

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – November 13, 2012**

The Regular Meeting of the Paradise Town Council was called to order by Mayor Steve “Woody” Culleton at 6:02 pm in the Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, Mayor Culleton offered an invocation.

COUNCIL MEMBERS PRESENT: Joe DiDuca, Scott Lotter, Tim Titus, Alan White and Steve “Woody” Culleton.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Community Development Director Baker, Interim Fire Chief Cone, Finance Director Will, Police Lieutenant Billington, Building Official Lindsey, Public Works Manager Derr, Associate Civil Engineer Mattox, Assistant Town Clerk Volenski and HR/Risk Management Analyst Peters.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

Mayor Culleton called for public comment on the consent calendar.

1. John Rawlings asked that the current Council hold off on the decision to surplus the office furniture and equipment (item 3d) until the new Council is seated, that he thinks the Mayor and Town Council should have an office in the town in which to meet with constituents and this furniture might be needed for that purpose.

Manager Rough stated that adoption of the resolution would not preclude the action requested by Mr. Rawlings and that there is plenty of office furniture in supply that could accommodate his concerns.

MOTION by White, seconded by DiDuca, approved all items on the consent calendar by unanimous vote.

- 3a. Approved the minutes of the October 9, 2012 Regular Town Council Meeting.
- 3b. Approved Cash Disbursements report in the amount of \$1,348,578.85. (310-10-28)
- 3c. (1) Approved the final quantities per the summary attached to the staff report; (2) Accepted the contract for Various Asphalt Repairs 2012 Project with Franklin Construction Company, Inc. as complete and authorized the

Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the retention following a 35-day lien period, provided no liens are filed; and, (3) Approved additional budget appropriation to transfer \$704.37 from the Transportation Fund (2110) to the Gas Tax Fund (2120) to cover the additional cost of materials. (Total project cost: \$72,509.37) (510-20-51 & 950-40-17)

- 3d. (1) Declared the office items described in the staff report as surplus property; and, (2) Adopted Resolution No. 12-37, A Resolution Declaring Development Services Office Furniture and Property, surplus and Authorizing Disposal Through Sale or Donation by the Public Works Manager; and, (3) Requested that staff provide the newly elected Council Members Bolin and Rawlings an opportunity to inspect the surplus property prior to disposal. (380-10-03)
- 3e. Approved the writing off \$4,222.04 of uncollectible miscellaneous invoices to bad debt. (340-40-12)
- 3f. Reviewed the General Fund Budget status update report and approved the general fund budget adjustments. The Adjustments increase the General Fund deficit and decrease the General Fund reserves by \$20,775. (340-10-33 & 340-40-12)

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 – None.

6. PUBLIC COMMUNICATION

- 1. Ward Habriel, stated that he is representing the Paradise Garden Club and the Daffodils on the Ridge Project, handed Council a flyer and encouraged the Town Council to support the project by word of mouth, encouraging friends and family from out of town to come and visit the many daffodil sites when the daffodils are in bloom.

7. COUNCIL CONSIDERATION

- 7a. **MOTION by White, seconded by Titus** (1) Approved the purchase of the 1987 SPI Quint Ladder Truck from the City of Marysville in the amount of \$30,000 (no interest), with equal payments of \$10,000 spread over three years; and (2) Authorized the Town Manager to execute the purchase order and payment of all other related documents on behalf of the Town. Roll call vote was unanimous. (440-30-04)

Town Manager Rough reported to Council that the proposed promissory note between the Town and Cal Fire is the final necessary agreement to be executed prior to the transition of fire personnel services from the Town of Paradise to the California Department of Forestry and Fire Protection (Cal Fire). He noted that the interest rate on the loan is 0.382% and not 0.0382% as stated in the staff report.

- 7b. **MOTION by Titus, seconded by White**, adopted Resolution No. 12-38, A Resolution of the Town of Paradise Approving a Post-Retirement Health Care Vesting Promissory Note Between the Town and the California Department of Forestry and Fire Protection (CAL FIRE). The amount of the obligation is \$747,471.60 and would be paid out over a ten-year period at 0.382%. Roll call vote was unanimous. (510-20-55)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member DiDuca reported on his attendance at the Veterans Day Ceremony in Paradise.

Mayor Culleton reported on his attendance at the Veterans Day Ceremony; on the success of the Cowboy Poetry Event, a fund raiser for the Gold Nugget Museum held at the Paradise Performing Arts Center in Paradise; and, attendance at the Air Force Band performance at the PPAC in Paradise.

Council Member White reminded Council to attend the one of the annual performances of the Nutcracker ballet scheduled at the Performing Arts Center in Paradise.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

Manager Rough reminded Council of the annual Tree Lighting Ceremony is scheduled for December 1, 2012 at 6pm at the Paradise Community Park; and, the Volunteers in Police Services dinner on December 5, 2012 at the Paradise Senior Center.

10. CLOSED SESSION

At 6:36 pm Town Clerk Gutierrez announced that the Town Council would adjourn to closed session for the following matters:

- 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: Silverstein et al vs. Town of Paradise et al., United States District Court Eastern District of California, Case No. 2:12-CV-02592-WBS-CMK.
- 10b. 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: Town of Paradise vs. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No 157389.
- 10c. Pursuant to Government Code section 54956.9 and 54956.95, the Town Council will hold a closed session to consider the liability claim by Bank of NY Mellon against the Town of Paradise.
- 10d. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Police Officers Association.

Mayor Culleton reconvened the Council meeting at 6:50 pm and announced that no action was taken in closed; direction was given to staff.

11. ADJOURNMENT

Mayor Culleton adjourned the Regular Council at 6:50 pm.

DATE APPROVED: December 11, 2012

By: _____/s/_____
Steve "Woody" Culleton, Mayor

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