

**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR MEETING - 6:00 P.M. – JULY 13, 2010**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Lotter at 6:01 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Vice Mayor Joe DiDuca.

**COUNCIL MEMBERS PRESENT:** Steve "Woody" Culleton, Joe DiDuca, Frankie Rutledge, and Scott Lotter, Mayor.

**COUNCIL MEMBERS ABSENT:** Alan White.

**STAFF PRESENT:** Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Community Development Director Baker, Public Works Director/Town Engineer Schmidt, Police Lieutenant Billington and Fire Captain Drake.

**2. ITEMS DEFERRED FROM PREVIOUS MEETING**

None.

**3. CONSENT CALENDAR**

**Agenda Item 3(a): MOTION by DiDuca, seconded by Culleton,** approved the Minutes of the June 8, 2008 Regular Meeting and the June 24, 2010 Special Meeting. Roll call vote was unanimous with White absent and not voting.

**TC (MIN) [APPR]**  
Minutes of the June 8,  
2010 Regular Meeting  
and June 24, 2010  
Special Meeting.

**Agenda Item 3(b): MOTION by DiDuca, seconded by Culleton,** approved the Check Register in the amount of \$1,117,606.77. Roll call vote was unanimous with White absent and not voting.

**TC (FIN) [APPR]** Check  
Register in amount of  
\$1,117,606.77 (310-10-  
26)

**Agenda Item 3(c): MOTION by DiDuca, seconded by Culleton,** (1) Waived the reading of entire Ordinance No. 502 and approved reading by title only; and, (2) Adopted Ordinance No. 502, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 8.08 Related to Solid Waste Collection. Roll call vote was unanimous with White absent and not voting.

**TC (ORD) [ADOPT]**  
Ord. 502 Text  
Amendments to  
Paradise Municipal  
Code. (540-16-71 and  
940-10-28)

**Agenda Item 3(d): MOTION by DiDuca, seconded by Culleton,** adopted Resolution No. 10-21, 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 with White absent and not voting.

**TC (RES) [ADOPT]**  
Res. No. 10-21  
Destruction of Certain  
Town Records (160-20-  
13)

**Agenda Item 3(e): MOTION by DiDuca, seconded by Culleton,** (1) Ratified Contract Change Orders 13, 15, 16, 17, 18, 19 and 20 in estimated amount of \$145,535 for the 2009 Overlay Project No. 1 (Contractor - Knife River Construction); and, (2) Authorized the Manager to sign change orders 13, 15, 16, 17, 18, 19 and 20 and future change orders up to the Capital Improvement Project (CIP) budget limit. Roll call vote was unanimous with White absent and not voting.

**TC (PW) [AUTH]**  
Change orders for 2009 Overlay project(950-40-14 and C09-19)

**Agenda Item 3(f): MOTION by DiDuca, seconded by Culleton,** (1) Authorized the Town Manager to execute a "Generator's Waste Profile" in reference to an application to dispose of non-hazardous waste (thermoplastic striping material) at the Neal Road Landfill at an estimated cost of \$50.

**TC (PW) [AUTH]**  
Application to dispose of non-hazardous waste(thermoplastic striping material) at Neal Road Landfill (940-10-28)

**Agenda Item 3(g): MOTION by DiDuca, seconded by Culleton,** (1) Declared the vehicles and equipment specifically described in Attachment A to the staff report as surplus property (1992 Ford Ranger Pickup, 1992 Ford 1-Ton Pickup 4x4, 1996 Ford ¾ Ton Pickup, 1985 Chevy 1-Ton Pickup w/snowplow attachment, no blade, and a 1985 Int'l Dump Truck); and, (2) Authorized the Fleet Manager to dispose of vehicles. Roll call vote was unanimous with White absent and not voting.

**TC (FIN) [AUTH]**  
Declared Town equipment as surplus and authorized disposal. (380-10-04)

**Agenda Item 3(h): MOTION by DiDuca, seconded by Culleton,** acknowledged receipt of the 3<sup>rd</sup> Quarter Investment Report for the Fiscal Year ended June 30, 2010. Roll call vote was unanimous with White absent and not voting.

**TC (FIN) [ACK]**  
Receipt of Investment Report for 3rd QTR of FY ending 6/30/10. (360-30-05)

**4. PUBLIC HEARING PROCEDURE**

Mayor Lotter informed the public of the public hearing procedure.

**5. PUBLIC HEARINGS**

Dennis Ivey reported to Council that grant monies from the California Department of Housing and Community Development Disaster Recovery Initiative Grant have become available to the Town as a result of the federal disaster declaration that was made in relation to the wildfires that occurred in 2008. The first public hearing is to solicit input on possible activities and/or projects to be included in the application and the second hearing will be for approval of the grant application. Mr. Ivey explained that the grant is primarily intended to cover public sector losses not previously reimbursed (damage to roads, sidewalks, and public facilities, for example), and how the program is set up in basically three categories for damage recovery

and for planning and mitigation measures: (1) \$18 million for housing infrastructure and economic recovery; (2) \$15 million for forward thinking strategies, which include things like disaster resistant buildings; and, (3) \$4.5 million for affordable rental housing activities. Mr. Ivey answered questions from Council regarding aspects of the program available to the private sector and how the grant monies would be publicly applied to benefit low and moderate income population sectors of the Town.

**Agenda Item 5(a):** Mayor Lotter opened the public hearing at 6:12 p.m. There were no speakers, and Mayor Lotter closed the public hearing at 6:12 p.m. No action was required by Council. Mayor Lotter announced that the second public hearing has been noticed for August 10, 2010. (TC) (P&CD) [N/A]

Community Development Director Baker reported to Council the Planning Commission recommendation for Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code Title 17 [Zoning], which amendments affect municipal code statutes related to a land use definition for "fuelwood sales" activity and which zoning districts wherein such activity may be potentially permitted; and, which will also affect "construction sales and service" and "towing service/vehicle impound" land use activities and which zoning districts wherein such activities may be potentially permitted.

Mr. Baker stated that the text amendments proposed within the ordinance document are intended to accomplish the following objectives:

- (1) Establish a specific definition in the Paradise Municipal Code for fuelwood sales where none currently exists;
- (2) Require a Town-approved conditional use permit for the future establishment of a construction sales and service land use activity in the C-C (Community Commercial) and N-C (Neighborhood Commercial) zones, explaining that currently the land use is listed as permitted by right in the C-C zone and subject only to a site plan review permit in the N-C zone;
- (3) Require a Town-approved conditional use permit for the future establishment of a fuelwood sales land use activity in the C-C zone, explaining that currently this land use is administered as a retail service which is permitted by right in all commercial zones [C-C, C-B (Central Business) and N-C] and if this ordinance is adopted and enacted, new fuelwood sales land

uses would not be permitted in the C-B and N-C zones;

- (4) Require a Town-approved conditional use permit for the future establishment of a towing service/vehicle impound land use activity in the C-C zone, explaining that currently the land use is listed as subject only to a site plan review permit in the zone, and the land use would continue to be prohibited as a new land use in the C-B and N-C zones;
- (5) Require a Town-approved site plan review permit for the future establishment of a fuelwood sales land use activity in the I-S (Industrial Services) zone, explaining that the use is not defined and not enumerated in the regulations for the zone; and,
- (6) Require a Town-approved site plan review use permit for the future establishment of a towing service/vehicle impound land use activity in the I-S zone, explaining that currently the land use is not enumerated in the regulations for the zone.

Mayor Lotter opened the public hearing at 6:25 p.m.

1. John Remalia, owner of Wildfire Solutions, stated that he reviewed the Town's General Plan and (1) That he thinks this action should follow the general plan, and not have the general plan follow this action and referred to discussion at the RDA Advisory meeting that the general plan would have to be amended; (2) That he thinks the Town's site plan review is actually a minor conditional use permit which is a discretionary action that would affect him under the construction sales and service land use and the fuelwood sales proposed amendments; and that when uses are subject to such discretionary actions, other State reviews are triggered which will require fees (such as a \$2,000 review fee that would be required by Fish and Game), (3) Suggested that the Town address noise with a decibel limit by property line and issues on an individual basis; (4) That he thinks the steps for site plan review and conditional use permit processes should be spelled out specifically for each process; and (5) That he does not think the General Plan addresses the C-C zone he is in.

Community Development Director Baker explained how other agencies, such as the California Fish and Game Department, become involved with a project review, that their involvement is because a California Environmental Quality Act (CEQA) determination is made, such as a notice of determination or

exemption that contains a project description and a description of impacts that may have been outlined in the environmental document, and not based on a discretionary or non-discretionary nature of a land use entitlement.

Mayor Lotter closed the public hearing at 6:33 p.m.

**Agenda Item 5(b): MOTION by Rutledge, seconded by DiDuca,** (1) Concurred with the project California Environmental Quality Act (CEQA) determination findings adopted by the Planning Commission on June 15, 2010 and embodied within Planning Commission Resolution No. 10-6; (2) Waived the reading of entire Ordinance No. 503 and approved reading by title only; and, (3) Introduced Ordinance No. 503, An Ordinance Amending Text Regulations Within Paradise Municipal Code Section 17.04.500, 17.20.200 and 17.23.200 Related to: Land Use Regulations for Fuelwood Sales, Construction Sales and Service and Towing Service/Vehicle Impound Land Uses. Roll call vote was unanimous with White absent and not voting.

TC (ORD) [INTRO] Ord No 503 Amending Text Regulations re Section 17 (Fuelwood Sales, Construction Sales, Service and Towing Service/Vehicle Impound Land Uses).

## **6. PUBLIC COMMUNICATION**

1. Leslie Foss stated that she has lived in Paradise since December, 2008, heard there was a problem with the Town's accounting software and asked about the status, and volunteered her assistance to resolve this matter.
2. William Michaels, stated that he is the owner of a local taxi service, that he is having trouble getting drivers due to the length of time it is taking for drivers to renew and asked if the Town could do anything to speed up the process.

Lieutenant Billington informed the Council that the fees for renewal are paid at the Police Department but the fingerprinting process, Livescan, done by the Department of Justice is taking six to eight weeks to accomplish.

3. Carol Perkins, stated that she is representing the Butte Environmental Council and discussed her concerns about the PID Yard location and its potential to pollute Dry Creek.

## **7. COUNCIL CONSIDERATION**

**Agenda Item 7(a): MOTION by Rutledge, seconded by DiDuca,** (1) Awarded bid for construction to Franklin Construction in the amount of \$103,967.00; (2) Authorized the Mayor and Town

TC (AGT) [AUTH] Bid to Franklin Construction in amount of \$103,967 and Mayor, Town Manager

Manager to execute the Owner-Contractor Agreement for the Memorial Trailway Southern Extension Project; (3) Authorized the Town Manager to approve change orders up to the 10% contingency limit on this project; and (5) Ratified the Categorical Exemption CEQA document of project (Notice of Exemption). Roll call vote was unanimous with White absent and not voting.

to sign agreement and authorize change orders up to 10% contingency limit (950-18-09 and C10-07)

**Agenda Item 7(b): MOTION by DiDuca, seconded by Culleton,** authorized the Town Manager to enter into a contract with Grant Management Associates for an amount not to exceed \$5,775, to be funded by the Community Development Block Grant, for providing financial planning strategies and legislative contacts for the Town's wastewater treatment facility for the Downtown/Redevelopment Project Area. Roll call vote was unanimous with White absent and not voting.

**TC (AGT) [AUTH]**  
Contract with Grant Management Associates, funded by CDBG, financial planning strategies for wastewater treatment facility. (960-40-02 and C10-08)

**Agenda Item 7(c):** Assistant Manager Gill and Town Manager Rough reported to Council regarding the Town Manager's option to defer development impact fees, and discussed how the Town's mitigation policy has been applied to projects within the Town in the past. Manager Rough stated that he would like to be able to defer fees for both residential and commercial projects until point of occupancy and to provide a means to administer the deferrals based on the benefit of the project to the community in terms of job creation and generation of sales and property taxes. Council concurred with the staff's direction regarding development impact fee deferral and mitigations.

**TC (P&CD) [AUTH]**  
Deferment of Development Impact Fees until point of occupancy. (740-10-13)

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

Council Member Rutledge reported on her attendance and participation at the 4<sup>th</sup> of July event held at the Community Park.

Council Member Culleton reported on his attendance at the LCC Administrative Policy Committee Meeting; the Police Department 30<sup>th</sup> Anniversary Celebration; that the LCC Sacramento Valley Division Meeting will be held on July 23<sup>rd</sup> in Redding; and that the Quota Fundraiser will be held on August 14, which is a Chili Cook-off and Cowboy Poetry event.

Vice Mayor DiDica reported on his attendance at the Police Department 30<sup>th</sup> Anniversary Celebration and the 4<sup>th</sup> of July Bluegrass Festival and Quilt Show event.

Mayor Lotter reported on his attendance at the Police Department 30 year anniversary celebration and the 4<sup>th</sup> of July Bluegrass Festival and Quilt Show.

**Agenda Item 8b:** Vice Mayor DiDuca stated that this item was addressed during the discussion held for agenda item 7c.

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

None.

**10. CLOSED SESSION**

At 7:25 p.m., Mayor Lotter 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, and Gina Will, its designated representatives, regarding labor relations between the Town and the Police Mid-Management Association; the Paradise Firefighters' Association; the Confidential/Mid-Management Association; the General Employees Unit; and the Management Unit; and, pursuant to Government Code Section 54957 and 54957.6, the Town Council will hold a closed session to conduct an annual performance evaluation of the Town Clerk, Joanna Gutierrez, and to review amending and restating of the agreement between the Town of Paradise and Joanna Gutierrez for Town Clerk services. The designated representative for the Town Council is Charles L. Rough, Jr.

Mayor Lotter reconvened the meeting at 8:42 p.m. and announced (1) That direction was given regarding negotiations with the Police Mid-Management Association; the Paradise Firefighters' Association; the Confidential/Mid-Management Association; the General Employees Unit; and the Management Unit; and, (2) That direction was given to the Town Clerk to bring back a contract with a two-year extension to the August 10, 2010 meeting.

**11. ADJOURNMENT**

The Council meeting was adjourned at 8:43 p.m.

APPROVED: August 10, 2010

SCOTT LOTTER, Mayor

JOANNA GUTIERREZ, CMG, Town Clerk