

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – SEPTEMBER 14, 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, Alan White and Scott Lotter, Mayor.

COUNCIL MEMBERS ABSENT: Frankie Rutledge.

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, Acting Fire Chief Jensen and Police Chief Buzzard.

Proclamations: The Strides for Diabetes Proclamation was presented to Terry Anderson, Business and Professional Lions Club; and, the Library Card Sign-Up Month Proclamation was presented to Evelyn Cook and Mary Knight, Paradise Friends of the Library.

2. ITEMS DEFERRED FROM PREVIOUS MEETING - None.

3. CONSENT CALENDAR

Agenda Item 3(a): MOTION by White, seconded by DiDuca, approved Minutes of the August 10, 2010, Regular Meeting. Roll call vote was unanimous with Rutledge absent and not voting.

TC (MIN) [APPR]
Minutes of the
August 10, 2010
Regular Meeting

Agenda Item 3(b): MOTION by White, seconded by DiDuca, Approved Check Register in the amount of \$2,286,155.69. Roll call vote was unanimous with Rutledge absent and not voting.

TC (FIN) [APPR] Check
Register in amount of
\$2,286,155.69 (310-10-
26)

Agenda Item 3(c): MOTION by White, seconded by DiDuca, (1) Waived the reading of entire Ordinance No. 504 and approved reading by title only; and, (2) Adopted 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 with Rutledge absent and not voting.

TC (ORD) [ADOPT]
Ord. 504 Rezone -
Worthington - Paradise
Municipal Code. (750-
85-05 & 540-16-73)

Agenda Item 3(d): MOTION by White, seconded by DiDuca, (1) Waived the reading of entire Ordinance No. 505 and approved reading by title only; and, (2) Adopted Ordinance No. 505, "An

TC (ORD) [ADOPT]
Ord. 505- Text
Amendments to
Paradise Municipal

TOWN COUNCIL MINUTES

Date: September 14, 2010

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. Roll call vote was unanimous with Rutledge absent and not voting.

Code relating to small animals. (410-10-05 & 750-85-05 & 540-16-74)

Agenda Item 3(e): MOTION by White, seconded by DiDuca, Adopted Resolution No. 10-29, A Resolution of the Town of Paradise Authorizing Preparation and Submittal of Fund Applications to CalRecycle and Other State Agencies (Rescinds Resolution No. 08-44). Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res. No. 10-29, Fund Applications to CalRecycle and Other State Agencies (940-10-28)

Agenda Item 3(f): MOTION by White, seconded by DiDuca, Adopted Resolution No. 10-30, A Resolution of the Town of Paradise Authorizing Preparation and Submittal of Fund Applications to the CalRecycle Used Oil Payment Program. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res. No. 10-30 Fund Applications to CalRecycle Used Oil Pymt Program. (940-10-15)

Agenda Item 3(g): Deleted.

Agenda Item 3(h): MOTION by White, seconded by DiDuca, (1) Rejected recent bid for a police vehicle; and, (2) Authorized the Chief of Police to begin a new bid process for the purchase of a Ford Crown Victoria Police Interceptor. Roll call vote was unanimous with Rutledge absent and not voting.

TC (FIN) [AUTH]
Rejected bid and authorized Chief to begin new bid process for Ford Crown Victoria Police Interceptor.

Agenda Item 3(i): MOTION by White, seconded by DiDuca Ratified temporary construction permits for construction of the Pearson Road Park and Ride project at 174 Pearson Road for a cost of \$2,650 to be funded by CMAQ and CDBG-R federal funds. Roll call vote was unanimous with Rutledge absent and not voting.

TC (PUBWK) [RATIF]
Construction permits for 174 Pearson Road Park and Ride (950-40-12)

Agenda Item 3(j): MOTION by White, seconded by DiDuca, (1) Adopted Resolution No. 10-31, A Resolution of Approval of Annual Disadvantaged Business Enterprise (DBE) Submittal Form for Federal Fiscal Year 2010/2011; (2) Authorized the Town Manager to execute the CalTrans' Local Agency DBE Annual Submittal Form; and, (3) Authorized the Town Manager to execute future Annual Submittal Forms. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res No. 10-31 Approval of Annual DBE and submittal to CalTrans' (930-20-02)

Agenda Item 3(k): MOTION by White, seconded by DiDuca, (1) Declared the obsolete or inoperable fire department vehicles, equipment and property described in Attachment A to the staff report as surplus property; and, (2) Authorized the vehicles, equipment and

TC (FIN) [AUTH]
Declared equipment and property as surplus and authorized disposal. (380-10-03 &

property to be disposed of through sales, recycle or appropriate waste means. Roll call vote was unanimous with Rutledge absent and not voting. 380-10-04)

Agenda Item 3(l): MOTION by White, seconded by DiDuca, Adopted Resolution No. 10-32, A Resolution of the Town Council of the Town of Paradise Approving Phase 1 of the Paradise Community Village Final Map, Assessor Parcel No's 054-090-048, 054-100-023, 054-110-031, 054-110-032 and 054-110-033. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res No. 10-32 approve Phase 1 of Paradise Community Village Final Map. (750-75-03 & 760-40-46)

4. PUBLIC HEARING PROCEDURE

Mayor Lotter informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Chief Buzzard reported to Council regarding accepting Supplemental Law Enforcement Service Funds (SLESF) grant monies in an estimated amount of \$100,000, offered through AB-1584 COPS Frontline State grant that would support a Police Community Service Officer and fund the Police Department Assigned Patrol Vehicle Program.

Mayor Lotter opened the public hearing at 6:15 p.m. There were no speakers for or against and Mayor Lotter closed the public hearing at 6:15

Agenda Item 5a: MOTION by DiDuca, seconded by Culleton, adopted Resolution No. 10-33, "A Resolution of the Town Council of the Town of Paradise Accepting State Supplemental Law Enforcement Service Funds (SLESF) (AB-1584 COPS Frontline)", which approves use of the grant monies to support a Police Community Service Officer and to fund the Police Department Assigned Patrol Vehicle Program. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res No 10-33, SLESF Grant in approx. amount of \$100,000 [HS&W] (480-20-06)

Community Development Director Baker reported to Council regarding the Planning Commission recommendations for Town Council adoption of Paradise General Plan Land Use Map Amendments and property rezones for applications identified as PL10-002260 (Feather River Hospital) and PL10-00194 (Rinehart).

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

Mike Byrd, Rolls, Anderson, Rolls, stated that he represents the Rineharts and offered to answer any questions.

Mayor Lotter closed the public hearing at 6:26 p.m.

Agenda Item 5b: MOTION by White, seconded by DiDuca, (1) Concurred with the project "CEQA determination" findings adopted by the Planning Commission on August 17, 2010, and embodied within Planning Commission Resolution Nos. 10-10 and 10-11; (2) Adopted Resolution No. 10-34, A Resolution of the Town Council of the Town of Paradise Amending the Land Use Map of the 1994 Paradise General Plan (PL10-00260: Feather River Hospital and PL 10-00194: Rinehart); (3) Waived the reading of entire Ordinance No. 506 and approved reading by title only; and, (4) Introduced 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 with Rutledge absent and not voting.

TC (RES) [ADOPT]

Res No 10-34,
Amending the Land Use
Map of 1994 Paradise
General Plan (FRH &
Rinehart)

TC (ORD) [INTRO] Ord.
No 506 Rezoning Real
Property from RR-1/2 to
CS (FRH) and from AR-
1 to RR-1/2 (Rinehart)
(750-85-05 & 760-40-
38)

Assistant Manager Gill reported to Council regarding the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2009/2010 Community Development Block Grant Program Year and informed Council that representatives of some of the community organizations who received subrecipient CDBG funding were present to let the Council and public know how their grant monies were utilized by their organization.

1. Hoppy, representing the Boys and Girls Club, thanked the Council for the subrecipient donation and explained that the funding enabled them to develop and teach a financial literacy program, "Financial Freedom" that included budget creation and savings programs, that it is a program for teens created by teens and would not have been possible without these CDBG funds.
2. Janelle Johns, social services worker, representing the Peg Taylor Adult Day Care Center, thanked the Council for the funding and stated that they have been serving the Paradise Community for 25 years and that the funding allows many persons with chronic illnesses who might otherwise have to be placed into skilled care facilities to maintain high quality of life.
3. Dean Moore, recreation supervisor for Paradise Recreation and Park District, thanked the Council for the ten years of

funding for all youth programs, including soccer and Little League, and that depending on the funding received between 60-100 scholarships are awarded annually.

Assistant Manager Gill informed Council that the CDBG Housing Program has funded seven home rehabilitations, which are repairs for low income homeowners, and which also create jobs for local contractors; and, has provided assistance for six first time homebuyers.

Mayor Lotter opened the public hearing at 6:43. There were no speakers for or against the matter and Mayor Lotter closed the public hearing at 6:43 p.m.

Agenda Item 5c: MOTION by White, seconded by Culleton, authorized the Town Manager to submit the 2009/2010 Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development. Roll call vote was unanimous with Rutledge absent and not voting.

TC (P&CD) [AUTH] TM
to submit CAPER
2009/2010 to HUD.
(710-10-38)

The CAPER outlines CDBG program accomplishments and expenditures, as well as providing an evaluation of the Town's progress toward meeting its community development goals and objectives. The report covers activities regardless of the year in which it was funded that are still open and active. This CAPER covers activities in the 2009-2010 program years.

6. PUBLIC COMMUNICATION

1. Vicki Gronseth, 1474 Leafy Lane, stated her family has lived in Paradise for 42 years, that they bought a home with the understanding that the property could accommodate animals, that complaints have been made about animals on her property by neighbors that she believes to be untrue, that she has been visited by the Town code enforcement officers, has received citations and been informed that she would have to remove certain animals, and that she was at the meeting tonight to ask the Town Council for financial relief from the fines and for their help.

The Council and the Town Manager explained that any citizen could call up any Council Member individually to discuss any situation they have with the town, that they don't necessarily have to come to a meeting, that the Town Manager is available to discuss situations one-on-one with citizens who call and request an appointment and invited Ms. Gronseth meet with Town staff to discuss her situation.

2. Dan Wentland, 1913 Dean Road, informed Council that former Mayor and Council Member Alice Smith had died on September 11, 2010, that her funeral arrangements are in progress, asked what was to become of her chair, and talked about how he first met Alice and became involved in the Town as a result of her encouragement. Mr. Wentland thanked Mayor Lotter for assisting the Volunteers Assisting with Defensible Space (VADS) event, and that VADS will be scheduling projects every 3 to 4 Saturdays, instead of every Saturday, and invited more citizen participation in the VADS volunteer projects, which could include providing refreshments to workers; and, asked about the status of Dean Road street repairs.

7. COUNCIL CONSIDERATION

Agenda Item 7(a): MOTION by White, seconded by Culleton, (1) Appointed William M. Morrison to fill the three-year term on the Tree Advisory Committee, as the individual with academic knowledge of basic plant science, which will expire August 12, 2013; and, **(2)** Directed staff to inform service groups within the community of the remaining vacancies and to bring the matter back to the next Council meeting for further consideration. Roll call vote was unanimous with Rutledge absent and not voting.

TC (P&CD) [APPT]
Appointed William Morrison to three-year term on Tree Advisory Cmte expire 8-12-13 (740-60-12)

Agenda Item 7(b): MOTION by Culleton, seconded by DiDuca,(1) Waived the reading of entire Ordinance No. 507 and approved reading by title only; and, **(2)** Introduced 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 with Rutledge absent and not voting.

TC (ORD) [INTRO] Ord. No 507 Amending Text Regulations within PMC re Nuisance Abatement. (540-16-76)

Following a report from Fire Chief Jensen regarding the proposed Agreement for Fire Protection under Automatic Aid Between Butte County/California Department of Forestry and Fire Protection (CALFIRE) and Town of Paradise Fire Departments Operational Letter of Understanding, Mayor Lotter opened the matter for public input.

1. John Remalia asked what happens when station 35 is browned out.

Chief Jensen responded that he is always made aware of station brownouts and adjusts accordingly.

Agenda Item 7(c): (1) Approved the Agreement for Fire Protection under Automatic Aid Between Butte County/California Department of Forestry and Fire Protection (CALFIRE) and Town of Paradise Fire Departments Operational Letter of Understanding; and, (2) Authorized the Town Manager to execute the agreement as written. Roll call vote was unanimous with Rutledge absent and not voting.

TC (AGT) [APPR]
Agreement with Butte County CDF, CalFire and TOP Operational Letter of Understanding.

Agenda Item 7(d): Removed from the agenda.

Agenda Item 7(e): MOTION by White, seconded by Culleton, approved in concept the lot line adjustment and property exchange to reconfigure three parcels, AP #052-223-016 (Gilkey) and 052-223-027 (Paradise RDA) and 052-223-017 (Town of Paradise) and: (1) Authorized the Public Works Director/Town Engineer to accept and process a lot line adjustment application from the owner (Mica Gilkey); and, (2) Directed staff to prepare the appropriate agreements between the Town of Paradise and Gilkey, and between the Paradise Redevelopment Agency and Gilkey, in order to transfer property per Exhibit C attached to the staff report. Roll call vote was unanimous with Rutledge absent and not voting. (Note: The property is located at 220 Pearson Road.)

TC (PROP) [APPR] Lot Line Adjustment and Property exchange to reconfigure three parcels at 220 Pearson Road. (860-10-10)

Agenda Item 7(f): Council concurred to acknowledge receipt of Fiscal Years 2007/2008 and 2008/2009 Annual Reports 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.

TC (PUBWK) [ACK]
2007/08 and 2008/09 Annual Onsite Wastewater Reports forwarded to CA State Regional Water Quality Control Board (960-30-51 & 960-30-49)

Following a report from Chief Jensen, Dan Ramos, Lieutenant Paradise Volunteer Firefighters, Inc., stated that the volunteers are a 501(c)(3) non-profit organization, that their mission is to support the town of Paradise Fire Department, reported on their fund raising activities and that the \$20,000 amount is to help reduce the amount of the loan needed to purchase property for a local community fire station.

Agenda Item 7(g): Council concurred to approve and accept the \$20,000 donation from the Paradise Volunteer Firefighters, Inc., to help the Town with the acquisition of the property located at 5573 Pentz Road as the site for a future community fire station to serve the east and southeast areas of our community.

TC (FIN) [ACCEPT]
\$20,000 donation from Paradise Volunteer Firefighters to assist in purchasing property at 5573 Pentz Road. (395-50-13)

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Mayor Lotter acknowledged Council Member White earning runner up in the "Boys of Paradise" contest, the Quota

Club annual fundraiser for the Boys and Girls Club for his report to Council.

Council Member White congratulated Council Member Culleton on his earning the title "Boys of Paradise" in the Quota Club annual fundraiser for the Boys & Girls Club. Council Member White reported that the next Butte County Association of Governments meeting is scheduled to be held in Paradise on September 23, 2010 and that the Butte County Air Quality Management District is scheduled to move to a newer, more affordable office building in about three months. Council Member White also stated that the Paradise Community Village is closing in on a final map and that funding issues would be discussed later tonight at the Redevelopment Agency meeting.

Vice Mayor DiDuca reported that that he attended the Quota Club Fundraiser hosted by Council Member Culleton as a participant in "Boys of Paradise" at the Gold Nugget Museum and congratulated him on winning the "Boys of Paradise." Vice Mayor DiDuca also stated that he will be working at the Family Festival at the Catholic Church, and at the Eagles fundraiser for Sawmill Peak.

Council Member Culleton reported that he was the top fundraiser for the annual Quota Club "Boys of Paradise," which benefits the Boys and Girls Club of Paradise, stated that 25% of what was raised will go to the participants' respective charities. He informed Council that the museum and other non-profits groups are interested in maintaining the "Cowboy Cook-Off" as an annual event. Council Member Culleton stated that he also attended the Police Department annual meeting and will be attending the League of California Cities Annual meeting tomorrow morning.

Mayor Lotter reported that he will be attending the League of California Cities annual conference this weekend, and that the conference provides valuable information to the Town; that he attended LAFCo, hosted the Police Department bi-annual meeting, and that there is an Air Quality Management District air monitoring system on the roof of his theatre. Mayor Lotter reminded everyone of Johnny Appleseed Days and Blues and Brews events scheduled in Paradise over the weekend.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

None.

At 8:40 p.m. Mayor Lotter announced that, following a five minute

recess, the Town Council would adjourn to hold the Redevelopment Agency meeting. Mayor Lotter reconvened the Town Council Meeting at 9:10 p.m.

10. CLOSED SESSION

10a. At 9:10 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., 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/Operating Engineers Local No 3; and the Management Unit.

Mayor Lotter reconvened the meeting at 9: 45 p.m.

Agenda Item 10(a-1): MOTION by Culleton, seconded by White, adopted Resolution No. 10-35, A Resolution of the Town Council of the Town of Paradise Rescinding Resolution No. 06-46 and Adopting Resolution No. 10-35; A Resolution Adopting the Amended Memorandum of Understanding Between the Town of Paradise and the Town of Paradise Confidential/Mid-Management Association Covering the Period from July 1, 2010 to June 30, 2011. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res No. 10-35 Adopted
MOU between TOP and
CMMA

Agenda Item 10(a-2): MOTION by Culleton, seconded by White, adopted Resolution No. 10-36, A Resolution Rescinding Resolution No. 09-17 and Adopting Resolution No. 10-36; A Resolution Adopting a Memorandum of Understanding Between the Town of Paradise and the Town of Paradise General Employees Unit Covering the Period from July 1, 2010 to June 30, 2011. Roll call vote was unanimous with Rutledge absent and not voting.

TC (RES) [ADOPT]
Res No. 10-36 Adopted
MOU between TOP and
General Employee Unit

11. ADJOURNMENT

The Town Council meeting was adjourned at 9:50 p.m.

APPROVED: October 12, 2010



SCOTT LOTTER, Mayor



JOANNA GUTIERREZ, CMC Town Clerk