



Town of Paradise

Town Council Meeting Agenda

6:00 PM – April 13, 2021

Town of Paradise Council Chamber – 5555 Skyway, Paradise, CA

Mayor, Steve Crowder
Vice Mayor, Jody Jones
Council Member, Greg Bolin
Council Member, Steve “Woody” Culleton
Council Member, Rose Tryon

Town Manager, Kevin Phillips
Town Attorney, Mark A. Habib
Town Clerk, Dina Volenski
CDD Director- Planning, Onsite - Susan Hartman
CDD Director-Building, Code Enforcement - Tony Lindsey
Administrative Services Director/Town Treasurer – Vacant
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, Garrett Sjolund
Chief of Police, Eric Reinbold
Disaster Recovery Director, Katie Simmons

Meeting Procedures

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item.

The meeting will be open to the public on a limited basis. This means there will be reduced seating capacity, social distancing will be practiced, and face masks are required. (Please note, our limited capacity is 20 people and when that is reached, the doors will be closed.) Attendees may need to rotate seating positions to allow participation from those in attendance. Public speakers will be asked to complete speaker cards and may need to wait outside until they are called to speak.

Observers choosing not to attend in person may view the meeting on YouTube via the Town's website at <https://www.youtube.com/channel/UCpo2Gy0EGJwcFvDU2xnjgbw>

Comments may be submitted via e-mail to dvolenski@townofparadise.com prior to 4:00 p.m. the day of the meeting. Comments will not be accepted via YouTube.

- A. If you wish to address the Council regarding a specific agenda item, please complete a “Request to Address Council” card and give it to the Town Clerk prior to the beginning of the meeting. This process is voluntary and allows for citizens to be called to the speaker podium in alphabetical order. Comments and questions from the public must be directed to the Presiding Chair and Town Council Members (please do not address staff.) Town staff is available to address citizen concerns Monday through Thursday at Town Hall between the hours of 8am and 5pm.
- B. If you wish to address Council regarding an item not on the agenda, you may do so under Item 4, “Public Communication.” Again, please fill out a card and give it to the Town Clerk before the meeting. State Law prohibits Council action on items not listed on a public agenda.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

1. OPENING

- 1a. Call to Order
- 1b. Pledge of Allegiance to the Flag of the United States of America
- 1c. Invocation
- 1d. Roll Call
- 1e. p6 Proclamations to acknowledge departing Measure C Citizen Oversight Committee Members:
 - Dean Fender
 - Molly Knappen
 - Jim Ratekin
- 1f. CDBG-OOR Presentation by Joseph Herlo and Maziar Movassaghi
- 1g. Camp Fire Recovery Updates:
 - Cole Glenwright - CALOES Hazard Tree Removal Update
 - Katie Simmons - Private Tree Removal Program, Advocacy, Recovery Projects and Emergency Management
 - Marc Mattox - Infrastructure and Sewer Update
 - Colette Curtis - Business Update, Nonresidential Market Study, Design Standards and Town Seal update
 - Tony Lindsey - RV Code Enforcement Update

2. CONSENT CALENDAR

One roll call vote is taken for all items. Consent items are considered to be routine business that does not call for discussion.

- 2a. p9 Approve minutes of the March 9, 2021 Regular and March 9 and 24 Special meetings.
- 2b. p19 Approve March 2021 Cash Disbursements in the amount of \$2,367,567.24
- 2c. p27 1. Adopt Resolution No. 21-___, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Human Resources Department Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for three or more years and are eligible for destruction; and, 2. Adopt Resolution No. 21-___, A Resolution of The Town Council of the Town of Paradise Authorizing Disposal of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090.
- 2d. p42 Concur with staff recommendation to file a CEQA Notice of Exemption for the Systemic Intersection Safety Improvements Project.
- 2e. p47 Waive second reading of the entire Town Ordinance No. 605 and approve reading by title only; and, Adopt Town Ordinance No. 605, "An Ordinance Rezoning Certain Real Property From "U" (Unclassified) to a "C-C" (Community-Commercial) Zone Pursuant to Paradise Municipal Code Sections 17.45,500 ET. SEQ. (SIMMONS: PL21-00011)".

- 2f. p50 Waive second reading of the entire Town Ordinance No. 606 and approve reading by title only; and, Adopt Town Ordinance No. 606, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 5.11 Relating to: Vending, Hawking, Peddling and Sales".

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

5. PUBLIC HEARINGS

- A. Staff Report
- B. Mayor opens the hearing for public comment in the following order:
 - i. Project proponents (in favor of proposal)
 - ii. Project opponents (against proposal)
 - iii. Rebuttals – if requested
- C. Mayor closes the hearing
- D. Council discussion and vote

- 5a. p53 Conduct the duly noticed and scheduled public hearing concerning amending sign regulations in Paradise Municipal Code Chapter 17.37. Upon conclusion of the public hearing adopt the recommended action or an alternative action. 1. Concur with the project "CEQA determination" finding presented and considered by the Planning Commission on March 16, 2021, and embodied within Planning Commission Resolution No 21-02; and, 2. Waive the first reading of Town Ordinance No. 606 and read by title only; and, 3. Introduce Town Ordinance No. 606, "An Ordinance Amending Text Regulations within Sections 17.37.300 and 17.37.700 of the Paradise Municipal Code Relating to Sign Regulations Applicable to the defunct Paradise Redevelopment Agency and Area". (ROLL CALL VOTE)

- 5b. p63 1. Conduct a public hearing to receive comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program; and, 2. Authorize the Town Manager to submit the CAPER to the Department of Housing and Urban Development. (ROLL CALL VOTE)

6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

- 6a. p82 Consider waiving the reading of entire Town of Paradise Urgency Ordinance No. 608 and adopting Town of Paradise Urgency Ordinance No. 608, "An Urgency Ordinance of the Town Council of the Town of Paradise Establishing Requirements for the Removal of Fire Damaged Debris from Private Property Following the Camp Fire"; or, provide alternative direction to staff.

- 6b. p101 Provide staff with direction to prepare an ordinance amendment which:
- a. Considers waiving alternative thresholds required to take effect on July 1, 2021 in the Urgency Ordinance Relating to Interim Housing, and revise all temporary use permits issued under the authority of the urgency ordinance to expire on December 31, 2021 unless accompanied by the issuance of a building permit for a new residence; and,
 - b. Considers requiring all new temporary use permits issued to comply with the existing Temporary Use Regulations found within Paradise Municipal Code Chapter 17.32 which requires the issuance of a building permit for a new residence in order to secure a temporary use permit to reside in an RV on-site; or,
 - c. Provide alternative direction to town staff. (ROLL CALL VOTE)

- 6c. p105 After discussion of Ordinance No. 597 regarding defensible space/hazardous fuel management requirements, consider providing direction to staff regarding the following options:

1. Repeal Paradise Municipal Code Section 8.58.060 and default to Civil Code 1102.19; and,
2. Adopt an Ordinance with Civil Code 1102.19 language as written.
3. Adopt new Ordinance language:

At the time of transfer of ownership of a parcel from the owner to another, the seller shall provide the buyer with a copy of notice of compliance within 6 months before the transfer. (ROLL CALL VOTE)

- 6d. p109 Consider adopting Resolution No. 21-___, A Resolution of the Town Council of the Town of Paradise Awarding Contract No.9380.CON, Ponderosa Elementary Safe Routes to School Project to All-American Construction, Inc., Live Oak, CA in the amount of their base bid of \$995,306.70; and, 2. Authorizing the Town Manager to execute an agreement with All-American Construction, Inc. relating to Contract No.9380.CON and to approve contingency expenditures not exceeding 10%. (ROLL CALL VOTE)

- 6e. p125 1. Consider approving the attached Site Host Agreement between EV Charging Solutions, Inc. and the Town of Paradise to participate in the California Electric Vehicle Infrastructure Project (CALeVIP): and, 2. Adopting Resolution No. 21-___, A Resolution of the Town Council of the Town of Paradise designating authority to the Town Manager to execute the Site Host Agreement with EV Charging Solutions, Inc. to install and operate Level II and/or Direct Current Fast Charging Stations on Town owned property. (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items
 - 7a1. Council discuss and consider writing a letter of support to encourage the California Department of Motor Vehicles (DMV) to reopen the location in Paradise to support the citizens of Paradise and the surrounding communities. (CROWDER) (ROLL CALL VOTE)
- 7b. Council reports on committee representation
- 7c. Future Agenda Items

8. STAFF COMMUNICATION

- 8a. Town Manager Report

9. CLOSED SESSION - None

10. ADJOURNMENT

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| STATE OF CALIFORNIA) COUNTY OF BUTTE) | SS. |
| I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date: _____ | |
| TOWN/ASSISTANT TOWN CLERK SIGNATURE _____ | |

WHEREAS, Dean Fender was appointed to the Measure C Citizen Oversight Committee by the Town Council on February 24, 2015; and,

WHEREAS, Dean Fender has served the community of Paradise as a member of the Measure C Citizen Oversight Committee from March 24, 2015 until it expired on March 31, 2021; and,

WHEREAS, Dean Fender has kept a keen eye on the income and expenditures of the Committee to make sure the money was used in accordance with the Ordinance and the wishes of the voters; and

WHEREAS, The Town Council of the Town of Paradise recognizes the valuable contribution to good government from appointed committee members who spend numerous hours in the service of the Town with no compensation.

WHEREAS, Dean Fender has generously donated his time and energy for the public good and performed his duties as a committee member with thoughtfulness and professionalism.

NOW, THEREFORE, I, Steve Crowder, Mayor of the Town of Paradise, do hereby recognize and express appreciation to Dean Fender for his dedicated service to the Town of Paradise.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 13th day of April, 2021.

Steve Crowder, Mayor

WHEREAS, Molly Knappen was appointed to the Measure C Citizen Oversight Committee by the Town Council on February 24, 2015; and,

WHEREAS, Molly Knappen served the community of Paradise as a member of the Measure C Citizen Oversight Committee from March 24, 2015 until it expired on March 31, 2021; and,

WHEREAS, Molly Knappen has served as Chair of the Committee since July 25, 2017 when she was appointed by her peers; and

WHEREAS, although initially skeptical, Molly Knappen became one of the biggest supporters of the Measure C Committee; and

WHEREAS, Molly was instrumental in the passage of Measure V on November 6, 2018, which was an extension of Measure C; and,

WHEREAS, The Town Council of the Town of Paradise recognizes the valuable contribution to good government from appointed committee members who spend numerous hours in the service of the Town with no compensation.

WHEREAS, Dean Fender has generously donated her time and energy for the public good and performed her duties as a committee member with thoughtfulness and professionalism.

NOW, THEREFORE, I, Steve Crowder, Mayor of the Town of Paradise, do hereby recognize and express appreciation to Molly Knappen for her dedicated service to the Town of Paradise.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 13th day of April, 2021.

Steve Crowder, Mayor

WHEREAS, Jim Ratekin was appointed to the Measure C Citizen Oversight Committee by the Town Council on February 24, 2015; and,

WHEREAS, Jim Ratekin has served the community of Paradise as a member of the Measure C Citizen Oversight Committee from March 24, 2015 until it expired on March 31, 2021; and,

WHEREAS, Jim Ratekin asked thoughtful and insightful questions to make sure the money was used in accordance with the Ordinance and the wishes of the voters; and

WHEREAS, The Town Council of the Town of Paradise recognizes the valuable contribution to good government from appointed committee members who spend numerous hours in the service of the Town with no compensation.

WHEREAS, Jim Ratekin has generously donated his time and energy for the public good and performed his duties as a committee member with thoughtfulness and professionalism.

NOW, THEREFORE, I, Steve Crowder, Mayor of the Town of Paradise, do hereby recognize and express appreciation to Jim Ratekin for his dedicated service to the Town of Paradise.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 13th day of April, 2021.

Steve Crowder, Mayor

**MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 5:30 PM – March 9, 2021**

1. OPENING

The Special meeting of the Paradise Town Council was called to order by Mayor Crowder at 5:30 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Jody Jones, Rose Tryon and Steve Crowder, Mayor

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Kevin Phillips, Town Clerk Dina Volenski, Attorney Dwight L. Moore and Town Engineer Marc Mattox

2. CLOSED SESSION

At 5:35 p.m. Mayor Crowder announced that the Town Council would go into Closed Session for the following item:

2a. Pursuant to Government Code section 54956.9(d)(1) The Town Council will hold a closed session with the Town Attorney Dwight L. Moore and Town Manager Kevin Phillips relating to the following pending litigation:

Town of Paradise vs. Comcast Phone of California and Comcast Digital Phone and AT&T Corp. – Case No. 20-08-018 before the Public Utilities Commission of the State of California.

At 6:00 p.m. Mayor Crowder announced that the Town Council reviewed litigation with Legal Counsel, direction was given, no final action was taken.

4. ADJOURNMENT

Mayor Crowder adjourned the Town Council meeting at 6:00 p.m.

Date approved:

By:

Steve Crowder, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – March 09, 2021

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Crowder at 6:02 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Steve “Woody” Culleton.

Mayor Crowder read a statement on how the public can participate in the meeting.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Jody Jones, Rose Tryon and Steve Crowder, Mayor.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Kevin Phillips, Town Attorney Mark Habib, Town Clerk Dina Volenski, Assistant to the Town Manager Colette Curtis, Disaster Recovery Director Katie Simmons, Community Development Director Susan Hartman, Community Development Director Tony Lindsey, Public Works Director/Town Engineer Marc Mattox, and Fire Chief Garrett Sjolund.

- 1a. Mayor Steve Crowder read a proclamation recognizing March as Red Cross Month. The proclamation was accepted by Matthew Foor from the American Red Cross. (180-40-027)
- 1b. Monica Nolan presented an update on the Chamber of Commerce Online Market Place.
- 1c. Cole Glenwright from CalOES provided an update on the Government Hazard Tree Removal Program.

Disaster Recovery Director Katie Simmons provided an update on the Private Tree Program, abatement, advocacy and emergency planning.

Public Works Director/Town Engineer Marc Mattox provided an update on the Transportation Master Plan and a sewer update.

Assistant to the Town Manager Colette Curtis provided a business update, presented plans to further explore economic development in the Transportation Master Plan through a Nonresidential Market Study and discussed re-examining the Town’s design standards.

2. CONSENT CALENDAR

MOTION by Bolin, seconded by Jones, approved consent calendar items 2a through 2h. Roll call vote was unanimous.

- 2a. Approved minutes of the February 9, 2021 Regular and February 18 and 23, 2021 Special meetings.
- 2b. Approved February 2021 Cash Disbursements in the amount of \$2,314,864.30 (310-10-034)
- 2c. Adopted Resolution No. 21-08, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager, Kevin Phillips, to Execute all Escrow and Other Documents Pertaining to the Acquisition by the Town of Real Property from Church of Christ Paradise, known as 1181 Pearson Road, Paradise, CA, APN 054-152-077. (820-10-044)
- 2d. Waived the second reading of Town Ordinance No. 603 and read by title only; and, adopted Town Ordinance No. 603. "An Ordinance of the Town Council of the Town of Paradise Amending Section 15.09.100 of the Paradise Municipal Code relating to General Open Burning. (540-16-172)
- 2e. Approved First Amendment to Agreement Between the Town of Paradise and Chico State Enterprises for Professional Services for Paradise Broadband Feasibility Study. (510-20-272)
- 2f. Accepted the 2020 Annual Report of the Paradise Planning Commission to the Town Council Regarding the Implementation Status of the 1994 Paradise General Plan & Housing Element. (760-40-057)
- 2g. Adopted Resolution No.21-09, A Resolution of the Town Council of the Town of Paradise granting Pacific Gas & Electric Company necessary utility easements along portions of the Yellowstone Kelly Heritage Trailway. (950-90-004, 510-20-177, 950-40-057, 510-20-295)
- 2h. Adopted Resolution No. 21-10, A Resolution of the Town Council of the Town of Paradise Approving first amendment to Agreement for Legal Services Between the Town of Paradise and Peters, Habib, McKenna, Juhl-Rhodes and Cardoza. (510-20-274)

3. ITEMS REMOVED FROM CONSENT CALENDAR- None

4. PUBLIC COMMUNICATION

- 1. Town Clerk Volenski read an email comment from John Stonebraker representing the Upper Ridge Community Council.

5. PUBLIC HEARINGS

- 5a. Assistant to the Town Manager Colette Curtis provided Council with an update on the proposed substantial Amendment to the 2019-2020 Annual Plan. (710-10-094)

Mayor Crowder announced that the Town Council would conduct the second public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan.

Mayor Crowder opened the public hearing at 7:06 p.m.

There was no public comment.

Mayor Crowder closed the public hearing at 7:07 p.m.

MOTION by Jones, seconded by Tryon, authorized the Town Staff to submit the Substantial Amendment to Housing and Urban Development. Roll call vote was unanimous.

- 5b. Community Development Director Susan Hartman provided an update on the proposed General Plan Land Use Map amendment and rezone for the Simmons application.

Mayor Crowder announced that the Town Council would conduct the duly noticed and scheduled public hearing and upon conclusion of the public hearing, consider the following: Concur with the Planning Director's determination that the project application is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15601 (General Rule Exemption); Concur with the project recommended General Plan Land Use Map amendment and rezone action adopted by the Planning Commission on February 16, 2021, and set forth within Planning Commission Resolution No. 21-01; AND Adopt Town of Paradise Resolution No. 21-11, "A Resolution of the Town Council of the Town of Paradise Amending the Land Use Map of the 1994 Paradise General Plan (SIMMONS: PL21-00011); AND Waive the first reading of Town Ordinance No. 605 and read by title only (roll call vote); AND Introduce Town of Paradise Ordinance No. 605, "An Ordinance Rezoning Certain Real Property From "Unclassified" to a "C-C" (Community-Commercial) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (SIMMONS: PL21-00011)"

Mayor Crowder opened the public hearing at 7:11 p.m.

There were no public comments.

Mayor Crowder closed the public hearing at 7:11 p.m.

MOTION by Jones, seconded by Culleton, concurred with the Planning Director's determination that the project application is exempt from the requirements of the California Environmental Quality Act (CEQA); and concurred with the project recommended General Plan Land Use Map amendment and rezone action adopted by the Planning Commission on February 16, 2021, and set forth within Planning Commission Resolution No. 21-01; and adopted Town of Paradise Resolution No. 21-11, A Resolution of the Town Council of the Town of Paradise Amending the Land

Use Map of the 1994 Paradise General Plan (SIMMONS: PL21-00011); and waived the first reading of Town Ordinance No. 605 and read by title only ; and introduced Town of Paradise Ordinance No. 605, "An Ordinance Rezoning Certain Real Property From "Unclassified" to a "C-C" (Community-Commercial) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (SIMMONS: PL21-00011)" Roll call vote was unanimous. (540-16-174, 760-40-061)

6. COUNCIL CONSIDERATION

- 6a. Community Development Director Anthony Lindsey provided an update on the proposed salary pay plan and additional part-time/hourly positions brought back from the February 23rd meeting.

MOTION by Culleton, seconded by Bolin, approved the salary schedule for part-time/hourly Building/Onsite Inspector I and Building/Onsite Inspector II positions effective March 9, 2021; and authorized the addition of up to four (4) less than half-time, extra help, part-time/hourly Building/Onsite Inspector I and Building/Onsite Inspector II positions to the FY 2020/21 Salary Pay Plan and position control effective March 9, 2021; and, authorized the addition of a 25 hour per week, part-time Building/Onsite Inspector I position effective March 9, 2021. Roll call vote was unanimous. (610-10-017, 610-10-018)

- 6b. Consider waiving the first reading of the entire Town of Paradise Ordinance No. 606 and approve reading by title only; and, 2. Introduce Town of Paradise Ordinance No. 606, An Ordinance Adding Chapter 13.13 to the Paradise Municipal Code Relating to Undergrounding New Utility Infrastructure; or, 3. Delay and/or modify recommended action.

Town Engineer Marc Mattox provided an update and recommended deferring the ordinance until further notice.

PHONE COMMENT

1. Alice Perez, with AT&T, thanked the Town Council for deferring the ordinance until a later date.

MOTION by Jones, seconded by Bolin, to defer the undergrounding ordinance until the June Town Council meeting unless all the moving parts that prompted staff's recommendation to defer, come together and it can be brought back to the Town Council sooner. Roll call vote was unanimous.

- 6c. **MOTION by Bolin, seconded by Crowder**, appointed Lee Brown, Chris Rehmann and Dee Riley as regular committee members and Ronald Baker as an alternate committee member to the Measure V Citizen's oversight Committee; and, 2. Adopted Resolution No. 21-12, A Resolution of the

Town Council Approving By-laws for the Governance of the Measure V Citizen Oversight Committee approved by the voters on November 6, 2018. Roll call vote was unanimous. (395-70-019)

At 7:50 p.m. Mayor Crowder recessed the meeting for a five-minute break.

At 7:57 p.m. Mayor Crowder resumed the Council meeting.

- 6d. Disaster Recovery Director Katie Simmons provided an update to Urgency Ordinance No. 600. relating to interim housing, accessory building(s) and unoccupied recreational vehicles inside the Camp Fire Area and requested Council provide direction to staff. Council direction was given to staff to bring back an agenda item update on Code Enforcement, statistics and to bring back the Urgency Ordinance with recommendations depending on what the surveys reveal as far as progress within some of the programs available for displaced residents. No action was taken on this item. (540-16-169)

- 6e. Jason Schwenkler with North State Planning and Development Collective presented information regarding the Broadband Feasibly Study.

MOTION by Tryon, seconded by Bolin Accepted the Broadband Feasibility Report; and, 2. Authorized staff to move forward with an RFI for a new third-party provider to create a business model which would leverage existing infrastructure which the town has access to. Roll call vote was unanimous. (950-90-005)

- 6f. Community Development Director Susan Hartman provided Council an overview of the proposed changes with vending in the Downtown.

MOTION by Bolin, seconded by Crowder, concurred with the project "CEQA determination" findings made by the Town Planning Director; and, 2. Waived the first reading of Town Ordinance No. 606 and read by title only; and, 3. Introduced Town Ordinance No. 606, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 5.11 Related To: Vending, Hawking, Peddling and Sales". 3. Approved with the change to Section C: "Except as otherwise provided in this chapter, it shall be unlawful for an operator of a mobile vending sales facility to vend in a single location for a period to exceed fifteen minutes. For purposes of this subsection, a single location shall be deemed to be a place five hundred feet or more from the last sale." From 15 minutes to 30 minutes. Roll call vote was unanimous. (540-16-175)

- 6g. Public Works Director/Town Engineer Marc Mattox provided an update on the Ponderosa Elementary Safe Routes to School project.

MOTION by Bolin, seconded by Jones, adopted Resolution No.21-13, A Resolution of the Town Council of the Town of Paradise approving the plans and specifications for Ponderosa Elementary Safe Routes to School Project and authorizing advertisement for bids on the project. Roll call vote was unanimous. (950-40-032)

- 6h. Public Works Director/Town Engineer Marc Mattox provided an update on the proposed changes to the Fleet department.

MOTION by Bolin, seconded by Jones, 1. Approved the salary schedule for reclassification of the existing Senior Mechanic position to Fleet Division Manager for Fiscal Year 2020/21 effective March 9, 2021; and, 2. Approved the salary schedule and position control for Fiscal Year 2020/21 effective March 9, 2021 for the addition of one (1) full time Mechanic. Roll call vote was unanimous. (610-10-015, 610-10-017, 610-10-018)

- 6i. Fire Chief Garrett Sjolund provided an overview of the current contract and the cost savings the Town received, as well as the projections for the proposed CAL FIRE contract for services from July 1, 2021 through June 30, 2025.

MOTION by Crowder, seconded by Jones, Adopted Resolution No. 21-14 a Resolution of the Town Council of the Town of Paradise approving and authorizing execution of the California Department of Forestry and Fire Protection (CAL FIRE) for services from July 1, 2021 through June 30, 2025, Contract 2CA05233 Agreement, for a maximum amount not to exceed \$17,082,951. Roll call vote was unanimous. (510-20-296)

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

- 7a. Council Member Culleton requested discussion regarding Ordinance No. 597. Relating to Defensible Space And Hazardous Fuel Management, Section 8.58.060 item E,” at the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this section 8.58.060. Based on a monthly list of parcels sold within the Town of Paradise, thirty (30) days after the transfer of each parcel the Town shall determine whether the parcel complies with this section.” Council provided staff with direction to come back with recommendations on how to ensure parcels will be cleared by escrow.

7b. Council reports on committee representation

Council Member Tryon attended a meeting with 4 Leaf; participated on a call with the Board of Forestry for the Fire Safe Regulation Workshop; attended the Butte County Air Quality Management Meeting; and attended a meeting with the lobbyist.

Councilmember Culleton participated in the Measure V Oversight Committee Interviews.

Vice-Mayor Jones attended the Butte County Association of Governments and the meeting on the State Advocacy Program. Councilmember Jones was also supposed to have attended the first Sewer Committee meeting, but it was postponed until April 12th due to technical difficulties.

7c. Future Agenda Items -None

8. STAFF COMMUNICATION

8a. Town Manager Report

Town Manager Phillips reported that the Town submitted an RFP for legal services and that 30 different firms have already downloaded the RFP. Staff and Council are working to set up a Goal Setting meeting which will also include the Fiscal Sustainability Model. Assistant to the Town Manager is working with the County who received some funds specifically for Fire Safe Education. Town Manager Phillips and Disaster Recovery Director Katie Simmons had a tour with the Fire Safe Council. Chief Reinbold has been awarded with the Red Cross Philanthropist of the Year Award. Town Hall and subsequent meetings will be open to the public with limited capacity starting March 10th at 12:00 pm.

10. ADJOURNMENT

Mayor Crowder adjourned the Council meeting at 10:23 p.m.

Date approved:

By:

Steve Crowder, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 2:00 PM – March 24, 2021

1. OPENING

The Special meeting of the Paradise Town Council was called to order by Mayor Crowder at 2:00 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Rose Tryon and Steve Crowder, Mayor

COUNCIL MEMBERS ABSENT: Jody Jones

STAFF PRESENT: Town Manager Kevin Phillips, Town Clerk Dina Volenski, Public Works Director/Town Engineer Marc Mattox, Deputy Clerk Melanie Norris and Attorney Dwight Moore via Microsoft Teams.

2. CONSIDERATION

- 2a. Town Manager Phillips provided an update on the need for State lobbying services.

MOTION by Tryon, seconded by Culleton, adopted the agreement with Broad and Gusman to provide state advocacy/lobbying services at the cost of \$4,000 per month and authorized the Town Manager to execute the agreement on behalf of the Town. Roll call vote was unanimous with Council Member Jones absent and not voting. (510-20-297)

- 2b. **MOTION by Bolin, seconded by Crowder,** approved writing a letter of opposition to the California Department of Public Health regarding the proposed change to the Syringe Exchange Program. Roll call vote was unanimous with Council Member Jones absent and not voting. (180-30-100, 540-16-168)

3. CLOSED SESSION

At 2:16 p.m. Mayor Crowder announced that the Town Council would go into Closed Session for the following item:

- 3a. Pursuant to Government Code section 54956.9(d)(1) The Town Council will hold a closed session with Attorney Dwight L. Moore and Town Manager Kevin Phillips relating to the following pending litigation: Town of Paradise vs. Comcast Phone of California and Comcast Digital Phone and AT&T Corp. – Case No. 20-08-018 before the Public Utilities Commission of the State of California.

At 3:00 p.m. Mayor Crowder announced that the Town Council gave direction and terms to the Town’s legal team to settle its CPUC complaint against Comcast. The vote was unanimous with Jones absent and not voting. The vote was as follows:

AYES of Greg Bolin, Steve “Woody” Culleton, Rose Tryon and Steve Crowder, Mayor
NOES: None ABSENT: Jody Jones ABSTAIN: None

4. ADJOURNMENT

Mayor Crowder adjourned the Town Council meeting at 3:04 p.m.

Date approved:

By:

Steve Crowder, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
MARCH 1, 2021 - MARCH 31, 2021



**CASH DISBURSEMENTS REPORT
MARCH 1, 2021 - MARCH 31, 2021**

| Check Date | Pay Period End | Description | Amount | Total |
|------------------|----------------|--|------------------------|-------------------------------|
| 3/5/2021 | 2/27/2021 | Net Payroll - Direct Deposits and Checks | 144,303.67 | |
| 3/19/2021 | 3/13/2021 | Net Payroll - Direct Deposits and Checks | <u>\$ 150,211.19</u> | \$ 294,514.86 |
| Accounts Payable | | | | |
| | | Payroll Vendors: Taxes, PERS, Dues, Insurance, Etc. | 423,979.55 | |
| | | Operations Vendors: Supplies, Contracts, Utilities, Etc. | <u>\$ 1,649,072.83</u> | |
| | | TOTAL CASH DISBURSEMENTS ACCOUNTS PAYABLE | | <u>2,073,052.38</u> |
| | | GRAND TOTAL CASH DISBURSEMENTS | | <u><u>\$ 2,367,567.24</u></u> |

APPROVED BY:

Kevin Phillips, Town Manager

TOWN OF PARADISE
Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|------------------------------|------------|--------|-------------|----------------------------|------------------|--|-----------------------|----------------------|------------|
| AP - US Bank TOP AP Checking | | | | | | | | | |
| <u>Check</u> | | | | | | | | | |
| 77737 | 03/01/2021 | Open | | | Accounts Payable | MID VALLEY TITLE & ESCROW | \$97,100.00 | | |
| 77738 | 03/02/2021 | Open | | | Accounts Payable | ENTERPRISE FM TRUST | \$1,073.32 | | |
| 77739 | 03/02/2021 | Open | | | Accounts Payable | Peters, Habib, McKenna, Juhl-Rhodes & Cardoza, LLP | \$18,579.00 | | |
| 77740 | 03/02/2021 | Open | | | Accounts Payable | Santander Leasing LLC | \$21,657.93 | | |
| 77741 | 03/02/2021 | Open | | | Accounts Payable | Santander Leasing LLC | \$7,926.51 | | |
| 77742 | 03/02/2021 | Open | | | Accounts Payable | SBA Monarch Towers III LLC | \$160.10 | | |
| 77743 | 03/02/2021 | Open | | | Accounts Payable | TIAA COMMERCIAL FINANCE, INC | \$906.47 | | |
| 77744 | 03/03/2021 | Open | | | Accounts Payable | Aflac | \$146.92 | | |
| 77745 | 03/03/2021 | Open | | | Accounts Payable | Employment Development Dept | \$782.49 | | |
| 77746 | 03/03/2021 | Open | | | Accounts Payable | Met Life | \$7,945.78 | | |
| 77747 | 03/03/2021 | Open | | | Accounts Payable | OPERATING ENGINEERS | \$868.00 | | |
| 77748 | 03/03/2021 | Open | | | Accounts Payable | PARADISE POLICE OFFICERS ASSOCIATION | \$1,707.81 | | |
| 77749 | 03/03/2021 | Open | | | Accounts Payable | SUN LIFE INSURANCE | \$4,904.91 | | |
| 77750 | 03/03/2021 | Open | | | Accounts Payable | SUPERIOR VISION SVC NGLIC | \$637.76 | | |
| 77751 | 03/03/2021 | Open | | | Accounts Payable | TOP CONFIDENTIAL MID MGMT ASSOCIATION | \$90.00 | | |
| 77752 | 03/10/2021 | Open | | | Accounts Payable | ICMA 457 - VANTAGEPOINT | \$750.00 | | |
| 77753 | 03/10/2021 | Open | | | Accounts Payable | STATE DISBURSEMENT UNIT | \$194.76 | | |
| 77754 | 03/11/2021 | Open | | | Accounts Payable | 4LEAF, Inc | \$478,268.07 | | |
| 77755 | 03/11/2021 | Open | | | Accounts Payable | ACCESS INFORMATION PROTECTED | \$86.14 | | |
| 77756 | 03/11/2021 | Open | | | Accounts Payable | AIRGAS SAFETY, INC. | \$657.53 | | |
| 77757 | 03/11/2021 | Open | | | Accounts Payable | Anaya, Andrew | \$140.00 | | |
| 77758 | 03/11/2021 | Open | | | Accounts Payable | Axon Enterprise Inc | \$375.00 | | |
| 77759 | 03/11/2021 | Open | | | Accounts Payable | Bear Electric Solutions | \$24,774.71 | | |
| 77760 | 03/11/2021 | Open | | | Accounts Payable | BIDWELL TITLE & ESCROW | \$1,370.00 | | |
| 77761 | 03/11/2021 | Open | | | Accounts Payable | Big O Tires | \$40.00 | | |
| 77762 | 03/11/2021 | Open | | | Accounts Payable | Borgman, Anthony | \$27.50 | | |
| 77763 | 03/11/2021 | Open | | | Accounts Payable | BUTTE CO AIR QUALITY MANAGEMENT DISTRICT | \$75.00 | | |
| 77764 | 03/11/2021 | Open | | | Accounts Payable | BUTTE CO RECORDER | \$297.00 | | |
| 77765 | 03/11/2021 | Open | | | Accounts Payable | CALIFORNIA SECRETARY OF STATE | \$40.00 | | |
| 77766 | 03/11/2021 | Open | | | Accounts Payable | Clarence Keel | \$3,464.83 | | |
| 77767 | 03/11/2021 | Open | | | Accounts Payable | COMCAST CABLE | \$244.78 | | |
| 77768 | 03/11/2021 | Open | | | Accounts Payable | COMCAST CABLE | \$139.78 | | |
| 77769 | 03/11/2021 | Open | | | Accounts Payable | Creative Composition Inc | \$53.63 | | |
| 77770 | 03/11/2021 | Open | | | Accounts Payable | Employment Development Dept | \$3,156.50 | | |
| 77771 | 03/11/2021 | Open | | | Accounts Payable | ENTENMANN-ROVIN COMPANY | \$46.83 | | |
| 77772 | 03/11/2021 | Open | | | Accounts Payable | GHD, Inc. | \$54,854.21 | | |
| 77773 | 03/11/2021 | Open | | | Accounts Payable | Granicher Appraisals, Inc | \$375.00 | | |
| 77774 | 03/11/2021 | Open | | | Accounts Payable | GREAT AMERICA LEASING CORP. | \$145.47 | | |

TOWN OF PARADISE
Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|------------------------------|------------|--------|-------------|----------------------------|------------------|---|-----------------------|----------------------|------------|
| AP - US Bank TOP AP Checking | | | | | | | | | |
| <u>Check</u> | | | | | | | | | |
| 77775 | 03/11/2021 | Open | | | Accounts Payable | GREEN RIDGE LANDSCAPING | \$5,623.66 | | |
| 77776 | 03/11/2021 | Open | | | Accounts Payable | HDR Engineering, Inc | \$25,740.72 | | |
| 77777 | 03/11/2021 | Open | | | Accounts Payable | Herc Rentals Inc. | \$5,754.36 | | |
| 77778 | 03/11/2021 | Open | | | Accounts Payable | Hupp Signs & Lighting Inc | \$2,189.31 | | |
| 77779 | 03/11/2021 | Open | | | Accounts Payable | I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP | \$4,363.84 | | |
| 77780 | 03/11/2021 | Open | | | Accounts Payable | INLAND BUSINESS MACHINES | \$33.21 | | |
| 77781 | 03/11/2021 | Open | | | Accounts Payable | James or Lavenia Riotto | \$850.00 | | |
| 77782 | 03/11/2021 | Open | | | Accounts Payable | Joel Burkett | \$645.46 | | |
| 77783 | 03/11/2021 | Open | | | Accounts Payable | JOHNNY ON THE SPOT PORTABLES | \$1,025.15 | | |
| 77784 | 03/11/2021 | Open | | | Accounts Payable | LOCATE PLUS CORPORATION | \$25.00 | | |
| 77785 | 03/11/2021 | Open | | | Accounts Payable | Meyers Police K-9 Training, LLC | \$1,007.14 | | |
| 77786 | 03/11/2021 | Open | | | Accounts Payable | MID VALLEY TITLE & ESCROW | \$713.00 | | |
| 77787 | 03/11/2021 | Open | | | Accounts Payable | MUNICIPAL CODE CORP | \$715.99 | | |
| 77788 | 03/11/2021 | Open | | | Accounts Payable | North State Tire Co. Inc. | \$271.13 | | |
| 77789 | 03/11/2021 | Open | | | Accounts Payable | NORTHGATE PETROLEUM CO | \$6,819.58 | | |
| 77790 | 03/11/2021 | Open | | | Accounts Payable | NORTHSTAR | \$803.85 | | |
| 77791 | 03/11/2021 | Open | | | Accounts Payable | O'REILLY AUTO PARTS | \$50.96 | | |
| 77792 | 03/11/2021 | Open | | | Accounts Payable | OFFICE DEPOT ACCT#36233169 | \$416.49 | | |
| 77793 | 03/11/2021 | Open | | | Accounts Payable | PACIFIC GAS & ELECTRIC | \$808.12 | | |
| 77794 | 03/11/2021 | Open | | | Accounts Payable | PARADISE ALLIANCE CHURCH | \$95.00 | | |
| 77795 | 03/11/2021 | Open | | | Accounts Payable | PARADISE POST | \$135.16 | | |
| 77796 | 03/11/2021 | Open | | | Accounts Payable | PEERLESS BUILDING MAINT | \$660.00 | | |
| 77797 | 03/11/2021 | Open | | | Accounts Payable | R B SPENCER INC | \$8,945.00 | | |
| 77798 | 03/11/2021 | Open | | | Accounts Payable | RAY MORGAN COMPANY INC | \$63.12 | | |
| 77799 | 03/11/2021 | Open | | | Accounts Payable | REINBOLD, ERIC | \$27.50 | | |
| 77800 | 03/11/2021 | Open | | | Accounts Payable | Rick Salley Construction | \$285.13 | | |
| 77801 | 03/11/2021 | Open | | | Accounts Payable | Riebes Auto Parts-Motorpool | \$37.09 | | |
| 77802 | 03/11/2021 | Open | | | Accounts Payable | Spherion Staffing | \$8,662.47 | | |
| 77803 | 03/11/2021 | Open | | | Accounts Payable | Stratti | \$18,572.66 | | |
| 77804 | 03/11/2021 | Open | | | Accounts Payable | T and S DVBE Inc. | \$9,233.74 | | |
| 77805 | 03/11/2021 | Open | | | Accounts Payable | Tahoe Pure Water Co. | \$30.00 | | |
| 77806 | 03/11/2021 | Open | | | Accounts Payable | Terri Bongers | \$1,449.70 | | |
| 77807 | 03/11/2021 | Open | | | Accounts Payable | THOMAS ACE HARDWARE - ENG. DEPT. | \$745.38 | | |
| 77808 | 03/11/2021 | Open | | | Accounts Payable | THOMAS ACE HARDWARE - FIRE DEPT. | \$9.76 | | |
| 77809 | 03/11/2021 | Open | | | Accounts Payable | Tri Flame Propane | \$1.02 | | |
| 77810 | 03/11/2021 | Open | | | Accounts Payable | TYLER TECHNOLOGIES, INC. | \$350.00 | | |
| 77811 | 03/11/2021 | Open | | | Accounts Payable | VERIZON WIRELESS | \$308.48 | | |
| 77812 | 03/11/2021 | Open | | | Accounts Payable | Wood Rodgers, Inc. | \$46,123.34 | | |

TOWN OF PARADISE
Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|------------------------------|------------|--------|-------------|----------------------------|------------------|--|-----------------------|----------------------|------------|
| AP - US Bank TOP AP Checking | | | | | | | | | |
| <u>Check</u> | | | | | | | | | |
| 77813 | 03/12/2021 | Open | | | Accounts Payable | MID VALLEY TITLE & ESCROW | \$192,242.71 | | |
| 77814 | 03/24/2021 | Open | | | Accounts Payable | ICMA 457 - VANTAGEPOINT | \$750.00 | | |
| 77815 | 03/24/2021 | Open | | | Accounts Payable | STATE DISBURSEMENT UNIT | \$194.76 | | |
| 77816 | 03/25/2021 | Open | | | Accounts Payable | ACCESS INFORMATION PROTECTED | \$29.97 | | |
| 77817 | 03/25/2021 | Open | | | Accounts Payable | ACI ENTERPRISES, INC. | \$463.32 | | |
| 77818 | 03/25/2021 | Open | | | Accounts Payable | ADVANCED DOCUMENT CONCEPTS | \$55.70 | | |
| 77819 | 03/25/2021 | Open | | | Accounts Payable | Asbury Environmental Services | \$302.80 | | |
| 77820 | 03/25/2021 | Open | | | Accounts Payable | AT&T & CALNET3 - CIRCUIT LINES | \$109.95 | | |
| 77821 | 03/25/2021 | Open | | | Accounts Payable | AT&T & CALNET3 - CIRCUIT LINES | \$1,051.52 | | |
| 77822 | 03/25/2021 | Open | | | Accounts Payable | AT&T MOBILITY | \$205.30 | | |
| 77823 | 03/25/2021 | Open | | | Accounts Payable | AT&T/CALNET3 - REPEATER LINES | \$210.49 | | |
| 77824 | 03/25/2021 | Open | | | Accounts Payable | AT&T/CALNET3 - COMMUNITY PARK | \$23.49 | | |
| 77825 | 03/25/2021 | Open | | | Accounts Payable | AT&T/CALNET3 - Summary | \$4,009.32 | | |
| 77826 | 03/25/2021 | Open | | | Accounts Payable | AT&T/CALNET3 - TH/FDPD FIBER LINES | \$1,115.54 | | |
| 77827 | 03/25/2021 | Open | | | Accounts Payable | Azco Supply Inc | \$188.56 | | |
| 77828 | 03/25/2021 | Open | | | Accounts Payable | BASIC LABORATORY | \$1,206.00 | | |
| 77829 | 03/25/2021 | Open | | | Accounts Payable | Bear Electric Solutions | \$1,520.00 | | |
| 77830 | 03/25/2021 | Open | | | Accounts Payable | Big O Tires | \$100.00 | | |
| 77831 | 03/25/2021 | Open | | | Accounts Payable | Biometrics4ALL, Inc | \$11.25 | | |
| 77832 | 03/25/2021 | Open | | | Accounts Payable | Blue Flamingo Marketing Advocates | \$5,348.00 | | |
| 77833 | 03/25/2021 | Open | | | Accounts Payable | Bug Smart | \$41.00 | | |
| 77834 | 03/25/2021 | Open | | | Accounts Payable | BUTTE CO AIR QUALITY MANAGEMENT DISTRICT | \$80.00 | | |
| 77835 | 03/25/2021 | Open | | | Accounts Payable | CALIFORNIA STATE DEPARTMENT OF JUSTICE | \$128.00 | | |
| 77836 | 03/25/2021 | Open | | | Accounts Payable | COMCAST CABLE | \$409.78 | | |
| 77837 | 03/25/2021 | Open | | | Accounts Payable | COMCAST CABLE | \$389.78 | | |
| 77838 | 03/25/2021 | Open | | | Accounts Payable | Creative Composition Inc | \$120.18 | | |
| 77839 | 03/25/2021 | Open | | | Accounts Payable | Dewberry Engineers Inc. | \$69,904.20 | | |
| 77840 | 03/25/2021 | Open | | | Accounts Payable | Dokken Engineering, Inc. | \$114,211.18 | | |
| 77841 | 03/25/2021 | Open | | | Accounts Payable | Dokken Engineering, Inc. | \$2,015.80 | | |
| 77842 | 03/25/2021 | Open | | | Accounts Payable | Dokken Engineering, Inc. | \$45,221.24 | | |
| 77843 | 03/25/2021 | Open | | | Accounts Payable | Entersect | \$109.95 | | |
| 77844 | 03/25/2021 | Open | | | Accounts Payable | EXECUTIVE HOMES | \$16,961.20 | | |
| 77845 | 03/25/2021 | Open | | | Accounts Payable | Granicher Appraisals, Inc | \$375.00 | | |
| 77846 | 03/25/2021 | Open | | | Accounts Payable | GREAT AMERICA LEASING CORP. | \$129.31 | | |
| 77847 | 03/25/2021 | Open | | | Accounts Payable | HDR Engineering, Inc | \$74,864.53 | | |
| 77848 | 03/25/2021 | Open | | | Accounts Payable | Herc Rentals Inc. | \$2,161.08 | | |
| 77849 | 03/25/2021 | Open | | | Accounts Payable | INLAND BUSINESS MACHINES | \$355.00 | | |
| 77850 | 03/25/2021 | Open | | | Accounts Payable | James or Lavenia Riotto | \$725.00 | | |

TOWN OF PARADISE
Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|------------------------------|------------|--------|-------------|----------------------------|------------------|---|-----------------------|----------------------|------------|
| AP - US Bank TOP AP Checking | | | | | | | | | |
| <u>Check</u> | | | | | | | | | |
| 77851 | 03/25/2021 | Open | | | Accounts Payable | Jennifer Arbuckle | \$11,550.00 | | |
| 77852 | 03/25/2021 | Open | | | Accounts Payable | KNIFE RIVER CONSTRUCTION | \$437.53 | | |
| 77853 | 03/25/2021 | Open | | | Accounts Payable | KNIFE RIVER CONSTRUCTION | \$906.92 | | |
| 77854 | 03/25/2021 | Open | | | Accounts Payable | KOEFRAN INDUSTRIES | \$1,200.00 | | |
| 77855 | 03/25/2021 | Open | | | Accounts Payable | Look Ahead Veterinary Services | \$50.00 | | |
| 77856 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$11,150.63 | | |
| 77857 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$10,388.50 | | |
| 77858 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$4,154.00 | | |
| 77859 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$10,053.77 | | |
| 77860 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$7,266.38 | | |
| 77861 | 03/25/2021 | Open | | | Accounts Payable | Mark Thomas & Company Inc | \$114,325.73 | | |
| 77862 | 03/25/2021 | Open | | | Accounts Payable | Merck Animal Health | \$513.45 | | |
| 77863 | 03/25/2021 | Open | | | Accounts Payable | MOBILE MINI INC | \$633.28 | | |
| 77864 | 03/25/2021 | Open | | | Accounts Payable | MUNIMETRIX SYSTEMS CORP | \$39.99 | | |
| 77865 | 03/25/2021 | Open | | | Accounts Payable | NORTHERN RECYCLING & WASTE SERVICES, INC. | \$1,964.70 | | |
| 77866 | 03/25/2021 | Open | | | Accounts Payable | NORTHSTAR | \$2,069.08 | | |
| 77867 | 03/25/2021 | Open | | | Accounts Payable | O'REILLY AUTO PARTS | \$450.89 | | |
| 77868 | 03/25/2021 | Open | | | Accounts Payable | OFFICE DEPOT ACCT#36233169 | \$527.98 | | |
| 77869 | 03/25/2021 | Open | | | Accounts Payable | Oroville Tow & Salvage | \$150.00 | | |
| 77870 | 03/25/2021 | Open | | | Accounts Payable | PACIFIC GAS & ELECTRIC | \$10,795.91 | | |
| 77871 | 03/25/2021 | Open | | | Accounts Payable | Palade, Wesley and Sheri | \$2,062.86 | | |
| 77872 | 03/25/2021 | Open | | | Accounts Payable | PARADISE ALLIANCE CHURCH | \$120.00 | | |
| 77873 | 03/25/2021 | Open | | | Accounts Payable | PARADISE IRRIGATION DIST | \$829.50 | | |
| 77874 | 03/25/2021 | Open | | | Accounts Payable | PARADISE POST | \$450.19 | | |
| 77875 | 03/25/2021 | Open | | | Accounts Payable | Precision Hydro Inc | \$504.00 | | |
| 77876 | 03/25/2021 | Open | | | Accounts Payable | RENTAL GUYS - CHICO | \$95.45 | | |
| 77877 | 03/25/2021 | Open | | | Accounts Payable | Riebes Auto Parts-Motorpool | \$34.00 | | |
| 77878 | 03/25/2021 | Open | | | Accounts Payable | Scotts PPE Recon Inc. | \$4,040.27 | | |
| 77879 | 03/25/2021 | Open | | | Accounts Payable | Sigler Pest Control | \$50.00 | | |
| 77880 | 03/25/2021 | Open | | | Accounts Payable | SINCLAIR'S AUTOMOTIVE & TOWING | \$660.00 | | |
| 77881 | 03/25/2021 | Open | | | Accounts Payable | Spherion Staffing | \$7,910.18 | | |
| 77882 | 03/25/2021 | Open | | | Accounts Payable | Stratti | \$2,001.86 | | |
| 77883 | 03/25/2021 | Open | | | Accounts Payable | Tetra Tech - EMI | \$23,709.93 | | |
| 77884 | 03/25/2021 | Open | | | Accounts Payable | THOMAS ACE HARDWARE - ENG. DEPT. | \$618.64 | | |
| 77885 | 03/25/2021 | Open | | | Accounts Payable | THOMAS ACE HARDWARE - FIRE DEPT. | \$87.76 | | |
| 77886 | 03/25/2021 | Open | | | Accounts Payable | THOMAS ACE HARDWARE - POLICE DEPT. | \$3.29 | | |
| 77887 | 03/25/2021 | Open | | | Accounts Payable | THOMAS HYDRAULIC & HARDWARE SUPPLY, INC. | \$759.29 | | |
| 77888 | 03/25/2021 | Open | | | Accounts Payable | THRIFTY ROOTER | \$165.00 | | |

TOWN OF PARADISE
Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|-------------------------------------|------------|--------|-------------|----------------------------|------------------|---|-----------------------|----------------------|------------|
| AP - US Bank TOP AP Checking | | | | | | | | | |
| <u>Check</u> | | | | | | | | | |
| 77889 | 03/25/2021 | Open | | | Accounts Payable | Tri Flame Propane | \$1,110.09 | | |
| 77890 | 03/25/2021 | Open | | | Accounts Payable | TUCKER PEST CONTROL INC | \$86.00 | | |
| 77891 | 03/25/2021 | Open | | | Accounts Payable | UNITED RENTALS, INC. | \$2,103.70 | | |
| 77892 | 03/25/2021 | Open | | | Accounts Payable | VERIZON WIRELESS | \$2,102.83 | | |
| 77893 | 03/25/2021 | Open | | | Accounts Payable | Wayne A. Murphy General Contractor | \$175.00 | | |
| 77894 | 03/25/2021 | Open | | | Accounts Payable | White Glove Cleaning Svc Inc, Theresa Contreras | \$234.00 | | |
| 77895 | 03/25/2021 | Open | | | Accounts Payable | WILGUS FIRE CONTROL INC | \$1,179.60 | | |
| 77896 | 03/25/2021 | Open | | | Accounts Payable | WILLDAN FINANCIAL SERVICES | \$3,300.00 | | |
| 77897 | 03/25/2021 | Open | | | Accounts Payable | WILSON PRINTING | \$27.67 | | |
| Type Check Totals: | | | | | 161 Transactions | | \$1,668,046.02 | | |
| <u>EFT</u> | | | | | | | | | |
| 1124 | 03/03/2021 | Open | | | Accounts Payable | CALPERS | \$106,088.27 | | |
| 1125 | 03/04/2021 | Open | | | Accounts Payable | EMPLOYMENT DEVELOPMENT DEPARTMENT | \$7,718.09 | | |
| 1126 | 03/04/2021 | Open | | | Accounts Payable | INTERNAL REVENUE SERVICE | \$26,025.48 | | |
| 1127 | 03/10/2021 | Open | | | Accounts Payable | CALPERS - RETIREMENT | \$37,993.34 | | |
| 1128 | 03/10/2021 | Open | | | Accounts Payable | ING LIFE INS & ANNUITY COMPANY | \$6,812.08 | | |
| 1129 | 03/18/2021 | Open | | | Accounts Payable | EMPLOYMENT DEVELOPMENT DEPARTMENT | \$8,442.55 | | |
| 1130 | 03/18/2021 | Open | | | Accounts Payable | INTERNAL REVENUE SERVICE | \$27,814.46 | | |
| 1131 | 03/24/2021 | Open | | | Accounts Payable | CALPERS - RETIREMENT | \$38,371.69 | | |
| 1132 | 03/24/2021 | Open | | | Accounts Payable | ING LIFE INS & ANNUITY COMPANY | \$6,812.08 | | |
| 1133 | 03/25/2021 | Open | | | Accounts Payable | INTERNAL REVENUE SERVICE | \$15.38 | | |
| 1134 | 03/30/2021 | Open | | | Accounts Payable | CALPERS - RETIREMENT | \$138,912.94 | | |
| Type EFT Totals: | | | | | 11 Transactions | | \$405,006.36 | | |
| AP - US Bank TOP AP Checking Totals | | | | | | | | | |

| Checks | Status | Count | Transaction Amount | Reconciled Amount |
|--------|------------|-------|--------------------|-------------------|
| | Open | 161 | \$1,668,046.02 | \$0.00 |
| | Reconciled | 0 | \$0.00 | \$0.00 |
| | Voided | 0 | \$0.00 | \$0.00 |
| | Stopped | 0 | \$0.00 | \$0.00 |
| | Total | 161 | \$1,668,046.02 | \$0.00 |
| EFTs | Status | Count | Transaction Amount | Reconciled Amount |
| | Open | 11 | \$405,006.36 | \$0.00 |
| | Reconciled | 0 | \$0.00 | \$0.00 |
| | Voided | 0 | \$0.00 | \$0.00 |
| | Total | 11 | \$405,006.36 | \$0.00 |

TOWN OF PARADISE

Payment Register

From Payment Date: 3/1/2021 - To Payment Date: 3/31/2021

| Number | Date | Status | Void Reason | Reconciled/ Voided Date | Source | Payee Name | Transaction Amount | Reconciled Amount | Difference |
|--------|------|--------|-------------|----------------------------|--------|------------|-----------------------|----------------------|------------|
|--------|------|--------|-------------|----------------------------|--------|------------|-----------------------|----------------------|------------|

AP - US Bank TOP AP Checking
Check

| All | Status | Count | Transaction Amount | Reconciled Amount |
|-----|------------|-------|--------------------|-------------------|
| | Open | 172 | \$2,073,052.38 | \$0.00 |
| | Reconciled | 0 | \$0.00 | \$0.00 |
| | Voided | 0 | \$0.00 | \$0.00 |
| | Stopped | 0 | \$0.00 | \$0.00 |
| | Total | 172 | \$2,073,052.38 | \$0.00 |



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 2(c)

ORIGINATED BY: Crystal Peters, Human Resources/Risk Management
Dina Volenski, Town Clerk

REVIEWED BY: Kevin Phillips, Town Manager

SUBJECT: Authorize destruction of certain records maintained in the Town's Human Resource and Town Clerk Department in keeping with the principles of an effective and cost-efficient Records Management Program.

LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 21-___, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Human Resources Department Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for three or more years and are eligible for destruction.
2. Adopt Resolution No. 21-___, A Resolution of The Town Council of the Town of Paradise Authorizing Disposal of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090.

Alternatives:

Consider making a determination that certain records listed for destruction have value to the agency, and direct that all or some records listed on Exhibit B continue to be maintained.

Background:

The Town has had an established records management program since the early 1980's. Based upon recommendations from the California Secretary of State, all Town records have been appraised, inventoried and scheduled with a retention/destruction code pursuant to Town of Paradise Resolution No. 04-27 (original schedule was adopted in 1993 by Resolution No. 93-30). This resolution provides the Town with legal authority to dispose of certain records that are no longer required by the Town.

Analysis:

Once records have fulfilled their administrative, fiscal, or legal function they should be disposed of as soon as possible in order to maintain an efficient, effective and economical management of information. Resolution No. 04-27 provides the legal authority, with the Town Attorney's consent, to dispose of records that no longer serve the administrative, legal and/or fiscal purposes for which they were created.

Conclusion:

Since the records are eligible for destruction and no longer have value to the Town, it is appropriate that the Council adopt the proposed resolution.

Financial Impact:

\$33.28 per bin from Access Shredding. Certain records contain information of a confidential nature, and it is prudent to retain a shredding service to destroy the records and provide the Town with a certificate of destruction.

**TOWN OF PARADISE
RESOLUTION NO. 21-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DISPOSAL OF CERTAIN TOWN RECORDS MAINTAINED IN
STORAGE FOR THE HUMAN RESOURCES DEPARTMENT PURSUANT TO
GOVERNMENT CODE SECTION 34090.**

WHEREAS, Government Code Section 34090 authorizes the head of a town department, with the written consent of the Town Attorney, to destroy certain records over two years of age upon approval of the legislative body; and,

WHEREAS, the Town Attorney consent is incorporated into this resolution as Exhibit A approving the destruction of those certain records set forth in Exhibit "B"; and,

WHEREAS the specific records are set forth on Exhibit "B"; and,

WHEREAS, the Human Resources Director is requesting to dispose certain records maintained in the Human Resources and Town Clerk Departments as set forth on the attached Exhibit "B".

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve as follows:

SECTION 1: The Town Clerk of the Town of Paradise is hereby authorized to dispose of the records set forth in Exhibit "B "of this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 8th day of April 13th, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Mark A. Habib, Town Attorney

**TOWN OF PARADISE
RESOLUTION NO. 21-____
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
PURSUANT TO GOVERNMENT CODE SECTION 34090**

“EXHIBIT A”

**Consent to Destruction of Certain Records, Documents
and Papers of the Town of Paradise**

Pursuant to the Government Code Section 34090, I hereby consent to the destruction of those certain records, documents and papers of the Town of Paradise listed on Exhibit B to Resolution No. 21-____.

DATED: April 13, 2021

MARK A. HABIB, Town Attorney

**TOWN OF PARADISE
RESOLUTION NO. 21-____
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
PURSUANT TO GOVERNMENT CODE SECTION 34090**

**EXHIBIT “B”
LIST OF FILES ELIGIBLE FOR DESTRUCTION**

| PERSONNEL – Closed + 3 years | |
|-------------------------------------|--------------------------------------|
| Senior Accountant | 06/01/2016 |
| Senior Accountant | 08/02/2016 |
| Admin. Assistant Fire | 10/28/2015 |
| Part-Time Animal Control Officer | 1/2014 & 10/2014 |
| Animal Control Officer | 08/29/2012 |
| Animal Control Officer | 08/07/2013 |
| Animal Control Officer | 02/25/2015 |
| Animal Control Officer | 07/14/2015 |
| Animal Control Officer | 07/14/2015 – 2 nd time |
| Animal Shelter Assistant | 11/15/2012 |
| Animal Shelter Assistant | 02/17/2016 |
| Animal Shelter Assistant | 10/13/2016 |
| Administrative Analyst | 07/03/2013 |
| Administrative Analyst | 10/25/2012 |
| Associate Engineer | 09/11/2012 |
| Building/Onsite Inspector | 10/10/2016 |
| Building Permit Tech | 04/14/2016 |
| Building Permit Tech | 10/03/2013 |
| Building/Onsite Permit Tech | 09/05/2013 |
| Building/Onsite Permit Tech | 03/28/2012 |
| Code Enforcement Officer | 01/23/2013 |
| Code Enforcement Officer | 09/26/2013 |
| Communications Dispatch Supervisor | 07/18/2014 |
| Environmental Tech | 10/3/2016 |
| Senior Financial Services Clerk | 06/01/2016 |
| Lead Vehicle Mechanic | 05/20/2015 |
| Police Chief | 01/26/2012 |
| Police Lieutenant | 03/09/2016 |
| Police Officer - Testing | 01/18/2012 |
| Police Officer | 7/24/2014 |
| Police Officer | 04/2014 |
| Police Officer - Testing | 10/20/2015 |
| Police Sergeant | 2012 |
| Police Sergeant | 2015 |
| Police Trainee/Officer | 08/02/2016 |

**TOWN OF PARADISE
 RESOLUTION NO. 21-____
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090**

| PERSONNEL – Closed + 3 years | |
|--------------------------------------|------------|
| Public Safety Dispatcher | 09/2016 |
| Public Safety Dispatcher | 02/25/2016 |
| Public Safety Dispatcher | 04/23/2015 |
| Public Safety Dispatcher | 06/05/2014 |
| Public Safety Dispatcher | 02/2014 |
| Public Safety Dispatcher | 05/2013 |
| Public Safety Dispatcher | 09/09/2013 |
| Public Safety Dispatcher | 06/2013 |
| Public Safety Dispatcher | 2012 |
| Public Works Director/Town Engineer | 09/22/2011 |
| Public Works Manager | 11/10/2014 |
| Public Works Maintenance Worker I/II | 10/28/2015 |
| Public Works Maintenance Worker I/II | 04/14/2016 |
| Public Works Maintenance Worker III | 04/14/2016 |
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Reviewed by:

 Crystal Peters, Human Resources/Risk Management

**TOWN OF PARADISE
RESOLUTION NO. 21-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DISPOSAL OF CERTAIN TOWN RECORDS MAINTAINED IN THE
TOWN CLERK DEPARTMENT PURSUANT TO GOVERNMENT CODE SECTION
34090.**

WHEREAS, Government Code Section 34090 authorizes the head of a Town department, with the written consent of the Town Attorney, to destroy certain records over four years of age upon approval of the legislative body; and,

WHEREAS, the Town Attorney consent is incorporated into this resolution as Exhibit A approving the destruction of those certain records set forth in Exhibit A; and,

WHEREAS the specific records are set forth on Exhibit B; and,

WHEREAS, the Town Clerk is requesting to dispose of certain records maintained in the Town Clerk Department as set forth on the attached Exhibit B.

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve as follows:

SECTION 1: The Town Clerk of the Town of Paradise is hereby authorized to dispose of the records set forth in Exhibit "B" of this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 13th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Mark A. Habib, Town Attorney

TOWN OF PARADISE
RESOLUTION NO. 21-
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
PURSUANT TO GOVERNMENT CODE SECTION 34090

EXHIBIT "A"

Consent to Destruction of Certain Records, Documents and Papers of the Town of Paradise

Pursuant to the Government Code Section 34090, I hereby consent to the destruction of those certain records, documents and papers of the Town of Paradise listed on Exhibits B attached to Resolution No. 21-__.

DATED: April 13, 2021

MARK A. HABIB, Town Attorney

EXHIBIT “B” LIST OF FILES ELIGIBLE FOR DESTRUCTION

BOX 2011-00003

| INDEX NO. | DESCRIPTION & Date Closed |
|--------------|--|
| | CONTRACTS |
| 510-10-10 | Alternative Heating & Air T+5 – 09/15/2011 |
| | Dawson, Terry 12/31/2010 |
| | Gillander, Joseph (#09-02) 04/04/2011 Building & Plan Check Services |
| | Gitman, Jacqueline (Gitman & Associates) 02/16/2011 |
| RDA Contract | Hamm, Scott 06/14/2011 RDA Contract #10-02 Appraisal of Nichols Property |
| | Ivey, Dennis 06/30/11 PERS 960 Employment Agt |
| | L & L Surveying #10-06 Staking Memorial Trailway |
| | Lumos & Associates #10-02 03/06/2013 |
| | On Call Testing & Geotechnical Services 2012/2013 |
| | McGreehan, Albert #09-26 06/30/11 PERS 960 CDD Dir & Special Projects |
| | Meyers, Nave, Riback #09-01 RDA 06/06/11 |
| | Bond Council re 2009 Tax Allocation Refunding Bonds |
| RDA Contract | Northstar Engineering – Anti-Degradation Analysis Blue Oaks III 03/08/2011 |
| | Rough, Charles L., Jr. #96-08 12/31/12 Employment Contract through 12/31/2012 |
| | Rowe, Steve #09-27 PERS 960 Not Implemented |
| | True Point Solutions, Inc. #07-07 04/24/07 Implementation of Accela Software |
| | Walker, Ed and Dianna 05/30/03 Donation to Preserve Tree on Valley View Property |
| 510-20-25 | TruPoint Solutions, Inc. (Reconfigure Accela Software) 09/28/12 |
| 510-20-29 | L & L Surveying (Update Topography for S. Libby Road) 03/07/13 |
| 510-20-39 | City of Chico – Contracted Engineering Services – Never Executed |
| 510-20-40 | Chris Buzzard – PERS 960 Employment Agt for Police Chief Services 4/30/12 |
| | |
| | CLAIMS |
| 520-20-41 | Ginny Pacheco 02/12/12 (Statute) |
| 520-20-42 | Ray Armstrong 02/02/12 (Statute) |
| 520-20-43 | Fiorenza, Nicholas J. 02/18/12 (Statute) |
| 520-20-44 | Harter, William 02/06/12 (Settled) |
| 520-20-45 | Hardy, Janet 11/14/11 (Settled) |
| 520-20-46 | Lane, Zachary 07/21/12 (Statute) |
| 520-20-47 | Corbett, Sophia & Patrick 10/19/12 (Statute) |
| 520-20-48 | Byrd, Jennie 10/20/12 (Statute) |
| 520-20-51 | Tyranowski, Joshua 02/17/13 (Statute) |
| 520-40-41 | ANDERSEN, Carl 12/31/10 #O-222 (Statute) |
| | |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

| File# | Description | Box # |
|------------|--|------------|
| | AGENDAS | |
| - | 2012 Town Council Agenda Packets | 2013-00001 |
| - | 2012 Successor Agency and Oversight Board Agenda Packets | 2013-00001 |
| - | 2013 Town Council Agenda Packets | 2016-00002 |
| - | 2014 Town Council Agenda Packets | 2016-00002 |
| - | 2015 Town Council Agenda Packets | 2016-00003 |
| - | 2016 Town Council Agenda Packets | 2016-00003 |
| | | |
| | LEGAL & LEGISLATIVE | |
| 580-10-027 | 2013 Town Council Agenda Postings | 2016-00002 |
| 580-10-028 | 2014 Town Council Agenda Postings | 2016-00002 |
| 580-10-039 | 2013 Town Council Original Agendas | 2016-00002 |
| 580-10-040 | 2014 Town Council Original Agendas | 2016-00002 |
| | | |

BOX 2013-00004

| INDEX NO. | DESCRIPTION & Date Closed |
|-----------|---|
| | CONTRACTS |
| 510-10-10 | ATB Services (Alarm Tracking Billing Consultant) #04-07 (11/21/13) |
| | AVTEX Solutions, LLC #08-09 Citywatch On-Line Service Agreement (10/14/13) |
| | California Cities Financing Corp. #85-18 (08-1-10) Purchase property for Town Animal Shelter and Maintenance Facility |
| | Corrigan, Patrick #05-09 (10/16/13) Development Agreement |
| | CSU, Chico, Research Foundation #10-09 Generate Map Book to Support EOC |
| | DMG Maximus #00-16 (12/31/01) Prepare/Submit SB 90 State Mandated Reimbursement Claims |
| | Eco-Analysts #08-05 (08/12/10) Environmental Analysis Services Re: Southeast Area Specific Plan |
| | Gold Nugget Days, Inc.-Gold Nugget Museum #97-12 (06/30/08) Transit Occupancy Tax (TOT) |
| | Green Ridge Landscaping #07-13 (08/01/09) Landscaping Maintenance |
| | Ham, Wilsey #06-18 (01-01-11) Design services for the memorial Trailway Southern Extension Project |
| | Haunschild, Mark #10-01 (10/17/13) Advisory Consultation Services |
| | Holdrege & Kull #09-16 (08/25/11) Geo Tec Testing- Capital Improvement Projects |
| | L & L Surveying #10-03 (12/15/11) Pearson Rd. Park and Ride-174 Pearson Rd. |
| | May, William L. #02-12 (10/28/13) Human Resource Consulting |
| | Paradise Performing Arts Center #01-23 (06/30/08) Transit Occupancy Tax (TOT) |
| | Paradise Ridge Chamber of Commerce #97-13 (06/30/08) Transit Occupancy Tax (TOT) |
| | Peters, Rush, Habib & McKenna #09-24 (01-13-11) Legal services for Cornelius et al. v. Feather River Hosp |
| | Tri-County Economic Development Master Sub-Recipient Agreement #02-18 (08/12/08) |
| | United States Conference of Mayors #07-25 (10-31-13) Climate Protection Agreement |
| | Walters & Nichols Investigative Services #07-12 (12/31/13) |
| | Wells Fargo Bank #09-18 (08/26/12) |
| 510-20-21 | Rabobank, N.A. (12/31/12) Investment Deposits |
| 510-20-27 | Dept. of Forestry and Fire Protection (CalFire) Interim Fire Chief Services-Rob Cone (06/30/12) |
| 510-20-60 | Wild Rose Motors Ltd. (08/09/13) Refurbish two existing Police Vehicles |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

| INDEX NO. | DESCRIPTION & Date Closed |
|------------|---|
| 510-20-61 | Folsom Lake Asphalt (08/13/13) Bille Road Overlay between Fern & Posey |
| 510-20-62 | Paradise Irrigation District (PID) (08/13/13) Bille Road Overlay between Fern & Posey |
| | RDA |
| 1310-10-07 | Administration – General File 2009-2011 (02/14/11) |
| 1310-15-08 | RDA Original Agendas 2011 and 2012 (01/30/12) |
| 1310-15-27 | Proof of Posting Agendas 2011-2012 (01/30/12) |
| 1330-10-10 | Paradise Redevelopment Advisory Committee (03/23/10) |
| 1330-10-11 | Signs in Redevelopment Area Duplicate File |
| | |
| | LEASE AGREEMENTS |
| 880-20-10 | Chico MNO, LLC (01/23/09) 6344 Skyway Parking Lease |
| 880-20-11 | Estrada, Donald & Bille (01/23/09) 6104 Skyway Parking Lease |

BOX 2013-00005

| INDEX NO. | DESCRIPTION & Date Closed |
|-----------|---|
| | PROCUREMENT- LEASE/PURCHASES |
| 380-45-01 | Inland Business Systems – Two Copy Machines (Town Hall & Fire Dept.) |
| 380-45-02 | GE Capital Public Finance Inc.- Pacific Bell T-1 Peripheral Equipment & Support |
| 380-45-03 | Pierce Manufacturing – Diesel Type III Wildland Fire Pumper |
| 380-45-04 | Ford Motor Company – Five Crown Victoria Patrol Vehicles |
| 380-45-05 | BANKONE Leasing Corp.-2000 4WD Ford Expedition & 1-5,000 Gal Fuel Tank |
| 380-45-06 | Motorola Inc.- 2 On-Screen Recorders (Lease #21644) |
| 380-45-08 | Grass Valley Ford – 1-2001 Ford Ranger Truck for Animal Control |
| 380-45-09 | Kohler Power Systems Diesel Generator |
| 380-45-10 | Municipal Leasing-1 Diesel Type II Structural Fire Engine & 1-Ford Expedition Command Vehicle |
| 380-45-12 | Future Ford & Nissan-4-wheel Drive Ford Utility Vehicle for CDD Building Division |
| 380-45-14 | Municipal Finance - Ford Motor Credit Company 2002 Ford Explorer 4x4 |
| 380-45-16 | Kohler Generator for Police & Fire Departments |
| 380-45-17 | Municipal Finance Corp. Lease #02-031-AF – Six Police Vehicles; Animal Control Vehicle and Animal Carrier |
| 380-45-18 | Municipal Finance Corporation Lease #01-087-AF – Type II Fire Engine and Command Vehicle |
| 380-45-26 | Leasource Financial Services Lease April 27, 2004 – 2005 Ford Crown Victoria Police Interceptor Vehicle (Hoblit Motors) |
| 380-45-27 | Municipal Financing – Live Scan Unit (PD) |
| 380-45-28 | Municipal Financing – Admin Computer (New World Systems), Vehicles, Radio & Other Equipment |
| 380-45-29 | Municipal Financing (Corning Ford) 2005 4WD Ford Escape, Fire Dept. |
| 380-45-30 | Ray Morgan Company of Chico – Copy Machine for Fire Dept. |
| 380-45-32 | Inland Business Systems of Chico – Copy Machine for CDD/Public Works & Admin. |
| 380-45-33 | Municipal Financing – 2006 Ford Explorer, VIPS Vehicle (Larry Geweke Ford) |
| 380-45-34 | Municipal Financing – 2006 Ford Crown Victoria Police Patrol Vehicle (Larry Geweke Ford) |
| 380-45-35 | Municipal Financing – 2-2006 4WD Ford Escapes for Public Works Dept. (Larry Geweke Ford) |
| 380-45-36 | Leasource Financial 4-27-04 - 07 Chevy Silverado, 07 Ford Escape & Fire Dept Temp. Building |
| 380-45-37 | Leasource Financial 05-15-07 -2007 Ford Crown Victoria for Police; CDD Municipal Permit Software for CDD |
| 380-45-38 | Master Lease Purchase Agreement - Ford Motor Credit Company No. 5020000 |
| 380-45-43 | Municipal Financing Corp. 07-032 Animal Control Software and Workstation, Thermal Imaging Camera and Electric Hose Tester |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

| INDEX NO. | DESCRIPTION & Date Closed |
|-----------|--|
| 380-45-45 | Leasource Financial Dated 09-01-07-6 Ford Crown Victoria Police Vehicles & Equip. |
| 380-45-46 | Leasource Financial Services 02-24-09 – Ford Expedition Command Vehicle, Communication Equipment & Misc. |
| 520-20-56 | Claim of John Ralph Valdez: Statute 5/26/13 |
| 520-20-60 | Claim of Mark Hall, Jr.: Statute 7/23/13 |
| 520-20-61 | Claim of Stan McEtchin: Statute 8/7/13 |
| 520-20-62 | Claim of William & Marlene Hawk: Statute 10/3/13 |

BOX 2015-00001

| INDEX NO. | DESCRIPTION & Date Closed | Retention |
|------------------|---|--------------|
| | LEGAL/LEGISLATIVE-AGREEMENTS/CONTRACTS | |
| | ADMINISTRATION | |
| | Date Closed/Terminated & Title of File | |
| 110-60-00 | GENERAL | 2 Yr |
| 110-60-09 | 04/04/05 Town Manager Reports and Speeches | |
| 110-60-18 | 06/20/11 Town Clerk Petty Cash Box - Terminated Use 6/20/11 | |
| 110-60-42 | 09/14/11 Code Enforcement Monthly Report – Originals in CDD | |
| | | |
| 120-10-00 | BOARDS, COMMISSIONS & COMMITTEES | |
| 120-10-07 | 10/14/09 Paradise Ridge Area Ad Hoc Committee | |
| 120-10-11 | 11/13/09 Chico City Clerk Presentation – Investment/Cost of Advisory Bodies | |
| | | |
| 620-20-00 | PERSONNEL | |
| 620-20-21 | 07/01/11 Employee Records – Cheri Masse (Deputy Clerk Position Eliminated) | |
| | | |
| 380-50-00 | FINANCIAL – Closed Lease Purchase Agreements | T +5 |
| 380-50-02 | 08/13/2008 Onsite Vehicle – 2004 Dodge Dakota – Financed by Daimler/Chrysler (open 380-45-22) | |
| 380-50-03 | 12/03/2008 Dump Truck & EZ Liner – by Leasource (Open 380-45-23) | |
| 380-50-06 | 03/03/2010 2006 Pickup 4x4 F550 by Ford Motor Credit (open 380-45-31) | |
| | | |
| | HEALTH, SAFETY & WELFARE | 2 Yr |
| 410-10-00 | ANIMAL CONTROL | |
| 410-10-05 | General File 2006 to 2011 | |
| | | |
| 510-10-00 | AGREEMENTS & CONTRACTS | T + 5 |
| 510-10-00 | CLOSED CONTRACTS – TOWN OF PARADISE | |
| 510-10-388 | 12/31/2014 Certified Security Systems – Alarm Monitoring #91-08 | |
| 510-10-389 | 09/10/2013 Republic Electric – Merged with Siemens for Traffic Signal Maintenance #96-03 | |
| 510-10-390 | 09/08/2012 Moss, Levy & Hartzheim for RDA Audit Services #99-21 | |
| 510-10-391 | 02/29/2012 Nella Oil – Indemnity Agt for discharge into storm drain #05-05 | |
| 510-10-392 | 07/09/2015 Sierra Preservation Partners – Southeast Area Specific Plan #06-12 | |
| 510-10-393 | 11/28/2014 Pam Figge – Southeast Area Specific Plan Consultant #06-13 | |
| 510-10-394 | Denise Farrell-MOU Management Group #06-26 | |
| 510-10-395 | 08/26/2013 Goodwin Consulting – Mellos Roos CFD Formation #07-02 | |
| 510-10-396 | 06/30/2013 Liebert & Cassidy Employment Law Consulting #07-19 | |
| 510-10-397 | 07/09/2015 Gary Laymen for Plan Check & Inspections #09-03 | |
| 510-10-398 | 07/09/2015 Doug Thorn – Various Legal Matters – Personnel/Code Enforcement #09-07 | |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

| INDEX NO. | DESCRIPTION & Date Closed | Retention |
|------------------|--|--------------|
| 510-10-399 | 07/15/2015 Grant Management Associates – Strategy, Timelines, Contacts #10-08 | |
| 510-20-23 | 03/24/2012 URS Corporation for Groundwater Monitoring | |
| 510-20-38 | 06/30/2012 Rolls Anderson Rolls for Interim Engineering Services | |
| 510-20-50 | 07/11/2012 Peters, Rush, Habib & McKenna – Town vs. Sierra Preservation | |
| 510-20-58 | 07/01/2014 City of Marysville- 1987 SPI Quint Ladder Truck (Fire Truck) | |
| 510-20-71 | 01/13/2014 Truck Site Contract Rescinded – Mechanical Defects in Street Sweeper | |
| 510-20-73 | 05/06/2014 Truitt Group – Fire Station 83 Remediation Project – Water Line Break | |
| 510-20-78 | 07/16/2015 PG&E Streetlight Services – Downtown Paradise Safety Project | |
| 510-20-86 | 07/09/2015 1-800-ABATEMENT Fire Station 81 mold abatement | |
| 510-20-95 | 07/16/2015 Gallaway Enterprises – DPSF re NEPA Compliance not to exceed \$2,250 | |
| | | |
| | CLOSED CONTRACTS – REDEVELOPMENT AGENCY | T + 5 |
| RDA 1320-10-23 | 06/20/2011 Northstar Engineering – Downtown Cluster System Review of three Treatment/Dispersal Options | |
| RDA 1320-10-27 | 09/09/2012 Moss, Levy & Hartzheim – Audit Services # C05-05 | |
| RDA 1320-10-28 | 07/15/2015 Nichols, Frank – Blue Oaks Right of Entry Agreement for groundwater testing RDA C07-06 | |
| | | |
| 520-20-00 | LEGAL & LEGISLATIVE | C + 5 |
| | Claims & Litigation | |
| | Statute of Limitations | |
| 520-20-71 | 01/13/2014 Truck Site Notice of Rescission - Mechanical Defects in Street Sweeper | |
| 520-20-73 | 12/05/2014 Sanchez, Eddie - Tree vs. Fence | |
| 520-20-76 | 06/25/2015 Greenleaf, Genine - Vehicle vs Sidewalk | |
| 520-20-53 | 09/17/2014 Biegler, Larry – Building Permit/Code Violations at 5240 Edgewood Lane | |
| 520-20-63 | 01/01/2014 Marin, Fernando – TC due to Alleged Inadequate Visibility at Intersection | |
| 520-20-64 | 02/13/2014 Hayashida, Rebecca – Defamation | |
| 520-20-65 | 03/11/2014 Ailamer Investments, LLC – Delay of Construction at 6501 Gregory Lane | |
| 520-20-66 | 04/01/2014 Perkins Mobile Auto Glass – Loss of Income due to Construction | |
| 520-20-67 | 04/01/2014 PIP Printing – Loss of Income due to Construction | |
| 520-20-68 | 06/17/2014 Dolly-O-Donuts – Loss of Income due to Construction | |
| 520-20-69 | 06/20/2014 Boman, Brett – Dangerous crosswalk (Skyler Millner fatality) | |
| 520-20-70 | 08/19/2014 Murphy, Joshua Patrick – Unreasonable search and seizure | |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

BOX 2015-00002

| SUBJECT FILE NUMBER | FILE DESCRIPTION |
|---------------------|--|
| | CANDIDATE STATEMENTS & CAMPAIGN DISCLOSURES |
| | Unsuccessful Candidates |
| 11/6/2012 | HAMPTON, Jerry |
| | McETCHIN, Stanley D |
| | |
| 11/2/2010 | ALDRED, Fred |
| | DAVIS, David "Grumpy" |
| | GROSSBERGER, April |
| | HABRIEL, Ward |
| | McETCHIN, Stanley D |
| | SCHUSTER, Melissa |
| | |
| 11/4/2008 | ANDERSON, David A. |
| | BALTIERRA, Elaine |
| | DAVIS, David E |
| | McETCHIN, Stanley D |
| | |
| 11/7/2006 | AGGERS, Larry |
| | BROWN, Lee |
| | BUTLER, Rupert J |
| | HALES, V. D. |
| | McETCHIN, Stanley D |
| | ORLANDO, Phil "Tony" |
| | SHIREY, Kimball J. |
| | |
| 11/2/2004 | HALES, V. D. |
| | JENNINGS, Jack W. |
| | McETCHIN, Stanley D |
| | NEVES, Ed |
| | SHIREY, Kimball J. |
| | ZEMANSKY, Stan |
| | |
| 11/5/2002 | BIEGLER, Larry |
| | BROWN, Lee |
| | HALES, V. D. |
| | HERRERA, Chris |
| | WILSON, Jerry |
| | WILLIS, Jonathan |
| | |
| 11/7/2000 | HALES, V. D. |
| | KELLOGG, W. L. Bill |
| | MARADA, Kristin |
| | McETCHIN, Stanley D |
| | NELSON, Yrata V |
| | WILSON, Jerry |

TOWN OF PARADISE
 RESOLUTION NO. 21-
 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
 AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
 PURSUANT TO GOVERNMENT CODE SECTION 34090

BOX NO. 2017-00001

| SUBJECT FILE NUMBER | FILE DESCRIPTION | RETENTION DATE [Can Destroy After This Date] |
|--------------------------------|--|---|
| | | |
| 110-60-32 | Annual Report for Town Clerk Department File 2 (01/01/02) | CU+2 05/03/2019 |
| 155-15-15 | Request for Public Records/Research (FOIA) 2011-2013 | CL+2 05/03/2019 |
| 155-15-19 | FOIA Request Rebecca Hayashida 2012-2013 | CL+2 05/03/2019 |
| 155-15-18 | Request for Public Records/Research (FOIA) 2013/14 | CL+2 05/03/2019 |
| 155-15-21 | FOIA Request Michael Zuccolillo (2015) | CL+2 05/03/2019 |
| 180-30-91 | Town Council Correspondence 2013 through 2013 | CU+2 05/03/2019 |
| | | |
| 310-10-26 | Check Register 2010 | AU+2 12/31/2012 |
| 310-10-27 | Check Register 2011 | AU+2 12/31/2013 |
| 310-10-28 | Check Register 2012 | AU+2 12/31/2014 |
| 310-10-29 | Check Register 2013 | AU+2 12/31/2015 |
| 310-10-30 | Check Register 2014 & 2015 | AU+2 12/31/2017 |
| | | |
| 960-30-51 | Onsite Management Annual Report 2008/2009 | CU+2 08/23/2019 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

BOX 2018-00001

| SUBJECT FILE NUMBER | FILE DESCRIPTION | RETENTION DATE [Can Destroy After This Date] |
|--------------------------------|---|---|
| N/A | Agenda Packets January 2017-December 2017 | 04/26/2020 |
| 180-30-093 | Town Council Correspondence 2015 through 2016 | 04/26/2020 |
| 310-10-031 | Check Register 2016 | 04/26/2020 |
| 580-10-029 | Proof of Posting Agendas for Town Council/Planning Commission 2015 | 04/26/2020 |

Reviewed by:

 Dina Volenski, Town Clerk



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 2(d)

ORIGINATED BY: Marc Mattox, Public Works Director/Town Engineer
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Systemic Intersection Safety Improvements Project
 CEQA Determination

LONG TERM No
RECOVERY PLAN:

COUNCIL ACTION REQUESTED:

1. Concur with staff recommendation to file a CEQA Notice of Exemption for the Systemic Intersection Safety Improvements Project.

Background:

In April 2018, Caltrans announced Cycle 9 Call-for-Projects for the Highway Safety Improvement Program (HSIP). The purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

In July 2018, the Town of Paradise submitted an HSIP grant application for the Intersection Safety Improvement project. This project is based on data from the Systematic Safety Analysis Final Report by Kittelson Associates. The report consisted of a town-wide systemic safety analysis based on the five-year (2012-2016) crash data from California Statewide Integrated Traffic Records System (SWITRS), Transportation Injury Mapping System (TIMS), and local police reports. For the study high-priority safety intersections and corridors were identified.

High-priority safety intersections and corridors were identified using the equivalent property damage only (EPDO) and crash rate network screening performance measures from the Highway Safety Manual (HSM). Five existing intersections were selected with high scores for intersections in the Town that had not had recent improvements. In addition to these five high-scoring intersections, the systemic safety analysis identified another eleven similar sites that could benefit from a systemic application of the same treatments. Following field reviews of the sites, limited sight lines, limited advanced intersection warning, and undefined intersection approaches may be influencing safety at the improvement locations.

On December 12, 2018 the Approved HSIP Project List was released and included the Town of Paradise Intersection Safety Improvement Project. The preliminary engineering phase of the project was awarded \$247,500 of Federal funds. The purpose of the project

is to improve safety at the existing identified sixteen stop-controlled intersections at various locations. The countermeasure will be to systemically improve minor street approaches with a combination of splitter islands, additional intersection warning/regulatory signs, improved pavement markings, and providing improve sight triangles. The sixteen various locations are identified in Attachment A.

Analysis:

The current phase for this project is environmental review under the California Environmental Quality Act (CEQA). The CEQA process requires the lead agency to examine the project proposal and evaluate potential impacts. Staff has evaluated the subject project thoroughly and found that CEQA Article 19, Categorical Exemptions, 15301. Existing Facilities, (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety) is applicable to the Systemic Intersection Safety Improvements Project. A draft Notice of Exemption is attached to this staff report.

Staff is requesting approval from Council to file the Notice of Exemption with the Butte County Recorder's Office. If approved, the environmental phase will be complete in early May and design efforts may continue towards construction in 2022.

Financial Impact:

There is a recording fee of \$50 per project with the Butte County Recorder's Office to file the Notice of Exemption.

Attachments:

- A. CEQA Notice of Exemption

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

☒ County Clerk-Recorder
Butte County
155 Nelson Avenue
Oroville, CA 95965

From: Public Works Department
Town of Paradise
5555 Skyway
Paradise, CA 95969

DATE RECEIVED FOR FILING

Posted: _____ through _____
(date) (date)

Project Title: **SYSTEMIC INTERSECTION SAFETY IMPROVEMENTS - HSIPL 5425 (041)**

Project Location: Town of Paradise, Butte County, CA. See attached project location map.

Assessor's Parcel Number(s): Town Rights of Way

Project Description: The Town of Paradise within Butte County, California proposes to systemically improve existing minor street approaches with a combination of splitter islands, additional intersection warning/regulatory signs, improved pavement markings, and improved sight triangles at sixteen stop-controlled intersections town-wide.

Lead Agency: Town of Paradise

Applicant: Town of Paradise, 5555 Skyway, Paradise, CA 95969

Exemption Status: ☐ Ministerial [Section 21080(b); 15268];
☐ Declared Emergency [Section 21080(b)(3); 15269(a)];
☐ Emergency Project [Section 21080(b)(4); 15269(b)(c)];
☐ General Rule [Section 15061(b)(3)];
☒ Categorical Exemption [Section 15301(c), Existing Facilities];
☐ Approval of Rates, Tolls, Fares, and Charges [Section 21080(b)(8)(D)];
☐ Statutory Exemption [Section 15273(a)(4)].

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The project is exempt under State CEQA Guidelines [Section 15301(c), Existing Facilities], which states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);

The proposed project involves minor upgrades to existing public facilities to improve safety. The project does not involve an increase in capacity or change in use. There are no unusual circumstances leading to a reasonable possibility that significant environmental impacts will result from the project. No further environmental review is necessary for this project.

By _____
Jessica Erdahl, Capital Projects Manager
Town of Paradise

Date _____

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT:

Town of Paradise
Public Works Department
5555 Skyway
Paradise, CA 95969
(530) 872-6291

Project: SYSTEMIC INTERSECTION SAFETY IMPROVEMENTS - HSIPL 5425 (041)

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. **NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION**
 ☒ **A. Statutorily or Categorically Exempt**
 \$50.00 (Fifty Dollars) Butte County Clerk's Filing Fee

2. **NOTICE OF DETERMINATION - FEE REQUIRED**
 ☐ **A. Negative Declaration**
 \$2,406.75 State Filing Fee
 \$50.00 Butte County Clerk's Filing Fee

 ☐ **B. Mitigated Negative Declaration**
 \$2,406.75 State Filing Fee
 \$50.00 Butte County Clerk's Filing Fee

 ☐ **C. Environmental Impact Report**
 \$3343.25 State Filing Fee
 \$50.00 Butte County Clerk's Filing Fee

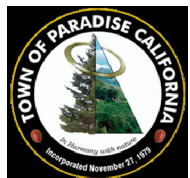
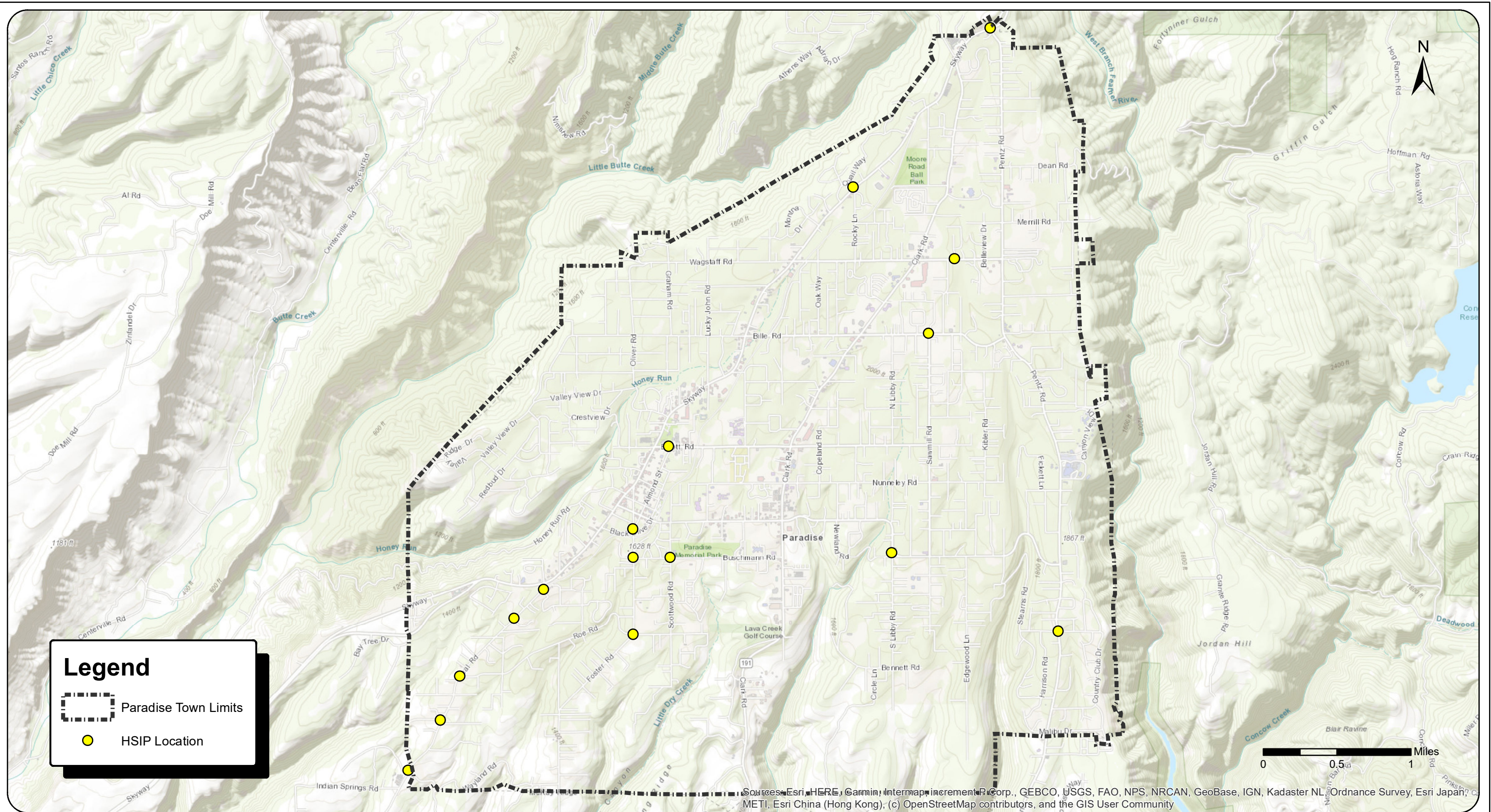
3. ☐ **OTHER (Specify) General Rule Exemption**
 \$50.00 Butte County Clerk's Filing Fee

THREE COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING ANY ENVIRONMENTAL DOCUMENTS WITH THE BUTTE COUNTY CLERK'S OFFICE.

THE \$50.00 HANDLING FEE IS REQUIRED PER FILING IN ADDITION TO THE FILING FEE SPECIFIED IN FISH AND GAME CODE SECTION 711.4(d).

MAKE CHECKS PAYABLE TO COUNTY OF BUTTE.



TOWN OF PARADISE
 PUBLIC WORKS DEPARTMENT
 5555 Skyway Road
 Paradise, California 95969

**SYSTEMIC INTERSECTION
 SAFETY IMPROVEMENTS
 FEDERAL-AID NO. HSIPL 5425 (041)**

**PROJECT
 LOCATION
 MAP**
 J ERDAHL
 NOV 2020



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 2(e)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Adoption of Town Ordinance No. 605
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED: Adopt a **MOTION TO:**

1. Waive second reading of the entire Town Ordinance No. 605 and approve reading by title only; and,
2. Adopt Town Ordinance No. 605, "An Ordinance Rezoning Certain Real Property From "U" (Unclassified) to a "C-C" (Community-Commercial) Zone Pursuant to Paradise Municipal Code Sections 17.45,500 ET. SEQ. (SIMMONS: PL21-00011)".

Background:

On March 9, 2021, the Town Council adopted a Paradise General Plan land use map amendment and introduced Ordinance No. 605 for the purpose of eventual adoption. The intent of the ordinance is to implement the Town General Plan land use map amendment and to facilitate the rebuild of a fire damaged residential garage by zoning the property to Community Commercial from a previously undesignated zoning due to a jurisdictional mapping error.

Analysis:

Town staff recommends that the Town Council waive the second reading of this entire ordinance; read it by title only; and formally adopt Town Ordinance No. 605 (copy attached). Once adopted, the provisions of this ordinance will be in legal effect thirty days thereafter.

Financial Impact:

A nominal cost will be borne by the Town of Paradise for publication of the ordinance within the local newspaper.

Attachment

**TOWN OF PARADISE
ORDINANCE NO. 605**

**AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM “U” (UNCLASSIFIED) TO A
“C-C” (COMMUNITY-COMMERCIAL) ZONE PURSUANT TO PARADISE MUNICIPAL CODE
SECTIONS 17.45.500 ET. SEQ. (SIMMONS: PL21-00011)**

The Town Council of the Town of Paradise, State of California, does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. The hereinafter described real property situated in the Town of Paradise, State of California, shall be and is hereby zoned “C-C” (Community-Commercial) as described in Chapter 17.20 of the Paradise Municipal Code and such land area shall be subject to the restrictions, restricted uses and regulations of such chapter. The real property so zoned is located at 9323 Skyway in the Town of Paradise and is more particularly identified as AP No. 066-430-004, as described in Exhibit “A” and attached hereto.

SECTION 2. This ordinance shall take effect thirty (30) days beyond the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published in a newspaper of general circulation and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Steve Crowder, Mayor

ATTEST:

By: _____
Dina Volenski, Town Clerk

APPROVED AS TO FORM:

By: _____
Mark A. Habib, Town Attorney

EXHIBIT "A"

SIMMONS ET AL. GENERAL PLAN AMENDMENT/REZONE LEGAL DESCRIPTION

PARCEL I:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 3 EAST, M.D.B. &M., AND RUNNING THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 36, NORTH 89° 41' 00" WEST, 1119.45 FEET TO A POINT IN THE NORTHWESTERLY BOUNDARY LINE OF SKYWAY; THENCE FOLLOWING A 790.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 0° 23' 00" AN ARC DISTANCE OF 5.29 FEET; THENCE NORTH 89° 10' 03" WEST 48.63 FEET TO A POINT; THENCE NORTH 27° 36' WEST A DISTANCE OF 207.50 FEET TO A POINT; THENCE NORTH 66° 44' 30" EAST A DISTANCE OF 235.70 FEET TO A POINT; THENCE NORTH 66° 42' 30" EAST 244.17 FEET TO A POINT; THENCE NORTH 65° 14' EAST 190.52 FEET TO A POINT THENCE NORTH 52° 56' EAST 81.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE SAME BEARING 56.48 FEET TO A POINT; THENCE SOUTH 37° 24' 04" EAST 88.55 FEET TO A POINT THENCE SOUTH 52° 56' WEST 94.70 FEET, MORE OR LESS TO A POINT THENCE NORTH 34° 24' 15" WEST 98.96 FEET TO THE POINT OF BEGINNING.

EXCEPTING ALL MINERALS AND MINERAL RIGHTS.

PARCEL I-B:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ON, OVER, UNDER AND ACROSS ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF BUTTE, STATE OF CALIFORNIA, LYING IN THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 23 NORTH, RANGE 3 EAST, MOUNT DIABLE MERIDIAN, AND BEING DESCRIBED AS FOLLOWS:

THE EASTLERY 15.00 FEET OF PARCEL THREE AS DESCRIBED IN THAT GRANT DEED RECORDED JANUARY 13, 2000, AT RECORDER'S SERIAL NUMBER 2000-0001417, OFFICIAL RECORDS OF BUTTE COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL 3, NORTH 24° 34' 30" WEST 176.20 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL THREE; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL THREE, SOUTH 65° 14' 00" WEST 15.00 FEET TO A POINT 15.00 FEET SOUTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID NORTHEASTERLY LINE OF PARCEL THREE; THENCE ALONG A LINE PARALLEL WITH SAID NORTHEASTERLY LINE OF PARCEL THREE, SOUTH 24° 34' 20" EAST 176.60 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL THREE, SAID POINT ALSO BEING ON SAOD NORTHWESTERLY RIGHT OF WAY OF THE SKYWAY, SAID POINT ALSO BEING ON A 960.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIAL BEARING TO SAID POINT OF SOUTH 25° 50' 49" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 53' 44", FOR AN ARC DISTANCE OF 15.00 FEET TO SAID POINT OF BEGINNING.



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 2(f)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Adoption of Town Ordinance No. 606
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED: Adopt a **MOTION TO:**

1. Waive second reading of the entire Town Ordinance No. 606 and approve reading by title only; and,
2. Adopt Town Ordinance No. 606, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 5.11 Relating to: Vending, Hawking, Peddling and Sales".

Background:

On March 9, 2021, the Town Council introduced the above-noted Town Ordinance No. 606 for purposes of eventual adoption. If adopted, the intent of the proposed ordinance is to amend existing provisions within Paradise Municipal Code Chapter 5.11 that relate to outdoor vending activity in the Downtown area and to permit mobile vehicle sales activities within and along roadways and active construction sites.

Analysis:

Town staff recommends that the Town Council waive the second reading of this entire ordinance; read it by title only; and formally adopt Town Ordinance No. 606 (copy attached). Once adopted, the provisions of this ordinance will be in legal effect thirty days thereafter.

Financial Impact:

A nominal cost will be borne by the Town of Paradise for publication of the ordinance within the local newspaper.

Attachment

**TOWN OF PARADISE
ORDINANCE NO. 606**

**AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN
PARADISE MUNICIPAL CODE CHAPTER 5.11 RELATED TO:
VENDING, HAWKING, PEDDLING AND SALES**

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. Section 5.11.035 is amended to read:

5.11.035 - Paradise Downtown and other areas. Except as otherwise provided in this chapter, any license issued by the planning director authorizing vending, hawking, peddling, or sales activity upon outdoor locations within the town adopted Paradise Downtown Revitalization Master Plan Area [Downtown] shall be subject to the following conditions:

A. All licensed hawking, peddling and vending sales activities upon outdoor locations within the Downtown shall be restricted to four consecutive days or less and must be directly linked to a special community event sponsored by either a non-profit group/organization and/or a public entity recognized by the Town of Paradise.

B. Other than those activities linked to a special community sponsored event, any, and all licensed hawking, peddling and vending sales activities upon outdoor locations outside the Downtown shall be subject to all other provisions of this chapter.

C. Notwithstanding items A and B, licensed full-time vending in the Downtown area shall be allowed if the vendor's commissary or brick and mortar restaurant is in the Downtown area. No vending licenses under this subsection shall be issued or in effect after December 31, 2023.

SECTION 2. Section 5.11.50 is amended to read:

5.11.050- Vending Sales from mobile vehicles.

- A. For the purpose of this section "mobile vending sales facility" means a motorized vehicle or a trailer attached to a motorized vehicle used for the sale and retail distribution of food concessions or flowers.
- B. Mobile vending sales activities (ice cream vehicles, food concession vehicles and/or food trucks vending to construction sites) involves traveling from place to place on a roadway and the waving down or signaling of the person operating the mobile vending vehicle by a customer.
- C. Except as otherwise provided in this chapter, it shall be unlawful for an operator of a mobile vending sales facility to vend in a single location for a period to exceed thirty (30)

minutes. For purposes of this subsection, a single location shall be deemed to be a place five hundred feet or more from the last sale.

- D. No mobile vending sales activities shall be conducted between the hours of 10:00 p.m. and 6:00 a.m. No mobile vending sales activities which produce or reproduce audible sounds for advertising purposes shall be operated between the hours of 10:00 p.m. and 7:00 a.m.
- E. Subject to all applicable provisions of this chapter, mobile vending sales activities may be licensed to permit sales at construction sites and on and along public and private roadways in the town.

SECTION 3. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

SECTION 4. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of April, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Mark A. Habib, Town Attorney



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 5(a)

ORIGINATED BY: Susan Hartman, Community Development Director – Planning & Wastewater

REVIEWED BY: Kevin Phillips, Town Manager

SUBJECT: Consider Introducing an Ordinance Amending Text Regulations within Paradise Municipal Code Sections 17.37.300 and 17.37.700 Relating to Signs in the defunct Paradise Redevelopment Area

LONG TERM RECOVERY PLAN: Planning and Zoning – Tier 1

COUNCIL ACTION REQUESTED: Conduct the duly noticed and scheduled public hearing concerning amending sign regulations in Paradise Municipal Code Chapter 17.37. Upon conclusion of the public hearing adopt either the recommended action or an alternative action.

Recommendation: Adopt a **MOTION TO:**

1. Concur with the project “CEQA determination” finding presented and considered by the Planning Commission on March 16, 2021, and embodied within Planning Commission Resolution No 21-02; and,
2. Waive the first reading of Town Ordinance No. _____ and read by title only (roll call vote); and,
3. Introduce Town Ordinance No. _____, “An Ordinance Amending Text Regulations within Sections 17.37.300 and 17.37.700 of the Paradise Municipal Code Relating to Sign Regulations Applicable to the defunct Paradise Redevelopment Agency and Area”; **OR**,
4. Adopt an alternative directive to town staff.

Background:

The Town of Paradise is legally required to direct and regulate land development and land uses via its zoning regulations and other means that are consistent with its Paradise General Plan as well as **current state planning and zoning law**. During 2011 the State of California (via the State legislature and the Governor) enacted legislation (AB 26) that became legally in effect **February 1, 2012** which dissolved all redevelopment agencies in California, including the Paradise Redevelopment Agency and its respective Redevelopment Area [RDA].

Recently town planning staff participated in detailed discussion with the Town Council concerning the current and potential future disposition of freestanding signs within Paradise and particularly those abandoned and partly damaged by the Camp Fire which, if removed, may not be able to be built back to their current configuration because of the more restrictive sign standards applied to

the now defunct RDA. Upon conclusion of its discussion the Town Council provided a directive to planning staff to research this topic and identify possible action intended to help rectify this matter.

Planning staff researched the directive topic and identified that certain text regulations within Paradise Municipal [PMC] Code Chapter 17.34 (Sign Regulations) warrant amendment in order to: 1) accurately reflect the fact that the Paradise Redevelopment Area and its related agency no longer exist; 2) establish internal consistency with all other PMC statutes; 3) become consistent with and further implement the Paradise General Plan; 4) create statutes that are reality consistent as related to Town processing of current and future freestanding signs; and if adopted, would further facilitate the Camp Fire recovery/rebuild efforts.

Staff designed a resolution document intended to accomplish the objectives alluded to in the preceding background discussion and presented it to the Planning Commission during its March 16, 2021 meeting and public hearing.

Upon conclusion of its public hearing on the matter, the Planning Commission adopted the resolution as presented. [Planning Commission Resolution No. 21-02]

Discussion:

The Planning Commission recommended text amendments, if agreed upon and adopted by the Town Council, specifically removes existing text reference to the now defunct Paradise Redevelopment Project Area [RDA] and deletes the more restrictive freestanding sign regulations pertaining to the RDA within PMC Table 17.37.700.

Attached with this council agenda summary for your consideration and recommended introduction is an ordinance prepared by town staff that reflect the recommended PMC text amendments. Recommended text amendments in the ordinance are shown in “~~strike out~~” (deletions) font.

The Planning Director has determined that the nature of the proposed/recommended text amendments is minor in that the possibility of adoption and implementation would not result in a direct and significantly adverse effect upon the environment. Thus, the amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) [General Rule Exemption].

Lastly, for your convenience and use, town staff has attached other documents related to this agenda item.

Financial Impact:

There is no financial impact associated with the first reading and introduction of the ordinance.

Attachments

LIST OF ATTACHMENTS
FOR
PMC CHAPTER 17.34 TEXT AMENDMENTS

1. Published public hearing notice for the April 13, 2021 Town Council hearing.
2. Notice of Exemption signed by the Town Planning Director.
3. Planning Commission Resolution No. 21-02, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Freestanding Sign Regulations Applicable to the no longer existent Paradise Redevelopment Agency and Area".
4. Ordinance No. _____, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Title 17 [Zoning] Relative To: Freestanding Sign Regulations Applicable to the No Longer Existent Paradise Redevelopment Agency and Area".

**TOWN OF PARADISE
NOTICE OF PUBLIC HEARING
PARADISE TOWN COUNCIL**

NOTICE IS HEREBY GIVEN by the Paradise Town Council that a public hearing will be held on **Tuesday, April 13, 2021** at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

- a. **Item determined to be exempt from the requirements of the California Environmental Quality Act (CEQA):**

PARADISE MUNICIPAL CODE: Town Council consideration of a Planning Commission Resolution recommending Town Council approval of proposed text amendments to the zoning regulations in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would remove references and sign standards pertaining to the no longer existent Paradise Redevelopment Area found within PMC Sections 17.37.300 (prohibited signs) and 17.37.700 (business signs).

The project file is available for public inspection at Town Hall by appointment. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Town Clerk at, or prior to, the public hearing. For further information please contact the Planning Director, Town Hall, 5555 Skyway, Paradise, CA (530) 872-6291, extension 114.

Dina Volenski
Town Clerk

NOTICE OF EXEMPTION

To: File

From: Town of Paradise, Development Services Department,
Planning Division, 5555 Skyway, Paradise, CA 95969

Project Title: PMC Chapter 17.37 Text Amendment

Project Applicant: Town of Paradise

Project Location: N/A

Project Description: Amendments to the Town Zoning Code relative to sign regulations of the no longer existent Paradise Redevelopment Area

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Town of Paradise

Exempt Status:
☐ Ministerial (Section 15268)
☐ Emergency Project (Section 15269)
☐ Categorical Exemption (Section 15302)
☒ General Rule Exemption (Section 15061)

Reason for Exemption: The amendments do not constitute a project under CEQA, no physical activity is planned and there is no possibility of a significant environmental effect.

Contact Person: Susan Hartman, Planning Director
(530) 872-6291 x114

Signature:



Date: 03/2/2021

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 21-02**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 17 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO SIGN REGULATIONS APPLICABLE TO THE NO
LONGER EXISTENT PARADISE REDEVELOPMENT AGENCY AND AREA**

WHEREAS the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, as of February 1, 2012, state law (AB 26) dissolved all redevelopment agencies in California, including the Paradise Redevelopment Agency and its respective Redevelopment Area, and

WHEREAS, the Town planning staff advise that text regulations within Chapter 17.37 of the Paradise Municipal Code (PMC) warrant amendment in order to: 1) accurately reflect the fact that the Paradise Redevelopment Area and its related agency no longer exist; 2) become internally consistent with all other existing PMC statutes; 3) become consistent with and further implement the Paradise General Plan; 4) create statutes that support development of current and future commercial signs; and if adopted, would assist in the Camp Fire recovery efforts; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on March 16, 2021 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.37 as proposed by Town staff; and

WHEREAS the public review also included review and determination that the proposed PMC text amendment is an activity that is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [general rule exemption] because there is no possibility that the amendment would result in a significantly adverse effect upon the environment; and

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and due to the basis of the foregoing, has determined that the text amendments to PMC Chapter 17.37 are warranted at this time in order to support the current and future development of commercial signs and particularly in order to aid in the rebuild efforts following the Camp Fire.

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NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.37 as set forth in “**Exhibit A**” attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 16th day of March 2021 by the Following Vote:

AYES: Lynn Costa, Carissa Garrard, Ron Lassonde, Zeb Reynolds and
Kim Morris, Chair

NOES: None


ABSENT: None

ABSTAIN: None



Kim Morris, Chair

ATTEST: *March 16, 2021*



Dina Volenski, Town Clerk

EXHIBIT "A"

SECTION 1. The text of subitem #2 listed under item "A" of Section 17.37.300 [Prohibited signs] shall be amended to read as follows:

2. Situated on "CC" [Community Commercial] zoned properties ~~located outside of the Paradise Redevelopment Project Area [RDA]~~, any time and temperature indicators included as part of a business sign and maintained in working order;

SECTION 2. Section 17.37.700 [Business signs—Regulations in all zoning districts] of the Paradise Municipal Code shall be amended to alter the listing of the freestanding signs regulations within Table 17.37.700 pertaining to the Paradise Redevelopment Area [RDA] to be deleted and to read as follows:

| Type of Sign | Zones | Regulations |
|--------------------|--|---|
| Freestanding signs | R-C, AG-10, AG-20, AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, TR-1/3 | Refer to identification signs section 17.37.400.G. |
| | N-C, C-B, C-S, C-F, M-F | 40 square feet; maximum 6 feet height; 1 per site |
| | C-C, I-S (excepting RDA , Scenic Highway Corridors) | Monument, post or pole, 100 square feet, maximum height 10 feet (monument), and 16 feet (post, pole or pylon); 2 per site |
| | RDA (excepting the Downtown Revitalization Area) Scenic Highway Corridors | Monument or post, 100 square feet, maximum height 8 feet; 1 per site |

**TOWN OF PARADISE
ORDINANCE NO. ____**

**AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN
PARADISE MUNICIPAL CODE TITLE 17 [ZONING] RELATING TO FREESTANDING SIGN
REGULATIONS APPLICABLE TO THE NO LONGER EXISTENT PARADISE REDEVELOPMENT
AGENCY AND AREA**

SECTION 1. The text of subsection #2 listed under item “A” of Section 17.37.300 [Prohibited signs] shall be amended to read as follows:

2. Situated on “CC” [Community Commercial] zoned properties ~~located outside of the Paradise Redevelopment Project Area [RDA]~~, any time and temperature indicators included as part of a business sign and maintained in working order;

SECTION 2. Section 17.37.700 [Business signs-Regulations in all zoning districts] shall be amended to read as follows:

| Type of Sign | Zones | Regulations |
|--------------------|--|--|
| Freestanding Signs | C-C, I-S (excepting RDA , Scenic Highway Corridors) | Monument, post or pole, 100 square feet, maximum height 10 feet, (monument), and 16 feet (post, pole or pylon); 2 per site |
| | RDA (excepting the Downtown Revitalization Area) Scenic Highway Corridors | Monument or post, 100 square feet, maximum height 8 feet; 1 per site |

SECTION 3. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) (General Rule Exemption).

SECTION 4. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this _____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Dina Volenski, Town Clerk

APPROVED AS TO FORM:

Mark Habib, Town Attorney



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 5(b)

ORIGINATED BY: Kate Anderson, Housing Program Manager
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Public Hearing – 2019-2020 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

-
- 1) Conduct a public hearing to receive comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program
 - 2) Authorize the Town Manager to submit the CAPER to the Department of Housing and Urban Development

Background:

At the conclusion of each program year, the regulations that govern the Community Development Block Grant (CDBG) Program require the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER outlines CDBG program accomplishments and expenditures, as well as providing an evaluation of the town's progress toward meeting its community development goals and objectives.

The Town of Paradise has been a U.S. Department of Housing and Development (HUD) entitlement city since 1994. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low and moderate income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight. Additionally, grantees may fund activities when the grantee certifies that the activities meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives

Analysis:

HUD determines the amount of each entitlement grant by a statutory dual formula which uses

several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

For the 2019-2020 Program year, the Town of Paradise received \$164,394 for programs and projects that directly benefit the town's low and moderate-income residents. Since housing has been the greatest need since the Camp Fire, funding priorities for this program year included:

- Mortgage subsidies for first-time homebuyers
- Residential housing rehabilitation

Although the Town has some discretion on how the funds are used, there are many restrictions, conditions, and objectives that must be met. Community Development Block Grant funds can be used for activities that further community and economic development; provide improved community facilities and services; and provide affordable housing opportunities to low and disadvantaged residents. Each activity except planning and administrative activities, must meet one of the CDBG program's three broad National Objectives:

Block Grant (CDBG) Program require the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER outlines CDBG program accomplishments and expenditures, as well as providing an evaluation of the town's progress toward meeting its community development goals and objectives.

The Town of Paradise has been a U.S. Department of Housing and Development (HUD) entitlement city since 1994. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

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For the 2019-2020 Program year, the Town of Paradise received \$164,394 for programs and projects that directly benefit the town's low and moderate-income residents. Since housing has been the greatest need since the Camp Fire, funding priorities for this program year included:

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Although the Town has some discretion on how the funds are used, there are many restrictions, conditions, and objectives that must be met. Community Development Block Grant funds can be used for activities that further community and economic development; provide improved community facilities and services; and provide affordable housing opportunities to low and disadvantaged residents. Each activity except planning and administrative activities, must meet one of the CDBG program's three broad National Objectives:

1. Benefit low and moderate income persons,
2. Aid in the prevention or elimination of slums or blight, or
3. Meet community development needs having a particular urgency.

The types of activities that meet the national objective will encompass the following basic qualifiers:

Area benefit activities: An activity can be area-wide meaning that the benefits are available to all the residents of a particular area where at least 51 percent of the residents are low and moderate income persons. The service area must be primarily residential, and the activity must meet the identified needs of low-and-moderate income persons.

Limited clientele activities: An activity can be "limited clientele," which means that the activity benefits a certain, limited clientele that is at least 51 percent low income. An example of this would be our housing programs. We have to document and verify income to ensure that each client is eligible.

Housing activities: An activity carried out for the purpose of providing or improving permanent residential structures, which upon completion, will be principally occupied by low and moderate income households.

Job creation or retention activities: An activity designed to create or retain permanent jobs where at least 51% of that, computed on a full-time equivalent (FTE) basis, involves the employment of low and moderate income persons. Potentially eligible activities include: construction of a business incubator designed to offer space and assistance to new firms to help them become viable small businesses; loans to pay for expansion.

Slum Blight Removal. Activities under this category must meet ALL of the following criteria: (1) The area delineated by the grantee must meet a definition of a slum, blighted, deteriorated or deteriorating area under state or local law; (2) there must be a substantial number of deteriorated buildings through the area; and (3) the activity must address one or more conditions that contributed to the deterioration of the area. Boundaries, designations, inspections and detailed rehabilitation records must be kept.

In addition to the above qualifiers, there is a list of basic eligible activities and ineligible activities that can be carried out using CDBG funds. (Government Code Section 570.201.)

Basic Eligible Activities include: Acquisition/disposition of real property; public facilities acquisition, construction and rehabilitation; public services funding; payment of costs in support of activities eligible for funding under the HOME program; housing assistance for low/mod income families; and micro-enterprise assistance.

A copy of the *draft* CAPER is attached for your review and approval. Any comments received

during the hearing will be incorporated into the final document prior to its submittal to HUD regional office.

Financial Impact:

The completion of the report does not require an additional expenditure. Staff time is covered by Community Development Block Grant Program funds. General Fund expenditure is not required. However, failure to complete the report could jeopardize future CDBG funding.

Town of Paradise

Draft 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program

Public Review Copy

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

During the 2019-20 Program Year, the Town of Paradise continued to focus on our housing programs. In November 2018, the Town of Paradise was nearly destroyed by the Camp Fire, the most destructive fire in California history which burned 90% of the structures in Town. Due to the response and recovery actions necessary for the Town, our CDBG activities continued to be on hold for most of the 2019-20 program year as very few homes survived the fire so direct financial assistance to homebuyers was limited and debris removal/tree removal/general property clean-up was happening for most homeowner housing rehabilitation sites.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

| Goal | Category | Source / Amount | Indicator | Unit of Measure | Expected – Strategic Plan | Actual – Strategic Plan | Percent Complete | Expected – Program Year | Actual – Program Year | Percent Complete |
|--------------------|--------------------|-----------------|---|------------------------|---------------------------|-------------------------|------------------|-------------------------|-----------------------|------------------|
| Code Enforcement | Code Enforcement | CDBG: \$ | Housing Code Enforcement/Foreclosed Property Care | Household Housing Unit | 25 | 25 | 100.00% | | | |
| Housing Assistance | Affordable Housing | CDBG: \$ | Homeowner Housing Rehabilitated | Household Housing Unit | 100 | 108 | 108.00% | 100 | 108 | 108.00% |
| Housing Assistance | Affordable Housing | CDBG: \$ | Direct Financial Assistance to Homebuyers | Households Assisted | 0 | 1 | | | | |

| | | | | | | | | | | |
|--------------------|---|----------|--|---------------------|---|---|--|--|--|--|
| Housing Assistance | Affordable Housing | CDBG: \$ | Tenant-based rental assistance / Rapid Rehousing | Households Assisted | 0 | 0 | | | | |
| Public Services | Homeless Non-Homeless Special Needs Non-Housing Community Development | CDBG: \$ | Public service activities other than Low/Moderate Income Housing Benefit | Persons Assisted | 0 | 0 | | | | |
| Public Services | Homeless Non-Homeless Special Needs Non-Housing Community Development | CDBG: \$ | Homelessness Prevention | Persons Assisted | 0 | 0 | | | | |

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Since the Camp Fire, the Town of Paradise used CDBG funding in the 2019-20 Program year to address the highest priority need - Housing Assistance.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

| | CDBG |
|---|-----------|
| White | 87 |
| Black or African American | 0 |
| Asian | 1 |
| American Indian or American Native | 8 |
| Native Hawaiian or Other Pacific Islander | 0 |
| Total | 96 |
| Hispanic | 14 |
| Not Hispanic | 94 |

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The racial and ethnic breakdown of families assisted mirrors the demographics of Paradise as a whole, pre-fire.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

| Source of Funds | Source | Resources Made Available | Amount Expended During Program Year |
|-----------------|------------------|--------------------------|-------------------------------------|
| CDBG | public - federal | 407,276 | 131,664 |
| Other | public - federal | 0 | |

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

| Target Area | Planned Percentage of Allocation | Actual Percentage of Allocation | Narrative Description |
|-------------|----------------------------------|---------------------------------|-----------------------|
| Paradise | 100 | 100 | |

Table 4 – Identify the geographic distribution and location of investments

Narrative

100% of the funding allocated is or will be used within the Town of Paradise. Due to the lack of demographic data on our residents, CDBG funds assist only income-eligible households.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

While there are no true "matching funds" required for the Town's CDBG programs, the housing programs do require contribute toward homeownership or reconstruction (when benefits are available to do so). Furthermore, homebuyers are required to have an institutional first mortgage in addition to CDBG's downpayment assistance.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

| | One-Year Goal | Actual |
|--|---------------|------------|
| Number of Homeless households to be provided affordable housing units | 0 | 0 |
| Number of Non-Homeless households to be provided affordable housing units | 100 | 71 |
| Number of Special-Needs households to be provided affordable housing units | 0 | 37 |
| Total | 100 | 108 |

Table 5 – Number of Households

| | One-Year Goal | Actual |
|--|---------------|------------|
| Number of households supported through Rental Assistance | 0 | 0 |
| Number of households supported through The Production of New Units | 0 | 0 |
| Number of households supported through Rehab of Existing Units | 100 | 108 |
| Number of households supported through Acquisition of Existing Units | 0 | 1 |
| Total | 100 | 109 |

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The goal was a good indicator of the number of households that applied for housing assistance.

Discuss how these outcomes will impact future annual action plans.

For the 2019/20 Action Plan, the realities of recovery and supporting residents as they rebuild and find affordable housing will be our main priority.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

| Number of Households Served | CDBG Actual | HOME Actual |
|-----------------------------|-------------|-------------|
| Extremely Low-income | 0 | 0 |
| Low-income | 0 | 0 |
| Moderate-income | 0 | 0 |
| Total | 0 | 0 |

Table 7 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In the 2017 Point-In-Time survey, 61 homeless individuals were residing in Paradise out of a total population of over 26,000. In the 2019 Point-In-Time survey, only 14 homeless individuals were identified. After our disaster and to-date, 607 households applied for a temporary use permits (RV permits on personal property). Although not considered unsheltered, 337 households still remain without a plan for permanent housing. The Town continues extensive outreach to these households offering information on financial assistance programs and assistance through the rebuild process.

Addressing the emergency shelter and transitional housing needs of homeless persons

The focus of emergency shelter and transitional housing needs continues through Butte Countywide Homeless Continuum of Care, with most shelters and services spread throughout the County.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The Town has coordinated closely with the Butte Countywide Homeless Continuum of Care to provide services and resources to individuals and families at risk of becoming homeless.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Town has coordinated closely with the Butte Countywide Homeless Continuum of Care to provide services and resources to individuals and families at risk of becoming homeless.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Town does not operate any public housing within the Town of Paradise.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Town does not operate any public housing within the Town of Paradise.

Actions taken to provide assistance to troubled PHAs

NA

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The biggest barrier to affordable housing is the lack of a sewer in the Town of Paradise. There are many areas in Paradise that would be suitable for multi-family housing but are unable to be developed as such due to septic constraints. This has limited the development of low-income housing for decades. Currently, the Town of Paradise is completing an environmental study and implementation plan for a sewer along our main thoroughfares, including access for many of the properties that would be suitable for multi-family developments. After the Camp Fire, new sources of funding are now available to the Town of Paradise and we are persuing them to construct a sewer to help as we recover.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

CDBG funding is primarily spent on affordable, safe housing and public services through our subrecipient program.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The Town of Paradise Owner-Occupied Rehabilitation Program requires housing constructed prior to 1978 to undergo lead paint testing if the project consists of items that will disturb paint.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The Town of Paradise works with homeowners and subrecipients to reduce the number of poverty-level families. Its Owner-Occupied Housing Rehabilitation program provides safe housing, and its subrecipient program allows equal access to services at little or not cost for poverty-level families.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The Town Institutional Structure is as follows:

A five member Town Council holds public hearings on Consolidated Plan, Annual Plans and CAPER reports and approves funding for Public Service Agencies

The Town of Paradise, Business and Housing Services staff provides the main administrative and project management duties over the CDBG program. The BHS Staff is under the management of the Town Manager. Staff prepares the Consolidated Plan, Annual Plans and Consolidated Annual Performance

Evaluation Reports (CAPER) for each CDBG program year. The oversight of the CDBG program is provided by the Town Manager. All reports and plans are reviewed by Council before submitted to HUD.

The Town works closely with non-profit organizations in the area that provide specific programs to the citizens of Paradise. These organizations provide services to very low-, low- and moderate-income residents, including the frail and elderly, mentally disabled, physically disabled, homeless, and at-risk youth. These organizations submit funding requests to the Town to qualify for money that comes out of the Community Needs Category. As required by HUD, 15% of annual funding is set-aside for these organizations.

The Town is also focused on collaboration between government agencies; community needs organizations, and local businesses. Community stakeholder meetings give Butte County service organizations an opportunity to submit input regarding the populations these organizations serve, their current and future needs, challenges and successes. The following are some of the organizations we are involved with: Family Resource Center, Youth for Change, Project Vision, Loaves and Fishes Food Ministry, STRIVE, Peg Taylor Center for Adult Day Health Care, Legal Services of Northern California, Community Housing Improvement Program and Community Housing Credit Counseling Center, Boys and Girls Club of the North Valley, Passages, CCSP Torres Community Shelter, Paradise Center for Tolerance and Nonviolence, Salvation Army-Paradise Center, Paradise Meals on Wheels, and the Work Training Center.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Town of Paradise welcomes a public/private partnerships with housing and social service agencies. The Town is working with CHIP to rebuild Paradise Community Village and Habitat for Humanity to build self-help housing that replaces or adds much-needed low-income units. The Town is also interested in talking with any low-income, private developers or social service agencies who might be interested providing can offer our Town the housing and services that benefit the population.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Availability of affordable housing units either for rent or sale is the most-mentioned impediment. The Town is now in the early stages of developing a sewer system that will allow for greater density. In addition, funds from CalHome and CDBG-DR will help low- and moderate-income homeowners and renters.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Town follows the procedures adopted in the Code of Federal Regulations, created by the Office of the Assistant Secretary of Community Planning and Development that pertain to Community Development programs are contained within Part 570 for CDBG entitlement communities. The Town manages the day-to-day operations of their CDBG program to ensure funds are used in keeping with program requirements. Administrative and financial monitoring, program monitoring and project monitoring are all performed to ensure production, accountability, compliance and performance. The performance of subrecipients are also monitored by the Town to ensure compliance.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Citizen participation is an integral component to the CDBG program for the Town of Paradise. Two public hearings are held for public comment and questions on the draft report. A public notice is published in the local newspaper, the Paradise Post, 15 days prior to the public hearings. The draft document is available on the Town website, at Town Hall and the Building Resiliency Center. These locations are known to be accessible to persons with disabilities, persons of low/moderate income, as well as to citizens at large who may be interested in participating through public commentary.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There have been many changes for the Town of Paradise, however providing affordable housing to our residents has remained our top priority both before and after the Camp Fire. Due to our disaster and the resultant dramatic change in our population, the Town has hired a consultant to assist with planning for its CDBG Entitlement over the next five years.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There have been many changes for the Town of Paradise, however providing affordable housing to our residents has remained our top priority both before and after the Camp Fire. Due to our disaster and the resultant dramatic change in our population, the Town has hired a consultant to assist with planning for its CDBG Entitlement over the next five years.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 6(a)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Town Council Consideration of an Urgency Ordinance
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Consider waiving the reading of entire Town of Paradise Urgency Ordinance No. 608 and adopting Town of Paradise Urgency Ordinance No. 608, "An Urgency Ordinance of the Town Council of the Town of Paradise Establishing Requirements for the Removal of Fire Damaged Debris from Private Property Following the Camp Fire"; **OR**,
2. Direct an alternative directive to Town staff.

Background:

On December 10, 2019, the Town Council adopted Urgency Ordinance No. 590. Said Urgency Ordinance No. 590 established an amendment to Urgency Ordinance No. 577: – *An Urgency Ordinance of the Town Council of the Town of Paradise Establishing Requirements for the Removal of Fire Damaged Debris from Private Property Following the Camp Fire*. The amendment entailed the potential to allow wood processing yards (i.e. log decks) as a temporary land use in certain zones, to assist private fire damaged tree removal, subject to a temporary use permit when associated with Camp Fire recovery efforts for the duration of the urgency ordinance.

At the February 9, 2021 Town Council meeting a presentation was given to Council from Ron Sandmann of Emshire LLC regarding the desire to allow wood processing yards, as authorized by the urgency ordinance, available for use by the government sponsored hazard tree removal program and for the overall extension of the ordinance for any participating entities to accommodate future fuel reduction activities and back-forty tree felling activities. Following the presentation, staff was given two directives: 1) engage with CalOES to determine their level of interest, if any, in the use of wood processing facilities in Town, and 2) to bring back the urgency ordinance at a future council meeting for consideration of amendments authorizing the use of wood processing yards for the government sponsored hazard tree removal program and to extend the deadline of the ordinance.

Analysis:

During calendar year 2020, three (3) Temporary Use Permits were issued for temporary log storage/processing yards to accommodate the private hazard tree removal program – one across

from the post office on Clark Rd, one on upper Skyway near the Skyway/Clark intersection, and one on lower Clark Rd below the PG&E staging yard. Only the yard on Clark Rd, across from the post office, was ever developed and opened to the public. Due to difficulties finding a destination to take the wood chips and the sales pricing necessary to make the endeavor financially feasible, the yard was only open for a few months.

CalOES has been engaged in conversations with town staff multiple times and has made it clear that wood processing yards in town would not be used by the government sponsored hazard tree removal program as those disposal site contracts have already been executed for sites outside of Town. However, as requested by Council, an amendment to the definition of *Temporary Log Storage Yard* has been made for consideration that includes both government and private contractors.

If the ordinance is adopted by Council, the now expired Temporary Use Permits previously issued for the preceding three sites would still be required to reapply for new permits and new noticing sent out to neighboring properties within 1,200' since the original noticing stated that the wood storing/processing activities would not include the government hazard tree removal program and that all activities and noise would cease by December 31, 2020.

Staff has developed the attached proposed ordinance that, if adopted by the Town Council, would allow log storage/processing yards, subject to a temporary use permit, when associated with Camp Fire recovery efforts by both government and private contractors. As Urgency Ordinance No. 590 had previously expired on December 31, 2020, the expiration date of the new ordinance is set to expire December 31, 2021. Recommended text changes to the new ordinance are shown in "shaded" font.

Financial Impact:

The cost for publication of the ordinance summary within the local newspaper will be borne by the Town of Paradise.

Attachment

**TOWN OF PARADISE
ORDINANCE NO. 608**

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF PARADISE ESTABLISHING REQUIREMENTS
FOR THE REMOVAL OF FIRE DAMAGED DEBRIS FROM
PRIVATE PROPERTY FOLLOWING THE CAMP FIRE**

The Town Council of the Town of Paradise, California,
ordains as follows:

Ordinance No. 608 shall be enacted as follows:

Section 1. Emergency Findings. This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

- A. Conditions of extreme peril to the safety of persons and property within the Town were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.
- B. California Government Code Section 8630 et. seq. empowers the Director of Emergency Services to proclaim the existence of a local emergency when the Town is affected or likely to be affected by a public calamity, subject to ratification by the Town Council at the earliest practicable time.
- C. On November 8, 2018, the Director of Emergency Services of the Town proclaimed the existence of a local emergency within the Town due to the Camp Fire.
- D. On November 8, 2018, the Acting Governor of the State of California proclaimed a State of Emergency for Butte County and on November 14, 2018, the Governor issued Executive Order B-57-18 concerning the Camp Fire.
- E. On November 12, 2018, the President of the United States declared the existence of a major disaster in the State of California, providing assistance from many federal agencies, including the Federal Emergency Management Agency (FEMA).
- F. On November 13, 2018, the Town Council adopted Resolution No. 18-42 ratifying the Director of Emergency Services'

proclamation of the existence of a local emergency in the Town.

- G. The Camp Fire to date has consumed 153,336 acres and has led to the destruction of 13,696 residences, damage to 462 residences, the destruction of 276 multiple family residences, the destruction of 528 commercial buildings, damage to 102 commercial buildings, the destruction of 4,293 other minor structures, and resulted in the evacuation of over 50,000 people. As a result, the Camp Fire has created an enormous amount of debris.
- H. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
- I. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
- J. Exposure to hazardous materials may lead to acute and chronic health effects and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose residents and workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
- K. Standards and removal procedures are needed immediately to protect the public health and environment, and to facilitate coordinated and effective mitigation of the risks to the public health and environment from the health hazards generated in the Camp Fire disaster.
- L. It is essential that this Ordinance become immediately effective to mitigate the harm that could be caused to the public health and safety and to the environment from the improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Camp Fire disaster.

Section 2. Definitions.

- A. Director. The term Director shall mean the Town Manager.
- B. OES Program. For purposes of this Ordinance, the term "OES Program" shall mean the fire damage debris clearance program operated by the Office of Emergency Services for the Camp Fire in conjunction with other State and Federal agencies.
- C. Alternative Program. For purposes of this Ordinance, the term "Alternative Program" shall mean the requirements for inspections, clean up and disposal for property owners that opt out of or are ineligible for the OES Program.
- D. Private Action. For the purposes of this Ordinance, the term "private action" shall mean the removal of fire debris from private property damaged by the Camp Fire by persons not eligible for or opting out of the OES Program.
- E. Removal of Fire Debris. The term "removal of fire debris" as used in this Ordinance includes all cleanup of fire debris from structures resulting from the Camp Fire, including removal, transport and disposal of fire debris, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the property.
- F. Right of Entry Permit. The term "Right of Entry Permit" means the Debris Removal Right-of-Entry Permit (For Providing Debris Removal on Private Property) approved by the California Office of Emergency Services for use in the cleanup after the Camp Fire.
- G. Council. The term "Council" means the Town Council.
- H. Temporary Log Storage Yard (AKA: Log Deck). For purposes of this Ordinance, the term "Temporary Log Storage Yard" means a site where piles of logs and other piles of vegetation removed from the Camp Fire affected area are temporarily stored and processed before transfer to trucks or rail by either State agencies/contractors or private companies. The logs and vegetation must be associated with the Camp Fire recovery effort, i.e., logs and vegetation that are burn-damaged or otherwise removed due to safety issues associated with the Camp Fire. Logs and wood waste originating from routine utility line maintenance shall not be stored at a Temporary Log Storage Yard. A temporary log storage yard shall not exist beyond the Effective Period. No structural fire debris or hazardous materials may be brought onto or stored in the yard including any that may have been deposited on logs or vegetation. Temporary Log Storage Yard

allow for the processing of logs and vegetation (e.g., chipping, milling, etc.) but not the burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom facilities set up for use by the personnel assigned to such yard, but not residences other than the transitory use of a recreational vehicle authorized in conformance with Town of Paradise Interim Housing Ordinance No. 600.

Section 3. Effective Period.

This Ordinance shall take effect immediately upon adoption and shall remain in effect until the cleanup of fire debris has been completed on all properties within the Town damaged by the Camp Fire. Regardless of when the removal of fire debris has been completed, a Temporary Log Storage Yard, as well as any provisions within this Ordinance that relate to it, shall remain in effect until December 31, 2024, unless otherwise specified herein, subject to extension or modification by the Town Council.

Section 4. Prohibition on Removal of Fire Debris from Private Property.

No fire debris from structures shall be removed from private property without a hazardous materials inspection conducted either by the U.S. Environmental Protection Agency or California Department of Toxic Substance Control through the Office of Emergency Services' fire debris clearance program, or by an entity approved through the Alternative Program. This Ordinance shall apply to properties that contained a qualifying structure under the OES Program. This Ordinance shall not apply to properties that only contained non-qualifying structures, including but not limited to sheds, canopies, carports, well houses, greenhouses, chicken coops or fencing. Whether fire debris derived from a qualifying or non-qualifying structure shall be determined by the Director, or her designee, in consultation with CalOES.

Section 5. Removal of Fire Debris through the OES Program.

- A. Effect of the Right of Entry Permit: The Right of Entry Permit shall function as the sole permit and authorization for participation in the OES Program.
- B. Notwithstanding any contrary provision in Paradise Municipal Code, no Town approvals or permits for fire debris removal are required for properties participating in the OES Program, other than the Right of Entry Agreement, which will be administered by the Butte County Department Environmental Health.

Section 6. Removal of Fire Debris through the Alternative Program.

- A. The Butte County Department of Environment Health shall adopt and administer the Alternative Program on behalf of the Town. The County shall utilize the state and federal standards and cleanup goals of the OES Program as the standards for the Alternative Program.
- B. For those persons who are not eligible for the OES Program, or who opt out of the OES Program, private action to remove fire debris from fire-damaged properties is prohibited unless and until a hazardous materials inspection has been performed and authorization from the Director has been provided pursuant to the Alternative Program.
- C. The Alternative Program shall require an application that identifies the appropriate licensed contractors who will perform the work and the submission of plans that demonstrate that the standards established in the Alternative Program will be met. Work shall not begin until the Butte County Department of Environmental Health approves the application.
- D. Upon completion of the work described in the approved plans, the Alternative Program shall require an application for certification of successful completion of the work required by the Alternative Program. The Alternative Program will require that: (1) the debris removal and clean-up work on the property meets or exceeds the standards set by the State of California for debris removal; and (2) the owner completely remove and dispose of the foundation or submit a letter from a licensed civil or structural engineer certifying that the foundation is acceptable for rebuild. The letter shall certify structural reasons for the decision and include the process and procedure used to reach the conclusion.

Section 7. Temporary Uses Associated with Removal of Fire Damaged Debris.

- A. Notwithstanding any other provision of the Paradise Municipal Code, during the duration of this urgency ordinance the Director or his/her designee is empowered to grant a temporary use permit to authorize or conditionally authorize the following temporary land use within all zones except for the agricultural-residential, rural-residential, and town-residential zones when directly associated with fire debris removal programs:

- (1) General vehicle/equipment storage as defined in Paradise Municipal Code Section 17.04.500.
- B. The Director or his/her designee may authorize such temporary storage use based on substantial evidence that:
 - (1) The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.
 - (2) The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.
 - (3) The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.
- C. The Director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts, including but not limited to hours and frequency of operation, temporary arrangements for parking and circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following the temporary storage use.

Section 8. Temporary Log Storage Yards.

- A. Maximum Number of Sites. The number of Temporary Log Storage Yards shall be capped at a maximum of five (5) for the incorporated area of the Town of Paradise.
- B. Zones Requiring a Temporary Use Permit. A Temporary Log Storage Yard shall be allowed subject to approval of a temporary use permit and compliance with the standards set forth below in the following zones:
 1. Industrial Services (IS) zone.
 2. Community Commercial (CC) zone.
 3. Community Facility (CF) and Community Services (CS) zones.
 4. Agricultural Residential (AR), Rural Residential (RR), and Multiple Family (MF) zones.
- C. Standards. All Temporary Log Storage Yards shall meet the following standards:
 1. Application for Temporary Use Permit. The property owner or the property owner's authorized agent shall obtain a temporary use permit for the Effective Period. Written consent of the property owner is required in all cases.
 2. Site Plan Required. A detailed site plan meeting general architectural or engineering standards, legible and drawn to scale that shows all the proposed activities that will occur on-site, as well as the approximate location of each activity, shall be provided with the application for a temporary use permit. Partial site plans for a portion of

- a property may be submitted as long as a vicinity map for the entire property showing frontage streets, other uses and a cross reference of the area of the partial site plan is provided. All site plans shall show and label contours at maximum vertical intervals of five feet; areas of proposed grading and fill; the width of access roads to and around parking, log piles and other piles, and buildings; and turnaround areas for fire and emergency services. Any change in the type of activity that will occur on-site or the location of any activity requires the owner or operator to apply for a new temporary use permit.
3. Siting Criteria. To the extent practicable, temporary log storage yards shall be located on flat areas of the site that are already disturbed and in such a manner to decrease impacts to uses on surrounding properties.
 4. Parcel Size. The Temporary Log Storage Yard site shall be a minimum of five (5) acres in the IS, CC, CF, CS, AR, RR, and MF zones regardless of the actual area used for the temporary log storage yard. Adjacent parcels, in the same zoning district, may be utilized to achieve this standard, provided each owner's consent is provided with the application. All parcels must be shown on the application, the site plan, and all property owners shall provide written permission.
 5. Approved Access. Temporary Log Storage Yards shall have access onto a public road. If the public road is a Town of Paradise road, the approach shall be made with an encroachment permit approved by the Town of Paradise Department of Public Works. If the public road is a California State highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office.
 6. On-site Roads, Driveways and Aisles. Temporary Log Storage Yards shall have on-site roads, driveways and aisles. On-site roads, driveways and aisles shall have a 6 inch Class 2 aggregate base, a minimum width of 25 feet, and shall be capable of supporting a 75,000 lb. load that will allow for ingress and egress of fire apparatus to within 150 feet of all piles and structures, and shall have a vertical clearance of no less than 15 feet.
 7. Property Line Setbacks and Defensible Space. All log piles and other piles shall be setback a minimum of 100 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 150 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disking, grubbing, and/or scraping. CAL-FIRE shall have discretion to address unique circumstances.

8. Biological Resources. Temporary log storage yards shall not be located on lands containing wetlands, and/or endangered and protected plants and animal species. A biological report shall be furnished to the Community Development Department demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.
9. Paradise Fire Department/CAL-Fire Standards. Temporary log storage yards and the associated activities performed with them pose the risk of fire if fire suppression measures are not taken. The activities include working with and storing flammable materials in areas that have little to no water on-site and that are subject to fire. The Town is setting the fire standards it believes are appropriate, but there are also State standards set out in California Fire Code Chapter 28 with respect to all log storage yards and incidental wood products stored there. Fire officials shall enforce the most stringent standards. Per California Public Resource Code, Section 4428, each site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
 - a. Whenever a fire starts, a telephone call shall be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the application for the temporary use permit for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the site plan.
 - c. Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the fire chief or their designee.
 - d. Other piles made of incidental log related materials shall not exceed 20 feet in height, 150 feet in width, and 250 feet in length.

- e. All piles shall be separated from all other piles by 100 feet and shall include on-site roads, driveways, and aisles as discussed above.
 - f. All piles shall be monitored by a means approved by the fire chief to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the application for the temporary use permit for review and approval by fire officials.
 - g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the facility operator.
 - h. Cutting activities shall comply with California Fire Code Chapter 35.
10. Butte County Public Health, Environmental Health Division Standards.
- a. Depending on the activities performed on-site, the temporary log storage yard may be determined to be a solid waste facility. The facility operator must provide access to the facility and provide for review of the activities occurring at the facility to the Local Enforcement Agency, Butte County Environmental Health, to determine if there exists a requirement to register for a permit status as a solid waste facility in accordance with Title 14 of the California Code of Regulations.
 - b. For sanitation purposes there shall be a minimum of one portable toilet and one handwash station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
 - c. For water that is provided for human consumption, either from an on-site well or transported to the facility and held in a storage tank, the facility operator shall meet the following requirements: if there are 25 or more people per day consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements and shall operate in accordance with those requirements; if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards as required by the Butte County Environmental Health Division. If bottled water is provided, there are no requirements for testing.
 - d. The storage of any hazardous material at or above State-defined thresholds shall require the approval

of a Hazardous Material Business Plan by the Environmental Health Division of the Butte County Department of Public Health.

11. Town of Paradise Public Works Department Standards.

- a. Perimeter stormwater control - When a Temporary Log Storage Yard is prepared for operations or the soil is disturbed, improvements shall be designed and implemented such that water accumulating within the project will be carried away from the project without injury to any adjacent improvements, residential sites, or adjoining areas. The design shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board's Construction General Permit 2009-009-DWQ. All natural drainage that enters the project area shall leave the project area at its original horizontal and vertical alignment and with the same pre-improvement quantity. Implementation of erosion control within the project area and sediment control basins at drainage outlets shall conform with California Stormwater Quality Association (CASQA) design criteria. Sites that meet EPA's criteria for a Rainfall Erosivity Waiver (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) or are fully stabilized with erosion control measures are not required to install sediment control basins.
- b. Water quality and erosion control-When submitting a application for a temporary log storage yard, any surface disturbance over one acre in size shall require a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer and the submittal of a Notice of Intent to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ as amended). If the area of disturbance is one acre or less, then along with an application for a Temporary Log Storage Yard, an Erosion and Sediment Control Plan (ESCP) shall be developed by the facility operator, submitted for approval, and adhered to for erosion and sediment control. The ESCP shall contain a description detailing which Best Management Practices (BMP) will be used, how they will be used, and where they will be used in conformance with the California Stormwater Quality Association (CASQA) BMP Municipal Handbook. The ESCP shall contain a description of temporary and permanent measures and include ingress/egress control measures and street sweeping.

Plans shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board's Construction General Permit 2009-009-DWQ. Upon completion of the project, all temporary sediment control measures shall be removed from the site. All permanent sediment control measures shall be maintained by the parcel owner.

12. Air Quality and Dust Control. All best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during activities on the project site. A plan shall be provided to the satisfaction of the Community Development Director to address:
 - a. Mobile and stationary toxic air contaminants; and
 - b. Fugitive dust and ash. Best practice measures shall comply with the Butte County Air Quality Management District's Rule 205 - *Fugitive Dust Requirements* and shall include, but not be limited to, the following:
 1. Reduce the amount of the disturbed area where possible. Stabilize disturbed area soils during use and at project completion.
 2. Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
 3. Limit vehicle speeds to 15 miles per hour on any unpaved surfaces at the project site.
 4. Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than 25 feet in cumulative length from the active project site.
 5. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and Air District for any questions or concerns about dust from the project.
13. Storage or Processing of Debris Prohibited. The storage or processing of debris from the Camp Fire Consolidated Debris Removal Program at any Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.
14. Noise. Quiet hours shall be maintained from 7 p.m. to 7 a.m. seven days a week. During quiet hours, generators and heavy equipment shall not be operated and noise levels shall conform to Paradise Municipal Code Chapter 9.18, Noise Control. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of Paradise Municipal Code Chapter 9.18, Noise Control.
15. Outdoor Lighting. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light

falls outside the property line, or into the public right-of-way in accordance with Paradise Municipal Code Section 17.06.810, Lighting Fixtures.

16. Reclamation Required. The application for a temporary use permit for a temporary log storage yard shall be accompanied by a detailed plan for the restoration or reclamation of the subject property to the satisfaction of the Community Development Director. There shall be no grading of the site without the prior approval of the Community Development Director, but if grading is allowed, topsoil shall be conserved to be used for reclamation. At minimum, a plan for restoration or reclamation shall include:
 - a. Clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and
 - b. Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Community Development Director in order to render the site suitable for the use for which it was zoned.
 17. Performance Guarantee. In approving a temporary use permit for a Temporary Log Storage Yard, the Community Development Director shall require a performance guarantee as provided by Paradise Municipal Code section 17.32.400 in the amount of \$2000.00 per acre of land disturbed in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Community Development Director. Lands shall be restored or reclaimed to the satisfaction of the Community Development Director prior to release of the performance guarantee.
 18. Electricity and Electrical Equipment. If new electricity connections are brought to the site, a building permit is required. Electrical wiring and equipment shall comply with the California Electrical Code.
 19. Additional Requirements. The temporary use permit shall be subject to additional requirements from CAL-Fire, Town of Paradise Public Works, the Butte County Air Quality Management District, the California Department of Transportation, the Butte County Public Health Department, and the State Regional Water Quality Control Board.
- D. Notice
- At least ten (10) days prior to issuance of a temporary use permit, pursuant to this section, the Paradise Community Development Department shall provide a mailed notice to property owners within 1,200 feet of the property line of the subject parcel(s). The notice shall include all applicable standards and limitations placed upon the temporary log storage yard, the

temporary use permit number, as well as the name, phone number and email of a designated contact for concerns regarding the yard's operation. The temporary use permit shall be issued without a formal hearing, unless one is requested by either the applicant or other affected persons. If a hearing is requested, it shall be scheduled for the next available Planning Commission meeting and the Planning Commission shall hear the request. The Planning Commission may impose conditions and requirements in addition to the standards set forth above, or may deny the temporary use permit, to mitigate impacts to uses on surrounding properties. Unless otherwise appealed to the Town Council within ten (10) calendar days of the Planning Commission action, the decision of the Planning Commission shall be final.

E. Violations, Enforcement, and Penalties.

1. A temporary log storage yard that is operating in violation of this section poses a health and safety hazard and is found to be a public nuisance.
2. The Community Development Director may initiate enforcement using any process set forth in the Paradise Municipal Code, including, but not limited to, Code Enforcement pursuant to Chapter 1.09 and Nuisance Abatement pursuant to Chapter 8.04, and may seek the imposition of costs and civil penalties pursuant to the Paradise Municipal Code. Nothing in this provision is intended to prevent alternative enforcement mechanisms.
3. If the Chapter 1.09 Administrative Code Enforcement process is used, the penalties set forth in section 1.09.190 are increased because the health and safety hazards to the public shall be greater than in the general code enforcement context. The increased penalty is a fine of one thousand dollars (\$1,000.00) for the violation and such violations shall also be a misdemeanor.

Section 9. Hold on Building Permits.

Any issued Town building permit to repair or reconstruct a fire damaged structure or private infrastructure shall be held in abeyance and not acted upon until fire debris cleanup is completed on the affected property and completion is confirmed to the Town Building Official, either through the OES Program or through the Alternative Program.

Section 10. Deadlines and Enforcement.

- A. The Town may set deadlines for filing either an acceptable Right of Entry Permit in the OES Program or an acceptable application for the Alternative Program by resolution.

- B. Properties that have fire ash and debris from the Camp Fire and that have neither an approved Right of Entry Permit for the OES Program nor an approved application for the Alternative Program by the deadline set by the Council may be declared a nuisance and health hazard and such property may be abated pursuant to this Ordinance.
- C. The Town may set deadlines for the completion of work in the Alternative Program by resolution. Properties that have fire ash and debris from the Camp Fire after that deadline may be declared a nuisance and health hazard.
- D. The Town's intent is to facilitate orderly remediation of a large-scale disaster. Nothing in these deadlines shall limit the authority of the Town to abate hazards more quickly where required by exigent circumstances. Nothing in this Ordinance or in these deadlines shall limit the authority of the Director to require preventive measures as defined in California Health and Safety Code Section 101040.
- E. Enforcement and Abatement.
 - (1) General Enforcement action. When the Director determines that an activity is being performed in violation of this Ordinance, the Director may initiate an enforcement action using the process set forth in the Paradise Municipal Code and may seek the imposition of costs and civil penalties pursuant to the Paradise Municipal Code. Nothing in this provision is intended to prevent alternate enforcement mechanisms, including but not limited to, health officer orders pursuant to California Health and Safety Code Section 101040.
 - (2) Summary Abatement. Pursuant to the authority of Cal. Const., art. XI, Section 7; California Health and Safety Code Section 101040, California Government Code Section 38773, and the Paradise Municipal Code, if the Director determines that a violation of this Ordinance has created an emergency condition which seriously endangers the public health or safety, the Town may abate the condition within the Town. The costs shall be charged to the property owners(s) and the Town may, at its option, recover the same in an administrative or civil action. Such charges shall be in addition to any penalty for a violation of this Ordinance.
 - i. Pre-Abatement Notice. Unless emergency conditions preclude doing so, the Director shall issue a Summary Abatement Notice and Order with reasonable notice. The Notice and Order shall be mailed to the property owner(s) as listed on the last equalized tax roll. A summary of the Notice

and Order shall be posted in a conspicuous location on the property to be abated at least 10 calendar days prior to the summary abatement action.

- ii. Appeal and Waiver. The property owner(s) or any person or entity having a legal interest in the property may submit a written appeal of the Director's Order to the Town Council no later than 10 calendar days from the date of mailing of the Notice and Order. The written appeal shall state the basis for the appeal. The appeal shall be heard by a Town-appointed hearing officer regarding the appeal and shall issue a written decision (the "Decision") no later than 10 calendar days after receipt. The Decision shall uphold, rescind or modify the determination of the Notice and Order. The Decision on the appeal shall be final. Failure to appeal within the time prescribed shall constitute a waiver of the right to contest the summary abatement.
- iii. Post Abatement Notice. After the summary abatement is completed, the Director shall serve the property owner(s) with a post abatement notice that sets forth: (a) the actions taken by the Town; (b) the reasons for the actions; (c) a statement of the costs, expenses and attorney's fees, if any, of the abatement and notice of the Town's intent to collect those costs; and (d) right to appeal the costs determination within ten (10) calendar days of the notice. If the property owner is responsible for any costs, expenses or attorney's fees, such costs shall become a lien against the property and a Notice of Abatement Lien may be recorded with the Butte County Recorder.
- iv. Post Abatement Costs Appeal. If the property owner(s) or anyone with a legal interest in the property submits a timely costs appeal, the Town shall schedule an administrative hearing on the matter and provide the appeal party with reasonable notice of the hearing. The hearing officer shall conduct an administrative hearing where each party shall have the opportunity to present evidence and the Town shall have the obligation to establish that the costs, including expenses and attorney's fees, if any, incurred for the summary abatement were necessary by a preponderance of the evidence. After the hearing, the hearing officer shall issue a written decision and order that shall be served upon the appealing party within 30 calendar days of the hearing unless extended by agreement of the parties.

Section 11. Judicial Enforcement Action. The Town Attorney is authorized to initiate judicial enforcement as to a violation of any provision of this Ordinance without further Town Council approval.

Section 12. Remedies not exclusive. The remedies identified are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided in this Ordinance shall be cumulative and not exclusive.

Section 13. CEQA Exemption. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

Section 14. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 15. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote of the Town Council. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Town Councilmembers voting for or against the same, in a newspaper of general circulation published in the Town of Paradise, State of California. A complete copy of this Ordinance is on file with the Town Clerk and is available for public inspection and copying during regular business hours in the office of the Town Clerk.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of April, 2021 by the following vote:

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//

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//

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski, CMC, Town Clerk

Mark A. Habib, Town Attorney



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 6(b)

ORIGINATED BY: Susan Hartman, Community Development Director
Katie Simmons, Disaster Recovery Director

REVIEWED BY: Kevin Phillips, Town Manager

SUBJECT: Town Council Consideration of Deadlines set in Urgency Ordinance Relating to Interim Housing

LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Provide staff with direction to prepare an ordinance amendment which:
 - a. Considers waiving alternative thresholds required to take effect on July 1, 2021 in the Urgency Ordinance Relating to Interim Housing, and revise all temporary use permits issued under the authority of the urgency ordinance to expire on December 31, 2021 unless accompanied by the issuance of a building permit for a new residence; and
 - b. Considers requiring all new temporary use permits issued to comply with the existing Temporary Use Regulations found within Paradise Municipal Code Chapter 17.32 which requires the issuance of a building permit for a new residence in order to secure a temporary use permit to reside in an RV on-site;
2. Or direct an alternative directive to town staff.

Background:

At the October 13, 2020 Town Council meeting the Interim Housing Urgency Ordinance was discussed and ultimately amended as follows:

1. Residents, who were displaced by the Camp Fire, can secure a Temporary Use Permit to live in an RV until the end of June 2021 without evidence of a rebuild permit. Must still comply with health & safety requirements regarding connection to utilities and garbage service.
2. To stay in an RV beyond June 2021, or to secure a temporary use permit after June 2021, evidence of a permit application, permit issuance, contract with a designer/contractor /manufactured home dealer or working with the Town/State regarding a housing program.
3. To stay in an RV beyond December 2021, or to secure a temp use permit after December 2021, will require issuance of a rebuild permit.

Prior to the October Council meeting, the ordinance was discussed and amended as follows:

At the July 14, 2020 Town Council meeting the Interim Housing Urgency Ordinance was discussed and ultimately amended to bring the issuance of temporary use permits, issued under the authority of the urgency ordinance, in line with the existing Temporary Use Regulations found within Paradise Municipal Code Chapter 17.32 in the zoning ordinance which requires the issuance of a building permit in order to secure a temporary use permit to reside in an RV on-site. With the Interim Housing Urgency Ordinance set to expire at the end of 2020, the intent of the amendment was to begin the transition of urgency ordinance standards to those of the regular zoning ordinance.

Analysis:

Since it was originally adopted, the Interim Housing Urgency Ordinance has been revised by the Town Council to accommodate the pressures and barriers of rebuilding after the Camp Fire. The revisions have allowed property owners – or renters with permission from property owners – to reside on property in an RV with a temporary use permit while preparing to rebuild or find permanent housing.

Town staff continues to track the intentions of those living in RVs to understand the barriers they face to rebuilding. Town staff also continues to track the availability of funding for the rebuild process.

During the last evaluation of the urgency ordinance resulting in revision in October of 2020, the deadline was moved from December 31, 2020 to June 30, 2021, with a 6-month extension if alternative thresholds were met. Reasons for these revisions include:

1. Resident was waiting for PG&E settlement payout to rebuild;
2. Resident needed more time to make a decision on rebuilding (both financial and non-financial related);
3. COVID related delays;
4. Anticipated availability of CDBG-OOR funding in early 2021;
5. Later start than expected in the Government Hazard Tree Removal Program

The urgency ordinance has always been intended to provide a stopgap to those who were unable to secure stable housing immediately after the Camp Fire with a long-term goal of moving residents back into permanent housing.

2019 and 2020 were largely waiting games: waiting for PG&E funding, waiting for infrastructure repairs such as water and utilities, waiting for debris and hazard tree removal, slowdowns related to poor air quality, and the introduction of the COVID-19 pandemic and its impacts on health, employment, and the greater global economy impacting industries like construction.

2021 has offered hope, but the resolution of time and financial barriers has not been as swift as predicted. PG&E payments are just beginning, but the total settlement amounts are largely unknown; HCD has released the CDBG-OOR survey, but applications have

not yet opened and funding is not slated to be available until that occurs later this year; the impacts of COVID-19 continue, still largely unmeasurable and/or dynamic on industries affected, though the federal government continues to respond with stimulus payments for individuals and grants and loans for businesses; the Government Hazard Tree Removal Program continues in the Town of Paradise, making progress, but as of the date of this report has only felled 53% of the trees marked – still leaving months of work on private properties throughout Town.

Town staff continues to track these items to bring timely and relevant options to the Town Council for the allowance of temporary housing in Paradise following the Camp Fire. At this time, options include the following which will be detailed below:

- I. Option 1: No changes to the current Interim Housing Urgency Ordinance.
- II. Option 2: Remove the alternative threshold requirement, revising all temporary use permits issued under the authority of the urgency ordinance to expire on December 31, 2021 unless accompanied by the issuance of a building permit.
- III. Option 3: Adopt option 1 or 2, and add the cessation of temporary use permits issued under the urgency ordinance and revert to the Temporary Use Regulations found within Paradise Municipal Code Chapter 17.32 in the zoning ordinance which requires the issuance of a building permit in order to secure a temporary use permit to reside in an RV on-site.
- IV. Option 4: Direct staff to explore alternatives not detailed here.

Option #1 – No changes

This scenario calls for the urgency ordinance to end on 6/30/2021, but allows those with an existing temporary use permit who have not yet secured a residential rebuild permit to show intent to rebuild in order to stay on the property in an RV for an additional 6 months ending on December 31, 2021, in alternate ways such as:

- Building permit applied for, but not issued;
- Signed contract with a builder;
- Signed contract for a manufactured home;
- Working with Town housing specialists, or state agency, on housing programs;
- Signed contract with a plans designer.

This scenario allows for additional time to move through the permitting or housing program process but does not allow for pending funding sources to come available before the rebuild process is required mid-year.

Option #2 – Remove the alternative thresholds of compliance

This scenario calls for the urgency ordinance to end on 12/31/2021 without the additional conditions placed on existing temporary use permits as named above. On

January 1, 2022 the issuance of a building permit will be required for those living in RVs to remain on property with a temporary use permit.

This scenario allows for additional time to move through the permitting or housing program process (Town Housing programs or CDBG-DR OOR), for additional resolution on PG&E settlement payouts, for the completion of the Government Hazard Tree Removal Program, and for the gradual lessening of COVID-related impacts.

Option #3 – Adopt option 1 or 2 and revert all new temporary use permits issued to require the issuance of a building permit (staff recommendation)

According to recent counts, there are 350+ temporary use permits issued that do not have an active building permit and/or have not met the alternative thresholds required mid-year. Regular follow-up on this number of applicants already exhausts the Town's resources. Potentially adding to this number through the continued issuance of urgency temporary use permits under authority of the urgency ordinance is not sustainable. With temporary use permits expiring this year if they do not have active building permits, it may prove overly difficult to abate occupied RVs that are not displaying health and safety concerns.

Option #4 – Explore other alternatives

Town staff has assessed the current situation to provide the options listed above. Should the Council bring forward other alternatives to explore, Town staff would be happy to continue research and evaluation.

Financial Impact:

None



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 6(c)

ORIGINATED BY: Garrett Sjolund, Fire Chief

REVIEWED BY: Kevin Phillips, Town Manager
Mark Habib, Town Attorney

SUBJECT: Consider discussion amending Ordinance No. 597 Section 8.58.060 regarding Defensible space/hazardous fuel management requirements section E.

LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

After discussion of Ordinance No. 597 regarding defensible space/hazardous fuel management requirements, consider providing direction to staff regarding the following options:

1. Repeal Paradise Municipal Code Section 8.58.060 and default to Civil Code 1102.19; and,
2. Adopt an Ordinance with Civil Code 1102.19 language as written.
3. Adopt new Ordinance language:

At the time of transfer of ownership of a parcel from the owner to another, the seller shall provide the buyer with a copy of notice of compliance within 6 months before the transfer. (ROLL CALL VOTE)

Background:

On March 9, 2021 the Town Council discussed Ordinance No. 597 Section 8.58.060; defensible space/hazardous fuel management requirements section "E" referring to the time of transfer of ownership of a parcel from the owner to another. In discussion with the Fire Chief, it became apparent that refinements to the Paradise Municipal Code (PMC) were required to be consistent with California Civil Code 1102.19, effective July 1, 2021.

Analysis:

The attached information proposes to amend PMC Section 8.58.060 relating to defensible space requirements at the time of transfer of ownership of a parcel from the owner to another in order to align with California Civil Code 1102.19 effective July 1, 2021.

Financial Impact:

There is no financial impact at this time.

Attachment

Issue:

Current Paradise Municipal Ordinance states:

8.58.060 - Defensible space/hazardous fuel management requirements.

E. At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this [Section 8.58.060](#). Based on a monthly list of parcels sold within the town of Paradise, thirty (30) days after the transfer of each parcel the town shall determine whether the parcel complies with this section.

CA State Civil Code States:

RTICLE 1.5. Disclosures Upon Transfer of Residential Property [1102 - 1102.19]

(Article 1.5 added by Stats. 1985, Ch. 1574, Sec. 2.)

1102.19.

(a) On and after July 1, 2021, a seller of a real property subject to this article that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, shall provide to the buyer documentation stating that the property is in compliance with Section 4291 of the Public Resources Code or local vegetation management ordinances, as follows:

(1) In a local jurisdiction that has enacted an ordinance requiring an owner of real property to obtain documentation that the property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the seller shall provide the buyer with a copy of the documentation that complies with the requirements of that local ordinance and information on the local agency from which a copy of that documentation may be obtained.

(2) In a local jurisdiction that has not enacted an ordinance for an owner of real property to obtain documentation that a property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the seller shall provide the buyer with the documentation obtained in the six-month period preceding the date the seller enters into a transaction to sell that real property and provide information on the local agency from which a copy of that documentation may be obtained.

(b) On and after July 1, 2021, if the seller of a real property described in subdivision (a) has not obtained documentation of compliance in accordance with paragraph (1) or (2) of subdivision (a), the seller and the buyer shall enter into a written agreement pursuant to which the buyer agrees to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance as follows:

(1) In a local jurisdiction that has enacted an ordinance requiring an owner or buyer to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the buyer shall comply with that ordinance.

(2) In a local jurisdiction that has not enacted an ordinance requiring an owner or buyer to obtain documentation of compliance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the buyer shall obtain documentation of compliance within one year of the date of the close of escrow.

(c) Nothing in this section, including the existence of an agreement between a buyer and seller pursuant to subdivision (b), shall limit the ability of a state or local agency to enforce defensible space requirements pursuant to Section 51182 of the Government Code, Section 4291 of the Public Resources Code, or other applicable statutes, regulations, and local ordinances.

Discussion:

Current Paradise Municipal Code is not in line with Civil Code 1102.19 effective 7/1/2021.

Options:

1. Remove current Ordinance 8.58.060 section E and default to Civil Code 1102.19.
2. Adopt Civil Code 1102.19 language into Paradise Ordinance as written.
3. Adopt ordinance language:
 - a. At the time of transfer of ownership of a parcel from the owner to another, the seller shall provide the buyer with a copy of [Section 8.58.060](#) notice of compliance within the 6 months preceding the transfer.



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 6(d)

ORIGINATED BY: Marc Mattox, Public Works Director/Town Engineer
REVIEWED BY: Kevin Phillips, Town Manager
SUBJECT: Award Construction Contract - Ponderosa Elementary Safe Routes to School Project
LONG TERM RECOVERY PLAN: Yes, Tier 1, Interconnected Path System

COUNCIL ACTION REQUESTED:

1. Consider adopting Resolution No.21-____, A resolution of the Town Council of the Town of Paradise Awarding Contract No.9380.CON, Ponderosa Elementary Safe Routes to School Project to All-American Construction, Inc., Live Oak, CA in the amount of their base bid. (ROLL CALL VOTE)
2. Authorize the Town Manager to execute an agreement with All-American Construction, Inc. relating to Contract No.9380.CON and to approve contingency expenditures not exceeding 10%.

Background:

On September 26, 2013, Governor Brown signed legislation creating the Active Transportation Program (ATP) in the Department of Transportation (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SR2S), into a single program with a focus to make California a national leader in active transportation. The ATP administered by the Division of Local Assistance, Office of Active Transportation and Special Programs. The objective of the ATP is to achieve the following objectives:

- Increase the proportion of biking and walking trips,
- Increase safety and mobility for non-motorized users,
- Advance the efforts of regional agencies to achieve greenhouse gas reduction goals,
- Enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding,
- Ensure disadvantaged communities fully share in program benefits, and
- Provide a broad spectrum of projects to benefit many types of active transportation users.

In late 2015, the Town of Paradise learned the Ponderosa Elementary Safe Routes to School Project was awarded funding through the Active Transportation Program Cycle 2 solicitation.

On June 14, 2016, Paradise Town Council awarded a contract to NorthStar Engineering to perform necessary preliminary engineering and right of way work on the project.

The overall scope of work for the Ponderosa Elementary Safe Routes to School Project can be summarized as follows:

- Installation of new Class I Multi-Use Pathway along Pentz Road from Bille Road to Wagstaff Road
- Installation of enhanced crosswalks and pedestrian-activated rectangular rapid flashing beacons
- Installation of culvert pipes and drainage infrastructure
- Non-Infrastructure component is included to compliment and train end-users on the project and increase walking and biking to school.

On March 9th, 2020 Paradise Town Council adopted a resolution approving the Plans & Specifications for the Ponderosa Elementary Safe Routes to School Active Transportation Program Projects. Council further directed staff to advertise for bids on the subject combined project.

Analysis:

On April 1, 2021, 7 bids were received by the Town Clerk and publicly opened. A list of bids received are shown in the table below:

| Bid No. | Item Description | Base Bid Amount |
|----------------|---|------------------------|
| X | Engineer's Estimate | \$ 1,164,903.00 |
| 1 | All-American Construction, Inc. | \$ 995,306.70 |
| 2 | Franklin Construction | \$ 1,239,979.00 |
| 3 | Santos Excavating Inc. | \$ 1,269,555.00 |
| 4 | ST Rhoades Construction Inc. | \$ 1,276,515.70 |
| 5 | J.A. Gonsalves and Sons Construction Inc. | \$ 1,558,149.00 |
| 6 | Baldwin Contracting Company | \$ 1,656,372.31 |
| 7 | United Building Contractors, Inc. | \$ 2,296,096.89 |

Per the contract specifications, the award of the contract, if it be awarded, will be to the lowest responsible, responsive bidder based upon the base bid and any additive bid items chosen by the Town, whose bid complies with all the requirements prescribed.

Staff is recommending award of Contract No. 9380.CON, Ponderosa Elementary Safe Routes to School Project to All-American Construction, Inc. the amount of their base bid \$995,306.70.

If awarded, staff expects construction to begin this spring with completion expected this summer.

Financial Impact:

Construction and Construction Engineering services funding for the Ponderosa Elementary Safe Routes to School Project is proposed to come Active Transportation Program funding and Local Transportation Funds (Transit). A detailed project accounting description is shown below.

| Contract Items | ATP | Local (LTF) | Total |
|--------------------------------|---------------|--------------------|---------------|
| Base Bid | \$ 792,296.05 | \$ 202,876.48 | \$ 995,172.54 |
| Construction Contingency (10%) | \$ 79,229.61 | \$ 20,287.65 | \$ 99,517.25 |
| Construction Management (6%) | \$ 47,537.76 | \$ 12,172.59 | \$ 59,710.35 |

| | | | |
|-------------------|--------------------------|--------------------------|----------------------------|
| Total | \$ 919,063.42 | \$ 235,336.72 | \$ 1,154,400.14 |
| Available Funding | \$ 1,113,000.00 | \$ 235,336.72 | \$ 1,348,336.72 |
| Balance | \$ 193,936.58 | \$ (0.00) | \$ 193,936.58 |

Attachments:

A. Contract No.9380.CON, Town of Paradise & All-American Construction, Inc.

**TOWN OF PARADISE
RESOLUTION NO. 21-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE AWARDED CONSTRUCTION CONTRACT NO. 9380.CON
FOR THE PONDEROSA ELEMENTARY SAFE ROUTES TO SCHOOL
PROJECT**

WHEREAS, the Town of Paradise has received a \$1.5M allocation of Active Transportation Program funding; and,

WHEREAS, the purpose of the Active Transportation Program is to:

- Increase the proportion of biking and walking trips,
- Increase safety and mobility for non-motorized users,
- Advance the efforts of regional agencies to achieve greenhouse gas reduction goals,
- Enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding,
- Ensure disadvantaged communities fully share in program benefits,
- Provide a broad spectrum of projects to benefit many types of active transportation users.

WHEREAS, the Ponderosa Safe Routes to School Project is consistent in scope with the approved grant award by including the following items of work:

- Installation of new Class I Multi-Use Pathway along Pentz Road from Bille Road to Wagstaff Road
- Installation of enhanced crosswalks and pedestrian-activated rectangular rapid flashing beacons
- Installation of culvert pipes and drainage infrastructure
- Non-Infrastructure component is included to compliment and train end-users on the project and increase walking and biking to school

WHEREAS, the Ponderosa Safe Routes to School Project (Contract No. 9380.CON) is consistent with priorities identified in the Paradise Long-Term Recovery Plan prepared in response to the 2018 Camp Fire.

WHEREAS, the Town Council approved the revised Plans, Specification and Estimates and authorized advertisement for bids on the Project on the 9th day of March 2021.

WHEREAS, the bids for the Project were received on April 1, 2021 with All-American Construction, Inc. the low bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE AS FOLLOWS:

Section 1. The Town Manager is authorized to award and execute the construction contract to All-American Construction, Inc. in the amount of its base bid of \$995,306.70 for the Ponderosa Elementary Safe Routes to School Project and to approve contingency expenditures not exceeding 10%.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 13th day of April 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Steve Crowder, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Mark A. Habib, Town Attorney

Owner-Contractor Agreement

Ponderosa Elementary Safe Routes to School (SR2S) Project Contract No. 9380.CON

THIS AGREEMENT, made this _____ day of _____, 2021, in triplicate, between the Town of Paradise ("Town"), and All-American Construction, Inc., ("Contractor").

ARTICLE I. – WITNESSETH, That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Town, and under the conditions expressed in the two (2) bonds, bearing even date with these presents, and hereunto annexed, the Contractor agrees, at Contractor's own proper cost and expense, to do all the project work and furnish all the materials, except such as are mentioned in the specifications to be furnished by the Town, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the Town, the project work described in the special provisions and the project plans described below, including any addenda thereto, and also in conformance with the California Department of Transportation Standard Plans, dated 2018, the Standard Specifications, dated 2018

(within the Caltrans Standard Specifications, the word "Department" shall mean the "Town") and the Labor Surcharge and Equipment Rental Rates in effect on the date the project work is accomplished, which the special provisions, project plans, Standard Plans, Standard Specifications, and Labor Surcharge and Equipment Rental Rates are hereby specially referred to and by such reference made a part hereof.

The Notice to Bidders, Special Provisions, Bid Documents, and Contract Forms included in this Agreement:

Bid Book for the project work are dated March 10, 2021 and are entitled:
**Ponderosa Elementary Safe Routes to School (SR2S) Project
Contract No. 9380.CON**

The Project Plans for the project work are dated February 17, 2021 and are entitled:
**Ponderosa Elementary Safe Routes to School (SR2S) Project
Contract No. 9380.CON**

Which are hereby made part of this Agreement.

ARTICLE II. – The Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the project work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the project work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the project work until its acceptance by the Town of Paradise and for all risks of every description connected with the project work; also for all expenses incurred by or in consequence of the suspension or discontinuance of project work and for well and faithfully completing the project work, and the whole thereof, in the manner and according to the plans and specifications and the requirements of the Engineer under them, to wit:

Contract Bid Items

Ponderosa Elementary Safe Routes to School (SR2S) Project
Contract No. 9380.CON

| Item No. | Item Description | Unit | Estimated Quantity | Unit Price | Amount |
|----------|--|------|--------------------|--------------|---------------|
| 1 | Mobilization | LS | 1 | \$ 30,000.00 | \$ 30,000.00 |
| 2 | Construction Survey | LS | 1 | \$ 7,800.00 | \$ 7,800.00 |
| 3 | Temporary Traffic Control | LS | 1 | \$ 51,500.00 | \$ 51,500.00 |
| 4 | Portable Changeable Message Signs | EA | 2 | \$ 1,600.00 | \$ 3,200.00 |
| 5 | Water Pollution Control Program | LS | 1 | \$ 750.00 | \$ 750.00 |
| 6 | Job Site Management | LS | 1 | \$ 5,500.00 | \$ 5,500.00 |
| 7 | Hydroseed | SF | 5000 | \$ 0.40 | \$ 2,000.00 |
| 8 | Clearing and Grubbing | LS | 1 | \$ 40,200.00 | \$ 40,200.00 |
| 9 | Adjust Utility Covers (Water and Gas Valve) | EA | 4 | \$ 1,200.00 | \$ 4,800.00 |
| 10 | Adjust Utility Covers (Water Meter Box) | EA | 15 | \$ 1,100.00 | \$ 16,500.00 |
| 11 | Adjust Utility Covers (SDMH) | EA | 1 | \$ 1,900.00 | \$ 1,900.00 |
| 12 | Relocate Roadside Sign (One Post) | EA | 10 | \$ 240.00 | \$ 2,400.00 |
| 13 | Relocate Mailboxes | EA | 14 | \$ 150.00 | \$ 2,100.00 |
| 14 | Roadway Excavation | CY | 1252 | \$ 80.00 | \$ 100,160.00 |
| 15 | Aggregate Base (Class II, 3/4") | CY | 956 | \$ 140.00 | \$ 133,789.31 |
| 16 | Hot Mix Asphalt | TON | 621 | \$ 150.00 | \$ 93,145.02 |
| 17 | Minor Concrete (Vertical Curb) | LF | 420 | \$ 34.00 | \$ 14,280.00 |
| 18 | Minor Concrete (Vertical Curb and Gutter) | LF | 2518 | \$ 28.00 | \$ 70,504.00 |
| 19 | Minor Concrete (Sidewalk and Ramps) | SF | 2495 | \$ 10.00 | \$ 24,950.00 |
| 20 | Minor Concrete (Driveway Approach) | SF | 1638 | \$ 11.00 | \$ 18,018.00 |
| 21 | Minor Concrete (Valley Gutter) | SF | 1319 | \$ 15.00 | \$ 19,786.50 |
| 22 | Curb Ramp Detectable Warning Surface | EA | 19 | \$ 1,050.00 | \$ 19,950.00 |
| 23 | Install Parking bumpers | EA | 18 | \$ 110.00 | \$ 1,980.00 |
| 24 | Keystone Wall (Type A - 2.5' maximum height) | LF | 110 | \$ 65.00 | \$ 7,150.00 |
| 25 | Keystone Wall (Type B - 4' maximum height) | LF | 210 | \$ 90.00 | \$ 18,900.00 |
| 26 | Relocate Landscape Wall | LF | 70 | \$ 28.00 | \$ 1,960.00 |
| 27 | Install New Chainlink Fence | LF | 177 | \$ 108.00 | \$ 19,116.00 |
| 28 | Drainage Inlet - County Std. S-8 | EA | 7 | \$ 4,700.00 | \$ 32,900.00 |
| 29 | Storm Drain Catch Basin | EA | 1 | \$ 4,500.00 | \$ 4,500.00 |
| 30 | Modify / Adjust Storm Drain Inlet | EA | 3 | \$ 2,700.00 | \$ 8,100.00 |
| 31 | Install New Storm Drain Manhole | EA | 1 | \$ 12,000.00 | \$ 12,000.00 |
| 32 | RCP Pipe, 12" | LF | 68 | \$ 140.00 | \$ 9,520.00 |
| 33 | RCP Pipe, 18" | LF | 772 | \$ 160.00 | \$ 123,440.00 |
| 34 | RCP Pipe, 24" | LF | 224 | \$ 203.00 | \$ 45,472.00 |
| 35 | RCP Pipe, FES | EA | 1 | \$ 4,000.00 | \$ 4,000.00 |

| | | | | | |
|------------------------------|---|----|------|-------------|----------------------|
| 36 | Rock Slope Protection (Class No. 2, Method B) | CY | 2 | \$ 400.00 | \$ 800.00 |
| 37 | Roadside Signs (one post) | EA | 6 | \$ 285.00 | \$ 1,710.00 |
| 38 | Flashing Pedestrian Crossing Sign | EA | 4 | \$ 8,000.00 | \$ 32,000.00 |
| 39 | 6" Thermoplastic Pavement Stripe (Yellow Solid) | LF | 2842 | \$ 0.85 | \$ 2,415.70 |
| 40 | 6" Thermoplastic Pavement Stripe (Yellow Broken) | LF | 1100 | \$ 0.60 | \$ 660.00 |
| 41 | 8" Thermoplastic Pavement Stripe (White Solid) | LF | 80 | \$ 1.50 | \$ 120.00 |
| 42 | 12" Thermoplastic Pavement Limit Line (Stop Bar) | SF | 62 | \$ 4.00 | \$ 248.00 |
| 43 | Thermoplastic Continental Crosswalk | SF | 880 | \$ 4.00 | \$ 3,520.00 |
| 44 | Thermoplastic Pavement Marking (Legend and Arrow) | SF | 357 | \$ 4.00 | \$ 1,428.00 |
| Total Base Bid Amount | | | | | \$ 995,172.54 |

ARTICLE III. – The Town hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide the materials and to do the project work according to the terms and conditions herein contained and referred to, for the prices hereinafter set forth, and hereby agrees to pay the same at the time, in the manner and upon the conditions above set forth; and the parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants contained in this Agreement.

ARTICLE IV. – Contractor certifies that Contractor is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing the performance of the project work of this Agreement.

ARTICLE V. – It is further expressly agreed by and between the parties hereto that if there be any conflict between the terms of this Agreement and the bid of the Contractor, then this agreement shall control and nothing herein shall be considered as an acceptance of the terms of the Bid conflicting herewith.

ARTICLE VI. – The Town of Paradise hereby employs Contractor to provide material and to do the project work according to the terms and conditions herein contained and referred to for the following prices to be paid at the time, in the manner and upon the conditions set forth in this agreement.

ARTICLE VII. – The project work required in the performance of this Agreement is an improvement over which the Town of Paradise shall exercise general supervision.

ARTICLE VIII. – The statement of prevailing wages appearing in the General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this Agreement. It is further expressly agreed, by and between the terms of this Agreement and the bid of the Contractor, that this Agreement shall control and nothing herein shall be considered as an acceptance of the terms of the Bid conflicting with this Agreement.

ARTICLE IX. – Notwithstanding any other provision, all claims by the Contractor for \$375,000 or less against the Town shall be subject to the procedures set forth in Public Contract Code sections 20104 to 20104.8; a copy of which is shown below:

20104.

- (a) (1) This article applies to all public works claims of three hundred seventy-five thousand dollars (\$375,000) or less which arise between a contractor and a local agency.
(2) This article shall not apply to any claims resulting from a contract between a contractor and a public agency when the public agency has elected to resolve any disputes pursuant to Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2.
- (b) (1) "Public work" has the same meaning as in Sections 3100 and 3106 of the Civil Code, except that "public work" does not include any work or improvement contracted for by the state or the Regents of the University of California.
(2) "Claim" means a separate demand by the contractor for (A) a time extension, (B) payment of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public work and payment of which is not otherwise expressly provided for or the claimant is not otherwise entitled to, or (C) an amount the payment of which is disputed by the local agency.
- (c) The provisions of this article or a summary thereof shall be set forth in the plans or specifications for any work which may give rise to

a claim under this article. (d) This article applies only to contracts entered into on or after January 1, 1991.

20104.2.

For any claim subject to this article, the following requirements apply:

- (a) The claim shall be in writing and include the documents necessary to substantiate the claim. Claims must be filed on or before the date of final payment. Nothing in this subdivision is intended to extend the time limit or supersede notice requirements otherwise provided by contract for the filing of claims.
- (b) (1) For claims of less than fifty thousand dollars (\$50,000), the local agency shall respond in writing to any written claim within 45 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.
(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.
(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 15 days after receipt of the further documentation or within a period of time no greater than that taken by the claimant in producing the additional information, whichever is greater.
- (c) (1) For claims of over fifty thousand dollars (\$50,000) and less than or equal to three hundred seventy-five thousand dollars (\$375,000), the local agency shall respond in writing to all written claims within 60 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.
(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.
(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 30 days after receipt of the further documentation, or within a period of time no greater than that taken by the claimant in producing the additional information or requested documentation, whichever is greater.
- (d) If the claimant disputes the local agency's written response, or the local agency fails to respond within the time prescribed, the claimant may so notify the local agency, in writing, either within 15 days of receipt of the local agency's response or within 15 days of the local agency's failure to respond within the time prescribed, respectively, and demand an informal conference to meet and confer for settlement of the issues in dispute. Upon a demand, the local agency shall schedule a meet and confer conference within 30 days for settlement of the dispute.
- (e) Following the meet and confer conference, if the claim or any portion remains in dispute, the claimant may file a claim as provided in Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code. For purposes of those provisions, the running of the period of time within which a claim must be filed shall be tolled from the time the claimant submits Contractor's or her written claim pursuant to subdivision (a) until the time that claim is denied as a result of the meet and confer process, including any period of time utilized by the meet and confer process.
- (f) This article does not apply to tort claims and nothing in this article is intended nor shall be construed to change the time periods for filing tort claims or actions specified by Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code.

20104.4.

The following procedures are established for all civil actions filed to resolve claims subject to this article:

- (a) Within 60 days, but no earlier than 30 days, following the filing or responsive pleadings, the court shall submit the matter to nonbinding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within 15 days by both parties of a disinterested third person as mediator, shall be commenced within 30 days of the submittal, and shall be concluded within 15 days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court or by stipulation of both parties. If the parties fail to select a mediator within the 15-day period, any party may petition the court to appoint the mediator.
- (b) (1) If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, notwithstanding Section 1141.11 of that code. The Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure) shall apply to any proceeding brought under this subdivision consistent with the rules pertaining to judicial arbitration.
(2) Notwithstanding any other provision of law, upon stipulation of the parties, arbitrators appointed for purposes of this article shall be experienced in construction law, and, upon stipulation of the parties, mediators and arbitrators shall be paid necessary and reasonable hourly rates of pay not to exceed their customary rate, and such fees and expenses shall be paid equally by the parties, except in the case of arbitration where the arbitrator, for good cause, determines a different division. In no event shall these fees or expenses be paid by state or county funds.
(3) In addition to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, any party who after receiving an arbitration award requests a trial de novo but does not obtain a more favorable judgment shall, in addition to payment of costs and fees under that chapter, pay the attorney's fees of the other party arising out of the trial de novo.
- (c) The court may, upon request by any party, order any witnesses to participate in the mediation or arbitration process.

20104.6.

- (a) No local agency shall fail to pay money as to any portion of a claim which is undisputed except as otherwise provided in the contract.
- (b) In any suit filed under Section 20104.4, the local agency shall pay interest at the legal rate on any arbitration award or judgment. The interest shall begin to accrue on the date the suit is filed in a court of law.

ARTICLE X. – Notwithstanding any other provision, all claims by the Contractor the Town shall be subject to the procedures set forth in Public Contract Code sections 9201 to 9204; a copy of which is shown below:

9201.

- (a) A public entity shall have full authority to compromise or otherwise settle any claim relating to a contract at any time.
- (b) The public entity shall include provisions in a public works contract for timely notification of the contractor of the receipt of any third-party claim, relating to the contract.
- (c) The public entity shall be entitled to recover its reasonable costs incurred in providing the notification required by subdivision (b).

(Amended by Stats. 2002, Ch. 315, Sec. 1. Effective January 1, 2003.)

9203.

- (a) Payment on any contract with a local agency for the creation, construction, alteration, repair, or improvement of any public structure, building, road, or other improvement, of any kind which will exceed in cost a total of five thousand dollars (\$5,000), shall be made as the legislative body prescribes upon estimates approved by the legislative body, but progress payments shall not be made in excess of 95 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to, or under the control of, the local agency, and unused. The local agency shall withhold not less than 5 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the legislative body finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed.
- (b) Notwithstanding the dollar limit specified in subdivision (a), a county water authority shall be subject to a twenty-five thousand dollar (\$25,000) limit for purposes of subdivision (a).

(Amended by Stats. 2000, Ch. 126, Sec. 1. Effective January 1, 2001.)

9204.

- (a) The Legislature finds and declares that it is in the best interests of the state and its citizens to ensure that all construction business performed on a public works project in the state that is complete and not in dispute is paid in full and in a timely manner.
- (b) Notwithstanding any other law, including, but not limited to, Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2, Chapter 10 (commencing with Section 19100) of Part 2, and Article 1.5 (commencing with Section 20104) of Chapter 1 of Part 3, this section shall apply to any claim by a contractor in connection with a public works project.
- (c) For purposes of this section:
 - (1) "Claim" means a separate demand by a contractor sent by registered mail or certified mail with return receipt requested, for one or more of the following:
 - (A) A time extension, including, without limitation, for relief from damages or penalties for delay assessed by a public entity under a contract for a public works project.
 - (B) Payment by the public entity of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public works project and payment for which is not otherwise expressly provided or to which the claimant is not otherwise entitled.
 - (C) Payment of an amount that is disputed by the public entity.
 - (2) "Contractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who has entered into a direct contract with a public entity for a public works project.
 - (3) (A) "Public entity" means, without limitation, except as provided in subparagraph (B), a state agency, department, office, division, bureau, board, or commission, the California State University, the University of California, a city, including a charter city, county, including a charter county, city and county, including a charter city and county, district, special district, public authority, political subdivision, public corporation, or nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.
 - (B) "Public entity" shall not include the following:
 - (i) The Department of Water Resources as to any project under the jurisdiction of that department.
 - (ii) The Department of Transportation as to any project under the jurisdiction of that department.
 - (iii) The Department of Parks and Recreation as to any project under the jurisdiction of that department.
 - (iv) The Department of Corrections and Rehabilitation with respect to any project under its jurisdiction pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code.
 - (v) The Military Department as to any project under the jurisdiction of that department.

(vi) The Department of General Services as to all other projects.

(vii) The High-Speed Rail Authority.

(4) "Public works project" means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

(5) "Subcontractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who either is in direct contract with a contractor or is a lower tier subcontractor.

- (d) (1) (A) Upon receipt of a claim pursuant to this section, the public entity to which the claim applies shall conduct a reasonable review of the claim and, within a period not to exceed 45 days, shall provide the claimant a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, a public entity and a contractor may, by mutual agreement, extend the time period provided in this subdivision.

(B) The claimant shall furnish reasonable documentation to support the claim.

(C) If the public entity needs approval from its governing body to provide the claimant a written statement identifying the disputed portion and the undisputed portion of the claim, and the governing body does not meet within the 45 days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the public entity shall have up to three days following the next duly publicly noticed meeting of the governing body after the 45-day period, or extension, expires to provide the claimant a written statement identifying the disputed portion and the undisputed portion.

(D) Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. If the public entity fails to issue a written statement, paragraph (3) shall apply.

(2) (A) If the claimant disputes the public entity's written response, or if the public entity fails to respond to a claim issued pursuant to this section within the time prescribed, the claimant may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the public entity shall schedule a meet and confer conference within 30 days for settlement of the dispute.

(B) Within 10 business days following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the public entity shall provide the claimant a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. Any disputed portion of the claim, as identified by the contractor in writing, shall be submitted to nonbinding mediation, with the public entity and the claimant sharing the associated costs equally. The public entity and claimant shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.

(C) For purposes of this section, mediation includes any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in this section.

(D) Unless otherwise agreed to by the public entity and the contractor in writing, the mediation conducted pursuant to this section shall excuse any further obligation under Section 20104.4 to mediate after litigation has been commenced.

(E) This section does not preclude a public entity from requiring arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program, if mediation under this section does not resolve the parties' dispute.

(3) Failure by the public entity to respond to a claim from a contractor within the time periods described in this subdivision or to otherwise meet the time requirements of this section shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the public entity's failure to have responded to a claim, or its failure to otherwise meet the time requirements of this section, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the claimant.

(4) Amounts not paid in a timely manner as required by this section shall bear interest at 7 percent per annum.

(5) If a subcontractor or a lower tier subcontractor lacks legal standing to assert a claim against a public entity because privity of contract does not exist, the contractor may present to the public entity a claim on behalf of a subcontractor or lower tier subcontractor. A subcontractor may request in writing, either on their own behalf or on behalf of a lower tier subcontractor, that the contractor present a claim for work which was performed by the subcontractor or by a lower tier subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the public entity shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the contractor shall notify the subcontractor in writing as to whether the contractor presented the claim to the public entity and, if the original contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

- (e) The text of this section or a summary of it shall be set forth in the plans or specifications for any public works project that may give rise to a claim under this section.

- (f) A waiver of the rights granted by this section is void and contrary to public policy, provided, however, that (1) upon receipt of a claim, the parties may mutually agree to waive, in writing, mediation and proceed directly to the commencement of a civil action or binding arbitration, as applicable; and (2) a public entity may prescribe reasonable change order, claim, and dispute resolution procedures and requirements in addition to the provisions of this section, so long as the contractual provisions do not conflict with or otherwise impair the timeframes and procedures set forth in this section.
- (g) This section applies to contracts entered into on or after January 1, 2017.
- (h) Nothing in this section shall impose liability upon a public entity that makes loans or grants available through a competitive application process, for the failure of an awardee to meet its contractual obligations.
- (i) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2027, deletes or extends that date.

(Amended by Stats. 2019, Ch. 489, Sec. 1. (AB 456) Effective January 1, 2020. Repealed as of January 1, 2027, by its own provisions.)

IN WITNESS WHEREOF, The parties to these presents have hereunto set their hands the year and date first above written

TOWN OF PARADISE

By _____

Kevin Phillips, Town Manager

By _____

Contractor

Licensed in accordance with an act providing for the registration of contractors,

License No. _____

Federal Employer Identification Number _____

Approved and certified as being in conformance with the requirements of the Public Contract Code Section 20160 et seq.

Mark A. Habib, Town Attorney

Approved Effective _____

Bond of Faithful Performance

Ponderosa Elementary Safe Routes to School (SR2S) Project
Contract No. 9380.CON

KNOW ALL MEN BY THESE PRESENTS, THAT WE, _____, the Contractor in the contract hereto annexed, as principal, and _____, as surety, are held and firmly bound unto the Town of Paradise in the sum of _____ (\$_____) lawful money of the United States, being one hundred percent (100%) of the contract amount, for which payments, well and truly to be made, we bind ourselves, jointly and severally, firmly by these presents.

Signed, sealed and dated _____.

The condition of the above obligation is that if said principal, as Contractor in the contract hereto annexed, shall faithfully perform each and all of the conditions of said contract to be performed by Contractor, and shall furnish all tools, equipment, apparatus, facilities, transportation, labor and material, other than material, if any, agreed to be furnished by the Town, necessary to perform and complete, and to perform and complete in a good workmanlike manner, the project work of the **Ponderosa Elementary Safe Routes to School (SR2S) Project**, in strict conformity with the terms and conditions set forth in the contract hereto annexed, then this obligation shall be null and void, otherwise to remain in full force and effect, and that said surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the contract or to the project work to be performed thereunder or the specifications accompanying the same, shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the contract or to the project work or to the specifications.

As a condition precedent to the satisfactory completion of the said Contract, the above obligation in above-stated amount shall hold good for a period of one (1) year after the recording of the notice of completion, during which time if the Contractor, its heirs, executors, administrators, successors or assigns shall fail to make full, complete, and satisfactory repair and replacements or totally protect the Agency from loss or damage made evident during the period of one (1) year from the date of recording of the notice of completion, and resulting from or caused by defective materials or faulty workmanship in the prosecution of the work done, the above obligation in the above-stated amount shall remain in full force and effect. However, anything in this paragraph to the contrary notwithstanding, the obligation of the Surety hereunder shall continue so long as any obligation of the Contractor remains.

Surety further agrees, in case suit is brought upon this bond, that it will pay, in addition to the basic obligation herein, a reasonable attorney's fee to be awarded and fixed by the Court and to be taxed as costs and to be included in the judgment therein rendered.

Contractor

Surety

Approved as to form:

Town Attorney, Town of Paradise

Certificate of Acknowledgement

State of California
County of Butte SS

On this _____ day of _____ in the year 20____ before me

_____, personally appeared _____,

Attorney-in-fact

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument as the attorney-in-fact of _____, and acknowledged to me that he (she) subscribed the name of the said company thereto as surety, and his (her) own name as attorney-in-fact.

(SEAL)

Notary Public

Payment Bond

Ponderosa Elementary Safe Routes to School (SR2S) Project
Contract No. 9380.CON
(Section 3247, Civil Code)

WHEREAS, the Town of Paradise, Department of Public Works, hereafter referred to as "Obligee," has awarded to Contractor, _____, hereinafter referred to as "Principal," a contract for the project work described as follows: **Ponderosa Elementary Safe Routes to School (SR2S) Project.**

AND, WHEREAS, said Principal is required to furnish a bond in connection with said contract, to secure the payment of claims of laborers, mechanics, materialmen, and other persons as provided by law.

NOW, THEREFORE, we the undersigned Principal and Surety are bound unto the Obligee in the sum of _____ (\$_____) being one hundred percent (100%) of the contract amount, for which payment we bind ourselves, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH

That if said Principal or its subcontractors shall fail to pay any of the persons named in Civil Code Section 3181, or amounts due under the Unemployment Insurance Code with respect to project work or labor performed by such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Principal and Contractor's subcontractors pursuant to Section 18806 of the Revenue and Taxation Code, with respect to such project work and labor, that the surety herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond, the surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons named in Civil Code Section 3181 as to give a right of action to such persons or their assigns in any suit brought upon this bond.

Dated: _____, 2021

By: _____

Principal

By: _____

Attorney-in-Fact

Certificate of Acknowledgement

State of California
County of Butte SS

On this _____ day of _____ in the year 20____ before me

_____, personally appeared _____,

Attorney-in-fact

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument as the attorney-in-fact of _____, and acknowledged to me that he (she) subscribed the name of the said company thereto as surety, and his (her) own name as attorney-in-fact.

(SEAL)

Notary Public



Town of Paradise
Council Agenda Summary
Date: April 13, 2021

Agenda Item: 6(e)

ORIGINATED BY: Marc Mattox, Public Works Director/Town Engineer

REVIEWED BY: Kevin Phillips, Town Manager

SUBJECT: Resolution to Execute an Agreement with EV Charging Solutions, Inc. to install Electric Vehicle Charging Stations

LONG TERM RECOVERY PLAN: Yes, Tiers 2, Sustainable Development

COUNCIL ACTION REQUESTED:

1. Consider approving the attached Site Host Agreement between EV Charging Solutions, Inc. and the Town of Paradise to participate in the California Electric Vehicle Infrastructure Project (CALeVIP), and,
2. Adopting Resolution No. 21-___, A resolution designating authority to the Town Manager to execute the Site Host Agreement with EV Charging Solutions, Inc. to install and operate Level II and/or Direct Current Fast Charging Stations on Town owned property. (ROLL CALL VOTE)

Background:

In March 2012, Governor Edmund G. Brown Jr issued Executive Order B-16-2012 to accelerate the market for zero-emission vehicles (ZEVs) in California and set a long-term goal of reaching 1.5 million zero emission vehicles on California's roadways by 2025. In 2018, Governor Brown issued Executive Order B-48-18 directing all state entities to work with the private sector and all appropriate levels of government to reach a goal of 5 million ZEVs on California roads by 2030.

In April 2017, the California Energy Commission (Energy Commission) approved a block grant recipient, the Center for Sustainable Energy (CSE), to design and implement electric vehicle charger incentive projects throughout California. The California Electric Vehicle Infrastructure Project (CALeVIP) was developed and provides incentives for EV charger installations and works with local partners to develop and implement projects that meet current and future regional EV needs for Level 2 and DC fast charging. CALeVIP provides drivers of plug-in EVs with convenient access to chargers and strives to encourage more Californians to consider purchasing EVs. The statewide efforts aim to provide a streamlined process for getting chargers installed to fill the significant gaps in charging availability. CALeVIP is currently funded for \$124.9 million through Energy Commission funds, with potential of up to \$200 million. Co-Funding Partner contributions currently total \$32,281,870.

The Inland Counties Incentive Project (Project), which covers Butte County, is the tenth incentive project launching under the California Electric Vehicle Infrastructure Project. The Project provides financial incentives for the installation of new Level 2 (L2) and dual standard (CHAdeMO and SAE CCS combo connectors) DC fast charger (DCFC) installations in public or private shared-use locations in Butte, El Dorado, Imperial, Kings, Merced, Napa, Nevada, Placer, Solano, Stanislaus, Sutter, Tulare, and Yolo counties – with a total of \$17.5 million in available funds for all Inland Counties, \$870,000 of which is designated for Butte County.

Analysis:

Staff is seeking authority to participate in the Inland Counties Incentive Project, by partnering with EV Charging Solutions, Inc. (EVCS). EVCS an authorized installer and equipment distributor, is working in conjunction with CALeVIP to provide free electric vehicle charging stations at qualified locations. The Public Works Department has identified two possible locations for installation: 220 Pearson Road and 6201 Skyway, both Town owned park and ride facilities. To utilize EVCS services, a Site Host Agreement between the Town of Paradise and EVCS is required.

EVCS obligations for equipment and services under the Site Host Agreement include submittal of all CALeVIP applications, local permitting, equipment purchases, site installation, and ongoing maintenance. The Town of Paradise does not have any out-of-pocket expenses and may cancel the site host agreement (SHA) at any time without penalty.

The Towns obligations under the Site Host Agreement include providing access and necessary easements for placement, use, operation, and maintenance of the equipment; maintain the premises in a clean, safe, and orderly conditions; and do not modify, transfer, or uninstall equipment.

After the EV charging stations are installed, EVCS will maintain equipment ownership and provide all necessary maintenance of the stations for the first ten years. Also, the Town will receive from EVCS \$.05/kWh of electricity sold, plus the cost of electricity utilized by the EV Chargers. At the end of ten years, the Town and EVCS may choose to continue the agreement with an optional ten-year extension, or the Town may take ownership and responsibility of the chargers.

The Inland Counties Incentive Project application deadline is May 12, 2021. The Applicant requirements include being the site owner of the location(s) identified for electric vehicle charging equipment installations and be a business, nonprofit organization, California Native American Tribe listed with the Native American Heritage Commission or a public or government entity based in California or operate as a California-based affiliate. Once the application is prescreened and funds are reserved, EVCS will have 270 days to complete the equipment installation and provide all supporting documentation for L2 only applications, and 450 days (15 months) for DCFC/Combination applications.

Financial Impact:

The Town does not have any out-of-pocket expenses. Further, the Town will receive \$.05/kWh of electricity sold, plus the cost of electricity utilized by the EV Chargers. EVCS will be responsible for the operation, maintenance, and repair of the equipment.

Environmental Review:

Adoption of the proposed resolution and participation in the CALeVIP grant program is not subject to environmental review under the California Environmental Quality Act (CEQA) because it is not a "project" within the meaning of CEQA Section 21065, and CEQA guideline 15378, because it does not have a potential for resulting in a direct or indirect physical change in the environment.

Attachments:

1. Resolution
2. Site Host Agreement
3. Site Map

**TOWN OF PARADISE
RESOLUTION NO. 21-____**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE AUTHORIZING THE TOWN MANAGER OF THE TOWN OF
PARADISE OR THEIR DESIGNEE TO EXECUTE AN AGREEMENT
WITH EV CHARGING SOLUTIONS, INC. TO INSTALL ELECTRIC
VEHICLE CHARGING STATIONS.**

WHEREAS, The California Energy Commission (CEC) has approved funding of up to \$200 Million (CEC Funds) for the design and implementation of an electric vehicle charger installation project – the California Electric Vehicle Infrastructure Project (CALeVIP) – throughout California, and in turn contracted with the Center for Sustainable Energy (CSE) to implement CALeVIP; and,

WHEREAS, the CEC has authorized CSE to utilize \$17.5 Million of the CALeVIP CEC Funds towards an incentive program in the Inland Counties of Butte, El Dorado, Imperial, Kings, Merced, Napa, Nevada, Placer, Solano, Stanislaus, Sutter, Tulare, and Yolo; and,

WHEREAS, The Town of Paradise does not currently have electric vehicle charging infrastructure equipment installed on public property; and,

WHEREAS, Installing EV charging stations are necessary to support the sustainable development goals and priorities identified in the Long-Term Community Recovery Plan; and,

WHEREAS, EV Charging Solutions, Inc. (EVCS) is an authorized installer and equipment distributor, and is working in conjunction with CALeVIP to provide design support, installation, operations, and maintenance services to eligible entities for electric vehicle charging stations; and,

WHEREAS, The Public Works Department recommends approval and execution of the attached Site Host Agreement between EV Charging Solutions, Inc. and the Town of Paradise to participate in the California Electric Vehicle Infrastructure Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF PARADISE AS FOLLOWS:**

Section 1. That the Town Manager of the Town of Paradise, or their designee, is hereby authorized to execute the Site Host Agreement with EV Charging Solutions, Inc.

Section 2. That the Town Manager of the Town of Paradise, or their designee, is hereby authorized to execute and approve any further implementing documents within the parameters of the CALeVIP program.

Section 3. The Council finds that the adoption of this resolution does not require environmental review under the California Environmental Quality Act (CEQA) because it is not a “project” within the meaning of CEQA Section 21065, and CEQA guideline 15378, because it does not have a potential for resulting in a direct or indirect physical change in the environmental.

Section 4. The Town Clerk shall certify to the passage and adoption of this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 13th day of April 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Steve Crowder, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Mark A. Habib, Town Attorney

ATTACHMENT 2



SITE HOST AGREEMENT

This Site Host Agreement (hereafter the “Agreement”) is effective as of _____ (hereafter the “Effective Date”) by and between EV Charging Solutions, Inc., a California for benefit corporation with its principle at 11800 Clark Street, Arcadia, California 91006 (hereafter “EVCSEVCS”), and _____ with its principal place of business located at _____ (hereafter “Site Host”). EVCS and Site Host may collectively be referred to herein as the “Parties” or individually as “Party.”

RECITALS

WHEREAS, EVCS has access to public and/or private funding to install and operate Level II and/or Direct Current Fast Charging (“DCFC”) stations (hereafter “**Equipment**”);

WHEREAS, this funding is intended to improve the availability and reliability of electric vehicle charging systems;

WHEREAS, Site Host agreed to allow the construction, operation, and maintenance of one or more DCFC and/or Level II Charging Stations on its real property (hereafter “**Property**” and/or “Site”) in the location more specifically identified herein and also agreed to allow public use of the new charging station;

WHEREAS, the Parties wish to collaborate by utilizing their respective resources to promote the promulgation of the electric transportation sector;

WHEREAS, The Parties agree to revenue share the proceeds from sale of electricity stemming from placement of EVSE charging equipment by EVCS onto Site Host’s Property as outlined in section four (4) of the agreement titled “Revenue Sharing.”;

WHEREAS, Termination Date, is defined as ten (10) years from the commissioning date (i.e., date when the chargers are placed in service);

NOW, THEREFORE, in consideration of the promises set forth herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, EVCS and Site Host agree as follows:

1. Recitals

The Parties agree that the foregoing Recitals are true, correct, and accurate.



2. EVCS' General Obligations for Equipment and Services

EVCS shall provide the following equipment and services:

- a) Purchase of _____ **DCFC Stations** and _____ **Level II Stations**, the general specifications for which are detailed in **Exhibit A** together with all other mechanical, electrical, and physical components necessary for the installation, connection, and operation of the Charging Station in accordance with this Agreement ("Equipment"); Equipment used may be the same or similar to the equipment listed in **Exhibit A**.
- b) Preparation of the Property and installation of the Equipment at the location(s) approved, specified and identified by Site Host and performed by qualified and licensed contractor(s) in accordance with local codes, permitting, and inspection requirements (the "Project Site"), as detailed in **Exhibit B**. For the purposes of initially creating a rebate application and reserving funding for the Project, EVCS and Site Host may mutually agree to leave Exhibit B blank upon initial execution. Once funding is reserved and further feasibility and recommendations are made by EVCS' electrical contractor in accordance with Site Host's written approval, the Parties shall further specify the approved location(s) and Site design by mutual written agreement on Exhibit B; provided, however, that all such approvals, installations and commissioning of the agreed on Equipment shall be completed within not more than _____ months from the date of this Agreement.
- c) Payment of all costs of its contractors associated with the delivery, site preparation, installation, and setup of the Equipment at the Project Site;
- d) Design, installation, wiring, connection and integration of the charging system, consumption/use meters, and related equipment into the public power grid in a manner sufficient to allow operation of the charging station(s) and the ongoing metering of power usage from each charging port. EVCS has final say on all above-listed matters;
- e) Ongoing maintenance/repairs of the Equipment for the term of the Agreement;
- f) All necessary communications, instructions, and network systems to facilitate public charging;
- g) Periodic reports on the utilization of the charging station; and
- h) Return the Refundable Deposit (as referenced in Section 3) to Station Host upon successful installation of the Equipment.



3. Site Host General Obligations

- a) Provides an access for placement, use, and operation of _____ **DCFC Stations** and _____ **Level II Stations** at the Project Site as detailed in **Exhibit B** for the full term of this Agreement;
- b) Provides a five thousand dollar (\$5,000) refundable deposit (hereafter “Refundable Deposit”) to EVCS (said deposit is deemed forfeited to EVCS if Site Host unilaterally breaches this Agreement). EVCS, at its sole discretion, may waive the requirement of such a deposit and said deposit is hereby waived by EVCS.
- c) Provides the necessary temporary construction easement for EVCS and its contractors for preparation of the Project Site and for installation of the Equipment;
- d) Provides necessary ongoing utility easement for installation, usage, and maintenance of power lines, conduits, meters and Equipment, but not the cost of installing or maintaining said lines, conduits, meters and Equipment;
- e) Allows reasonable ongoing access to the Project Site and Equipment in order for EVCS to collect, use, and distribute data;
- f) Will not knowingly allow the Equipment to be opened, accessed, modified, or repaired by anyone other than EVCS or its licensed contractors;
- g) Will not transfer, assign, encumber or otherwise pledge the Equipment;
- h) Will use commercially reasonable efforts to prevent damage and vandalism of any type to the Equipment;
- i) Will not open, move, modify, reverse engineer, or disassemble the whole or any part of the Equipment or any part thereof in any manner;
- j) Will not uninstall the Equipment;
- k) Allows EVCS and its approved contractors reasonable access to the Project Site for installation, maintenance, repair, replacement and approved de-installation of the Equipment;



- l) Shall cause the Premises to be maintained in a clean, safe, and orderly condition to at least the same standard as to which other areas at the Property that are under the Site Host's control are maintained;
- m) Will assign to EVCS all interest in all and any rebates that Site Host may receive relating to the Equipment, and/or this Agreement; and
- n) Grant EVCS rights to claim environmental credits (e.g., carbon credits) relating to the Equipment, and/or this Agreement;
- o) Grant EVCS the rights to enroll the Equipment into a Demand Response program and claim any economic benefit arising from such an enrollment. If Demand Response program benefits credits the Site Host utility bill, the utility bill credit will be used to offset cost of electricity described in paragraph 4 and subchapter d (4.d.) and Demand Charges described in paragraph 4 and subchapter e (4.e.) and if the Demand Response credits are in excess of Demand Charges and cost of electricity, EVCS can request Site Host for reimbursement of such excess. The Site Host agrees to issue such a reimbursement within thirty (30) days of request by EVCS;

4. Revenue Sharing

- a) The Parties agree that the Equipment installed by EVCS will generate revenue through the patronage of customers utilizing the Equipment placed with the Site Host;
- b) EVCS shall set the price/rate of which electricity shall be sold to consumers of the Equipment;
- c) EVCS will pay Site Host **\$0.05** cents for each kWh sold; Further, in the event the Site Host is responsible to pay for the cost of electricity, then EVCS will pay Site Host **\$0.05** cents per kWh plus the cost of electricity utilized by the EV Chargers. In the event Site Host chooses to offer certain customers free or discounted charging, EVCS will offset any revenue share amounts owed to Site Host by an amount proportionate to the reduction in revenue caused by said free or discounted charging. In the event there is a balance owed from Site Host to EVCS as a result of said free or discounted charging, Site Host shall remit payment to settle said balance within thirty (30) days of receipt of said balance from EVCS;
- d) In the event Site Host incurs any incremental Demand Chargers strictly in connection with the operation of the installed Equipment that are assessed by the electrical utility company providing the service, Site Host shall present these charges, including any support and back-up that substantiate the charges to EVCS, and EVCS shall reimburse Site Host for these charges within thirty (30) days of receipt;



- e) EVCS at its sole option will have the right to own the electricity service meter and/or utility service account servicing the Equipment;
- f) EVCS will collect the proceeds generated from the sale of electricity from the Equipment and will then perform the necessary revenue share calculations by taking the number of kWh sold multiplied by **\$0.05** cents to determine Site Host's total revenue share amount portion and will remit said revenue share portion to Site Host;
- g) EVCS will use its best, commercially reasonable efforts to install a separate electric meter as allowed by the utility provider at the Site through which electrical costs shall be tracked. In the event EVCS deems installing a separate meter is impractical or uneconomical for any reason, the EV chargers shall be connected to Site Host's existing electrical meter. In order to allow EVCS to perform the revenue sharing calculation, Site Host will provide EVCS with a hard copy or electronic/digital copy of Site Host's electricity bills or will allow EVCS to view the bills electronically on an on-going basis; for EVCS to be able to reimburse electricity cost to Site Host.
- h) EVCS will have thirty (30) days after the end of each billing cycle to remit the appropriate revenue share portion to Site Host. The billing cycle will begin on the first day of the month and end on the last day of that same month. EVCS shall provide Site Host with a monthly accounting statement within thirty (30) business days following the end of the previous month indicating the total amount of revenue generated, including any offsets or reductions to revenue, and the resulting net revenue share amount owed to Site Host.

5. Term of Agreement:

The term hereof shall begin upon the Effective Date. The date the Equipment becomes operational will hereafter be referred to as the "Commencement Date." The term hereof shall expire (unless renewed or extended) ten (10) years from the Commencement Date (hereafter the "Termination Date"), unless sooner terminated in accordance with the provisions hereof.

a) Optional Ten (10) Year Extension Option

At least ninety (90) days but no earlier than one hundred & eighty (180) days prior to the expiration of the initial Term, EVCS reserves the right to provide written notice of Ten-Year Extension to Site Host. In the event of said Ten-Year Extension, EVCS reserves the right to replace the Equipment at the Project Site with an equipment that is comparable or better to the equipment that was previously installed. If EVCS notifies the Site Host of such intent EVCS will then replace the Equipment no later than one hundred & twenty (120) days after the Termination Date. The terms of this Agreement will remain in effect during that 120-day period



after the Termination Date. Site Host will take all reasonable steps to allow EVCS to remove the pre-existing Equipment and replace the pre-existing Equipment with new Equipment. EVCS shall bear the cost to remove and replace the pre-existing Equipment. The removed pre-existing Equipment will then become the exclusive property of EVCS. If EVCS elects to replace the Equipment, this will cause the termination date of the Agreement to extend for an additional ten (10) year term from the expiration of the initial Term. If the existing equipment is replaced with new equipment during or at the conclusion of the original Term, site host grants all interest to EVCS of any rebate(s) associated with the equipment replacement.

b) Automatic One (1) Year Renewal Clause

Provided EVCS (or the Parties) have not exercised the Ten (10) Year Extension Option, this agreement will automatically renew at the end of each Term for a further term of one (1) year unless either party gives the other written notice of termination at least thirty (30) days but no earlier than ninety (90) days prior to the end of the relevant term.

c) Equipment & Software Transfer

At the end of the initial Term (or any Renewal, if extended) and Site Host desires to take on operation and maintenance the charges itself, EVCS shall assist Site Host with a transition of software and networking and provide basic training to Site Host and its designated employees for a period of up to 90-days.

d) Early Termination Clause

This agreement may be terminated upon 30 (thirty) days' written notice to either party without penalty or fee in the following instances:

In the case of EVCS, at any time prior to the submission of the permit application for construction of the Equipment, at the Project Site or in the event that EVCS determines that the construction or continued operation of the Equipment, is impracticable or uneconomical.

In the case of Site Host, in the event the Commencement Date has not occurred within eighteen (18) months following the Agreement Date, provided that Host's rights shall terminate upon the Commencement Date.

6. Ownership of Equipment and Content

Title to and ownership of the Equipment shall be granted to Site Host on the last day of the initial Ten (10) year or any relevant renewal term of this Agreement, prior to its expiration. All of the information, content, services and software displayed on, transmitted through, stored within, or otherwise used in connection with the use and operation of the Equipment, including, but not limited to data, text, photographs, images, illustrations, video, html, source and object code, software, internet account access, advertising, and the like



(collectively, the “Content”) is owned by EVCS. Once this Agreement is terminated and Site Host is granted Title and ownership of the chargers, Site Host shall henceforth be responsible to network and operate the chargers at its sole cost and effort.

7. Installation Activities

EVCS shall, at its sole cost and expense, be responsible for all installation activities (hereafter "Installation Activities") required to support the operation of the Equipment, and services therewith, including the hiring and coordination of all vendors and contractors; the installation of electrical equipment, utility lines, hardware, and software; site preparation, trenching, repaving, and landscaping.

8. Limitations on Use of Project Site

The Project Site and related parking spaces made available to the Project may be used for providing publicly-accessible electric vehicle charging. Site Host shall provide EVCS, its employees and contractors with reasonable access to the parking spaces and equipment and shall otherwise provide the same amenities and services it affords to other users of Site Host’s parking facilities.

9. Utility Charges

EVCS shall be responsible for all electricity costs associated with both the operation of the charging station and the charging of electric vehicles from the charging stations. Site Host shall cooperate with EVCS efforts regarding provision of electricity to the Equipment. Neither Site Host nor EVCS has any responsibility or liability for interruption, curtailment, failure, or defect in the supply of utilities furnished to the Equipment.

10. Allocation of Environmental Benefits

Site Host assigns to EVCS any renewable energy credits, allowances, or other indicators of environmental benefit attributable to the presence of the Equipment for a period of ten years from the execution date of the Agreement or until the date the originally installed equipment is no longer installed at the site, whichever comes first.

11. Signage

EVCS shall have the right to place Project-related signage to denote the location of the charging station and the services available and may place other signage or advertising, subject to review and approval of the proposed location and design of the signage by Site Host, which review and approval shall not be unreasonably withheld.

12. Publicity

Neither party will use the other party’s name, logos, trademarks or service marks in any manner without the other party’s prior written approval, which will not be unreasonably withheld or delayed.

13. Media Content



It is agreed that EVCS shall have control over the solicitation, contracting, and distribution of any and all media content relating to the Equipment, including but not limited to, any media content data transmitted to or from the Equipment and displayed using the Equipment. EVCS will work in good faith with Site Host to resolve any objections that the Site Host may have with the subject matter, time of display, and/or format of media content. EVCS will take reasonable efforts to avoid distributing media content that conflicts with Site Host media and advertising.

14. Indemnification

- a) EVCS shall indemnify, defend and hold harmless Site Host, and any tenant, guest, customer, patron, or employee of Site Host, from and against any and all liability and expense of any kind, including reasonable attorneys' fees, arising from injuries or damages to persons or property resulting in any way from the negligence of EVCS, its contractors, agents, or employees. EVCS's indemnification obligations herein shall extend up to the greater of either (i) the limit of any insurance coverage held by EVCS and insuring it against any public liability. It is a condition of this indemnification provision that EVCS shall receive prompt notice from Site Host of any claim against Site Host for which indemnification from EVCS is claimed.
- b) Site Host agrees to indemnify EVCS, its officers, board, employees, and agents, and hold all of same harmless from and against any and all liability and expense of any kind, including reasonable attorneys' fees, arising from injuries or damages to persons or property resulting in any way from any act or negligence of Site Host, its contractors, agents or employees. It is a condition of this indemnification provision that Site Host shall receive prompt notice from EVCS of any claim against EVCS.

15. Breach and Opportunity to Cure

If either party breaches this Agreement and fails to cure such breach within thirty (30) days after receipt of written notice of that breach, then the non-breaching party may terminate this Agreement effective as of the end of such thirty (30) day period. Additionally, either party may terminate this Agreement immediately if the other party (i) ceases to do business in the ordinary course; or (ii) either voluntarily or involuntarily files a bankruptcy petition which is not vacated within thirty (30) days of filing. No such termination will be deemed a waiver of any claim for damages by the non-terminating party.

If the Site Host breaches or terminates the Agreement prior to the Termination Date, Site Host will be required to reimburse EVCS for all costs incurred relating to the installation of the Equipment within thirty (30) days of receipt of an invoice and supporting documentation from EVCS. The Site Host will also be required to reimburse EVCS for the total amount of any rebates EVCS received relating to the Equipment, and/or this Agreement.



16. Limitation of Liability

SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF PARAGRAPH 14.a) ABOVE, NO WARRANTY, CONDITION OR REPRESENTATION, EXPRESSED, IMPLIED, ORAL OR STATUTORY, IS PROVIDED TO THE SITE HOST OR ANY THIRD PARTY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY, CONDITION OR REPRESENTATION: (A) OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SATISFACTORY QUALITY, OR ARISING FROM A COURSE OF DEALING, USAGE, OR TRADE PRACTICE; (B) THAT THE EQUIPMENT WILL BE FREE FROM INFRINGEMENT OR VIOLATION OF ANY RIGHTS, INCLUDING INTELLECTUAL PROPERTY RIGHTS OF THIRD PARTIES; OR (C) THAT THE OPERATION OF ANY SOFTWARE OR HARDWARE SUPPLIED WILL BE UNINTERRUPTED OR ERROR FREE. THIS DISCLAIMER AND EXCLUSION SHALL APPLY EVEN IF THE EXPRESS WARRANTY HEREIN FAILS OF ITS ESSENTIAL PURPOSE. THE SITE HOST'S SOLE AND EXCLUSIVE REMEDIES HEREUNDER AND THE ONLY LIABILITY OF SITE HOST IS EXPRESSLY LIMITED TO THE TERMS OF THE AGREEMENT. EV CHARGING PROVIDER SHALL NOT BE LIABLE TO THE SITE HOST, OR ANY THIRD PARTY, FOR ANY OTHER SPECIAL, CONSEQUENTIAL, INCIDENTAL, EXEMPLARY OR INDIRECT COSTS OR DAMAGES, INCLUDING WITHOUT LIMITATION, LITIGATION COSTS, LOSS OF DATA, LOSS OF PRODUCTION, AND/OR LOSS OF PROFIT ARISING FROM ANY CAUSE WHATSOEVER, REGARDLESS OF THE FORM OF THE ACTION, WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH COSTS OR DAMAGES.

FOR PURPOSES OF THIS PROVISION, EVCS INCLUDES EVCS'S DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, AFFILIATES, CONTRACTORS, SUBCONTRACTORS, AND SUPPLIERS. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, ANY CLAIMS FOR DAMAGES BY EITHER PARTY ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT SHALL BE LIMITED TO ACTUAL RECOVERIES UNDER SUCH PARTY'S INSURANCE POLICIES.

17. Disputes

This Agreement is governed by, and must be construed and enforced in accordance with, the laws of California, excluding principles of conflicts of laws. For every dispute regarding this Agreement: (i) the prevailing party is entitled to its costs, expenses, and reasonable attorney fees (whether incurred at trial, on appeal, or otherwise) incurred in resolving or settling the dispute, in addition to all other damages or awards to which the party may be entitled; (ii) each party consents to the jurisdiction of the courts within Butte County, California and agrees that those courts have personal jurisdiction over each party;



(iii) venue must be within Butte County, California; and (iv) the parties must submit the dispute to mediation held within Butte County. Every mediation must be completed within 4 months of the date when the initial notice demanding mediation was provided by any party. If, for any reason, the dispute is not resolved through mediation within the 4-month period, then the parties may continue seeking to resolve the dispute by use of any process, including litigation by trial. No waiver of any provision or breach hereof is a waiver of any other provision or breach. All rights and remedies are cumulative and nonexclusive.

18. Notices

All notices and other communications provided hereunder must be in writing and will be deemed given: (i) on the date of hand-delivery; (ii) on the date when sent by facsimile (with confirmation of transmission); (iii) on the date when sent by email, with confirmation of receipt; (iv) the day after sending by a nationally recognized overnight delivery service (with confirmation of transmission); or (v) 3 days after sending by certified mail (return receipt requested).

For purposes of this Agreement, addresses for notification, unless changed from time to time in writing, shall be:

FOR EVCS:

EV Charging Solutions, Inc.
Attn: Ian Vishnevsky
11800 Clark Street
Arcadia, California 91006
ianv@evcs.com
323.400.EVCS (3827)

FOR SITE HOST:

19. Successors and Assigns

The covenants, conditions and agreements contained herein shall bind and inure to the benefit of EVCS and Site Host and their respective successors and assigns.

20. Entire Agreement



This Agreement contains all the agreements between the parties hereto and may not be modified in any manner other than by agreement in writing signed by both the parties hereto and their successors in interest.

IN WITNESS WHEREOF, this Agreement is executed by both parties, to become effective on the date last executed.

EVCS

SITE HOST

By:_____

By:_____

Title:_____

Title:_____

Date:_____

Date:_____



EXHIBIT A - Electric Vehicle Charging Station Equipment Specifications



EXHIBIT B – Project Site

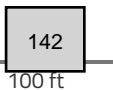


- Addresses
- Streets
- ▣ Town Limits
- ▣ Right of Way
- ▣ Parcels
- Zoning**
- AG 10 - Agricultural (10 acre min)
- AR 1 - Agricultural Residential (1 acre min)
- AR 1 PD - Agricultural Residential Planned Development (1 acre min)
- AR 3 - Agricultural Residential (3 acre min)
- CB - Central Business
- CC - Community Commercial
- CC PD - Community Commercial Planned Development
- CF - Community Facilities
- CS - Community Service
- IS - Industrial Services
- MF - Multiple Family Residential
- MF PD - Multiple Family Residential Planned Development
- NC - Neighborhood Commercial
- RC - Resource Conservation
- RR 1 - Rural Residential (1 acre min)
- RR 1 PD - Rural Residential Planned Development (1 acre min)
- RR 1/2 - Rural Residential (1/2 acre min)
- RR 1/2 PD - Rural Residential Planned Development (1/2 acre min)
- RR 2/3 - Rural Residential (2/3 acre min)
- RR 2/3 PD - Rural Residential Planned Development (2/3 acre min)
- TR 1 - Town Residential (1 acre min)
- TR 1/2 - Town Residential (1/2 acre min)
- TR 1/3 - Town Residential (1/3 acre min)
- TR 1/3 PD - Town Residential Planned Development (1/3 acre min)

RESULTS

Parcels

APN: [052-223-030-000](#)
Owner Name: TOWN OF PARADISE
Secondary Owner Name:
Legal Description: 5555 SKYWAY
Owner Address: PARADISE
Mailing City: CA
Mailing State: 95969
Mailing Zipcode: 95969
Transfer Document Number: [2015R0046401](#)
Situs House Number:
Situs Street Direction:
Situs Street Name:
Situs Street Type:
Situs Unit:
Situs City:
Situs State: CA
Situs Zipcode: 00000
Lgl_Desc: OLD RAILROAD R/W
Lot Acreage: 4.69
Lot Square Footage: 204296.4
Tax Code: 003
Agriculture Preserve: 0
Timber Preserve: 0
Use Code: UU
Zoning Code:
Land_Vl:
Improved Value:
Other Value:
Total Value:
Tax Rate: 005028
Assessment Year: 2009
Homeowner Exemption: 0
Tax Amount:
Pool Spa:
Number of Buildings:





Town of Paradise

Interactive Viewer



- Addresses
- Streets
- ▬ Town Limits
- ▬ Right of Way
- ▬ Parcels
- Zoning**
- AG 10 - Agricultural (10 acre min)
- AR 1 - Agricultural Residential (1 acre min)
- AR 1 PD - Agricultural Residential Planned Development (1 acre min)
- AR 3 - Agricultural Residential (3 acre min)
- CB - Central Business
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- MF PD - Multiple Family Residential Planned Development
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- RC - Resource Conservation
- RR 1 - Rural Residential (1 acre min)
- RR 1 PD - Rural Residential Planned Development (1 acre min)
- RR 1/2 - Rural Residential (1/2 acre min)
- RR 1/2 PD - Rural Residential Planned Development (1/2 acre min)
- RR 2/3 - Rural Residential (2/3 acre min)
- RR 2/3 PD - Rural Residential Planned Development (2/3 acre min)
- TR 1 - Town Residential (1 acre min)
- TR 1/2 - Town Residential (1/2 acre min)
- TR 1/3 - Town Residential (1/3 acre min)
- TR 1/3 PD - Town Residential Planned Development (1/3 acre min)

RESULTS

Parcels

APN: [052-130-049-000](#)
Owner Name: TOWN OF PARADISE
Owner Address: 5555 SKYWAY
Mailing City: PARADISE
Mailing State: CA
Mailing Zipcode: 95969
Transfer Document Number: [1997R43178](#)
Situs House Number: 6201
Situs Street Direction:
Situs Street Name: SKYWAY
Situs Street Type:
Situs Unit:
Situs City: PARADISE
Situs State: CA
Situs Zipcode: 95969
Lgl_Desc: 6201 & 6225 SKYWAY
Lot Acreage: 0.52
Lot Square Footage: 22651.2
Tax Code: 003
Agriculture Preserve: 0
Timber Preserve: 0
Use Code: CV
Zoning Code:
Land_VI:
Improved Value:
Other Value:
Total Value:
Tax Rate: 005027
Assessment Year: 2009
Homeowner Exemption: 0
Tax Amount:
Number of Buildings:
Number of Units:
Sewer Code:
Has Well: 0



143

100 ft