

MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 5:00 PM – January 09, 2018

1. OPENING

The Special meeting of the Paradise Town Council was called to order by Mayor Jones at 5:00 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.

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Special Counsel Mark Habib, Administrative Services Director Gina Will, Public Works Director/Town Engineer Marc Mattox, Administrative Analyst Colette Curtis, Business and Housing Services Director Kate Anderson, Police Chief Gabriela Tazarri-Dineen, Code Enforcement Officer Rick Trent, Prior Building Official/Fire Marshal Tony Lindsey and Community Development Director Craig Baker.

2. COUNCIL CONSIDERATION

- 2a. Mayor Jones announced that the Town Council would conduct a public hearing relating to the Town of Paradise December 11, 2017 Notice and Order to Repair or Abate Substandard Building located at 1450 Bader Mine Road, Paradise, California 95969 (Property) to Patricia Watson Estate and Pricilla Berkstrom (Property Owner). After the hearing has been closed, the Council is requested to take action as follows:
1. Consider whether the Patricia Watson Estate and Pricilla Berkstrom have complied with notice and order.
 2. Consider determining if the substandard condition(s) of the building at the Property have not been repaired or demolished.
 3. Consider adopting Resolution No. 18-01, A Resolution of the Town Council of the Town of Paradise Declaring the Property at 1450 Bader Mine Road, Paradise, California a Public Nuisance and Authorizing the Filing of a Lawsuit, Including a Receivership Relating Thereto.

At 5:01 p.m. Vice Mayor Bolin recused himself from the dais due to a potential conflict of interest with the property located at 1450 Bader Mine.

Town Attorney Moore is not advising the Town Council on this matter as he is involved in the prosecution; Mark Habib is serving as Special Counsel for the Town Council.

Town Attorney Dwight Moore informed the Town Council that the Town has been working on this property for the last 3½ years, trying to correct at least 22 serious

housing violations at 1450 Bader Mine. 17 citations have been issued totaling \$32,200 and nothing has been paid to date. There are individuals living in the property that do not have any legal right to be there and have created serious housing problems. The property was inspected in April and June of 2017, violations were discovered and the property owners were noticed, but no one has contacted the Town except Priscilla Beckstrom, administrator and daughter of the previous property owner.

Former Building Official/Fire Marshal Anthony Lindsey is the witness presenting testimony. The property at 1450 Bader Mine has been inspected four times in total, two times with an inspection warrant. There are several California Health and Safety Code violations per HSC §17920.3 which include inadequate sanitation; lack of/or improper water closet and kitchen sink; lack of hot and cold running water; lack of adequate heating; improper ventilation equipment; lack of natural light; dampness of habitable rooms; infestation of insects, vermin or rodents; visible mold growth; general dilapidation and proper maintenance; lack of connection to required sewage disposal system; lack of garbage storage and removal; all wiring, plumbing and mechanical equipment; faulty weather protection; deteriorated or ineffective waterproofing of exterior walls; defective or lack of weather protection for exterior walls; broken, rotted, split or buckled exterior wall coverings; any building or portion thereof with combustible waste; accumulation of weeds, vegetation, junk, dead organic matter or debris.

Bader Mine is approximately 1.67 acres. Building Official/Fire Marshal Lindsey presented a PowerPoint presentation that showed all the code violations on the property including: abandoned vehicles; accumulation of debris, garbage, offal, rodent harborages, combustible materials, and similar materials or conditions constituting fire, health or safety hazards: structural hazards; dead organic matter; stagnant water; rubbish; general dilapidation; unpermitted sewage disposal system; faulty weather proofing; fire hazards; noncompliant electrical meter and wiring; stealing power "jumping" the meter; infestation of insects, vermin and rodents; improper kitchen sink and water closet; lack of hot and cold water; adequate heating and electrical lighting; dampness of habitable rooms; visible mold growth; deteriorated flooring; faulty weather protection; fire hazards; noncompliant plumbing and electrical; accumulations of weeds, vegetation, junk and trailer; unpermitted electrical wiring; unpermitted connection to required sewage disposal system; outside restroom/wash station;, garden chemicals and an outdoor gazebo with open hot tub accumulating water.

Town Attorney Moore stated that based on the slide show and the testimony of the Building Official, this property constitutes a hazard to the whole community. A resolution has been prepared by Mr. Habib to file a lawsuit if all the substandard conditions on the property are not corrected within 30 days after posting the resolution. A receivership would be requested as part of the lawsuit. The lawsuit would allow for a receiver to be appointed as part of the lawsuit and for the Town to be reimbursed for expenses as part of the lawsuit.

Mayor Jones opened the public hearing at 5:22 p.m.

There was no public comment

Mayor Jones closed the public hearing at 5:22 p.m.

Code Enforcement Office Rick Trent spoke with the daughter of the previous property owner stating that there is another individual who may have rights to the property, but they are in a care facility.

Attorney Moore stated that the only remedy for the property is to go to court and have a judge make the determination that would allow the Town to move forward with the legal process.

MOTION by Lotter, seconded by Jones, 1. Determined that the Patricia Watson Estate and Pricilla Berkstrom have NOT complied with notice and order; and, 2. Determined that the substandard condition(s) of the building at the Property have not been repaired or demolished; and, 3. Adopted Resolution No. 18-01, A Resolution of the Town Council of the Town of Paradise Declaring the Property at 1450 Bader Mine Road, Paradise, California a Public Nuisance and Authorizing the Filing of a Lawsuit, Including a Receivership Relating Thereto. Roll call vote was unanimous with Bolin absent and not voting.

3. CLOSED SESSION

- 3a. At 5:34 p.m. Mayor Jones announced that pursuant to Government Code Section 54957.(b). The Town Council will hold a closed session to consider appointing an interim Police Chief.

At 5.42 p.m. Mayor Jones announced that the Town Council concurred to appoint Lieutenant Reinbold as the Acting Police Chief from the end of February, when the current Police Chief retires, until a new Police Chief is hired.

4. ADJOURNMENT

Mayor Jones adjourned the meeting at 5:44 p.m.

Date Approved: February 13, 2018

By: _____/s/_____
Jody Jones, Mayor

Attest:

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