

MINUTES

PARADISE TOWN COUNCIL

REGULAR MEETING - 6:00 P.M. – July 14, 2009

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Rutledge 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 White.

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, Assistant Community Development Director Baker, Community Development Project Coordinator Eurotas, Human Resources Manager Farrell, Assistant Public Works Director Derr, Fire Marshall Jensen, Police Lieutenant Buzzard, Fire Chief Haunschild, and Police Chief Carrigan.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Agenda Item 3(a): Motion by White, seconded by Culleton, Approved Minutes of the June 23, 2009, Regular Council Meeting and the June 26, 2009, Special Council Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of the June 23, 2009 Regular Mtg and June 26, 2009 Special Mtg.

Agenda Item 3(b): Motion by White, seconded by Culleton, Approved Check Register in the amount of \$1,152,716.12. Roll call vote was unanimous.

TC (FIN) [APPR] Check Register in amount of \$1,152,716.12. (310-10-25)

Agenda Item 3(c): Motion by White, seconded by Culleton, Authorized the Mayor to sign thank you letters to John Remalia from Wildfire Solutions and Keith Welch from California Conservation Corps for their brush clearing work to provide defensible space and protection for the fiber optic cables on Pentz Road in the event of a wildland fire. Roll call vote was unanimous.

TC (HS&W) [AUTH]
Thank you letters to Wildfire Solutions and CCC for brush clearing work on Pentz Rd. (440-60-07)

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Agenda Item 3(d): Motion by White, seconded by Culleton, Authorized the acceptance of a \$680.03 donation from Don Flora to the Police Department for the purchase of a Public Address/Radio system for the DUI/Mobile Command Center. Roll call vote was unanimous.

TC (FIN) [APPR]
\$680.03 donation to
Police Dept. from Don
Flora. (480-35-01)

Agenda Item 3(e): Motion by White, seconded by Culleton, Ratify the Town Manager's execution of the revised Private Industry Council Workforce Investment Act Youth Employment Services Training Agreement. Roll call vote was unanimous.

TC (AGT) [AUTH]
Revised Private Industry
Council – Youth
Employment Agreement.
(C09-10)

Agenda Item 3(f): Motion by White, seconded by Culleton, Approved the recommended amendment to the Town Manager's current employment agreement that: (1) Eliminated his Administrative Leave compensation for Fiscal Year 2009/10; (2) Established for Fiscal Years 2009/10 and 2010/11 that the Town Manager shall pay 50% of the employee share of his PERS contribution; (3) For Fiscal Years 2009/10 and 2010/11 reduced his car/cellular monthly allowance from \$400 to \$200 per month; and (4) Authorized the Mayor to execute the Town Manager's revised employment agreement on behalf of the Town (for an estimated total cost savings of \$14,861 for fiscal year 2009/10 and \$7,072 for fiscal year 2010/11). Roll call vote was unanimous.

TC (AGT) [APPR]
Amended Town
Manager Services
contract for Fiscal years
2009/10 & 2010/11.
(C96-08)

Agenda Item 3(g): Motion by White, seconded by Culleton, Approved the new job description for the Fire Marshal/Building Official position. Roll call vote was unanimous.

TC (PERSO) [APPR]
Job Description for Fire
Marshal/Building Official
(610-10-140)

Agenda Item 3(h): Motion by White, seconded by Culleton, Approved the recommended amendment to the Town Clerk's current employment agreement to reduce certain benefits during the Town's current fiscal emergency for Fiscal Year 2009/2010 as follows: (1) Eliminate paid administrative leave; (2) Reduce the car/cell phone allowance by 50%; (3) Established that the Town Clerk pay 50% of the employee share of the PERS contribution; and, (4) Authorized the Mayor to execute the amended employment agreement (for an estimated total cost savings of \$11,000 for fiscal year 2009/10). Roll call vote was unanimous.

TC (AGT) [APPR]
Amended Town Clerk
Services contract for
Fiscal year 2009/10.
(C06-11)

4. PUBLIC HEARING PROCEDURE

Mayor Rutledge informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Assistant Community Development Director Baker reported to Council regarding the Planning Commission recommendations 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 ± 11.47 acres into ± 60 lots and ± 3 parcels owned "in common", identified as RZ-07-1: Mountain Terrace Subdivision, located at the northeast corner of the Buschmann Road/Clark road [State HWY 191] intersection, AP Nos. 050-060-101, 102 and 103. Mr. Baker stated that the public hearing on June 9, 2009 resulted in concern regarding the potential appearance of the clustered onsite wastewater sewage and disposal system located at the southwest corner of the property and a determination that there was no actual condition attached to the subdivision specifically concealing the system from the traveling public. In order to address the concerns the matter was referred back to the Planning Commission for reconsideration. On June 11, 2009 the project applicant filed a minor modification to the conditions of the Planning Commission approved tentative subdivision map, and the Planning Director acted on the application and approved the additional condition of approval in an attempt to address the concerns of the Town Council.

Mayor Rutledge opened the public hearing at 6:10 p.m.

1. Cecil Wall, project applicant, proposed that the Town Council take over the maintenance of the wastewater system and also discussed the additional fees charged for the modification application.

Town Manager Rough stated that the Town was not set up to accommodate such a request at this time.

Mayor Rutledge closed the public hearing at 6:15 p.m.

Agenda item 5(a): Motion by Lotter, seconded by Culleton, (1) Concurred with the project [Mountain Terrace Subdivision] "CEQA determination" findings adopted by the Planning Commission on May 14, 2009, and embodied within the May 14, 2009, Planning Commission Minutes; (2) Waived the reading of entire Ordinance No. 493 and approved reading by title only; and (3) Introduced Ordinance No. 493, "An Ordinance Rezoning Certain Real Property From MF (Multiple Family Residential) to MF-PD (Multiple Family Residential/Planned Development Combining) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 et. seq. [RZ-07-1: Mountain Terrace Subdivision]. Roll call vote was unanimous.

TC (ORD) [INTRO] Ord.
493. Rezone from MF to
MF-PD (RZ-07-1)

6. PUBLIC COMMUNICATION

1. Tom Kelly commented on the recommendation of the Butte County Grand Jury report regarding the wild fire safety considerations for the General Plan, stated that there are different fire naming policies within the region that are confusing, and that he also has concerns about accessibility with the bridge at Whiskey Flats because it is falling apart and if there was a fire, the access would be extremely limited if possible at all.
2. Michael Larmore, Paradise resident, is concerned about the citations and fines he has received for removable post encroachments and storage containers at his residence on Neal Road and requested the fines be waived.

Town Attorney Moore informed Mr. Larmore that the Council has no authority to waive any fines due to legal Town Ordinances that have been established.

7. COUNCIL CONSIDERATION

Agenda Item 7(a): Motion by White, seconded by Lotter, Adopted Resolution 09-30, A Resolution of the Town Council of the Town of Paradise Authorizing Solicitation and Acceptance of Grant Funding from the United States of America, Department of Justice; Recovery Act: Justice Assistance Grant Program-2009. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. 09-30, Authorize
and Accept Grant from
JAG-2009. (480-20-08)

1. Tom Kelly, expressed his concern with changing the time of Council meetings to earlier than 6:00 p.m. and said that it would inhibit the ability of the public to attend due to employment obligations.

Agenda Item 7(b): Motion by Culleton, seconded by White waived the reading of entire Ordinance No. 494 and approved reading by title only; and, (2) Introduced Ordinance No. 494, An Ordinance Amending Section 2.08.010 of the Paradise Municipal Code related to Paradise Town Council Meetings (changes meeting date to once a month on the second Tuesday at 6:00 p.m.). Ayes of Culleton, DiDuca, White, and Mayor Rutledge and no of Lotter.

TC (ORD) [INTRO] Intro
Ord. 494 changing Town
Council meetings to
once a month on second
Tuesday at 6:00 p.m.

Agenda Item 7(c): Motion by Lotter, seconded by DiDuca, Adopted Resolution No. 09-31, "A Resolution of the Town Council of the Town of Paradise Authorizing the Submittal of an Application to the California State Department of Housing and Community

TC (RES) [ADOPT]
Res. No. 09-31 submit
application for HOME
Investment Partnerships
Program. (710-10-64)

Development for the Funding under the HOME Investment Partnerships Program; the execution of a Standard Agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the HOME Investment Partnerships Program." Roll call vote was unanimous.

Agenda Item 7(d): Council concurred to support Assembly Bill 715 to provide for the posting of adopted ordinances on an official internet website in lieu of publishing in a local newspaper and (1) Directed the Town Clerk to draft a letter to forward to the California Senate Local Government Committee and to Assemblywoman Anna Cabellero, author of AB 715; and, (2) Authorized the Mayor to sign the letter on behalf of the Town Council.

TC (LEG) [CONCU]

Send letter in support of AB 715 to Senate Local Govt. Cmte and Assembly Member Cabellero.

8. COUNCIL COMMUNICATION (Council Initiatives)

Vice Mayor Culleton attended the Tourism Round Table where they discussed working with Chamber/Visitors Bureau to bring events to the area. Currently there are two events, the Mudskipper and Paradise Adventure Relay that have legs in Paradise. The Sacramento Valley Division League of California Cities will be having their division meeting in Paradise on July 24 at Chapelle de L'Artiste. Several local businesses have participated in providing items for the welcome packets for the participants and announced that AB155 regarding bankruptcy for local agencies is not moving forward due to Senators stalling the progress of the bill. The League is encouraging cities to write letters of thanks to the Senators for their efforts.

Council Member DiDuca attended the July 4th Event at the Paradise Community Park and heard great reviews about the event; attended the Thursday night market, and attended the Paradise Performing Arts Center meeting.

Council Member Lotter attended the LAFCo meeting where they approved Paradise Park and Recreation Municipal Service Review; attended July 4th event at Paradise Community Park; and attended Planning Commission Design Guideline Standards Workshop.

Council Member White attended the Butte County Area Government meeting and the Butte County Air Quality Management District and stated that the District is moving forward on the woodstove usage in the Chico Urbanized area and are dealing with a Federal Omission challenge; attended Paradise Community Village (PCV) meeting where two maps were submitted, one from CHIP for first phase housing project and one from Paradise Ridge Youth Soccer Club regarding their soccer field and PCV is nearing completion of the tentative subdivision map.

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Mayor Rutledge commented on the July 4th Bluegrass Festival and quilt show which was a successful event due to all the community participation. The event may become an annual event sponsored by the Town with local service organizations willing to participate next year. The 30th Anniversary Celebration will conclude in November with an event yet to be determined.

Agenda Item 8(b): Motion by White, seconded by DiDuca, (1) Authorized Council Member(s) attendance at the 2009 League of California Cities Annual Conference September 16-18, 2009, in San Jose, California, not to exceed the \$3,500 budgeted amount; and, (2) Designated Steve "Woody" Culleton as a voting delegate and Joe DiDuca and Scott Lotter as alternate voting delegates to participate in the LCC Annual Business Meeting; and, (3) Authorized the Town Clerk to complete the Voting Delegate form and return to the League office no later than Friday, August 21, 2009. Roll call vote was unanimous.

TC (FIN) [AUTH] Assign VM Culleton as Delegate at 2009 LCC Annual Conference and Authorize Clerk to submit form. (150-50-64)

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager Rough informed that he is attending the Local Government Summit on Governance and Fiscal Reform in Sacramento on Friday, July 17, and Saturday night at 6:00 p.m. the Town and Paradise Fire Safe Council are holding a "Fire on the Ridge" fire safe awareness event at the CMA Church.

10. CLOSED SESSION

None.

11. ADJOURNMENT

MOTION by Lotter, seconded by White, adjourned the Council Meeting at 7:44 p.m. Council vote was unanimous.

APPROVED: July 28, 2009


FRANKIE RUTLEDGE, Mayor


JOANNA GUTIERREZ, CMC, Town Clerk