

MINUTES

PARADISE TOWN COUNCIL

REGULAR MEETING - 6:00 P.M. – November 10, 2009

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Rutledge 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 Council Member DiDuca

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, Human Resources Manager Farrell, Public Works Director/Town Engineer Schmidt, Assistant Town Clerk Volenski, Fire Marshall Jensen, Fire Chief Haunschild and Police Chief Carrigan.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Agenda Item 3(a): Motion by Lotter, seconded by White, Approved Minutes of the October 13, 2009 Regular Council Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of the Oct. 13,
2009 Regular Meeting

Agenda Item 3(b): Motion by Lotter, seconded by White, Approved Check Register in the amount of \$1,727,418.04. Roll call vote was unanimous.

TC (FIN) [APPR] Check
Register in amount of
\$1,727,418.04 (310-10-
25)

Agenda Item 3(c): Motion by Lotter, seconded by White, Authorized the acceptance of an annuity from a Paradise resident, who wishes to remain anonymous, to be used to support the Paradise Police and Fire Departments. Roll call vote was unanimous.

TC (FIN) [AUTH]
Anonymous Annuity
donated to Police and
Fire. (395-50-11)

Agenda Item 3(d): Motion by Lotter, seconded by White, Approved the annual fall burn period for residential yard clean-up from November 16, 2009 to December 19, 2009. Roll call vote was unanimous.

TC (HS&W) [APPR]
Annual fall burn period
from Nov. 16, 2009 to
Dec. 19, 2009. (440-05-
14)

Agenda Item 3(e): Motion by Lotter, seconded by White, Approved Saturday, December 5, 2009 at 5:30 p.m. as the date and time for the Town of Paradise's third annual Christmas Tree Lighting Ceremony at Paradise Community Park. Roll call vote was unanimous.

TC (REC) [APPR] 3rd
Annual Christmas Tree
Lighting at Paradise
Community Park. (1050-
30-02)

4. PUBLIC HEARING PROCEDURE

Mayor Rutledge informed the public there were no public hearings scheduled.

5. PUBLIC HEARINGS

None.

6. PUBLIC COMMUNICATION

None.

7. COUNCIL CONSIDERATION

Fire Marshall Jensen made a presentation providing information regarding the proposed Fire Department Transition Plan. The plan consisted of reducing the number of open fire stations to two except in cases of Red Flag Days, adverse weather condition or other times of necessity, changing the staffing levels of fire engines from two personnel to three personnel allowing for a minimum daily staffing level of six personnel and providing the Town Council with a quarterly update to provide information about the status of the Transition Plan and if the anticipated goal is being met.

At 8:10 p.m. Mayor Rutledge opened the meeting to public comment:

1. Gary Shallenberger, 6019 Hazel Way, lives close to South Libby and is concerned about the fire station closure and response time to the residents in the south part of town.
2. David Kensinger, 1380 Kerr Lane, does not want to see Station 2 close and also is dissatisfied that there are only two firefighters per engine.
3. John Remalia from Wildfire Solutions, is concerned that the Town has two man engines which puts the firefighters at risk and that now is the time to remedy this since the money problems are not going away and suggested the Town and County could expand their volunteers program.

4. Rob Robertson, Wolf Lane, is against the fire station closure, is concerned with only having two engines available which could limit the ability of the Fire Department to serve the citizens of the Town in an effective manner.
5. Tom Kelly, Paradise resident, thanked the fire service for their work in the past years and asked what could be done to assist the Fire Department.
6. Dave Goff, Nielson Drive, inquired about the number of rescue units the Town has and if it would be possible to add another rescue vehicle to assist the Fire Department with medical calls.

Mayor Rutledge closed the public comments at 8:20 p.m.

Agenda Item 7(a): Motion by Culleton, seconded by Lotter, Approved the following actions regarding staffing models and fire station locations & resources deployment:

TC (HS&W) [APPR] Fire
Department Transition
Plan and Staffing
Models (440-05-13)

Proposed Transition Plan – Staffing Models

1. Abolished two Division Chief Positions.
2. Approved three new – Battalion Chief Positions (56-hour shift positions) and new job descriptions.
3. Possible establishment of an Assistant Fire Chief position pending a one year evaluation for the need of such position.
4. Eliminated three Captain positions and replace two of them with Firefighter positions.
5. Abolished the existing Firefighters list as inadequate and authorize the immediate testing for two vacant firefighter positions that were created by the vacancies at the Captain level and once established fill the Firefighter positions (expected by February 28, 2010).
6. Authorized the immediate testing of Fire Captain to establish an eligibility list good for two-years in accordance with the current MOU with the Paradise Firefighters Association using the current approved Fire Captain job description.

7. Authorized the current Engineers list to remain in effect until July 1, 2010 and then re-test for Engineers establishing an eligibility list for two years in accordance with the current MOU with the Paradise Firefighters Association using the current approved Fire Engineer job description.
8. Completed the implementation plan for staffing by February 28, 2010 and the station reduction by April 1, 2010.

Proposed Transition Plan – Fire station locations & Resource Deployment

1. Authorized the Standards of Cover plan for a one year evaluation period reducing from three fire stations to two except in times of Red Flag days, known adverse weather conditions or other times deemed appropriate by the Fire Chief and report back to the Council quarterly on the progress and impacts observed in the transition.
2. Authorized a station and apparatus renumbering change for the fire stations and apparatus two and three.
3. Recognized the need and future planning for a fire station in the south-east area of Paradise.
4. Authorized the minimum staffing level of fire engines to three personnel allowing for a minimum daily staffing level of six personnel.
5. Authorized staff to discuss, negotiate and bring back to Council an automatic aid agreement or other strategy that works to resolve the imbalance of services provided by the Town of Paradise to the Southeast portion of Town limits within Cal-Fire's jurisdiction.

Roll call vote was unanimous.

Agenda Item 7(b): Motion by Lotter, seconded by Culleton, Approved the appointment of Fire Division Chief Chris Jensen as Acting Fire Chief, effective December 31, 2009, for a period of one-year at a salary of \$84,468.80 annually; and in addition, approved his continuing as Fire Marshal/Building Official in charge of the Community Safety Services Division during that one-year period. Roll call vote was unanimous.

TC (ADMIN) [APPR]
Approve Fire Division
Chief Jensen as Acting
Fire Chief for one-year.
(610-10-14)

Agenda Item 7(c): Deleted.

Agenda Item 7(d): Motion by Lotter, seconded by Culleton, Approved individual employment contracts associated with prior retired annuitants returning to work 960 hours or less per fiscal year for Dennis Ivey, Albert McGreehan, and Stephen Rowe as follows:

TC (AGT) [APPR] 960
Contracts with Dennis Ivey, Albert McGreehan, Stephen Rowe.

1. Approved the authorized contract for services covering the Period from January 1, 2010 through June 30, 2011 Between the Town of Paradise and Dennis Ivey. Roll call vote was unanimous.

TC (AGT) [APPR] 960
Contract with Dennis Ivey. (C09-25)

2. Approved the authorized contract for services covering the Period from January 1, 2010 through June 30, 2011 Between the Town of Paradise and Albert McGreehan. Roll call vote was unanimous.

TC (AGT) [APPR] 960
Contract with Albert McGreehan.(C09-26)

3. Approved the authorized contract for services covering the Period from January 1, 2010 through December 31, 2010 Between the Town of Paradise and Stephen Rowe. Roll call vote was unanimous.

TC (AGT) [APPR] 960
Contract with Stephen Rowe. (C09-27)

Agenda Item 7(e): Manager Rough presented the Report and Recommendations to the Town of Paradise/Butte County Ad Hoc Committee concerning three different alternative plans to provide additional fire prevention, emergency preparedness and/or fire protection improvements for our high risk area. The different options included:

TC (HS&W) [CONCU]
TM to bring back suggested plans comparing public safety tax versus fire assessment district (440-60-17)

- (1) Determining that Alternative Plan A is the preferable plan and, based on the Butte County Board of Supervisor's concurrence with this alternative at their late January or early February board meeting, directing the Town Manager to coordinate with the County to set up a joint public meeting between the Paradise Town Council and the Butte County Board of Supervisors; **or,**
- (2) Determining that Alternative Plan B is the preferable plan and, based on the Butte County Board of Supervisor's concurrence with this alternative at their late January or early February board meeting, directing the Town Manager to coordinate with the County to set up a joint meeting between the Paradise Town Council and the Butte County Board of Supervisors; **or,**
- (3) Determining that Alternative Plan C is the preferable plan and directing the Town Manager to come back with a more detailed Plan C, including more precise costs associated with the Mello Roos Community Facilities District (CFD) and election; or, come back with a variation of Alternative Plan C.

At 9:35 p.m. Mayor Rutledge opened the meeting to public comment:

1. Gary Shallenberger, Paradise resident, favors Plan B and thinks the Butte County Board of Supervisors will support the Plan and asked the Council to move forward to make this happen.
2. David Kensinger, Paradise resident, supports this and believes that people would be willing to pay for services to protect their property.
3. Tom Kelly, Paradise resident, stated that the major fires have started outside of Paradise within in the County and the County's job is to protect the entire area, but the County needs to buy into the whole concept, is willing to pay for the protection and thinks there should be a sunset clause.
4. Delphia, asked if the Community Facilities District (CFD) is just for fire services since it is described as a Facility District.

Town Manager Rough clarified that the CFD is for services and facilities such as Fire and Police, but the Town is currently researching the most effective way to pursue the CFD.

5. Dave Goff stated that the annual dollar amounts seem reasonable, and he supports voting for the tax, but does not support the Mello-Roos District.

Town Manager Rough explained that a Mello-Roos District is designated for a very specific purpose and specific cost and once voted in cannot be changed without voter approval.

Mayor Rutledge closed the public comments at 9:50 p.m.

The Council concurred to direct the Town Manager to bring suggested plans back to the Council meeting in January providing a matrix comparing a public safety tax to a Mello-Roos Community Facilities District (CFD), comparing public safety versus fire assessment district, the cost associated with each option and keep the options open to work with the County.

Agenda Item 7(f): Motion by White, seconded by Lotter, approved the request of the Paradise High School Ecology & Sustainability Club and the Green Academy, under the direction of teacher Wendy Marsters, to adopt a portion of the Paradise Memorial Trailway from Maxwell Drive to Elliott Road for the purpose of a

TC (SPEC) [APPR] PHS Ecology & Sustainability Club adopted a portion of Memorial Trailway (1150-20-01)

continued clean-up project for the Town of Paradise. Roll call vote was unanimous.

Agenda Item 7(g): Motion by Lotter, seconded by DiDuca, Approved an amendment to the agreement between the Town of Paradise and Wal-Mart Real Estate Business Trust relating to the processing of Wal-Mart's application for development of certain real property located adjacent to the Town of Paradise within the County of Butte, California to extend time period for payment of \$125,000 from November 12, 2009 to April 19, 2010. Roll call vote was unanimous.

TC (AGT) [APPR]

Amended and Extended
Walmart payment of
\$125,000 from 11/12/09
to 04/19/10. (760-10-40
& C09-09)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8(a):

Council Member White announced that Butte County Association of Governments (BCAG) and the Butte County Air Quality Management District (BCAQMD) meetings were cancelled for November, two grants have been applied for through BCAG for the Park and Ride on Pearson and a signal at Recreation and Pearson Road and the Paradise Community Village meeting is scheduled for Thursday at 2:30.

Council Member Lotter attended LAFCo meeting where they discussed Sphere of Influence issues, attended Volunteer Firefighter Spaghetti Dinner, Tri Counties Economic Development Center is now known as Three Core, and since the Norton Buffalo memorial was sold out an additional performance has been set up in his honor.

Vice Mayor Culleton will attend Veterans event tomorrow, has garbage committee meeting with Town and informed the public that a free vegetative waste day is scheduled for November 14, 2009.

Mayor Rutledge reminded everyone of the 30th Anniversary Celebration event on Saturday, November 21 and that she went on a ride along with the first VIPS who were trained on the new radar program to observe the accuracy of the program.

Agenda Item 8(b): Council concurred to appoint Mayor Rutledge as the alternate for the Butte County Air Quality Management District Board effective 1/1/2010 when the law changes to allow for alternate positions and set a Council Policy that the Butte County Association of Government alternate will automatically serve as the Butte County Air Quality Management District alternate.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

None.

At 10:25 p.m. Mayor Rutledge adjourned the Council Meeting to convene a meeting of the Paradise Redevelopment Agency. Mayor Rutledge reconvened the Council Meeting at 10:28 p.m.

10. CLOSED SESSION

At 10:29 p.m. Mayor Rutledge announced that pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Dennis Ivey, Denise Farrell and Gina Will, its designated representatives, regarding labor relations between the Town and the Paradise Police Officers Association; and the Paradise Firefighters' Association.

Mayor Rutledge reconvened the Town council Meeting at 10:40 p.m.

Agenda Item 10(a1): Motion by Lotter, seconded by Culleton, Adopted Resolution No. 09-63, A Resolution Adopting the "Memorandum of Understanding Covering the Period from July 1, 2009 through October 31, 2012 Between the Town of Paradise and the Police Officers Association", and authorized agreement, subject to final review by the Town Attorney. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No 09-63 MOU
between TOP and POA
(640-20-01, 630-10-08,
& 630-10-17)

Agenda Item 10(a2): Motion by Lotter, seconded by Culleton, Adopted Resolution No. 09-64, A Resolution of the Town Council of the Town of Paradise, California, for Employer Paid Member Contributions (Town of Paradise Police Officers Association)". Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No 09-64 TOP
EPMC for the POA (640-
20-01, 630-10-08, &
630-10-17)

11. ADJOURNMENT

MOTION by White, seconded by Lotter adjourned the council meeting at 10:45 p.m. Council vote was unanimous.

APPROVED: December 8, 2009


FRANKIE RUTLEDGE, Mayor


JOANNA GUTIERREZ, CMC, Town Clerk