

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 01, 2012

1. OPENING

The Regular Town Council meeting was called to order by Mayor Culleton at 6:05 pm in the Town Council Chambers located at 5555 Skyway, Paradise, California. Following the pledge of the allegiance the invocation was offered by Vice Mayor Titus.

COUNCIL MEMBERS PRESENT: Joe DiDuca, Scott Lotter, Tim Titus, 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, Rob Cone, Interim Fire Chief, Finance Director Will, Police Lieutenant Tazzari, Assistant Town Clerk Volenski, Public Works Manager Derr, HR/Risk Management Analyst Peters, and Onsite Official Danz

Proclamations/Presentations:

- (1) Paradise Business Week Proclamation - May 7-11, 2012 was presented to Max Barteau, President, Paradise Chamber of Commerce.
- (2) Chocolate Fest' Proclamation - May 11-12 and May 19, 2012 was presented to each “Chocolate Royale” candidate participating in the Chocolate Fest fundraising for the youth of the community; and, to Sherry Swim, President, Chocolate Fest, Inc.
- (3) Presentation of the Draft State of California Onsite Wastewater Treatment Systems Water Quality Policy (AB 885), proposed effective date, January 1, 2013. Mark Adams RCE, President, NorthStar Engineering and President of California Onsite Wastewater Association, stated that the objective of the legislation is to provide more collaborative and local control relating to wastewater issues, explained the tiered system and requirements for each of the five tiers, that policy approval is expected in June 2012, adoption by August 2012 and an effective date in March 2013. Mr. Adams stated that because Paradise has a local program in place (a LAMP – Local Agency Management Plan) we are a “Tier 2”. A copy of his powerpoint illustrations are on file in the Town Clerk Department.

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.

MOTION by Lotter, seconded by DiDuca, adopted the following Consent Calendar Items by unanimous vote.

- 3a. Approved Minutes of the 4/3/2012 Regular Meeting, and the 4/3/2012 and 4/9/2012 Special Meetings.
- 3b. Approved Check Register in the amount of \$1,212,375.46. (310-10-28)
- 3c. Authorized Mayor to execute a three-year agreement with Republic Intelligent Transportation Services (ITS), Inc. relating to traffic signal maintenance. (Budgeted annual costs for signals is \$62,000 through the gas tax account.) (510-20-47)
- 3d. Adopted Resolution No. 12-16, A Resolution of the Town Council of the Town of Paradise Authorizing Disposal/Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090. (160-20-13)

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 – None.

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. **MOTION by White, seconded by Lotter**, adopted resolutions relating to the November 6, 2012, General Municipal Election: (1) Resolution No. 12-17 Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 6, 2012 for the Election of Certain Officers as Required by the Provisions of the Laws of the State of

California Relating to General Law Cities for the Election of Three Town Council Members; (2) Resolution No. 12-18 Requesting the Board of Supervisors of the County of Butte to Consolidate a General Municipal Election to be held on November 6, 2012, with the Statewide General Election to be Held on That Date for the Election of Three Town Council Members; and, (3) Resolution No. 12-19 Amending & Replacing Resolution No. 10-12 and Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at a General or Special Municipal election. Roll call vote was unanimous. (530-10-44)

- 7b. **MOTION by Lotter, seconded by Titus**, approved the recommended appointment of Paradise Police Lieutenant Gabriela Tazzari as Acting Police Chief at a salary of \$94,794.96/year, effective immediately. Roll call vote was unanimous. (650-60-07)

Mayor Culleton called for a five-minute recess at 7:12 pm and reconvened the meeting at 7:20 pm.

- 7c. **MOTION by White, seconded by Lotter**, authorized the Town Manager to extend the current agreement with Rolls Anderson Rolls for contract engineering services for the Town of Paradise. Fiscal impact: Increases the not-to-exceed amount in the contract by \$20,000. Roll call vote was unanimous. (510-20-38)

- 7d. Council Member White stated for the record that he is on the Board of Directors for Youth for Change and if Council felt it appropriate he would excuse himself from voting on the CDBG funding recommendation. Town Attorney Moore stated that there is no legal reason for Council Member White not to participate. Council concurred that it would not be inappropriate for Council Member White to participate.

MOTION by Titus, seconded by DiDuca (1) Adopted the 2012-2013 Community Development Block Grant (CDBG) Program Subrecipient funding recommendations regarding grant funding for local organizations; and, (2) Adopted the FINAL CDBG Program 2012-2013 Annual Action Plan as submitted; and, (3) Authorized staff to submit the adopted 2012-2013 Annual Action Plan to the U.S. Department of Housing and Urban Development. Roll call vote was unanimous. (710-10-77)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member White reported on his participation in the Gold Nugget Days Melodrama, The Search for Billy Rhode, a fund raiser for the Gold Nugget Museum; and, relating to the Paradise Community Village project, that the makeup of the Paradise Community Village Board has changed as 4 of the original 8 entities remain: Youth for Change, CHIP, Paradise

Ridge Youth Soccer Club and the Town, that construction on the project has resumed and groundbreaking is scheduled for May 15th; and, he will be participating in an Amgen promotion on Tuesday, a 25-mile bicycle ride.

Vice Mayor Titus reported that the Paradise Dancers gave an excellent performance at their Rhythm & Motion production and commended the organization for providing free ballroom dance lessons to youth of the community.

Council Member Lotter reported on the Gold Nugget Days Parade and Melodrama performance, and that the Terry Ashe frontage improvements provided greater visibility and drew more people to the event.

Mayor Culleton reported on his participation as the Grand Marshal of the Gold Nugget Day Parade and in the Melodrama; attended Arbor Day at Feather Canyon retirement facility with the Police & Fire Chief as community outreach to senior citizens; reported on the "Comcast Cares" Event at Ponderosa Elementary School, a nationwide volunteer movement to work on schools; attended the first Oversight Board of the Successor Agency to the Paradise RDA Meeting and was selected as Chair, and reported that the Oversight Board approved the Recognized Obligation Payment Schedule (ROPS) and directed the schedule be forwarded to the Butte County Auditor.

- 8b. Discuss and consider revising the design of the Pearson/Recreation Drive Signalization Project and the proposed floating sidewalk. **(DiDuCA)**

Council Member DiDuca stated that he has safety concerns about the design of the sidewalk, the proposed bike lanes and ingress and egress that is proposed for this project, and that he would like clarification as to the effect on the businesses that are located along Pearson Road.

Town Manager Rough stated that this project was identified on this fiscal year's capital improvement project list for completion of engineering plans and to obtain temporary construction easements for the project. Assistant Town Manager Gill explained that the project design was recently presented and explained to the school board, discussed the obtaining of right-of-way and temporary construction easements, and displayed a powerpoint to illustrate the various aspects of the project. Assistant Town Manager Gill explained the evolution of the improvements in the Pearson Road area that began in 2002 using Safe Routes to School grant monies and how it ties into the signal project, that the intersection alignment and signal project will be built using Congestion Management Air Quality grant funding, and that the area improvements are necessary in order to comply with state accessibility requirements. Ms. Gill explained the deadlines that must be met to retain funding for the project, and that the project will be coming to Council in June for approval of a request to put the project out for bid. Interim Engineer Rick Skillman explained that the project must be

designed to CalTrans design standards, discussed his role in reviewing the project design plans (which are being completed by MRO engineering), the meetings that have occurred with the property owner relating to design and the three alternatives that were presented, and explained his concerns relating to the dangerous elements of the current unrestricted access to the area and answered specific questions from Council.

Council Member White stated he has been on the Council since the beginning of this project and explained how it started with Safe Routes to school funding, and discussed the design of the sidewalk location on the south side of the street which is to provide school children safe access to the intermediate and elementary schools that are both located in the project area in light of challenges presented by the private property ownership in the area. He explained that there was a lack of Safe Route to Schools money to do the intersection alignment and signal project, along with all of the pedestrian improvements along Pearson Road, and that when the subsequent Congestion Management Air Quality funds became available (through BCAG) to fund the signal project, the Town had an eligible project “shovel ready” and that it makes sense to design and complete these projects in the area at the same time.

Mayor Culleton opened the matter for public comment.

1. Tom Kelly stated that he agrees with the need to correct the intersection and that there needs to be places for kids to ride their bikes, but he is concerned about the location of the sidewalk.
2. Terry Mallan stated that owns the property along Pearson Road where businesses are located, that the majority of the business owners are opposed to the sidewalk, that he thinks the open floor design is ideal, and his concern is with the speed of the traffic coming over College Hill and accidents that occur at the intersection of Academy Drive and Pearson which is where the main entrance to these businesses is to be located.
3. Mike Greer stated that he is concerned with the construction interfering with the movement of the buses, that he thinks the stop sign at the intersection makes the intersection safer, and that he has been a member of the school board for eight years and has never heard of this project.
4. Rick McGregor stated that he has gotten phone calls about the project as it relates to the annual truck parade and informed Council that the parade will be staged at the Ace Hardware parking lot in the future.
5. Loren Harvey stated that he likes the idea of a traffic signal but doesn't like the design of the sidewalk being driven by the receipt of grant monies.

Town staff and Council further discussed the history of the pedestrian improvements projects in the area that have occurred over the past several

years, stated that Paradise school superintendents have always been kept informed about this particular project, that the Pearson/Recreation Drive intersection meets three different warrants that make it eligible for the construction of a traffic signal, that completion of the project will improve traffic control along Pearson Road, alleviate congestion issues when parents pick up their children from school, and will improve air quality by alleviating the “stop and go” of cars when school is not in session. There was discussion that the current engineered plans need to go forward to meet deadlines in order that the allocation of grant monies can occur, and that staff could evaluate whether or not the process would allow contract change orders relating to the possible shifting of ingress and egress to the business sites and relating to the length of the ramp at the curve onto Mallan Lane.

No action was taken on the matter.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION - None.

10. CLOSED SESSION

At 9:20 pm Mayor Culleton announced that that the Town Council would meet in closed session for the following matters:

- 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 regular meeting at 9:47 pm and announced that direction was given and no action was taken in closed session.

11. ADJOURNMENT

Mayor Culleton adjourned the Regular Council Meeting at 9:48 pm.

DATE APPROVED:

By _____
Steve “Woody” Culleton, Mayor

Joanna Gutierrez, CMC, Town Clerk