

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – January 08, 2013**

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Tim Titus at 6:05 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California. Vice Mayor Scott Lotter led the Pledge of Allegiance to the Flag of the United States of America and Council Member Greg Bolin offered an invocation.

COUNCIL MEMBERS PRESENT: Greg Bolin, Scott Lotter, John J. Rawlings and Tim Titus, Mayor.

COUNCIL MEMBERS ABSENT: Steve “Woody” Culleton.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Interim Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Community Development Director Craig Baker, Finance Director Gina Will, Interim Fire Chief Rob Cone, Police Chief Gabriela Tazzari-Dineen, Public Works Manager Paul Derr, Associate Civil Engineer Marc Mattox, and Assistant Town Clerk Dina Volenski.

1e. Presentations:

- (1) Introduction of Butte County Fifth District Supervisor, Doug Teeter who was sworn into office on the morning of January 8, 2013 at the Butte County Board of Supervisors meeting
- (2) Recognitions by Police Chief Tazzari-Dineen:
 - Police Officer of the Year, Chris Pilgrim
 - Public Safety Dispatcher of the Year, Stacie Smeltzer
 - Volunteer in Police Services of the Year, Rae Lynk
 - Paradise Animal Shelter Helpers of the Year, Katherine Papash and Elizabeth Papash

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

(Continued from the December 11, 2012 Council Meeting.) Associate Civil Engineer Marc Mattox reported to Council regarding the outcome of the meeting between the Town and Paradise Irrigation District staff regarding the proposed Standard Detail TB-1, Trench Backfill and Restoration Requirements and Standard Detail TB-2, Modified Pavement Restoration Area. Engineer Mattox recommended that Council approve the standards as presented with the finding that the requirements are in the best interest of the Town and authorize their addition to the Town of Paradise Standard Plans.

- 2a. **MOTION by Lotter, seconded by Bolin**, approved Standard Detail TB-1, Trench Backfill and Restoration Requirements and Standard Detail TB-2, Modified Pavement Restoration Area as presented on January 8, 2013, with the finding that it is in the best interest of the Town, and authorized addition to the Town of Paradise Standard Plans. Roll call vote was unanimous; Culleton absent and not voting. (950-15-05)

3. CONSENT CALENDAR

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

MOTION by Lotter, seconded by Rawlings, approved the following consent calendar items as presented. Roll call vote was unanimous; Culleton absent and not voting.

- 3a. Approved the Minutes of the December 11, 2012 Regular Council Meeting and the December 14, 2012 Special Council Meeting.
- 3b. Approved Cash Disbursement Report in the amount of \$1,446,337.27. (310-10-29)

4. PUBLIC HEARING PROCEDURE

Mayor Titus informed the public of the Town's public hearing procedure.

5. PUBLIC HEARINGS

Interim Town Manager Lauren Gill reported to Council regarding the Community Development Block Grant Funding Annual Plan for the 2013-2014 program year, stated that Paradise is an established entitlement community that receives annual Housing and Urban Development funding for community needs, that this plan functions as a budget for how the community will use its CDBG funds, and that the draft plan will be developed by staff with input from the community and available on February 12, 2013. Mayor Titus opened the public hearing at 6:28 p.m. to solicit public comment and input. There were no speakers and Mayor Titus closed the public hearing. A second public hearing has been noticed for February 12, 2013 with action by Town Council on a final plan scheduled for April 9, 2013.

- 5a. Council concurred to approve the formation of a public services sub-committee to consider input and requests for public services funding from the CDBG funds and appointed Council Members Bolin and Rawlings to the public services sub-committee to determine whether or not to recommend changes to the levels of funding for the 2013-2014 program year.

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.

1. Don Drowty stated that he came to Paradise in the early 1970's, discussed his current charity, "Project Touch", discussed his efforts to provide assistance for abused and impoverished children, informed of the 35 programs offered for citizens in Paradise, stated that his office is on Skyway and has the sign that encourages prayer for different groups of people, referred to the brochure and CDs that he provided to each Council Member to explain Project Touch as well as to share musical experiences wherein he has either performed or assisted in production over the years, and thanked the Council for the improvements made to the community over the many years he has lived here.
2. Ward Habriel stated that he was here tonight with a daffodil project report, that 1500 daffodils bulbs have been donated to the Town to plant along the Paradise Memorial Trailway, and asked the Town Council to individually promote the daffodil project to increase tourism in Paradise.
3. Ward Habriel stated that the last budget report referred to a \$3,200 amount of income related to fines from administrative citations from the Police Department and asked where the information on the individual citations could be obtained.
4. Eric Murray stated that he lives on Crestview, discussed the public nuisance that was declared at 5983 Crestview, informed Council that the property has been abandoned since 2006 and asked for an update on the abatement process and whether or not there is a timeline for the abatement.

Town Attorney Moore stated that he has spoken with the property owner, to which the Community Development Director faxed a list of people available to assist with the cleanup of the property, and that the property owner has thirty days from the date the property was posted to abate the problem. After thirty days the Council could authorize expenditure of funds to abate the nuisance, but has done everything it can do at this point. Manager Gill stated that the Town is giving the property owner due process and time to correct this problem and that Town abatement would be a significant cost to the general fund that would most likely not be recovered.

5. Ron Serrano stated that he lives near 5983 Crestview, that the last time the property was cleaned up was in 2007, discussed the past failed attempts by the property owner to clean up the property, and asked that no extensions of time be given to the property owner and that the neighbors be kept up to date on the abatement process.

7. COUNCIL CONSIDERATION

- 7a. Associate Civil Engineer Marc Mattox explained how the recommended revisions to the Pearson-Recreation Signalization Project improve the use of right-of-way and provide additional safety enhancements by a reduction of the number of through traffic lanes within the project limits from two (2) to one (1) per direction with a center two-way left turn lane.

Mayor Titus opened the matter for public comment.

1. Ward Habriel stated that he thinks the decrease to two lanes will increase air pollution and that the cost of the project is too high.

MOTION by Lotter, seconded by Rawlings, adopted Resolution No. 13-01, A Resolution of the Town Council of the Town of Paradise Approving the Revised Design, Plans, Specifications and Estimates for Town of Paradise Capital Improvement Project 2100-50-8901-93630 – Pearson/Recreation Signalization Project - and Authorizing Advertisement for Bids on the project. Roll call vote was unanimous; Culleton absent and not voting. (950-40-11)

- 7b. Police Chief Gabriela Tazzari-Dineen reported to Council that the financial impact of approving the recommended pilot program for the Reserve Police Officer and the hiring of Officer Siebert, whose position is scheduled for lay-off, is projected to cost less than the overtime costs of covering his upcoming vacant police officer position.

MOTION by Lotter, seconded by Rawlings, (1) Approved the proposed job description and pilot program for Reserve Police Officer-Level I; and, (2) Approved hiring Dustin Siebert as a Reserve Police Officer-Level I effective February 1, 2013. Roll call vote was unanimous; Culleton absent and not voting. (610-10-15 & 610-10-17)

- 7c. Council concurred to table the discussion of the Town Council Employee Recognition Program to the next Council meeting.
- 7d. Following a report from Attorney Dwight Moore, wherein he explained that the proposed Ordinance No. 527 provides the necessary language for a judge to award attorneys fees to a prevailing party, Mayor Titus opened the matter for public comment.

1. Loren Harvey questioned the timing of the notice for the December 14, 2012 special meeting.

Town Clerk Joanna Gutierrez explained that the required notice document was distributed and posted properly 24-hours prior to the meeting, but the

distribution of the supporting agenda material occurred less than 24-hours prior to the meeting, which may have caused confusion.

MOTION by Rawlings, seconded by Bolin, (1) Waived the second reading of entire Ordinance No. 527 and approved reading by title only; and, (2) Adopted Ordinance No. 527, An Ordinance Amending Paradise Municipal Code Section 8.04.010; and Adding New Sections 8.04.020.1, 8.04.020.2, 8.04.030.3, 8.04.020.4 and 8.04.150 to the Paradise Municipal Code Relating to Public Nuisance Abatement. Roll call vote was unanimous; Culleton absent and not voting. (540-16-96)

- 7e. **MOTION by Lotter, seconded by Bolin,** approved the recommended Town 2012/13 Operating and Capital Budget Adjustments, which adjustments would increase the general fund deficit and decrease the general fund reserves by \$133,487. Roll call vote was unanimous; Culleton absent and not voting. (340-40-12 & 340-10-33)

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council oral reports of their representation on Committees/Commissions.

Vice Mayor Lotter reported on his attendance at the Butte County Board of Supervisors swearing-in ceremony for the newly elected Butte County Supervisors.

Mayor Titus reported on his attendance at the meetings of the Butte County Association of Governments and the Butte County Air Quality Management District and stated that he is frustrated with State mandates that require farmers to replace engines, especially in light of the exemptions from compliance being given to government entities, but not to private citizens.

Council Member Rawlings reported that he attended the BCAG and the BCAQMD meetings with Mayor Titus

- 8b. Council concurred to direct staff to investigate costs and process to accomplish a live broadcast of Town meetings and bring back a report to the next Council meeting.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. None.

10. CLOSED SESSION

At 7:50 p.m., Mayor Titus announced that the Town Council would adjourn to hold the following closed sessions:

10a. Pursuant to Government Code Section 54957(b), the Town Council would hold a closed session to consider an employment agreement relating to the appointment of Lauren Gill to serve as Interim Town Manager. Council appointed Lauren Gill as Interim Town Manager on December 14, 2012.

10b. The Town Council meeting will be reconvened, and the Council will consider the following:

Following discussion relating to the terms of a proposed employment agreement with Lauren Gill for Interim Town Manager services, Council will consider taking action relating to the employment agreement.

10c. Pursuant to Government Code sections 54956.9(b) and 54956.95, the Town Council would hold a closed session to consider the liability claim of Bank of NY Mellon against the Town of Paradise.

At 9:10 p.m., Mayor Titus reconvened the Regular Meeting. Attorney Moore provided public view copies of the proposed agreement and the page from the salary schedule applicable to the Town Manager position.

10b. **MOTION by Lotter, seconded by Bolin**, approved the employment agreement with Lauren Gill for Interim Town services, as presented, at a salary of \$9,478.78 per month (Step B with longevity on the salary schedule). Roll call vote was unanimous; Culleton absent and not voting. (510-20-55)

Mayor Titus announced that no action was taken, direction given, relating to the liability claim of Bank of NY Mellon.

11. ADJOURNMENT

The Regular Council Meeting was adjourned at 9:35 p.m.

DATE APPROVED: February 12, 2013

By: _____/s/_____
Tim Titus, Mayor

_____/s/_____
Joanna Gutierrez, CMC, Town Clerk