

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – April 09, 2013**

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order by Vice Mayor Scott Lotter at 6:01 p.m. in the Town of Paradise Council Chamber located at 5555 Skyway, Paradise, California. Following the pledge of allegiance, Council Member Culleton offered the invocation.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve "Woody" Culleton, John J. Rawlings, and Scott Lotter, Vice Mayor.

COUNCIL MEMBERS ABSENT: Timothy Titus, Mayor.

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

- e. The following proclamations were read into the record and presented to representatives of each requesting group:

- (1) April - Child Abuse Prevention Month to Butte County Child Abuse Prevention Council
- (2) April - Sexual Assault Awareness Month to Rape Crisis Intervention
- (3) National Telecommunications Week to Paradise Police Department Public Safety Dispatchers

ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

CONSENT CALENDAR

Vice Mayor Lotter stated that there is a proposed ordinance on the consent calendar and Council concurred that adoption of the consent calendar would waive the reading of entire proposed Ordinance No. 528 and approve reading by title only. Vice Mayor Lotter read the title of the ordinance for the record: "An Ordinance Amending Paradise Municipal Code Section 10.02.060 relating to Prima Facie Speed Limit on Pearson Road."

Following a **MOTION by Bolin, seconded by Culleton**, the Town Council adopted the all consent calendar items as presented by unanimous roll call vote of those present. Ayes of Bolin, Culleton, Rawlings and Lotter; Titus absent and not voting.

- 3a. Approved the Minutes of the March 8, 2013 Special Meeting and the March 12, 2013 Regular Council Meetings.
- 3b. Approved Cash Disbursements Report in the Amount of \$821,626.60. (310-10-29)
- 3c. Waived the reading of entire proposed Ordinance No. 528, and approved reading by title only; and introduced Ordinance No. 528, An Ordinance amending Paradise Municipal Code Section 10.02.060 relating to Prima Facie Speed Limit on Pearson Road (between Cherry Lane and Pentz Road). Approval would lower the speed limit on a certain section of roadway.
- 3d. (1) Concurred with staff's recommendation of Holdredge & Kull to perform professional Construction Quality Assurance Engineering Services for the Pearson/Recreation Drive Signalization Project; (2) Approved the attached Professional Services Agreement with Holdredge & Kull in the amount of \$20,083.00, and (3) Authorized the Interim Town Manager and Town Mayor to execute the agreement. (510-20-57 & 950-40-11)
- 3e. Adopted Resolution No. 13-11, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Finance Department Pursuant to Government Code Section 34090. (160-20-13)
- 3f. Adopted Resolution No. 13-12, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090. (160-20-13)
- 3g. Adopted Resolution No. 13-13, A Resolution of the Town Council of the Town of Paradise Declaring Miscellaneous Town Administrative Office Supplies, Devices And Furnishings as Surplus and Authorizing Disposal through Sale or Donation by the Interim Town Manager. (380-10-03)
- 3h. Adopted Resolution No. 13-14, A Resolution of the Town Council of the Town of Paradise Amending and Readopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate By Reference the Fair Political Practices Commission's Standard Model Conflict of Interest. (540-20-33)
- 3i. Approved the recommended General Fund Budget Adjustments totaling \$4,639, resulting in a decrease to the General Fund Reserves and an increase to the projected deficit. (340-40-12 & 340-10-33)
- 3j. Accepted the 2012 Annual Report of the Paradise Planning Commission Regarding Progress Toward Implementation of the 1994 Paradise General Plan. (760-40-55)

PUBLIC COMMUNICATION

1. Curtis Grima, representative from Senator Jim Nielson's office, informed Council of a public forum being held at the Upper Ridge Volunteer Fire Company Station 31 in Magalia on April 30, 2013 from 6 pm to 8 pm titled "Paradise Ridge Fire Tax Town Hall."
2. Ward Habriel stated that the Daffodils on the Ridge project generated interest from outside of Paradise, that the Biggs and Gridley Garden clubs sent a convoy to Paradise who ate lunch in our local restaurants and stayed in local hotels, that the project is on an international registry for work done by volunteers and that he would like the Town to address certain blight in Town such as the abandoned Chinese Restaurant to make Paradise an even better place to visit.

COUNCIL CONSIDERATION

- 7a. COUNCIL CONCURRED** to authorize ongoing recruitment for vacancies on the Access Appeals board, Development Impact Fee Adjustments Board and the Tree Advisory Committee and directed the Town Clerk to schedule appointments on a Council agenda when applications are received. (740-10-06, 740-20-03, 740-60-11 & 740-60-12)

- 7b.** Associate Civil Engineer Marc Mattox reported to Council that pursuant to Council direction on March 12, 2013 regarding use of Proposition B Funds for ongoing road maintenance to protect our good roads, staff has prepared plans and specifications for priority streets for the 2013 Paradise Microsurfacing Project and if approved, the project could be under construction by August 2013.

MOTION by Culleton, seconded by Rawlings, adopted Resolution No. 13-15, A Resolution of the Town Council of the Town of Paradise Approving the Plans and Specifications for the Paradise Microsurfacing Project 2013 and Authorizing Advertisement for Bids on the Project. Roll call vote of those present was unanimous; Titus absent and not voting. (950-40-18)

- 7c.** Associate Civil Engineer Marc Mattox reported to Council that pursuant to a Master Administering Agency-State Agreement for Federal-Aid Projects with the California Department of Transportation (Caltrans) approved by Council on May 22, 2007, the Town of Paradise submitted an application for funding for the Skyway Highway Safety Improvement Program (HSIP). The project limits are Skyway between Vista Way and Elliott Road and the scope of work includes pedestrian and motorist safety enhancements. Caltrans approved the project for federal funding on October 19, 2013 and the Federal Highway Administration approved the Town beginning reimbursable Preliminary Engineering for the project on February 13, 2013.

MOTION by Rawlings, seconded by Bolin, (1) Approved the Program Supplement Agreement No. 011-N to Administering Agency-State Agreement No. 03-5425R for Federal-Aid Project HSIPL-5425 (024) to assure receipt of \$155,800.00 in federal funds; and, (2) Adopted Resolution No. 13-15, A Resolution Authorizing the Interim Town Manager, or her designee, to sign the Program Supplement Agreement No. 011-N to Administering Agency-State Agreement No. 03-5425R. Roll call vote of those present was unanimous; Titus absent and not voting. (950-40-19 & C07-10)

7d. MOTION by Rawlings, seconded by Culleton, (1) Adopted the 2013-14 Sub-recipient Community Development Block Grant funding recommendations regarding grant funding for local organizations; (2) Adopted the FINAL 2013-2014 Community Development Block Grant Program's Annual Action Plan as submitted; and, (3) Authorized staff to submit the adopted 2013-2014 Annual Plan to the U.S. Department of Housing and Urban Development (HUD). Roll call vote of those present was unanimous; Titus absent and not voting. (710-10-80)

7e. MOTION by Culleton, seconded by Bolin, appointed Planning Commissioner Jody Jones to serve a four-year term of office on the Paradise Planning Commission commencing July 1, 2013 and continuing through June 30, 2017. Roll call vote of those present was unanimous; Titus absent and not voting. (760-45-12)

7f. Finance Director Gina Will reviewed the valuation of retiree health benefits report of GASB 45 actuarial valuation, and informed Council that according to the study, as of July 1, 2012, the Actuarial Present Value of Total Projected Benefits (APVTPB) for all current and former employees is \$13,823,285, which is a 69.8% decrease from the first actuarial study received by the Town on March 4, 2011 that indicated a value of \$45,810,590 as of July 1, 2010. The Annual Required Contribution (ARC) based on the Town's annual operating expense for FY ending June 30, 2012, will be \$1,603,952 (the Annual Other Post Employment Benefits or Annual OPEB). (630-10-21)

COUNCIL CONCURRED to acknowledge receipt of the Valuation of Retiree Health Benefits, under Statement No. 45 of the Governmental Accounting Standards Board (GASB 45) as of July 1, 2012, as submitted.

7g. MOTION by Culleton, seconded by Rawlings, (1) Authorized the Interim Town Manager, on behalf of the Police Department, to contract with Wild Rose Motors Ltd., 3901 E. La Palma Ave. #A, Anaheim, CA 92807 for the refurbishing of two existing Police Vehicles in the amount of \$51,687.06; and, (2) Authorized the Interim Town Manager, on behalf of the Police Department, to purchase emergency light bars and controllers for the refurbished vehicles from the Traffic Safety Fund in the amount of \$4,800. (Vehicle refurbish would be funded from the COPS grant on a five-year

municipal lease purchase plan.) Roll call vote of those present was unanimous; Titus absent and not voting. (480-35-02)

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. MOTION by Culleton, seconded by Bolin,** approved the League of California Cities (LCC) proposed bylaws amendments and directed the Town Clerk to record the results on the Mail Ballot on Bylaws Amendments. Roll call vote of those present was unanimous; Titus absent and not voting.

The proposed amendments would amend the Bylaws to provide that:

(1) Resolutions submitted to the League for presentation to the General Assembly must be concurred on by at least five or more cities or by city officials from at least five or more cities. (Amends article VI, section 2 of the League's bylaws.) (2) The League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present. (Adds article VI, section 16 to the League's bylaws.) (150-50-65)

- 8b.** The Council initiated item requesting Council to consider adopting a resolution in support of the 2nd Amendment to the U.S. Constitution was placed on the agenda by Council Members Rawlings and Bolin at the request of the Paradise Tea Party.

Council Member Rawlings stated that he has taken the oath of office three times – first, as a soldier in the United States Army; second as a police officer; and, most recently as an elected official – and that he supported placement of this request on the agenda as he thinks it is his responsibility as an elected official to protect the rights of all American citizens.

Council Member Bolin stated that he believes in light of current events this item is worth a public discussion and that he would comment after the public has had an opportunity for input.

Vice Mayor Lotter opened the matter for public comment.

1. Fred Aldred stated that there are as many as 48 bills proposed by California legislators that he believes infringe on the rights of citizens which include a five-cent tax on each bullet, a requirement for gun insurance, and the reporting of ammunition purchases to the federal government, that he thinks the entire Constitution is under attack and that he would like to see Butte County stand united in protection of the 2nd Amendment and asked Council to support the proposed resolution.
2. Ray Dalton stated that he thinks the President of the United States and the legislators in California are failing in their defense of the 2nd Amendment and asked the Council support the proposed resolution.

3. Ben DiDuca asked the Council to affirm their commitment to Constitution by supporting this resolution in its entirety, that he has taken the oath as an attorney and as a criminal prosecutor and that he thinks support of the resolution will send a good message to the voters.
4. Ward Habriel stated that he has taken the oath of office in the military to support the Constitution and asked the Council to support the resolution.
5. Ray Harrington stated that he supports the 2nd Amendment, has taken the oath of office in the Army and in public service to the federal government, that the Council has already taken the oath of office to support the entire Constitution, and he thinks adoption of the proposed resolution would have no effect and asked Council to consider alternative direction.
6. Justin Meyers stated that supports the 2nd Amendment, and he thinks this is an attempt at partisanship by those requesting approval of the resolution, which this Town has tried to avoid over the years, and asked Council to not adopt the resolution.
7. Gary Shallenberger stated that he thinks there is no need for the Council to reaffirm their oath of office and that he thinks it is inappropriate for any single part of the Constitution to be upheld separately for any particular reason as being better than another.

Council Member Bolin stated that he believes the 2nd Amendment is under attack, that erosion of any of our rights is not a partisan matter, and that he believes it is important to take a stance and pass that on to our elected officials.

Council Member Rawlings stated that he, too, believes the 2nd Amendment is under attack, that he believes all Americans have a responsibility to defend this nation and that we should not take our rights for granted.

Council Member Culleton stated that he does not believe this to be a partisan issue and that taking a position on an issue as an elected official does not detract in any way from the daily work necessary to take care of the needs of all citizens of the community.

Vice Mayor Lotter stated that he has taken the oath of office four times as a Council Member, has never taken a position on state or federal legislation over which the Council has no input or control, and that although he personally supports the 2nd Amendment, he does not wish to take a position on any single amendment to the Constitution as he supports the Constitution in its entirety.

MOTION by Culleton, seconded by Bolin, adopted Resolution No. 13-17, "A Resolution of the Town Council of the Town of Paradise Affirming the Second Amendment of the United States Constitution," as requested

by the Paradise Tea Party. Ayes of Bolin, Culleton and Rawlings; no of Lotter; Titus absent and not voting. (580-10-19)

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

Council Member Culleton encouraged participation in Gold Nugget Day events and informed Council that the deck at the Depot in the Community Park has been restored thanks to donation of materials from the Community House and labor by several volunteers under the oversight of Public Works Manager Paul Derr.

Council Member Rawlings reported that he attended the Butte County Association of Governments and Butte County Air Quality Management District meetings, that there has never been an air quality violation relating to the "Check Before You Light" from 2007 to the present; and, attended the Butte County Water Advisory Committee meeting.

Council Member Bolin reported that he attended the 3Corps meeting in Chico.

Vice Mayor Lotter reported that he attended LAFCo which is planning to update its Sphere of Influence and attended the Cal Fire Transition meeting with the district chiefs who were here to attend the annual North State Management Meeting, that the attendees stayed at local hotels, dined at our local restaurants, and may schedule next year's meeting in Paradise; that Cal Recycle visited NRWS, noting that NRWS is doing well with the diversion program; and that the LTF met and discussed landfill challenges and fee increases.

8d. Discussion of future agenda items – NONE.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

9a. Town Manager Gill reminded the Town Council of the Special Meeting that will be noticed for April 23, 2013 at 9:00 am to discuss budgeting for the various departments' work plans.

10. CLOSED SESSION

At 7:50 pm, Vice Mayor Lotter announced that the Town Council would adjourn to hold the following closed sessions:

- 10a. Pursuant to Government Code Section 54957, the Town Council will hold a closed session for evaluation of performance of Interim Town Manager, Lauren Gill.
- 10b. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Confidential/Mid-Management Association,

General Employees Unit, the Management Group, Police Mid-Management Unit and the Paradise Police Officers Association.

- 10c. Pursuant to Government Code sections 54956.9(d)(2) and 54956.95, the Town Council will hold closed session to consider the liability claim of the Bank of NY Mellon against the Town of Paradise.

At 8:35 Vice Mayor Lotter invited Interim Town Manager Gill, Town Clerk Gutierrez, Town Attorney Moore, Finance Director Will and HR/Risk Management Analyst Peters to the closed sessions relating to labor relations and the liability of the Bank of NY Mellon, stating that they would return to the closed session relating to the evaluation of the Interim Town Manager.

At 9:15 Town Clerk Gutierrez, Town Attorney Moore, Finance Director Will and HR/Risk Management Analyst Peters returned to the Council Chamber.

The Town Attorney announced that the Town Council unanimously approved a Compromise and Settlement Agreement regarding the claim of New York Mellon. The terms: Fidelity National will pay the Town \$40,000 in cash and the Town will assign its Deed of Trust and Promissory Note regarding property at 8423 Skyway, Paradise, California, with Debbie Lynn Stirling to Fidelity National Title Insurance Company. Attorney Moore stated that the agreement will be available in the Town Clerk Department.

At 10:20 pm Vice Mayor Lotter reconvened the Council Meeting and announced that direction was given to staff, no action was taken on closed session items 10a and 10b, and that the Town Attorney had already announced the action taken relating to item 10c.

11. ADJOURNMENT

Vice Mayor Lotter adjourned the Council meeting at 10:20 p.m.

DATE APPROVED: May 14, 2013

By: _____/s/_____
Scott Lotter, Vice Mayor

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