

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – MARCH 9, 2010**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Lotter at 6:03 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Vice Mayor DiDuca.

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, Onsite Sanitary Official Danz, Assistant Town Clerk Volenski, 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 the Minutes of the February 9, 2010, Regular Meeting and the February 23, 2010, Special Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of the Feb. 9,
2010 Regular Meeting
and Feb. 23, 2010
Special Meeting

Agenda Item 3(b): MOTION by White, seconded by Culleton, approved the Cash Disbursements Report for the month ending February 28, 2010, in the amount of \$1,061,096.84. Roll call vote was unanimous. Roll call vote was unanimous.

TC (FIN) [APPR]
Check Register in
amount of
\$1,061,096.84 (310-10-
26)

Agenda Item 3(c): MOTION by White, seconded by Culleton, (1) Waived the second reading of entire Ordinance No. 496, and approved reading by title only; and, (2) Adopted Ordinance No. 496, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapters 17.11, 17.34, 17.38 and 17.45 Related to: Commercial Composting as a Potential Land Use in the AR-3 Zone; Mobile Home Park Standards; Parking Regulations; and Site Plan Review Permit and Use Permit Revocation Procedures. Roll call vote was unanimous.

TC (ORD) [APPR] Ord.
496 Text Amendments
to Paradise Municipal
Code (540-16-65)

Agenda Item 3(d): MOTION by White, seconded by Culleton, adopted Resolution No. 10-03, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No. 10-03
Destruction of Certain
Town Records (160-20-
13)

Agenda Item 3(e): MOTION by White, seconded by Culleton, approved the new job title "Environmental Services Technician" and job description for the recently vacated Environmental Technician position in the Onsite Sanitation Division. Roll call vote was unanimous.

TC (PERSO) [APPR]
New Job Description
for Environmental
Services Technician.
(610-10-17)

Agenda Item 3(f): MOTION by White, seconded by Culleton, acknowledged receipt of the 2nd Quarter Investment Report for the Fiscal Year Ending June 30, 2010. Roll call vote was unanimous.

TC (FIN) [ACK]
Receipt of Investment
Report for 2nd QTR of
FY ending 6/30/10.
(360-30-05)

Agenda Item 3(g): MOTION by White, seconded by Culleton, adopted Resolution No. 10-04, A Resolution of the Town Council of the Town of Paradise, California, Rescinding Resolution No. 09-61 and Adopting the Amended Salary Pay Plan for Town of Paradise Employees for Fiscal Year 2009-2010. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No.10-04 Rescind
09-61 and adopt
amended salary pay
plan. (610-10-18)

4. PUBLIC HEARING PROCEDURE

Mayor Lotter informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Agenda Item 5a: Following a report from Assistant to the Town Manager/Business and Housing Services Director Gill regarding the Community Development Block Grant Program (CDBG) 2010-2015 Consolidated Plan that the Town is required to develop every five years to address housing, community development and economic development needs of the Town in order to continue receiving grant funding from the U. S. Department of Housing and Urban Development (HUD), Mayor Lotter opened the public hearing at 6:10 p.m. There were no speakers and Mayor Lotter closed the public hearing at 6:10 p.m.

Agenda Item 5b: Assistant to the Town Manager/Business and Housing Services Director Gill provided a report regarding the Community Development Block Grant Program 2010-2011 Annual Action Plan, discussed with Council the goals for the coming year, and the recommendations from the subrecipient funding committee for funding to public service organizations. Mayor Lotter opened the public hearing at 6:14 p.m. There were no speakers and Mayor Lotter closed the hearing at 6:14 p.m.

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

The Consolidated Plan and the Annual Action Plan will be available for public comment during a mandatory 30-day public review and brought back to the Town Council for consideration at the April 13, 2010 meeting.

Following reports from Assistant Community Development Director Baker, and Assistant to the Town Manager/Business & Housing Services Director Gill, 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, which 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, Mayor Lotter opened the public hearing at 6:28 p.m. There were no speakers and Mayor Lotter closed the public hearing at 6:28 p.m.

Agenda Item 5c-1: MOTION by White, seconded by Culleton, directed the proposed ordinance be amended to allow two banner signs per business; and, (1) Concurred with the project "CEQA determination" findings adopted by the Planning Commission on February 16, 2010, and embodied within Planning Commission Resolution No. 10-03; (2) Waived the reading of entire Ordinance No. 497 and approved reading by title only; (3) Introduced Ordinance No. 497, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapters 17.04, 17.37 and 17.41 Relating to: Land Use Regulations, Sign Regulations and Design Review Standards; and, (4) Directed staff to prepare a summary of the ordinance for publication at least 5 days prior to adoption and within 15 days after adoption. Roll call vote was unanimous.

TC (ORD) [INTRO]
Ord. 497 Text
Amendments to
Paradise Municipal
Code

Agenda Item 5c-2: MOTION by White, seconded by Culleton, adopted Resolution No. 10-05, A Resolution of the Town Council of the Town of Paradise Adopting Design Standards to be Applied When Reviewing Projects in the Process of Design Review. Roll call vote was unanimous.

TC (RES) [ADOPT]
Res. No. 10-05 Design
Standards to be used
when reviewing
projects. (710-80-08 &
710-80-09)

Assistant Community Development Director Baker reported to Council regarding the Planning Commission recommendation for Town Council adoption of a property rezone application identified as RZ-06-4 (Risley) for a +/- 4.22 acre property located at 5893 Kibler Road, from RR-2/3 to RR-1/2, and answered questions from Council regarding why the roads/access condition required the proposed private roadway to be built to an A-3a road standard in preparation for the long term goal of extending Elliot Road to Kibler. Mr. Baker stated that the scope of the project did not necessitate further construction of the road and that the project was completed before the road standards were adopted.

Mayor Lotter opened the public hearing at 7:18 p.m.

Speaking in favor of the proposed rezone:

1. Neil Risley, project applicant, stated that the original plan for this project proposed a cul-de-sac that an 8" water main could serve, that he was convinced by Town staff to change his path, that they have come to common ground regarding Elliott Road, if he had to complete all the road improvements now it would kill the project for him and that he thinks the proposed design is the best design until such time as the Town can acquire the two southerly lots to complete the road extension.

There were no speakers against the proposed rezone and Mayor Lotter closed the public hearing at 7:28 p.m.

Agenda Item 5(d): MOTION by White, seconded by Culleton, (1) Adopted the environmental document [mitigated negative declaration] prepared for the rezone project (Risley RZ-06-4 for property located at 5893 Kibler Road) under requirements of the California Environmental Quality Act (CEQA); (2) Concurred with the project recommended rezone action adopted by the Planning Commission on February 16, 2010, and embodied within Planning Commission Resolution No. 10-2; (3) Waived the first reading of Ordinance No. 498 and approved reading by title only; and, (4) Introduced Ordinance No. 498, An Ordinance Rezoning Certain Real Property From RR-2/3 (Rural Residential, 2/3 Acre Minimum) to RR-1/2 (Rural Residential, 1/2 Acre Minimum) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 et. seq. (RZ-06-4; Risley). Roll call vote was unanimous.

TC (ORD) [INTRO]
Ord. 498 Rezone
property from RR-2/3 to
RR-1/2 in the Paradise
Municipal Code.

6. PUBLIC COMMUNICATION – None.

7. COUNCIL CONSIDERATION

Agenda Item 7a: Town Manager Rough reported to Council regarding the Council's direction that he provide information regarding various options/comparisons of applicable tax measures that the Council could consider for additional police and fire public safety protection services. Manager Rough discussed the original report that was presented at the November 10, 2009, Council meeting wherein three options were presented for fire safety improvements that would be funded through a special tax through the formation of a Mello Roos Community Facilities District; and, that the report on tonight's agenda discussed various types of tax mechanisms that could provide funding to achieve both police and fire public safety protection improvements. Manager Rough discussed the impacts of

past and current economic recessions and state budget deficit crisis's on the Town's budget; explained the historical fiscal constraints and limited financial resources available to the Town of Paradise; and, that current property tax revenues no longer cover the entire costs of services as they were intended. Manager Rough outlined the public safety risks facing the Town, and identified the estimated cost of necessary personnel and equipment needed to address the risks at \$1,297,192.00. The risks include a growing gang problem; an increasing illicit drug problem; need for increased traffic enforcement; and, the fire prevention and suppression issues resulting from the high fire severity zone in which the Town is located. He then discussed the pros and cons of a sales tax, a Mello-Roos CFD, a utility user's tax, and a special public safety parcel tax levy.

Police Chief Buzzard and Fire Chief Jensen each addressed the challenges faced within their departments in providing additional public safety services and explained how they deploy available resources to address the most critical issues in the community.

Mayor Lotter opened the matter for public input, clarifying that the item is regarding whether or not the Council would set a public hearing to consider placing a tax measure on the November ballot and that no decision about the measure is to be made tonight.

1. Loretta Griffin stated that this is not the time for another tax, that the Town should hire cheaper employees, and gave Council a handout that shows how many students in Paradise qualify for the free lunch program.
2. Dylan Murufas stated that he has lived in Paradise all of his life, is attending the police academy, that it is difficult to find a job in law enforcement, and spoke in favor of the tax measure.
3. Ed Rieth stated that NFPA has been standard for some time, that he has never worked on an engine company of less than three men and supports some type of tax initiative for the community, and discussed the importance of volunteers and issues with laws that govern them, and expressed concern for people on fixed incomes.
4. Howard Snyder stated that he was leaning towards a district, that he supports a tax if it will be earmarked for police and fire and not for general fund, and that when a new fire station was opened in Magalia in 1979 his fire insurance went down 35%.

5. Robin Huffman discussed the Option C idea that was proposed in an earlier report of the Town Manager, that the tax is a good idea but does not protect from a catastrophic fire, that she does not hear anything about evacuation routes and asked what the County is discussing.
6. Larry Duncan stated it would not be fair to charge a mobile home park owner at the same rate as the owner of one parcel.
7. Dan Wentland stated he is in favor of asking the people to decide, and that he would like to see the amount stay under \$100.

Agenda Item 7a: MOTION by White, seconded by Rutledge, directed staff to set a special meeting in April, as a noticed public hearing, for the Council to consider adopting an ordinance to submit a public safety protection tax measure for the November 2, 2010 election, and to provide options such as a two-tiered rate structure, or a flat rate structure, and to investigate the possibility of providing for exemptions or exceptions. Council vote was unanimous.

TC (DIRECT) [SET]
Set special meeting in April as noticed public hearing to consider adopting an ordinance to submit a public safety protection tax measure on November, 2010 ballot.

Agenda Item 7b: MOTION by White, seconded by Rutledge, (1) Approved a 5-year loan at 4.5% interest from the Town of Paradise to the Paradise Redevelopment Agency in the amount of \$657,595 to cover Agency non-housing administrative and program costs through June 2009; and, (2) Authorized the Mayor to execute the loan agreement with the Town of Paradise. Ayes of Culleton, Rutledge, White and Mayor Lotter and abstention of DiDuca.

TC (AGT) [APPR] 5-year loan at 4.5% interest from TOP to RDA in amount of \$657,595. (310-30-10)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Vice Mayor DiDuca reported on his attendance at the Paradise Symphony, the Town/PRPD Liaison Committee Meeting, and the 4th of July planning meeting.

Council Member Rutledge reported on her attendance at the Butte County Association of Governments and Butte County Air Quality Management District meetings; and that the Chocolate Festival is sponsoring the House of Sports on March 27 and 28th.

Council Member White reported on his attendance at the Town/PRPD Liaison Committee meeting and the Symphony Gala.

Mayor Lotter reported on his attendance at the Elks Citizens of the Year dinner; the LAFCo meeting; the solid waste meeting with staff and NRWS; and, the website meeting with Town staff.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION -None.

At 10:10 p.m. Mayor Lotter adjourned the Town Council meeting to hold the Paradise Redevelopment Agency Meeting and reconvened the Council Meeting at 10:25 p.m.

10. CLOSED SESSION

At 10:25 p.m. Mayor Lotter announced that pursuant to Government Code Section 54957 and 54957.6, the Town Council will hold a closed session to review amending and restating of the agreement between the Town of Paradise and Dwight L. Moore for Town Attorney services. Mayor Lotter reconvened the Council meeting at 10:30 p.m.

Agenda Item 10a: MOTION by Rutledge, seconded by Culleton, approved the amended and restated agreement between the Town of Paradise and Dwight Moore relating to Town Attorney legal services and authorized the Mayor to execute the agreement. Roll call vote was unanimous.

TC (AGT) [APPR]
Agreement between
TOP and Town
Attorney Dwight (C93-
01)

11. ADJOURNMENT

The Town Council Meeting was adjourned at 10:31 p.m.

APPROVED: April 13, 2010

[Redacted Signature]

SCOTT LOTTER, Mayor

[Redacted Signature]

JOANNA GUTIERREZ, CMC Town Clerk