

**MINUTES**  
**PARADISE TOWN COUNCIL**  
**REGULAR MEETING – 6:00 PM – April 03, 2012**

**1. OPENING**

Mayor Culleton called the Regular Meeting of the Town Council to order at 6:02 in the Town Council Chambers located at 5555 Skyway, Paradise, California. Mayor Culleton led the pledge of allegiance and offered the invocation.

**COUNCIL MEMBERS PRESENT:** Joe DiDuca, Scott Lotter, Tim Titus, Alan White and Steve "Woody" Culleton, Mayor.

**STAFF PRESENT:** Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Community Development Director Baker, Finance Director Will, Assistant Town Clerk Volenski, Public Works Manager Derr, Police Lieutenant Billington, Police Lieutenant Tazzari, and Battalion Chief Hasek.

**Proclamations and Presentations:**

- (1) April 8, 2012 - National Telecommunicators Week Proclamation was presented to Lillian Booth, Town of Paradise Police Department Communication Records Supervisor.
- (2) April 2012 - Child Abuse Prevention Month Proclamation, was presented to Margie Ruegger, Executive Director, Butte County Child Abuse Prevention Council
- (3) April 2012 - Sexual Assault Awareness Month Proclamation was presented to Chris, a representative from Rape Crisis Intervention & Prevention.
- (4) Presentation by Doug Speicher of Northern Recycling & Waste Services, LLC - 2011 Annual Report.

Mr. Speicher presented a powerpoint and discussed the Annual Report of accomplishments of Northern Recycling & Waste Services for 2011 which included a breakdown of the types of materials diverted from the Neal Road landfill to achieve an overall 57% diversion rate; and, explained the specific services provided by NRWS in the areas of (A) Solid waste collection services; (B) Recyclable materials and yard waste services, (C) the Town of Paradise Vegetative Facility; (D) NRWS Recycle Center; (E) Town of Paradise Permanent Household Hazardous Waste Facility; (F) Town Drop Off Collection Events in 2011 that included a free Christmas Tree Drop Off during January; a free appliance & E-waste dropoff during May; a free tire drop off by appointment from July through December and one day in October; and, a free yard waste drop off on October 28<sup>th</sup> and 29<sup>th</sup>; and (G) Provided a summary program assessment and recommendations relating to state legislation that will affect commercial recycling, discussed improvements needed to accommodate increased storm water monitoring regulations and safety, and stated that the Cal Green Building

codes will have an effect on the Construction & Demolition process and NRWS is prepared to offer opportunities for diversion of construction materials from the landfill.

Mr. Speicher informed the Council that NRWS will undergo a full audit this year and that he is looking forward to the process as our community has embraced recycling, that Paradise is way ahead of the most of the state in their accomplishments, that there may be opportunities for some of our local businesses and agencies, two of which have already been recipients of the Cal Recycle (the California Department of Resources Recycling & Recovery) Award, to be part of a Cal Recycle case study on commercial recycling.

**2. ITEMS DEFERRED FROM PREVIOUS MEETINGS** - None.

**3. CONSENT CALENDAR**

Council concurred to remove agenda item 3e, the Annual Hydrant Fund Report & FY 2011/2012 Budget, from the Consent Calendar to be discussed immediately following the adoption of the consent calendar.

**MOTION by Lotter, seconded by DiDuca, adopted the following Consent Calendar items by unanimous roll call vote.**

- 3a. Approved the March 6, 2012 Regular Meeting Minutes and the March 8, 2012 Special Meeting Minutes.
- 3b. Approved Cash Disbursements in the Amount of \$971,272.49. (310-10-28)
- 3c. Acknowledged receipt of the 2nd Quarter Investment Report for the Fiscal Year Ending June 30, 2012. (360-30-05)
- 3d. Adopted Resolution No. 12-12, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090. (160-20-13)
- 3e. Removed from consent calendar for separate vote. (Hydrant Fund Report)
- 3f. Confirmed the appointment of Mayor Culleton and Assistant Town Manager Lauren Gill as the Town's representatives to the Paradise Oversight Board. The Oversight Board is required by State legislation to review and oversee the Town of Paradise Successor Agency's progress with the dissolution of the Paradise Redevelopment Agency. (1310-20-04)
- 3g. Accepted the 2011 Police Department Year End Report. (480-70-01)

**ITEM REMOVED FROM CONSENT CALENDAR:**

- 3e. To acknowledge receipt of the Annual Hydrant Fund Report and Fiscal Year 2011/2012 Budget as presented and approved by the Paradise Irrigation District Board (PID) on March 21, 2012.

Mayor Culleton called for the public comment on agenda item 3e.

1. Jon Remalia stated that he is concerned about the proposed main upgrade/line replacement from Paragalia to Montna, that he thinks a private line is being replaced with government funds, is concerned that the cost is too high and that he thinks the project needs to be put out for bid.

2. George Barber, Paradise Irrigation District Manager, informed Council that these projects are done by PID crews and do not go out to bid, that the budget figures are estimates for planning purposes, and explained that the Paragalia to Montna project is tying in low flow areas and will be treated like any other tie in, and the PID Board will deal with connections to meters. He stated it is worthwhile to improve the fire flow in this area with the hydrant fund vs. the cost of salvaging private lines, and that the projects are chosen by the Town's fire staff and are driven by public safety needs.

3. Bruce Hasek, Town of Paradise Fire Battalion Chief, stated that the construction figures in the budgets are estimates, that the hydrant fund receives \$1 per month per meter for an approximate annual income of \$123,000 and is generally used on an annual basis. He stated that these projects have been on the list, on the back burner, since 2007 and are being carried forward for Council approval.

**3e. MOTION by Lotter, seconded by White,** acknowledged receipt of the Annual Hydrant Fund Report and Fiscal Year 2011/2012 Budget as presented and approved by the Paradise Irrigation District Board (PID) on March 21, 2012. Roll call vote was unanimous. (440-30-05)

#### **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** – None.

#### **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.

1. Gary Drummond stated that the TOPCats organization has disregarded his request not to feed cats around his yard, that the cat feeders leave garbage in the area, such as coffee filters and pizza boxes that they have put cat food on, that he thinks they are trespassing and illegally dumping and jeopardizing public health by creating a feeding

source near his house, that he has called the Police Department several times, and stated that the organization should operate within the law or not be allowed to operate. He stated that the founder of TOPCats has posted his name and address online which he thinks is a form of retaliation against his complaining against the organization.

In response to a question from Council Member DiDuca, Town Attorney Moore stated that there is no State law or Town ordinance relating directly to the feeding of feral cats, and that the Town has an ordinance relating to unlawful dumping that might be applicable to the regulation of this type of activity.

Town Manager Rough stated, and Council concurred, that it would be helpful to arrange for a meeting with Mr. Drummond, his neighbors, representatives of TOPCats, appropriate members of Town staff, and the Mayor and Vice Mayor to address these concerns.

2. Paul Derr, Public Works Manager, introduced Justin Hampton, a Paradise High School senior, who has approached him with his idea of constructing mileage markers on the Paradise Memorial Trailway for his senior project

3. Justin Hampton, stated that he is a senior at Paradise High School, that his senior community service project is to design and fabricate a system of mileage markers on the Paradise Memorial Trailway from Pentz to Neal Road and showed Council an example of the marker he would fabricate.

Council concurred to direct staff to bring the request of Justin Hampton to place mileage markers on the Paradise Memorial Trailway for his senior project back to Council as an action item in order that Council may approve the project. (950-18-07)

4. Loren Harvey stated that April 10<sup>th</sup> is the birthday of his oldest son who has been missing for over a year a half, that his son was a hard working taxpayer of the town and asked Council to think about that during the negotiations with the police.

## **7. COUNCIL CONSIDERATION**

7a. **MOTION by Titus, seconded by DiDuca**, appointed the three applicants to serve on the Access Appeals Board (no term limits): Scott Peterson was appointed to serve as the one member of the public; and, Robert Shimp and Benjamin Wentland were appointed to serve as the two members with construction experience. Roll call vote was unanimous. (740-20-03)

7b. Council concurred to change the makeup of the Planning Commission Interview Panel to only include two members of the Town Council, and the Town Attorney confirmed that the process would not be subject to the open meeting law known as the Brown Act.

**MOTION by Titus, seconded by White**, (1) Approved the Notice of Vacancies and application and authorized the Town Clerk to advertise the

two upcoming vacancies on the Planning Commission, which will include a legal notice, posting on the Town's website, press release and notification to service groups; (2) Set an application deadline of May 3, 2012 at 5:00 pm; (3) Designated Council Member DiDuca and Vice Mayor Titus to participate in the Planning Commission interview process; (4) Directed staff to assist the interview panel by providing suggested questions and a scoring matrix for candidates, and coordinating the date(s) and time(s) for the interviews during the week of May 7, May 14 or May 21, 2012; (5) Scheduled appointments to the upcoming vacancies for the June 5, 2012, meeting, with appointment to the upcoming vacancies to become effective on July 1, 2012 and continue through June 30, 2016. (760-45-11 & 750-45-15)

Following a report from Community Development Director Baker, Mayor Culleton called for public comment relating to the resolution proposed to approve the Caltrans Bicycle Transportation Account grant application.

1. Jon Remalia stated that he thinks gas tax monies should be spent on the roads that most need repair and is not in favor of adding to road surfaces that will need to be maintained.

2. Derek Onstein stated that he is concerned with associated costs of maintaining the proposed bike path.

Staff explained the plan to develop the bike path at the same time as this particular roadway would be resurfaced, that no new road surface would be added as the existing road width would be narrowed in order to provide for a 5' class II bike path.

7c. **MOTION by White, seconded by Lotter**, adopted Resolution No. 12-13, A Resolution Approving Submission of a Caltrans Bicycle Transportation Account Grant Application, the Filing of a Notice of Exemption and Certifying the Availability of Ten Percent Matching Funds Required to Accompany the Grant Application for 2012. Roll call vote was unanimous. (950-40-07 & 950-18-05)

Council Member White exited the Council Chambers at 7:50 pm.

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

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

Council Member DiDuca reported on his attendance at the Butte Association of Governments meeting; that the Butte County Air Quality Management District board meeting was cancelled; that he attended the pinning ceremony for our two Paradise firefighters, the Rotary fundraiser for the American Cancer Society Relay for Life and the Exchange Club benefit for the Paradise sports boosters.

Council Member Lotter reported on his attendance at the March swear-in ceremony for our newest Paradise police officer; attendance at an LCC Policy Committee meeting in Ontario at his own expense; and, that the Town's "Growing Our Local Economy" conference will be held at his Paradise Cinema

Seven movie theatre on May 10, 2102 from 7:30 am to 12 noon; and encouraged citizens to participate in the Town's online Consumer & Business Survey posted on the Town's internet website.

Mayor Culleton reported on his attendance at the Exchange Club fund raiser, and the Rotary fund raiser for the American Cancer Society Relay for Life; that he is participating in the Gold Nugget Days melodrama; attended an LCC Policy Committee meeting relating to employee relations and pension reform; and, that the LCC is suing the State of California for removal of VLF funding.

**9. STAFF/COMMISSION/COMMITTEE COMMUNICATION** - None.

**10. CLOSED SESSION** – None.

**11. ADJOURNMENT**

Mayor Culleton adjourned the Regular Council Meeting at 8:05 pm.

DATE APPROVED: May 1, 2012

By: \_\_\_\_\_  
Steve "Woody" Culleton

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Joanna Gutierrez, CMC, Town Clerk