

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

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Timothy Titus at 6:01 p.m. in the Town of Paradise Council Chamber located at 5555 Skyway, Paradise, California. Following the pledge of allegiance, Town of Paradise Council Member John J. Rawlings offered the invocation.

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Interim Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Community Development Director Craig Baker, Police Lieutenant Al Billington, Division Chief Rob Cone, Cal Fire, Paradise Fire; Battalion Chief Curtis Lawrie, Cal Fire, Paradise Fire; Assistant Town Clerk Dina Volenski, Associate Civil Engineer Marc Mattox, and Public Works Manager Paul Derr.

Mayor Titus presented Proclamations recognizing of our Community's Spirit of Volunteerism to several agencies listed in the proclamation; and, presented a Proclamation of Recognition of Sojourners House on the Ridge (SHOR).

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Lotter, seconded by Rawlings, adopted the following items on the consent calendar as presented. Roll call vote was unanimous.

- 3a. Approved the Minutes of the February 12, 2013, Regular Council Meeting.
- 3b. Approved Cash Disbursements in the Amount of \$1,002,301.56. (310-10-29)
- 3c. Adopted Resolution No. 13-04, “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 Funding Under the CALHOME Program; The Execution of a Standard Agreement if Selected for Such Funding and any Amendments Thereto; and any Related Documents Necessary to Participate in the CALHOME Program.” (710-10-79)

- 3d. (1) Declared the described office items as surplus property; and, (2) Adopted Resolution No. 13-05, declaring Public Works Department Street Maintenance Equipment and furniture surplus and obsolete and authorizing disposal through sale or donation by the Interim Town Manager. (380-10-03)
- 3e. (1) Approved the final quantities in the amount of \$32,267.00 per the attached summary; and, (2) Accepted the contract with Centerline Striping Co., Inc. as complete and authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the retention following a 35-day lien period, provided no liens are filed. (510-20-52)
- 3f. Adopted Resolution No. 13-06, A Resolution of the Town Council of the Town of Paradise Authorizing the Mayor to Execute a Legal Services Agreement with Douglas R. Thorn Relating to Public Nuisance Abatement Lawsuits. Fiscal impact not to exceed \$2,500. (C09-07)
- 3g. Adopted Resolution No. 13-07, A Resolution of the Town Council of the Town of Paradise Identifying the Paradise Chief of Police as the Contact Person for the Department of Alcoholic Beverage Control With the Authority to Determine Public Convenience or Necessity for Liquor License Applications Within an Area of Undue-Concentration of High Crime. (550-50-01)
- 3h. Approved the General Fund Budget Adjustments totaling \$4,777.00 resulting in an increase to the General Fund Reserves and a decrease to the deficit. (340-10-33 & 340-40-12)
- 3i. Approved Resolution 13-08 Rescinding Resolution 08-43 and Authorizing Investment of Monies in the Local Agency Investment Fund. (360-30-02)
- 3j. Acknowledged receipt of the Planning Commission's Annual 1994 General Plan Housing Element Annual Progress Report for the 2012 Calendar year. (760-40-53)
- 3k. Adopted Resolution No. 13-09, A Resolution Declaring Paradise Fire Department 1981 Ford Van Pelt ladder truck as surplus, and authorizing disposal through sale or donation by the Interim Town Manager. (380-10-03 & 380-10-04)

4. PUBLIC HEARING PROCEDURE – Set forth on agenda.

5. PUBLIC HEARINGS – None.

6. PUBLIC COMMUNICATION

1. Fred Aldred requested Council to reaffirm their oath of office by adopting a resolution to confirm the 2nd Amendment to the United States Constitution and supporting the Butte County Sheriff with regard to a citizen's right to keep and bear arms and to place the matter on the next Town Council agenda for discussion and vote of the Town Council.
2. Ward Habriel discussed the Daffodils on the Ridge project and the Paradise Garden Club, shared a publication with the Town Council that discussed the daffodil project and thanked the businesses that planted daffodil bulbs around their businesses. Mr. Habriel informed Council that the Paradise Garden Club has been active for the last fifteen years maintaining the garden triangle at the Foster/Skyway intersection and the garden at the Paradise Library and asked "others to tell others" that a garden provides curb appeal and increases a property's value. He asked that Council use the Town's nuisance abatement ordinance to clean up a property located at the corner of Wagstaff and Clark that used to be a Chinese fast food restaurant
3. Patty Mannel stated that she is part of the "Let's Move" coalition formed to encourage activity in the outdoors to prevent childhood obesity and to put nutrition and physical activity on the map, explained some of the programs they have pioneered such as "Eating Right When Money Is Tight" and the "Strides for Diabetes" program, and invited the Town to join their efforts and to get engaged in their coalition.
4. Ron Serrano stated that he is following up on Council resolutions to abate the Town-declared public nuisance at the property located at 5983 Crestview Drive and that he would like to know if there is any progress on the abatement and if persons other than the property owner can assist in cleaning up the property.

Town Attorney Moore stated that only the Town or the property owner, or someone authorized by the property owner, can legally access the property to abate the nuisances.

Community Development Department Director Baker stated that the he has been in touch with the property owner and the property owner is attempting to hire a local contractor to clean up the nuisances and perhaps demolish the house.

7. COUNCIL CONSIDERATION

- 7a. Associate Civil Engineer Marc Mattox reported to Council on the progress of the Pearson-Recreation Signalization, that five bids were opened on February 12, 2013; that grants will cover 100% of the project; that a 17% construction contingency has been established which could cover a 300' gap of substandard road; discussed cost differences for safety

enhancements relating to the crosswalks, in road warning lights at \$35,000 vs. rapid rectangular flashing beacons at \$10,000; and that full completion is expected in September, 2013 and should come before Council at the October meeting for acceptance.

MOTION by Culleton, seconded by Bolin, (1) Awarded Contract No. 5425022, Pearson-Recreation Signalization Project, to Franklin Construction, Inc. of Chico, CA in the amount of their bid of \$1,157,875.00; and, (2) Authorized the Interim Town Manager to execute the contract on behalf of the Town, following approval by the Town Attorney. Roll call vote was unanimous. (950-40-11 & 510-20-56)

- 7b.** Associate Civil Engineer Marc Mattox informed Council that the Proposition 1B fund must be expended by June 30, 2014, discussed two road management alternatives and explained the cost benefit of Alternative 2, a proposed microsurfacing project that would maintain portions of four heavily travelled roadways as opposed to Alternative 1, providing a temporary overlay to Bille Road, which has many deteriorated sections.

Mayor Titus opened the matter for public comment.

1. Dan Wentland stated that Dean Road has been on the Capital Improvement Project (CIP) list for many years and still remains in need of repair.

MOTION by Rawlings, seconded by Culleton, approved the recommended Revised Plan for Use of Local Proposition 1B Streets and Roads Program Funds (Exhibit A of the staff report). Staff is proposing a revised budget for Council consideration which allocates most remaining Prop 1B funds to Asphalt Maintenance (Various Overlays & Seals); and, (2) Authorized staff to prepare Plans, Specifications and Estimates for the Pavement Microsurfacing Project 2013. Roll call vote was unanimous. (950-40-11)

- 7c. MOTION by Bolin, seconded by Lotter,** (1) Authorized the Town Clerk to advertise the vacancies on the Access Appeals Board, Development Impact Fee Adjustments Board and the Tree Advisory Committee with an application deadline of 4:00 p.m. on March 28, 2013, and scheduled appointment for the April 9, 2013 Council meeting; and, (2) Approved the recommendation of the Fire Marshal/Building Official Town Lindsey and appointed of Frank Sands, Licensed Civil Engineer; Bill Martin, Licensed General Contractor; and, Denis Delucchi, Licensed Plumbing Contractor, to fill the vacancies on the Building/Fire Code Access Appeals Board. Roll call vote was unanimous. (740-20-03, 740-10-06 & 740-60-12)

- 7d. MOTION by Lotter, seconded by Culleton,** adopted Resolution No. 13-10, A Resolution of the Town Council of the Town of Paradise, California, Reporting Unexpended Development Impact Fees in Accordance with Government Code Section 66001 and 66006. Roll call vote was unanimous. (740-10-13)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member Rawlings reported on his participation in the Community Development Block Grant (CDBG) sub-recipient interview process on his attendance at the Butte County Association of Governments (BCAG) meeting with Mayor Titus.

Council Member Bolin reported on his participation in the CDBG sub-recipient interview process.

Vice Mayor Lotter reported on his attendance at LAFCo, discussed the need for a Sphere of Influence Update and that the Paradise Community Village is looking for other partners.

Council Member Culleton reported on his attendance at the dedication of Rotary's improvements to Bille Park.

Mayor Titus reported on his attendance at BCAG and Butte County Air Quality Management District (BCAQMD) meetings, and his meeting with the Chamber of Commerce Ambassador. Mayor Titus thanked Town of Paradise employees for concession and taking on additional duties and stated the budget presentation will be taken out into the community so that the community is aware of what has happened to revenues as a result of action by the State government.

- 8b.** Discussion of future agenda items – NONE.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a.** Town Manager oral reports – NONE.

At 7:30 p.m. Mayor Titus announced that the Town Council would adjourn to hold the Successor Agency meeting and reconvened the Council meeting at 7:40 p.m.

10. CLOSED SESSION

At 7:41 p.m. Vice Mayor Lotter announced that the Town Council would adjourn to closed session for the following matters:

- 10a. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Police Officers Association, Confidential Mid-Management Association, General Employees Unit, Police Mid-Management Unit and the Management Group.
- 10b. Pursuant to Government Code section 54956.9(d)(1), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: Town of Paradise v. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.
- 10c. Pursuant to Government Code section 54956.9(d)(1), the Town Council will hold a closed session to meet with the Town Attorney relating to pending litigation: Earl v. Butte County and Town of Paradise, et al., United States District Court for the Eastern District of California Case No. 2:12-CV-01126-KJM-CMK.
- 10d. Pursuant to Government Code sections 54956.9(d)(2) and 54956.95, the Town Council will hold closed session to consider the liability claim of the Bank of NY Mellon against the Town of Paradise.

Mayor Titus reconvened the Council meeting at 9:02 p.m. Town Attorney Moore announced that direction was given and no action taken in closed session.

11. ADJOURNMENT

Mayor Titus adjourned the Council meeting at 9:03 p.m.

DATE APPROVED: April 9, 2013

By: _____/s/_____

Timothy Titus, Mayor

By: Scott Lotter, Vice Mayor

_____/s/_____

Joanna Gutierrez, CMC, Town Clerk