

MINUTES

PARADISE TOWN COUNCIL

REGULAR MEETING - 6:00 P.M. – June 9, 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 Vice Mayor Culleton.

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

COUNCIL MEMBERS ABSENT: Alan White

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, Assistant Community Development Director Baker, Public Works Director/Town Engineer Schmidt, Fire Chief Haunschild and Police Chief Carrigan.

Agenda Item 1(e): A Proclamation was presented by Mayor Rutledge to Staff Sergeant James Grandinetti in recognition of "U.S. Army Week."

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Agenda Item 3(a): Motion by Lotter, seconded by Culleton, approved Minutes of the May 18, 2009, Special Town Council/Planning Commission Joint Meeting; and, the Minutes of the May 26, 2009, Regular Council Meeting. Roll call vote was unanimous with White absent and not voting.

TC (MIN) [APPR]
Minutes of the 5/18/09
Special and the 5/26/09
Regular Council
Meetings.

Agenda Item 3(b): Motion by Lotter, seconded by Culleton, Approved Check Register in the amount of \$1,201,450.89. Roll call vote was unanimous with White absent and not voting.

TC (FIN) [APPR] Check
Register in amount of
\$1,201,450.89. (310-10-
25)

Agenda Item 3(c): Motion by Lotter, seconded by Culleton, Authorized the Town to accept a \$3,000 donation from Harold P. Flora for Animal Control use (Fund 2070-4540). Roll call vote was unanimous with White absent and not voting.

TC (FIN) [APPR] \$3,000
donation to Animal
Control from Harold P.
Flora. (395-50-11)

Agenda Item 3(d): Motion by Lotter, seconded by Culleton, Adopted Resolution No. 09-19, A Resolution of the Town of Paradise Supporting Extended Producer Responsibility. Roll call vote was unanimous with White absent and not voting.

TC (RES) [ADOPT]
Extended Producer
Responsibility (940-10-
14) (Solid Waste
Management)

4. PUBLIC HEARING PROCEDURE

Mayor Rutledge informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Assistant Community Development Director reported to Council regarding the Planning Commission recommendation for Town Council approval of the rezoning of certain properties from Multiple Family (MF) to Multiple Family, Planned Development combining (MF-PD) zone for a proposed residential subdivision development project identified as RZ-07-1: Mountain Terrace Subdivision, located at the northeast corner of the Buschmann Road/Clark Road [State HWY191] intersection, AP Nos. 050-060-101, 102 and 103. Mr. Baker stated that the project site is approximately 11.5 acres; that the requested rezone is necessary to accommodate the proposed 60 lot residential planned development subdivision; and, that the Planning Commission certified the environmental document and conditionally approved the vesting tentative subdivision map application and the tree felling application for the project.

Mayor Rutledge opened the public hearing at 6:27p.m.

1. Mark Adams from NorthStar Engineering, stated that he is representing the applicant, Cecil Wall, commented on the project and the years of planning involved to make it a desirable project for retirees coming to Paradise who are looking for small, manageable lots, and that during the planning process there have been several constraints regarding placement of the wastewater area, negotiating with neighbors on Gramercy regarding windows in the proposed two-story homes, and discussed the concerns regarding the access driveway out to Clark Road and explained how it ties into the pedestrian walkway connections. Mr. Adams stated that the wastewater treatment plant has been placed in a specific location to maximize the potential use of the property, is similar to the treatment plant at the rural health clinic on lower Skyway, and provided a perspective that shows the view of the plant from the intersection, which will be 6 feet above the intersection with a fence to be placed in front of it.

He further stated that this type of treatment plant could be buried and the control panel would be the only visible part above ground, but there is currently no requirement to do so on this project.

2. Cecil Wall, project coordinator, spoke on behalf of the project, stating that the project will also have to undergo reviews by other Town departments prior to construction, including the Onsite Division, with regard to aesthetics; that he thinks the design of the project addresses the concerns regarding visibility of the wastewater treatment plant, which includes placing a fence around the plant; and, that houses would not sell if the plant was the first thing that is seen. With regard to locating the plant in the drainage area, Mr. Wall stated that if the drainage field does not have to be so large, their intent is to shift the houses that way and increase the lower leach field area; and explained how the 50' setbacks on Buschmann were achieved by moving houses and changing the design. He stated they always intended to provide the pedestrian walkway to tie into the sidewalk; that two story homes along Gramercy will not have upstairs windows looking that way; and, confirmed that the easement for the future Buschmann Road extension would be dedicated to the Town.
3. Lauren Gill, Director of Business & Housing Services, stated that the Design Review Board would be reviewing all design aspects of this project, including screening of the sand filtration system, the fence around the project, and the landscaping.

Mayor Rutledge closed the public hearing at 6:58 p.m.

Discussion was held concerning the placement of the wastewater system and its visibility from Clark or Buschmann Road and Council asked the Town Attorney if they had the ability to add a condition to the project and then approve the rezone tonight. Attorney Moore informed the Council that the conditions are found in the tentative map approved by the Planning Commission, and not in the zoning, and that if they wish to make a change, the Council should proceed to return the project to the Planning Commission for any recommended modification. Staff informed Council that the next Planning Commission meeting is scheduled for June 15, 2009, that the item could be placed on the Planning Commission agenda and then be presented at the Town Council meeting of July 14, 2009.

Cecil Wall stated that he is concerned about any further delays regarding the project, that he thinks the current design addresses the concerns of the Council, and that since the Onsite Division approves the systems, then they will also have a say in determining how the system will be built.

Dennis Schmidt, Public Works Director, stated that the Onsite Manual does not allow any changes to be forced upon a developer based upon aesthetics as the entire manual is set up based on functionality.

Agenda Item 5(a): The MOTION by Culleton, seconded by Rutledge, to send the Mountain Terrace project back to the Planning Commission to add a condition that the proposed wastewater system not be visible from public streets, from either Buschmann or Clark Road, and to direct that the matter be placed on the next Planning Commission agenda and be brought back to Council at its first meeting in July *did not pass*. Ayes of Culleton and Mayor Rutledge, noes of DiDuca and Lotter, White absent and not voting.

The Town Attorney informed Council that they currently have no action and if the Council takes no further action this matter will die.

MOTION by DiDuca, seconded by Lotter, sent the Mountain Terrace project back to the Planning Commission to add a condition that the proposed wastewater system not be visible from public streets, from either Buschmann or Clark Road, and directed that the matter be placed on the next Planning Commission agenda and be brought back to Council at its first meeting in July. Roll call vote was unanimous with White absent and not voting.

TC (P&CD) [DIR]
Mountain Terrace
Subdivision remanded
back to Planning
Commission to add
condition. (750-75-50)

6. PUBLIC COMMUNICATION

None.

7. COUNCIL CONSIDERATION

Agenda Item 7(a): Motion by Lotter, seconded by Culleton, authorized a waiver of all Town of Paradise fees applicable to the Paradise High School Sports Program's residential remodel and raffle project. Roll call vote was unanimous with White absent and not voting.

TC (P&CD) [AUTH] Fee
Waiver for PHS Sports
Program Residential
Remodel & Raffle Pjt.
(740-10-10) (1150-20-01)

Agenda Item 7(b): Motion by DiDuca, seconded by Lotter, (1) Approved the project scope for the 2009 Overlay Project No. 1 that was approved by the BCAG Board for funding from the American

TC (PW) [APPR]
Scope of 2009 Overlay
Project for ARRA
funding. (950-40-14)

Recovery and Reinvestment Act of 2009 (ARRA) federal stimulus package; (2) Authorized the Town Engineer to submit Request for Authorization to Caltrans for approval; and, (3) Concurred with the Town Planning Director's CEQA finding of categorical exemption. Roll call vote was unanimous with White absent and not voting.

8. COUNCIL COMMUNICATION (Council Initiatives)

Council Member Culleton stated that he attended Budget Action Days in Sacramento; attended Assembly Floor Session regarding AB155 allowing cities to file bankruptcy; attended Relay For Life this past weekend at Paradise High School which raised \$124,000 to date, that the Town of Paradise Cancer Awareness Team (TOPCAT) worked with the Boys and Girls Club for the event and the Boys and Girls Club participants were extremely helpful; and, that he plans to attend the Constitutional Convention in Sacramento on July 16 & 17.

Council Member DiDuca stated that he attended Butte County Planning Committee Housing Needs Assessment Program, that only 36% of homeless people have shelter, that certain zoning was suggested to build shelters, that 3,400 housing units are needed for all available housing, 1,200 being low income; and inclusionary zoning in zoning laws met with resistance.

Council Member Lotter stated that he attended the League City Budget Action Days in Sacramento; met with Assemblyman Jim Nielsen, Vice Chair of Assembly Budget Committee and discussed importance of not allowing state to borrow our funds; talked with Sam Aanestad's Chief of Staff, League Lobbyist and League Consultant for Minority Budget Committee, and also met with Ken Cooley, Councilman for Rancho Cordova. LAFCo meeting approved the Park District MSR's and they also recommended change of Sphere for Paradise Recreation District to handle the Concow, Yankee Hill areas instead of Feather River District; and, attended the Relay for Life Event and walked from 11:00 p.m. -12:00 a.m.

Mayor Rutledge congratulated Manager Rough on his recent marriage; that she was impressed with Relay For Life event and walked from 10-11p.m.; attended Butte County Area Government Public Hearing regarding Butte County Transit fee increases, and the proposed fee increase was reduced to a 20% increase to reduce the impact to the public; attended the RDA Advisory Committee where consultants presented recommendations for the Downtown Master Improvement plan, and that each committee member voted for their preferred alternative plan. The committee will tally the votes and reveal them at the next meeting and the preliminary draft will be

presented in September. A preliminary presentation will be made to the full Council prior to the plan being presented to the RDA.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager Rough announced that they are working non-stop on the budget and are holding meet and confer meetings with each employee unit. The budget the Council is presenting will look considerably different from past budgets, and requested the Council allow the budget to be made available to them on Wednesday, June 17 which allows 10 days for review.

10. CLOSED SESSION

None.

11. ADJOURNMENT

MOTION by Lotter, seconded by Culleton, adjourned the Regular Council Meeting at 8:10 p.m. Council vote was unanimous with White absent and not voting.

APPROVED: June 23, 2009


FRANKIE RUTLEDGE, Mayor


JOANNA GUTIERREZ, CMC, Town Clerk