

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – October 4, 2011**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor White 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 Joe DiDuca.

COUNCIL MEMBERS PRESENT: Steve "Woody" Culleton, Joe DiDuca, Tim Titus, and Alan White, Mayor.

COUNCIL MEMBERS ABSENT: Scott Lotter.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Community Development Director Baker, Assistant Public Works Director Derr, Assistant Town Clerk Volenski, Interim Fire Chief Cone, Battalion Chief Rapp, HR/Risk Manager Analyst Peters and Police Chief Buzzard.

Proclamations: The Domestic Violence Awareness Month proclamation was presented to Vince Ornelas, Member of Catalyst Board of Directors; and, the Book in Common for 2011/2011- Zeitoun - was presented to Brenda Crotts, Paradise Branch Librarian.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Manager Rough informed Council that the budget adjustment discussed in agenda item 3e will not take effect until the next fiscal year, and Council concurred to remove item 3e from the agenda.

Comments related to agenda item 3c:

1. Tom Kelly stated that he would like Paradise to be declared a drug free zone, that the American Medical Association has stated that there is no medical use for marijuana, that the ordinance bans dispensaries and collectives and he would like to see marijuana banned from all neighborhoods
2. Gordy D. stated that he thinks the restrictions in the Constitution are on government and not on "we the people", that the proposed ordinance is a slap in the face to the people that voted in 1996 to legitimize medical marijuana, and discussed his views on the

differences between a republican form of government and a democracy as each relates to sovereign power and the rights of the individual people.

Agenda Item 3(a): MOTION by Titus, seconded by DiDuca, approved Minutes of the September 6, 2011, Regular Council Meeting and the September 15, 2011, Special Council Meeting. Roll call vote was unanimous with Lotter absent and not voting.

TC (MIN) [APPR]
Minutes of the 9/6/2011
Regular & 9/15/2011
Special Meetings.

Agenda Item 3(b): MOTION by Titus, seconded by DiDuca, approved Cash Disbursements in the amount of \$958,648.92. Roll call vote was unanimous with Lotter absent and not voting.

TC (FIN) [APPR] Cash
Disbursements in the
amount of \$958,648.92.
(310-10-27)

Agenda Item 3(c): MOTION by Titus, seconded by DiDuca, (1) made the finding that, pursuant to California Environmental Quality Act (CEQA) guidelines Section 15061(b)(3), the proposed ordinance is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment and the proposed ordinance is not a project under CEQA because it is ministerial in nature; (2) Waived the second reading of entire Ordinance No. 523 and approved reading by title only; and, (3) Adopted Ordinance No. 523, An Ordinance of the Town of Paradise Repealing Chapter 17.31 of the Paradise Municipal Code and Adding a New Chapter 17.31 to the Paradise Municipal Code Restricting Medical Marijuana Cultivation. Roll call vote was unanimous with Lotter absent and not voting.

TC (ORD) [ADOPT] Ord
No 523, Adding to PMC
Ch 17.31 restricting
medical marijuana
cultivation. (540-16-92)
(750-95-10)

Agenda Item 3(d): MOTION by Titus, seconded by DiDuca, approved the request by Bob Irvine, Executive Director of California Vocations, Inc., (COVE) to adopt a portion of the Paradise Memorial Trailway from Rocky Lane northerly to Pentz Road. Roll call vote was unanimous with Lotter absent and not voting.

TC (PW) [APPR]
Trailway adoption by
COVE as requested by
Bob Irvine. (950-18-03)

Agenda Item 3(e): Council concurred to remove this item from the agenda as the budget adjustment in the amount of \$16,456 will not take effect until 2012/2013 fiscal year.

N/A until 2012/13

4. PUBLIC HEARING PROCEDURE

Mayor White informed the public that there were no public hearings scheduled for this meeting.

5. PUBLIC HEARINGS

None.

6. PUBLIC COMMUNICATION

1. Harold Eddy stated that he thinks the money being spent to improve the parks in Town should be used to improve the roads.

Mayor White stated that the parks are under the control of a separate entity, the Paradise Recreation and Park District, and that the park monies are not available to the Town of Paradise.

2. Cynthia Harvey stated that she provided each Council Member a folder of information regarding the disappearance of her son Loren Harvey Jr., on October 15, 2010, that her son is a victim, that they have no answers, and asked Council to encourage the Paradise Police to open their files to the FBI to allow them to solve the crime at no cost to the Town.

7. COUNCIL CONSIDERATION

Following a report from Police Chief Buzzard regarding the cost of animal control operations, which includes the animal shelter, and the measures taken to enable the shelter to operate for the next three years, Mayor White opened the matter for public input.

1. Loren Harvey stated the he would like to remind Council that the load on retirement will continue to grow when sworn police officers are working in Animal Control.

Agenda Item 7(a): MOTION by DiDuca, seconded by Culleton, authorized the Finance Department to transfer \$37,467 from the Animal Control Donation Account #7811.30.4540.5910.070 to Animal Control Account #2070.30.4540.3910.811 to reconcile the FY 2010/2011 budget. Roll call vote was unanimous with Lotter absent and not voting.

TC (FIN) [AUTH]
\$37,467 transfer from
AC Donation account to
AC Account
2070.30.4540.3910.811
to reconcile budget.
(340-10-32) (410-10-05)

Following a report from Police Chief Buzzard regarding the proposed DUI cost recovery program, Mayor White opened the matter for public comment.

1. Gordy D. stated that he has no problem with keeping drunk or impaired drivers off the road, but has a problem with the Town billing without due process.

2. Fred Aldred stated that he does not defend drunk drivers, but is concerned with equality issues, and even though the State law allows the Town to pursue this certain group of offenders - drunk or impaired drivers - there are other actions that cause accidents that

require emergency response, such as accidents that occur while using a cell phone to send text messages, or dropping a cigarette in your lap while driving.

3. Jon Remalia questioned if it would take as much money to pursue collection of these proposed fees as would be collected, and that many people cannot even afford to get their vehicles out of impound.

Agenda Item 7(b): Council concurred to the amendments recommended by the Town Attorney to the resolution proposed for a DUI Cost Recovery Program as follows:

Motion failed re DUI Cost Recovery Program.

1. To Section 6, to establish that the amount of the cost recovery fee shall not exceed one thousand dollars (\$1,000) (originally proposed at twelve thousand dollars); and,
2. To the first sentence in section 7 of the proposed resolution to require a person be convicted prior to billing a cost recovery fee, by striking the words "Within ten (10) days of ..." and insert the words "After the person is convicted of an offense for the ...".

The **Motion by Titus, seconded by Culleton** to adopt the amended Resolution No. 11-40, A Resolution Establishing Procedures, Fees and Charges for the Recovery of Public Safety Costs for Emergency Response Directly Related to Driving Under the Influence Incidents, DID NOT PASS. Ayes of Culleton and Titus; noes of DiDuca and White; Lotter absent and not voting. DiDuca stated for the record that he voted no as he would like to review information from other cities on this issue.

Community Development Director reported to Council regarding the application for landmark tree status filed by Bill Meseke, Mayor White opened the matter for public comment.

1. Bill Meseke stated that he likes trees and landscape, that it was coincidental that he noticed information on the Town's website about the process of designating a landmark tree and that he thinks this is a nice thing to do that will add to the value of his property.

Agenda Item 7(c): MOTION by White, seconded by Culleton, (1) made the finding that, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed Landmark Tree Designation is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment; and, (2) Adopted Resolution No. 11-40, A

TC (RES)[ADOPT] Res No 11-40, Establishing Landmark Tree Status for tree located at 1627 Meadowbrook Ln. (740-60-20)

Resolution of the Town of Paradise Establishing Landmark Tree Status for a Large Black Oak Tree Growing on Residential Property Located at 1627 Meadowbrook Lane, Paradise, California (PL11-00169, Meseke). Roll call vote was unanimous with Lotter absent and not voting.

Agenda Item 7(d): MOTION by Titus, seconded by DiDuca, authorized a 90-day trial of an electronic agenda/meeting management solution to meet the Town Council's goal of streamlining processes through technology, vendor to be selected by staff. Roll call vote was unanimous with Lotter absent and not voting.

TC (ADMIN) (APPR) 90-day trial of electronic agenda/meeting mgt solution. (160-50-11)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8(a): Council Member DiDuca reported on his attendance at the Butte College ceremonies held in commemoration of the tenth anniversary of the '911' terrorist attack on the twin towers in New York; and, that he went on the Paradise Irrigation District water tour.

Vice Mayor Culleton reported on his attendance at the League of California Cities Annual Conference in San Francisco.

Council Member Titus reported on his attendance at the Paradise Community Village groundbreaking ceremony and Johnny Appleseed Days.

Mayor White reported on the Exchange Club "Blues & Brews" fundraiser for school music programs held as part of Johnny Appleseed Days; and, that he attended the PCV groundbreaking ceremony and the Butte County Air Quality Management District Meeting.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Agenda Item 9(a): Police Chief Buzzard informed Council that the Police Department has added a K-9 member to the Police force, a 65 pound male German Shepherd named "Cash", a protection dog.

10. CLOSED SESSION

At 8:00 p.m. Mayor White announced that pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will, and Crystal Peters, its designated representatives, regarding labor relations between the Town and the Confidential/Mid-Management

Association, the Firefighters' Association, Fire Mid-Management Association, the General Employees Unit, the Management Unit, the Police Mid-Management Association, and the Police Officers Association.

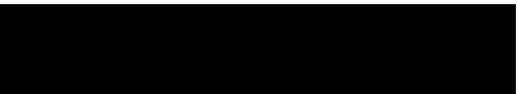
Mayor White reconvened the meeting at 8:20 p.m. and announced that no action was taken in closed session.

11. ADJOURNMENT

The Council meeting was adjourned at 8:20 p.m.

APPROVED: November 1, 2011


ALAN WHITE, Mayor


JOANNA GUTIERREZ, CMC Town Clerk