

**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR MEETING - 6:00 P.M. – June 7, 2011**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Vice Mayor Culleton at 6:02 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Council Member DiDuca.

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

**COUNCIL MEMBERS ABSENT:** Alan White, Mayor

**STAFF PRESENT:** Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Public Works Director/Town Engineer Schmidt, Assistant Public Works Director Derr, Onsite Official Danz, Police Chief Buzzard and Interim Fire Chief Cone.

Vice Mayor Culleton presented special commendations to recently retired employees Dennis Ivey, Assistant Town Manager; and Albert McGreehan, Community Development Director, recognizing their dedication and years of service to the Town.

**2. ITEMS DEFERRED FROM PREVIOUS MEETING** – None.

**3. CONSENT CALENDAR**

**Agenda Item 3(a):** MOTION by Lotter, seconded by DiDuca, approved Minutes of the May 3, 2011, Regular Council Meeting. Roll call vote was unanimous with Mayor White absent and not voting. TC (MIN) [APPR] Minutes of the May 3, 2011 Regular Council Meeting.

**Agenda Item 3(b):** MOTION by Lotter, seconded by DiDuca, approved the Cash Disbursements Report in the amount of \$1,245,380.54. Roll call vote was unanimous with Mayor White absent and not voting. TC (FIN) [APPR] Cash Disbursements in the amount of \$1,245,380.54. (310-10-27)

**Agenda Item 3(c):** MOTION by Lotter, seconded by DiDuca, (1) Waived the entire reading of Ordinance No. 516, Ordinance No. 517, Ordinance No. 518, Ordinance No. 519 and Ordinance No. 520 and approved reading by title only. Roll call vote was unanimous with Mayor White absent and not voting.

**(2) MOTION by Lotter, seconded by DiDuca,** adopted 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 Mayor White absent and not voting. (TC) (ORD) [ADOPT] Ord. No. 516 re Town Attorney. (540-16-85)

**(3) MOTION by Lotter, seconded by DiDuca,** adopted 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 Mayor White absent and not voting.

**(TC) (ORD) [ADOPT]**  
Ord. No. 517 re PMC  
Ch. 5.06, 5.07 & 5.08.  
(540-16-86)

**(4) MOTION by Lotter, seconded by DiDuca,** adopted 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 Mayor White absent and not voting.

**(TC) (ORD) [ADOPT]**  
Ord. No. 518 re PMC  
Ch. 5.09. (540-15-87)

**(5) MOTION by Lotter, seconded by DiDuca,** 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 Mayor White absent and not voting.

**(TC) (ORD) [ADOPT]**  
Ord. No. 519 re PMC  
Ch. 5.14. (540-15-88)

**(6) MOTION by Lotter, seconded by DiDuca,** adopted 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 Mayor White absent and not voting.

**(TC) (ORD) [ADOPT]**  
Ord. No. 520 re PMC  
Ch.10.08, 10.20 and  
10.28. (540-15-89)

**Agenda Item 3(d): MOTION by Lotter, seconded by DiDuca,** authorized the Mayor and the Town Manager to execute a third amendment to the agreement between the Town of Paradise and Wal-Mart Real Estate Business Trust. The amendment would require Wal-Mart to deposit an additional \$61,280 to cover the costs of additional services by Town consultants Adrienne Graham, the Town's environmental consultant, and Dowling Associates, the Town's traffic consultant, relating to the Wal-Mart application for a proposed retail shopping center located on Skyway. Roll call vote was unanimous with Mayor White absent and not voting.

**TC (AGT) [AUTH]**  
Amendment to Wal-Mart  
Real Estate Business  
Trust (re EIR & Traffic  
consultant services)  
(C09-09)

**Agenda Item 3(e): MOTION by Lotter, seconded by DiDuca,** authorized the Mayor and Town Manager to execute an amendment to the agreement between the Town of Paradise and Adrienne Graham, the Town's environmental consultant, for professional services relating to the Wal-Mart application for a proposed retail shopping center located on Skyway. Roll call vote was unanimous with Mayor White absent and not voting.

**TC (AGT) [AUTH]**  
Amendment to Adrienne  
Graham (EIR Consultant  
re Wal Mart) (C09-09)

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**Agenda Item 3(f):** MOTION by Lotter, seconded by DiDuca, authorized the Mayor and the Town Manager to execute an amendment to the agreement between the Town of Paradise and Dowling Associates, the Town's traffic consultant, for professional services relating to the Wal-mart application for a proposed retail shopping center located on Skyway. Roll call vote was unanimous with Mayor White absent and not voting.

TC (AGT) [AUTH]  
Amendment to Dowling Associates (traffic consultants re Wal Mart) (C09-09)

**Agenda Item 3(g):** MOTION by Lotter, seconded by DiDuca, rejected all bids received for the 2011 Chip Seal Project (Clark Road from Elliott Road to Central Park Drive). Roll call vote was unanimous with Mayor White absent and not voting.

TC (LEGAL)(RJT) Bids received for 2011 Chip Seal Project. (540-50-01 & 950-40-13)

**Agenda Item 3(h):** None.

**Agenda Item 3(i):** MOTION by Lotter, seconded by DiDuca, adopted Resolution No. 11-14, A Resolution of the Town Council of the Town of Paradise Authorizing Disposal of Certain Town Records Maintained in Storage for the Finance Department Pursuant to Government Code Section 34090. Roll call vote was unanimous with Mayor White absent and not voting.

TC (RES)[ADOPT] Res. No. 11-14, Records Disposal (Finance). 160-20-13)

**Agenda Item 3(j):** MOTION by Lotter, seconded by DiDuca, (1) Declared office furniture, equipment and obsolete office supplies identified in items 1-26 in the attachment to the staff report as surplus property; and (2) Authorized the Assistant Public Works Director to dispose of the items. Roll call vote was unanimous with Mayor White absent and not voting.

TC (FIN)[DEC] Surplus property & disposal thereof. (380-10-03)

**Agenda Item 3(k):** MOTION by Lotter, seconded by DiDuca, (1) Awarded bid for Construction of Base Bid "A" for Groundwater Monitoring Well - Phase I Project to EnProb Environmental Probing in the amount of \$14,480.75 (for seven groundwater monitoring wells in southern drainage basins along public road right of ways); (2) Authorized the Mayor and Town Manager to execute the Owner-Contract Agreement for the Project – Town CIP No 5213.100; (3) Authorized the Town Manager to approve change orders up to the 10% contingency limit on this project; and, (4) Ratified the Ministerial CEQA Exemption for the project (Notice of Exemption dated May 26, 2011). Roll call vote was unanimous with Mayor White absent and not voting.

TC (AGT)[AWARD] EnProb Environmental Probing (seven groundwater monitoring wells). (510-20-33) (960-30-61)

#### **4. PUBLIC HEARING PROCEDURE**

Vice Mayor Culleton announced that there were no public hearings scheduled.

**5. PUBLIC HEARINGS** - None.**6. PUBLIC COMMUNICATION**

Tom Kelley discussed his personal opinion on the medical marijuana issue, that he would like Paradise to be declared a drug free zone, and listed several other issues of concern to him that included traffic and pedestrian safety, information on the AM 1500 radio, and emergency preparedness with regard to his involvement as a Red Cross volunteer, and commended the ham radio operator organization for their participation in a recent Golden Guardian disaster drill.

**7. COUNCIL CONSIDERATION** None.**8. COUNCIL COMMUNICATION (Council Initiatives)**

**Agenda Item 8(a):** Council Member Titus reported that he has had many citizens sharing ideas and thoughts regarding the medical marijuana issues.

Council Member Lotter reported on his participation in the Legislative Action Days in Sacramento and his discussion with Senator La Malfa that included preserving redevelopment, retaining the COPS grant monies, and the plan for shifting and early release of prisoners; his planned attendance at a meeting on June 16 as a member of the League of California Cities (LCC) Public Safety Policy Committee; and, his attendance at the LAFCo meeting.

Council Member DiDuca reported on his attendance at the Memorial Day Ceremony at the Paradise cemetery; and, that he will be meeting with the Knights of Malta who wish to assist the homeless population in Paradise.

Vice Mayor Culleton reported on his attendance at the Memorial Day Ceremony at the Paradise cemetery; the American Cancer Society "Relay for Life" event at the Paradise High School; and, his planned attendance at a meeting on June 16 as an LCC Employee Relations Policy Committee member.

**9. STAFF/COMMISSION/COMMITTEE COMMUNICATION** - None.**10. CLOSED SESSION**

At 6:45 p.m. Vice Mayor Culleton announced that pursuant to Government Code Section 54956.9(a), the Town Council will hold a

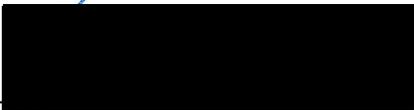
closed session with the Town Attorney regarding the following existing litigation: Lacey Martin vs. Town of Paradise, Case No. 149436 Butte County Superior Court.

Vice Mayor Culleton reconvened the meeting at 6:59 p.m. and announced that direction was given to staff and no action was taken in closed session.

**11. ADJOURNMENT**

Vice Mayor Culleton adjourned the Council meeting at 7:00 p.m.

APPROVED: July 5, 2011



ALAN WHITE, Mayor



JOANNA GUTIERREZ, CMC, Town Clerk

