



Town of Paradise

Town Council Meeting Agenda

January 25, 2016 Adjourned Regular Meeting
3:00 p.m.

Location: Town Hall Council Chamber, 5555 Skyway, Paradise, CA

Mayor, Jody Jones
Vice Mayor, Scott Lotter
Council Member, Greg Bolin
Council Member, Steve "Woody" Culleton
Council Member, John J. Rawlings

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Joanna Gutierrez
Community Development Director, Craig Baker
Finance Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, David Hawks
Chief of Police, Gabriela Tazzari-Dineen

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
 - 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 6, "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

- a. Call to Order
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Invocation
- d. Roll Call

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. (1) Waive reading of entire Ordinance No. 558 and approve reading by title only; and, (2) Adopt Ordinance No. 558, An Ordinance of the Town of Paradise Repealing Paradise Municipal Code Section 17.31.400 and Amending Section 17.31.500 Prohibiting Medical Marijuana Cultivation and Delivery.

If adopted, the ordinance would repeal portions of the town's existing medical marijuana cultivation regulations and adopt new regulations for the cultivation of medical marijuana that (a) prohibits the establishment of medical marijuana collectives and cooperatives, (b) prohibits delivery of medical marijuana except by a primary caregiver for a qualified patient, (c) prohibits medical marijuana activities for which a State of California license is required, and (d) prohibits the cultivation of medical marijuana in all zones in the town.

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 – None.

6. COUNCIL CONSIDERATION

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

- 6a. Consider adopting Resolution No. 16-01, a Resolution approving the Plans and Specifications for the Measure "C" Pearson Road Improvements Project and authorizing advertisement for bids on the project. (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

- a. Council initiated agenda items
- b. Council reports on committee presentation
- c. Future Agenda Items

8. STAFF COMMUNICATION

- a. Town Manager Report
- b. Community Development Director Update on Projects

9. CLOSED SESSION - None

10. ADJOURNMENT

TOWN OF PARADISE
Council Agenda Summary
Date: January 25, 2016

ORIGINATED BY: Craig Baker, Community Development Director

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Adoption of Town Ordinance No. 558

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

1. Waive second reading of the entire Town Ordinance No. 558 and approve reading by title only (roll call vote); **AND**
2. Adopt Town Ordinance No. 558, "An Ordinance of the Town of Paradise Repealing Section 17.31.400 of Chapter 17.31 of the Paradise Municipal Code and Amending Section 17.31.500 of Chapter 17.31 to the Paradise Municipal Code Restricting Medical Marijuana Cultivation"

BACKGROUND: On January 12, 2016, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to repeal the town's existing medical marijuana cultivation regulations and adopt new regulations for the cultivation of medical marijuana that prohibits the establishment of medical marijuana collectives and cooperatives, prohibits delivery of medical marijuana except by a primary caregiver for a qualified patient, prohibits medical marijuana activities for which a State of California license is required and prohibits the cultivation of medical marijuana.

DISCUSSION: 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. 558 (copy attached). Once adopted, the provisions of this ordinance will be effective thirty days thereafter.

FINANCIAL IMPACT: A nominal cost for publication of the ordinance within the local newspaper and for codification will be borne by the Town of Paradise.

Attachment

**TOWN OF PARADISE
ORDINANCE NO. 558**

**AN ORDINANCE OF THE TOWN OF PARADISE REPEALING
PARADISE MUNICIPAL CODE SECTION 17.31.400 AND AMENDING SECTION
17.31.500 PROHIBITING MEDICAL MARIJUANA CULTIVATION AND DELIVERY**

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

WHEREAS, the purpose of this ordinance is to expressly prohibit the cultivation and delivery of medical marijuana in all Town of Paradise zoning districts. Such prohibition shall apply to all medical marijuana collectives/cooperatives and dispensaries, the delivery of medical marijuana and the cultivation of medical marijuana by qualified patients and primary caregivers.

SECTION 1. Paradise Municipal Code section 17.31.400 is hereby repealed.

SECTION 2. Paradise Municipal Code section 17.31.500 is hereby amended to read as follows:

17.31.500 Prohibition.

- A. Medical Marijuana Collectives and Cooperatives as defined in section 17.31.300C shall be prohibited in all zoning districts within the town. This prohibition shall include the cultivation of marijuana by Medical Marijuana Collectives and Cooperatives.
- B. Except for delivery by a primary caregiver for a qualified patient, the delivery of medical marijuana shall be prohibited within the town. No person shall conduct any mobile medical marijuana delivery service within the town through any means whatsoever. The term “delivery” shall also include the same meaning as set forth in Business and Professions Code section 19300.5 (m) or as amended.
- C. This section shall prohibit all medical marijuana activities for which a State of California license is required. The town shall not issue any permit, license or other entitlement for any activity for which a State of California license is required under the Medical Marijuana Regulation and Safety Act.
- D. Cultivation of medical marijuana for non-commercial purposes, including indoor and outdoor cultivation by a qualified patient or a primary caregiver, shall be prohibited in all zoning districts within the town. No person, including a qualified patient or primary caregiver, shall cultivate indoor or outdoor any amount of medical marijuana in the town.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed ordinance is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment.

SECTION 5. 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 _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Joanna Gutierrez, Town Clerk

Dwight L. Moore, Town Attorney

TOWN OF PARADISE
Council Agenda Summary
Date: January 25, 2016

Agenda No. 6a

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

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Measure “C” Pearson Rd Improvements Project

COUNCIL ACTION REQUESTED:

1. Adopt a resolution approving the plans and specifications for the Measure “C” Pearson Rd Improvements Project and authorizing advertisement for bids on the project.

Background:

On April 29, 2013, Caltrans announced Cycle 6 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.

The Town identified the Pearson Rd Shoulder Widening Project through a jurisdiction-wide collision analysis using the SafeTREC Transportation Injury Mapping System. From the analysis it was determined that 24 collisions took place on this section of Pearson Road in a period of five years. The amount of collisions that occurred in the five year span demonstrated the project to be one of the top safety priorities of the Town of Paradise.

The proposed project includes two countermeasures. The first countermeasure to reducing the accidents on Pearson Road is to widen the shoulders on the road, where feasible. Vehicle collisions can be prevented by providing space for a vehicle to pull over in case of an emergency and placing them out of the travel lane. Vehicles will also have the capability of pulling over for emergency vehicles to pass and preventing congestions. A wider shoulder will provide space to avoid potential crashes or reduce their severity.

The second countermeasure is to install bicycle lanes on both sides of the road. With the new improvements bicyclist’s safety will increase by creating a separate space for bicyclists to travel and pull over in case of an emergency. Motorists will no longer have to travel onto the oncoming lane in order to pass bicyclists. More information regarding specific countermeasures and requirements can be found by reviewing the Caltrans Local Road Safety Manual.

By July 26, 2013, the Town of Paradise submitted the “Pearson Rd Shoulder Widening Project” application.

On November 14, 2013, Caltrans approved the “Pearson Rd Shoulder Widening Project” for Federal funding. This project was selected based upon the calculated high Benefit-Cost Ratio using actual collision data between 2006 and 2011 and implementation of safety countermeasures.

On April 1, 2014, the Federal Highway Administration approved the Town of Paradise to begin reimbursable Preliminary Engineering for the Pearson Rd Shoulder Widening Project.

On May 13, 2014, the Town Council for the Town of Paradise approved the Program Supplement Agreement No. 014-N to Administering Agency-State Agreement No. 03-5425R for Federal-Aid Project HSIPL-5425 (027) to assure receipt of preliminary engineering funds.

On May 12, 2015, the Town Council for the Town of Paradise awarded contract 14-04.PE to NorthStar Engineering of Chico, CA to prepare final plans, specifications and estimates for the subject project.

Through the FY 2015/2016 budget process, Town Council allocated additional local funds and \$200,000 in Measure “C” funds to leverage the subject project beyond shoulder widening to include a full roadway rehabilitation effort and drainage improvements.

Analysis:

NorthStar Engineering, in coordination with Town staff, has prepared the plans, specifications, and cost estimate for Measure “C” Pearson Rd Improvements Project. With Council approval of the design, plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Approve PS&E:	January 25, 2016
Advertise for bid:	Pending Federal Approval (Est. early February 2016)
Award Contract:	March 8, 2016
Construction:	May-July 2016 (Weather permitting for PID utility clearance)

The design, plans and specifications for the project are on file in the Public Works office for review. If approved, staff will advertise for bid immediately following Federal approval of the Construction Request for Authorization.

The proposed project has an “add-alternate” bid schedule provided for contractors to consider. This schedule calls for two varying road rehabilitation methods, described below:

Add Alternate 1: Installation a stress absorbing membrane interlayer (SAMI-R) between existing roadway grade and base-scope 3” rubberized hot mix asphalt overlay. This alternative will perform better at preventing reflective cracking over time to the roadway surface. *15 year roadway life extension.*

Add Alternate 2: Installation of Type III micro-surfacing interlayer between existing roadway grade and base-scope 3” rubberized hot mix asphalt overlay. *10 year roadway life extension.*

The Town of Paradise submitted a Cal Recycle Grant application for the use of rubberized hot mix asphalt (\$44,288) and if Add Alternate 1 is selected, the SAMI-R (\$14,756). The Cal Recycle grant program essentially provides a 10% discount on the use of these materials. Add Alternate 1 is expected to have a higher base cost and will need consideration of actual bid prices and funding available prior to selection. Grant notifications are expected in February 2016, and therefore Council shall have the ability to consider the grant award status prior to construction contract award on March 8.

A few highlights for the scope of work include a 3” overlay, correction of longstanding drainage issues including roadway ponding near Sawmill Rd, and superelevation slope corrections for the “Hilbe Curve” near Pentz Road.

Financial Impact:

The total project cost, including estimated final costs for preliminary engineering, estimated construction costs using Add-Alternate 1, a 10% construction contingency and a 5% allocation for construction inspection is \$1,389,730.

The total Highway Safety Improvement Program grant provides \$534,844 towards the proposed project preliminary engineering, construction, and construction engineering. Measure "C" funding was allocated in the amount of \$200,000. The maximum grant amount from Cal Recycle is \$59,044. Development Impact Fees (DIF) – Drainage are budgeted for select bid items in the amount of \$54,100. Remaining project funding is slated to come from Local Transportation Funds – Transit and Gas Tax. These final two funds are stressed currently with downward projections in Gas Tax and Transit which is not expected to contribute to streets and roads in the coming years due to higher costs for area transit services. Should additional Measure "C" funds become available at the time of award, Public Works staff would like to request a higher contribution from the \$200,000 originally budgeted.

A total breakdown of project phases and expected costs is provided in the tables below:

Add-Alternate #1 with Cal Recycle Grant (15 Year Life Extension)

Item / Phase	Federal HSIP Grant	Transit (LTF)	Measure "C"	Drainage DIF	Cal Recycle	Gas Tax (CIP 9369)	Total
Preliminary Engineering	\$86,400	\$0	\$0	\$0	\$0	\$28,600	\$115,000
Construction	\$443,444	\$350,000	\$200,000	\$54,100	\$59,044	\$1,873	\$1,108,461
Construction Contingency	\$0	\$0	\$0	\$0	\$0	\$110,846	\$110,846
Construction Engineering	\$5,000	\$0	\$0	\$0	\$0	\$50,423	\$55,423
Total	\$534,844	\$350,000	\$200,000	\$54,100	\$59,044	\$191,742	\$1,389,730

Add-Alternate #2 with Cal Recycle Grant (10 Year Life Extension)

Item / Phase	Federal HSIP Grant	Transit (LTF)	Measure "C"	Drainage DIF	Cal Recycle	Gas Tax (CIP 9369)	Total
Preliminary Engineering	\$86,400	\$0	\$0	\$0	\$0	\$28,600	\$115,000
Construction	\$443,444	\$233,128	\$200,000	\$54,100	\$44,288	\$0	\$974,960
Construction Contingency	\$0	\$97,496	\$0	\$0	\$0	\$0	\$97,496
Construction Engineering	\$5,000	\$19,376	\$0	\$0	\$0	\$19,912	\$44,288
Total	\$534,844	\$350,000	\$200,000	\$54,100	\$44,288	\$48,512	\$1,231,744

As evidenced by the total construction costs, using Add Alternate 1 for the additional 5 year roadway life extension requires \$157,986 in additional local funding. Should bid prices come in

at the projected costs or certainly higher, careful consideration will need to be made before selecting Add Alternate 1. This is primarily due to the aforementioned stress on current and future Gas Tax revenues, coupled with much needed future capital improvement projects.

Add Alternate 1 was kept in the project bidding documents to maintain flexibility in contract award in the scenario where bid prices are lower than expected or if additional FY 15/16 Measure “C” funds can be allocated.

**TOWN OF PARADISE
RESOLUTION NO. _____**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE APPROVING THE DESIGN, PLANS, SPECIFICATIONS
AND ESTIMATES FOR MEASURE “C” PEARSON RD
IMPROVEMENTS PROJECT AND AUTHORIZING ADVERTISEMENT
FOR BIDS RELATING TO THE PROJECT.**

WHEREAS, the Town of Paradise has received a \$534,844 award of Highway Safety Improvement Program funds; and,

WHEREAS, the purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads; and,

WHEREAS, the 2013 Caltrans grant award to the Town requires specific countermeasures to be implemented which address actual historical collision data and trends; and,

WHEREAS, the Measure “C” Pearson Rd Improvements Project (Project) is consistent in scope with the approved grant award by widening shoulders and installing Class II Bicycle Lanes along Pearson Road between Pentz Road and Clark Road; and,

WHEREAS, the Project is further leveraged by local and Measure “C” funds to complete extensive road and drainage rehabilitation efforts associated with the Project.

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

Section 1. The design, plans, specifications and estimates for the Measure “C” Pearson Rd Improvements Project described in the Town Council Agenda Summary for this Resolution are hereby approved.

Section 2. The Town Public Works Department is authorized to advertise for bids relating to the Measure “C” Pearson Rd Improvements Project.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 25th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Jody Jones, Mayor

ATTEST:

Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney