



Town of Paradise Town Council Meeting Agenda

January 12, 2016

Date/Time: 2nd Tuesday of each month at 6:00 p.m.

Location: Town Hall Council Chamber, 5555 Skyway, Paradise, CA

Mayor, Jody Jones
Vice Mayor, Scott Lotter
Council Member, Greg Bolin
Council Member, Steve "Woody" Culleton
Council Member, John J. Rawlings

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Joanna Gutierrez
Community Development Director, Craig Baker
Finance Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, David Hawks
Chief of Police, Gabriela Tazzari-Dineen

Meeting Procedures

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item
 - A. If you wish to address the Council regarding a specific agenda item, please complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the meeting. This process is voluntary and allows for citizens to be called to the speaker podium in alphabetical order. Comments and questions from the public must be directed to the Presiding Chair and Town Council Members (please do not address staff.) Town staff is available to address citizen concerns Monday through Thursday at Town Hall between the hours of 8am and 5pm.
 - B. If you wish to address Council regarding an item not on the agenda, you may do so under Item 6, "Public Communication." Again, please fill out a card and give it to the Town Clerk before the meeting. State Law prohibits Council action on items not listed on a public agenda.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

1. OPENING

- A. Call to Order
Pledge of Allegiance
Invocation

2. CONSENT CALENDAR

One roll call vote is taken for all items. Consent items are considered to be routine business that do not call for discussion.

2a. p4 Approve the minutes of the December 8, 2015 Regular Town Council meeting.

2b. p13 Approve December 2015 cash disbursements in the amount of \$1,766,432.75.

2c. p20 Update on the progress on the Police Department Emergency Siding Project. No action requested, report for information update only.

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

5. PUBLIC HEARINGS

For items that required a published legal notice and/or a mailed notice.

Public Hearing Procedure

- A. Staff Report
- B. Mayor opens the hearing for public comment in the following order:
 - i. Project proponents (in favor of proposal)
 - ii. Project opponents (against proposal)
 - iii. Rebuttals – if requested
- C. Mayor closes the hearing
- D. Council discussion and vote

5a. p22 (1) Conduct the public hearing to solicit public comment on the proposed ordinance that would prohibit medical marijuana cultivation and delivery in the Town of Paradise; and, (2) Consider waiving the reading of the entire ordinance and approve reading by title only; and, (3) Introducing Ordinance No. ____, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.31 Relating to the Cultivation, Delivery and Distribution of Medical Marijuana. (ROLL CALL VOTE) Approval of the proposed ordinance would provide, among other things, that qualified patients or primary caregivers would be prohibited from cultivating medical marijuana within all Town zoning districts, medical

marijuana cooperative/collectives and dispensaries would not be permitted within any Town zoning district, and the prohibition would include any cultivation, distribution or processing of medical marijuana. In addition, the delivery of medical marijuana would be prohibited within the Town limits.

5b. p47 (1) Conduct a public hearing to solicit comments and/or suggestions regarding the 2016-2017 Annual Plan funding priorities; (2) Approve the formation of a public services sub-committee to consider input and requests for public services funding; and (3) Appoint two Council members to the public services sub-committee to determine whether or not to recommend changes to the levels of funding for the 2016-2017 program year.

6. COUNCIL CONSIDERATION - None.

7. COUNCIL INITIATED ITEMS AND REPORTS

- a. Council initiated agenda items
- b. Council reports on committee representation
- c. Future Agenda Items

8. STAFF COMMUNICATION

- a. Town Manager Report
- b. Community Development Director Report

9. CLOSED SESSION

9a. Pursuant to Government Code section 54956.9(a), the Town Council will hold a closed session to meet with Town Attorney Dwight Moore and Town Manager Lauren Gill relating to existing litigation as follows: (1) Town of Paradise vs. Brandy L. Braun, Butte County Superior Court Case No. 164611.

10. ADJOURNMENT

10a. Adjourn to January 25, 2016 at 3:00 pm to hold a Regular Adjourned Meeting pursuant to Government Code Section 54955.

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	

TOWN/ASSISTANT TOWN CLERK SIGNATURE	

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – December 08, 2015

1. OPENING

The December 8, 2015 Regular Meeting of the Town Council was called to order by Mayor Greg Bolin at 6:02 p.m. Following the pledge of allegiance to the flag of the United States, Council Member John Rawlings offered an invocation.

COUNCIL MEMBERS PRESENT: Steve “Woody” Culleton, Jody Jones, Scott Lotter, John J. Rawlings and Greg Bolin, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight Moore, Finance Director Gina Will, Community Development Director Craig Baker, Public Works Director/Town Engineer Marc Mattox, Police Chief Gabriela Tazzari-Dineen, North Division Chief David Hawks, Housing Supervisor Kate Anderson, IT Services Manager Josh Marquis and Assistant Town Clerk Dina Volenski.

Mayor Bolin stated that he would like to thank his colleagues on the Town Council for the opportunity to serve as Mayor, and thanked the Town staff for leadership and professionalism in their service to the Town. Mayor Bolin recognized several accomplishments over that last year including the following:

- (1) Appointments to the Measure C Citizen Oversight Committee to provide oversight for the voters relating to proceeds of the sales and transaction use tax (0.5% voter approved tax)
- (2) Approval of Measure C revenue expenditures which accomplished the following:
 - Improvements to the Police Department, including a new Investigative Sergeant position; three new police cars; Next Generation Police body cameras; K9 training to assist with drug sniffing, lost persons and crime abatement
 - Improvements to Fire Department infrastructure by authorizing the purchase of a Pierce Type 1 Fire Engine and purchase of additional MSA G1 self-contained breathing apparatus (SCBA's) for the fire personnel; and, providing exhaust fans for the Fire stations to eliminate noxious fumes
 - Improvements to Animal Control with increased hours and training for the Animal Control Officer and approving the purchase of a pressure washer/sanitation unit for the Animal Shelter
 - Leveraged grants and other funds for road and drainage improvement on Pearson Road between Clark and Pentz (Spring 2016).

- (3) Approval of Capital Improvement Projects and other infrastructure improvements including:
 - Traffic Signal Upgrades;
 - Website redesign;
 - E-Commerce: Burn Permits, TOP Access for citizens to report issues to public works; Online septic evaluator permit process online
- (4) Approved application for five Active Transportation Grants, four of which have been awarded to the Town for a total of \$6.8 million
- (5) Approved programs that allow the Housing Department to facilitate loans and grants to members of our community for first time home purchases (14) and for repair and rehabilitation for qualifying homeowners (9)
- (6) Approved Community Development Block Grant programming to provide over \$26,000 to non-profit organizations to help families in need
- (7) Approved staff pursuit of a wastewater (sewer) solution for a portion of the Town;
- (8) Facilitated the downtown beautification effort by accepting generous donations from Rotary and PG&E of planters, plants and furniture; and, working with the Chamber and downtown committee to further the banner program and other efforts in the downtown.
- (9) Approved the finalized Evacuation and Traffic Control Plan for multi-agency use
- (10) Accepted donation of the first of its kind Emergency Operation Trailer from PG&E that contains over 300 pieces of emergency signage and barricades and includes two electronic message boards for use during any emergency that requires evacuation of citizens.

A. Mayor/Vice Mayor Selection.

Mayor Bolin turned the meeting over to Town Clerk Gutierrez who opened nominations for the position of Mayor for a one-year term beginning December 8, 2015 through December 13, 2016.

Vice Mayor Jones presented Greg Bolin with a Certificate of Appreciation and thanked him for his service as Mayor from December 9, 2014 - December 8, 2015.

Scott Lotter nominated Jody Jones to serve as Mayor for a one-year term.

MOTION by Lotter, seconded by Culleton, followed by a unanimous voice vote, closed the nominations.

Roll call vote on Jody Jones to serve as Mayor for a one-year term through December 13, 2016 was unanimous. Clerk Gutierrez turned the meeting over to Mayor Jones for election of Vice Mayor. Mayor Jones opened the nominations for Vice Mayor. (180-35-22)

Steve "Woody" Culleton nominated Scott Lotter to serve as Vice Mayor for a one-year term.

MOTION by Lotter, seconded by Culleton, followed by a unanimous voice vote, closed the nominations for Vice Mayor.

Roll call vote on Scott Lotter to serve as Vice Mayor for a one-year term through December 16, 2016 was unanimous. (180-35-22)

B. PRESENTATIONS

- (1) North Division Chief David Hawks displayed a PowerPoint presentation of the Fire Station #1 upgrades and acknowledged the 2.5 months of volunteer work efforts from Alliance Kingdom Builders and from Town of Paradise staff. Chief Hawks thanked Council for approving the purchase of a Type 1 Fire Engine and displayed photographs of firemen with the new self-contained breathing apparatus, and thanked the community for approving Measure C that is providing revenue for these improvements to public safety. (440-65-21 & 395-70-17)
- (2) IT Manager Josh Marquis provided a web demonstration to update Council on the recently established Online Burn Permit Process, and Chief Hawks discussed the benefits to public safety by providing this process.
- (3) Public Works Director Marc Mattox provided a PowerPoint presentation displaying the emergency evacuation/public safety trailer donated by PG&E to the Town of Paradise and Butte County. The trailer, which will be stored at the public works yard, will mainly be used to help evacuate the Ridge during wildfire and other emergency/community events.

Former Mayor Greg Bolin presented a certificate of appreciation to PG&E representative Brittany McKenna.

Vice Mayor Lotter informed the Council that Ward Habriel, President of the Paradise Garden Club provided an update to Council of the progress that has been made in their Arlan Hudson Make A Difference Project to expose and beautify a historical monument located in the parking lot of the Riebes Auto Parts store near the corner of Clark and Elliott and thanked Mr. Habriel and the Garden Club for their efforts.

2. CONSENT CALENDAR

Council Member Rawlings requested that agenda item 2(i) be removed from the consent calendar for a separate vote.

MOTION by Bolin, seconded by Culleton, approved consent calendar items 2a through 2h as presented by unanimous roll call vote; all Council Members present.

- 2a. Approved the minutes of the November 10, 2015 Regular Town Council meeting.
- 2b. Approved the November 2015 cash disbursements in the amount of \$679,769.41. (310-10-30)
- 2c. Adopted Resolution No. 15-52, A Resolution Authorizing Destruction of Certain Records Maintained in the Town of Paradise Human Resources Department pursuant to Government Code section 34090. (160-20-17)
- 2d. Acknowledged receipt of 1st Quarter Investment Report for the Fiscal Year Ending June 30, 2016. (360-30-06)
- 2e. Acknowledged receipt of the Valuation of Retiree Health Benefits as of January 1, 2015 - the Governmental Accounting Standards Board (GASB 45) Actuarial Report. (630-10-21 & 510-20-20)
- 2f. Accepted donation of fasteners (nuts, bolts and screws) valued at \$1,500 to the Town of Paradise Public Works Department. (395-50-13)
- 2g. Authorized the Town Manager and Town Treasurer to execute any documents necessary to extend the US Bank Service Agreement for one year. US Bank provides the Town with operational banking services that includes accounts payable and payroll. (510-20-53)
- 2h. Extended Public Safety Recruitment Incentives approved on August 12, 2014 for the Police Department through December 31, 2016. Staff recommended that the Town continue to offer some short term, affordable recruitment incentives in an attempt to be more competitive in the recruitment and hiring process. (650-60-11)

3. ITEMS REMOVED FROM CONSENT CALENDAR

- 2i. Consider approval of employment agreement between the Town of Paradise and Christopher M. Buzzard for temporary special investigator services.

Council Member Rawlings asked whether or not the temporary special investigator position had been advertised and that he would like the Council to approve any employment extensions, rather than have the extensions be automatic. It was noted that the extensions would only be extended 30-days at a time, that this temporary employment would alleviate the overtime that is necessary due to the current high-profile investigations in progress, and that this position could have been authorized by the Town Manager without Council's approval. Police Chief Tazzari-Dineen explained the benefits of hiring a person with knowledge of the department's procedures and policies in light of the

demands of staff time that are needed to devote to these particular investigations. Attorney Moore informed Council that there is no requirement to advertise temporary employment positions.

MOTION by Lotter, seconded by Culleton, approved the employment agreement between the Town of Paradise and Christopher M. Buzzard for temporary special investigator services. Roll call vote was unanimous. (610-10-15, 610-10-17 & 510-20-118)

4. PUBLIC COMMUNICATION

1. Ann Martin thanked the Town Council for how far the Town has come, that she is very happy to see the improvements funded by Measure C revenues, and asked if the Council was interested in promoting Paradise as she was recently asked if Paradise even had grocery stores.

2. Priscilla Rawlings, stated that she is representing the Association of Realtors, is the past President and current secretary to the Board of Realtors, presented the Town Council members and the Town Manager with a booklet, "On Common Ground" that is published by the National Association of Realtors and contains ideas for making communities better places to live.

3. Susie Serrano, Paradise Branch Librarian, informed the Town Council that the library has new hours effective January 1, 2016, and that the Paradise Branch will be open on Tuesday and Wednesday evening from 11 am to 7pm; that the library hours for Thursday, Friday and Saturday are from 10am to 5pm and on Sunday from 1pm to 5pm.

5. PUBLIC HEARINGS – None.

6. COUNCIL CONSIDERATION

6a. Council concurred to retain their current appointments to committees and commissions with the exception of the positions that are to be held by the Mayor. (120-10-009 & 120-10-10)

6b. Following a report from Town Manager Gill regarding the application to the Clean Water State Revolving Fund for a \$500,000 grant for the Paradise Community Wastewater Project, Mayor Jones opened the matter for public comment.

1. Jon Remalia stated that he is both a property owner and occupant of business property that will be served by the proposed sewer, that proposition 218 states that those who benefit from an assessment district are the ones who will be paying for the benefit, that the Town already has an onsite fee for 11,000 parcels, that he thinks onsite money should not be used to serve a small portion of the community, and that he would like a benefit district to be established before moving forward with the project. Mr. Remalia also stated that he thinks there would be better opportunity to have the project funded if it included recycling and reclaiming.

2. Richard Harriman stated that he represents himself as a Chico taxpayer and the Northern California Defense Center, is addressing the Paradise Council because Paradise addressed the Chico City Council, that he is not in favor of a pipe to Chico as the preferred alternative, and if residential is included in the district, he thinks that the Paradise General Plan will have to undergo a comprehensive update, and that he hopes the citizens will be included in the planning process.

Council Member Culleton stated that he would like clarification in the resolution document that the financing agreement is specifically related to a \$500,000 grant.

MOTION by Culleton, seconded by Bolin, adopted Resolution No 15-53 as amended, A Resolution Approving a Financial Assistance Application (\$500,000 Grant) for a Financing Agreement from the State Water Resources Control Board Relating to the Planning, Design, and Construction of the Paradise Community Wastewater Project. Roll call vote was unanimous. (960-20-004)

Following a report by Public Works Director Mattox regarding the proposed purchase of a flashing beacon crosswalk systems, Mayor Jones opened the matter for public comment.

1. Jon Remalia asked if there is more that can be done to educate motorists, if any of the Safe Routes to School money could be allocated to law enforcement to address motorists that disregard the existing flashing beacons when pedestrians are using the crosswalks.
- 6c. **MOTION** by Lotter, seconded by Bolin, (1) Approved the purchase of three (3) TAPCO Rapid Rectangular Flashing Beacon Crosswalk systems from Statewide Safety and Signs of Redding, CA directly without competitive bidding for this specific solicitation, pursuant to Paradise Municipal Code Section 2.45.070B (sole source vendor); and (2) Authorized the Town Manager to execute all necessary documents to purchase the crosswalk systems without audible pedestrian signal messaging at a cost of \$17,632.00. Roll call vote was unanimous. (395-70-17 & 340-40-14)
- 6d. Public Works Director Marc Mattox reported on the Police Department Facility Emergency Siding Project, that the initial scope of work has expanded, explaining that the change order in the amount of \$45,673 was necessitated by the discovery of extensive rot within the lobby overhang and the subsequent decision to fix the cause of the problem. This is in addition to the earlier change order in the amount of \$10,013 for rot repair. (510-20-115)

7. COUNCIL INITIATED ITEMS AND REPORTS

- a. Council initiated agenda items: None.
- b. Council reports on committee representation

Council Member Rawlings reported that he attended the press conference relating to the PG&E donation, a PASH meeting, the community meeting held by Doug LaMalfa, and the VIPS appreciation dinner.

Vice Mayor Lotter reported that he attended the Shop With A Cop event, the LAFCo Board of Directors meeting, the community meeting held by Doug LaMalfa, the swear-in ceremony for the Police Sergeant, and informed that he was reappointed to the League of California Cities Public Safety policy committee.

Council Member Culleton reported that he attended the swear-in ceremony for the Police Sergeant and the Shop With A Cop event.

c. Future Agenda Items

Council Member Bolin stated that he has witnessed various landscapers and homeowners raking and blowing leaves into our culverts and drainage ditches creating additional work for public works department, and that he would like to prohibit that activity by ordinance, if necessary.

Public Works Director Mattox informed Council that the storm water ordinance recently enacted by Council provides the code enforcement mechanism. Director Mattox stated that he would like to initiate a public education effort prior to stepping up enforcement activity.

8. STAFF COMMUNICATION

- a. Town Manager Report: None.
- b. Community Development Director Baker updated the Council on the following development projects and applications in progress:
 - **HUNTER-HANOSH DENTAL OFFICES** A 6,683 sq. ft. medical office on property located behind the Wells Fargo Bank – building foundation has been completed and the developer is working with PID to install on-site fire hydrant.
 - **YUHASZ PARCEL MAP** Parcel map application for property located at 7015 Skyway (Salvation Army) to divide an existing 5.53 acre property into three parcels was approved by the Planning Commission on November 17.
 - **VALLEY VISTA SUBDIVISION MAP TIME EXTENSION** Also on November 17th, the Planning Commission approved a time extension request for the previous approval of a 14 lot subdivision located at the north end of Schmale Lane.

- **HAYS USE PERMIT** Town staff has scheduled this light manufacturing project application for the construction of a 5948 sq. ft commercial building located at 5400 Clark Road for Planning Director consideration on December 22.
- **EDWARDS SITE PLAN REVIEW PERMIT** Town staff has scheduled this conversion of a vacant motel into 14 apartments on property located at 4758 Skyway (Carousel Motel) for Planning Director consideration on December 22.
- **JAKI'S HILLTOP CAFÉ** 2nd location for a Magalia restaurant in the space occupied by Sonny Day Café at 140 Pearson Road
- **RENT-A-CENTER** Building plans are ready to issue for a new franchise in the old Hallmark store next to Kmart
- **SAFeway PRELIMINARY DEVELOPMENT REVIEW** Preliminary Development Review on December 17 to review conceptual plans for construction of a new shopping center to include a 54,000 sq ft Safeway store, a Safeway fueling station, 6,700 square feet of other commercial space and a drive thru restaurant on 7.9 acres at the intersection of Black Olive Drive and Skyway.

9. CLOSED SESSION

- 10a. At 8:10 p.m. Mayor Jones announced that pursuant to Government Code section 54956.9(a), the Town Council will meet in closed session with Town Attorney Dwight Moore and Town Manager Lauren Gill relating to existing litigation as follows: Town of Paradise vs. Brandy L. Braun, Butte County Superior Court Case No. 164611.

Mayor Jones reconvened the meeting at 8:38 p.m. Attorney Moore reported that no action was taken in closed session, that he discussed the pending litigation Town vs. Braun with the Council members.

10. ADJOURNMENT

Mayor Jones adjourned the Council meeting at 8:40 p.m.

Date approved:

By: _____
Jody Jones, Mayor

Joanna Gutierrez, CMC, Town Clerk



**2016 TOWN COUNCIL
REPRESENTATION**

**BUTTE COUNTY
COMMITTEES/COMMISSIONS**

BUTTE COUNTY		Bolin	Culleton	Jones	Lotter	Rawlings
1	Air Quality Management District			Rep		Alt
2	Association of Governments			R		A
3	City Selection Committee (Mayor)			R		
4	Disaster Services Council (Mayor)			R		
5	Local Area Formation Commission (LAFCo) (Lotter through 5/2015 – Appointed by City Selection Committee)				R	
6	Waste Mgt Local Task Force		R		A	
7	Water Advisory Committee (4-year term) Jones thru 12-31-16		R			
8	City/County Ad Hoc Committee	R		R		
9	Lake Oroville Supplemental Benefits Funds- Alternate: Citizen Sam Dresser					R

LOCAL COMMITTEES/COMMISSIONS

PARADISE		Bolin	Culleton	Jones	Lotter	Rawlings
1	Paradise Community Village				R	
2	Paradise Irrigation District Liaison	R				R
3	Paradise Rec. & Park District Liaison	R	R			
4	Onsite Ad Hoc Committee	R			R	
5	Investment Committee (Mayor & Council Member)	R		R		
6	Oversight Board to Successor Agency (Mayor Appointment)		R			

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

**FOR THE PERIOD OF
DECEMBER 1, 2015 - DECEMBER 31, 2015**

December 1, 2015 - December 31, 2015

Check Date	Pay Period End	DESCRIPTION	AMOUNT
12/04/15	11/29/15	Net Payroll - Direct Deposits & Checks	\$236,001.67
12/18/15	12/13/15	Net Payroll - Direct Deposits & Checks	\$120,645.38
12/31/15	12/27/15	Net Payroll - Direct Deposits & Checks	\$112,719.08
TOTAL NET WAGES PAYROLL			\$469,366.13

Accounts Payable

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$306,387.58
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$990,679.04
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	\$1,297,066.62
GRAND TOTAL CASH DISBURSEMENTS	\$1,766,432.75

APPROVED BY:

LAUREN GILL, TOWN MANAGER

APPROVED BY:

GINA S. WILL, FINANCE DIRECTOR/TOWN TREASURER

CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
63665	12/01/2015	Open			Accounts Payable	BRUNO, SHERRY	\$118.37		
63666	12/01/2015	Open			Accounts Payable	BUZZARD, CHRIS	\$370.61		
63667	12/01/2015	Open			Accounts Payable	DERR, PAUL	\$5.30		
63668	12/01/2015	Open			Accounts Payable	HAUNSCHILD, MARK	\$424.55		
63669	12/01/2015	Open			Accounts Payable	HONEYWELL, JANICE, J.	\$955.41		
63670	12/01/2015	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$170.85		
63671	12/01/2015	Open			Accounts Payable	JEFFORDS, ROBERT, D.	\$478.07		
63672	12/01/2015	Open			Accounts Payable	MOORE, DWIGHT, L.	\$13,800.00		
63673	12/01/2015	Open			Accounts Payable	PILGRIM, CHRIS	\$331.21		
63674	12/01/2015	Open			Accounts Payable	Santander Leasing LLC	\$35,915.70		
63675	12/01/2015	Open			Accounts Payable	SBA Monarch Towers III LLC	\$121.67		
63676	12/01/2015	Open			Accounts Payable	WESTAMERICA BANK	\$8,584.63		
63677	12/02/2015	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$50.00		
63678	12/02/2015	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$402.52		
63679	12/02/2015	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$295.34		
63680	12/08/2015	Open			Accounts Payable	BLOOD SOURCE	\$54.00		
63681	12/08/2015	Open			Accounts Payable	Met Life	\$7,739.77		
63682	12/08/2015	Open			Accounts Payable	OPERATING ENGINEERS	\$572.00		
63683	12/08/2015	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$2,079.04		
63684	12/08/2015	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,788.39		
63685	12/08/2015	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$653.82		
63686	12/08/2015	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$110.00		
63687	12/10/2015	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$1,367.00		
63688	12/10/2015	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$59.01		
63689	12/10/2015	Open			Accounts Payable	AT&T MOBILITY	\$54.00		
63690	12/10/2015	Open			Accounts Payable	AWARDS COMPANY	\$99.55		
63691	12/10/2015	Open			Accounts Payable	Azco Supply Inc	\$171.72		
63692	12/10/2015	Open			Accounts Payable	Bear Electric Solutions	\$1,425.00		
63693	12/10/2015	Open			Accounts Payable	Big O Tires	\$55.95		
63694	12/10/2015	Open			Accounts Payable	BREATHING AIR SYSTEMS	\$176.97		
63695	12/10/2015	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$96.00		
63696	12/10/2015	Open			Accounts Payable	CHOICE PROPERTY SERVICES	\$305.00		
63697	12/10/2015	Open			Accounts Payable	CSU, CHICO RESEARCH FOUNDATION	\$300.75		
63698	12/10/2015	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$689,047.31		
63699	12/10/2015	Open			Accounts Payable	Eagle Security Systems	\$377.49		
63700	12/10/2015	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$1,167.00		
63701	12/10/2015	Open			Accounts Payable	FEATHER RIVER HOSPITAL	\$880.00		
63702	12/10/2015	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$34.13		
63703	12/10/2015	Open			Accounts Payable	Gates, Matthew	\$1,159.56		
63704	12/10/2015	Open			Accounts Payable	GENESIS SOCIETY	\$500.00		

CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
63705	12/10/2015	Open			Accounts Payable	HINDERLICHTER, DE LLAMAS & ASSOCIATES INC.	\$451.05		
63706	12/10/2015	Open			Accounts Payable	Houdek, Michael	\$128.50		
63707	12/10/2015	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV	\$7,409.39		
63708	12/10/2015	Open			Accounts Payable	SYCS/US BANCORP	\$277.19		
63709	12/10/2015	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$461.10		
63710	12/10/2015	Voided			Accounts Payable	INTERSTATE OIL COMPANY	\$172.50		
63711	12/10/2015	Open	Training Cancelled	12/28/2015	Accounts Payable	Johnston, Sarah	\$186.97		
					Accounts Payable	LEHR AUTO ELECTRIC STOMMEL, INC.			
63712	12/10/2015	Open			Accounts Payable	MANIN, URRUTIA, NELSON, CAS & ASSOC, LLP	\$1,200.00		
63713	12/10/2015	Open			Accounts Payable	MATT WOLFE	\$136.00		
63714	12/10/2015	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$40,000.00		
63715	12/10/2015	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$5,095.04		
63716	12/10/2015	Open			Accounts Payable	NORTHSTAR ENGINEERING INC	\$36,073.00		
63717	12/10/2015	Open			Accounts Payable	O'REILLY AUTO PARTS	\$603.72		
63718	12/10/2015	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$96.82		
63719	12/10/2015	Open			Accounts Payable	Oroville Safe Lock and Door	\$500.00		
63720	12/10/2015	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$183.28		
63721	12/10/2015	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$307.72		
63722	12/10/2015	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$1,440.00		
63723	12/10/2015	Open			Accounts Payable	PERKINS MOBILE AUTO GLASS	\$210.00		
63724	12/10/2015	Open			Accounts Payable	PETERSON TRACTOR CO	\$48.82		
63725	12/10/2015	Open			Accounts Payable	Riebes Auto Parts	\$281.12		
63726	12/10/2015	Open			Accounts Payable	SIERRA SAFETY ASSOCIATES	\$3,057.49		
63727	12/10/2015	Open			Accounts Payable	SNOQUIP	\$108.62		
63728	12/10/2015	Open			Accounts Payable	Solarcity Corporation	\$58.23		
63729	12/10/2015	Open			Accounts Payable	St. Francis Veterinary Housecalls	\$179.00		
63730	12/10/2015	Open			Accounts Payable	STATEWIDE TRAFFIC SAFETY & SIGNS	\$159.59		
63731	12/10/2015	Open			Accounts Payable	Stiles Truck Body & Equipment, Inc.	\$4,945.00		
63732	12/10/2015	Open			Accounts Payable	SUTTER BUTTES COMMUNICATIONS, INC.	\$3,778.85		
63733	12/10/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$132.32		
63734	12/10/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$37.54		
63735	12/10/2015	Open			Accounts Payable	THOMAS HYDRAULIC & HARDWARE SUPPLY, INC.	\$114.57		
63736	12/10/2015	Open			Accounts Payable	Tri Flame Propane	\$56.39		
63737	12/10/2015	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$126.00		
63738	12/10/2015	Open			Accounts Payable	WORLD TELECOM, INC.	\$280.00		
63739	12/14/2015	Open			Accounts Payable	DODGE, JEFFREY, L.	\$51.00		
63740	12/14/2015	Open			Accounts Payable	FLORES, LUIS, A.	\$159.00		
63741	12/14/2015	Open			Accounts Payable	FLORES, TIMOTHY, C.	\$133.00		
63742	12/14/2015	Open			Accounts Payable	Ginno Construction Inc	\$78,600.43		
63743	12/14/2015	Open			Accounts Payable	GRIFF, JAMES	\$81.00		
63744	12/14/2015	Open			Accounts Payable	RAMOS, DANIEL J.	\$145.00		
63745	12/14/2015	Open			Accounts Payable	TURNBOW, DAVID LYNN	\$10.00		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
63746	12/14/2015	Open			Accounts Payable	TURNBOW, DEBBIE	\$145.00		
63747	12/18/2015	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$50.00		
63748	12/18/2015	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$402.52		
63749	12/18/2015	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$295.34		
63750	12/22/2015	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$750.00		
63751	12/22/2015	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$59.01		
63752	12/22/2015	Open			Accounts Payable	Asbury Environmental Services	\$845.95		
63753	12/22/2015	Open			Accounts Payable	AT&T	\$1,049.52		
63754	12/22/2015	Open			Accounts Payable	BACKGROUNDS & MORE	\$1,300.00		
63755	12/22/2015	Open			Accounts Payable	Big O Tires	\$38.00		
63756	12/22/2015	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$2,222.25		
63757	12/22/2015	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$294.00		
63758	12/22/2015	Open			Accounts Payable	CHICO IMMEDIATE CARE	\$320.00		
63759	12/22/2015	Open			Accounts Payable	COMCAST CABLE	\$83.89		
63760	12/22/2015	Open			Accounts Payable	COMCAST CABLE	\$303.89		
63761	12/22/2015	Open			Accounts Payable	COMCAST CABLE	\$288.89		
63762	12/22/2015	Open			Accounts Payable	COPWARE, INC.	\$615.00		
63763	12/22/2015	Open			Accounts Payable	CRITICAL REACH, INC	\$285.00		
63764	12/22/2015	Open			Accounts Payable	DON'S SAW & MOWER	\$126.42		
63765	12/22/2015	Open			Accounts Payable	Eagle Security Systems	\$552.01		
63766	12/22/2015	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$2,328.00		
63767	12/22/2015	Open			Accounts Payable	ENTENMANN-ROVIN COMPANY	\$195.19		
63768	12/22/2015	Open			Accounts Payable	Entersect	\$84.95		
63769	12/22/2015	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$201.39		
63770	12/22/2015	Open			Accounts Payable	FERGUSON ENTERPRISES INC	\$516.24		
63771	12/22/2015	Open			Accounts Payable	FLORES TOOL & FASTENER	\$187.56		
63772	12/22/2015	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$129.62		
63773	12/22/2015	Open			Accounts Payable	HireRight, Inc.	\$38.75		
63774	12/22/2015	Open			Accounts Payable	HLP, INC / CHAMELEON SOFTWARE PRODUCTS	\$2,073.60		
63775	12/22/2015	Open			Accounts Payable	HUNTERS PEST CONTROL	\$55.00		
63776	12/22/2015	Open			Accounts Payable	I.M.P.A.C. PAYMENT'S IMPAC GOV SVCS/US BANCORP	\$666.29		
63777	12/22/2015	Open			Accounts Payable	ID WHOLESALER	\$78.93		
63778	12/22/2015	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$609.03		
63779	12/22/2015	Open			Accounts Payable	INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS	\$195.00		
63780	12/22/2015	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$400.00		
63781	12/22/2015	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
63782	12/22/2015	Open			Accounts Payable	King, Edith	\$212.00		
63783	12/22/2015	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
63784	12/22/2015	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$2,974.00		
63785	12/22/2015	Open			Accounts Payable	NORTH STATE RENDERING INC	\$200.00		
63786	12/22/2015	Open			Accounts Payable	NORTH VALLEY BARRICADE, INC.	\$145.91		
63787	12/22/2015	Open			Accounts Payable	NWN Corporation	\$3,511.26		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
63788	12/22/2015	Open			Accounts Payable	O'REILLY AUTO PARTS	\$768.72		
63789	12/22/2015	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$259.60		
63790	12/22/2015	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$7,684.95		
63791	12/22/2015	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$369.21		
63792	12/22/2015	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$86.11		
63793	12/22/2015	Open			Accounts Payable	PETERSON TRACTOR CO	\$3,262.37		
63794	12/22/2015	Open			Accounts Payable	Riebes Auto Parts	\$271.97		
63795	12/22/2015	Open			Accounts Payable	Sacramento Sheriff Department Training Trust Fund	\$529.00		
63796	12/22/2015	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$260.00		
63797	12/22/2015	Open			Accounts Payable	SKYWAY AUTO TUNE	\$126.44		
63798	12/22/2015	Open			Accounts Payable	SUTTER BUTTES COMMUNICATIONS, INC.	\$2,297.25		
63799	12/22/2015	Open			Accounts Payable	The UPS Store	\$83.25		
63800	12/22/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$125.17		
63801	12/22/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$379.88		
63802	12/22/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$50.34		
63803	12/22/2015	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$33.83		
63804	12/22/2015	Open			Accounts Payable	Tri Flame Propane	\$97.77		
63805	12/22/2015	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,075.00		
63806	12/22/2015	Open			Accounts Payable	VERIZON WIRELESS	\$294.60		
63807	12/22/2015	Open			Accounts Payable	VERIZON WIRELESS	\$552.60		
63808	12/22/2015	Open			Accounts Payable	VERIZON WIRELESS	\$104.70		
63809	12/22/2015	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
63810	12/22/2015	Open			Accounts Payable	WILGUS FIRE CONTROL INC	\$88.32		
63811	12/23/2015	Open			Accounts Payable	CHOICE PROPERTY SERVICES	\$120.00		
63812	12/23/2015	Open			Accounts Payable	MID VALLEY TERMITE	\$145.00		
63813	12/23/2015	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$1,148.00		
63814	12/31/2015	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$402.52		
63815	12/31/2015	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$277.46		
Type Check Totals:							\$1,008,024.26		
EFT					151 Transactions				
383	12/02/2015	Open			Accounts Payable	CALPERS - RETIREMENT	\$27,086.80		
384	12/02/2015	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$5,362.44		
385	12/02/2015	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$4,843.73		
386	12/02/2015	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$21,901.74		
387	12/08/2015	Open			Accounts Payable	CALPERS	\$113,216.88		
390	12/18/2015	Open			Accounts Payable	CALPERS - RETIREMENT	\$25,862.82		
391	12/18/2015	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,305.50		
392	12/18/2015	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$5,822.13		
393	12/18/2015	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$25,126.93		
	12/31/2015	Open			Accounts Payable	CALPERS - RETIREMENT	\$24,828.33		

CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Transaction Amount	Reconciled Amount	Difference
395	12/31/2015	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$1,007,851.76	\$4,851.82	\$0.00	
396	12/31/2015	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$0.00	\$3,511.26	\$0.00	
397	12/31/2015	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$172.50	\$20,494.48	\$0.00	
Type EFT Totals:								\$289,214.86	\$0.00	
AP - US Bank TOP AP Checking Totals								\$1,008,024.26	\$0.00	

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	150	\$1,007,851.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$172.50	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	151	\$1,008,024.26	\$0.00

EFT's	Status	Count	Transaction Amount	Reconciled Amount
	Open	13	\$289,214.86	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	13	\$289,214.86	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	163	\$1,297,066.62	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$172.50	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	164	\$1,297,239.12	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	150	\$1,007,851.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$172.50	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	151	\$1,008,024.26	\$0.00

EFT's	Status	Count	Transaction Amount	Reconciled Amount
	Open	13	\$289,214.86	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	13	\$289,214.86	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	163	\$1,297,066.62	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$172.50	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	164	\$1,297,239.12	\$0.00



**TOWN OF PARADISE
Council Agenda Summary
Date: January 12, 2016**

Agenda No. 2(c)

ORIGINATED BY: Marc Mattox, Public Works Director / Town Engineer
REVIEWED BY: Lauren Gill, Town Manager
SUBJECT: Paradise Police Department Emergency Siding Repairs
COUNCIL ACTION REQUESTED:

1. No action requested, report for information update only.

Background:

Paradise Police Department, located at 5595 Black Olive Drive has been needing repairs to the exterior siding for many years. Indigenous woodpeckers have progressively damaged and penetrated the siding causing potential for dry rot, mold, leaks and further damage. In previous years, due to budget shortfalls, repairs and mitigation had been deferred.

In the 2015/2016 Operating Budget, the Measure C Committee recommended and Council approved an appropriation of \$21,000 for repairs to the Police Department exterior siding.

Following approval of fund allocation, the construction of the Police Department Siding Repairs was scheduled for spring 2016. However, a recent inspection of the current conditions revealed the south and west exterior building walls may not last through another wet season, let alone a predicted heavy rainfall year.

On September 8, 2015, Town Council declared an emergency to rehabilitate the southern and western exterior portions of the Paradise Police Department. This declaration is critical to avoid a catastrophic loss or further exacerbation of the current conditions. Using this action, staff could forgo the formal competitive bidding process which can take an additional 30 days. With this declaration, Council authorized the Town Manager to execute agreements necessary to complete the rehabilitation efforts.

Following the emergency declaration on September 8, staff coordinated with multiple contractors. Specifically, the Town received bids from Barron Plastering, Modern Building, ProFrame Construction, and Ginno Construction. The quotation provided by Ginno Construction was determined to be by far the most cost effective and appropriate solution for the Paradise Police Department.

Contract No. 15-17, Paradise Police Department Siding Project was fully executed on September 28, 2015 between the Town of Paradise and Ginno Construction.

Prior monthly updates to Council have included Contract Change Orders for the additional rot repairs and complete reconstruction of the front building overhang.

Analysis:

All contract work for the subject project is complete, excepting delivery and installation of the exterior railing. The completed siding replacement and overhang is expected to last over forty years with regular maintenance and care.

Final project details will be presented following installation of the railing to formally close the emergency project.

Financial Impact:

Contract costs for Ginno Construction, including executed change orders are \$95,361.46. Minor costs for lighting and building identification letters and numbers are expected in the next month. Below is a breakdown of the project costs:

Item No.	Description	Quantity	Unit of Measurement	Total Cost
1	Base Scope of Work - 12 Sheet R&R Plywood, Vapor Barrier, Siding Overlay and Paint	1	LS	\$37,847.00
CCO1	Building Overhang Reconstruction	1	LS	\$45,673.00
CCO2	Rot Repair Extra Work 11/10, 11/17, 11/20 & 11/23	1	Time & Materials	\$10,013.08
CCO3	Rot Repair Extra Work 12/1 & 12/2	1	Time & Materials	\$1,828.38
			TOTAL	\$95,361.46



TOWN OF PARADISE
Council Agenda Summary
Date: January 12, 2016

Agenda No. 5(a)

ORIGINATED BY: Craig Baker, Community Development Director
Dwight Moore, Town Attorney

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Consider Introducing an Ordinance Repealing and Amending Text Regulations Within Paradise Municipal Code Chapter 17.31 Relating to the Cultivation, Delivery and Distribution of Medical Marijuana

COUNCIL ACTION REQUESTED: Upon conclusion of public discussion of this agenda item adopt either the recommended action or an alternative action.

RECOMMENDATION: Adopt a MOTION TO:

1. Concur with the project "CEQA determination" finding signed by the Town Planning Director; AND,
2. Waive the first reading of Town Ordinance No. ____, and approve reading by title only (ROLL CALL VOTE); AND,
3. Introduce Town Ordinance No. ____, An Ordinance of the Town of Paradise Repealing Section 17.31.400 of Chapter 17.31 of the Paradise Municipal Code and Amending Section 17.31.500 of Chapter 17.31 to the Paradise Municipal Code Prohibiting Medical Marijuana Cultivation and Delivery. (ROLL CALL VOTE)

BACKGROUND:

On January 1, 2016, the State will have three new medical marijuana regulations known as the Medical Marijuana Regulation and Safety Act. The primary purpose of the MMRSA is to establish statewide laws regarding the licensing of marijuana businesses. Since the Town presently prohibits medical marijuana dispensaries in all its zoning districts, the new licensing provisions of the laws do not apply to the Town. However, one of the new provisions requires the Town to take action also to prohibit the delivery of medical marijuana in all zoning districts if the Town wishes to do so.

Furthermore, if the Town would like to prohibit the cultivation of marijuana by qualified patients and primary caregivers, current case law authorizes it to do so.

Since 2011, the Town of Paradise has prohibited medical marijuana cooperatives/collectives and dispensaries in all zoning districts. However, qualified patients and primary caregivers are currently permitted to cultivate medical marijuana indoors or outdoors within an area not exceeding fifty square feet within a residential zoning district for use by a qualified patient.

Since the adoption of the Town's regulations, there have been numerous court of appeal cases dealing with the cultivation or distribution of medical marijuana. In *Maral v. City of Live Oak*, the court of appeal held that a city has the land use power to completely ban cultivation of medical marijuana within its jurisdiction. Another court of appeal in *Kirby v. County of Fresno* held that a city can prohibit the cultivation of medical marijuana in all its zoning districts. Based on the *Maral* and *Kirby* cases, it is now legally permissible to ban the cultivation of medical marijuana under a land use ordinance.

DISCUSSION:

Given the new State laws, the Town Council should consider taking action to amend the Paradise Municipal Code to ban the delivery of medical marijuana in all Town zoning districts. Such a ban would prevent mobile deliveries from other jurisdictions where it is lawful to make deliveries of marijuana. Since marijuana cooperatives/collectives and dispensaries are currently prohibited, no action to address them is necessary.

Currently, the Town permits qualified patients and primary caregivers to cultivate indoor or outdoor no more than fifty square feet of medical marijuana. As a result, there have been numerous complaints by citizens of an offensive odor from the marijuana plants that prevents them from enjoying their residences. In addition, there have been theft crimes by other persons at the cultivation sites. Pursuant to the *Maral and Kirby* cases, the Town has the legal authority to ban the cultivation of medical marijuana by qualified patients and primary caregivers within the Town limits.

During a special meeting on December 21, 2015, the Planning Commission conducted a public hearing regarding these proposed text amendments and adopted Planning Commission Resolution No. 15-3. The resolution document identifies and recommends Town Council adoption of several amendments to the text contained within PMC Chapter 17.31, as described within this agenda summary. A copy of the resolution document is attached for your review.

The Town Planning Director has determined that there is no possibility that adoption of the proposed text amendments would result in a significantly adverse effect upon the environment.

Therefore, the proposed amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General rule exemption).

Attached with this council agenda summary for your consideration and recommended introduction is an ordinance document prepared by Town staff that, if adopted, would prohibit the cultivation or delivery of medical marijuana in all zoning districts in the town. In addition, all medical marijuana dispensaries, cooperatives and collectives would continue to be prohibited. Recommended text amendments to the ordinance are shown in “shaded” (additions) and “~~strike-out~~” (deletions) font.

Lastly, for your convenience and use, Town staff has copied and attached other documents related to this agenda item.

RECOMMENDATION:

Introduce the attached ordinance document that provides, among other things, as follows:

1. Qualified patients or primary caregivers would be prohibited from cultivating medical marijuana within all Town zoning districts.
2. Medical marijuana cooperative/collectives and dispensaries would not be permitted within any Town zoning district. The prohibition would include any cultivation, distribution or processing of medical marijuana.
3. The delivery of medical marijuana would be prohibited within the Town limits.

FINANCIAL IMPACT: There is no financial impact associated with the first reading and introduction of the ordinance.

Attachments

LIST OF ATTACHMENTS

1. Ordinance No. _____, "An Ordinance of the Town of Paradise Repealing Section 17.31.400 of Chapter 17.31 of the Paradise Municipal Code and Amending Section 17.31.500 of Chapter 17.31 to the Paradise Municipal Code Prohibiting Medical Marijuana Cultivation and Delivery."
2. Public notice of the January 12, 2016 Town Council hearing to consider the attached ordinance.
3. Planning Commission Resolution No. 15-3 and its attached Exhibit "A"
4. Excerpt of the December 21, 2015 Planning Commission meeting
5. Notice of Exemption signed by the Town Planning Director

**TOWN OF PARADISE
ORDINANCE NO. ____**

**AN ORDINANCE OF THE TOWN OF PARADISE REPEALING
PARADISE MUNICIPAL CODE SECTION 17.31.400 AND AMENDING SECTION
17.31.500 PROHIBITING MEDICAL MARIJUANA CULTIVATION AND DELIVERY**

The Town Council of the Town of Paradise, State of California, does **ORDAIN AS FOLLOWS**:

WHEREAS, the purpose of this ordinance is to expressly prohibit the cultivation and delivery of medical marijuana in all Town of Paradise zoning districts. Such prohibition shall apply to all medical marijuana collectives/cooperatives and dispensaries, the delivery of medical marijuana and the cultivation of medical marijuana by qualified patients and primary caregivers.

SECTION 1. Paradise Municipal Code section 17.31.400 is hereby repealed.

SECTION 2. Paradise Municipal Code section 17.31.500 is hereby amended to read as follows:

17.31.500 Prohibition.

- A. Medical Marijuana Collectives and Cooperatives as defined in section 17.31.300C shall be prohibited in all zoning districts within the town. This prohibition shall include the cultivation of marijuana by Medical Marijuana Collectives and Cooperatives.
- B. The delivery of medical marijuana shall be prohibited within the town. No person shall conduct any mobile medical marijuana delivery service within the town through any means whatsoever. The term “delivery” shall also include the same meaning as set forth in Business and Professions Code section 19300.5 (m) or as amended.
- C. This section shall prohibit all medical marijuana activities for which a State of California license is required. The town shall not issue any permit, license or other entitlement for any activity for which a State of California license is required under the Medical Marijuana Regulation and Safety Act.
- D. Cultivation of medical marijuana for non-commercial purposes, including indoor and outdoor cultivation by a qualified patient or a primary caregiver, shall be prohibited in all zoning districts within the town. No person, including a qualified patient or primary caregiver, shall cultivate indoor or outdoor any amount of medical marijuana in the town.

SECTION 3. 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.

SECTION 4. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of

Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this ___ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Joanna Gutierrez, Town Clerk

Dwight L. Moore, Town Attorney

**TOWN OF PARADISE
NOTICE OF PUBLIC HEARING - PARADISE TOWN COUNCIL**

NOTICE IS HEREBY GIVEN by the Town Council that a public hearing will be held on **Tuesday, January 12, 2016** at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

- a. Item determined to be exempt from environmental review

PARADISE MUNICIPAL CODE: Town Council consideration to introduce an ordinance that, if adopted, would result in proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) chapter 17.31 (Cultivation of Medical Marijuana). If adopted by the Town Council as recommended, the amendments would prohibit all medical marijuana cultivation, delivery and distribution within the Town. The proposed ordinance would provide, among other things, that qualified patients or primary caregivers would be prohibited from cultivating medical marijuana within all Town zoning districts, medical marijuana cooperative/collectives and dispensaries would not be permitted within any Town zoning district, and the prohibition would include any cultivation, distribution or processing of medical marijuana. In addition, the delivery of medical marijuana would be prohibited within the Town limits.

The project file is available for public inspection at the Development Services Department, Town Hall. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Clerk at, or prior to, the public hearing. For further information please contact the Development Services Department (planning division), 5555 Skyway, Paradise, CA (530) 872-6291, extension 111.

Joanna Gutierrez, Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 15-03**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING TOWN COUNCIL
ADOPTION OF TEXT AMENDMENTS TO CHAPTER 17.31 OF THE PARADISE MUNICIPAL CODE
RELATIVE TO PROHIBITING MEDICAL MARIJUANA CULTIVATION AND DELIVERY**

WHEREAS, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to prohibit the cultivation and delivery of medical marijuana in all zoning districts, and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on December 21, 2015 to study and consider recommending Town Council adoption of a text amendment to PMC Chapter 17.31 as proposed by Town staff; and

WHEREAS, the public review also included review and determination that the proposed PMC text amendment is an activity that is exempt from to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (general rule exemption) because there is no possibility that the amendment would result in a significantly adverse effect upon the environment; and

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendment to PMC Chapter 17.31 is warranted at this time in order to expressly prohibit the cultivation and delivery of medical marijuana in all zoning districts of the Town of Paradise.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.31 as set forth in **Exhibit "A"** attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendment is not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

TOWN OF PARADISE
PLANNING COMMISSION
RESOLUTION NO. 15-03

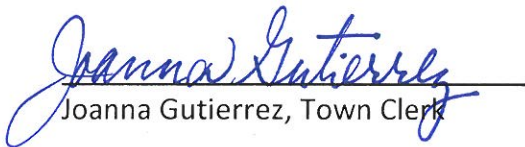
PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 21st day of December, 2015 by the Following Vote:

- AYES: Raymond Groom, Stephanie Neumann and Martin Nichols
- NOES: Anita Towslee and James Clarkson, Chair
- ABSENT: None
- ABSTAIN: None



Jim Clarkson, Chairman

ATTEST: *December 30, 2015*



Joanna Gutierrez, Town Clerk

EXHIBIT "A"

**TOWN OF PARADISE
ORDINANCE NO. ____**

**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**

The Town Council of the Town of Paradise, State of California, does **ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 17.31 of the Paradise Municipal Code is hereby repealed.

SECTION 2. A new Chapter 17.31 is hereby added to the Paradise Municipal Code to read as follows:

Chapter 17.31

CULTIVATION OF MEDICAL MARIJUANA

Section:

- 17.31.100 Findings and purpose.**
- 17.31.200 Applicability.**
- 17.31.300 Definitions.**
- 17.31.400 ~~Cultivation in residential zoning districts for personal use.~~**
- 17.31.500 Prohibition.**
- 17.31.600 Nuisance and civil penalties.**

17.31.100 Findings and purpose.

- A. The town council hereby finds that the cultivation of medical marijuana significantly impacts, or has the potential to significantly impact, the town's jurisdiction. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies and similar crimes, and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants and increased crime.
- B. It is acknowledged that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as Health

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and Safety Code section 11362.5. The Compassionate Use Act (“CUA”) does not address the land use or other impacts that are caused by the cultivation of medical marijuana.

- C. The purpose of this chapter is to adopt rules consistent with the Compassionate Use Act and the Medical Marijuana Program Act (“MMPA”) commencing with Health and Safety Code section 11362.7 to regulate medical marijuana in a manner that protects the public health, safety and welfare of the community and prevents the adverse impacts which such activities may have on nearby town properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess or cultivate medical marijuana pursuant to state law.
- D. The Compassionate Use Act is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the Medical Marijuana Program Act is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.
- E. The Compassionate Use Act and Medical Marijuana Program Act do not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but instead the predominant use of marijuana has been for recreational and not-medicinal purposes. As the report issued by California Chiefs Association on September 2009, entitled “California Chiefs Association Position Paper on Decriminalizing Marijuana” states, “[i]t has become clear, despite the claims of use by critically ill people that only about 2% of those using crude Marijuana for medicine are critically ill. The vast majority of those using crude Marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition.” (California Chiefs Association’s Position Paper on Decriminalizing Marijuana, available at the Community Development Department.)
- F. Facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to as medical marijuana dispensaries, medical marijuana cooperatives, or medical marijuana collectives; however, these terms are not defined anywhere in the Compassionate Use Act nor Medical Marijuana Program Act. Significantly, nothing in the CUA or the MMPA specifically authorizes the operation and the establishment of medical marijuana dispensing facilities.
- G. Further, neither the CUA nor the MMPA require or impose an affirmative duty or mandate upon local governments, such as the town, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana within their jurisdictions. Moreover, the Compassionate Use Act did not create a constitutional right to obtain medical marijuana.

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- H. It is critical to note that neither Act abrogates the town’s powers to regulate for public health, safety and welfare. Health and Safety Code § 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code §11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the Medical Marijuana Program Act.
- I. On August 25, 2008, Edmund G. Brown, the California Attorney General issued “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use” (“the Attorney General Guidelines”), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code §11362.81(d) authorizes the Attorney General to “develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under” the Compassionate Use Act. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the town, to allow, sanction or permit the establishment or the operation of facilities dispensing medical marijuana within their jurisdictional limits.
- J. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. § 801, *et seq.* and is classified as a “Schedule I Drug,” which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes.
- K. Pursuant to the town’s police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the Paradise Municipal Code, the town has the power to regulate permissible land uses throughout the town and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to Government Code § 38771 the town also has the power through its Town Council to declare actions and activities that constitute a public nuisance.
- L. The Town Council finds that neither the CUA nor the MMPA preempts the town’s exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives and collectives within the town.
- M. The Town Council finds that the public health, safety and general welfare of the town and its

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residents necessitates and requires the adoption of this zoning ordinance, prohibiting the establishment and operation of medical marijuana cooperatives and collectives, in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana; (b) preserve and safeguard the minors, children and students in the community from the deleterious impacts of medical marijuana facilities; and (c) preserve the town's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the town's law enforcement resources. The Town Council further finds that due to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and the operation of these facilities will negatively impact the town.

- N. This zoning ordinance is consistent with the Paradise General Plan in that the General Plan, its objectives, policies and goals do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives or similar facilities that engage in dispensing of marijuana for medicinal purposes.

17.31.200 Applicability.

- A. Nothing in this chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act.
- B. Nothing in this chapter is intended, nor shall it be construed, to make legal any cultivation, sale, or other use of medical marijuana that is otherwise prohibited under California law.
- C. Nothing in this chapter is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting medical marijuana cultivation by tenants.
- D. Nothing in this chapter is intended, nor shall it be construed, to exempt any activity related to the cultivation of medical marijuana from any applicable electrical, plumbing, land use, or other building or land use standards or permitting requirements.
- E. All cultivation of medical marijuana within the town shall be subject to the provisions of this chapter.

17.31.300 Definitions.

- A. "Director" means the town of paradise planning director or his or her designee.
- B. "Medical marijuana" means marijuana used for medical purposes in accordance with California Health & Safety Code section 11362.5.

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- C. “Medical marijuana collective or cooperative” means a collective, cooperative, dispensary, operator, establishment, provider, association, or similar entity that cultivates, distributes, delivers, processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the Compassionate Use Act and the Medical Marijuana Program Act.
- D. “Medical marijuana cultivation” means the planting, growing and harvesting of marijuana.
- E. “Primary Caregiver” means a primary caregiver as defined in Health & Safety Code section 11362.7.
- F. “Qualified Patient” means a qualified patient as defined in Health & Safety Code section 11362.7.
- G. “School” means an educational facility as defined in Health & Safety Code section 11362.768(h).

17.31.400 Cultivation in residential zoning districts for personal use.

~~It is unlawful for anyone to cultivate medical marijuana in any residential zoning district except as follows:-~~

- ~~A. Outdoor Cultivation. Medical marijuana may be cultivated outdoors by a qualified patient or primary caregiver in a residential zoned district subject to the following conditions:~~
 - ~~1. The owner of the property, if other than the resident, has consented in writing to the cultivation of marijuana on the property.~~
 - ~~2. The location of the plants shall be in the rear or side yard at least seventy-five (75) feet from any habitable structure on adjacent property, or six hundred (600) feet from any school property line or at least fifty (50) feet from an unimproved adjacent property and takes place within a locked six (6) foot solid fence on all sides of the location of the plants in conformance with all applicable zoning regulations. These distance and fencing requirements shall also be applicable to cultivation of medical marijuana within an accessory structure on the property.~~
 - ~~3. An area of no more than fifty (50) square feet shall be devoted to the cultivation of the marijuana. This restriction applies regardless of how many qualified patients are living on the property.~~
 - ~~4. The plants are located, screened and maintained so that they are not visible from any adjacent public or private property.~~

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~~5. No night lighting shall be used to grow marijuana plants.~~

~~B. Indoor Cultivation. It is unlawful for any person to cultivate medical marijuana inside any residence in a residential zoned district without an indoor cultivation permit issued by the director.~~

~~1. An application for an indoor cultivation permit shall be filed with the director on a form prescribed~~

~~by the town manager and accompanied by an application fee as adopted by the town council.~~

~~2. An indoor cultivation permit may be issued only if the director makes the following findings:~~

~~a. The applicant is either a qualified patient or primary caregiver.~~

~~b. The owner of the property, if other than the applicant, has consented in writing to the issuing of the indoor cultivation permit.~~

~~3. Any indoor cultivation permit shall be subject to the following conditions:~~

~~a. There shall be no cultivation of marijuana on the exterior of the residence.~~

~~b. An area no larger than fifty (50) square feet shall be devoted to the cultivation of marijuana. This restriction applies regardless of how many qualified patients are living on the property.~~

~~c. The lighting used for the cultivation shall not exceed 1200 watts.~~

~~d. The marijuana cultivation shall not be visible from any public or other private property.~~

~~e. The cultivation of marijuana shall not take place in the kitchen, bathrooms or occupied bedrooms of a residence.~~

~~f. The use of flammable or combustible products, including but not limited to, propane and butane for cultivation and processing is prohibited.~~

~~C. All medical marijuana cultivated pursuant to this section, whether outdoor or indoor, shall be for the personal use only of a qualified patient residing on the property and may not be distributed to any other person, collective, or cooperative.~~

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~~D. Notwithstanding that cultivation which is otherwise in compliance with the standards set forth in paragraph A. above, or a permit issued pursuant to paragraph B. above, the cultivation of medical marijuana shall not be permitted if, after holding a noticed hearing, the director determines based on substantial evidence that the cultivation activity adversely affects the health or safety of any person, including children, residing at the property or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, odor, or other impacts; provided, however, in finding that an outdoor cultivation under paragraph A above shall not be permitted, substantial evidence shall be supported by complaints from two (2) or more different property owners or tenants during a fourteen (14) day period.~~

~~E. The cultivation of medical marijuana shall not be an allowed home occupation.~~

17.31.500 Prohibition.

~~A. Medical Marijuana Collectives and Cooperatives shall be prohibited in all zoning districts within the town.~~

~~B. Except as provided in section 17.31.400, all other cultivation of marijuana within the town is prohibited.~~

A. Medical Marijuana Collectives and Cooperatives as defined in section 17.31.300C shall be prohibited in all zoning districts within the town. This prohibition shall include the cultivation of marijuana by Medical Marijuana Collectives and Cooperatives.

B. The delivery of medical marijuana shall be prohibited within the town. No person shall conduct any mobile medical marijuana delivery service within the town through any means whatsoever. The term “delivery” shall also include the same meaning as set forth in Business and Professions Code section 19300.5 (m) or as amended.

C. This section shall prohibit all medical marijuana activities for which a State of California license is required. The town shall not issue any permit, license or other entitlement for any activity for which a State of California license is required under the Medical Marijuana Regulation and Safety Act.

D. Cultivation of medical marijuana for non-commercial purposes, including indoor and outdoor cultivation by a qualified patient or a primary caregiver, shall be prohibited in all zoning districts within the town. No person, including a qualified patient or primary caregiver, shall cultivate indoor or outdoor any amount of medical marijuana in the town.

17.31.600 Nuisance and civil penalties.

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- A. Any cultivation, processing or distribution of medical marijuana which takes place in violation of any provision of this chapter shall be unlawful, and is hereby declared a public nuisance and may be abated by the town as such in accordance with the procedure set forth in chapter 8.04 of this Code.
- B. In addition, violation of this chapter shall be prosecuted under civil administrative citation procedure set forth in chapter 1.09 of this code.

SECTION 3. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

APPROVED AS TO FORM:

Joanna Gutierrez, Town Clerk

Dwight L. Moore, Town Attorney

EXCERPT OF DRAFT PLANNING COMMISSION MINUTES

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4. PUBLIC HEARING

4a. Planning Commission consideration to adopt a resolution recommending that the Town Council adopt a proposed ordinance relating to prohibition of all medical marijuana cultivation, delivery and distribution within the Town of Paradise. The proposed ordinance would provide, among other things, that qualified patients or primary caregivers would be prohibited from cultivating medical marijuana within all Town zoning districts, medical marijuana cooperative/collectives and dispensaries would not be permitted within any Town zoning district, and the prohibition would include any cultivation, distribution or processing of medical marijuana. In addition, the delivery of medical marijuana would be prohibited within the Town limits.

Director Baker informed the Commissioners that the purpose of tonight's special meeting was to consider adoption of Planning Commission Resolution No. 15-3 recommending that the Town Council consider an ordinance that would prohibit all medical marijuana cultivation, delivery and distribution within the Town as well as to continue to prohibit collectives and dispensaries. Mr. Baker stated that since the adoption of the Town's medical marijuana regulations in 2011, there have been numerous court of appeal cases that have resulted in rulings that provide cities with authority to ban cultivation of medical marijuana under a land use ordinance.

Mr. Baker introduced Town Attorney Dwight Moore who explained this that matter is presented in light of recent State legislation, three new regulations known as the Medical Marijuana Regulation and Safety Act (MMRSA), that were enacted primarily to establish statewide laws regarding the licensing of persons who are in the business of providing medical marijuana. The current Town ordinance that was established in 2011 already prohibits medical marijuana dispensaries in all of the Town's zoning districts. Mr. Moore explained that one of the new State provisions requires that the Town take action to prohibit the delivery of medical marijuana, and Town staff believes it is prudent to amend the Paradise Municipal Code to expressly prohibit the delivery of medical marijuana in all Town zoning districts. Mr. Moore discussed recent case law that affirms a city's right to use its zoning authority to ban medical marijuana cultivation, notwithstanding current legislation that provides protection from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. Mr. Moore stated that there are no criminal penalties associated with the proposed ordinance and that an administrative citation would be given to any person in violation.

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Commissioner Nichols confirmed that the ordinance would not preclude a qualified patient or a primary care giver from possessing or using medical marijuana in the town and that the delivery provisions do not clearly distinguish between commercial or non-commercial delivery.

Chairman Clarkson stated that he believes that the effect of the proposed legislation over existing legislation would be the removal of the cultivation clause.

Chairman Clarkson opened the public hearing at 6:21 p.m.

1. Steve Ballentine is against the proposed ordinance as he is in chronic pain, has given up use of pharmaceutical drugs, relies on medical marijuana that he grows for himself, that he follows the current laws regarding cultivation and does not think this choice should be taken away.
2. Jill Clarkson, cancer survivor, is against the proposed ordinance, relies on medical marijuana for medication, and does not believe it is lawful for the town to ban cultivation of medical marijuana.
3. Dr. Franz, cancer survivor, is against the proposed ordinance, believes the town would be setting itself up for tort claims in regulating a substance that people have a right to use, and that she thinks growing a couple of pot plants does not cause harm to anyone.
4. Kristina G is against the proposed ordinance as she believes she has the right to have the cultivating ordinance on her side.
5. Ron Hawkins is in favor of the ordinance as he believes that his former neighbor's legal marijuana growing drew a criminal element to his neighborhood resulting in cars and mailboxes being broken into.
6. Dan Henry of Coldwell Banker Ponderosa Realtor is in favor of the ordinance as potential home buyers become concerned about the criminal element in a neighborhood after viewing marijuana plants growing at a neighboring residence.
7. Tyler Johnson is in favor of the ordinance, sees the criminal element due to the business he is in, that he does not think there would be any issues if the Town bans cultivation and would like the ordinance to include a ban on BHL labs and concentrated cannabis to preclude it from being licensed by the state because it was not specifically excluded by local law.

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8. Fernando Marin is against the ordinance as he believes the benefits of marijuana use outweigh the bad, is against a complaint driven ordinance, is in favor of people being able to use medical marijuana and that this is a quality of life issue.
9. Marvin Debruner is against the ordinance, suffers from Lyme disease, uses and grows medical marijuana, the ordinance would take away his ability and his right to grow his own organic medicine and that to buy this medication would cost him \$200 a week and that he believes the skunky smell has been cultivated out of the plant.
10. John Miller-George is against the ordinance, that when he lived in Lake County there was an expensive mess related to marijuana regulations, that he grows and uses medical marijuana and would like to know if the town intends to bust down his door if he continues to use or accept delivery of medical marijuana regardless of regulations.
11. Rahasya is against the ordinance, believes that no one is going to obey the law, believes there is a mental disconnect to even consider this ordinance, and that there is no legal or moral right for the Planning Commission to do this.
12. Priscilla Rawlings is in favor of the ordinance as in her work as a realtor, she has seen that marijuana growing has a negative effect on property values and the community.
13. Jon Remalia is against the ordinance, that the March 1st deadline set by the state legislation was an error and is in the process of being amended, that he thinks this matter should have been considered at a regular meeting, that he needs morphine just to be able to walk and would like to have medical marijuana as a “tool in his toolbox” for treatment.
14. James Riotto is in favor of the ordinance as the smells from his neighbor’s marijuana grow which he believes amounts to 36 plants infringes on his right to use and enjoy his property.
15. Tom Wahl is against the ordinance, that it would be taking away from his property rights, that the Compassionate Care Act is very simple, that many patients here tonight cannot afford to buy medical marijuana from the dispensaries, and that delivery of medical marijuana is the least obtrusive way to have medical marijuana made available for patients.

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16. Tammy Walton is against the ordinance as without medical marijuana she can only use pharmaceuticals or homeopathic drugs, that medical marijuana is the only thing that helps her to be a good member of society, that she cares about her neighbors and is a good neighbor, and that she believes safe access to medical marijuana is her right and that she will be in jeopardy if this ordinance passes.

Commissioner Clarkson called from comments from citizens who had not spoken and who had not filled out a comment card.

17. John Doe is against the ordinance, that there is a state initiative in progress that he believes will negate any town legislation regulating the right to grow medical marijuana, thinks regulation should be done on a case-by-case basis, that a medical marijuana patient cannot be denied the right to grow and asked that this matter be put on the back burner until January 2017.
18. Leann Hastings is against the ordinance, has a medical marijuana delivery service that is discreet, delivers to people who cannot leave their homes, and that many people need medical marijuana to survive.
19. Jay Cooke is against the ordinance, is a real estate agent, believes the League of California Cities is pushing cities to take action by the March 1st deadline, referred to the letter from Assemblyman Jim Wood, author of the MMRSA legislation clarifying that the March deadline is in error, asked if all deliveries are banned would it restrict delivery to Magalia, that this ordinance would drive medical marijuana use underground, that he thinks the town should adopt a wait and see attitude rather than deny people their rights and to form a citizens committee that includes medical marijuana patients and care providers to enact policy that would be fair to all.
20. Sarah Bates is against the ordinance, has medical conditions and is homebound, questioned the timing of the meeting which is being held after paratransit hours, that she waited tonight for a taxi service that did not come on time, if the growing and delivery of medical marijuana is not an option she does not know where she will have to go for medication, which would be very difficult under her circumstances, that it would cost \$20,000 to \$30,000 a month for pharmaceutical treatment, and that she is responding better to medical marijuana than to other pharmaceutical medication.
21. Heath Mello is against the ordinance, is a decorated Navy veteran, a college graduate, is a responsible cultivator, questioned the criminal element alluded to, and that he does not understand how more regulation will solve the problem.

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22. Tom Wahl re-stated his opposition to the ordinance as he thinks this the regulations would be over-reaching.
23. Ron Jones is in favor of the ordinance, is a 16-year resident of Paradise and has talked to many members of the public who support the ordinance and believes the public at large will be in favor of the regulations.
24. John Doe II is against the ordinance, that if the smell of marijuana is the issue there are many other smells that are equally offensive such as rice burning, that the ultimate cost of defending against future legal action by medical marijuana patients should be used for other programs, that the State allows six plants and that alcohol is much worse than marijuana.
25. Louise is against the ordinance, loves the Town, just became a real estate agent, has Prop 215 friends and is concerned about where they will go if the ordinance is adopted, thinks the town will lose business in real estate if the ordinance is adopted, and has four families who are friends who would like to live here and who will not be able to live here if the regulations are approved.
26. Unidentified male is against the ordinance, that he does not use marijuana, thinks that something can be done to eliminate the smell, that marijuana will always be around and that we need to learn to work together.
27. Marianna Love is against the ordinance, thinks medical marijuana might prevent other drug use and is a good medication for cancer patients.
28. Kelly is against the ordinance, believes the benefits of marijuana outweigh the problems, that people who are in pain are getting better from this smelly drug and asked that this matter be looking into further before taking action.
29. Kendra is against the ordinance, asked for the Planning Commissioners to consider the benefits of medical marijuana, to do the research and weigh the pros and cons of the matter.
30. Fred Hofer is against the ordinance, lives by the Canteena Bar and sees many violations due to alcohol use, is a cancer patient who cannot take Norco, the smell of marijuana only lasts for about two weeks, and that there are already laws that address the number plants that can be grown.

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31. Sarah Mello is against the ordinance believes the Town is shutting the door to Paradise, wants to move out because of the Skyway project and other rules that make people not want to live here, and believes the legislators lack an understanding of the perspectives of the members of the community .
32. Tucker Brant moved to California because of the law that allows him to grow medical marijuana for himself, that he grows two plants, is very disheartened by the proposal, that he does not want to be made out to be a criminal, and doesn't want to pay someone else for an inferior product that he can grow discreetly under current law.

Commissioner Nichols stated that he would like to hear from the police department on issues related to marijuana grows. Police Lieutenant Rowe informed that the current ordinance is primarily enforced by Development Services' Code Enforcement Officer, that current law was intended to help patients, that marijuana grows were not evident when marijuana was illegal, that he believes there needs to be more control as the cultivation of marijuana does bring in a criminal element to the community, that enacting this ordinance would provide for better control of an uncontrolled substance as the current regulations are more difficult to enforce than the proposed ordinance would be.

Community Development Director Baker stated that enforcement of the current ordinance is complaint driven relating to marijuana grows and that there is no criminal penalty as medical marijuana cultivation and use was de-criminalized by Proposition 215.

33. John Miller-George referred to his experience in Lake County, asked if the current ordinance cannot be enforced, then why are delivery services proposed to be banned, and that he believes this ordinance would force people to break the law and would take away medicine from people.

Commissioner Clarkson stated that he understands the value of medical marijuana and related his experience with stage four liver cancer and his use of medical marijuana to stimulate his appetite during treatment, and that he discontinued its use after he became healthy. He asked the people to be patient with the process, that what comes from this meeting tonight has nothing to do with criminalization of medical marijuana use, and that there would be opportunity to address this issue with the Town Council if the resolution is adopted by the Planning Commission.

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34. John Doe I restated his opposition to the ordinance, that he thinks banning medical marijuana cultivation will force people out of Town to grow which is not the answer, and he would like the Planning Commission to consider how many people are at the meeting, pro and con, that people need medical marijuana and that the town will be back pedaling in 2017 if the state initiative passes.

35. Marvin Debrunner restated his opposition to the ordinance, that he thinks it will create an underground market, that he would like to be able to grow his own medication, and that the ordinance will force patients to turn to the illegal market and to illegal deliveries.

Chairman Clarkson closed the public hearing at 8:00 p.m. and called for a five-minute recess. Chairman Clarkson reconvened the meeting at 8:10 p.m.

Chairman Clarkson stated that he is grateful for the active community that came out for tonight's meeting.

Commissioner Nichols stated that this issue is not about whether or not medical marijuana is good or bad, but is a land use matter that local jurisdictions can legally control through zoning regulations.

MOTION by Nichols, seconded by Neumann, adopted Planning Commission Resolution No. 15-3, A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.31 of the Paradise Municipal Code Relative to Prohibiting Medical Marijuana Cultivation and Delivery. Ayes of Neumann, Nichols and Groom; noes of Clarkson and Towslee.

NOTICE OF EXEMPTION

To: File, Butte County Clerk-Recorder

From: Town of Paradise, Community Development Department,
Planning Division, 5555 Skyway, Paradise, CA 95969

Project Title: Paradise Municipal Code Amendments-Cultivation of
Medical Marijuana Regulations

Project Applicant: Town of Paradise

Project Location: N/A

Project Description: Proposed text amendments to current zoning regulations
to prohibit the cultivation or delivery of medical marijuana
in all zones.

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Town of Paradise

Exempt Status: _____ Ministerial (Section 15268)
_____ Emergency Project (Section 15269)
_____ Categorical Exemption
 X General Rule Exemption – 15061(b)(3)

Reason for Exemption: There is no possibility of a significantly adverse
environmental effect as a result of the proposed text
amendments.

Contact Person: Craig Baker, Planning Director
(530) 872-6291 x111

Signature:



Planning Director

Date: December 21, 2015



**Town of Paradise
Council Agenda Summary
Date: January 12, 2016**

Agenda Item: 5(b)

Originated by: Colette Curtis, Administrative Analyst

Reviewed by: Lauren Gill, Town Manager

Subject: Public Hearing for the Community Development Block Grant Program (CDBG) 2016-2017 Action Plan

Council Action Requested:

1. Conduct a public hearing to solicit comments and/or suggestions regarding the 2016-2017 Annual Plan funding priorities.
2. Approve the formation of a public services sub-committee to consider input and requests for public services funding ; and
3. Appoint two Council members to the public services sub-committee to determine whether or not to recommend changes to the levels of funding for the 2016-2017 program year.

Background:

The Town of Paradise has been a U.S. Department of Housing and Development (HUD) entitlement city since 1994. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low and moderate income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight. Additionally, grantees may fund activities when the grantee certifies that the activities meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives.

HUD determines the amount of each entitlement grant by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

Annual Plan Overview:

The Town has not received its funding allocation for the program year, but is estimating that HUD will allocate approximately \$175,000, to the Town of Paradise for programs and projects that directly benefit the town's low and moderate-income residents. Funding priorities for this program year include:

- Assistance to community-based organizations
- Loans to low income business owners to assist with septic and/or building improvements
- Mortgage subsidies for first time homebuyers
- Residential housing rehabilitation

Annual Action Plan and Public Meetings:

Over the next several weeks, staff will prepare a Draft Annual Action Plan. The Plan will be available for public viewing and comment prior to its adoption by Council and prior to submission to the U.S. Department of Housing and Urban Development. The dates of the comment period and public hearings are as follows:

- **Public Hearing No. 2:** Tuesday, February 9, 2016 at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. This public hearing is to solicit suggestions and/or comments from the public regarding the 2016-2017 CDBG funding priorities and outlines general information about the CDBG program. The public is encouraged to submit written comments on any aspect of the CDBG funding to Colette Curtis, 5555 Skyway, and Paradise, CA 95969.
- **The Draft Annual Plan** will be available to the public on February 9, 2016. The plan will be available on the Town's website (www.townofparadise.com); at the Butte County Public Library on Clark Road in Paradise, at the Paradise Senior Center; at the Family Resource Center and at the Paradise Chamber of Commerce. The public comment period is from February 9th – March 8th 2016. Written comments should be addressed to Colette Curtis, 5555 Skyway, Paradise, CA 95969.
- **Town Council on the final Annual Plan:** Tuesday, April 12, 2016, at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. The Council will consider adopting the final 2016-2017 Annual Plan and receive additional public comment at this time.

Public Services Funding Process:

As part of the Community Development Block Grant (CDBG) Annual Plan process, the Town Council may elect, but is not required, to allocate up to 15% of its Program Year funding for public services agencies. The agencies must be legal, non-profit organizations that provide services to low- and moderate-income residents.

Last year, the Town Council directed staff to establish a sub-committee consisting of two council representatives and two staff members to hold preliminary interviews with interested subrecipients. The purpose of the subcommittee was to meet with the subrecipients and make a formal recommendation to the Council for final approval.

With the reduction CDBG funding, the subcommittee will be asked to consider whether to recommend a change in funding levels to the agencies for this program year. Local public agencies that are considering applying for these funds should be aware that their funding may be reduced and/or eliminated this program year. If the Council wishes to pursue public service agency input at this time, the following schedule will be required in order to meet the HUD Annual Plan submission deadline.

Date	Action
Jan. 12	Town Council Meeting – 1 st Public Hearing.
Jan. 13	Subrecipient Funding Applications available.
Feb. 12	Subrecipient applications due to the Town.
TBD – Mar	Meetings with Subrecipients and interviews scheduled.
Feb. 9	Town Council Meeting – 2 nd Public Hearing & review of DRAFT of Annual Plan.
Feb. 9	30-day public comment period begins (Annual Plan draft posted on Town’s website, and available at Town Hall, Senior Center, Paradise Library, Chamber and Family Resource Center.
Mar. 8	30-day public comment period complete.
Apr. 12	Town Council Meeting – Town Council considers approval of Action Plan.
May 15	Deadline to submit 2016-2017 Annual Plan with Subrecipient funding requests.

Discussion:

Although the Town has some discretion on how the funds are used, there are many restrictions, conditions, and objectives that must be met. Community Development Block Grant funds can be used for activities that further community and economic development; provide improved community facilities and services; and provide affordable housing opportunities to low and disadvantaged residents. Each activity except planning and administrative activities, must meet one of the CDBG program’s three broad National Objectives:

1. Benefit low and moderate income persons,
2. Aid in the prevention or elimination of slums or blight, or
3. Meet community development needs having a particular urgency.

The types of activities that meet the national objective will encompass the following basic qualifiers:

Area benefit activities: An activity can be area-wide meaning that the benefits are available to all the residents of a particular area where at least 51 percent of the residents are low and moderate income persons. The service area must be primarily residential, and the activity must meet the identified needs of low-and-moderate income persons.

Limited clientele activities: An activity can be “limited clientele,” which means that the activity benefits a certain, limited clientele that is at least 51 percent low income. An example of this would be our housing programs. We have to document and verify income to ensure that each client is eligible.

Housing activities: An activity carried out for the purpose of providing or improving permanent residential structures, which upon completion, will be principally occupied by low and moderate income households.

Job creation or retention activities: An activity designed to create or retain permanent jobs where at least 51% of that, computed on a full-time equivalent (FTE) basis, involves the employment of low and moderate income persons. Potentially eligible activities include: construction of a business incubator designed to offer space and assistance to new firms to help them become viable small businesses; loans to pay for expansion.

Slum Blight Removal. Activities under this category must meet ALL of the following criteria: (1) The area delineated by the grantee must meet a definition of a slum, blighted, deteriorated or deteriorating area under state or local law; (2) there must be a substantial number of deteriorated buildings through the area; and (3) the activity must address one or more conditions that contributed to the deterioration of the area. Boundaries, designations, inspections and detailed rehabilitation records must be kept.

In addition to the above qualifiers, there is a list of basic eligible activities and ineligible activities that can be carried out using CDBG funds. (CDBG Grant Guidelines Section 570.201.)

Basic Eligible Activities include: Acquisition/disposition of real property; public facilities acquisition, construction and rehabilitation; public services funding; payment of costs in support of activities eligible for funding under the HOME program; housing assistance for low/moderate income families; and micro-enterprise assistance.

Fiscal Impact Analysis:

The impact of this agenda item and subsequent actions related to the CDBG Program is positive. It will result in the award of approximately \$175,000 in federal funds as we estimate the Town may receive approximately the same amount of funding as last year.