

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – July 10, 2012**

1. OPENING

The Regular Meeting of Paradise Town Council was called to order by Mayor Culleton at 6:05 pm. Following the pledge of allegiance to the Flag of the United States of America, the invocation was offered by Council Member White.

COUNCIL MEMBERS PRESENT: Joe DiDuca, Scott Lotter, Tim Titus (arrived at 6:07 pm), Alan White and Steve “Woody” Culleton, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Community Development Director Baker, Public Works Manager Derr, Assistant Town Clerk Volenski, HR/Risk Management Analyst Peters, Interim Fire Chief Cone, Battalion Chief Hasek and Acting Police Chief Tazzari.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

MOTION by DiDuca, seconded by White, adopted the following Consent Calendar items by unanimous vote:

- 3a. Approved the Minutes of the June 5, 2012 Regular Meeting; and the June 7 and the June 20, 2012 Special Council Meetings.
- 3b. Approved Check Register in the amount of \$1,299,503.56. (310-10-28)
- 3c. Accepted Safety Lighting Conversion work with Republic Intelligent Transportation Services, Inc. and the HVAC Replacement with Sierra Refrigeration, Heating and Air Conditioning as complete and authorized 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. (510-20-47 & 510-20-48)
- 3d. Approved 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 authorized the Mayor to execute the agreement. (C93-01)

- 3e. Authorized 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. (C07-24)
- 3f. Approved 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) Authorized 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) Authorized the Town Engineer to execute the Certificate of Acceptance for each and all of the Temporary Construction Easements; and, (3) Approved 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. (950-40-11)
- 3g. Approved 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) Authorized 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) Authorized the Town Engineer to execute the Certificate of Acceptance for each and all of the Permanent Construction Easements; and, (3) Approved 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. (950-40-11)
- 3h. Approved the Grant Deed acquisition documents and agreement to purchase easements for the Pearson/Recreation Drive Signal Project, and (1) Authorized 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) Authorized the Town Engineer to execute the Certificate of Acceptance for each and all of the Grant Deeds; (3) Approved 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. (950-40-11)
- 3i. Approved and authorized 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 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. (950-40-11)

- 3j. Adopted Resolution No. 12-21, "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." (710-10-78)
- 3k. Authorized 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. (510-20-38)
- 3l. (1) Approved the Plans, Specification and Estimates for Various Asphalt Repairs 2012 project; and, (2) Authorized Development Services staff to advertise the project. (510-20-49)
- 3m. Approved 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 authorized the Mayor to execute the agreement. (C96-08)

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

Community Development Director Baker reported to Council regarding the 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.

Mayor Culleton opened the public hearing at 6:12 pm. There were no speakers and Mayor Culleton closed the public hearing at 6:12 pm.

- 5a. **MOTION by Titus, seconded by DiDuca**, concurred with the project "CEQA" determination finding adopted by the Planning Commission on June 19, 2012 and embodied within Planning Commission Resolution No. 12-01; and (2) Waived the reading of entire Ordinance No. 524 (relating to amending the PMC text regulations relating to off-street parking) and approved reading by title only. Roll call vote was unanimous.

MOTION by Titus, seconded by Diduca, introduced Ordinance No. 524, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.38 Relating to Off-Street Parking Regulations. Ayes of DiDuca, Lotter, Titus and Mayor Culleton; no of White. (540-16-93)

6. PUBLIC COMMUNICATION – None.

7. COUNCIL CONSIDERATION

Police Chief Tazzari reported to Council regarding the proposed acceptance of grant funding from the Department of Alcoholic Beverage Control and informed Council that although the original request was for \$70,000 the offer herein is in the amount of \$35,000 and if approved there will be a meeting with ABC to adjust the goals in order to meet the \$35,000 amount. Chief Tazzari stated that the one-year grant would complement the AVOID program and no matching funds are required.

- 7a. **MOTION by White, seconded by Titus**, adopted Resolution No 12-22, 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 was unanimous. (480-20-08)

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. **MOTION by Lotter, seconded by Culleton**, (1) Waived the reading of entire Ordinance No. 525 (relating to changing the regular meeting date of the Town Council from the first to the second Tuesday of the month) and approved reading by title only; and, (2) Introduced Ordinance No. 525, An Ordinance Amending Section 2.08.010 of the Paradise Municipal Code Relating to Regular Meeting Date for the Paradise Town Council. (540-16-94) If adopted at the August 7, 2012 regular meeting, the ordinance will become effective on September 7, 2012 and the first regular meeting on the second Tuesday will commence October 9, 2012.

Council oral reports of their representation on Committees/Commissions.

Council Member White reported on the Paradise Community Village Project, that the new road is completed and that PID placed pipes prior to the road construction; that there will no longer be an Executive Director position and that discussion will be held to decide how those duties will be handled.

Vice Mayor Titus reported that the negotiating team met with the Police Officers and Firefighters Associations and that he had to delegate his other meetings to Council Member DiDuca.

Council Member Lotter reported on his attendance at the League of California Cities Division Meeting in Lake Tahoe and discussed the presentation by the City of Roseville regarding proposed new State storm water licensing regulations that will make it difficult to work with the Regional Water Quality Control Board and that will be very costly for cities to implement, and that any objections to the proposed regulations should be sent in soon. Mr. Lotter also attended the Public Safety Policy Committee meeting in Sacramento.

Council Member DiDuca reported on the Butte County Association of Governments and Butte County Air Quality Management District meetings wherein a contract with Veolia for the B-Line was approved; an RHNA (regional housing needs) plan was distributed for public comments; the S.C.S. strategy relating to diminishing greenhouse gas effects was discussed; and, that permits for spray booths and fire heater booths were consolidated and fees lowered.

Mayor Culleton reported on his attendance at the League of California Policy Committee Employee Relations committee meeting where they discussed pension reform and trailer bills in the Assembly relating to realignment, which is resulting in more convicts being released early from prison. There is a bill proposed, which the committee voted to oppose, to remove the box from job applications that asks if applicants have ever been convicted of a crime, in order to make it easier for convicts to get job interviews. Also, the cities are being asked to join a coalition to oppose the State's proposed storm water regulations as there cost of implementing the regulations will likely put businesses out of business. Mayor Culleton also attended the Thursday night "Buy Local" event; and the swear in ceremony of a new police officer but was unable to attend the sergeant promotion ceremony.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager oral reports

Manager Rough informed Council that there is a Town/PID Liaison Committee meeting scheduled for July 12, 2012 at the PID Boardroom and that the committee will be discussing improving quality of road work in Town streets after trenching by PID, status of the Successor Agency dissolution of redevelopment and the status of the Town's commercial wastewater collection/treatment system project.

10. CLOSED SESSION

At 6:55 pm Mayor Culleton announced that the Council would adjourn to closed session for the following:

- 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.

Mayor Culleton reconvened the Council meeting at 8:25 pm and announced that direction was given and no action taken in closed session.

11. ADJOURNMENT

Mayor Culleton adjourned the meeting at 8:25 pm.

DATE APPROVED: August 7, 2012

By: _____
Steve "Woody" Culleton, Mayor

Joanna Gutierrez, CMC
Town Clerk