

**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR MEETING – 6:00 PM – September 10, 2013**

**1. OPENING**

The Regular Meeting of the Paradise Town Council was called to order by Mayor Timothy Titus at 6:00 pm 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 Rawlings offered an invocation.

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

**STAFF PRESENT:** Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Will, Community Development Director Craig Baker, Police Chief Gabriela Tazzari-Dineen, Division Chief Rob Cone, CAL FIRE/Paradise Fire, Battalion Chief Curtis Lawrie, Assistant Town Clerk Dina Volenski, Associate Civil Engineer Marc Mattox, and Public Works Manager Paul Derr.

- e. Presentations/Proclamations/Recognitions
  - (1) Presentation by Oliver Allen, Butte Country Library Outreach
  - (2) Proclamation recognizing *The Yellow Birds*, by Kevin Powers, as the community Book in Common
  - (3) Proclamation Recognizing Constitution Week: September 17-23, 2013
  - (4) Proclamation Recognizing Stanley D. McEtchin
  - (5) Recognition of Jose Gallardo for Intern Engineering services
  - (6) Recognition of Sarah Gomez for volunteer services in the Onsite Division
  - (7) Presentation by Chief of Police Gabriela Tazzari-Dineen - Refurbished Patrol Vehicles

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

**3. CONSENT CALENDAR**

**Following a MOTION by Culleton, seconded by Bolin,** the following items were adopted by unanimous roll call vote:

- 3a. Approved Minutes of the August 13, 2013, Regular meeting.
- 3b. Approved cash disbursements in the amount of \$1,432,253.48. (310-10-29)
- 3c. Adopted Resolution No. 13-46, A Resolution Of The Town Council Of The Town Of Paradise Authorizing Disposal Or Destruction Of Certain Town Records Maintained In Storage in the Town Clerk Department Pursuant To Government Code Section 34090. (160-20-16)

- 3d. (1) Approved assignment of the agreement for traffic signal intersection maintenance from Republic ITS to Siemens ITS and, (2) Approved amendment adding the Pearson/Recreation Drive intersection to the list of traffic signal intersections maintained by the Town of Paradise; and, (3) Authorized the Mayor and Town Manager to execute the document on behalf of the Town of Paradise. (C96-03)
- 3e. (1) Awarded a two-year contract for Heating, Ventilation and Air Conditioning (HVAC) services to the low bidder, Sierra Refrigeration, Paradise, CA, for an annual amount of \$3,356.00 and a \$70 per hour call repair service fee. Term of contract: September 16, 2013 through September 15, 2015; and, (2) Authorized a budget appropriation in the amount of \$2,950 to Fund # 1010.20.4201.4214.100. (510-20-36)
- 3f. Authorized the Town Manager to execute the five-year Standard Software Maintenance Agreement (SSMA) with New World Systems (NWS) and the Addendum to the NWS SSMA. Fiscal Impact: A savings of \$2,559 to the Town's General Fund. (C05-23)

#### **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**

Following a report from Town Manager Gill regarding the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program, Mayor Titus opened the public hearing at 6:23 pm. There were no speakers on the matter and the public hearing was closed at 6:23 pm.

- 5a. **MOTION by Rawlings, seconded by Culleton**, authorized the Town Manager to submit the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) to the Department of Housing and Urban Development. The CAPER outlines CDBG accomplishments and expenditures, as well as providing an evaluation of the Town's progress in meetings its community development goals and objectives. Roll call vote was unanimous. (710-10-80)

Following a report from Police Chief Tazzari-Dineen regarding the ordinance proposed to repeal current regulations and enacting a new chapter 9.60 of the Paradise Municipal Code that will allow for more effective tracking, monitoring, and enforcement of false alarm related incidents, Mayor Titus opened the public hearing at 6:40 pm to solicit public comment relating to the adoption of a resolution amending the master fee schedule to reflect changes to the alarm fee schedule that will be necessary if the ordinance is adopted.

1. Fred Aldred stated that he is representing the Paradise Tea Party and questioned if the old ordinance was written in 2004, why now is it now being considered for change; why is the alarm company responsible for data collection and also being charged a business license fee; why is there a charge for the first alarm; and, why charge residents who have never had an alarm go off.
2. Linda Lyons stated that she thinks the fees are being layered; that the alarm companies are being asked to do more paperwork and gather information from the people; that she thinks people will be afraid to use their alarms because of the potential for fees; and, that all alarm users are being punished for the false alarms of a few repeat offenders.
3. Paul Lyons stated that he would like the alarm companies to update the records when an alarm user moves or changes phone numbers.

Mayor Titus closed the public hearing at 6:45 pm.

**5b. MOTION by Lotter, seconded by Culleton,** (1) Waived the reading of entire Ordinance No. 532 and approve reading by title only; (2) Introduced Ordinance No. 532, An Ordinance repealing Paradise Municipal Code Chapter 9.60 and adding a new Chapter 9.60 relating to Alarm Systems; (3) Conducted a public hearing, solicited public comment and adopt Resolution No. 13-47, A Resolution of the Town Council of the Town of Paradise Amending the Master Schedule of Fees Relating to Town Services, to reflect changes to the alarm fee schedule; (4) Authorized the Town Manager to cancel the current alarm billing and tracking contract service with PM AM; and, (5) Authorized the Town Manager to enter into a contract with City Support for tracking and billing of alarm incidents as approved by the Town Attorney in an annual amount of \$3,761.42. Roll call vote was unanimous. (395-20-18 & 540-16-101)

**6. PUBLIC COMMUNICATION** – None.

**7. COUNCIL CONSIDERATION**

Town Manager Gill discussed the staff involvement to invite the California Walks to the Town of Paradise, that over 20 groups, organizations and companies from Paradise attended the workshop, and that Marc Mattox would present

information regarding the recommendations that resulted from the Pedestrian Safety Community Workshop hosted by UC Berkeley SafeTrec, California Walks and the Town of Paradise on September 5, 2013. Associate Civil Engineer Mattox presented a Power Point and discussed the unique situations that the community would like to address within the Town of Paradise; and, that the staff would like Council to approve the following policy recommendations at this time:

- Establish a 20' (twenty-foot) no parking zone on each side of a crosswalk, a process called "daylighting" to provide for pedestrian visibility at crosswalks; and,
- Remove one of the mid-block crosswalks located on Skyway north of Elliott, south of Oliver, during the 2013 Microsurfacing Project.

Mayor Titus opened the matter for public comment.

1. Tom Kelly stated that he thinks that the public safety problem is that the speed limits are too high and that cars are speeding through Town and threatening pedestrians.
2. Don Drowty stated that he has observed youth break into a run halfway through the crosswalk and that education in the schools could address personal safety measures that can be taken to protect oneself in the crosswalk.

**7a. Council concurred** with the recommended policy directions and directed the establishment of a 20' no-parking zone on each side of crosswalks in town; and, to the elimination of a crosswalk on Skyway north of Elliott, south of Oliver, during the 2013 Microsurfacing Project. Staff is to determine which of the two crosswalks in that area would best serve the needs of the pedestrians. (490-60-04)

Following a report from Associate Engineer Mattox regarding the request to authorize staff to issue Contract Change Order to Intermountain Slurry Seal for the implementation of a Two-Way Left-Turn Lane along Skyway between Jewell Road and Pearson Road, Skyway between Elliott Road and Center Street, Skyway between Maxwell Drive and Bille Road under Contract No. 13-03, Paradise Micro-Surfacing Project 2013, with a fiscal impact estimated at \$2,700, Mayor Titus opened the matter for public comment.

1. Louis Johnson stated that he has gathered traffic statistics that indicate two way turn lanes actually increase traffic accidents.
2. Michael Snyder stated that he came to talk about sidewalks, cited a Government Code Section that states there is a duty to improve pedestrian safety and accessibility, discussed other areas in Town where it is dangerous for pedestrians to walk such as on Pentz Road and Demille, and asked for more sidewalks and bike lanes in Paradise.

3. Michael Pollock stated that he is the owner of La Posada restaurant on Skyway, that he thinks eliminating parking in front of his restaurant will make traffic go faster, that the Town should be thinking about the speed limits, that if the two-way turn lane is approved there will be no access for delivery trucks, seniors will be precluded from accessing his business, and that this action will harm his business.
  4. Jennifer White stated that she and her husband own Dick's Floor Covering on Skyway across from La Posada, that she supports the addition of a center turn lane as the turn lane will make it safer for people to turn into their business and that she would like the speed limit lowered to 25 mph. Ms. White further stated that she bought the lot next to the business to accommodate parking for their customers.
- 7b. **MOTION by Lotter, seconded by Rawlings**, authorized staff to issue a Contract Change Order to Intermountain Slurry Seal for the implementation of a Two-Way Left-Turn Lane along Skyway between Jewell Road and Pearson Road, Skyway between Elliott Road and Center Street, Skyway between Maxwell Drive and Bille Road under Contract No. 13-03, Paradise Micro-Surfacing Project 2013, with a fiscal impact estimated at \$2,700. Roll call vote was unanimous. (510-20-59 & 950-40-18)
  - 7c. **MOTION by Lotter, seconded by Bolin**, (1) Concurred with staff's recommendation of Traffic Works to perform professional traffic engineering services for the Skyway HSIP Project; (2) Approved the proposed Professional Services Agreement with Traffic Works and authorizing the Town Manager and Town Mayor to execute; and, (3) Authorized the Town Manager to execute additional work orders up to 10% of the contract amount. Fiscal Impact \$84,900 to be funded by Federal HSIP grant monies with a 10% match from budgeted Town CIP funds. Roll call vote was unanimous. (510-20-65 & 950-40-19)
  - 7d. **MOTION by Lotter, seconded by Bolin**, reappointed current members Rich Eliot and Bill Morrison, to positions on the Tree Advisory Committee requiring academic knowledge and skill in care and maintenance of trees, which terms of office expired on 8/12/13; and, give direction to staff to advertise vacancy of position requiring individual(s) licensed in building or onsite trades. (740-62-12)
  - 7e. **MOTION by Culleton, seconded by Rawlings**, approved the recommended budget adjustments as presented. These current adjustments increase the General Fund net income and increase the General Fund reserves by \$19,751. Roll call vote was unanimous. (340-40-13)
  - 7f. **MOTION by Rawlings, seconded by Culleton**, adopting Resolution No. 13-48, A Resolution Authorizing and Approving the Borrowing of Funds for Fiscal Year 2013-2014, the Issuance and Sale of a 2013-

2014 Tax and Revenue Anticipation Note Therefor, and Approving Certain Other Actions Related Thereto. Roll call vote was unanimous. (350-40-14)

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

- 8a. Council Member Culleton reported that he will be attending the League of California Cities (LCC) Annual Conference and the LCC Sacramento Valley Division Quarterly Meeting this month and that Senator Nielsen will be at the LCC Division Meeting.

Council Member Rawlings reported on his attendance at the Butte County Association of Governments (BCAG) meeting and that he requested that BCAG consider looking into providing another venue in Paradise to sell bus passes. Executive Director Jon Clark is to contact Town Manager Lauren Gill. Vice Mayor Lotter volunteered his business, Paradise Cinema Seven, as a ticket outlet - if the process is not too onerous - as they are open seven days a week, 365 days a year. Council Member Culleton informed Council that the BCAG has scheduled an unmet transit needs public hearing at the Town Hall for October 7, 2013.

- 8b. Discussion of future agenda items

**9. STAFF/COMMISSION/COMMITTEE COMMUNICATION**

- 9a. Town Manager oral reports: None.

**10. CLOSED SESSION**

- 10a. At 8:10 pm, Vice Mayor Lotter announced that at the request of the Town Manager, the Town Council will hold a closed session relating to performance evaluation of Town Manager, pursuant to Government Code Section 54957.

Mayor Titus reconvened the meeting at 9:52 pm and announced that no action was taken in closed session.

**11. ADJOURNMENT**

Mayor Titus adjourned the Council meeting at 9:52 pm.

DATE APPROVED: October 8, 2013

By: \_\_\_\_\_/s/\_\_\_\_\_  
Scott Lotter, Vice Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk