

## MINUTES

### PARADISE TOWN COUNCIL

#### REGULAR MEETING - 6:00 P.M. – December 8, 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 Mayor Rutledge.

**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, Community Development Director McGreehan, Assistant Community Development Director Baker, Human Resources Manager Farrell, Fire Marshal Jensen, Police Lieutenant Buzzard, Fire Chief Haunschild and Police Chief Carrigan.

**Agenda Item 1(e):** Mayor Rutledge delivered a State of the Town Address highlighting the past year which began in January 2009 with Alice Smith's "100<sup>th</sup>" Birthday Party Celebration. The Town also celebrated its "30<sup>th</sup> Anniversary of Incorporation" with three events beginning with a "Meet and Greet your Public Safety Officers" kick-off barbeque hosted by the Police Officers and Firefighter's Associations, July 4<sup>th</sup> was the second celebration with a Bluegrass Music Festival and Quilt Show which was attended by approximately 1,500 people and the highlight of the 30<sup>th</sup> Anniversary Celebration was on November 21<sup>st</sup> at the Senior Center with over 200 attendees hearing about the history of the Town.

Mayor Rutledge stated that the past year was one of the most difficult budget years due to the economic decline throughout the Country and that thanks to past conservative budgeting, personal sacrifices from all the employee units, and some drastic actions taken by the Town Council the Town has substantially reduced this year's deficit and improved the financial condition for the next fiscal year.

Mayor Rutledge mentioned the many things accomplished this past year including:

The Public Works Award received from American Public Works Association for the Skyway/Wagstaff Project; the Town hosting the League of California Cities Sacramento Division meeting at Chapelle de L'Artiste with 50 out of town people attending; conducting a session on Emergency Planning & Preparation at the Annual League of California Cities Conference; training, certifying and swearing in 57 Volunteer Citizen Emergency Disaster Service Workers; completing the first phase (Upper Clark Road) of a three-phase \$1.5 million Federal Stimulus funded repaving project; Redevelopment Agency (RDA) contributing \$380,000 to PID's completed water main and water line upgrades on Skyway from Wagstaff to

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Maxwell; RDA contributing \$74,000 to Paradise Recreation and Park District to secure one of the grants funding the current Terry Ashe Park Recreation Center improvements; Fire Station #3 remodel was completed and is fully operational; RDA Downtown Capital Projects Master Plan has been completed and will be coming to the Council in January for final approval; and, the Town receiving \$900,000 in Cal-Home grant funding and approval of \$800,000 HOME grant, and finally, the approval of the transition plan for the reorganization of the Fire Department.

Town Manager Rough presented Mayor Rutledge with a plaque recognizing her dedication and service as the Mayor to the Town of Paradise.

**Agenda Item 1(f):** Town Clerk Gutierrez opened nominations for the selection of Mayor for a one-year term beginning December 8, 2009 and ending December 7, 2010.

Mayor Rutledge nominated Scott Lotter.

**Motion by White, seconded by Culleton,** closed the nominations. Roll call vote was unanimous.

**TC (LEGAL) [ACK]**  
Closed Nomination for Mayor.

Roll call vote on Scott Lotter: Ayes of Culleton, DiDuca, Rutledge and White, and abstention by Lotter. Scott Lotter was selected to serve as Mayor for a one-year term beginning December 8, 2009, and ending December 7, 2010.

**TC (LEGAL) [ACK]**  
Selected Scott Lotter to serve as Mayor for a 1-year term. (580-30-01)& (180-35-12)

Town Clerk Gutierrez turned the meeting over to Mayor Lotter for selection of Vice Mayor for a one-year term.

**Agenda Item 1(g):** Mayor Lotter opened nominations for the selection of Vice Mayor for a one year term beginning December 8, 2009 and ending December 7, 2010.

Council Member White nominated Joe DiDuca.

**Motion by Rutledge, seconded by White,** closed the nominations. Roll call vote was unanimous.

**TC (LEGAL) [ACK]**  
Closed Nomination for Vice-Mayor.

Roll call vote on Joe DiDuca: Ayes of Culleton, Rutledge, White and Mayor Lotter and abstention by DiDuca. Joe DiDuca was selected to serve as Vice-Mayor for a one-year term beginning December 8, 2009, and ending December 7, 2010.

**TC (LEGAL) [ACK]**  
Selected Joe DiDuca to serve as Vice-Mayor for a 1-year term. (580-30-01)&(180-35-12)

## **2. ITEMS DEFERRED FROM PREVIOUS MEETING**

None.

**3. CONSENT CALENDAR**

**Agenda Item 3(a):** Motion by White, seconded by DiDuca, Approved Minutes of the November 10, 2009 Regular Council Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]  
Minutes of the Nov. 10,  
2009 Regular Meeting

**Agenda Item 3(b):** Motion by White, seconded by DiDuca, Approved Check Register in the amount of \$1,022,054.74. Roll call vote was unanimous.

TC (FIN) [APPR] Check  
Register in amount of  
\$1,022,054.74 (310-10-  
25)

**Agenda Item 3(c):** Motion by White, seconded by DiDuca, Approved the Purchase of a One-Year Extended Maintenance Agreement for 9-1-1 CPE System and Public Safety Radio Integration for 3 PSAP Positions from Moducom Systems in Compliance with the Terms and Conditions of the State 9-1-1 Contract. (Impact to the Town's General Fund would be \$2,594.40 currently budgeted in fund #4510-5214-100). Roll call vote was unanimous.

TC (AGT) [APPR] One-  
Year Extended  
Maintenance Agreement  
for 911 System (480-  
20-07)

**Agenda Item 3(d):** Motion by White, seconded by DiDuca, Approved individual employment contract associated with prior retired annuitant returning to work 960 hours or less per fiscal year for the Period from January 1, 2010 through December 31, 2010 Between the Town of Paradise and Terry Dawson. Roll call vote was unanimous.

TC (AGT) [APPR] 960  
Contracts with Terry  
Dawson 1/1/10 through  
12/31/10. (C09-28)

**4. PUBLIC HEARING PROCEDURE**

Mayor Lotter informed the public of the public hearing procedure.

**5. PUBLIC HEARINGS**

Following a report from Community Development Director McGreehan regarding the proposed 2009 Town of Paradise Housing Element update to the 1994 Paradise General Plan, the proposed amendment that entails text changes in order to update and revise the Paradise Housing Element to be consistent with the "Butte County Regional Housing Needs Plan: January 1, 2007 – June 30, 2014" adopted by the Butte County Association of Governments [BCAG] on April 24, 2008; and, changes to State Housing law adopted since 2007, Mayor Lotter opened the public hearing at 6:33 p.m.

1. Jeff Monaco spoke regarding septic tanks and asked if the proposed housing will be allowed to be on septic tanks and if there will be a water treatment plant installed, or if the grey water will be allowed to continue to drain into septic systems.

Mayor Lotter closed the public hearing at 6:37 p.m.

**Agenda Item 5(a): Motion by Rutledge, seconded by Culleton,**

(1) Concurred with the recommended actions adopted by the Planning Commission on November 17, 2009, and embodied within Planning Commission Resolution No. 09-06; and, (2) Adopted Town of Paradise Resolution No. 09-67, "A Resolution of the Town Council of the Town of Paradise Adopting an Amendment to the Housing Element [2008-2014 Housing Element] of the 1994 Paradise General Plan. Roll call vote was unanimous.

**6. PUBLIC COMMUNICATION**

1. Jeff Monaco stated that he has been trying to upgrade his home to the Town of Paradise building codes with a housing rehabilitation project, that he is having difficulty with a contractor recommended by the Town, and that the Business and Housing Director hung up on him today during a phone conversation which he thought was extremely rude.

Town Attorney Moore stated that the Town is acting as a lender through the housing rehabilitation project, that the contractor was hired by the homeowner thereby making the dispute between the homeowner and the contractor, and that the Town Council has no authority to intervene due to the fact that this is a civil issue.

Town Manager Rough stated that the dispute between the homeowner and the contractor may be addressed through the State Contractors Licensing Board, and that the Town staff will disconnect from any telephone conversations that become abusive in nature.

**7. COUNCIL CONSIDERATION**

**Agenda item 7(a): Motion by White, seconded by DiDuca,**  
Appointed the same Council representatives and alternates as last year (2009) to represent the Town of Paradise on various local and county committees and commissions except on the committees where the Mayor must be the representative. See Exhibit A attached hereto. Roll call vote was unanimous.

TC (ADMIN) [APPT]  
White to remain on  
BCAG (120-10-09)

**Agenda item 7(b): Motion by White, seconded by Rutledge,**  
Approved the appointment of Police Lieutenant Chris Buzzard as Acting Police Chief, effective December 31, 2009, for a six-month period, at a salary of \$95,895.28 annually. Roll call vote was unanimous.

TC (ADMIN) [APPR]  
Approve Police  
Lieutenant Chief  
Buzzard as Acting Police  
Chief for six months.  
(650-60-07)

**Agenda item 7(c): Motion by Culleton, seconded by DiDuca,** Approved Resolution No. 09-68, a Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager to Submit an Application to the California Energy Commission for Funding Under the Energy Efficiency and Conservation Block Grant Program – Small City and County Grant Program. The Energy Commission has determined that the Town of Paradise is eligible to receive a grant of \$149,925.00. Roll call vote was unanimous.

**TC (RES) [APPR]** Res No. 09-68 Submit Application to California Energy Commission for Funding Under the Energy Efficiency and conservation Block Grant Program. (710-10)

## **8. COUNCIL COMMUNICATION (Council Initiatives)**

Council Member Rutledge reported on the success of the 30<sup>th</sup> Anniversary Celebration held on November 21<sup>st</sup> where everyone had a good time and that \$1,700 was made from the event which the committee has asked to be earmarked as seed money for a July 4<sup>th</sup> Bluegrass festival for next year.

Council Member White reported on the Paradise Community Village (PCV) Executive Committee meeting where they discussed the HOME Grant through the CHIP project that will be awarded to PCV for \$2 Million and the contract will be entered into the first of July allowing time to work on additional funding for the project; Paradise Charter Middle School is working with the Paradise Unified School District to look into funding for construction of a school at the site, Patricia Cummings, Clerk of the Butte County Air Quality Management District is retiring; and, Butte County Association of Governments is working on an amendment to the RTIP that includes two projects in Paradise: (1) Pearson/Recreation Drive, (2) Pearson Park and Ride lot; and, announced the Nutcracker performances are scheduled for the weekend of December 18<sup>th</sup>.

Council Member Culleton emceed the Christmas tree lighting on Saturday December 5<sup>th</sup>; participated in Shop with a Cop at Kmart, participated with Town Manager Rough and 60 other community members in tree planting by Sacramento River for River Partners; and, received a call from Doug Speicher from Northern Recycling Waste System recognizing the Public Works efforts in sanding the roads during the snow flurry that allowed their commercial operation to function without interruption; and, attended a Solid Waste meeting where they discussed a remedy for untarped loads being hauled to the Green Waste Facility on Clark Road.

Council Member DiDuca attended the 30<sup>th</sup> Anniversary celebration on November 21<sup>st</sup>, the VIPS recognition dinner on December 1st, and attended the Christmas tree lighting on Saturday, December 5<sup>th</sup>.

Mayor Lotter attended the 30<sup>th</sup> Anniversary Celebration on November 21<sup>st</sup> attended tree lighting on Saturday, December 5<sup>th</sup>; participated in Shop with a Cop where the Paradise High School Cheerleaders helped with wrapping the gifts and Police officers served popcorn and sodas at the Paradise Cinema Seven; attended LAFCo meeting; acknowledged the Paradise Rotary Club purchase of an ice machine for Paradise Community Park concession building which will be beneficial for Town activities as well as other organizations that use the facility; Paradise Chamber Mixer has been cancelled due to low RSVP's; and, attended the VIPS holiday dinner where Sally Lander, was recognized as VIP of the Year.

#### **9. STAFF/COMMISSION/COMMITTEE COMMUNICATION**

Town Manager Rough announced that the Firefighter dinner is scheduled for Saturday December 12<sup>th</sup> at 5:30 p.m. at the Senior Center; and Thursday, December 17<sup>th</sup> is the open house for Fire Station 3 at 2:00 p.m., asked Council Members if any would like to attend the Tri County Economic Forecast on January 14, 2010 at the Bell Memorial on the Chico State Campus; and, informed Council that Dennis Schmidt is working on creating a multi-agency response team for snow situations in the Town of Paradise.

#### **10. CLOSED SESSION**

At 7:37 p.m. Mayor Lotter announced that the Town Council of the Town of Paradise would recess to closed session for the following:

- a. Pursuant to Government Code Section 54956.95, the Town Council will hold a closed session to meet with Town Attorney Dwight Moore regarding the following claims:

Wyatt O. Glass v. Town of Paradise  
Vincent Quaid Glass v. Town of Paradise  
Stuart M. Glass v. Town of Paradise  
Clifford Glass v. Town of Paradise  
Brigitte Glass v. Town of Paradise

- b. Pursuant to Government Code Section 54956.9(a) the Town Council will hold a closed session to confer with Town Attorney Dwight Moore regarding the following pending litigation:
  - i. Robert Duncan vs. Town of Paradise, Workers' Compensation claim number 2009094533; and,
  - ii. Tom Kay vs. Town of Paradise, Workers' Compensation claim number 2009092392.

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Mayor Lotter reconvened the meeting at 7:55 p.m. and announced that direction was given on Agenda Item 10(a).

**Agenda Item 10(b1): Motion by White, seconded by Rutledge,** Adopted Resolution No. 09-69, A Resolution of The Town Council of The Town of Paradise Establishing Delegation of Authority for Public Safety Industrial Disability Retirement for Robert Duncan. Roll call vote was unanimous.

**TC (RES) [ADOPT]** Res No. 09-69, Establish Delegation of Authority for Public Safety Industrial Disability Retirement for Robert Duncan. (630-10-16)

**Agenda Item 10(b2): Motion by White, seconded by Rutledge,** Adopted Resolution No. 09-70, A Resolution of The Town Council of The Town of Paradise Establishing Delegation Of Authority for Public Safety Industrial Disability Retirement for Tom Kay. Roll call vote was unanimous.

**TC (RES) [ADOPT]** Res No. 09-70, Establish Delegation of Authority for Public Safety Industrial Disability Retirement for Tom Kay. (630-10-16)

## **11. ADJOURNMENT**

**MOTION by White seconded by Rutledge** adjourned the Council meeting at 8:00 p.m. Roll call vote was unanimous.

**APPROVED:** January 12, 2010

  
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SCOTT LOTTER, Mayor  
\_\_\_\_\_  
JOANNA GUTIERREZ, CMC, Town Clerk