

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 13, 2014**

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Scott Lotter at 6:05 p.m. in the Town of Paradise Council Chamber located at 5555 Skyway, Paradise, California. Following the pledge of allegiance, Town of Paradise Council Member Steve “Woody” Culleton offered the invocation.

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 L. Moore, Housing Program Supervisor Kate Anderson, Finance Director Gina Will, Assistant Town Clerk Dina Volenski, Human Resources Manager Crystal Peters, Building Official/Fire Marshal Anthony Lindsey, Associate Civil Engineer Marc Mattox, Public Works Manager Paul Derr, Fleet Manager Wes Dinsmore, Acting Police Chief Steve Rowe, Division Chief David Hawks, and Battalion Chief Curtis Lawrie.

- (1) Mayor Lotter proclaimed May as Emergency Preparedness Planning Month.
- (2) Mayor Lotter noted the Certificate of Appreciation for Jamie Hartley & Laura Nelson of WTS for Street Sweeping Services during Gold Nugget Days Parade, who were not present at the meeting.
- (3) Mayor Lotter recognized Eagle Scouts Andrew Hasek, who built a stone grotto for the Blessed Virgin Mary at St. Thomas More Catholic Church and Joseph Vandor II for constructing game booths for Paradise Recreation and Park District.
- (4) Doug Speicher of Northern Recycling & Waste Management (NRWS), the Town’s franchised solid waste, recycling and vegetative waste services provider, presented the 2013 Annual Solid Waste & Recycling Report (940-10-20)

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Bolin, seconded by Jones, approved all consent calendar items 3a through 3g as presented. Roll call vote was unanimous.

- 3a. Approved the Minutes of the April 8, 2014 Regular Meeting and the April 22, 2014 Special Meeting.

- 3b. Approved Cash Disbursement Report for April 2014 in the amount of \$690,966.46. (310-10-30)
- 3c. Approved the 2013/2014 Annual Maintenance Contract with Chico State University (CSU) Research Foundation on behalf of the Geographical Information Center (GIC) for Geographic Information Services in the amount of \$10,000.00. The GIC provides both basic and specialized data maintenance, such as spatially referenced road, parcel, land use, zoning, aerial images, drainage, and topography data. Additionally, the GIC provides the Paradise Fire Department with updated Map Books and Dispatch with the most current parcel and road data to aid with dispatch. (C06-22)
- 3d. Approved request by Patricia Babcock, a representative of the Babcock Family of Paradise, to adopt a portion of the Memorial Trailway, from Princeton Way to Neal Road. (950-18-07)
- 3e. Authorized the rejections of all bids received for repair of the T-81 Spartan 75' Quint Fire Ladder Truck and authorized the Fleet Manager to re-issue the bid notice. (440-30-04)
- 3f. Approved an agreement for professional services contract for pre-employment background Investigations with K.P. Research Services and authorized the Town Manager to execute the agreement. (510-20-77)
- 3g. Approved postponing appointment of the Planning Commission vacancy to the June 10, 2014 Council Meeting to allow for the pre-appointment meeting to take place. (760-45-12)

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

- 5a. Council concurred to continue the public hearing relating to an appeal of a Planning Commission decision filed by Dana and Denise Bettis that was previously continued from the March 11, 2014 Town Council meeting to the May 13, 2014 Town Council meeting to August 12, 2014, to allow the Planning Commission and the Town Council opportunities to consider and possibly adopt

Zoning Code text amendments regarding fences, gates and other barriers within private road easements.

6. PUBLIC COMMUNICATION

1. Shelley Dutro stated that she was here to speak against the location of the Blaze-n-J's Smoke Shop on Skyway across from the Boys and Girls Club, that she is against the type of merchandise that is being sold in the store, that she thinks the Town of Paradise has an ordinance against drug paraphernalia, and asked the Town Council to review this matter.
2. Ward Habriel thanked Council Member Culleton for his assistance during the Gold Nugget melodrama.

7. COUNCIL CONSIDERATION

Council Member Jones stated that she will be abstaining from the discussion and vote on agenda item 7a relating to approval of three Active Transportation Program (ATP) grant applications.

- 7a. **MOTION by Rawlings, seconded by Culleton**, adopted Resolution No. 14-08, A Resolution Supporting the Submission of Three Grant Applications for the California Department of Transportation Active Transportation Program (ATP) Cycle 1 "Call for Projects". Ayes of Bolin, Culleton, Rawlings and Mayor Lotter; abstention of Jones. (490-80-04)

Approval authorized application for (1) Pearson Road Safe Routes to School (SR2S) Connectivity Project - (Pearson between Skyway & Academy Drive), (2) Maxwell Drive SR2S Project (Maxwell between Elliott & Skyway), and (3) Downtown Paradise Equal Mobility Project - (Skyway between Pearson & Elliott). ATP projects are 100% funded.

- 7b. **MOTION by Jones, seconded by Culleton**, approved the Program Supplement Agreement Nos. 012-N, 013-N, 014-N and 015N to Administering Agency-State Agreement No. 03-5425R for Federal-Aid Projects to assure receipt of federal funds (in an approximate amount of \$2.4 million); and, adopted the following four resolutions numbered 14-09, 14-10, 14-11 and 14-12 by unanimous vote. Adoption also approved the 10% funding match that will be budgeted between local gas tax and local transportation funds. Roll call vote was unanimous.

(1) Resolution No. 14-09, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager or her Designee to sign the Program Supplement Agreement No. 13-N to Administering Agency-State Agreement for Federal Aid Project No. HSIPL-5425 (025) - \$1,082,900 for Cypress Curve Realignment. Roll call vote was unanimous. (950-40-21)

(2) Resolution No. 14-10, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager or her Designee to sign the Program Supplement Agreement No. 15-N to Administering Agency-State Agreement for

Federal Aid Project No. HSIPL-5425 (026) - \$282,000 for the Paradise Signal Upgrade Project. Roll call vote was unanimous. (950-40-22)

(3) Resolution No. 14-11, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager or her Designee to sign the Program Supplement Agreement No. 14-N to Administering Agency-State Agreement for Federal Aid Project No. HSIPL-5425 (027) - \$490,000 for the Pearson Road Shoulder Widening Project. Roll call vote was unanimous. (950-40-23)

(4) Resolution No. 14-12, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager or her Designee to sign the Program Supplement Agreement No. 12-N to Administering Agency-State Agreement for Federal Aid Project No. HSIPL-5425 (028) - \$372,200 for the Clark Road Safety Enhancements. Roll call vote was unanimous. (950-40-24)

- 7c. Town Engineer Marc Mattox reported to Council regarding the Downtown Paradise Safety project stating the objective of the project is to address existing safety issues along Skyway between Vista Way and Elliott Road. Engineer Mattox discussed the public outreach accomplished, project timelines, the dangers of the current design, collision statistics that merited award of the HSIP grant, and explained the proposed pedestrian and motorist safety enhancements and specific counter measures such as addition of pedestrian bulb-outs, flashing beacons, signal coordination and a reduction of through vehicle lanes.

Mayor Lotter opened the matter for public comment.

1. Johnny Farris stated that he is against the project, that he doesn't think the plan will work, that the City of Redding did a similar project that he thinks ruined the town and that everyone he has talked to is against the project.
2. Tom Brannon stated that he is a civil engineer working in transportation, teaches traffic and transportation at Chico State, lives in Paradise and is familiar with the problems on Skyway, and that he believes that this type of project will be successful as it has been proven to be so in other communities, that it will make the main street safer.
3. Ward Habriel stated that it is important to recognize this has gone on for six months, that it was important that there was this much public involvement, that the issue of accidents is not really being addressed as human behavior causes the accidents, that petitions have been turned in with signatures against the project, and that he would like to see more traffic enforcement built into the plan and asked what the Town has done to make streets safer for pedestrians.
4. Scott Memmott stated that he supports the project and shared incidents wherein he has been a victim of the unsafe conditions on Skyway, and that it is unclear if traffic is slowing to turn left or is stopping for pedestrians.

5. Jon Remalia asked if the project does not solve the problems what will it cost to take it out, is the net benefit of adding enhancements worth the cost of the project and that he thinks it was poor planning to bring this project forward during an election year.
6. Efren Robinson stated that he supports the project, that it is something that is needed in the Town, that he owns a business on Skyway, that his customers fear parking in front of his store on the street, and it is hard to park on the side because of the curb, that he sees all positive and nothing negative about the project as it helps make the Town safer.
7. Chuck Rough stated that he is representing the Paradise Citizens Alliance, read a letter of support for the project into record, and stated that the group examines both public and private issues to determine if they will add to the quality of life for the citizens of Paradise within economic reason, that the group believes the benefits of the project outweigh the possible negatives, but the group is concerned about the lack of landscaping plans for the project.
8. Doug Speicher, stated that he supports the project, that he thinks it is time for the Town to make the improvements, he is pleased with the results of the Pearson Road project which he initially opposed, that when their garbage trucks stop on the Skyway motorists automatically assume the stop is to pick up trash rather than for a pedestrian and there have been numerous near misses, and that he fully supports the project.
9. Barry Stein stated that he has always been a proponent of the project not only because he owns a business and a building in the downtown, but because he sees every day the number of accidents that occur and asked the Council to vote in favor of the project.
10. Marilyn Stein stated that as a business owner she does not believe the project will affect their business, whether a motorist goes 30 or 50 mph will not affect their decision where to shop, and that she would gladly spend an extra five minutes to get through Town if it saved another person's life.
11. Mildred Eiselin stated that she had never heard of the survey to reduce the traffic lanes from four to two on Skyway, that she has not seen more than one person crossing Skyway since the last meeting she attended, that she doesn't think it will increase the business in the downtown, and that she is very concerned how this will affect evacuation during wildland fires.
12. James Clarkson stated that he is a business owner of a store located on Pearson Road that went from four lanes to two lanes, that the result has changed the environment in a very positive manner, that traffic has slowed down, that he has learned to be a more patient driver, that the street is safer

to drive on and that the difficulties experienced during construction were very worth the end result.

13. Kim Giha stated that she is a new business owner at Pearson and Skyway, that she supports the project, and she would like to see a better walking area for the shops in the downtown, that her mother was injured in an accident in the downtown and believes that if this project had been completed the accident would not have happened.

14. Acting Police Chief Rowe stated that the Police Department supports the project, there can be no doubt there will be added safety for vehicles and pedestrians and that there will be a significant reduction of speed in the downtown area. Acting Chief Rowe stated that high speeds in the downtown is one of the most frequent complaints received by the Police Department, that the project has been carefully researched by qualified and competent engineers, is based on proven models with additional safety features added, that he has confidence in the design and that he believes the project will be as successful as the Pearson Road project has proven to be.

15. Division Chief David Hawks stated that he affirms the Fire Department support for the project, that the design for one lane each way slows traffic and reduces the amount of injury accidents that occur. Chief Hawks stated that, in the event of a wildland fire, traffic bottlenecks will be avoided through use of strategic evacuations.

16. Mayor Lotter read a letter of support into the record at the request of the author, Jim Broshears, retired Paradise Fire Chief and owner of a business in the project area.

- 7c. **MOTION by Lotter, seconded by Rawlings**, adopted Resolution No. 14-13, A Resolution of the Town Council of the Town of Paradise approving the Plans, Specifications and Estimates for the Downtown Paradise Safety Project and authorizing advertisement for bids on the project. Roll call vote was unanimous. (950-40-19)

[The project includes the implementation of three safety-related treatments including signal coordination, enhanced crosswalks and a road diet, in accordance with the Highway Safety Improvement Program (HSIP) grant.]

Mayor Lotter called for a recess at 8:15 p.m. and reconvened the meeting at 8:25 p.m.

- 7d. **MOTION by Culleton, seconded by Jones**, approved a Streetlight Service Agreement for Skyway – Vista Way to Memorial Way and authorized the Town Engineer to execute subject Agreement. Roll call vote was unanimous. The three new streetlights are to be installed under Federal-Aid project HSIPL 5425 (024) Downtown Safety Project and will be located adjacent to new crosswalks as follows: Skyway at Town Hall, Skyway at Honey Run Road and Skyway at Wildwood Lane. (950-40-19 & 510-20-78)

- 7e. (1) Waived the reading of entire proposed Ordinance No. 542 and approved reading by title only; and, (2) Introduced Ordinance No. 542, An Ordinance amending Sections 5.19.030 and 5.19.031 regarding Taxicab Business Licenses. The amendment would delete the provision in the code that allows for the issuance of a 30-day temporary business license to a taxicab business owner/operator. (540-16-111)
- 7f. Town Manager Gill informed Council that adoption of Ordinance No. 540 will result in a ballot measure being placed on the November 4, 2014, general election ballot and will provide an opportunity for the voters to decide if they would like to make an investment in the community. Revenue from the measure would be controlled 100% at the local level and would enable the Town to address critical public safety and infrastructure needs within the Town.
- (1) **MOTION by Rawlings, seconded by Culleton**, waived reading of entire Ordinance No. 540 and approved reading by title only. Roll call vote was unanimous. (540-16-110)
- (2) **MOTION by Rawlings, seconded by Culleton**, adopted Ordinance No. 540, An Ordinance of the Town Council of the Town of Paradise 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)

Ordinance No. 540 proposes a one-half percent (0.50%) transactions and use tax that would be placed on the November 4, 2014 election ballot.

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Vice Mayor Bolin reported that he worked with the Gardening groups, the outdoor merchandise ordinance will be going forward to the Planning Commission, and that he participated in the Day of Prayer event at the park.

Council Member Rawlings reported that he presented a proclamation recognizing the Chocolate Fest at the event on May 10th.

Council Member Culleton reported that he attended BCAG and BCAQMD board meetings; was a King candidate in the Chocolate Festival fund raising event; was the announcer at the Gold Nugget Days parade, and will attend the next LCC Quarterly Division meeting.

Council Members Jones reported that she attended the Butte County Water Advisory Commission meetings, had a meet and greet booth and the Chocolate Festival and that compliments were given to staff for good trailway maintenance.

Mayor Lotter reported that he attend the LAFCo board meetings, the swear-in ceremonies for two public safety dispatchers, the Memorial; Day Ceremony and the local task force meeting.

Council Members Rawlings and Culleton invited participation in the purchase of a wreath to present at the Memorial Day ceremonies from the Town.

8b. Discussion of future agenda items.

Council Member Bolin stated that he would like to revisit the business license issue.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager Gill reported that design approval of Big 5 has been accomplished.

9b. None.

10. CLOSED SESSION

At 9:10 p.m., Mayor Lotter announced the Town Council would hold the following closed sessions:

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), that 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.

Mayor Lotter reconvened the meeting at 9:35 p.m. and announced that the following actions were taken in closed session relating to agenda item 10a, employment agreements for Town of Paradise employee associations, groups and/or units.

(1) **MOTION by Jones, seconded by Bolin**, adopted Resolution No. 14-14, A Resolution Approving a Memorandum of Understanding Agreement (relating to employment) for the Paradise Confidential/Mid-Management Association effective July 1, 2014 through June 30, 2015. Roll call vote was unanimous.

(2) **MOTION by Jones, seconded by Bolin** adopted Resolution No. 14-15, A Resolution Approving a Memorandum of Understanding Agreement (relating to employment) for the Paradise General Employees Unit effective July 1, 2014 through June 30, 2015. Roll call vote was unanimous.

(3) **MOTION by Jones, seconded by Bolin**, adopted Resolution No. 14-16, A Resolution Approving a Memorandum of Understanding Agreement (relating to employment) for the Paradise Management Group effective July 1, 2014 through June 30, 2015. Roll call vote was unanimous.

(4) **MOTION by Jones, seconded by Bolin**, adopted Resolution No. 14-17, A Resolution Approving a Memorandum of Understanding Agreement (relating to employment) for the Paradise Police Mid-Management Unit effective July 1, 2014 through June 30, 2015. Roll call vote was unanimous.

(5) **MOTION by Jones, seconded by Bolin**, adopted Resolution No. 14-18, A Resolution Approving a Memorandum of Understanding Agreement (relating to employment) for the Paradise Police Officers Association effective July 1, 2014 through June 30, 2015. Roll call vote was unanimous.

No action was taken relating to agenda item 10b, Town vs. Kallunki.

11. ADJOURNMENT

Mayor Lotter adjourned the meeting at 9:40 p.m.

Date Approved: June 10, 2014

By: _____/s/_____
Scott Lotter, Mayor

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