MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – October 12, 2010

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor Lotter at 6:04 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, Finance Director Will, Community Development Director Baker, Public Works Director/Town Engineer Schmidt, HR Manager Ivey, Onsite Official Danz, Acting Fire Chief Jensen and Police Chief Buzzard.

Proclamations: The Domestic Violence Awareness Month proclamation was presented to Margie Ruegger on behalf of Catalyst Domestic Violence Services, The Book in Common, "The Boy Who Harnessed The Wind" proclamation was presented to Brenda Crotts, Paradise Librarian, and Jay Smith was presented a proclamation in recognition of his service to the community.

2. ITEMS DEFERRED FROM PREVIOUS MEETING - None.

3. CONSENT CALENDAR

Agenda Item 3(a): **MOTION by White, seconded by DiDuca,** approved Minutes of the September 14, 2010 Regular Meeting and the September 29, 2010 Special Meeting. Roll call vote was unanimous.

TC (MIN) [APPR] Minutes of the September 14, 2010 Regular and September 29 , 2010 Special Mtg.

Agenda Item 3(b): **MOTION by White, seconded by DiDuca,** approved Check Register in the amount of $1,329,827.89. Roll call vote was unanimous.

TC (FIN) [APPR] Check Register in amount of $1,329,827.89 (310-10-26)

Agenda Item 3(c): **MOTION by White, seconded by DiDuca,** (1) Waived the reading of entire Ordinance No. 506 and approved reading by title only; and, (2) Adopted Ordinance No. 506, An Ordinance Rezoning Certain Real Properties from RR-1/2 (Rural Residential, ½ Acre Minimum) to a C-S (Community Services) Zone; and, From AR-1 (Agricultural Residential, 1-acre minimum) to RR-1/2 (Rural Residential, ½ Acre Minimum) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 et. seq. (PL10-00260: Feather River Hospital and PL10-00194: Rinehart). Roll call vote was unanimous.

TC (ORD) [ADOPT] Ord. 506 Rezone - Feather River Hospital and Rinehart - Paradise Municipal Code. (750-85-05 & 540-16-75)

Agenda Item 3(d): **MOTION by White, seconded by DiDuca,** (1) Waived the reading of entire Ordinance No. 507 and approve reading by title only; and, (2) Adopted Ordinance No. 507, An Ordinance Amending Text Regulations Within the Paradise Municipal Code Chapter 8.04, related to Public Nuisance Abatement. Roll call vote was unanimous.

TC (ORD) [ADOPT] Ord. 507 Amending Text Regulations within Paradise Municipal Code. (540-16-76)

Agenda Item 3(e): **MOTION by White, seconded by DiDuca,** (1) Declared the Police Department equipment described in Attachment A to the staff report as surplus property (Kustom Signals Video System); and, (2) Authorized the Police Department to donate the property to the Butte College Law Enforcement Academy. Roll call vote was unanimous.

TC (FIN) [AUTH] Declared Police Dept. equipment as surplus and authorized to donate to Butte College Law Enforcement Academy. (380-10-04)

Agenda Item 3(f): **, MOTION by White, seconded by DiDuca,** (1) Awarded the Police Patrol Vehicle Bid (Two 2011 Ford Crown Victoria Police Interceptors) to Hoblit Motors, Woodland, CA, at a cost of $21,680.40 per vehicle; and, (2) Awarded the complete installation services of police equipment (parts and labor) on two police vehicles to Lehr Auto Electric, Sacramento, CA, at a cost of $7,550.30 per vehicle; and, (3) Authorized the Town Manager to purchase the two 2011 Ford Crown Victoria Police Interceptors; and, (4) Authorized the Town Manager to purchase the installation services (parts and labor) on two police vehicles. The total financial impact: $58,461.40. No cost to the General Fund. Roll call vote was unanimous.

TC (FIN) [APPR] Purchase of two Police patrol cars from Hoblit and installation services to Lehr Auto Electric. Financial Impact $58,461.40.

Agenda Item 3(g): **MOTION by White, seconded by DiDuca,** Adopted Resolution No. 10-39, A Resolution of the Town Council of the Town of Paradise Amending the Master Schedule of Fees for Town Services to Delete the Fees currently being charged for Major and Minor preliminary development reviews. Roll call vote was unanimous.

TC (RES) [ADOPT] Res No 10-39, deleting fees from Master Fee Schedule for Major & Minor Preliminary development reviews. (395-20-17)

Agenda Item 3(h): **MOTION by White, seconded by DiDuca,** acknowledged receipt of the 4th Quarter Investment Report for the Fiscal Year ended June 30, 2010. Roll call vote was unanimous.

TC (FIN) [ACK] Receipt of Invest. Report for 4th QTR of FY ended 6/30/10. (360-30-05)

Agenda Item 3(i): **MOTION by White, seconded by DiDuca,** adopted Resolution No. 10-40, A Resolution of the Town Council of the Town of Paradise to Tax Defer Member Paid Contributions (to PERS-Public Employee Retirement System.) Roll call vote was unanimous.

TC (RES) [ADOPT] Res No. 10-40, Tax Defer Member Paid PERS Contributions.

Agenda Item 3(j): **MOTION by White, seconded by DiDuca,** acknowledged receipt of the Informational Report regarding the Progress of the new Fleet Services Division for the 2010/2011 Fiscal Year. Roll call vote was unanimous.

TC (ADMIN) [ACK] Fleet Services Division Report 2010/2011.

4. PUBLIC HEARING PROCEDURE

Mayor Lotter announced that no public hearings were scheduled.

5. PUBLIC HEARINGS None.

6. PUBLIC COMMUNICATION

1. Paul Derr, Assistant Public Works Director, reminded Council of the two memorial projects approved for the Community Park initiated by high school seniors Sam Houston and Kyle Webster; informed that Sam's memorial to the those in military service from Paradise who had been killed in WWII had been dedicated on July 4, 2010, and that Kyle Webster's memorial to the Korean War Veterans will be dedicated on November 11, 2010. Mr. Derr also informed Council that Sam is in his second year at UC Davis and Kyle is serving in the military.

2. Robin Huffman, citizen and member of the Butte Environmental Council, stated that she is concerned about the development occurring in Pentz corridor within the Paradise Sphere of Influence that could become a drain on the Town's resources especially with regard to providing water as there will be pumping and fuel costs, and asked that a committee be formed or that this matter be brought to Council by way of a special meeting to look at the proposed zoning for the Paradise Sphere of Influence area before the October 26th scheduled adoption of the Butte County General Plan.

3. Stan McEtchin discussed a fire prevention press release and a resulting article written in the local newspaper regarding a special events permit that is required by the Town and asked if this would apply to people gathering together in a public forum or at a private facility – families, weddings or political meetings.

Fire Chief Jensen explained that the media release was sent out in the interests of public safety because of the upcoming Halloween holiday that brings about events such as haunted houses that present potential dangers within a community due to flammable materials, theatrical machinery and electrical hookups that are introduced in the occupancy; that the information was to let citizens know that whenever they change their residences to attract people into their homes, it becomes a special event for which they needed to

have an inspection done by the Fire Department; and that this requirement is set forth in the California Fire Code. Chief Jensen clarified that this did not apply to gatherings of family members in private homes or to groups of citizens meeting within public facilities - it is when the general public is invited into a facility that the Fire Department gets involved. Chief Jensen stated that the special events fee was originally approved at $76, but was subsequently reduced to $25.

4. Loren Harvey asked if the Fire Department could be directed to make a notification to the public about the Christmas light displays that are put up every holiday season.

7. COUNCIL CONSIDERATION

Following a report from Onsite Official Danz regarding the 2009/2010 Annual Report of the Onsite Wastewater Management Zone, Mayor Lotter opened the matter to public input.

1. Carol Perkins, 3850 Neal Road, water resource advocate for the Butte Environmental Council and watershed coordinator for the Cherokee Watershed, stated that she would like to see more information on groundwater monitoring trends, that she would prefer graphs be included in the report rather just data collection, and would like more information included in a template that could be referred to year after year regarding locations and procedures used for each of the groundwater monitoring stations.

Agenda Item 7(a): Council concurred to acknowledge receipt of Fiscal Year 2009/2010 Annual Report of the Town of Paradise Onsite Wastewater Management Zone and directed staff to forward the reports to the California State Regional Water Quality Control Board. Roll call vote was unanimous.

Town Clerk Gutierrez reported to Council that an application to the Tree Advisory Committee was received today and recommended that the Council consider directing that this application be brought forward to the November Council meeting and that the staff continue with recruitment efforts.

Agenda Item 7(b): Council concurred to direct staff to continue recruitment efforts regarding the vacancies on the Tree Advisory committee created by one expired term of office and two unfilled vacancies and to bring the matter back to Council at the next regular Council meeting to consider an application received today by the Town Clerk.

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Council Member White reported that the changes to the open burning requirements were discussed at the Butte County Air Quality Management District meeting; that the Butte County Association of Governments will be holding their October 28th meeting at Town Hall as the September meeting that was to be in Paradise was cancelled; and, that Noble Orchards and Mountain View Christmas Tree Farm participated in the Sierra Oro Farm Tour.

Council Member Rutledge reported that the Redevelopment Advisory Committee meeting was cancelled.

Vice Mayor DiDuca reported that he attended the Rite Aid Ribbon Cutting, the Jack in the Box Ribbon Cutting and the Butte County Water Advisory Committee meeting.

Council Member Culleton reported on his attendance at the League of California Cities Annual Conference and his participation in a seminar regarding pension reform; on his participation on the LCC Sacramento Valley Division policy committee; and, that the second annual Dutch Oven Cook-off has been scheduled for August 13, 2011 at the Gold Nugget Museum.

Mayor Lotter reported that he attended the Rite Aid Ribbon Cutting, and that the Paradise store is one of the top three stores built, that the top brass of Rite Aid attended this ribbon cutting because it was such a great accomplishment; attended the first annual Strides for Diabetes event at the Community Park; and that on October 23rd, which is Make a Difference Day, the Volunteers Assisting with Defensible Space (VADS) will be doing a Memorial Trailway Cleanup with the assistance of the Public Works Director and that they need volunteers for that day.

Agenda Item 8(b): Discussion and possible direction regarding eliminating or adjusting certain fees from the Town of Paradise Master Services Fee Schedule. **(DiDUCA)**

Vice Mayor DiDuca asked if the staff would provide a general accounting as to where fees go when paid and how they are used, as he is asked this question by citizens; and that he would like the Town to revert back to the 2008 Master Fee schedule and eliminate any new fees that were subsequently adopted.

Town Manager stated that he will provide Vice Mayor DiDuca with an accounting of the fees, and stated that the fees, with a few exceptions, go into the General Fund. He informed Council that he

has asked the Special Projects Manager to review and update the Paradise Municipal Code in keeping with the following templates: (1) To make the code more business & citizen friendly; (2) To review for inconsistent or outdated regulations as they relate to Town regulations; and, (3) To review for information that is no longer consistent with State regulations.

Vice Mayor DiDicua stated that he has reviewed and highlighted new fees and existing fees that were increased as follows: 2 increases for Administration; 1 increase for Police and 1 decrease; 1 increase for Onsite; 41 increases for Public Works; 71 increases for Community Development and 121 increases for the Fire Department and 79 new fees, and that he thinks this has resulted an increased burden to businesses. He stated that he has three points of contention:

1. That he would like to know what the businesses receive in return for the fees;
2. That he would like to go back to the 2008 fee schedule in order to stimulate business activity; and,
3. That he thinks the fire prevention inspections create an additional burden and expense to the business owner and asked why the inspections are not done by fire fighters.

Fire Chief Jensen discussed why the fire department fees were broken out in order to provide a more comprehensive fee schedule that the Town has had in the past; how the fees were redefined to reflect different inspections that are now defined by the type of business, its occupancy and use as well as the square footage involved; and, that confusion is created when fees are assessed by the County in addition to any Town fees, such as for the management of hazardous materials. Regarding inspections by firefighters, Chief Jensen explained that the Fire Prevention Inspector is certified to perform certain complicated and technical inspections that have become necessary due to the changing technologies and complex environments of the business environments, as well as due to the increasing complexity of hazardous materials disclosures that the business owners are required to make (MSDS Sheets). Chief Jensen also discussed that the plan review fees assessed will vary depending on how the plans are submitted – for example, there will be one fee if everything is included in the architectural plans, as opposed to separate fees for separate plans if submitted by different contractors.

There was general discussion regarding how businesses create a

particular demand for the services of public safety due to the need to enforce State mandates, and, if fees were waived the inspections would then have to be subsidized by taxpayers; and, that different types of facilities require annual inspections – state licensed care homes, public assemblies, educational facilities, hospitals, facilities with hazardous materials that exceed a certain amount, and compare other businesses with lower hazard risks (liquor stores, for example) that don't require annual inspections: Low risk businesses, every 3 years; medium risk every 2 years, and high risk, every year).

Manager Rough discussed the possibility of the Town Council eliminating the requirement that the fee schedule be reviewed and adjusted annually; and, providing assistance to citizens during the plan submittal and review process.

1. Jon Remalia suggested that a temporary reduction in fees might stimulate the business environment and discussed the fire inspections that he thinks could be done by the fire fighters, (a "company" inspection,) for firefighter safety, and that the more complicated inspections could be passed on to the fire prevention inspector.

No action was taken by Council.

Agenda Item 8(c): Consideration of appointing a Council Member to the Town's labor negotiation team. **(DiDUCA)**

Vice Mayor DiDuca stated that he put this on the agenda as he thinks it is appropriate for the decision making body to have representation on the labor negotiation team.

Council discussed the risks and liabilities involved in negotiations; that there is an increased risk to the Council Member sitting at the table as Council members are precluded by state law from negotiating one-on-one; and, that offers should always be put in writing to prevent any misunderstandings or miscommunications between the negotiating parties.

1. Ward Habriel, stated that he did a straw poll and found that there was great surprise that there was no Council representation at the labor negotiation table; that he has training and experience as a negotiator and thinks that negotiations are easier to do in the smaller cities; and, that he thinks the biggest mistake that is made during negotiations is that agreements are made based on projected revenue streams.
2. Jon Remalia stated that he thinks Council participation would

bring transparency to the process, that the employees may not have the training and expertise referred to as being necessary for a negotiator and that he thinks it is a good idea to have a Council Member as part of the process.

3. Fred Aldred asked how the Council represents the community and at what point the Council gives input into the process.

   The Town Manager explained that the Town Council determines the strategy and objectives and develops a plan for the negotiating team in advance of the negotiation process; that the negotiating team then meets with the employee units, which provide their goals and objectives; then, negotiations become a process of offers and counter offers that are brought into closed session for Council review and direction.

4. Loren Harvey thanked Vice Mayor DiDuca, and asked if the negotiators we now have live in this town and stated that they, like the Council Members, might also be acquainted with the employees.

   No action was taken by Council.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Agenda Item 9a: Town Manager Rough reported that the State budget has been adopted but to be forewarned that VLF Fees and the COPS grant may not be approved in the next budget year. He stated that California still remains the second most critical problem in the nation and that he thinks the State may have passed a budget with fake solutions.

10. CLOSED SESSION

1. Jon Remalia stated that he has had an opportunity to print out and look at the budget, that he learned that the Government Code mandates certain things with retirements, that it looks like this year's deficit is little compared to what we might be facing next year and that he thinks any cuts made to salaries or benefits must be across the board.

At 8:38 p.m. Mayor Lotter announced that the Council would take a five minute recess and then, pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Dennis Ivey, Crystal Peters, and

between the Town and the Paradise Firefighters' Association; and, the Paradise Police Officers' Association.

Council Member White did not attend the closed session.

Mayor Lotter reconvened the meeting at 9:00 pm and announced that direction was given to the Town's negotiators and that no action was taken in closed session.

11. ADJOURNMENT

Mayor Lotter adjourned the Town Council meeting at 9:00 pm.

APPROVED: November 9, 2010

[redacted]

SCOTT LOTTER, Mayor

[redacted]

JOANNA GUTIERREZ, CMC, Town Clerk