

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – November 12, 2014

1. OPENING

The November 12, 2014, Regular Meeting of the Paradise Town Council was called to order by Vice Mayor Greg Bolin in the Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, Council Member John Rawlings offered an invocation.

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

COUNCIL MEMBERS ABSENT: Scott Lotter, Mayor.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Gina Will, Community Development Director Craig Baker, Police Chief Gabriela Tazzari-Dineen, Division Chief David Hawks, Battalion Chief Curtis Lawrie, Assistant Town Clerk Dina Volenski, Human Resources Manager Crystal Peters, Housing Supervisor Kate Anderson, Town Engineer Marc Mattox and Public Works Manager Paul Derr.

PRESENTATION: Mario Rodriquez, Police Office Standards and Training (POST) Senior Consultant, Region 2, presented a POST Executive Certificate to Paradise Chief of Police, Gabriela Tazzari-Dineen, informed the Council that Chief Tazzari-Dineen is Certificate No. 1463, and that in 53 years that is the number of how many Law Enforcement leaders in the State of California have received this Certificate

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

Council concurred to remove agenda item 3a from the consent calendar for a separate vote.

MOTION by Culleton, seconded by Rawlings, approved the following agenda items 3b through 3h as presented. Roll call vote of those present was unanimous; Lotter absent.

- 3b. Approved cash disbursements for October 2014 in the amount of \$1,602,276.07. (310-10-30)
- 3c. Accepted donation from Matt Thompson of \$1,200.00 worth of labor and equipment to place donated concrete at the Town of Paradise Fire Station #81 front porch modifications during the re-roofing project. (395-50-13 & 440-65-021)

- 3d. Accepted donation from Paul Derr of an apartment-size refrigerator valued at \$100.00 for the Town of Paradise Animal Control Facility. (395-50-13)
- 3e. Approved the writing off \$14,186.47 of uncollectible miscellaneous invoices. (340-40-13)
- 3f. Adopted Resolution No. 14-46, A Resolution Authorizing Acceptance of Grant Funding from the Office of Traffic Safety (OTS) AVOID the 8 Grant Funds for FY2014/2015 at an estimated amount of up to \$86,000. (The purpose of the program is to reduce alcohol related traffic offenses.) (490-80-02)
- 3g. Adopted Resolution No. 14-47, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code 34090. (160-20-16)
- 3h. Adopted Resolution No. 14-48, A Resolution of the Town Council of the Town of Paradise Amending and Readopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest. (540-20-33)

ITEMS REMOVED FROM CONSENT CALENDAR

- 3a1. **MOTION by Culleton, seconded by Rawlings**, approved the minutes of the October 9, 2014 Minutes Special Meeting. Ayes of Culleton, Rawlings and Vice Mayor Bolin; abstention of Jones; Lotter absent.
- 3a2. **MOTION by Culleton, seconded by Rawlings**, approved the minutes of the October 14, 2014 Regular Council Meeting. Roll call vote of those present was unanimous; Lotter absent.

4. PUBLIC HEARING PROCEDURE

Vice Mayor Bolin informed the public of the Town Council's public hearing procedures.

5. PUBLIC HEARINGS

Community Development Director reported to Council regarding the public hearing concerning the Planning Commission recommendation to amend the Paradise Municipal Code, and informed Council that if adopted by the Town Council as proposed, the amendment would add a new category of merchandise (prefabricated storage sheds and carports) that is exempt from outdoor merchandise display regulations contained within PMC Chapter 17.06.

Vice Mayor Bolin opened the public hearing at 6:15 p.m. There were no speakers on the matter and Vice Mayor Bolin closed the public hearing.

- 5a. **MOTION by Rawlings, seconded by Jones**, (1) Concurred with the project "CEQA determination" finding adopted by the Planning Commission

on October 21, 2014, and embodied within Planning Commission Resolution No. 14-6; (2) Waived the first reading of Town Ordinance No. 550 and approved reading by title only; and (3) Introduced Town Ordinance No. 550, "An Ordinance Amending Section 17.06.940 Within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones". Roll call vote was of those present was unanimous; Lotter absent. (540-16-119)

6. PUBLIC COMMUNICATION – None.

7. COUNCIL CONSIDERATION

Following a report from Town Engineer Marc Mattoon the Downtown Paradise Safety Project, Vice Mayor Bolin opened the matter for public comment.

1. Claudia Benike asked if the traffic lights have been synchronized.

Town Engineer Mattox stated that he is still monitoring the synchronization during peak hours for final adjustments.

- 7a. **MOTION by Culleton, seconded by Rawlings**, adopted Resolution No. 14-49, A Resolution of the Town Council of the Town of Paradise Accepting The Work Performed Under the Downtown Paradise Safety Project (CONTRACT NO. 13-02). Roll call vote was of those present was unanimous; Lotter absent. (510-20-81 & 950-40-19)
- 7b. **MOTION by Jones, seconded by Culleton**, rejected all bids received relating to Contract 14-03, Paradise Signal Upgrades Project and authorized staff to re-advertise the project immediately. Roll call vote was of those present was unanimous; Lotter absent. (950-40-22)
- 7c. **MOTION by Culleton, seconded by Rawlings**, (1) Concurred with staff's recommendation of L&L Surveying to perform professional topographic surveying and mapping services for four Federal Aid projects; (2) Approved the Professional Services Agreement with L&L Surveying; and, (3) Authorized the Town Manager and Town Mayor to execute the document. Roll call vote was of those present was unanimous; Lotter absent. (Project will be funded by a combination of federal funds with a 10% match from Town Capital Improvement Project funds.) (950-40-21, 22, 23 & 24, 510-20-89)
- 7d. **Council concurred to continue the consideration of the "Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 8.04 Relating to Public Nuisance Abatement" to the regular Council Meeting scheduled for January 13, 2015 in order to invite public comment on the matter.** If adopted, the proposed text amendments would result in changes to the Town's Public Nuisance Abatement regulations (PMC Chapter 8.04) to more clearly articulate the purpose of the regulations and essentially expand upon the current list of conditions and circumstances that would constitute an unlawful public nuisance in the

Town of Paradise, primarily be placing a greater emphasis upon maintenance of private property in a manner that does not significantly affect the use, enjoyment and value of other adjacent and nearby property.

- 7e. **MOTION by Jones, seconded by Culleton**, (1) Concurred to amend proposed Paradise Municipal Code Section 5.11.010 by adding the words "*as a public agency or ...*" in the second sentence after the words "on the same site": (2) Concurred with the project "CEQA determination" finding made by the Town Planning Director; (3) Waived the reading of entire Ordinance No. 551 and approved reading by title only: and, (4) Introduced Ordinance No. 551, An Ordinance Amending Text Regulations within Paradise Municipal Code Chapter 5.11 Relating to Vending, Hawking, Peddling and Sales. Roll call vote of those present was unanimous; Lotter absent. If adopted, the amendments would result in changes to the Town's vending, hawking and peddling to limit sales from private property that is not a fixed place of business to food concessions (prepared food and drinks, produce, etc.) and flowers. (540-16-120)
- 7f. **MOTION by Culleton, seconded by Rawlings**, approved recommended budget adjustments which will decrease the General Fund net income and reserves by \$10,429. Roll call vote of those present was unanimous; Lotter absent. (340-40-13)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member Jones attended two Planning Commission meetings, two Downtown Beautification meetings, the swear-in ceremony for the two new Police Officers and the Veterans Day ceremony in Paradise.

Council Member Culleton attended the Veterans Day ceremony in Paradise, and informed that the Ice Rink and the Cowboy Poetry events are occurring this weekend.

Council Member Rawlings attended the Butte County Air Quality Management District board meeting as the alternate, the Planning Commission meeting, the Veterans Day ceremony in Paradise where he presented a wreath from the Town of Paradise to honor the Paradise veterans, and assisted with putting up the flags for Veterans Day.

Vice Mayor Bolin attended the swear-in of the two new Police Officers and thanked Matt Thompson and Paul Derr for their donations to the Town as noted on the consent calendar.

- 8b. Discussion of future agenda items – None.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports – None.
- 9b. Community Development Director Baker reported that a second Dollar General store has opened on Clark Road, Big Five is open on Skyway at Maxwell Drive, Verizon permits are issued for a cell tower at Pentz and Wagstaff, Safeway is developing a site at Skyway and Black Olive for a new store that will include a fueling station, demolition permits for the dilapidated buildings at Pearson and Skyway have been renewed, a purchase agreement for the Skyway Lodge has been executed and a parcel map for two acres zone Commercial located across from the Paradise Post is under review.
- 10a. At 7:45 p.m. Vice Mayor Bolin announced that pursuant to Government Code Section 54956.9(d) (1), the Town Council will hold a closed session with the Town Attorney and the Town Manager 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.

Vice Mayor Bolin reconvened the meeting at 8:20 p.m.

Town Attorney Moore announced that the Town Council gave direction to oppose the motion relating to the pending litigation.

11. ADJOURNMENT

Vice Mayor Bolin adjourned the meeting at 8:21 p.m.

DATE APPROVED: December 9, 2014

By: _____/s/_____
Greg Bolin, Vice Mayor

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