



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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www.townofparadise.com

Management Staff:

Charles L. Rough, Jr., Town Manager
Dwight L. Moore, Town Attorney
Joanna Gutierrez, Town Clerk
Lauren Gill, Assistant Town Manager
Craig Baker, Community Development Director
Gabriela Tazzari-Dineen, Police Chief
Rob Cone, Interim Fire Chief
Gina Will, Finance Director/Town Treasurer

Town Council:

Steve "Woody" Culleton, Mayor
Tim Titus, Vice Mayor
Joe DiDuca, Council Member
Scott Lotter, Council Member
Alan White, Council Member

TOWN COUNCIL AMENDED AGENDA

REGULAR MEETING – 6:00 PM – December 11, 2012

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk.

Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

1. OPENING

- a. Call to Order
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Invocation
- d. Roll Call

- e. Approve Minutes of the 2pm 11/13/2012 Special Meeting; the 11/13/2012 Regular Meeting; the 11/19/2012 4pm Special Meeting; the 11/19/2012 5pm Special Adjourned Meeting; and, the 11/28/2012 Special Meeting.
- f. State of the Town Address by Mayor Steve "Woody" Culleton
- g. Recognition of Council Members Joe DiDuca and Alan White
- h. Adopt Resolution No. 12-41, A Resolution Reciting the Facts of the General Municipal Election Consolidated with the Statewide General Election held on November 6, 2012 Declaring the Result and Such Other Matters as Provided by Law. **(ROLL CALL VOTE)**
- i. Present Certificates of Election and administer Oaths of Office to newly elected Council Members Greg Bolin, Steve "Woody" Culleton and John J. Rawlings.
- j. Adjourn meeting to hold a 15-minute reception for outgoing and incoming Council Members
- k. Town Clerk will reconvene the Council Meeting and take a roll call to include newly seated Council Members
- l. Town Clerk will chair the selection of Mayor for a one-year term commencing December 11, 2012 and ending December and ending December 10, 2013. The Clerk will turn the meeting over to newly selected Mayor for selection of Vice-Mayor for a one year term.
- m. Mayor will chair the selection of Vice Mayor for a one-year term commencing December 11, 2012 and ending the first regular meeting in December, 2013

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

One roll call vote will be taken for all items placed on the consent calendar.

- 3a. Consider adopting Resolution No. 12-42, A Resolution of The Town Council Of The Town Of Paradise, California, Authorizing The Town Manager To Execute Contracts With Insurance Carriers For Employee Benefits Through Broker, Wells Fargo Insurances Services. **(ROLL CALL VOTE)** Approval will result in savings to the general fund and to all funds.
- 3b. Review and acknowledge receipt of the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2013.
- 3c. Approve Cash Disbursement Report in the amount of \$2,024,073.37.

4. PUBLIC HEARING PROCEDURE

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
 - 1. Project proponents or in favor of (15 minutes total maximum)
 - 2. Project opponents or against (15 minutes total maximum)
 - 3. Rebuttals - when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS

- 5a. Conduct a public hearing to solicit public comment regarding the proposed adoption of two Town resolutions declaring the presence of substandard housing conditions and an accumulation of dead trees located at 5983 Crestview Drive to be a public nuisance and directing the property owner to abate said nuisance; and, after conclusion of the public hearing consider: (1) Authorizing Town staff to proceed with the abatement process on property located at 5983 Crestview Drive owned by Amelia Penelope Lynn Ward by adopting Town Resolution No. 12-____, "A Resolution of the Town Council of the Town of Paradise Declaring the Felled and Dead Trees at 5983 Crestview Drive, Paradise, California, to be a Public Nuisance; and Directing the Property Owner to Abate Said Public Nuisance"; **(ROLL CALL VOTE)** and, (3) Adopting Town Resolution No. 12-____, "A Resolution of the Town Council of the Town of Paradise Making Findings that Substandard Housing Conditions at 5983 Crestview Drive, Paradise, California, Constitute a Public Nuisance and Ordering Abatement Relating Thereto;" **(ROLL CALL VOTE); OR, (4)** Provide an alternate direction to Town staff.

6. PUBLIC COMMUNICATION

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

7. COUNCIL CONSIDERATION

- 7a. Review and consider annual appointment of Council Members to represent the Town of Paradise on various County and local committees and/or commissions.
- 7b. Consider authorizing recruitment for a vacancy on the Paradise Planning Commission created by the election of the seated commissioner to the Town Council. Process will include advertisement, application deadline of

January 17, 2013, and an interview process, with appointment scheduled for the February 12, 2013 Regular Council Meeting. **(ROLL CALL VOTE)**

- 7c. Consider authorizing recruitment and establishing an interview process for applicants to vacancies on the Access Appeals Board; the Building/Fire Code Appeals Board; and, the Development Impact Fee Adjustments Board; set deadlines for applications as January 17, 2013 at 5pm; and, schedule appointments for the February 12, 2013 Council Meeting. **(ROLL CALL VOTE)**
- 7d. Review Council appointed boards, committees and commissions.
- 7e. Approve proposed Standard Detail TB-1, Trench Backfill and Restoration Requirements and Standard Detail TB-2, Modified Pavement Restoration Area, with the finding that it is in the best interest of the Town; and, authorize their addition to the Town of Paradise Standard Plans.
- 7f. Consider approving Town 2012/13 Operating and Capital Budget Adjustments. The adjustments would decrease the general fund deficit and increase the general fund reserves by \$73,932.
- 7g. Consider adopting the following:
 - 1. Resolution No. 12-___, "A Resolution Of The Town Council Of The Town Of Paradise, Fixing the Employer's Contribution Under the Public Employees' Medical And Hospital Care Act With Respect To Members Of A Specific Employee Organization (Paradise Firefighters Association); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts;" **(ROLL CALL VOTE)**
 - 2. Resolution No. 12-___, "A Resolution Of The Town Council Of The Town Of Paradise, Fixing the Employer's Contribution Under the Public Employees' Medical And Hospital Care Act With Respect To Members Of A Specific Employee Organization (Paradise Police Officers Association); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts" **(ROLL CALL VOTE)**
 - 3. Resolution No. 12-___, "A Resolution Of The Town Council Of The Town Of Paradise, Fixing the Employer's Contribution Under the Public Employees' Medical And Hospital Care Act With Respect To Members Of A Specific Employee Organization (Fire Mid-Management Group); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts". **(ROLL CALL VOTE)**
OR
 - 4. Refer recommended resolutions back to staff for further development.

- 7h. Consider (1) Adoption Resolution No.12-___, A Resolution of the Paradise Town Council Approving the Role of the Mayor in the Paradise Town Council/Manager Form of Municipal Government; **(ROLL CALL VOTE)**; or, (2) Decline to adopt the resolution as submitted.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council oral reports of their representation on Committees/Commissions.
- 8b. Consider re-appointment of Terry Mallan to the Butte County Mosquito & Vector Control District for a four-year term beginning January 2013.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

10. CLOSED SESSION

- 10a. Pursuant to Government Code section 54956.9(a), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: *Brinckerhoff v. Town of Paradise, et al.*, United States District Court Eastern District of California, Case No. 2:10-CV-00023-MCE-GGH.
- 10b. Pursuant to Government Code section 54956.9(b), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: *Town of Paradise v. Sierra Preservation Partners, LLC, et al.*, Butte County Superior Court Case No. 157389.
- 10c. Pursuant to Government Code sections 54956.9(b) and 54956.95, the Town Council will hold closed session to consider the following liability claims:
1. Bank of NY Mellon against the Town of Paradise
 2. Rebecca Hayashida against the Town of Paradise
- 10d. Pursuant to Government Code section 54956.9(c), the Town Council will hold a closed session to meet with the Town Attorney to consider initiating litigation - one case.

11. ADJOURNMENT

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:	
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TOWN/ASSISTANT TOWN CLERK SIGNATURE	