

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – FEBRUARY 8, 2011**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor White at 6:03 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Vice Mayor Culleton.

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Community Development Director Baker, Public Works Director/Town Engineer Schmidt, Fire Chief Jensen and Police Chief Buzzard.

Agenda Item 1e: The Teen Dating Violence Awareness & Prevention Month was read into the record by Mayor Alan White.

Agenda Item 1f.

- (1) The Volunteers in Police Service (VIPS) Annual Report was presented by Charlie Rollo, Community Services Officer.
- (2) Mayor Alan White presented employee recognitions for the following employees with 5, 10, 15, 20 and 30 years of service to the Town

Five-Year Employees:

- John Bruschi , Police Sergeant
- Timothy Cooper, Police Officer
- Stacie Smeltzer, Public Safety Dispatcher
- Dustin Topp, Fire Engineer
- Linda Quinones, Financial Services Clerk
- Paul Derr, Assistant Public Works Director
- Peggy Muths, Animal Control Officer

Ten-Year Employees

- Robert Nichols, Police Officer
- Kari Eurotas, CDD/PW Projects Coordinator
- Gene McCarty, Senior Code Enforcement Officer

Fifteen-Year Employee

- Stephen Rowe, Police Sergeant

Twenty-Year Employee

- Craig Gallagher, Police Sergeant

Thirty-Year Employee

- Christopher Buzzard, Police Chief

2. ITEMS DEFERRED FROM PREVIOUS MEETING – None.**3. CONSENT CALENDAR**

Council Member Titus stated that he had questions regarding agenda items 3d and 3l, (Contract Change Orders for 2009 Overlay Project and the payment of retention monies); and, item 3k (the Pinewood Street Repair Project).

Regarding agenda item 3d, Council Member Titus asked if any unused ARRA funds for the Overlay Project could be used elsewhere in the community and staff explained that the funds had to stay within the footprint of the original project plan. Council Member DiDuca asked if the contractor could be held to fix the problems with the paving and staff stated that the contractor used an aggregate base that had been specified in the contract, albeit the product failed, and that this product will not be included in future contracts. The contract change order will allow for identification and repair of problem areas.

Regarding item 3l, staff informed Council that payment of retention monies to Knife River for the 2009 Overlay Project was brought forward by the auditor and payment must be made to comply with federal requirements of the project.

Regarding item 3k, the Pinewood Street Repair Project, Council Member Titus stated that when an insurance company pays a settlement, they have offered to pay what they think is the cost to fix the problem and that he thinks the money should be retained to fix any remaining roadway problems in the area. Staff reviewed the background of the project with the Council, stating that the road damage was caused when a local resident struck a fire hydrant, that value engineering had reduced the scope of the project, that Council reviewed the issue of returning insurance monies to the homeowner but that there is no legal obligation to return the monies.

Council concurred to remove item 3d and agenda item 3k from the consent calendar for separate vote.

Agenda Item 3(a): MOTION by Lotter, seconded by Culleton, approved the Minutes of the Regular Meeting of January 11, 2011; and, the Special Meeting of January 25, 2011. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of the
January 11, 2011
Regular Meeting and
January 25, 2011
Special Meeting.

TOWN COUNCIL MINUTES

Date: February 8, 2011

Agenda Item 3(b): MOTION by Lotter, seconded by Culleton, approved Check Register in the amount of \$1,271,068.91. Roll call vote was unanimous.

TC (FIN) [APPR] Check Register in amount of \$1,271,068.91 (310-10-27)

Agenda Item 3(c): MOTION by Lotter, seconded by Culleton, (1) Waived reading of entire Ordinance No 510 and approved reading by title only; and, (2) Adopted Ordinance No. 510, An Ordinance of the Town of Paradise Amending Paradise Municipal Code Section 15.02.230 and 15.09.090 Relating to Roof Coverings and Open Burning. (Eliminates requirement for Class A roof coverings on all structures by January 1, 2015 and provides exemption from burn permit for certain outdoor fireplaces or warming devices.) Roll call vote was unanimous.

TC (ORD) [ADOPT] Ord. 510 Amending PMC related to Roof Coverings and Open burning (540-16-79 & 740-30-11)

Agenda Item 3(d): Removed from consent calendar.

Agenda Item 3(e): MOTION by Lotter, seconded by Culleton, Approved amendments to Exhibit A to the Minutes of December 14, 2010 to: (1) Include alternate representative to Supplemental Benefits Fund; (2) Include Investment Committee and representatives; (3) To correct name of Emergency Services Council to Disaster Council; and, directed the Town Clerk to insert amended Exhibit A into the approved December 14, 2010 minutes. Roll call vote was unanimous.

TC (MIN) [APPR] Amendment to Exhibit A to the Minutes of the December 14, 2010 TC meeting. (580-45-06)

Agenda Item 3(f): MOTION by Lotter, seconded by Culleton, Authorized the Town of Paradise Police Department to accept a bequest from the Ginny Jensen Revocable Inter Vivos Trust in the amount of \$50,000.00 into Fund 7813.30.000.3650 Police – Donations. The gift is to go toward the purchase of Mobile Data Computers (MDC) previously authorized by the Council. Roll call vote was unanimous.

TC (FIN) [ACCEPT] Accept bequest of \$50,000 from Ginny Jensen to Police Dept. (395-50-13)

Agenda Item 3(g): MOTION by Lotter, seconded by Culleton, (1) Waived second reading of Ordinance No. 511 and approved reading by title only; and, (2) Adopted Ordinance No. 511, An Ordinance Adopting the Town of Paradise South Sphere Prezone Amendment Plan and Prezoning Certain Real Properties to Further Promote and Implement Zoning Consistent with the 1994 Paradise General Plan and Pursuant to Paradise Municipal Code Section 17.45.500, et. seq. Roll call vote was unanimous.

TC (ORD) [ADOPT] Ord. No. 511 Adopting South Sphere Prezone (540-16-80, 750-85-05 & 760-10-05)

Agenda Item 3(h): MOTION by Lotter, seconded by Culleton, (1) Waived second reading of entire Ordinance No. 512 and approved reading by title only; and (2) Adopted Ordinance No. 512, An Ordinance Amending Sections 13.04.020, 13.04.050 and 13.04.110 of the Paradise Municipal Code Relating to New Parcels and

TC (ORD) [ADOPT] Ord. No. 512 Amending PMC related to New Parcels and Sewage Disposal Systems (540-16-81)

Sewage Disposal Systems. [The amendments: (1) Provide new definitions - one for "advanced treatment system" and one for "community wastewater system"; (2) Allow septic system new construction permits to be renewed indefinitely and substantiates that septic system repair permits are valid for 90 days; (3) Allow creation of parcels using advanced wastewater treatment systems that will process more than 300 gpd of wastewater; and, (4) Exempt creation of parcels using community wastewater systems from the net lot usable area requirements found in Table 13.04.110.] Roll call vote was unanimous.

Agenda Item 3(i): (1) Waived the reading of entire Ordinance No. 513 and approved reading by title only; and, (2) Adopted Ordinance No. 513, An Ordinance Amending Section 2.08.010 of the Paradise Municipal Code Related to Paradise Town Council Meetings. The amendment will change Town Council meeting date to the first Tuesday of the month at 6:00 p.m. beginning April 5, 2011. Roll call vote was unanimous.

TC (ORD) [ADOPT]
Ord. No. 513 Amending PMC related to Town Council Meetings- change to first Tuesday of the month @ 6:00 p.m. (540-16-82 & 580-410-25)

Agenda Item 3(j): MOTION by Lotter, seconded by Culleton, (1) Approved the final quantities for the Memorial Trailway Southern Extension Project set forth in the staff report; (2) Ratified Contract Change Orders Nos. 1 and 2; and, (3) Accepted the contract with Franklin Construction Company as complete and authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the 10% retention following a 35-day lien period provided no liens are filed. Total construction cost including change orders is \$106,546.82. Roll call vote was unanimous.

TC (PW) [APPR]
Approve project, ratified change orders, accepted contract, file notice of completion. (950-18-09 C10-07)

Agenda Item 3(k): Removed from consent calendar.

N/A

Agenda Item 3(l): MOTION by Lotter, seconded by Culleton, authorized Town Staff to release \$116,681.29 in retention monies to Knife River Construction regarding the federal A.R.R.A. 2009 Overlay Project No. 1, in accordance with a required federal-aid provision. Roll call vote was unanimous.

TC (PW) [AUTH]
Release retention money to Knife River Construction (950-40-15 C09-19)

Agenda Item 3(m): None.

Agenda Item 3(n): MOTION by Lotter, seconded by Culleton, Accepted a donation of \$5,000 from the Nan A. Garlin Revocable Living Trust and directed the funds be placed within the Fire Department donation account 7810.35.4630. The funds have been specified for use on tools and supplies. Roll call vote was unanimous.

TC (FIN) [ACCEPT]
Accept donation of \$5,000 from Nan Garlin Trust toward Fire Department. (395-50-13)

Agenda Item 3(o): MOTION by Lotter, seconded by Culleton, authorized the Town of Paradise Fire Department to accept a bequest from the Ginny Jensen Revocable Inter Vivos Trust in the amount of \$50,000 into Fund 7810.35.4640 Fire -Donations. The gift is to go toward the over roof and building improvements at Fire Station One located at 767 Birch Street, Paradise. Roll call vote was unanimous.

TC (FIN) [ACCEPT]
Accept bequest of \$50,000 from Ginny Jensen to Fire Dept. (395-50-13)

Agenda Item 3(p): MOTION by Lotter, seconded by Culleton, (1) Accepted an Interoperable Emergency Communication Grant Program (IECGP) of approximately \$78,000; (2) Authorized the Town to contribute the 25% matching funds (approximately \$26,000) as part of the acceptance of the grant; (3) Authorized the Police Chief to expend the grant funds on the replacement of the Paradise Public Safety radio system; and, (4) Authorized the County of Butte to award an agreement with a contractor, determined by the Town, to make the requested replacement of the Paradise Public Safety radio system. Roll call vote was unanimous.

TC (HS&W) [AUTH]
Accepted grant, authorized 25% matching funds, expend funds, and County to award agreement with contractor. (420-30-06)

ITEMS REMOVED FROM CONSENT CALENDAR

Agenda Item 3d: MOTION by Lotter, seconded by Culleton, (1) Concurred with Contract Change Order No. 22 for the federal A.R.R.A. 2009 Overlay Project No. 1; and, (2) Authorized the Town Manager to negotiate Contract Change Order No. 23 for an amount not to exceed \$75,000.00 for additional minor paving work by Knife River Construction, project contractor. Roll call vote was unanimous.

TC (PW) [AUTH]
Accept change order and authorized to negotiate change order. (950-40-14 & C09-19)

Agenda Item 3k: MOTION by Titus, seconded by Culleton, (1) Ratified Contract Change Order No. 1 in the amount of \$5,147.66; (2) Accepted the contract with Franklin Construction for the Pinewood Street Repair Project as complete and authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the 10% retention following a 35-day lien period provided no liens are filed; (3) Authorized reimbursement to the Paradise Fire Hydrant fund in the amount of \$10,181.91 from the USAA Insurance proceeds; and, (4) DENIED payment of \$37,184.68 in excess insurance proceeds back to USAA Casualty Insurance Company. Ayes of Culleton, DiDuca, Lotter and Titus and no of Mayor White.

TC (PW) [AUTH]
Ratified change order, accepted completed contract, authorized reimbursement to Fire Hydrant fund and denied repayment to USAA. (950-40-15 & C10-10)

4. PUBLIC HEARING PROCEDURE

Mayor White informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Community Development Director Baker and Town Attorney Moore reported to Council regarding the ordinance proposed to extend Ordinance No. 509, an interim urgency ordinance of the Paradise Town Council that enacted a 45-day moratorium on the establishment or operation of medical marijuana distribution facilities and collectives for the cultivation of medical marijuana within the Town of Paradise. If adopted the ordinance would extend the moratorium for an additional 10 months and 15 days in accordance with Government Code Section 65858.

Mayor White opened the public hearing at 7:13 pm.

1. Jon Remalia stated that he would like Council to consider including the time that had passed since the Planning Commission heard this matter when calculating the two-year time frame to take action on this matter, that he thinks the staff and Town Manager did a good job on the report on measures taken, and asked Council to take a look at the Butte County and the Mendocino ordinances on this subject.

2. Glenn Stankis handed Council a written copy of his presentation, stated that he thinks Council will be sending a mixed message to students about whether marijuana use is or is not harmful if they do not extend the moratorium to its maximum limit, and cited negative impacts of marijuana that are listed in a Paradise High School textbook.

Mayor White closed the public hearing at 7:23 pm.

Agenda Item 5a: MOTION by Titus, seconded by Culleton, (1) Waived the reading of entire Ordinance No. 514 and approved reading by title only; and, (2) Adopted Ordinance No. 514, An Ordinance Extending Interim Urgency Ordinance No. 509 of the Town Council of the Town of Paradise Enacting a Moratorium on the Establishment or Operation of Medical Marijuana Distribution Facilities and Collectives for the Cultivation of Medical Marijuana. Roll call vote was unanimous.

TC (ORD) [ADOPT]
Ord. No. 514 Extending Interim Urgency Ord. 509 enacting Moratorium on Medical Marijuana Distribution and Collectives(540-16-83 & 750-95-10)

6. PUBLIC COMMUNICATION - None.

7. COUNCIL CONSIDERATION

Agenda Item 7(a): MOTION by Lotter, seconded by DiDuca, (1) Waived the reading of entire Ordinance No. 515 and approved

TC (ORD) [ADOPT]
Ord. No. 515 Urgency Ord. Authorizing

reading by title only; and, (2) Adopting Ordinance No. 515, An Urgency Ordinance of the Town Council of the Town of Paradise Authorizing An Amendment to the Contract between the Town Council of the Town of Paradise and the Board of Administration of the Public Employees Retirement System. Roll call vote was unanimous. (The ordinance will allow the Town to implement a cost saving, second-tier retirement plan for employees hired after the implementation date).

Amendment to contract between TOP and PERS (540-16-84 & 630-10-09)

Agenda Item 7(b): MOTION by Titus, seconded by Lotter, rejected all of the bids received and opened on January 11, 2011 for the Pearson Road Park and Ride Project and authorize the staff to re-advertise the project. Roll call vote was unanimous.

TC (PW) [APPR] Reject bids for Pearson Road Park & Ride Project and authorize to re-advertise. (950-40-12)

Following a report from Town Manager Rough regarding the request for deeding over a portion of the Paradise Community Village property, Mayor White opened the matter for public comment.

1. Steve Gibson, Executive Director of the Paradise Community Village, discussed the background of the Paradise Community Village Project, stated that the current members involved in the project are very committed to the project, discussed the planning processes accomplished, the funds that have been committed to the project and discussed with Council the various aspects of locating a wastewater treatment plant on the site.

2. Max Barteau, Executive Board Member of the Paradise Community Village, answered questions regarding the placement of the road between the two soccer fields and stated that it was designed around the topography of the site.

3. Loren Harvey asked if the Town was to obtain the property would there be an obligation to build a wastewater system, and if the cost is known.

4. Jon Remalia stated that water treatment technology is very advanced and that he is more concerned with problems in the core area of town and in the Redevelopment Project Area at this time.

5. Diane Graves stated that she is an advocate for the Skate and Bike Park and encouraged Council to continue to support the Paradise Community Village Project.

Agenda Item 7(c): MOTION by DiDuca, seconded by Titus, (1) Approved requesting the Paradise Village Board of Directors to agree and approve the allocation and deeding over of a portion of

TC (P&CD) [APPR] Approve deeding of property with PCV for proposed development of wastewater treatment

the Paradise Community Village (PCV) property (that is not already designated for planned projects) to the Town of Paradise so that the Town can develop a future jobs-based business park as part of the overall Paradise Community Village; and, (2) Approved the Town spearheading the development of a wastewater treatment plant system (on-site or off-site) that serves the wastewater needs of PCV's Phase I projects, as well as eventually the Paradise Community Village as a whole.

plant (760-40-46)

Mayor White called for a ten minute recess at 8:30 pm and reconvened the meeting at 8:38 pm.

Agenda Item 7(d): MOTION by Lotter, seconded by Culleton, authorized the Fire Chief to proceed with the alternative plan outlined in the staff report for the roof project over at Fire Station located at 767 Birch Street and to provide periodic updates to the Town Council. Financial impact is estimated at \$53,622 with funding to be allocated from a combination of budgeted general fund monies and donations. Roll call vote was unanimous.

TC (FACI) [AUTH] Roof project for Fire Station at 767 Birch Street. (280-50-01)

Agenda Item 7(e): Council concurred to set a special meeting on March 10, 2011, at 9:00 am for a Fiscal Year 2011/12 and Fiscal Year 2012/13 Budget Goal Setting Session.

TC (FIN) [CONCU] Set Special Budget Goal Setting meeting, March 10, 2011. (340-10-31 & 340-10-32)

Following a report from Town Manager Rough regarding the proposed Town sponsored business conference, Mayor White opened the matter for public comment.

1. Loren Harvey stated that he thinks customer service is more important than price.

Agenda Item 7(f): Council concurred to set March 17, 2011, from 8:00 am to 12:30 pm for a Town-sponsored "Growing Our Local Economy" Business Conference and Summit to be held at the Cinema 7 Theatres.

TC (ADMIN) [CONCU] Set Town Sponsored "Growing Our Local Economy" for March 17, 2011. (110-30-22)

Agenda Item 7(g): MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-03, A Resolution Opposing Elimination of Redevelopment Agencies in the State of California. Roll call vote was unanimous.

TC (RES) [ADOPT] Res. No. 11-03 Opposing elimination of RDA's in California. (1310-10-07)

Agenda Item 7(h): Council concurred to acknowledge receipt of the Mid-Year State-of-the-Town Progress Report that includes the following: Town Government and Department Progress Reports; FY 2010/11 Mid-year Budget Report; and, the FY 2010/11 Mid-Year Investment Report.

TC (FIN) [ACK] Receipt of Mid-Year progress report of 2010/11 budget and investments. (385-20-37)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Council Member Titus reported that he met with various agencies regarding the Paradise Performing Arts Center; that he met with members of the Paradise Chocolate 'Fest; and that he will be going to San Ramon with the staff this week for a business conference.

Council Member Lotter reported that he attended the Firefighter promotion ceremony; that he and Council Member DiDuca will be meeting with Onsite Sanitary Official Danz regarding the onsite manual update; attended two budget hearings in Sacramento; and complimented public works on the fire break clearing.

Council Member DiDuca reported on his attendance at a USDA Economic Conference and that he facilitated a meeting with Assemblyman Logue, Onsite Official Danz and Public Works Director Schmidt regarding anti-degradation requirements of the California Regional Water Quality Control Board.

Council Member Culleton reported on his attendance at an LCC Policy Committee meeting, the hearings on the governor's proposals for redevelopment agencies, the Firefighter Promotion Ceremony, and the Chocolate Fest Ribbon cutting.

Mayor White reported on his attendance at the Butte County Association of Governments and Butte County Air Quality Management District meetings and his attendance with Council Member Titus at a meeting regarding the Paradise Performing Arts Center.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Agenda Item 9a: Manager Rough reported that there will be a need for a special meeting this month to take precautionary measures to protect the Redevelopment Agency and that he would like the Council to defer the scheduled closed session to the special meeting.

10. CLOSED SESSION

Council concurred to cancel the closed session (a closed session with its negotiators, Charles L. Rough, Jr., Lauren Gill, Gina Will, Dennis Schmidt and Doug Danz to discuss the price and terms to acquire real property from the owner Frank Nichols. The property is

described as follows: Real property located within a 229 acre parcel of real property located south of Town along the side of Skyway within the Blue Oaks Phase III subdivision area, identified as AP #055-540-037.)

11. ADJOURNMENT

The Town Council Meeting was adjourned at 10:20 pm.

APPROVED: March 8, 2011

[Redacted Signature]

ALAN WHITE, Mayor

[Redacted Signature]

JOANNA GUTIERREZ, CMC Town Clerk