

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – January 13, 2015**

1. OPENING

A Regular Meeting was called to order at 6:00 p.m. by Mayor Greg Bolin 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, an Invocation was offered by Council Member Steve “Woody” Culleton.

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

COUNCIL MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Town Clerk Gutierrez, Town Manager Gill, Town Attorney Moore, Business and Housing Services Supervisor Anderson, Finance Director Will, Assistant Town Clerk Volenski, Human Resources Manager Peters, Community Development Director Baker, Town Engineer Mattox, Building Official/Fire Marshal Lindsey, Police Chief Tazzari-Dineen, Unit Chief McFadden, North Division Chief Hawks, and Battalion Chief Lawrie.

Presentations: (1) The Boys and Girls Club “Cigarette Butt Kickers” reported to Council regarding effects of second hand smoke and other issues related to smoking and requested that the Town Council include regulations relating to unenclosed areas, such as public parks, and to expand on the regulations banning smoking in doorways of all buildings, public and private.

(2) Cal Fire/Paradise Fire North Division Chief David Hawks presented information to the Town Council relating to improvements at the Sawmill Peak Lookout Tower by the installation of web cams and explained the operation of these cameras.

(3) Police Chief Tazzari-Dineen recognized the following Paradise Police Department Employee/Volunteers of the Year:

- Officer of the Year, Tiffany Larson
- Dispatcher of the Year, Carol Ladrini
- Civilian Employee of the Year, Shawn Jordan
- Volunteers in Police Services (VIPS) Volunteer of the Year, Karen Horne
- Paradise Animal Shelter Helped (PASH) Volunteer of the Year, Mary Rudolph

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Culleton, seconded by Rawlings, approved the consent calendar as presented, items 3a – 3h as follows:

- 3a. Approved the minutes of the December 9, 2014, Regular Council Meeting.
- 3b. Approved cash disbursements for December 2014 in the amount of \$628,092.06. (310-10-30)
- 3c. Approved the Amended and Restated lease of Town of Paradise Fire Station #83 to First Responder Emergency Medical Services, Inc. to more clearly define areas of responsibility and authorized the Mayor and Town Manager to execute the amended agreement. (510-20-83)
- 3d. Acknowledged receipt of the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2015. (360-30-06)
- 3e. Adopted Resolution No. 15-02, A Resolution of the Town Council of the Town of Paradise Authorizing Town Manager to Execute Agreements With the State Board of Equalization for Implementation of a Local Transactions and Use Tax. (530-10-052 & 510-20-93))
- 3f. Approved additional assistance in the Business & Housing Department by hiring Cathy Messenger on an hourly, temporary basis. The cost will be funded by associated Cal Home and HOME grant funds received by the Town for First Time Home Buyer (FTHB), Owner-Occupied Rehabilitation (OOR) and Tenant Based Rental Assistance (TBRA) programs. (650-05-01)
- 3g. (1) Waived the second reading of entire Ordinance No. 552 and approve reading by title only; and, (2) Adopted Ordinance No. 550, An Ordinance Amending Section 10.02.060 (C) of the Paradise Municipal Code regarding Vehicular Speed Limits. (540-16-121)
- 3h. Adopted Resolution No. 15-03, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager to execute a Memorandum of Understanding between the City of Chico, City of Oroville, City of Gridley and the Town of Paradise for AB-109 funds. Funds are to offset costs of front line law enforcement necessitated by AB-109 State legislation that shifted certain prison responsibilities from the State to the counties. (480-20-08)

4. PUBLIC HEARING PROCEDURE

Mayor Bolin informed the public of the procedure for public hearings.

5. PUBLIC HEARINGS

- 5a. Following a report from Community Development Director Craig Baker, Mayor Bolin opened the public hearing regarding the Planning Commission recommendation that the Town Council amend the text regulations in the Paradise Municipal Code relating to residential density bonuses at 6:35 p.m. There were no speakers on the matter and Mayor Bolin closed the hearing at 6:35 p.m.

MOTION by Lotter, seconded by Jones, concurred with the project “CEQA” determination” finding adopted by the Planning Commission on October 21, 2014 and embodied within Planning Commission Resolution No. 14-05; waived the reading of entire Ordinance No. 553 and approved reading by title only; and, introduced Ordinance No. 553, An Ordinance Amending Text Regulations Within Chapter 17.44 regarding Residential Density Bonuses. Roll call vote was unanimous.

The amendments will modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in California State Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

- 5b. Town Manager Gill reported to Council regarding the 2015-2020 Community Development Block Grant Program (CDBG) Consolidated Plan and the 2015-2016 CDBG Annual Plan. The Town is required to develop a Consolidated Plan every five years to continue to receive grant funding from the U. S. Department of Housing and Urban Development. A second hearing will be held on March 10, 2015 at 6:00 p.m. and adoption scheduled for April 14, 2015.

Mayor Bolin opened the public hearing at 6:38 p.m. to solicit comments and/or suggestions regarding the 2015-2020 Consolidated Plan and the 2015-2016 Annual Plan. There were no speakers and Mayor Bolin closed the public hearing at 6:38 p.m.

MOTION by Jones, seconded by Lotter, approved the formation of a public services sub-committee to consider input and requests for public services funding and appointed Council Member Culleton and Council Member Rawlings to serve on the committee to determine whether or not to recommend changes to the levels of funding for the 2015-2016 program year. Roll call vote was unanimous.

6. PUBLIC COMMUNICATION

1. Diane Graves stated that she was at the meeting to re-introduce herself as a representative of the Skate and Bike Park Committee and to let the Council

know that they have not given up on the project. Ms. Graves gave the Council a brief history of the evolution of the Skate and Bike Park which more recently was to be included as part of the Paradise Community Village development, which did not occur, and stated that she thinks there is still a need for a Skate and Bike Park and wants to include the Town, the Paradise Recreation District and the schools in the planning process.

2. Logan Pendergast stated he thinks that skateboarding is a popular activity for youth and for adults up to age 32 and that he would like to make the Council aware that there is a desire to have a skate and bike park facility and asked if the Council would place this matter on their agenda.
3. Tom Kelly stated that he would like to make Council aware of the progress made since 2004 on the Doe Mill and Whiskey Flats bridges, that Doe Mill was poured last week and should be finished in February and the Whiskey Flats bridge is in the process of being rebuilt.
4. Sandy Abrams stated that she thinks the speaker system in the Council Chambers is inadequate and that she did not hear any of the Council discussion that was not directed into the microphones.

7. COUNCIL CONSIDERATION

Following a report from Town Clerk Gutierrez regarding the formation of the Citizen Oversight Committee, Mayor Bolin called for public comment.

1. Ward Habriel stated that he believes people should not be afraid or uncomfortable in coming forward to be interviewed at a public meeting when applying for appointment to a committee, that he is in favor of transparency in every step of this appointment process and that he would like to see at least thirty-six applicants apply for this nine-member committee.
2. Tom Kelly stated that he does not think that the citizen oversight committee is necessary at all as he believes the elected officials were elected to make these decisions, that the Council has a Manager and a Finance Director to rely upon and that he thinks the Council is doing a good job.

The Town Council stated that Ordinance No. 545 as approved by the voters directs that the Town Council form a Citizen Oversight Committee that shall meet at least quarterly to make a recommendation to the Council relating to the allocation of Measure C revenue, the one-half percent (0.05%) retail sales tax that will automatically expire in six years.

- 7a. **(1) MOTION by Culleton, seconded by Rawlings**, designated Mayor Bolin and Council Member Lotter to serve as a sub-committee to screen applications and interview applicants for the Measure C Citizen Oversight

Committee for the purpose of providing a written recommendation for full Council review of their top twelve applicants for the oversight committee; authorized staff to assist the two Council Members in scheduling the dates and times for interviews; and, set a special meeting to occur on February 24, 2015, at 6:00 p.m. in the Town Council Chamber for the Town Council to review the recommendation of the sub-committee and to make appointments to establish the nine-member Measure C Citizen Oversight Committee. Roll call vote was unanimous. (395-70-15)

(2) MOTION by Jones, seconded by Culleton, concurred to amend the proposed oversight committee by-laws resolution to clarify that the committee shall meet at least quarterly, that substitutes are not allowed, and that a chairperson shall be selected on an annual basis; and, adopted Resolution No. 15-04, A Resolution of the Town Council Approving By-laws for the Governance of the Measure C Citizen Oversight Committee. Roll call vote was unanimous. (395-70-15)

- 7b. **MOTION by Lotter, seconded by Jones**, awarded Contract 14-03 Paradise Signal Upgrades Project, to Pacific Excavation of Elk Grove, CA in the amount of their bid of \$254,619.00, for the base bid only. Roll call vote was unanimous. (510-20-94 & 950-40-22)
- 7c. Following a report from Attorney Moore regarding proposed amendments to the Paradise Municipal Code relating to regulation of smoking and electronic cigarettes, Mayor Bolin called for public comment.
 - 1. DeAnne Blankenship, California Health Collaborative, thanked the Boys and Girls Club for their presentation to the Council earlier in the meeting, handed out information packets to the Council Members and thanked the Town Council Members for having the discussion regarding smoking regulations and for the proposed option that includes doorways as a natural extension of a smoke-free environment. She also informed the Council that compliance with not smoking in doorways is increasing with education and signage and are self-enforcing by the public.
 - 2. Alvin Abrams stated that e-cigarettes contain aerosol which contains carcinogens and that many drugs approved by the FDA are later found to be unsafe.
 - 3. Ellen Michels, speaking as a Paradise resident and not as a Butte County employee, stated that the FDA is looking at regulating certain aspects of the smoking devices but not at where e-cigarettes can be used, and is glad that the Council is looking at regulating e-cigarettes, that it makes sense to make other changes at the same time, and that entryways would be a good consideration as walking through secondhand smoke can trigger both asthma and heart attacks.

4. Elion Abrams stated that he works at United Health Care where no smoking is allowed, not even in the parking lots and that there are 7,764 flavors available for the smoking devices (vapors) and believes they are aimed to engage minors, and that these vapors contain aerosols, not just water.
5. Sandy Abrams stated that she is encouraging Council to consider applying the pre-cautionary principle, to err on the side of caution, i.e., to wait until something is proven to be safe, rather than take action after something is proven to be unsafe.
- 7c. **MOTION by Lotter, seconded by Culleton**, waived the first reading of Town Ordinance No. 554 and approved reading by title only. Roll call vote was unanimous.

MOTION by Lotter, seconded by Culleton, introduced Ordinance No. 554, An Ordinance of the Town of Paradise Amending Sections 8.46.020, 8.46.040 and 8.46.060 Regulating Smoking and Electronic Cigarettes. Ayes of Culleton, Jones, Lotter and Mayor Bolin; no of Rawlings. The regulations include parks, doorways and e-cigarettes.

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Vice Mayor Jones reported on her attendance at the Butte County Association of Governments (BCAG) meeting, and that the Butte Regional Conservation Plan (RCP) is near adoption. VM Jones also attended Downtown Destination committee meetings, a public nuisance abatement committee meeting where changes were made based on public comment, a ribbon cutting for the Downtown, the open house for Fire Station 81 and will be attending a League of California Cities (LCC) Public Works and Transportation Policy Committee meeting on Friday.

Council Member Culleton reported that the Paradise Recreation and Park District (PRPD) ice rink is officially closed, had no committee meetings to attend and that the LCC Employee Relations Policy Committee meets Thursday.

Council Member Lotter reported on his attendance at the open house for Fire Station 81 and thanked the Alliance Kingdom Builders, John Wolfe, Modern Building and the fire crews for the work accomplished on the facility. CM Lotter will be attending the LCC Public Safety Policy Committee meeting on Thursday and LAFCo was cancelled for this month.

Council Member Rawlings reported on his attendance at the ribbon cutting for the HSIP project (Downtown Paradise Safety Project) and for the donation of furniture from

Rotary for the downtown beautification and the Fire Station 81 open house. CM Rawlings stated that he is very proud of the fire station. CM Rawlings also attended the Airport Sustainability meeting and will be attend the LCC Employee Relations Policy Committee meeting on the 14th, 15th and 16th of this month.

Mayor Bolin reported on his attendance at the Downtown Ribbon Cutting and Fire Station open house and thanked the Fire Department for hosting the open house, and that he had no committee meetings to attend.

8b. Discussion of future agenda items

Council Member Culleton requested that the anonymous mail policy that was approved in the early 1980's be placed on the February 10, 2015 agenda as he believes the reason for the policy no longer exists.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

Manager Gill reported that she attended the January 22, 2015 Regional Economic Forecast conference.

9b. Community Development Director oral reports

Community Development Director Baker updated Council on the following:

- Safeway is evaluating the proposed site for a new store
- Demolition of three buildings at Skyway/Pearson is scheduled to occur on January 14th
- A development agreement for the Skyway property that was previously the Carousel Hotel has been executed and is to be rehabilitated with single family dwelling units
- A parcel map for four commercial parcels at 5400 Clark is under review but currently is not complete.
- A proposed for a walk-in fitness center is being evaluated for location at 6189 – 6197 Skyway
- Roundtable Pizza is remodeling the facility at 6083 Clark Road, an upgrade and addition of a pub, but no increase in seating. This update has been successful in Chico.

10. CLOSED SESSION

- 10a. At 8:20 p.m. 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.

At 8:32 p.m. Mayor Bolin reconvened the meeting and Attorney Moore announced that no action was taken in closed session and that the Town Council received an update on the Kallunki matter.

11. ADJOURNMENT

Mayor Bolin adjourned the Council Meeting at 8:35 p.m.

DATE APPROVED: February 10, 2015

By: _____/s/_____
Greg Bolin, Mayor

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