is to report on the March 20, 2014 workshop, the second public workshop relating to the project. There were 30 attendees at the workshop, and 24 responded to the survey. Survey results indicated a 50/50 split in response to the question, do you feel safe in the downtown corridor. Combined

survey results from both public workshops indicate a majority believe change is needed in the downtown. The top three concerns addressed at the workshop were high speeds of motorists, difficult pedestrian crossing and safety in general. Engineer Mattox stated that the queue times could be improved by optimizing signal timing and coordinating the signals at Skyway/Elliott and Skyway/Pearson and that he is investigating the coordination with the signal at Skyway/Neal. The next step is for the Council to consider approving the design and authorizing staff to solicit construction bids. (950-40-19)

Mayor Lotter opened the matter for public comment.

1. Ward Habriel stated that he appreciates the efforts of the Town Engineer, suggested if the timing or synchronizing of the signals would help to slow traffic why not do this now, that the petitions against the project have been signed by a varied cross-section of the community, he could provide an additional 100 signatures against the project, and that he thinks it makes sense for the Town to do a trial run on the drop lanes before deciding on the project.
2. Cheryl Larmore shared her evacuation experience during the 2008 wild land fires, that she is concerned about emergency evacuation with only two lanes on Skyway, that road construction will have a negative impact on her business and doesn't think that one lane slowing traffic will have a positive impact on the business community, and would like to see the traffic signal synchronization and crosswalks improved.
3. Mike Pollock stated that he has noticed the many meetings that have taken place for this project, that there were not so many meetings for the project on Pearson, and he is concerned that people wanting to park along Skyway will create problems and that he has not seen any efforts to slow the traffic.

3. CONSENT CALENDAR

MOTION by Bolin, seconded by Rawlings, adopted all Consent Calendar items as presented (3a – 3e). Roll call vote was unanimous.

- 3a. Approved Minutes of the 3/11/2014 Regular Meeting and the 3/19/2014 Special Meeting.
- 3b. Approved March 2014 Cash Disbursements Report in the amount of \$1,208,739.36. (310-10-30)
- 3c. Authorized re-instatement of the position of Police Trainee. Currently the hourly wage for an "A" step Sworn Police Officer is \$18.39 an hour (\$3187.60 monthly), plus benefits. The Police Trainee would be established at \$15.06 an hour (\$2,610.40 monthly). Upon successfully completing the Law Enforcement academy, the Town of Paradise Field

Training program, and the probationary period, the trainee would qualify for academy tuition reimbursement of up to \$3,500. (610-10-015, 610-10-017 & 610-10-018)

- 3d. (1) Accepted the Fire Station No. 83 Remediation project as complete; (2) Authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office; and, (3) Authorized the payment of the 5% retention to the contractor, Truitt Group, of Oroville, California, after the 35-day lien period. Total cost of project is \$14,892.00. (510-20-073)
- 3e. Accepted animal shelter donation of \$800.00 from Paradise Community Council and approved a thank-you letter from the Mayor. (395-50-13)

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 - None.

6. PUBLIC COMMUNICATION

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

- 1. Ward Habriel complimented the Town Council for the speaker cards and the time limits, that the Paradise Irrigation District Board is now using the Town's method and the PID meetings have improved as a result.
- 2. Ray Harrington invited the Town Council and community to participate in the 56th Annual Gold Nugget Days celebration and noted that this festival raises more money for non-profits than any other weekend of the year.
- 3. Michael Larmore stated the he was issued an encroachment permit to work on the road that was subsequently revoked, that he would like road base in the dip, which is in the encroachment area, as he thinks the dip has created a safety hazard relating to egress off the public street into his driveway.

Town Manager Gill explained that the encroachment permit was issued in error, that State law requires the permit be issued only to a licensed contractor and invited Mr. Larmore to come to Town Hall tomorrow morning to meet with her on this matter.

7. COUNCIL CONSIDERATION

- 7a. Administrative Analyst Colette Curtis reported to Council regarding the Community Development Block Grant (CDBG) Annual Action Plan, reported on the procedural review process to date, which includes two public hearings and sub-recipient award process and recommended that the Town Council approve the sub-recipient awards and the annual plan as presented.

MOTION by Rawlings, seconded by Jones, (1) Adopted the 2014-15 Sub recipient funding recommendations regarding grant funding for local organizations; (2) Adopted the FINAL 2014-2015 Annual Plan as submitted; and (3) Authorized staff to submit the adopted 2014-2015 Annual Plan to the U.S. Department of Housing and Urban Development. Roll call vote was unanimous. (710-10-81)

- 7b. Town Manager Gill reported to Council that she met with the Community Development Director and the Town Attorney regarding the circumstances that led up to the Town Council adoption of interim urgency ordinance No. 539, the current status of fences, gates and structures within private roadway easement, and how the establishment of fences, gates and structures within such easements might impact the delivery of emergency police, fire and medical services to residents who use a private roadway easement. This included review of how other jurisdictions regulate or do not regulate private roadway easements. As a result of the meeting, two options are being presented to the Town Council for consideration. In the first option, the proposed ordinance regulates the establishment of fences and barriers, including gates, in a private roadway easement by requiring the consent of all persons with a legal right to use such an easement. The second option is a proposed ordinance that does not contain any regulations relating to fences within private roadway easements. Under the second option, the Town would have no involvement in the establishment of fences, structures or gates within a private roadway easement. In both options the term "fence" is defined to include any barrier or structure, including a gate. If the Town Council elects either of these options, the Planning Commission will need to consider and make a recommendation to the Council before any action is taken to amend Paradise Municipal Code Title 17 relating to the zoning.

Mayor Lotter opened the matter for public comment.

1. Max Barteau stated that he thinks option two is the only option, that written agreements must be recorded to have effect, that the interim ordinance was enacted on the basis of provision of emergency services and the proposed ordinance makes no mention of the public safety issues, and that although local law can override easement law with police power in the zoning ordinance, he thinks the proposed action is much more drastic than necessary.

The MOTION by Rawlings, seconded by Jones, to direct Planning Commission to consider a text amendment to the Paradise Municipal Code that would delete the regulation of fences within or across private roadway easements **DID NOT PASS**. Ayes of Jones and Rawlings; noes of Bolin, Culleton and Mayor Lotter.

MOTION by Culleton, seconded by Bolin, directed the Planning Commission to consider adopting a resolution recommending Town Council adoption of a text amendment to Paradise Municipal Code Title 17 concerning the regulation of fences within or across private roadway easements. Ayes of Bolin, Culleton, Jones, and Mayor Lotter; no of Rawlings. (540-16-108)

MOTION by Culleton, seconded by Rawlings, concurred with the Town Manager's report relating to Interim Urgency Ordinance No 539 enacting a moratorium on the establishment of fences, gates or barriers within or across private access easements. Roll call vote was unanimous. (540-16-108)

7c. Manager Gill reported to Council regarding the request for Town Council to consider approving a ballot measure that would, upon approval of the voters, impose a one-half percent temporary transaction and use tax increase (sales tax) on the citizens of Paradise for a ten-year period. Manager Gill stated that it is appropriate for the Council to consider this revenue measure in order to maintain and improve critical public safety and infrastructure needs such as police protection, fire suppression, and to provide for future capital improvements (downtown sewer system, street maintenance). Manager Gill stated that it is important for the Council and citizens to understand that although a balanced budget was adopted, it was adopted with a structural deficit. A structural deficit is one that exists due to lack of funding for critical infrastructure, such as providing public safety vehicles and equipment, building maintenance, road repairs, and development of a wastewater treatment system to help solve the downtown problems.

Finance Director Will displayed a power point that reviewed the previous measures taken by staff, at the direction of the Town Council, to reduce expenditures which includes a 44% workforce reduction, salary and benefit cuts, deferred capital improvements, deferred equipment purchase and the use of volunteers wherever possible and appropriate. If approved, by the voters, the one-half percent sales tax would generate

approximately \$850,000 per year that would be used to address the structural deficit.

Mayor Lotter opened the matter for public comment.

1. Fred Aldred stated that he is interested in hearing how the Town Council plans to sell this ballot measure so that they can counter, and thanked Lauren and Gina for their information. Mr. Aldred stated that the Town's Transient Occupancy Tax (TOT) measure increased the bed tax and was sold on the promise that a portion of these monies would go to the Gold Nugget Museum, the Paradise Performing Arts Center and the Chamber of Commerce, but that funding has been pulled from those entities and placed in the Town's General Fund.
2. Ward Habriel stated that he thinks the problem is in declining property values, that unlawful marijuana grows on property next to his rental property has inhibited his ability to retain renters because of the smell and the Town has only sent a nasty letter, and that the presence of abandoned buildings in Town are also bringing down property values.
3. Tobias Hook thanked staff for the budget presentation, that he is totally opposed to any tax increase to the citizens of Paradise, that California has the highest tax rate in the nation, that he would like Council to explore other options for revenue, that he doesn't think it is fair to suffer from mismanagement of past governments, and asked Council to vote no about putting the sales tax on the ballot and that he thinks there needs to be more public debate and a meeting of the oversight committee.
4. Linda Horton-Lyons asked if the measure is placed on the ballot, what will be the language, will there be a sunset clause to reverse it out, and that she thinks the ten-year term is too long.
5. Bob Bieler stated that he appreciates hearing what is going on with the Town, that he has never heard the financial condition explained so well and thanked the Town for considering the ballot initiative.
6. Derek Onstein stated that when the economy took a downward turn, it hurt his business badly, that he lost revenue and had to reduce his workforce and equipment maintenance to accommodate the loss of income, that he thinks the on-going public service retirements are the burden, that a sales tax for Paradise will be one more reason for people to go to Chico and asked Council to vote against the ballot measure.
7. Ray Harrington stated that the California state government has the largest surplus it has had in years, asked what is the League of California Cities doing to get back some of that money, that the Governor has his own

plans for the money and that it is up to our legislators to set up a plan for the money and asked Council and staff to make contact with our state legislators.

Council concurred that the ordinance should sunset date after six years, and directed that Section 5 of the ordinance read as follows: The tax levied by this ordinance shall continue at the rate of 0.50% from April 1, 2015 until March 31, 2021. The authority to levy the tax imposed by this ordinance shall expire six (6) years from the operative date of this ordinance.

MOTION by Culleton, seconded by Rawlings, (1) Waived the reading of entire proposed Ordinance No. 540 and approved reading by title only. Roll call vote was unanimous. (540-16-110)

MOTION by Culleton, seconded Rawlings, introduced Ordinance No. 540, An Ordinance Adding Chapter 3.22 to the Paradise Municipal Code regarding a Transactions and Use Tax to be Administered by the State Board of Equalization. Ayes of Culleton, Jones, Rawlings and Mayor Lotter; no of Bolin. (540-16-110)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member Rawlings reported the he attended a League of California Cities (LCC) Employee Relations Policy Committee meeting in Ontario, an LCC Quarterly Division meeting in Orland and reviewed pending legislation and its possible effects on cities. Mayor Lotter noted that Council Member Rawlings attended all meetings at his own expense and thanked him for his efforts.

Council Member Culleton reported that he will be the announcer for the Gold Nugget Day Parade, that he attended the Butte County Association of Government & Butte County Air Quality Management District meetings; discussed bus ridership and funding for the BCAG bus barn and B-line offices.

8b. Discussion of future agenda items – None.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

10. CLOSED SESSION

10a. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Lauren Gill, Gina Will and Crystal

Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Police Officers Association, Confidential Mid-Management Association, General Employees Unit, Police Mid-Management Unit and the Management Group.

- 10b. Pursuant to Government Code Section 54956.9(d)(1), the Town Council will hold a closed session relating to the following pending litigation: Brinkerhoff v. Town of Paradise, U.S. District Court, Eastern District of California, Case No. 2:10-cv-00023-MCE-GGH.
- 10c. Pursuant to Government Code Section 54956.9(d)(1), that the Town Council will 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 9:36 p.m. Town Attorney Moore announced that direction was given and no action taken in closed session.

11. ADJOURNMENT

Mayor Lotter adjourned the meeting at 9:36 p.m.

DATE APPROVED: May 13, 2014

By: _____/s/_____
Scott Lotter, Mayor

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