

MINUTES

PARADISE TOWN COUNCIL

REGULAR MEETING - 6:00 P.M. – SEPTEMBER 8, 2009

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Rutledge at 6:00 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Steve "Woody" Culleton.

COUNCIL MEMBERS PRESENT: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter, Alan White and Frankie Rutledge, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Manager Ivey, Assistant to the Town Manager/Business & Housing Services Director Gill, Finance Director Will, Community Development Director McGreehan, Public Works Director/Town Engineer Schmidt, Associate Engineer Ott, Assistant Town Clerk Volenski, Fire Marshal Jensen, Fire Chief Haunschild and Police Chief Carrigan.

Agenda Item 1(e): A Proclamation was presented by Mayor Rutledge to Candice Shin in Recognition of the Private Industry Council Youth Summer Work Program. The PIC students will each receive a Certificate of Appreciation.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Agenda Item 3(a): Motion by Lotter, seconded by DiDuca, approved Minutes of the August 25, 2009, Regular Council Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of the 8/25/2009
Regular Council
Meeting.

Agenda Item 3(b): Motion by Lotter, seconded by DiDuca, approved Check Register in the amount of \$1,832,233.05. Roll call vote was unanimous.

TC (FIN) [APPR] Check
Register in amount of
\$1,832,233.05. (310-10-
25)

Agenda Item 3(c): Motion by Lotter, seconded by DiDuca, (1) adopted Resolution No. 09-41, "A Resolution of Approval of Annual Anticipated Disadvantaged Business Enterprise Level (AADPL) and Methodology for Federal Fiscal Year 2009/2010"; and, (2) Authorized the Town Manager to execute the attached Caltrans "Local Agency DBE Annual Submittal Form." Roll call vote was unanimous.

TC (RES) [ADOPT] Res
No 09-41, AADPL
Methodology –
Disadvantaged Business
Enterprise (DBE). (930-
20-02)

Agenda Item 3(d): Motion by Lotter, seconded by DiDuca, adopted Resolution No. 09-42, "A Resolution to Approve a Supplemental Appropriation to the 2009/2010 Budget from the

TC (RES) [APPR] Res
No 09-42 Supplemental
Appropriation to 09-10

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General Fund Engineering Professional/Contract Services Account." (to unencumber funds from FY 2008/2009 in the amount of \$5,225.00 for pavement management software and training services). Roll call vote was unanimous.

Budget from G/F
Engineering
Professional Services
Acct. (340-40-12)

Agenda Item 3(e): Motion by Lotter, seconded by DiDuca, (1) declared Police Department Vehicle #8, White 2003 Ford Crown Victoria, VIN# 2FAFP71W13X187679 as surplus property; and, (2) authorized the Town Mechanic to dispose of the vehicle. Roll call vote was unanimous.

TC (FIN) [AUTH]
Declared Town vehicles
and equipment as
surplus. (380-10-04)

Agenda Item 3(f): Motion by Lotter, seconded by DiDuca, (1) Concurred with the Town Manager and planning staff's recommendation for the Town of Paradise to award and execute a professional services contract with the firm Pacific Municipal Consultants (PME) to perform environmental analysis services as set forth in the agreement document and relative to the "Skyway Land Condominium Subdivision" project; and, (2) Authorized the Town Manager to sign the authorized agreement for professional services. The project proposes establishment of 35 residential condominium sites upon a ±3.54 acre site located at 9141 and 9189 Skyway, Paradise, California. Roll call vote was unanimous.

TC (AGT) [AUTH]
Manager to execute
contract with PMC for
environmental analysis
services. (C09-20)

Agenda Item 3(g): Motion by Lotter, seconded by DiDuca, approved the list of five surveying firms and surveyors as being qualified to do work for the Town: Robertson & Dominick Inc., Rolls Anderson & Rolls; L & L Surveying; Lumos & Associates; and NorthStar Engineering. (Development and construction of future federal aid projects will require professional surveying. In meeting federal aid laws and public contracting laws, the Town staff advertised a RFQ on May 19, 2009 and received proposals from these five surveyors.) Roll call vote was unanimous.

TC (AGT) [APPR] List of
five surveying firms
qualified to work for the
Town (920-30-01)

4. PUBLIC HEARING PROCEDURE

Mayor Rutledge informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Finance Director Will, Community Development Director McGreehan, Fire Marshal Jensen, and Fire Chief Haunschild presented the proposed changes to the New Master Schedule of Fees for Town Services and answered questions from the Council. Director Will presented the first portion of the Master Fee Schedule and pointed out typographical changes relating to tech fees on page 4, exhibit A, line 2 (there should not be a TECH Fee) and line 15 (there should be a TECH Fee) and page 15, section 9, line 15 & 16 (there should be a TECH fee).

Mayor Rutledge opened the public hearing at 6:25 p.m.

1. Police Chief Carrigan mentioned the reduction in Subpoena Duces Tecum-Hourly fees from \$26 to \$24.

Finance Director Will stated that the fee is established by the California Evidence Code and was based on information received from the Police Department.

2. Fire Marshal Jensen reported that this is the first time the Fire Prevention fees have been included on the Master fee schedule and explained that the inspection fees have been divided into sections based on the square footage of a building in order to provide a more equitable charge based on the size of the business and also to provide a way for contractors to estimate costs. The goal is to consolidate fees with the Community Development Department.

Mayor Rutledge closed the public hearing at 6:35 p.m.

Agenda Item 5(a): Motion by Lotter, seconded by Culleton, adopted Resolution No. 09-43, A Resolution Of The Town Council Of The Town Of Paradise, California, Establishing A New Master Schedule of Fees for Town Services (Replacing the Fee Schedules Previously Adopted By Resolutions No 08-60 and No 09-06), with changes presented by Director Will. Ayes of Culleton, Lotter, White and Mayor Rutledge and no of DiDuca.

TC (RES) [ADOPT] Res
No 09-43, Revised
Schedule of Fees for
Town Services. (395-
20-16)

Assistant to the Town Manager/Business and Housing Services Director Gill informed Council that this is the first of two public hearings on the suggested changes regarding the Substantial Amendment to the CDBG Annual Action Plans for the 2004, 2005, 2006, 2007 and 2008 years that are required by HUD. Ms Gill explained that the money must be used or moved to another fund in order to be in compliance with HUD requirements.

There are two changes generating the need for the substantial amendment; (1) Estes Park: During the 2004 through 2007 program years, the Town Council approved CDBG Annual Plans that dedicated dollars for Estes Park, a Memorial Park and a youth soccer/ball field. The project is now being scaled down due to high costs and unavailable park funds; and, (2) RBEG Incubator Grant: The Town applied for a Rural Business Enterprise Grant to fund a business incubator program. The program required \$80,000 in match funding, which was budgeted with 2008 CDBG funds. The Town recently found out that the grant was not funded, and therefore will need to re-allocate those funds.

Mayor Rutledge opened the public hearing at 6:55 p.m. There were no speakers for or against the matter and Mayor Rutledge closed the public hearing at 6:55 p.m.

Council discussed the changes regarding the substantial amendment to the CDBG Action Plan and expressed their concern with the delay in progress of the Estes Park project as they would like to honor the commitment made to the family, and requested staff to bring back a potential plan for Estes Park, with the money that is available, for the Council to review.

Agenda Item 5(b): No action was taken on this item. The second public hearing is scheduled for the October 13, 2009 Council meeting. **TC (P&CD) [NA] (710-10-62)**

Assistant to the Town Manager/Business and Housing Services Director Gill reported on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program and pointed out that, activities, regardless of the year in which they were funded, are still open and active. This CAPER covers activities in the 2003, 2004, 2005, 2006, 2007, and 2008 program years.

Mayor Rutledge opened the public hearing at 7:00 p.m. There were no speakers for or against the matter and Mayor Rutledge closed the public hearing at 7:00 p.m.

Agenda Item 5(c): **Motion by White, seconded by Lotter,** authorized the Town Manager to submit the CAPER to the Department of Housing and Urban Development. Roll call vote was unanimous. **TC (P&CD) [AUTH] TM to submit CAPER 2008/2009 to HUD. (710-10-38)**

6. PUBLIC COMMUNICATION

1. Alice Smith, Honorary Mayor, announced that today was Mayor Rutledge's birthday and asked those present to join her in singing "Happy Birthday."

7. COUNCIL CONSIDERATION

Public Works Director/Town Engineer Schmidt and Butte County Public Works Director Mike Crump presented the Transportation Investment Generating Economic Recovery (TIGER) Grant that is being applied for by the county to widen the Skyway from South Park Drive to Pentz Road. The cost of the project is estimated at approximately \$58 Million and will potentially repair the Paradise Dam, and mentioned that there is no way of knowing the amount of repair needed to the dam until the dam is opened and able to be evaluated.

1. Tom Kelly, Paradise residence, supported the TIGER project as a good project necessary for the Town and questioned the cost of the project which is estimated to be \$58 Million.

Agenda Item 7(a): Motion by Lotter, seconded by DiDuca, adopted Resolution No. 09-44, "A Resolution of Support for the Butte County Tiger Grant for the Skyway Widening from South Park Drive to Pentz Road." Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No 09-44 Support
Butte County TIGER
Grant widening Skyway
from South Park to
Pentz. (950-35-20)

Finance Director Will presented the proposed three-year auditing services contracts for the Town and informed the Council that the RDA portion of the contract had been removed from the proposal and will be presented at the RDA meeting scheduled for October 13, 2009.

Agenda Item 7(b): Motion by White, seconded by Lotter, (1) Adopted Resolution No. 09-45, "A Resolution of the Town Council of the Town of Paradise, California, Authorizing the Mayor and the Town Manager to Sign a Professional Audit Service Contract with Moss, Levy and Hartzheim, for Three Years", at a cost of \$22,691; and, (2) Authorized a 2009/2010 budget adjustment of \$2,691 to cover the increased cost of auditing services. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No. 09-45
Authorize Mayor and
Manager to sign contract
for Audit services with
Moss, Levy, and
Hartzheim. (CO99-21)
(380-60-21)

Agenda Item 7(c): Motion by White, seconded by Culleton, (1) Adopted Resolution No. 09-46, A Resolution of the Town Council of the Town of Paradise, California, Authorizing the Mayor and the Town Manager to Execute Documents for a Tax and Revenue Anticipation Note through US Bank; and, (2) Authorized a 2009/10 budget adjustment of \$3,815 to cover the cost of the interest, origination fees, and bond counsel costs. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No. 09-46
Authorize Mayor and
Manager to execute
TRAN through US Bank
and 09-10 budget
adjustment of \$3,815.
(350-40-10)

Agenda Item 7(d): Motion by Lotter, seconded by DiDuca, (1) Accepted the base bid from Knife River Construction, Chico, CA in the amount of \$929,403.57 for the 2009 Overlay Project No. 1; (2) Accepted optional-additional bid item **OPT4** for an additional amount of \$88,948.90; (3) Authorized the Mayor and Town Manager to execute the Owner-Contractor Agreement for the 2009 Overlay Project No. 1, Federal Aid Project No. ESPL 5425(020); and, (4) Authorized the Town Manager to approve change orders up to 10% contingency limit on this project. Roll call vote was unanimous.

TC (AGT) [APPR]
Accept bid from Knife
River Construction in the
amount of \$929,403.57
and authorize Mayor and
Manager to execute
contract. (CO9-19) (950-
40-14)

The project will consist of road resurfacing/overlay of the following: **Pentz Road** from Ponderosa School to Skyway, **Skyway** from Wagstaff Road to north Town limit, **Clark Road** from 1,000 feet north of Wagstaff Road to Skyway, and possible chip seal of **Pearson Road** from Clark Road to Pentz Road.

8. COUNCIL COMMUNICATION (Council Initiatives)

Vice Mayor Culleton attended the Project Vision Youth meeting where 18 youth attended and are creating programs/projects for youth participation in the 30th Anniversary event in November and attended the US Census 2010 Training and learned how the information will be gathered.

Council Member DiDuca thanked Mike Crump from Butte County for his planning report update; Butte County Water Advisory Committee has a meeting on September 24, Sacramento Valley Forum Water Board will hold their meeting on October 28 at Sierra Nevada Brewery; and, he will be attending the League of California Cities Conference next week in San Jose.

Council Member Lotter attended the LAFCo meeting, the Forest Highway 171 Groundbreaking event with Congressman Herger, Council Members White and Culleton and our local Supervisor Kim Yamaguchi, and the Paradise High School football game.

Council Member White attended the Forest Highway 171 Groundbreaking event, Butte County Association of Governments and Butte County Air Quality Board meetings were cancelled; and, he will be attending the League of California Cities Conference in San Jose next week. The Community Village groundbreaking is scheduled for September 21, 2009 at 5:30 on the street behind the hotel and all the Council will be receiving invitations.

Mayor Rutledge will attend the Ad Hoc committee on September 30 at 2:00 where they will be looking at plans and proposals for county wide fire prevention, attended the 30th Anniversary Committee meeting for the event to be held on November 21, 2009 at the Senior Center, Len Fulton and Richard Laughlin are writing a skit and song for entertainment and service clubs are donating hors d'oeuvres and desserts so that no food will need to be purchased and the bar will be co-sponsored by the Exchange and Rotary Clubs. There will also be entertainment by this year's Chocolate Queen, Dancing with the Stars contestants, Gold Nugget Queen, Paradise Idol first and second place winners and save the date postcards will be sent out to past Council Members, past Mayors, past department heads, retired Employees, past Planning Commissioners, and service organizations.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager Rough announced that there will not be an RDA Advisory Committee meeting in September, but there will be one on Tuesday, October 27 at 4:00 p.m. where DCE will present the final

work product on the Master Plan for all the downtown capital projects. At the League Conference, on Thursday afternoon, Manager Rough will be one of the moderators and presenters for one of the sessions on Emergency Planning and Preparation along with Donna Fowler, Director of Homeland Security from the City of San Diego and Acting Secretary or assistant from the office of Emergency Services.

10. CLOSED SESSION

At 7:55 p.m. Mayor Rutledge announced that pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Dennis Ivey, Denise Farrell and Gina Will, its designated representatives, regarding labor relations between the Town and the Paradise Police Officers Association; the Police Mid-Management Association; the Paradise Firefighters' Association; the Fire Mid-Management Association; the Confidential/Mid-Management Association; the General Employees Unit; and the Management Unit.

Mayor Rutledge reconvened the meeting at 8:22 p.m. and announced that an update was given on labor negotiations and no action was taken in council chambers.

11. ADJOURNMENT

MOTION by Lotter, seconded by DiDuca, adjourned the Council Meeting at 8:23 p.m. Council vote was unanimous.

APPROVED: October 13, 2009


FRANKIE RUTLEDGE, Mayor


JOANNA GUTIERREZ, CMC, Town Clerk

