

## MINUTES

### PARADISE TOWN COUNCIL

#### REGULAR MEETING - 6:00 P.M. – JANUARY 12, 2010

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Lotter 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 Council Member Culleton.

**COUNCIL MEMBERS PRESENT:** Steve "Woody" Culleton, Joe DiDuca, Frankie Rutledge, Alan White and Scott Lotter, 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, Human Resources Manager Farrell, Public Works Director/Town Engineer Schmidt, Acting Fire Chief Jensen and Acting Police Chief Buzzard.

#### 2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

#### 3. CONSENT CALENDAR

**Agenda Item 3(a):** Motion by White, seconded by Culleton, Approved Minutes of the December 3, 2009 Special Meeting and the December 8, 2009 Regular Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]  
Minutes of the Dec. 3, 2009 Special Meeting and the Dec. 8, 2009 Regular Meeting

**Agenda Item 3(b):** Motion by White, seconded by Culleton, Approved Cash Disbursements Report in the amount of \$1,496,958.74. Roll call vote was unanimous.

TC (FIN) [APPR] Check Register in amount of \$1,496,958.74 (310-10-25)

**Agenda Item 3(c):** Motion by White, seconded by Culleton, Adopted Resolution No. 10-01, A Resolution of the Town Council of the Town of Paradise Ratifying Benefit Contract Renewals Signed by the Town Manager on behalf of the Town of Paradise Effective January 1, 2010. Roll call vote was unanimous.

TC (RES) [ADOPT]  
Res. No. 10-01 Ratifying Benefit Contract Renewals as of 1-1-10. (630-10-20)

**Agenda Item 3(d):** Motion by White, seconded by Culleton, Acknowledged receipt of the 1st Quarter Investment Report for the Fiscal Year Ending June 30, 2010. Roll call vote was unanimous.

TC (FIN) [ACK] Receipt of 1<sup>st</sup> Quarter Investment Report for FY ended 6/30/2010. (360-30-05)

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

Mayor Lotter informed the public of the public hearing procedure.

#### **5. PUBLIC HEARINGS**

Assistant to the Town Manager/Business and Housing Services Director Gill reported to Council regarding the Community Development Block Grant Program (CDBG) 2010-2015 Consolidated Plan and the 2010-2011 Annual Action Plan, stating that the public hearing is to solicit input and comments from the public regarding funding priorities and that a second public hearing is scheduled for March 9, 2010. The Town is required to develop a new Consolidated Plan every five years to continue receiving grant funding from the U. S. Department of Housing and Urban Development (HUD). The document is a unified vision for community development which includes a strategic plan for addressing housing, community development and economic development needs of the Town, and the Annual Action Plan which outlines goals for the coming year, with priority given to activities which benefit low and moderate income persons.

**Agenda Item 5a:** Mayor Lotter opened the public hearing at 6:06 p.m. There were no speakers and Mayor Lotter closed the public hearing at 6:07 p.m. Mayor Lotter stated that a second public hearing is scheduled for March 9, 2010.

(TC) (P&CD) [N/A] (710-10-70)

Assistant Community Development Director Baker stated that both he and Assistant to the Town Manager/Business & Housing Services Director Gill will be presenting the report to Council regarding the Planning Commission recommendation for Town Council adoption of proposed text amendments to regulations contained in Paradise Municipal Code Chapters 17.04, 17.37 and 17.41, stating that he would address Chapters 17.04 and 17.37 relating to land use and sign regulations; and Chapter 17.41 with regard to the design guideline revisions would be addressed by Ms. Gill. The proposed amendments affect municipal code statutes related to: zoning and land use regulations and would result in town-wide application of adopted design standards for new business signs and building design.

Mr. Baker reviewed the process which began with the Planning Commission public hearing, followed by a Town Council public hearing whereas Council directed staff to solicit input from the Chamber of Commerce, and remanded the matter back to the

Planning Commission to come back to the Council in tandem with the revised Design Standards to facilitate a simultaneous review of the two related documents. Mr. Baker reviewed the changes made to Chapters 17.04 and 17.37 since the August 11, 2009 Council meeting, which included retention of the pole sign definition; the "grandfathering" of nonconforming signs; the removal of text that created a perception that the design standards may be more restrictive than the ordinance; new roof signs included in permitted areas; ratio of flush wall sign area to wall length raised for business signs in all districts; maximum flush wall sign size regulations have been deleted with such signs being subject to proportional maximums; and the size of projecting signs raised slightly. He stated that the intentions of the amendments to Chapter 17.41 are to promote quality development and to expand the design standards town wide by geographic areas.

Mr. Baker stated that the staff is also recommending that the Town Council consider directing staff to initiate a set of "business friendly" adjustments to the master fee schedule with regard to fees collected for design review applications; and, to direct staff to develop text additions that would formalize required timelines for the processing of design review applications.

Mr. Baker informed Council that the staff discussed internally the possibility of Council authorizing staff to review applications outside the redevelopment project area, using the redevelopment advisory committee for projects inside the redevelopment project and downtown areas, and possibly eliminating the need for a Design Review Board. Since these ideas were not mentioned in the staff report, they would have to come back to the Council at a future meeting.

Town Attorney Moore informed the Council that if they were considering any substantive changes to the proposed ordinance, the proposed changes would have to be identified and remanded back to the Planning Commission, and that if the Council continued the public hearing to a date certain it would not have to be re-noticed.

Council Members asked questions of Mr. Baker to clarify that the proposed changes would only affect new businesses – not existing businesses; that the staff would like to review projects outside the redevelopment area and is suggesting the possibility of the redevelopment advisory committee serving as the review board for projects inside the redevelopment area; commended the work of the Design Review Board; and that the proposed design standards are a good product.

Assistant to the Town Manager/Business and Housing Services Director Gill presented a powerpoint to explain the purpose of, the process followed, and the goals of the revision to the Design Standards. Ms. Gill discussed how design standards enhance the character of a community, contribute to a positive identity, and maintain and protect property values; and, how the proposed revision has been updated to be more user-friendly and internally consistent with existing town design standards, ordinances and the General Plan. The document is available online which provides the public accessibility at no cost.

Mayor Lotter opened the public hearing at 6:45 p.m.

1. Peter Bartczak, stated that he is a sign painter, has lived in Paradise for ten years, and that he is concerned about the Town control of aesthetics within the plan as he thinks it is unfair to ask merchants to alter logos, that he recommends a business license, thanked the people who put time and energy into the process as it sounds like the Town has done its homework, but would like a lot of leeway to be given regarding fonts and scripts on a sign.
2. Michael Cooley, stated that he is representing Feather River Hospital, appreciates the relationship that FRH has with the Town, but is concerned regarding the definition of aesthetics on signage as it conflicts with corporate standards, that FRH did experience a conflict with a sign regarding size, print and other issues, sees a potential conflict with future expansion and disagrees that the signage changes will be an economic benefit. He stated that FRH has graphic designers on staff at the hospital and does not like the Town to have control.

Manager Rough stated that an accommodation was worked out for the FRH sign referred to and confirmed that an administrative review process was necessary due to the size of the sign.

3. Dean Fender thanked the Town for including the Chamber of Commerce in the process, and asked that temporary signs and banners not be included in the cumulative area; to remove the maximum size for banners and stick with proportional language, and that he thinks this is a bad time to discuss sign regulations with all the empty buildings in the Town.
4. Lee Nelson, stated that he is also concerned about the Town control over the aesthetics of a sign, that the aesthetics should

be left to sign designers and business owners and the reviews slow down the process enough so that customers don't want to have to deal with the Town.

5. Fred Aldred, stated that he is encouraged by what he heard tonight but thinks the guidelines are too restrictive and too subjective, that staff can dictate colors and fonts, and that those decisions should be left up to the sign professionals and their clients.
6. Sherry Swim stated that she was an unofficial member of the Chamber of Commerce ad hoc committee, that her sign is grandfathered, that she doesn't think the Town should regulate fonts and colors and asked that the proposed standards be guidelines and not become law.
7. Peter Bartczak asked why there is a need to micro-manage the aesthetics and that he thinks this will create more problems than it will solve.
8. Dean Fender asked if the Dutch Brothers coffee house was required to alter its corporate logo.

Ms. Gill stated that the Town does not regulate corporate logos.

Mayor Lotter closed the public hearing at 7:23 p.m.

**Agenda Item 5b:** MOTION by Rutledge, seconded by White, TC (ORD) [N/A] remanded the proposed text amendments to regulations contained in Paradise Municipal Code Chapters 17.04, 17.37 and 17.41 back to the Planning Commission to consider the following:

1. Changing the banner formula
2. Amending projecting sign size in the NC-CB zones from 12' to 16'
3. Changing the design review process
4. Inserting language regarding time limits
5. Moving CS zone designation to the section that allows 300' maximum sign per site area
6. Removing restrictions regarding font and color (appearance) on sign face; and,

continued the public hearing to the March 9, 2010 Council Meeting. Roll call vote was unanimous.

Mayor Lotter called for a five minute recess at 8:10 p.m. and reconvened the meeting at 8:15 p.m.

## **6. PUBLIC COMMUNICATION**

1. Jeff Monaco stated that he recently received notice that he has had tax liens assessed against his property, and that there is no proof that he was ever sent copies of the citations.

Town Attorney Moore stated that the Town Council has no authority to grant relief to Mr. Monaco at this time, and that he could request to see the file and identify what he thinks is missing, or state that he never received the citations, and then the staff can look into the matter.

Mayor Lotter suggested that Mr. Monaco write a letter to the Town Council containing the questions he would like answered, to address it to the Town Clerk who will pass it on to the Council and appropriate departments, and that he may also make a public records request for the information.

## **7. COUNCIL CONSIDERATION**

**Agenda Item 7(a): Council concurred** (1) To approve formation of a subrecipient funding allocation subcommittee to interview potential subrecipients and to make recommendations to the Town Council for public service funding allocations from the Town's Community Development Block Grant Program; and; (2) Appointed Council Member White and Vice Mayor DiDuca as Town Council representatives and Assistant to the Town Manager/Business & Housing Services Director Gill and one of her staff to the subcommittee.

**TC (P&CD) [APPR]**  
Sub-recipient committee  
CM representatives  
DiDuca & White (710-10-70)

**Agenda Item 7(b): Motion by Rutledge, seconded by Culleton,** concurred with the joint recommendation of the Community Development Director, Acting Fire Chief & Fire Marshal/Building Official, and the Town Manager and (1) Adopted the recommended "Assistant Fire Marshal/Building Official" position job description as modified (ICC certifications as a Fire Plans Examiner and Fire Inspector II required; and, NFPA Fire Protection Specialist certification desired); and, (2) Authorized the appointment of Mr. Gary Layman as a temporary and part-time (28 hours/week) Town employee to serve as the "Assistant Fire Marshal/Building Official" effective January 13, 2010 and with a set hourly rate of compensation of \$39/hour. Roll call vote was unanimous.

**TC (PERSO) [ADOPT]**  
New position-Assistant  
Fire Marshal/Building  
Official, appoint Gary  
Layman into position.  
(610-10-17)

**Agenda Item 7(c): Motion by White, seconded by Culleton,** authorized staff to submit a grant application for the "Staffing for Adequate Fire and Emergency Response Program" (SAFER) grant

**TC (HS&W) [AUTH]**  
Submit SAFER grant to  
FEMA.(440-05-21)

to the Federal Emergency Management Agency (FEMA). Roll call vote was unanimous.

**Agenda Item 7(d): Motion by Culleton, seconded by White,** authorized the elimination of the Office Assistant III – Fire Department position and the noticing of the employee accordingly. Roll call vote was unanimous.

TC (PERSO) [AUTH]  
Eliminate Office  
Assistant III-Fire  
Department Position,  
notice employee. (610-  
10-17)

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

**Agenda Item 8(a):** Council Member White reported on his attendance at the Butte County Association meeting where they discussed a modification to the Regional Transportation Improvement Programs; that the Town's Park & Ride and Safe Routes went through; that the Paradise Community Village HOME grant was approved; and, the symphony will be performing this Sunday January 17, 2010.

Council Member Culleton reported on his attendance at the swearing in for the County Fire Chief and a Paradise Police Officer; and that he plans to attend the Economic Summit, the Sacramento Valley Division Meeting and a League of California Cities policy meeting.

Vice Mayor DiDuca reported on his attendance at the Town's Christmas potluck; the Fire Station 3 opening; and, Chief Carrigan's retirement luncheon.

Mayor Lotter reported that he also attended the potluck, the fire station 3 opening, retirement luncheon and also attended the afternoon retirement party for Chief Haunschild and witnessed the badge pinning of Acting Fire Chief Jensen.

**Agenda Item 8(b):** Council concurred that (1) The Town would sponsor a 4<sup>th</sup> of July Bluegrass Music Festival and Quilt Show at no cost to the taxpayers; and, (2) Appointed Council Member Rutledge and Vice Mayor DiDuca to chair a committee to plan and organize the event.

TC (ADMIN) [APPT]  
Sponsor July 4<sup>th</sup> event-  
DiDuca and Rutledge  
chair committee.(155-  
10-04)

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

Manager Rough informed Council of the swearing in ceremony for Police Sergeant Chris Dineen on January 19<sup>th</sup> at the Police Department.

**10. CLOSED SESSION**

At 9:10 p.m. Mayor Lotter announced that pursuant to Government Code Section 54956.9(c), the Town Council will hold a closed session with the Town Attorney to consider initiating litigation, one potential case.

Mayor Lotter reconvened the meeting at 9:15 p.m. and the Town Attorney announced that the Mayor was authorized to execute a release in the amount of \$126,567.11 relating to an incident on Pinewood Drive in Paradise at property owned by Ken F. Kouns.

Council Member White noted that it is the Town which is receiving the payment.

**11. ADJOURNMENT**

**MOTION by White, seconded by Culleton**, adjourned the meeting at 9:18 p.m. Council vote was unanimous.

**APPROVED:** February 9, 2010

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