

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – March 10, 2015**

1. OPENING

The March 10, 2015 Regular Meeting was called to order by Mayor Greg Bolin at 6:01 p.m. in the Paradise Council Chamber located at 5555 Skyway, Paradise. Following the Pledge of Allegiance to the Flag of the United States of America, Vice Mayor Jody Jones offered an invocation.

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight Moore, Finance Director Gina Will, Housing Supervisor Kate Anderson, Assistant Town Clerk Dina Volenski, Community Development Director Craig Baker, Building Official/Fire Marshal Tony Lindsey, Town Engineer Marc Mattox, Onsite Official Doug Danz, Police Chief Gabriela Tazzari-Dineen, Human Resources/Rish Manager Crystal Peters and North Division Chief David Hawks.

- (1) Council Members John J. Rawlings, on behalf of the Town Council, presented a Certificate of Appreciation to Michael Wilson for donation of funds to the Paradise Animal Shelter that he requested in-lieu of receiving gifts for his 13th birthday. (180-40-26)
- (2) Marc Mattox, Public Works Director/Town Engineer, introduced Martin Villanueva of Cal Trans, who provided a Power Point presentation of the California Department of Transportation (Caltrans) State Route 191 Project Scope and its effect on the Town.
- (3) Colette Curtis, Administrative Analyst, presented a Power Point to display the newly redesigned Town of Paradise website that provides citizens an option to obtain and pay for burn permits online.
- (4) Mayor Greg Bolin presented the Town Council recognitions to employees for the years of service to the Town as follows:

TWENTY-FIVE YEAR

David Cruz – Public Works

FIFTEEN-YEAR

Shelley Hernandez – Finance
Claude (Bud) Parrott – Fire Dept.
Robert Pickering – Police Dept.
Diana Hall – Police Dept.

TEN-YEAR

Kevin Peppas – Public Works

Deborah Cook – Onsite

Susan Hartman – Community Development Dept.

Robert Larson – Onsite (630-20-22)

FIVE-YEAR

Meghan McGee – Police Dept

- (5) The Volunteers in Police Services (VIPS) 2014 Annual Report was presented by Community Services Officer Charlie Rollo who highlighted the 9,700 hours of volunteer service provided by the VIPS for an approximate cost savings of \$122,000, the equivalent of 4.7 full-time employees. (480-60-09)

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.**3. CONSENT CALENDAR**

Mayor Bolin called for public comment cards for the consent calendar.

Tom Kelly commented on item 3c relating to the Fire Safe Council, and Ward Habriel commented on item 3d, the public nuisance abatement ordinance.

Following a MOTION by Jones, seconded by Culleton, all consent calendar items were approved as presented by unanimous roll call vote – all council members present .

- 3a1. Approved the Minutes of the February 10, 2015 Regular Town Council meeting.
- 3a2. Approved the Minutes of the February 24, 2015, 3:30 p.m. Special Meeting - Budget Priority Setting Session.
- 3a3. Approved the Minutes of the February 24, 2015, 6:00 p.m. Special Meeting - Citizen Oversight Committee appointments.
- 3b. Approved February 2015 cash disbursements in the amount of \$1,760,717.94. (310-10-30)
- 3c. (1) Approved the elimination of the Paradise Fire Safe Council as an official “advisory committee” to the Town Council; and, (2) Acknowledged that wildland fire safety is a common goal of the Town and the Paradise Fire Safe Council and that to the extent possible, both organizations will share resources whenever possible to meet this goal. (440-70-01)
- 3d. (1) Waived second reading of the entire Town Ordinance No. 555 and approve reading by title only; and, (2) Adopted Town Ordinance No. 555, "An Ordinance Amending Text Regulations within the Paradise Municipal Code Chapter 8.04 Related to Nuisance Abatement." The text

amendments were developed in response to increasing concerns regarding blighted properties in the Town and were designed to more effectively promote the health, safety and general welfare of the public by requiring a level of maintenance of private property to protect the livability, appearance and economic stability of neighborhoods and commercial areas of the Town. (540-16-124)

- 3e. (1) Acknowledged receipt of the 2nd Quarter Investment Report for the Fiscal Year Ending June 30, 2015; and, (2) Approved the revised Administrative Investment Policy No. 140. (360-30-06, 110-10-20, 110-10-32 & 360-30-02)

4. PUBLIC HEARING PROCEDURE

Mayor Bolin referred the public to the following Town Council adopted 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

- 5a. Administrative Analyst Colette Curtis reported to Council regarding the Draft Community Development Block Grant (CDBG) 2015-2020 Consolidated Plan and the Draft CDBG 2015-2016 Annual Plan. CDBG funds are awarded for the purpose of community development activities directed toward revitalizing neighborhoods, economic development and providing improved community facilities and services.

Mayor Bolin opened the public hearing at 6:36 p.m. There were no speakers on the matter and Mayor Bolin closed the public hearing at 6:36 p.m. Final action is scheduled for the April 14, 2015 Council Meeting.

- 5b. Community Development Director Craig Baker reported to Council regarding the Planning Commission recommendation for the Town Council to consider approving an ordinance that, if adopted, would result in text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the text amendments would add a new residential use to the off-street parking requirements (senior housing) within PMC Chapter 17.38 and add a definition for "senior housing" to PMC Chapter 17.04.

Mayor Bolin opened the public hearing at 6:40 p.m. There were no speakers on the matter and Mayor Bolin closed the public hearing at 6:40 p.m.

MOTION by Lotter, seconded by Rawlings, (1) Waived the first reading of Town Ordinance No. 556 and approved reading by title only; and, (2) Introduced Ordinance No. 556, "An Ordinance Amending Chapters 17.04 and 17.38 of the Paradise Municipal Code Relative to Senior Housing". Roll call vote was unanimous; all members present.

6. PUBLIC COMMUNICATION

1. Ward Habriel invited participation in the Gold Nugget Days melodrama, informed of public education materials available on the Paradise Irrigation District website relating to water use, and encouraged water conservation measures by local leaders to set an example for the community.
2. Thomas Wahl stated that he does not think the matter of dangerous trees is adequately addressed in the Town's municipal code, informed the Council of his experience with his neighbor's tree falling onto his property and that he disagrees with the Building Official's opinion relating to what he believes to be a retaining wall on his property.

7. COUNCIL CONSIDERATION

- 7a. Public Works Director/Town Engineer Marc Mattox and North Division Chief David Hawks reported to Council regarding the updated evacuation plan and the Town's updated evacuation traffic control plan.

Mayor Bolin opened the matter for public comment.

1. Thomas Wahl thanked the Town for improving the evacuation plan.
2. Tom Kelly stated that the boundary changes that were made based on geography rather than on the location of the road make sense, and that he is appreciative of the mutual cooperation between agencies relating to fire safety plans for the Paradise ridge.

MOTION by Jones, seconded by Lotter, adopted Resolution No. 15-05, A Resolution Adopting an Updated Town of Paradise/Upper Ridge Fire Evacuation Plan. Roll call vote was unanimous; all members present. (440-05-23)

MOTION by Jones, seconded by Lotter, adopted Resolution No. 15-06, A Resolution Adopting an Updated 2014 Paradise Evacuation Traffic Control Plan. Roll call vote was unanimous; all members present. (440-05-23)

- 7b. Following a report by Northern Division Chief David Hawks regarding the Butte County Community Wildfire Protection Plan, Mayor Bolin opened the matter to public comment.

1. Tom Kelly stated that the various Fire Safe Councils have made over 200 community outreach presentations and that adoption of the plan will open up many doors to grant opportunities to maintain the fire safety for our community.

MOTION by Culleton, seconded by Rawlings, supported the county-wide Butte County Community Wildfire Protection Plan (CWPP) as the comprehensive document outlining fire-protection planning & engineering, fire protection education and fuel reduction work; and authorized the Mayor to sign the plan as a signatory on behalf of the Town of Paradise and the Paradise Fire Department. Roll call vote was unanimous; all members present. (440-60-14)

- 7c. Northern Division Chief David Hawks reported to the Council regarding the 2015 Drought Status and outlook for fire season. Chief Hawks informed the Council that California is entering its fourth year of drought and the outlook is dismal. Rainfall is 75% of normal, snowfall is 15-17% of normal and summer staffing will be implemented on June 8, 2015. It is most likely that outdoor burning will be suspended on April 1, 2015. No action was requested of Council. The presentation was for information only. (440-05-26)
- 7d. Public Works Director/Town Engineer Marc Mattox reported that the Council is requested to approve the actions on the agenda in order for the Town to remain eligible for the Active Transportation Program (ATP) grant funding for the Safe Routes to School (SR2S) Pearson Road Connectivity Project and the SR2S Maxwell Drive Project. Council is requested to identify the projects and to designate an official to execute the Program Supplement Agreements.

Mayor Bolin opened the matter for public comment.

1. Ward Habriel requested clarification on the cost of the two projects, as there appears to be an error on the agenda that states the same cost for each. Mr. Mattox informed that the SR2S Pearson Road project cost is \$1,388,000 and the SR2S Maxwell Drive project cost is \$968,000.

2. Thomas Wahl stated that he is happy to hear that something is going to be done to improve the roads, discussed a problem that is occurring with a drain located in the roadway front of his property on Pearson Road and that he hopes something can be done during the upcoming project to fix it.

Following a **MOTION by Rawlings, seconded by Jones**, by unanimous roll call vote (no members absent), the Council took the following actions:

- (1) Approved the CalTrans Administering Agency-State Master Agreement No. 00449S for State-funded projects;
- (2) Approved the Program Supplement Agreement No. 0M61 Rev 000 to Administering Agency-State Agreement No. 00449S for State-Aid Project ATPL-5425 (029) to assure receipt of \$1,388,000 in state funds. *Pearson Rd Safe Routes to School (SR2S) Connectivity Project*.
- (3) Approved the Program Supplement Agreement No. 0M62 Rev 000 to Administering Agency-State Agreement No. 00449S for State-Aid Project ATPL-5425 (030) to assure receipt of \$968,000 in state funds. *Maxwell Dr Safe Routes to School (SR2S) Project*;
- (4)(a) Adopted Resolution No. 15-07, A Resolution Authorizing the Town Manager or her designee to Sign Program Supplement Agreement No 0M61 (**Pearson Rd. SR2S**) to the Administering Agency-State Agreement for State Funded Projects Corresponding to Project No. ATPL 5425 (029); and, (950-40-25)
- (4)(b) Adopted Resolution No. 15-08, A Resolution Authorizing the Town Manager, or her designee, to Sign Program Supplement Agreement No. 0M62 (**Maxwell Dr. SR2S**) to Administering Agency-State Agreement for State Funded Projects Corresponding to Project No. ATPL 5425 (030). (950-40-26)
- (5) Concurred with staff recommendation to file a CEQA Notice of Exemptions for the Pearson Rd SR2S Connectivity Project and Maxwell Dr SR2S Projects.

Roll call vote was unanimous; no members absent.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Mayor Bolin read a statement into the record regarding the request for the Town Council to consider adopting a motion to remove Chairman Michael Zuccolillo from the Paradise Planning Commission effective immediately, in that Commissioner Zuccolillo knowingly and in willful disregard of local law moved into a building that does not have a valid septic operating permit and is continuing to occupy the building in spite of warnings, citations and fines. Mayor Bolin stated that because Mr. Zuccolillo is acting in disregard for the local ordinances and ethics policies adopted by the Town Council, he is making the motion to remove him from the Planning Commission.

Following a **MOTION by Bolin, seconded by Jones**, to remove Chairman Michael Zuccolillo from the Paradise Planning Commission effective immediately, Mayor Bolin opened the matter for public comment.

1. Ward Habriel stated that he was in support of the ethics policy, that he does not believe this circumstance warrants removal action as Mike is not doing business at the location, that he only has a presence there, that he believes that Michael Zuccolillo is a well-respected businessman in the community and that this matter is one that should not have been aired in public.

2. Michael Zuccolillo stated that he received no notification that this matter was on the agenda, that he first heard about it from the press, that there was no information in the packet, that he has been diligent in his service on the Planning Commission, that he relied on verbal assurances that he could occupy the building and is doing his part to revitalize the downtown by occupying a building that has been vacant for ten years, and that he believes this action is the result of his disagreeing with the Downtown Safety Project, his dissent about Measure C and how the committee was formed, and the upcoming 2016 Election.

Town Attorney Moore stated that there is no requirement to provide information in the packet, that there is a requirement to state clearly on the agenda what the item is and action to be taken, and, that persons serving on a Council appointed board serve at the pleasure of the Council.

The roll call vote on the motion to remove Michael Zuccolillo from the Planning Commission was unanimous.

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

Vice Mayor Jones reported that she and Town Manager Gill met with Assemblyman James Gallagher and with the Butte County Association of Government lobbyist to discuss the sewer project; that she attended BCAG and BCAQMD meetings and that BCAG will be contacting the Town with a request to extend the Joint Powers Authority for two years to accommodate the finalization of the Habitat Conservation Plan.

Council Member Lotter reported that he attended the City Selection and the LAFCo meetings, that he was appointed to serve another four-year term on LAFCo, and that LAFCo is working on annexations for the City of Oroville and the City of Chico is addressing annexation of an area to correct improper sewer connections.

Council Member Rawlings attended the Downtown Beautification meetings, discussed the proposed banner program for the downtown area, that a refrigerator was donated anonymously to the Animal Control Department, discussed the League of California Cities quarterly meeting schedule and noted that Jennifer Robbins was promoted to the position of Animal Control Supervisor.

8c. Discussion of future agenda items:

Town Clerk will advertise for applicants for the current and upcoming Planning Commission vacancies and bring an agenda item to the April 14, 2015 meeting.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports – None.

9b. Community Development Director oral reports

The Planning Commission conducted four public hearings, three for development projects and one for a cell tower.

10. CLOSED SESSION

At 7:55 p.m. Mayor Bolin announced the following:

10a. Pursuant to Government Code Section 54956.9(d) (1), 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.

10b. 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.

Mayor Bolin reconvened the meeting at 8:35 p.m. Town Attorney Moore announced that direction was given, no action taken in closed session.

11. ADJOURNMENT

Mayor Bolin adjourned the meeting at 8:36 p.m.

Date approved: April 14, 2015

By: _____/s/_____
Greg Bolin, Mayor

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