

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – MAY 3, 2011**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor White at 6:04 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, and Alan White, Mayor.

COUNCIL MEMBERS ABSENT: Tim Titus.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Assistant Town Clerk Volenski, Finance Director Will, Community Development Director Baker, Public Works Director/Town Engineer Schmidt, Assistant Public Works Director Derr, Associate Engineer Ott, Onsite Official Danz, CDD/PW Project Coordinator Eurotas, Battalion Chief Lawrie and Police Chief Buzzard.

The Chocolate Fest Proclamation was read into the record and presented to the Queen contestants who were at the meeting.

The American Cancer Society "Relay for Life" Proclamation was read into the record and presented to John Hantleman, co-chairman of the event.

Doug Speicher presented the Annual Report of Northern Recycling & Waste Services stating that NRWS is entering into its fifth year of the contract, that things are going well, showed a power point presentation that highlighted the accomplishments of 2010 and discussed the 57% diversion rate being accomplished through citizen and commercial participation in the NRWS curbside service, vegetative waste and the Household Hazardous Waste recycling and waste diversion programs.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Mayor White noted that item 3f was added by addendum; minutes of 4/12/11 were amended.

Agenda Item 3(a): MOTION by DiDuca, seconded by Culleton, approved the Minutes of the April 5, 2011 Regular Meeting; and the April 12, 2011 and April 26, 2011, Special Meeting Minutes. Roll call vote was unanimous with Titus absent and not voting.

TC (MIN) [APPR]
Minutes of 4/5/11; and,
4/12 & 4/26/11
meetings.

Agenda Item 3(b): MOTION by DiDuca, seconded by Culleton approved Cash Disbursements in the amount of \$959,748.84. Roll call vote was unanimous with Titus absent and not voting.

TC (FIN) [APPR] Cash Disbursements in the amount of \$959,748.84. (310-10-27)

Agenda Item 3(c): MOTION by DiDuca, seconded by Culleton, authorized the Town Manager and Mayor to execute Amendment No. 1 to the Agreement for Professional Services between the Town and Lumos & Associates for Materials Testing, Inspection, and Geotechnical Consultant Services to extend contract for an additional one-year term and increase the not-to-exceed cost by an additional \$60,000 for a total compensation not-to-exceed \$120,000. Roll call vote was unanimous with Titus absent and not voting.

TC (AGT) [AUTH] Amendment to agreement with Lumos. (C10-02)

Agenda Item 3(d): MOTION by DiDuca, seconded by Culleton (1) acknowledged receipt of the Planning Commission Annual 1994 Paradise General Plan Housing Element Progress Report for the 2010 calendar year; and, (2) Directed staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development prior to June 1, 2011. Roll call vote was unanimous with Titus absent and not voting.

TC (P&CD) [DIR] Submittal of Annual Housing Element Program Report for 2010 to HCD. (760-40-53)

Agenda Item 3(e): MOTION by DiDuca, seconded by Culleton authorized the Town Manager to execute an Agreement, as approved by the Town Attorney, between Butte County Association of Governments for B-Line Vehicle Washing Operations on Town property located on Cedar Street next to the current B-Line parking area. Roll call vote was unanimous with Titus absent and not voting

TC (AGT) [AUTH] Agt with BCAG for B-Line Vehicle washing on Town property.

Agenda Item 3(f): Added by Addendum. **MOTION by DiDuca, seconded by Culleton,** adopted Resolution No. 11-13, A Resolution of the Town Council of the Town of Paradise Rejecting All Bids Received and Opened on March 24, 2011 for a Fire Engine Custom Pumper for the Town of Paradise Fire Department; and, Authorizing the Town Manager, or designee, to Negotiate The Purchase of A Fire Engine Custom Pumper For Town Council's Approval. Roll call vote was unanimous with Titus absent and not voting

TC (RES) [ADOPT] Rejected bids received for Fire Engine & authorized Manager to negotiate the purchase.

4. PUBLIC HEARING PROCEDURE

Mayor White informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Following a report from Assistant Town Manager Gill regarding the Community Development Block Grant (CDBG) Annual Action Plan

for Program Year 2011-2012 and the 2011-2012 subrecipient funding recommendations regarding grant funding for local organizations, Mayor White opened the public hearing (continued from March 8, 2011) at 6:50 p.m. There were no speakers and Mayor White closed the public hearing at 6:50 p.m.

Agenda Item 5(a): MOTION by Lotter, seconded by DiDuca, (1) adopted the 2011-2012 Subrecipient funding recommendations regarding grant funding for local organizations; (2) Adopted the DRAFT 2011-2012 CDBG Annual Plan as submitted; and, (3) Authorized staff to submit the adopted 2011-2012 CDBG Annual Plan to the U. S. Department of Housing and Urban Development. Roll call vote was unanimous with Titus absent and not voting.

TC (P&CD) [AUTH]
Adopted & authorized
submittal of 2011/12
CDBG Annual Plan to
US Dep't of HUD. (710-
10-11)

6. PUBLIC COMMUNICATION

None.

7. COUNCIL CONSIDERATION

Council Member DiDuca reported to Council regarding the interview process for the nine applicants for the three vacancies on the Paradise Planning Commission and stated that the scores for the top three applicants were consistent amongst the panel members. The panel members were Council Members DiDuca and Titus and Planning Commissioner Bolin.

Agenda Item 7(a): MOTION by DiDuca, seconded by Lotter, (1) Concurred with the recommendation of the Planning Commission Interview Panel; and, (2) Appointed applicant Jody Jones to fill the existing vacancy on the Planning Commission (effective immediately with term to expire June 30, 2013); and, (3) Appointed applicants April Grossberger and Michael Zuccolillo to fill the two upcoming vacancies on the Planning Commission (terms of office will be effective July 1, 2011 through June 30, 2015). Roll call vote was unanimous with Titus absent and not voting.

TC (P&CD) [APPT]
Jody Jones to PC
Vacancy; April
Grossberger & Michael
Zuccolillo to upcoming
vacancies on PC. (760-
45-12)

Agenda Item 7(b): MOTION by Lotter, seconded by Culleton, (1) Concurred with staff's recommendation for L & L Surveying to perform professional land surveying services for updating a topography survey of South Libby Road; and, (2) Authorized the Town Manager and Mayor to execute a Professional Services Agreement with L & L Surveying in the amount of \$5,580.00. Roll call vote was unanimous with Titus absent and not voting.

TC (AGT) [AUTH] L & L
for updating topography
survey for S. Libby Rd.
in the amount of
\$5,580.00 (510-20-29)

Agenda Item 7(c): MOTION by Culleton, seconded by DiDuca, (1) Accepted Bid B from R. J. Heuton Construction Inc., in the amount of \$209,839.10; (2) Authorized the Town Manager and Mayor to execute the Owner-Contractor Agreement for the Pearson Road Park & Ride Project, Federal Aid Project No. CML 5425(021)/CIP Project No. 9362; and, (3) Authorized the Town Manager to approve change orders up to the 10% contingency limit on this project. Roll call vote was unanimous with Titus absent and not voting.

TC (AGT) [AUTH] R J. Heuton for Pearson Rd Park & Ride Project in amount of \$209,839.10. (510-20-30 and 950-40-12)

Council concurred to remove the ordinance proposed to repeal Paradise Municipal Code Chapters 9.24 and 9.28 and adding a New Chapter 9.26 [Weapons or Firearms] to the Paradise Municipal Code from the agenda to be considered at a future meeting.

Special Projects Manager McGreehan presented proposed ordinance documents that would amend the Paradise Municipal Code creating revised and updated chapters pertaining to: the Town Attorney; Fairs, Carnivals and Circuses; Theaters, Tent Show and Playhouses; Fortunetelling; Outdoor Festivals; Onsite Sanitation Systems Operation Evaluators; Diagonal Parking; Parades; and, Oversize and Overweight Vehicles and answered questions from the Council.

Agenda Item 7(d): MOTION by Culleton, seconded by DiDuca, (1) Waived the reading of the five proposed ordinances in their entirety and approved reading by title only; (2) Introduced the following ordinances which titles were read into the record by the Mayor; and, (3) Directed the Town Attorney to draft a summary of the ordinances for publication at least five days prior to date of adoption:

1. Ordinance No. 516, "An Ordinance of the Town of Paradise Amending Chapter 2.06 of the Paradise Municipal Code Relating to the Town Attorney. Roll call vote was unanimous with Titus absent and not voting.

TC (ORD) [INTRO] Ord No 516 - Ch 2.06 re Town Attorney. (540-16-85)

2. Ordinance No. 517, "An Ordinance of the Town of Paradise Repealing Paradise Municipal Code Chapters 5.06, 5.07 and 5.08 and Adding New Chapters 5.06 [Fairs, Carnivals and Circuses], 5.07 [Theaters, Tent Shows and Playhouses], and 5.08 [Fortunetelling] to the Paradise Municipal Code". Roll call vote was unanimous with Titus absent and not voting.

TC (ORD) [INTRO] Ord No 517, Ch 5.06, 5.07 and 5.08 - Fairs, Carnivals & Circuses; Theaters, Tent Shows & Playhouses; and, Fortunetelling. (540-16-86)

3. Ordinance No. 518, "An Ordinance of the Town of Paradise Repealing Paradise Municipal Code Chapter 5.09 and Adding a New Chapter 5.09 [Outdoor Festivals] to the Paradise Municipal Code". Roll call vote was unanimous with Titus absent and not voting.

TC (ORD) [INTRO] Ord No 518 - Ch 5.09, Outdoor Festivals. (540-16-87)

Date: May 3, 2011

4. Ordinance No. 519, "An Ordinance of the Town of Paradise Repealing Paradise Municipal Code Chapter 5.14 and Adding a New Chapter 5.14 [Onsite Sanitation Systems Operation Evaluators] to the Paradise Municipal Code". Roll call vote was unanimous with Titus absent and not voting.

TC (ORD) [INTRO] Ord No 519 - Ch 5.14, Onsite Sanitation Systems Operation Evaluators. (540-16-88)

5. Ordinance No. 520, "An Ordinance of the Town of Paradise Repealing Paradise Municipal Code Chapters 10.08, 10.20 and 10.28 and Adding New Chapters 10.08 [Diagonal Parking], 10.20 [Parades], and 10.28 [Oversize and Overweight Vehicles] to the Paradise Municipal Code". Roll call vote was unanimous with Titus absent and not voting.

TC (ORD) [INTRO] Ord No 520 - Ch. 10.08, 10.20 and 10.28 - Diagonal Parking, Parades & Oversize & Overweight Vehicles. (540-16-89)

Assistant Town Manager Gill reported to Council regarding the Paradise Community Village Joint Infrastructure and Wastewater Treatment Proposal, explained that Phase 1 of the project consists of the development of a 36-unit apartment complex, a skate and park facility, and youth soccer fields and discussed the Town's interest in pursuing a property interest in order to develop a job-based business center and/or business incubator facility, and a wastewater collection and treatment system on the site. Assistant Town Manager Gill introduced Steve Gibson, the Paradise Community Village (PCV) Project Manager. Mr. Gibson gave a brief history of the evolution of the project and introduced the following Phase 1 partners who each explained their agency's role and financial commitment to the project: Dave Ferrier, Community Housing Improvement Program (CHIP); Mike Trinca, Paradise Recreation and Park District (PRPD); and, Max Barteau, Paradise Ridge Youth Soccer Club.

Agenda Item 7(e): MOTION by Culleton, seconded by Lotter, (1) Directed the Town Manager to negotiate receiving certain Paradise Community Village properties, not currently slated for planned projects, in exchange for its contribution to the Paradise Community Village; and, (2) Directed the Town Manager to negotiate terms and enter into a Phase 1 Development Agreement for the joint construction and maintenance of Phase 1 infrastructure improvements, which includes a Town-owned/Town-operated wastewater collection and treatment facility. Roll call vote was unanimous with Titus absent and not voting.

TC (P&CD) [DIR] Town Manager to negotiate for PCV properties & terms of Phase Dev Agt re wastewater facility. (760-40-46)

Agenda Item 7(f): MOTION by DiDuca, seconded by Culleton, (1) Adopted Resolution No. 11-11, "A Resolution of the Town Council of the Town of Paradise Providing for a Summary Vacation of a fifteen-foot wide +/- (15' +/-) Portion of Foster Road; (2) Approved a License Agreement between Joan Pryor (Wagoner), owner of APN 052-224-001, and the Town of Paradise, authorizing the continued use of the

TC (RES) [ADOPT] Res No 11-11, Foster Rd Summary Vacation. **TC (AGT) [APPR]** License Agts with Joan Pryor Wagoner & Bruce Pine. (950-10-23)

existing septic system in the public right of way until such time as the Town demands abandonment; (3) Approved a License Agreement between Bruce Pine, owner of APN 052-224-008, and the Town of Paradise authorizing the continued use of the existing carport in the public right of way until such time as the Town demands removal; and, (4) Concurred with the Planning Director's Determination that this action is categorically exempt from the California Environmental Quality Act (CEQA) and authorized the Planning Director to file a Notice of Exemption for the Summary Vacation with the Butte County Recorder's Office. Roll call vote was unanimous with Titus absent and not voting.

Mayor White called a recess at 8:15 p.m. and reconvened the meeting at 8:25 p.m.

Agenda Item 7(g): Concurred to set June 28, 2011 at 9:00 a.m. as the date and time for a special meeting for the Fiscal Year 2011/2012 & Fiscal Year 2012/2013 Budget Review Meeting.

TC (LEGAL) [SET]
Special Meeting for June 28 at 9 am for budget review. (340-10-32)

Agenda Item 7(h): **MOTION by Lotter, seconded by Culleton,** adopted Resolution 11-12, A Resolution of the Town Council of the Town of Paradise to Establish a Retiree Medical Post Employment Benefits, GASB 45 Trust with Self-Insured Schools of California (SISC). Roll call vote was unanimous with Titus absent and not voting. (The resolution authorizes the establishment of a trust fund to begin funding the unfunded liability relating to future retiree health benefits.)

TC (RES) [ADOPT] Res No 11-12, Retiree Post Employment Benefits GASB 45 Trust with SISC (re unfunded liability of future retiree health benefits). (630-10-22 & 510-20-32)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Vice Mayor Culleton reported on his attendance at the Gold Nugget Luncheon, that he will be attending Legislative Action Days in Sacramento later this month, and will be participating in the League of California Cities 5th Annual Mayor's Cup Golf Tournament in Corning.

Council Member DiDuca reported that he attended the Butte County Water Advisory Committee meeting; the Gold Nugget Luncheon; and, will be attending the Public Safety Seminar for Public Safety Employees at Butte College.

Council Member Lotter reported that he attended a Fire Department staff meeting regarding the proposal for contracting fire services with Cal Fire.

Mayor White reported that he will be attending the Public Safety event at Butte College and that the Forest Highway bids have been pushed back until the road can be seen.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Agenda Item 9(a): Chief Buzzard informed the Council of a Police Department fundraiser for the American Cancer Society "Relay for Life" as the Police Department has a team participating in the event, and that a cookbook titled "Cooking with Cops" consisting of recipes from the men and women of the Paradise Police Department is available for purchase.

10. CLOSED SESSION

At 8:40 p.m. Mayor White announced that: (1) Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will, and Crystal Peters, its designated representatives, regarding labor relations between the Town and the Confidential/Mid-Management Association, the Firefighters' Association, Fire Mid-Management Association, the General Employees Unit, the Management Unit, the Police Mid-Management Association, and the Police Officers Association; and, (2) Pursuant to Government Code Section 54956.9(a), the Town Council will hold a closed session with the Town Attorney regarding the following existing litigation: Lacey Martin vs. Town of Paradise, Case No. 2:08-CV-0231-JAM-EFB, U.S. District Court, Eastern District of California and the related State court action. (Item 2 Added by Addendum)

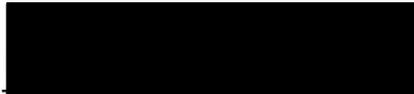
Mayor White reconvened the meeting at 9:20 p.m. and announced that no action was taken in closed session.

11. ADJOURNMENT

Mayor White adjourned the meeting at 9:20 p.m.

~~APPROVED:~~ June 7, 2011


ALAN WHITE, Mayor


JOANNA GUTIERREZ, GMC, Town Clerk