

**MINUTES**  
**PARADISE TOWN COUNCIL**  
**REGULAR MEETING – 6:00 PM – December 09, 2014**

**1. OPENING**

The December 9, 2014, Council Meeting was called to order by Mayor Scott Lotter at 6:00 p.m. 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, Council Member John Rawlings offered an 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, Finance Director Gina Will, Community Development Director Craig Baker, Building Official/Fire Marshal Anthony Lindsey, Police Chief Gabriela Tazzari-Dineen, Butte Unit Chief Greg McFadden, North Division Chief David Hawks, Assistant Town Clerk Dina Volenski, Housing Supervisor Kate Anderson, Town Engineer Marc Mattox, Public Works Manager Paul Derr and Code Enforcement Officer Rick Trent.

(1) Building Official/Fire Marshal Anthony Lindsey displayed a power point that showed the before and after pictures of Fire Station 81 and again thanked the Alliance Kingdom Builders (AKB) and the other organizations that supported the volunteer effort relating to the Fire Station 81 Reroof & Repairs Project

(2) Mayor Lotter reported on accomplishments achieved under this term as Mayor including the following:

New Commercial Businesses: Celestino’s Pizza, Feather River Hospital endoscopy clinic, two Dollar General Stores, Big 5, AT&T and Verizon Towers

Blighted Property/Nuisance Abatement: Egg Roll Express demolition complete, demolition permit for buildings at Skyway/Pearson, Crestview property resolved, Center Street Apartments resolved, and Carousel Motel in process. Collaborated with businesses and Chamber of Commerce for an acceptable outdoor merchandise display ordinance that reduced the amount of merchandise stores could display outside building to eliminate look of blight in Town.

Staffing: Police Department recruitment incentive program boosted hiring. Dispatch Supervisor transition is in progress. Hiring of a part-time animal control officer is in process. Animal Control has increased hours at the shelter, an improved licensing process and recipient of facility improvements through volunteer efforts. Paradise Fire Department transition to Cal Fire is complete, including transition of division and unit chiefs.

Facility Improvements: Animal Control facility and Fire Station 81 were both improved by community volunteer efforts, including AKB (fire station) and PASH and Rotary (Animal Control).

Road Projects: Downtown Skyway Safety Project and the ensuing beautification project for the downtown. Mayor Lotter thanked Paradise Rotary for a street furniture grant of \$10,000 and PG&E for 36 new planters with trees/shrubs for the downtown corridor (over \$18,000). The Town obtained four new Highway Safety Improvement Project (HSIP) grants:

1. Signal preemption and backup battery
2. Wagstaff/Clark intersection improvements
3. Cypress Curve
4. Pearson Road shoulder widening

The Town applied for and was awarded two Active Transportation Program (ATP) Grants this year (100% funded):

1. Pearson Rd Safe Routes to school (SR2S) Connectivity Project - \$1,388,000
2. Maxwell Dr SR2S Project - \$968,000

The total allocation to the Town is \$2,356,000 reimbursed at 100%.

Housing Assistance: Received \$1 Million Dollar Home Grant Award for housing programs. By the end of 2014, the Housing department will have **assisted 22 households** during this calendar year, eleven first-time homebuyers and eleven owner-occupied rehabilitation projects. A total of **\$581,769.32 in loans/grants**; \$429,350 in First Time Home Buyer loans and \$152,419.32 in owner occupied rehabilitation loans/grants have been extended through the programs.

Community Events: Party in the park in partnership with the Chamber of Commerce, the Paradise Ice Rink at the Recreation and Park District, and the Arlan Hudson Make a Difference work day.

Budget: The Council adopted a balanced budget and provided a ballot measure for the citizens to decide whether or not a temporary ½ percent retail sales tax that automatically expires after six years should be implemented. The ballot measure passed and the Council is forming a nine-member citizen oversight committee in order that the community may engage in the process to allocate "Measure C" revenues.

(3) **MOTION by Rawlings, seconded by Bolin**, adopted Resolution No. 14-50, A Resolution Reciting the Facts of the General Municipal Election Consolidated with the Statewide General Election held on November 4, 2014, Declaring the Result and Such Other Matters as Provided by Law. Roll call vote was unanimous. (530-10-45)

Jody Jones and Scott Lotter were each elected to a four-year term of office and the Town's Ordinance No. 545 was adopted by the voters, approving a 1/2 percent retail sales tax that will automatically expire in six years.

(4) Town Clerk Gutierrez presented of Certificates of Election and administered the Oaths of Office to Jody Jones and Scott Lotter.

(5) Town Clerk opened nominations for the position of Mayor for a one-year term commencing December 9, 2014 and ending December 8, 2015.

Council Member Culleton nominated Greg Bolin.

**MOTION by Culleton, seconded by Jones**, closed the nominations for position of Mayor. Council vote was unanimous.

Roll call vote on the nomination for Greg Bolin to serve a one-year term as Mayor beginning December 9, 2014 and ending December 8, 2015: Ayes of Culleton, Jones, Rawlings and Lotter; abstention by Bolin. Greg Bolin received a majority vote and will serve as Mayor. The Mayor serves as the presiding officer at Council meetings and is responsible for maintaining order at the meetings; executes certain documents approved by the Town Council, such as contracts, resolutions and ordinances and warrants drawn on the town treasury; and, represents the Town at various ceremonial events. The Mayor and Vice Mayor also review and approve requests for proclamations.

Town Clerk Gutierrez opened nominations for the position of Vice Mayor for a one- year term commencing December 9, 2014 and ending December 8, 2015.

Council Member Culleton nominated Jody Jones.

Council Member Lotter nominated John Rawlings.

**MOTION by Culleton, seconded by Lotter**, closed the nominations for position of Vice-Mayor. Roll call vote was unanimous.

Roll call votes on the nomination for Jody Jones to serve a one-year term as Vice-Mayor beginning December 9, 2014 was unanimous. Jody Jones will serve as Vice-Mayor and act on behalf of the Mayor in his absence.

(6) Presentation to Scott Lotter recognizing his year of service as Mayor of Paradise.

## **2. ITEMS DEFERRED FROM PREVIOUS MEETINGS** – None.

## **3. CONSENT CALENDAR**

Following a **MOTION by Culleton, seconded by Jones**, consent calendar items 3a – 3h were approved as presented:

3a. Approved the Minutes of the 11/12/14 Regular Council Meeting.

3b. Approved cash disbursements for November 2014 in the amount of \$1,748,001.15. (310-10-30)

- 3c. (1) Waived second reading of the entire Town Ordinance No. 550 and approved reading by title only; and, (2) Adopted Town Ordinance No. 550, "An Ordinance Amending Section 17.06.940 within the Paradise Municipal Code Regarding Exterior Displays of Merchandise in Commercial Zones. The intent of the proposed ordinance is to add prefabricated storage sheds and carports as a category of merchandise that would not be subject to outdoor merchandise display area limitations currently in place in the Town. (540-16-119)
- 3d. (1) Waived second reading of the entire Town Ordinance No. 551 and approved reading by title only; and, (2) Adopted Town Ordinance No. 551, "An Ordinance Amending Text Regulations within Paradise Municipal Code Chapter 5.11 Related to: Vending, Hawking, Peddling and Sales." The intent of the proposed ordinance is 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)
- 3e. (1) Authorized the award of contract for Snow Plow Equipment for Public Works Vehicle #5 for the sum of \$6,664.97 to SNOQUIP, Inc. of West Sacramento; and, (2) Authorized the award of contract for Pickup Truck size Sanding Unit for the sum of \$5,426.70 also to SNOQUIP, Inc. of West Sacramento. (380-45-52)
- 3f. Ratified the Town-PG&E Stearns-DeMille Paving Agreement executed on November 5, 2014 which accepts \$218,000 in funds for the purposes of a complete roadway overlay in the subject project area. (510-20-90)
- 3g. Accepted donation of exterior paint from Kelly-Moore Paints of Chico for the Paradise Fire Station #81 valued at \$2,900.00. (395-50-13 & 440-65-021)
- 3h. Ratified the contract with Modern Building Company of Chico, California, dated October 24, 2014, for the 2014 Paradise Fire Station 81 Emergency Repairs Project in the amount of \$105,041.02, accepted the work as complete and authorized the filing of a Notice of Completion for the project. (440-65-021 & 510-20-91)

#### **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 – None.**

## **6. PUBLIC COMMUNICATION**

1. Katie from the Boys & Girls Club stated that she belongs to the “Cigarette Butt Kickers” and that this group has been working to make our community safer and healthier by collecting evidence from parks, observing businesses and educating the public regarding the dangers of second-hand smoke by participating at events such as the Farmers Market. Katie asked if their group could be on the January agenda to address this issue and discuss their progress.
2. Phil Kelley congratulated Mayor Greg Bolin for all of his achievements in the Town of Paradise.

## **7. COUNCIL CONSIDERATION**

- 7a. Council appointed Council Representatives to various local committees and commissions per the exhibit attached to these minutes. (120-10-10)
- 7b. **MOTION by Lotter, seconded by Culleton**, (1) Authorized the Town Clerk to advertise for applicants to serve on a nine-member Citizen Oversight Committee as required by Paradise Municipal Code Section 3.22.075; and (2) Set the application deadline for January 22, 2015 at 5:00 pm and tentatively scheduled appointments for the February 10, 2015 Council Agenda. Roll call vote was unanimous. (395-70-15)

Following a motion by Culleton, seconded by Jones, to nominate Mayor Bolin and Council Member Lotter to serve on a sub-committee to screen applications and interview applicants, Town Attorney Moore informed Council that because the action to form a sub-committee of two Council members is not on the agenda, he recommends that the Council schedule the action on the January 13, 2015 Council meeting agenda.

Council directed staff to bring the matter of formation of the Measure C Citizen Oversight Committee back to the January 13, 2015 Council meeting in order that the Council may appoint a sub-committee of two Council members to screen applications and to interview applicants, and for the Council to further discuss details of the process, such as including the number of applicants and alternate applicants for the sub-committee to include in their recommendation to the Council.

- 7c. **MOTION by Lotter, seconded by Rawlings**, (1) Waived the reading of entire Ordinance No. 552 and approved reading by title only; and, (2) Introduced Ordinance No. 552, An Ordinance Amending Section 10.02.060 (C) of the Paradise Municipal Code regarding Vehicular Speed Limits. Roll call vote was unanimous. (540-16-121)
- 7d. **MOTION by Lotter, seconded Jones**, adopted Resolution No. 14-51, A Resolution of the Town Council of the Town of Paradise, California, Reporting Unexpended Development Impact Fees in Accordance with Government Code Section 66001 and 66006. Roll call vote was unanimous. (740-10-13)

- 7e. **MOTION by Lotter, seconded by Culleton**, approved general fund budget adjustments which will increase net income and increase the ending fund balance by \$53,856. Roll call vote was unanimous. (340-40-13)

## **8. COUNCIL COMMUNICATION (Council Initiatives)**

- 8a. Council Member Culleton stated that he met with the Boys and Girls Club group, the Cigarette Butt Kickers, who are working with the American Lung Association to expand on the State law that outlaws smoking in the entry ways of public buildings to include the entry ways of all buildings. Council Member Culleton also informed that he has met with the Town Attorney and that he would like the Town Council to consider directing staff to amend the regulations in Paradise Municipal Code 8.46 to ban the smoking of e-cigarettes and other electronic smoking devices in public places to further protect an individual's right to fresh air.

Public comment:

1. Ward Habriel stated that he does not think there is any need to wait to ban vapor cigarettes, that he thinks it is a bad habit that is not healthier than smoking cigarettes, shared his experiences with persons smoking e-cigarettes (vap'ing) at the racetrack and at a home and garden show, and that the vapors from these devices are just as bothersome as cigarette smoke.

2. Ellen Michels stated that she is speaking as a Paradise resident because she is a Butte County Public Health employee and cannot advocate one way or another on this issue. Ms. Michels informed Council that she is available as a resource to share facts, and there are three issues relating to electronic cigarettes: (1) There is not enough information to say that the vapors are not harmful. The FDA is looking at regulating the devices and not where the devices can be used. The e-juice in the vapors is attractive to children and there has been a five-fold increase in poisoning of children from these devices; (2) Allowing these smoking devices in public will undermine the efforts to ban smoking in public places, as the devices are used where cigarettes are banned, rather than as a means to help people to quit smoking; and, (3) The advertising for these devices targets another generation of youth to use nicotine.

**Council concurred** to direct staff to bring back amendments to the regulations to update the Paradise Municipal Code Chapter 8.46 to update the code to reflect State law, e-cigarette and other vaporizing paraphernalia and vapor lounges.

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

Vice Mayor Jones attended a Town Hall meeting at the Paradise Alliance Church to hear the "Fire at Sawmill Peak" presentation, three Destination Downtown meetings and informed that progress is being made on a logo and a ribbon cutting is scheduled for January 10, 2015 at 3:00 p.m. VM Jones also met with the Town Manager regarding the sewer project and attended the Water Advisory Committee meeting and was updated on the groundwater status report for the Board of Supervisors to be presented on February 10, 2015. Vice Mayor Jones was appointed by the League of California Cities president to serve on the Transportation Policy Committee.

Council Member Culleton organized a Cowboy Poetry fund raiser for the Gold Nugget Museum and informed that the ice rink is not nearly as successful this year as it was last year due to the rainy weather.

Council Member Lotter attended the VIPS Appreciation Dinner and informed Council that Karen Horne was honored as VIP of the Year. CM Lotter also attended the LAFCo board meeting and that LAFCo has issues with the City of Chico and the 62 illegal sewer connections that have been allowed.

Council Member Rawlings attended two Downtown beautification meetings and the PASH Fund Raiser at Town Hall.

Mayor Bolin attended the Truck Parade.

## **9. STAFF/COMMISSION/COMMITTEE COMMUNICATION**

9a. Town Manager oral reports: None.

9b. Community Development Director oral reports: None

## **10. CLOSED SESSION**

- 10a. At 8:30 p.m. Mayor Bolin announced that pursuant to Government Code Section 54956.9(d) (1), the Town Council would 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 Bolin reconvened the meeting at 8:50 p.m. Town Attorney Moore announced that Council was updated on the pending litigation against Rose Kallunki, et. al., and that no action was taken in the closed session.

## **11. ADJOURNMENT**

Mayor Bolin adjourned the Council Meeting at 8:50 p.m.

DATE APPROVED:

By: \_\_\_\_\_/s/\_\_\_\_\_  
Greg Bolin, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk



## 2015 TOWN COUNCIL REPRESENTATION

### 2015 REPRESENTATION

#### BUTTE COUNTY COMMITTEES/COMMISSIONS

<b>BUTTE COUNTY</b>		<b>Bolin</b>	<b>Culleton</b>	<b>Jones</b>	<b>Lotter</b>	<b>Rawlings</b>
1	Air Quality Management District			Rep		Alt
2	Association of Governments			R		A
3	City Selection Committee (Mayor)	R				
4	Disaster Services Council (Mayor)	R				
	Local Area Formation Commission (LAFCo) (Lotter through 5/2015 – Appointed by City Selection Committee)					
5	Waste Mgt Local Task Force		R		A	
6	Water Advisory Committee (4-year term)		R			
7	City/County Ad Hoc Committee	R		R		
8	Lake Oroville Supplemental Benefits Funds- Alternate: Citizen Sam Dresser					R

#### LOCAL COMMITTEES/COMMISSIONS

<b>PARADISE</b>		<b>Bolin</b>	<b>Culleton</b>	<b>Jones</b>	<b>Lotter</b>	<b>Rawlings</b>
1	Paradise Community Village				R	
2	Paradise Irrigation District Liaison	R				R
3	Paradise Rec. & Park District Liaison	R	R			
4	Onsite Ad Hoc Committee	R			R	
5	Investment Committee (Mayor & Council Member)	R		R		
6	Oversight Board to Successor Agency (Mayor Appointment )		R			