

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – November 12, 2013**

1. OPENING

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

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, John J. Rawlings, and Timothy Titus, Mayor.

COUNCIL MEMBERS ABSENT: Scott Lotter.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Gina Will, Community Development Director Craig Baker, Fire Marshal/Building Official Tony Lindsey, Police Chief Gabriela Tazzari-Dineen, Fire Chief George Morris, Jr., CAL FIRE/Butte Unit, Paradise Fire, Battalion Chief Curtis Lawrie, Assistant Town Clerk Dina Volenski, HR/Risk Management Analyst Crystal Peters and Associate Civil Engineer Marc Mattox.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

Council concurred to remove agenda item 3I relating to appointment to a vacancy on the Access Appeals Board be removed from the consent calendar for discussion.

Following a MOTION by Culleton, seconded by Rawlings, the consent calendar was adopted, with the exception of item 3I, by unanimous roll call vote of those present; Vice Mayor Lotter was absent and not voting.

- 3a. Approved Minutes of the October 8, 2013 Regular meeting
- 3b. Approved Cash Disbursements report in the amount of \$2,484,008.64. (310-10-29)
- 3c. (1) Increased the final contract cost of awarded Contract No. 5425022, Construction Quality Assurance Engineering Services for the Pearson-Recreation Signalization Project with Holdrege & Kull of Chico, CA to \$39,706.08; and, (2) Acknowledged completion of Town Contract No. 510-20-35 between the Town of Paradise and Holdrege & Kull. The \$19,706.08 increase in cost was necessitated by discovery of unsuitable soils which required additional testing and is 100% reimbursable through Congestion Mitigation and Air Quality (CMAQ) grant funding. (510-20-37 & 950-40-11)
- 3d. Adopted Resolution No. 13-51, 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. (160-20-16)

- 3e. Approved the writing off \$3,975.06 of uncollectible miscellaneous invoices. (340-40-13)
- 3f. Approved request by representative Katie Guild and Pastor Lloyd Tremain of the Paradise Community Church of the Nazarene for the adoption of the Memorial Trailway, from Neal Road to Foster Road. (950-18-07)
- 3g. Adopted Resolution 13-52, A Resolution of the Town Council of the Town of Paradise Accepting the Office of Traffic Safety (OTS) AVOID the 8 Grant Funds for FY2013/2014 at an estimated amount of up to \$89,000. (490-80-02)
- 3h. (1) Waived the second reading of Town Ordinance No. 533 and approve reading by title only; and, (2) Adopted Town Ordinance No. 533, "An Ordinance Amending Text Regulations and adopting the 2013 California Building Standards Code within Paradise Municipal Code Title 15 relating to Buildings and Construction". (540-16-102)
- 3i. Adopted Resolution No. 13-53, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager to execute a Memorandum of Understanding between the City of Chico, City of Oroville, City of Gridley and the Town of Paradise for AB-109 funds. Funds are to offset costs of front line law enforcement necessitated by AB-109 State legislation that shifted certain prison responsibilities from the State to the counties. (480-20-08)
- 3j. (1) Acknowledged receipt of the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2014; and, (2) Approved the proposed Investment Policy - Administrative Policy No. 140. (360-30-06, 110-10-32, 110-10-20 & 360-30-02)
- 3k. Approved hiring a non-senior code enforcement officer at increased hours (36/week) as opposed to our current approved position, which is a senior code enforcement officer at 32 hours/week and authorized a \$4,288.24 budget adjustment for increased hours of the code enforcement officer position. (610-10-17)
- 3l. Removed from the consent calendar.
- 3m. Approved the amended job descriptions and the position control and budget appropriations for the Town Engineer and the Human Resources and Risk Manager positions. (Approval allows for the reclassification of Associate Civil Engineer to Town Engineer and Human Resource and Risk Manager Analyst to Human Resources and Risk Manager positions. (610-10-15 & 610-10-17)

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 3l. Regarding the application and appointment to disabled member position to the vacancy on the Access Appeals Board, Council Member Bolin stated that he does not know the applicant and, as such, is not comfortable with the proposed appointment and would like an appointment process that would allow an opportunity to meet the applicants.

Council concurred to defer appointment to the vacancy on the Access Appeals Board and directed staff to bring back a revised policy relating to the process of citizen appointment to committees. (740-20-03)

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

Mayor Titus opened the public hearing regarding the Planning Commission recommendation for amendments to text regulations in the Paradise Municipal Code.

Community Development Director reported to Council regarding the duly noticed and scheduled public hearing regarding the Planning Commission recommendation to amend text regulations within the Paradise Municipal Code relating to definitions of major and minor utility services. Mr. Baker stated that the staff recommendation is for the Council to: (1) Concur with the project "CEQA determination" finding adopted by the Planning Commission on September 17, 2013, and embodied within Planning Commission Resolution No. 13-05; (2) Waive the first reading of Town Ordinance No. 534 and approve reading by title only; AND, (3) Introduce Town Ordinance No. 534, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.04 Relating to the Definitions of Major and Minor Utility Services".

Community Development Director Baker stated that the intent of the proposed amendments is to create the ability for the Town to authorize establishment of privately owned and operated clustered wastewater treatment plants and other utilities as primary land uses on independent parcels in order to assist in establishment of new commercial and residential land uses within the Town of Paradise.

There were no speakers for or against the matter, and Mayor Titus closed the hearing at 6:10 pm.

- 5a. MOTION by Culleton, seconded by Bolin,** (1) Concurred with the project "CEQA determination" finding adopted by the Planning Commission on September 17, 2013, and embodied within Planning Commission Resolution No. 13-05; (2) Waived the first reading of Town Ordinance No. 534 and approved reading by title only; AND, (3) Introduced Town Ordinance No. 534, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.04 Relating to the Definitions of Major and Minor Utility Services". Roll call vote was unanimous; Lotter absent and not voting. (540-16-103)

6. PUBLIC COMMUNICATION

1. Ward Habriel thanked Mayor Titus for recognizing the Paradise Garden Club's volunteer efforts in the community and asked that the garden club be informed of any areas in the Town that could be improved by the planting of daffodils and provided his business card to the Council and Town Manager.

7. COUNCIL CONSIDERATION

- 7a. **MOTION by Rawlings, seconded by Bolin**, (1) Approved the increase to the final construction cost of awarded Contract No. 5425022, Pearson-Recreation Signalization Project with Franklin Construction of Chico, CA to \$1,485,188.87; and, (2) Adopted Resolution No. 13-54, A Resolution of the Town Council of the Town of Paradise Accepting the Work Performed by Franklin Construction Under Contract No 5425022, the Pearson-Recreation Signalization Project. Roll call vote was unanimous; Lotter absent and not voting. (510-20-56 & 950-40-11)
- 7b. **MOTION by Culleton, seconded by Bolin**, adopted Resolution No. 13-55, A Resolution of the Town Council of the Town of Paradise accepting Contract No. 13-03, Paradise Micro-surfacing Project 2013, performed by Intermountain Slurry Seal of Reno, NV. Roll call vote was unanimous. Final Construction Cost: \$295,406.88. (510-20-59 & 950-40-18)
- 7c. **MOTION by Bolin, seconded by Culleton**, approved budget adjustments that will decrease the General Fund net income and decrease the General Fund reserves by \$113. Roll call vote was unanimous; Lotter absent and not voting. (340-40-13)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member Rawlings reported that he is working with Town staff and members of the community to upgrade the animal control shelter. The goal is that the shelter will become self-sustaining, and have additional staffing to increase the hours the shelter is open to the public. There are over 1,000 animals registered, there are possibly that many more animals that are not licensed or vaccinated. The committee has worked to schedule a rabies vaccination clinic for December that would provide a free rabies shot with the purchase of a dog license. The IT department has improved the communication at the Animal Control office on American Way and the Town Manager's administrative analyst has updated the website to make the animal control information more accessible for the general public. Council Member Rawlings thanked the Paradise Rotary for the contributions to the shelter and informed Council that there is a grand re-opening of the shelter scheduled for either late this fall or early spring.

Council Member Rawlings stated the he went on a tour with a representative from Senator Diane Feinstein's office of the bridges at Doe Mill Ridge and Whiskey Flats which have been downgraded to sustaining a weight of 15 tons to 3 tons, which precludes a fire engine from using the bridge. The good news is that the Bureau of

Land Management and Senator Feinstein's office found funding to replace the bridge on Doe Mill Ridge and are looking for funding for the Whiskey Flats bridge.

Council Member Culleton reported that he attended the Paradise Community Village dedication and that the November Cowboy Poetry event was a successful fund raiser for the Gold Nugget Museum. Council Member Culleton also informed that Saturday, November 16, 2013, is the opening of the Paradise Recreation and Park District ice skating rink that will be open seven days a week for the next two months.

Mayor Titus reported that he attend the Paradise Community Village dedication and commended CHIP for the excellent work done to provide beautiful, affordable housing for citizens in our community. Mayor Titus reported that he gave the mini State of the Town budget review report to the Quota Club service organization and met with the Paradise Garden Club to recognize their tremendous volunteer effort to beautify our Town.

8b. Discussion of future agenda items: None.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager Gill informed Council of the staff efforts by Tony Lindsey-Building Official/Fire Marshal, Kate Anderson-Housing Coordinator and Matt Gilbert-Construction Inspector with regard to the extensive audit relating to the Town's involvement with the Paradise Community Village.

10. CLOSED SESSION

10a. At 6:50 p.m. the Town Clerk announced that pursuant to Government code section 54956.9(a), the Town Council will hold a closed session to meet with Town Attorney Dwight Moore relating to existing litigation, Harold Funk vs. Town of Paradise, Case No. 2:09-CV-01000-MCE-KJM, U. S. District Court, Eastern District of California.

Mayor Titus reconvened the meeting at 7:05 pm. and announced that Council Member Rawlings had one more report for Council.

Council Member Rawlings discussed the public workshop held at Town Hall by the Butte County Public Health department staff and explained the proposed notification system for restaurants with the use of colored placards, green, yellow and red.

Town Attorney Moore announced that the Council took no action in closed session and gave direction relating to existing litigation, Harold Funk vs. Town of Paradise, Case No. 2:09-CV-01000-MCE-KJM, U.S. District Court, Eastern District of California.

11. ADJOURNMENT

Mayor Titus adjourned the Council meeting at 7:12 pm.

DATE APPROVED: December 10, 2013

By: _____/s/_____
Timothy Titus, Mayor

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