

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – October 09, 2012**

1. OPENING

The Regular Meeting of the Paradise Town Council was called to order at 6:01 p.m. by Mayor Culleton in the Town Council Chamber of the Town of Paradise, 5555 Skyway, Paradise, California. Mayor Culleton led the Pledge of Allegiance to the Flag of the United States of America and offered the invocation.

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

COUNCIL MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Community Development Director Baker, Police Chief Tazzari-Dineen, Interim Fire Chief Cone, Finance Director Will, HR/Risk Management Analyst Peters, and Public Works Manager Derr.

Mayor Culleton presented the Domestic Violence Awareness Month Proclamation to a representative of Catalyst Domestic Violence Services.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Titus, seconded by White, adopted consent calendar items 3a through 3f by unanimous roll call vote:

- 3a. Approved the Minutes of the September 11, 2012 Regular and Special Meetings; and, the Minutes of the September 17, 2012 Special Meeting.
- 3b. Approved Cash Disbursements in the amount of \$1,719,637.67. (310-10-28)
- 3c. Acknowledged receipt of the 4th Quarter Investment Report for the Fiscal Year Ended June 30, 2012. (360-30-05)
- 3d. Approved the General Fund budget performance staff report and approved related general fund budget adjustments. These current adjustments increased the General Fund deficit and decreased the General Fund reserves by \$47,979. (340-10-33 & 340-40-12)
- 3e. (1) Approved the final quantities per the summary attached to the staff report in the amount of \$2,420.00; and, (2) Accepted the contract with Granite Construction Company for the South Libby Overlay Project - CIP #010-4903-9361 as complete and authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the

5% retention in the amount of \$9,820.63 following a 35-day lien period, provided no liens are filed. Total project cost: \$196,412.55. 950-40-16 & 510-20-43)

- 3f. Approved Saturday, December 1, 2012 at 6pm as the date and time for the Town of Paradise's sixth annual Christmas Tree Lighting Ceremony/Food Drive at the Paradise Community Park. (1050-30-02)

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. Loren Harvey stated that October 15th marks the second year of his son's disappearance, that the new police chief has not met with him, and that he thinks not enough has been done on this case.

2. Wanda Hoeffner informed Council there is a health and fire hazard at 5983 Crestview Drive, next to her residence, that she is very frustrated that nothing has been done to clean up the property and that the Town states there is no money to clean up the property. Ms. Hoeffner passed out photographs to the Council, which were retained for the public record, and explained that a tree fell through the roof of the house several months ago, that a lack of cleanup has created a health hazard as it is occupied by animals and derelicts, and thinks the Town is responsible for abatement as a public nuisance.

3. Eric Murray stated that he is concerned about the lack of cleanup at 5983 Crestview and asked the Council for assistance in abating the property as it is a fire hazard and a nuisance, referred to an email from Town staff that stated the Town is not in the business of property management, has no money to abate the problem and that it is best to let the process take its course, and asked Council to consider the great fire danger to this area of the Town versus the cost of the cleanup and that he would like the Council to make the decision to order cleanup of the property.

4. Carol Serrano stated she has lived in the Crestview neighborhood for 36 years, has been a home health nurse for 28 years, has never seen a property in this bad of condition, discussed the many health hazards that exist at the house, that she thinks the

problem meets the definition of an unlawful public nuisance set forth in the Paradise Municipal Code and that she thinks the Town should deem the property a public nuisance and take emergency action to remedy the problem.

5. John Singler, citizen and president of the Paradise Firefighters Association, stated that he is concerned with the recent reduction to staffing of fire stations and fire engines, the loss of volunteer firefighters, and equipment that is out of service; that low staffing increases risk to life and safety of citizens and businesses in the community; discussed potential scenarios that could occur due to the low staffing; that the Town's air packs are not compatible with Cal Fire air packs; and, asked Council to reinstate the previous staffing until the transition to Cal Fire takes place.

6. Keith Lockwood stated that he represents the Town of Paradise firefighters, that he appreciates the difficult situation with revenues that are impossibly short, but he represents the person that is going to die if another person is unable to take action and asked Council to restore minimum levels of response and take action to inform everyone in the community that the fire response time is going to be longer.

Council discussed that they cannot take action on items addressed during public communication but could discuss individually with the Town Manager whether or not an item should come forward on a future Council agenda.

7. COUNCIL CONSIDERATION

- 7a. Fire Chief Cone reported to Council that the proposed update to the Procedural Directive 6.3 replaces the 2004 directive and outlines current requirements, appointment procedure, responsibilities and benefits for volunteer firefighter staff.

MOTION by Titus, seconded by White, adopted the updated Paradise Fire Department Procedural Directive 6.3 - Volunteer Firefighter Program. Roll call vote was unanimous. (440-05-11)

- 7b. Town Manager Rough reported to Council that the proposed contract represents the Town Council's June 12, 2012 decision to go forward with a 4.5 year personnel services contract with CAL FIRE based on alternative #3 in the January, 2012 CAL FIRE proposal, and follows the successful negotiation of a Transitional Memorandum of Understanding with the Paradise Firefighters Association that was ratified by the Town Council on September 11, 2012.

MOTION by White, seconded by Titus, adopted Resolution No 12-35, A Resolution of the Town Council of the Town of Paradise Approving the California Department of Forestry and Fire for Services from November 1, 2012 to June 30, 2017, Contract 2CA01941. Roll call vote was unanimous. (510-20-54; 440-05-25)

- 7c. **MOTION by Lotter, seconded by White**, adopted Resolution No. 12-36, A Resolution Approving the Design, Plans, Specifications and Estimates (PS&E's) for the Pearson/Recreation Drive Signalization Project and authorizing the Public Works Manager to advertise this project for bid. Roll call vote was unanimous. (950-40-11)
- 7d. Following a report from Assistant Manager Gill regarding the upcoming transition in the Town Manager's department and the request to unfreeze the Administrative Analyst position and to eliminate the Administrative Assistant II position that was to be implemented 01/01/2013, Mayor Culleton opened the matter for public comment.
1. Loren Harvey asked for clarification with regard to the terms "freeze" and "eliminate".

MOTION by Titus, seconded by White, approved a small modification to the approved FY2012/13 Budget; including the unfreezing of the Administrative Analyst (Business & Housing) position effective immediately and the elimination of the Administrative Assistant II position that was to be implemented 01/01/2013. (Estimated fiscal impact of \$1,455 to General Fund). Roll call vote was unanimous. (340-10-33; 340-40-12; 610-10-17)

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member DiDuca reported on his attendance at Johnny Appleseed Days and the Blues and Brews community events.

Council Member Lotter reported on a meeting relating to development of special onsite systems that he and Vice Mayor Titus attended; that he will attending a LAFCo meeting; and, that the Paradise Community Village had a dedication of their onsite system and that the road is in and buildings are going up.

Vice Mayor Titus reported that he attended the Butte County Association of Governments and Butte County Air Quality Management District meetings, and that the State government is coming up with new rules relating to above ground tanks.

Council Member White reported that Council Member Lotter is the Council Member Representative on the Paradise Community Village board; that Al McGreehan and Dennis Ivey are the volunteer Executive Directors of Paradise Community Village and will have an office at Town Hall; that he attended the Blues & Brews and the Sierra Oro Farm Tour community events; and is the cross country coach at Paradise High School.

Mayor Culleton reported on his attendance at the Johnny Appleseed Days community event; and a League of California Cities event in Sacramento on 10/8/2012.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Manager Rough reported that he and Assistant Manager Gill met with the new City Manager for the City of Chico, Brian Nakamura, who is very informed with regard to the wastewater project; and that Manager Nakamura will also look into cooperative interests between the Town of Paradise and the City of Chico, including the contracting of engineering services.

At 7:20 pm, Mayor Culleton adjourned the Town Council meeting to hold the Successor Agency meeting and reconvened the Town Council meeting at 7:32 pm.

10. CLOSED SESSION

At 7:32 pm, Mayor Culleton announced the following:

- 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: Town of Paradise vs. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.
- 10b. Pursuant to Government Code sections 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.
- 10c. 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 7:50 pm and announced that no action was taken in closed session.

11. ADJOURNMENT

Mayor Culleton adjourned the meeting at 7:50 pm.

DATE APPROVED: November 13, 2012

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

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