



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
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www.townofparadise.com

Management Staff:

Charles L. Rough, Jr., Town Manager
Dwight L. Moore, Town Attorney
Joanna Gutierrez, Town Clerk
Lauren Gill, Assistant Town Manager
Craig Baker, Community Development Director
Gabriela Tazzari, Acting Police Chief
Rob Cone, Interim Fire Chief
Gina Will, Finance Director/Town Treasurer

Town Council:

Steve "Woody" Culleton, Mayor
Tim Titus, Vice Mayor
Joe DiDuca, Council Member
Scott Lotter, Council Member
Alan White, Council Member

TOWN COUNCIL AGENDA

REGULAR MEETING – 6:00 PM – July 10, 2012

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk.

Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

1. OPENING

- a. Call to Order
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Invocation
- d. Roll Call
- e. Proclamations: None.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

One roll call vote will be taken for all items placed on the consent calendar.

- 3a. Approve the Minutes of the June 5, 2012 Regular Meeting; and the June 7 and the June 20, 2012 Special Council Meeting.
- 3b. Approve Check Register in the amount of \$1,299,503.56.
- 3c. Accept Safety Lighting Conversion work with Republic Intelligent Transportation Services, Inc. and the HVAC Replacement with Sierra Refrigeration, Heating and Air Conditioning as complete and authorize the Town Clerk to file Notices of Completion with the County Recorder's Office with release of payment funds in the amounts of \$44,005.00 and \$10,763.75 following a 35-day lien period provided no liens are filed.
- 3d. Approve amendment to the agreement with Dwight L. Moore for Town Attorney services to reflect a reduction of monthly hours and to extend the term through June 30, 2014 and authorize the Mayor to execute the agreement.
- 3e. Authorize the Mayor and Town Manager to execute the Fifth Amendment to Dismissal and Tolling Agreement between the Town of Paradise and Oak Creek Estates to extend the tolling date to June 1, 2013.
- 3f. Approve Temporary Construction Easement acquisition documents and the agreements for the purchase of these easements across 12 various properties as detailed in the staff report for the Pearson/Recreation Signal Project and (1) Authorize the Town Engineer or Town Manager to execute the "Agreement(s) Between Property Owner and the Town of Paradise" for each and all of the Temporary Construction Easements; (2) Authorize the Town Engineer to execute the Certificate of Acceptance for each and all of the Temporary Construction Easements; and, (3) Approve payment in the amounts and to the various owners cited as detailed on the staff report. This portion of the project is being paid for at 88.78% by Congestion Mitigation Air Quality (CMAQ) funds. The Town's liability is 11.22% of the \$14,250.00 total for TCE acquisition, or \$1,598.85.
- 3g. Approve the "Easement for Public Road and Public Utilities" acquisition and the agreement for the purchase of this easement for the Pearson/Recreation Signal Project and (1) Authorize the Town Engineer or Town Manager to execute the "Agreement(s) Between Property Owner and the Town of Paradise" for each and all of the Permanent Construction Easements; (2) Authorize the Town Engineer to execute the Certificate of Acceptance for each and all of the Permanent Construction Easements; and, (3) Approve payment of \$6,000.00 to the Wilkinson Family Trust, et al. for the Permanent Easement. This portion of the project is being paid for at 88.78% by CMAQ funds. The Town's liability for the right-of-way

portion is 11.22%. For this easement, the Town shall be responsible for \$673.20.

- 3h. Approve the Grant Deed acquisition documents and agreements to purchase easements for the Pearson/Recreation Drive Signal Project, and (1) Authorize the Town Engineer or the Town Manager to execute the "Agreement(s) Between Property Owner and the Town of Paradise" for each and all of the Grant Deeds for the Pearson/Recreation Drive Signal Project; (2) Authorize the Town Engineer to execute the Certificate of Acceptance for each and all of the Grant Deeds; (3) Approve payment in the amounts and to the various owners cited as detailed in the staff report. This portion of the project is being paid for at 88.78% by CMAQ funds. The Town's liability for the Grant Deeds is 11.22% of \$6,620.00, or \$742.76.
- 3i. Approve and authorize the Town Manager to execute a Utility Agreement between the Town and Paradise Irrigation District (PID), as approved by the Town Attorney, for work to be performed by PID for the Pearson/Recreation Drive Signal Project. The subject agreement represents the Town's negotiations with PID and the Federal Highway Administration (FHWA) methodology for reimbursement of PID's work.
- 3j. Adopt Resolution No. 12-__, "A Resolution of the Town Council of the Town of Paradise authorizing the submittal of an application to the California State Department of Housing and Community Development for the funding under the HOME Investment Partnerships Program; and, if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program."
- 3k. Authorize the Town Manager to execute the amendment to the Rolls Anderson Rolls contract for interim engineering services extending the term from July 1 through October 15, 2012 for a cost of \$54,000. The cost of this contract will be paid through a federal CMAQ grant and gas tax funds, with a small amount charged to General Fund, and will be included in the 2012-13 budget. The costs are approximated as follows: CMAQ-\$42,000; Gas tax- \$10,000; and, General Fund-\$2,000.
- 3l. (1) Approve the Plans, Specification and Estimates for Various Asphalt Repairs 2012 project; and, (2) Authorize Development Services staff to advertise the project.
- 3m. Approve the restated and amended 960-hour per fiscal year annuitant contract with Charles L. Rough, Jr. for Town Manager services as submitted to comply with changes requested by CALPERS, and authorize the Mayor to execute the agreement.

4. PUBLIC HEARING PROCEDURE

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
 - 1. Project proponents or in favor of (15 minutes total maximum)
 - 2. Project opponents or against (15 minutes total maximum)
 - 3. Rebuttals - when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS

- 5a. Conduct a public hearing regarding Planning Commission recommendation for Town Council adoption of text amendments to the Town's zoning regulations contained in Paradise Municipal Code Title 17 (Zoning). If adopted, the amendments would affect municipal code sections related to off-street parking regulations and would result in a change in the formula for calculating the amount of off-street parking required for retail services, an adjustment in the threshold for a loading space requirement and the establishment of a formal process by which a reduction in off-street parking requirements could be granted under certain specific circumstances. After the public hearing is closed, Council will consider: (1) Concurring with the project "CEQA" determination finding adopted by the Planning Commission on June 19, 2012 and embodied within Planning Commission Resolution No. 12-01; (2) Waiving the reading of entire Ordinance No. ___ and approve reading by title only; and, (3) Introducing Ordinance No. ___, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.38 Relating to Off-Street Parking Regulations. **(ROLL CALL VOTE)**

6. PUBLIC COMMUNICATION

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

7. COUNCIL CONSIDERATION

- 7a. Consider adopting Resolution No 12-___, A Resolution Authorizing Solicitation and Acceptance of Grant Funding Administered by the Department of Alcoholic Beverage Control and Authorizing the Mayor and the Chief of Police to Execute the Grant . **(ROLL CALL VOTE)**

8. COUNCIL COMMUNICATION (Council Initiatives)

Council oral reports of their representation on Committees/Commissions.

- 8a. Discuss and consider action to change the regular meeting date of the Town Council from the first Tuesday to the second Tuesday of the month; and, (1) Waive reading of entire Ordinance No. ___ and approve reading by title only; and, (2) Introduce Ordinance No. ___, An Ordinance Amending Section 2.08.010 of the Paradise Municipal Code Relating to Regular Meeting Date for the Paradise Town Council. **(ROLL CALL VOTE)**

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager oral reports

10. CLOSED SESSION

- 10a. Pursuant to Government Code Section 54956.9(c), the Town Council will hold a closed session with the Town Attorney to consider initiating litigation, one potential case.
- 10b. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Firefighters Association and the Paradise Police Officers Association.

11. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	

TOWN/ASSISTANT TOWN CLERK SIGNATURE	