

**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR MEETING - 6:00 P.M. - AUGUST 10, 2010**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Lotter at 6:02 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 Gill, Community Development Director Baker, Special Projects Manager McGreehan, Human Resources Manager Ivey, Public Works Director/Town Engineer Schmidt, 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 DiDuca, seconded by Culleton, approved Minutes of the July 13, 2010 Regular Meeting and the July 21, 2010 and July 22, 2010 Special Meetings. Roll call vote was unanimous.

**TC (MIN) [APPR]**  
Minutes of the July 13, 2010 Regular and July 21 & July 22, 2010 Special Meetings.

**Agenda Item 3(b):** MOTION by DiDuca, seconded by Culleton, approved the Check Register in the amount of \$948,963.29. Roll call vote was unanimous.

**TC (FIN) [APPR]** Check Register in amount of \$948,963.29 (310-10-26)

**Agenda Item 3(c):** MOTION by DiDuca, seconded by Culleton, (1) Waived the reading of entire Ordinance No. 503 and approved reading by title only; and, (2) Adopted 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.

**TC (ORD) [ADOPT]**  
Ord. 503 Text Amendments to Paradise Municipal Code. (540-16-72 & 750-85-05)

**Agenda Item 3(d):** MOTION by DiDuca, seconded by Culleton, approved the Fiscal Year 2010/2011 GIS maintenance agreement

**TC (AGT) [APPR]**  
GIS Maintenance Agt. With CSU Chico,

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with the CSU, Chico Research Foundation, in the amount of \$10,000; and, authorized the Town Manager and Mayor to execute the agreement. Roll call vote was unanimous.

Research Foundation  
(C06-22)

**Agenda Item 3(e):** MOTION by DiDuca, seconded by Culleton, approved the response to the 2009/2010 Final Grand Jury Report and authorized the Mayor to sign. Roll call vote was unanimous.

TC (LEGAL) [APPR]  
Respond to 2009/10  
Grand Jury Report (550-  
20-20)

**Agenda Item 3(f):** MOTION by DiDuca, seconded by Culleton, authorized the Town Manager and Mayor to execute the Amendment to Professional Services Agreement with Holdrege & Kull for Materials Testing, Inspection and Geotechnical Consultant Services. The amendment extends the contract duration through August 25, 2011 and has a revision to the cost schedule to cover increases to prevailing wage rates. Roll call vote was unanimous.

TC (AGT) [APPR]  
Amend Professional  
Services Agreement with  
Holdrege & Kull for  
Materials Testing,  
Inspection and  
Geotechnical Consulting  
Services thru Aug. 25,  
2011 (C09-16)

**Agenda Item 3(g):** MOTION by DiDuca, seconded by Culleton, approved purchase of three vehicles and related equipment for use by the Public Works Department for the total amount of \$158,431.41: (1) 2010/11 Ford F-350 SRD/CSR 4x4 pickup truck from Larry Geweke Ford, Yuba City at \$23,410.24; (2) One 2010/11 Ford, F-350 S/C 4x4 pickup truck from Larry Geweke Ford, Yuba City, at \$25,950.86; (3) One 2011 Ford, F-750 /Cab and Chassis from Downtown Ford Sales in Sacramento, at \$58,465.25; (4) Installation of communication radio units by Day Wireless at \$2,400; (5) Purchase & installation of specialty equipment from West Coast Truck Equipment in Sacramento at \$47,105.06; and, (6) Purchase & installation of beacon lighting and additional safety accessories by Fleet Manager in amount \$1,100. Roll call vote was unanimous.

TC (FIN) [APPR] PW  
Vehicles – Lease  
Purchase from Larry  
Geweke Ford in Yuba  
City, Downtown Ford  
Sales in Sacramento,  
Dayless Wireless, and  
West Coast Truck  
Equipment in  
Sacramento.

**Agenda Item 3(h):** MOTION by DiDuca, seconded by Culleton, (1) Authorized the Town Manager to replace the Paradise Public Safety Point (PSAP) 911 System; and, (2) Authorized the Town Manager to draw on a portion of the Town's allocation of State E911 Funds by purchasing the PSAP 911 System through the State of California 911 Emergency Communication Office. The anticipated cost is \$114,345.25 and includes all necessary equipment, labor, taxes, training and a five (5) year warranty and maintenance agreement. There is no impact to the General Fund. Roll call vote was unanimous.

TC (HS&W) [AUTH]  
Authorized TM to  
Replace PSAP 911  
System including  
equipment, labor, taxes,  
training and 5-year  
warranty and  
maintenance agreement.  
(420-30-06)

**Agenda Item 3(i):** MOTION by DiDuca, seconded by Culleton, adopted Resolution No. 10-25, A Resolution of the Town Council of the Town of Paradise, California, Adopting Direct Assessment for Administrative Citation Penalties for Fiscal Year 2010/11 and

TC (RES) [ADOPT]  
Res. No. 10-25 Direct  
Assessment for  
Administrative Citation  
Penalties for FY 2010/11

authorized the Town Manager and the Town Attorney to Execute the Proposition 218 Certification of Tax Bill Levy. Roll call vote was unanimous.

and Execute Prop 218 Certification of Tax Bill Levy (395-70-13)

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

Mayor Lotter informed the public of the public hearing procedure.

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

Assistant Manager Gill reported to Council regarding grant funding available through the California Department of Housing and Community Development Disaster Recovery Initiative-2008 Wild Fires (FEMA 3287-3M), and that since the first public hearing the only comment received was from the Feather River Hospital in Paradise inquiring as to whether or not their unreimbursed costs were eligible under this grant application, and that those eligibility questions have been submitted to HUD for investigation. Ms. Gill reported that the Town did not sustain a substantial enough loss to be eligible for housing assistance under this grant, but that the grant will pay for forward thinking strategies which address land use issues, and, with Council approval, the Town will be applying for planning funds to update the Safety Element of the General Plan and to update the Community Wildfire Protection Plan.

Mayor Lotter opened the public hearing at 6:13 p.m. There were no speakers for or against the matter and Mayor Lotter closed the public hearing at 6:14 p.m.

**Agenda Item 5(a): MOTION by White, seconded by Culleton,** adopted Resolution No. 10-26, A Resolution of The Town Council Of The Town of Paradise Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto From the 2008 Disaster Recovery Initiative (DRI) Allocation of the State Community Development Block Grant (CDBG) Program. Roll call vote was unanimous.

**TC (RES) [ADOPT]**  
Res. No. 10-26  
Application for Grant  
from 2008 Disaster  
Recovery Initiative (DRI)  
Allocation from CDBG  
Program (710-10-74)

Community Development Director Baker reported to Council regarding the Planning Commission recommendation for Town Council adoption of a property rezone for a rezone application identified as PL10-00046 (Worthington) for a  $\pm$  13.32 acre land area consisting of three existing properties from Agricultural Residential-3 Acre Minimum (AR-3) to Agricultural Residential-1 Acre Minimum (AR-1) located at 217 Craft Lane, 237 Craft Lane and 3885 Neal Road, further identified as Assessor Parcel Numbers 051-240-004, 051-240-030 and 054-240-029.

Mayor Lotter opened the public hearing at 6:22 p.m. There were no speakers for or against the matter and Mayor Lotter closed the public hearing at 6:23 p.m.

**Agenda Item 5(b): MOTION by White, seconded by Culleton,** (1) Concurred with the Planning Commission's decision to adopt the environmental document (mitigated negative declaration) prepared for the rezone project under the requirements of the California Environmental Quality Act (CEQA); (2) Concurred with the project recommended rezone action adopted by the Planning Commission on July 20, 2010 and embodied within Planning Commission Resolution No. 10-7; (3) Waived the reading of entire Ordinance No. 504 and approve reading by title only; and, (4) Introduced Ordinance No. 504, An Ordinance Rezoning Certain Real property From Agricultural Residential, 3-Acre Minimum (AR-3) to Agricultural Residential, 1-Acre Minimum (AR-1) Zone Pursuant to Paradise Municipal Code Section 17.45.500 Et. Seq. (PL10-00046; Worthington). Roll call vote was unanimous.

TC (ORD) [INTRO] Ord.  
No 504 Rezoning Real  
Property from AR-3 to  
AR-1 (Worthington)  
(750-85-05)

Special Projects Manager McGreehan reported to Council regarding the Planning Commission recommendation for Town Council adoption of a Town initiated amendment to the text of the Land Use Element of the 1994 Paradise General Plan in order to update and revise the Land Use Element to be consistent with and further implement the Town adopted Paradise Redevelopment Plan. Mr. McGreehan stated that the proposed objective addresses the subject of "incompatible land uses" upon properties within the RDA Project area and complements Ordinance No. 503 that was adopted by Council this evening. Mr. McGreehan explained that the Planning Commission chose not to endorse a general plan policy that prohibited certain land uses within the project area.

Mayor Lotter opened the public hearing at 6:33 a.m.

1. Jon Remalia stated that he is in escrow on a piece of property on Skyway where he has an established fuelwood sales business, that he doesn't think more regulations on businesses are needed; that he doesn't think certain types of land uses should be prohibited and that effects of the land uses, such as noise and aesthetics, can be dealt with as they occur; that he thinks the Planning Commission went in the right direction in not excluding certain businesses; that his fuelwood business is creating jobs as he recently had 27 responses to an ad he placed in the paper for wood splitters and that 19 were from Paradise; and asked that the Council do what the Planning Commission recommended. Mr.

Remalia stated that the Redevelopment Implementation Plan has language that calls for support of basic industry in the redevelopment project area and that there is no zoning for basic industry in the RDA; and, that the discretionary decision process will trigger a review by the Fish and Game Department that will cost him \$2,000.00.

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

Council Member DiDuca exited the Council Chambers at 6:40 p.m.

**Agenda Item 5(c): MOTION by Culleton, seconded by Rutledge,** (1) Concurred with the project "CEQA" determination" findings adopted by the Planning Commission on July 20, 2010, and embodied within Planning Commission Resolution No. 10-8; and, (2) Adopted Resolution No. 10-27, A Resolution of the Town Council of the Town of Paradise Amending the Land Use Element of the 1994 Paradise General Plan [Town of Paradise]. \*Roll call vote was unanimous with DiDuca absent and not voting.

**TC (RES) [ADOPT]**  
Res. No. 10-27  
Amending the Land Use  
Element of the 1994  
Paradise General Plan  
(760-40-38)

\*Note: [Adds Land Use Objective 22(a) (LUO-22(a): "Strengthen and expand the commercial-retail land use base of properties in the Paradise RDA project Area via minimization, reduction and/or avoidance of incompatible land uses."]

Community Development Director Baker reported to Council regarding the two proposed ordinances, the first which proposes prohibition of certain new land uses within the redevelopment project area; and, the second which proposes amendments to the Town's animal regulations to allow the keeping of limited numbers of chickens and rabbits upon smaller residential properties subject to certain standards. Mr. Baker informed Council that the Planning Commission reviewed and removed the language regarding the prohibition of land uses from the proposed Planning Commission resolution; and, subsequently, the majority of the Planning Commissioners voted to **not** adopt a resolution approving the proposed amendments to the Town's animal regulations.

Mayor Lotter opened the public hearing at 6:50 p.m.

1. Jon Remalia stated that he was surprised there was no one at the Planning Commission meeting in favor of the chickens, that he is against any regulation that singles out individual businesses, and asked the Council to decline the ordinance proposed to prohibit certain land uses in the redevelopment project area.

Mayor Lotter closed the public hearing at 6:52 p.m.

**Agenda Item 5(d-1): MOTION by Culleton, seconded by White,** rejected the proposed ordinance adding Section 17.06.825 to the Paradise Municipal Code Related to: Land Use Regulations Within the Paradise Redevelopment Project Area. Roll call vote was unanimous with DiDuca absent and not voting.

TC (ORD) [REJ] Reject proposed Ordinance

**Agenda Item 5(d-2): MOTION by Culleton, seconded by White,** directed that the language of the proposed ordinance be amended to allow up to two chickens and up to two rabbits (as stated by the Town Attorney); and, (1) Concurred with the Planning Director's "CEQA determination" that the proposed text amendments are exempt from the provisions of the California Environmental Quality Act, pursuant to CEQA Section 15061 (General Rule Exemption); and, (2) Waived the reading of entire Ordinance No. 505 and approved reading by title only; and, (3) Introduced Ordinance No. 505, "An Ordinance Amending Sections 17.04.500 and 17.35.200 of the Paradise Municipal Code and adding Section 17.35.250 Thereto Related to: The Keeping of Small Animals as a Permitted Accessory Land Use in Residential Zones", as amended. Ayes of Culleton, White and Mayor Lotter; no of Rutledge; DiDuca absent and not voting.

TC (ORD) [INTRO] Ord. No. 505 Amending Sections 17.04.500 and 17.35.200 and adding Section 17.35.250 Related to Small Animals (750-85-05)

## **6. PUBLIC COMMUNICATION**

1. Leslie Foss thanked the Council for listening to the citizens and withdrawing the parcel tax measure from the ballot, that she spoke to the Fire Chief about the scotch bloom next to the PG&E substation and that she met with Finance Director Will regarding the accounting software and understands that the situation is under control.

## **7. COUNCIL CONSIDERATION**

**Agenda Item 7(a): MOTION by White, seconded by Rutledge,** (1) Approved the two-year extension to the Town Clerk Employment Agreement with Joanna Gutierrez, extending the terms of the agreement through June 30, 2013; and, (2) Authorized the Mayor to sign the agreement. Roll call vote was unanimous with DiDuca absent and not voting.

TC (AGT) [APPR] Two-year Extension of Town Clerk Employment Agreement to June 30, 2013. (C06-11)

**Agenda Item 7(b): MOTION by Rutledge, seconded by Culleton,** adopted Resolution No. 10-28 A Resolution of the Town Council for the Town of Paradise Authorizing the 30-Day Suspension of Dog License Late Penalty Fees as Assessed within the Schedule of Fees in Resolution No. 09-48 (Suspension Effective September 1 –

TC (RES) [ADOPT] Res. No. 10-28 Authorizing 30-day Suspension of Dog License Late Penalty Fees. Effective September 1 – 30, 2010

Date: August 10, 2010

September 30, 2010). Roll call vote was unanimous with DiDuca (410-40-20) absent and not voting.

**Agenda Item 7(c): MOTION by Lotter, seconded by Rutledge,** approved the permanent appointment of Acting Police Chief Chris Buzzard as Police Chief with no change in compensation. Roll call vote was unanimous with DiDuca absent and not voting.

**TC (PER) [APPR]**  
Permanent Appointment  
of Police Chief Chris  
Buzzard (650-60-07)

**Agenda Item 7(d): Council concurred** to endorse and officially support California Forward 2010 Fiscal Reforms Plan through specific state legislation: ACA 4, AB-2591, SB-1020 and SB-1426. (The legislation would, in essence, require the State government to develop spending plans, financial forecasts, and set clear goals for programs; and, provide legislative oversight of expenditures, program reviews, a process to identify revenue spikes that could pay one-time expenses or reduce debt and identification of funding sources for new or expanded programs or tax reductions.

**TC (LEGAL) [CONCU]**  
Support CA Forward  
2010 Fiscal Reform Plan  
through specific state  
legislation: ACA 4, AG-  
2591, SB-1020 and SB-  
1426. (550-40-21)

**Agenda Item 7(e): MOTION by White, seconded by Culleton,** (1) Authorized the Town Clerk to advertise for applicants to the upcoming vacancies on the Tree Advisory Committee caused by the expiration of terms of office of two positions requiring academic knowledge of basic plant science and/or maintenance and care of trees; and the two existing unfilled positions; (2) Set the terms of office for the unfilled positions requiring individuals licensed in the construction or onsite trades to initiate as two-year terms that will renew as three year terms; (3) Set an application deadline for September 2, 2010 at 5:00 p.m.; and, (4) Scheduled appointments to the positions at the September 14, 2010, Town Council Meeting. Roll call vote was unanimous with DiDuca absent and not voting.

**TC (PC&D) [AUTH]**  
Advertise for Applicants  
to the Tree Advisory  
Committee, application  
deadline of September  
2, 2010 and appointment  
on September 14, 2010  
at Regular Town Council  
Meeting. (740-60-12)

1. Ken Kouns informed Council that he is the citizen that hit the fire hydrant on Pinewood Drive, that he is insured through USAA, an insurance company owned by active and retired members of the armed forces, that his insurance representative informed him that in December, 2009, the Town had received five bids and that the Town Attorney demanded payment of the \$126,000 in January, t even though the work couldn't be done until April or May. Mr. Kouns stated that it is now August and the road repairs are finally being scheduled, that the new bids did not include the cost of three storms drains, and less square footage of road is being repaired, that he thinks the money was used to balance the Town's budget, and that he is happy to hear that any excess funds will now be refunded to the insurance company.

Mayor Lotter explained that when the initial bids were requested, the Town staff did not know the extent of the damage or if the accident caused damage to the storm drains; that there was a need to wait until they went through the entire winter to make that determination; that it was prudent to include the drains in the initial estimate to avoid potential expense to the taxpayers; and, that the claim monies had no effect on balancing the budget.

**Agenda Item 7(f): MOTION by Rutledge, seconded by White,** (1) accepted the bid from Franklin Construction, Inc., in the amount of \$65,965.00 for the Pinewood Drive Street Repair Project; (2) Awarded the contract to Franklin Construction, Inc., in the amount of \$65,965.00 and authorized the Town Manager and Mayor to execute the contract; and, (3) Authorized the Town Manager to execute Contract Change Orders on this project up to the 10% contingency limit (\$6,596.50). Roll call vote was unanimous with DiDuca absent and not voting.

**TC (PW) [ACCEPT]**

Accept bid from Franklin Construction in amount of \$65,965. for Pinewood Drive Street Repair Project. (950-40-15 & C10-10)

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

**Agenda Item 8a:** Council Member White reported on his attendance at Butte County Association of Governments and Butte County Air Quality Management District meetings.

Council Member Rutledge reported that her meetings were cancelled.

Council Member Culleton reported that he attended the Butte County Local Task Force meeting at the Neal Road Landfill; the Sacramento Valley Division Meeting; that he was nominated to the LCC Resolution Committee, which is why he put item 8b on the agenda; and that he is putting on a Cowboy Poetry fund raiser on Saturday at the Gold Nugget Museum to raise money for the annual "Boys of Paradise" Quota fundraiser on behalf of the Boys and Girls Club.

Mayor Lotter reported that he attended the Sacramento Valley division meeting in Redding and that Thursday is the last "Shop Local Thursday" at the Paradise Community Park.

**Agenda Item 8b:** Council concurred that the Town's League of California Cities voting delegate, Council Member Culleton, vote his conscience with regard to the resolutions proposed for consideration by the General Resolutions Committee at the 2010 League of California Cities 2010 Annual Conference.

**TC (ADMIN) [CONCU]**

Town's League of CA Cities Voting Delegate to vote his conscience at Annual Conference. (150-50-64)

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

None.

**10. CLOSED SESSION**

10a. At 8:00 p.m., Mayor Lotter announced that pursuant to Government Code Section 54957.6, the Town Council will adjourn to hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, 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,

10b. Pursuant to Government Code Section 54956.8, to hold a closed session with its negotiators, Charles L. Rough, Jr., Dennis Ivey, Lauren Gill, Dennis Schmidt and Doug Danz to discuss the price and terms to acquire real property from the owner Frank Nichols. The property is described as follows: Real property located within a 229 acre parcel of real property located south of Town along the side of Skyway within the Blue Oaks Phase III subdivision area, identified as AP #055-540-037.

Mayor Lotter reconvened the meeting at 8:55 p.m. and announced that direction was given and no action taken in either closed session.

**11. ADJOURNMENT**

The Town Council meeting was adjourned at 8:55 p.m.

APPROVED: September 14, 2010

  
SCOTT LOTTER, Mayor

  
JOANNA GUTIERREZ, CMC Town Clerk