

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – January 14, 2014**

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Scott Lotter at 6:02 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 Steve “Woody” Culleton offered an invocation.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, John J. Rawlings, Timothy Titus (arrived at 6:05 pm) and Scott Lotter, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Gina Will, Community Development Director Baker, Building Official/Fire Marshal Lindsey, Police Chief Gabriella Tazzari-Dineen, Town Engineer Marc Mattox, Assistant Town Clerk Dina Volenski, Public Works Manager Paul Derr, IT Manager Josh Marquis.

Presentation: Following a presentation by Greg Iturria and Kory Honea of Butte County relating to the Town collecting a Development Impact Fee for jail impacts on behalf of Butte County, Council concurred to direct staff to bring back the draft agreement for collection of the fee to the next Council meeting.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Titus, seconded by Bolin, approved all items on the consent calendar as presented. Roll call vote was unanimous.

- 3a. Approved the Minutes of the December 10, 2013, Regular Council meeting.
- 3b. Approved Cash Disbursements in the amount of \$1,227,743.99.
- 3c. Waived second reading of the entire Town Ordinance No. 535 and approved reading by title only; and, adopted Town Ordinance No. 535, "An Ordinance Rezoning Certain Real Property From Community Services (CS) to Central Business (CB) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (PL12-00020; Gilkey)".

- 3d. (1) Waived the second reading of Town Ordinance No. 536 and approve reading by title only; and, (2) Adopted Town Ordinance No. 536, "An Ordinance Amending Section 10.02.060 of the Paradise Municipal Code Regarding Vehicular Speed Limits".
- 3e. (1) Waived second reading of the entire Town Ordinance No. 537 and approve by reading and title only; and, (2) Adopted Town Ordinance No. 537, "An Ordinance Adding Chapter 10.38 to the Paradise Municipal Code relating to Pedestrians Using Crosswalks in Identified Zones ".
- 3f. Adopted Resolution No. 14-01 authorizing the Mayor to execute a legal services agreement with Douglas R. Thorn relating to public nuisance abatement lawsuits.
- 3g. Acknowledged receipt of the annual Northern California Cities Self Insurance Fund (NCCSIF) Annual Report.
- 3h. Accepted donation from Paradise Community House to the Town's Animal Control operation in the amount of \$600.00.
- 3i. Accepted donation of \$382.00 from Jeff Rolls Logging for the Tree Replacement fund, 7623.00.0000.5203 to offset costs for dead tree replacement within the Town right of way.

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. Mayor Lotter opening the public hearing at 6:32 p.m. regarding the Town's Community Development Block Grant Funding for the 2014-2015 program year to solicit input and public comments.
 - 1. Town Manager Gill stated Dan Wentland asked her to inform the Senior Center is interested in putting in an application, as he would be late to the Council Meeting.

2. Stan McEtchin discussed the matter of vehicles traveling in excess of the speed limits.
3. Sara Bates stated she had a pleasant experience that ties to the CDBG process and thanked the Council for the walkability assessment.

Mayor Lotter closed the hearing at 6:35 p.m.

As a HUD established entitlement community, the Town of Paradise receives annual Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development (HUD). As a condition of funding, the Town must establish an Annual Plan, or budget, outlining how the community will use its CDBG funds. The second public hearing is scheduled for February 11, 2014 and final action on April 8, 2014.

6. PUBLIC COMMUNICATION

1. Ward Habriel stated that the Paradise Garden Club has planted an additional 6,000 or more daffodil bulbs in public areas, that they are seeking more areas to plant and will be concentrating on Pearson Road.
2. Tom Kelly discussed the high fire risk in the community due to the extremely dry weather conditions and stated the Fire Safe Council is mapping out areas of scotch broom for removal and will be presenting the Fire on the Ridge event earlier this year.
3. Stan McEtchin stated that he would like funding to get the brush in Paradise removed and asked if more citizens could get involved and advocated for more education on making properties fire safe.

7. COUNCIL CONSIDERATION

- 7a. Town Engineer Mattox and Traffic Works Consultant Loren Chilson reported to Council regarding the Downtown Paradise Safety Project. The Downtown Paradise Safety Project aims to substantially increase motorist and pedestrian safety along Skyway between Vista Way and Elliott Road, primarily within the Downtown corridor of Pearson Road and Elliott Road. The one-million dollar project is grant funded through the Highway Safety Improvement Program administered by the California Department of Transportation with a local 10% matching commitment. This grant was awarded to the Town of Paradise in October of 2012 and finalized by Town Council in April 2013.

Mayor Lotter opened the matter of Downtown Paradise Safety Project along Skyway between Vista Way and Elliott Road to public comment.

1. Ward Habriel stated that he sees an expensive project with no public education component and that the company he used to work for disallowed their use of a center turn lane as it was deemed to be unsafe.
 2. Loren Harvey spoke against the proposed design and asked how people exiting commercial establishments could merge across these lanes.
 3. Mike Zuccolillo stated that he would like to know if more flashing beacons could be installed.
 4. Dan Wentland spoke against center turn lanes because of the high volume of traffic that travels up and down Skyway and would like more public input allowed on the matter.
 5. Tom Kelly complimented the presenters, stated that bump-outs slow traffic and allow spaces for parking, likes the islands, asked if there is any way this could be conducted as a test – could it be undone once it is done – that he doesn't like the flashing lights by the Boys and Girls Club and would like to see stop signs at the crosswalks.
 6. Joe Gorbea suggested combining revitalization and beautification at the same time and provide safe islands with trees and landscaping to slow traffic.
 7. Sara Bates asked Council to remember simple fixes to current walkways, especially access from the bike path and to consider the people who aren't able to drive a vehicle.
 8. Stan McEtchin stated that he would like the speed limit lowered on Clark Road between Pearson and Buschmann on Highway 191.
 9. Marvin DeBrunyer stated that he likes the proposal, that the traffic problem on Skyway has been a problem for years and begins at the Crossroads on the edge of Town and thinks the traffic should be slowed down way before the plan states.
 10. Rae Lynk stated that she does not like the flashing light at the crosswalk by the Boys and Girls Club as she has a smaller car and cannot see the lights when a large car is parked at the intersection and would like the signs elevated or suspended in the crosswalk.
- 7a. MOTION by Titus, seconded by Bolin,** authorized staff to proceed with final design and public outreach regarding the Transportation & Safety Study prepared by Traffic Works for the Downtown Paradise Safety Project along Skyway between Vista Way and Elliott Road. Roll call vote was unanimous. **Note:** A final design is planned for presentation at the May Town Council Meeting.

Town Manager Gill reported to Council regarding the seven citizen advisory committees appointed by the Town Council that are currently active, a copy of which is attached as Exhibit A. Of the seven committees, the Building/Fire Code Appeals Board is the only committee required by a state mandate. The two committees that meet on a regular basis are the Planning Commission and the Fire Safe Council. The remaining four, the Access Appeals Board, the Development Impact Fee Adjustments Board, the Paradise Economic Development Commission and the Tree Advisory Committee, are required by the Town's Paradise Municipal Code or by Town Council Resolution and meet on an as needed basis. Mayor Lotter opened the matter to public comment.

1. Dan Wentland stated that he agrees with eliminating subcommittees and agrees that the Planning Commission could meet as needed.
2. Loren Harvey stated that he doesn't see the wisdom of a part-time Planning Commission and suggested keeping the Planning Commission with a regular meeting date.
3. Fred Aldred stated that he is representing the Paradise Tea Party and is against eliminating the Planning Commission as it would eliminate the appeal process.
4. Joe Gorbea stated that he agrees with keeping the Planning Commission and Fire Safe Council and eliminating the remainder of the committees.
5. Steven Luca stated that he agrees with Joe Gorbea's statement.
- 7b.** Council concurred to direct the Town Manager to meet with the Town Attorney regarding the process of eliminating the Access Appeals Board, the Development Impact Fee Adjustments Board, the Paradise Economic Development Commission and the Tree Advisory Committee.
- 7c.** Town Manager Gill reported to Council regarding the three options available to fill the upcoming vacancy on the Town Council due to the pending resignation of Councilmember Timothy Titus in accordance with California Government Code Section 36512. The three options are: (1) Appoint a resident to fill the vacancy, term to expire December 9, 2014; (2) Call a special election to fill the vacancy; or, (3) Choose to not appoint and leave the position vacant.

Following Council discussion, Mayor Lotter opened the matter to public comment.

1. Fred Aldred stated that he and the Paradise Tea Party support an application and public appointment process to fill the upcoming vacancy.

2. Ward Habriel stated that he supports appointment to fill the upcoming vacancy
3. Stephen Gook'on stated that he support and application and public appointment process.
4. Joe Gorbea stated that he doesn't think any group can dictate how Council should do their job.
5. Loren Harvey stated that he started the Paradise Patriots, his retirement goal is to be involved in the community, thinks the community is on the fence and suggested that the Council not appoint any person who was rejected in an election.
6. Martin Nichols stated that he thinks it is extremely important that the process be through application and appointment to provide transparency.
7. Rae Lynk stated that she is impressed with the Council that the people have voted for and that the Council has the ability to appoint.
- 7c. Council concurred to direct staff to place the appointment of a resident to fill the upcoming vacancy created by the pending resignation of Council Member Timothy Titus on a special meeting agenda for January 16, 2014 and to invite the three residents who have indicated an interest in the appointment to the January 16th meeting: April Grossberger, Jody Jones and Michael Zuccolillo.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council concurred to defer annual appointments for Council representation on various local and regional committees/commissions to the next regular Council meeting.

- 8b. Vice Mayor Bolin has a new grandson, Tyson Bolin.

Council Member Rawlings reported on his attendance at the Butte County Air Quality Management District Workshop regarding replacing outdated woodstoves, and on the success of the Town's January 11th rabies clinic. 70 shots were administered and \$700 was taken in.

Council Member Culleton reported that three Council members are appointed to League of California Cities Policy Committees and that the PRPD ice rink project was a very successful venture for the district.

Council Member Titus stated that it has been an honor for him to serve on the Town Council, that he thinks this Council has worked well in serving the community and thanked the Council for the healthy debate on the appointment process to fill the upcoming vacancy due to his pending resignation.

Mayor Lotter attended the swear-in and meet and greet for Jennifer Robbins, Animal Control Officer.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION – None.

10. CLOSED SESSION

- 10a. At 10:02 pm Mayor Lotter announced pursuant to Government Code Section 54956.9(d)(1), that the Town Council will hold a closed session relating to the following pending litigation: Brinkerhoff v. Town of Paradise, U.S. District Court, Eastern District of California, Case No. 2:10-cv-00023-MCE-GGH.

Mayor Lotter reconvened the meeting at 10:20 pm. Town Attorney Moore announced that direction was given to the Town Attorney and no action was taken in closed session.

11. ADJOURNMENT

Mayor Lotter adjourned the Council meeting at 10:20 p.m.

DATE APPROVED: February 11, 2014

By: _____/s/_____
Scott Lotter, Mayor

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