

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – December 11, 2012**

1. OPENING

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

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Town Manager Charles L. Rough, Jr., Town Attorney Dwight L. Moore, Assistant Town Manager Lauren Gill, Community Development Director Craig Baker, Police Chief Gabriela Tazzari-Dineen, Interim Fire Chief Rob Cone, Fire Chief George Morris, Finance Director Gina Will, HR/Risk Management Analyst Crystal Peters, and Assistant Town Clerk Dina Volenski.

- 1e. **MOTION by Titus, seconded by Lotter**, approved the 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. Roll call vote was unanimous.
- 1f. The State of the Town Address was presented by Mayor Steve "Woody" Culleton. Mayor Culleton expressed appreciation to all Town employees for their efforts in working with the Council during these years of economic downturn; noted there are financial challenges resulting from State elimination of Redevelopment Agencies; discussed progressive actions that include planning for a wastewater collection system for commercial areas of town, the construction of the Phase I Infrastructure improvements for the Paradise Community Village project, the appointment of Police Chief Gabriela Tazzari-Dineen, and the transition of fire personnel services from the Town to Cal Fire; and, acknowledged Alan White for his commitment to the Town in serving four terms as a Paradise Council member – 16 consecutive years of service.
- 1g. Mayor Culleton recognized outgoing Council Members Joe DiDuca and Alan White, commended them for their service within the community and presented each with a recognition plaque.

- 1h. **MOTION by White, seconded by DiDuca**, adopted 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 was unanimous.
- 1i. Town Clerk Joanna Gutierrez presented Certificates of Election and administered Oaths of Office to the three candidates elected to four year terms of office on the Paradise Town Council: Greg Bolin, Steve “Woody” Culleton, and John J. Rawlings.
- 1j. Town Clerk Gutierrez adjourned the meeting at 6:20 pm to hold a 15-minute reception for outgoing and incoming Council Members and reconvened the meeting at 6:35 pm.
- 1k. Town Clerk called the roll for the reorganized Paradise Town Council: Greg Bolin, Steve “Woody” Culleton, Scott Lotter, John J. Rawlings and Tim Titus.
- 1l. Town Clerk Gutierrez, as temporary chair, opened the nominations for selection of Mayor for a one-year term commencing December 11, 2012, and ending December 10, 2013.

Scott Lotter nominated Tim Titus to serve as Mayor for a one-year term commencing December 11, 2012 and ending December 10, 2013.

MOTION by Culleton, seconded by Lotter, closed the nominations for the position of Mayor. Roll call vote was unanimous.

By unanimous roll call vote, the Council appointed Tim Titus to serve as Mayor for a one-year term commencing December 11, 2012 and ending December 10, 2013: Ayes of Bolin, Culleton, Lotter, Titus and Rawlings.

- 1m. Town Clerk Gutierrez turned the meeting over to Mayor Titus who opened nominations for the position of Vice-Mayor for a one year term.

Steve “Woody” Culleton nominated Scott Lotter to serve as Vice-Mayor for a one-year term commencing December 11, 2012 and ending December 10, 2013.

MOTION by Culleton, seconded by Rawlings, closed the nominations for the position of Vice-Mayor. Roll call vote was unanimous.

By unanimous roll call vote, the Council appointed Scott Lotter to serve as Vice-Mayor for a one-year term commencing December 11, 2012 and

ending December 10, 2013. Ayes of Bolin, Culleton, Lotter, Titus and Rawlings.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS – None.

3. CONSENT CALENDAR

MOTION by Rawlings, seconded by Culleton, approved the following consent calendar items by a unanimous roll call vote:

- 3a. Adoption of 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. Approval will result in savings to the general fund and to all funds.
- 3b. Acknowledged receipt of the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2013.
- 3c. Approved Cash Disbursement Report in the amount of \$2,024,073.37.

4. PUBLIC HEARING PROCEDURE

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

5. PUBLIC HEARINGS

Community Development Director Craig Baker reported to Council regarding the recommendation for Council to adopt two proposed resolutions to declare the substandard housing conditions and accumulation of dead trees located at 5983 Crestview Drive to be a public nuisance and directing the property owner to abate the nuisance.

Mayor Titus opened the public hearing regarding the proposed recommendation to declare and order abatement of a public nuisance on property located at 5983 Crestview Drive, Paradise, California.

- 1. Ward Habriel asked if volunteers could be allowed to clean up the property.

Town Attorney Dwight Moore briefly discussed the risks to the Town if volunteers were allowed to work unsupervised at the property.

- 2. Ron Serrano stated that he lives near the property and stated his concern that it be certain that the scotch broom on the property is considered to be part of the weeds that must be removed and thanked the Town staff for the consideration.

Director Baker indicated that vegetation removal is mentioned in the information attached to the staff report.

Mayor Titus closed the public hearing at 7:04 pm.

Town Attorney Moore suggested that the Town Council amend proposed Resolution No. 12-43 by adding the following language as section 3 and renumbering the current section 3 as section 4:

Section 3: As an option, the structure shall be razed within thirty (30) days after this resolution is posted on the property.

- 5a. **MOTION by Lotter, seconded by Rawlings:** (1) Authorized Town staff to proceed with the abatement process on property located at 5983 Crestview Drive owned by Amelia Penelope Lynn Ward; and, (2) Concurred with the amendment as stated by the Town Attorney, and adopted Town Resolution No. 12-43, "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 was unanimous.

MOTION by Culleton, seconded by Bolin, adopted Town Resolution No. 12-44, "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 was unanimous.

6. PUBLIC COMMUNICATION

1. Loren Harvey stated he would like the Council meetings to be broadcast; that he would like the Council to evaluate what each job is worth so an employee will know when they will cap out and everyone would understand what the job will pay; asked what happened to the idea of the firemen putting the roof on the fire station; and, that NRWS might furnish dumpsters for the nuisance abatement on Crestview for free.
2. Dave Hayes stated he has lived in Paradise since 1955, expressed concern with the police department relating to how they handled an incident involving four teenagers - that he thinks they acted too aggressively; thinks the police officers need to wear reflective clothing when directing traffic for their own safety; that he does not think it should be necessary for an on-duty police officer to have to inspect whether or not a broken tail light on a vehicle has been fixed; and discussed the problems with asphalt patching done by Paradise Irrigation District after the Town has resurfaced a road, that he would like Council to make a rule that all utility work be done prior to any road being surfaced and that he thinks there should be no intrusion on a new road for at least ten years.

3. Robert Wright stated that as the president of the Paradise Police Officers Association he is here tonight on behalf of the police officers and dispatchers to congratulate newly elected Council Members Bolin and Rawlings, and re-elected Council Member Culleton, and to thank Council Members Titus and Lotter for their dedication to the community. Officer Wright informed the Council that \$6,700 were raised in three days for the “Shop With a Cop” program and thanked Vice Mayor Scott Lotter for opening up his movie theatre for their program. He further stated that the association understands the fiscal challenges of the Town, and the challenge to meet the public safety needs of the Town; that the department is committed to providing protection of the citizens of Paradise, and invited the Council Members to meet with their board at any time to discuss mutual goals of the Town.

7. COUNCIL CONSIDERATION

- 7a. Council reviewed and concurred to the annual appointments of Council Members to represent the Town of Paradise on various County and local committees and/or commissions as set forth on the chart attachment to these minutes – “2013 Representation on Butte County and Local Committees/Commissions.
- 7b. **MOTION by Culleton, seconded by Lotter**, authorized 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 with an application deadline of January 17, 2013, and appointment to the vacancy scheduled for the February 12, 2013 Regular Council Meeting. Roll call vote was unanimous.
- 7c. Council took no action regarding proposed recruitment for applicants to vacancies on the Access Appeals Board; the Building/Fire Code Appeals Board; and, the Development Impact Fee Adjustments Board.
- 7d. Council concurred to direct staff to review Council appointed boards, committees and commissions and to report back with recommendations relating to their necessity and any suggested ordinance amendments.

Following a report from Associate Civil Engineer Marc Mattox regarding the proposed Public Works Road Standard Detail TB-1, Trench Backfill and Restoration requirements; and, Standard Detail TB2, Modified Pavement Restoration Area, that are recommended for addition to the Town of Paradise Standard Plans in which he discussed how the revisions would provide for a uniform approach to utility trench work in the public right of way including discussion of the resulting increase in costs to utility contractors, Mayor Titus opened the matter for public comment.

1. George Barber, Paradise Irrigation District Manager, stated that he appreciates the work done by Mr. Mattox, that he does not think the proposed revisions will resolve the problems discussed at the most recent Town/PID liaison meeting, discussed wherein he disagrees with elements of the proposed details, stated that he would like an opportunity to meet further with Town staff, and asked Council to table this matter and have discussion at the liaison committee level before the Council makes a decision on these two proposed details.
- 7e. Council concurred to table to the January 8, 2013 Council meeting, the agenda item requesting approval of the proposed Standard Detail TB-1, Trench Backfill and Restoration Requirements and Standard Detail TB-2, Modified Pavement Restoration Area that will including making a finding that it is in the best interest of the Town; and, the authorizing of addition to the Town of Paradise Standard Plans.
- 7f. **MOTION by Lotter, seconded by Rawlings**, approved Town of Paradise 2012/13 Operating and Capital Budget Adjustments as presented. The adjustments would decrease the general fund deficit and increase the general fund reserves by \$73,932. Roll call vote was unanimous.
- 7g. **MOTION by Lotter, seconded by Culleton**, adopted by unanimous roll call vote of Bolin, Culleton, Lotter, Rawlings and Mayor Titus, the following three resolutions relating to the employer paid share of cost of medical premiums:
 1. Resolution No. 12-45, "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";
 2. Resolution No. 12-46, "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"; and,
 3. Resolution No. 12-47, "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."

- 7h. **MOTION by Culleton, seconded by Rawlings**, adopted Resolution No.12-48, 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 was unanimous.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Mayor Titus waived the Council reports of their representation on Committees/Commissions due to the lateness of the meeting.
- 8b. **MOTION by Lotter, seconded by Bolin**, re-appointed Terry Mallan to the Butte County Mosquito & Vector Control District for a four-year term beginning January 2013. Council vote was unanimous.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager Rough introduced George Morris as the Fire Chief for the Town of Paradise as a result of the transition of Town of Paradise fire personnel services on December 10, 2012. Chief Morris reported that the transition process is going well with the firefighters, commended the dispatchers for their efforts during the recent training, and stated that he looks forward to a continuing good relationship with the Town.

10. CLOSED SESSION

At 9:20 pm Mayor Titus announced the following closed sessions:

- 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.

Mayor Titus reconvened the Council Meeting at 10:27 pm and announced that the following action had been taken in closed session:

The Town Council voted unanimously to reject the claim of Rebecca Hayashida; and that direction was given, no action taken, relating to all other items.

11. ADJOURNMENT

Mayor Titus adjourned the Council meeting at 10:30 pm.

DATE APPROVED: January 8, 2013

By: _____/s/_____
Tim Titus, Mayor

_____/s/_____
Joanna Gutierrez, Town Clerk

Exhibit – Minutes of December 11, 2012
Council Representation on Committees/Commission

2013 REPRESENTATION

BUTTE COUNTY
COMMITTEES/COMMISSIONS

	BUTTE COUNTY	Mayor	Vice Mayor	CM	CM	CM
1	Air Quality Management District	Titus – R				Rawlings-A
2	Association of Governments	Titus – R				Rawlings-A
3	City Selection Committee (Mayor)	Titus				
4	Emergency Services Council (Mayor)	Titus				
	Local Area Formation Commission (LAFCo) (Lotter through 5/2015 – Appointed by City Selection Committee)		Lotter-R 5/2015			
5	Waste Mgt Local Task Force		Lotter-R		Culleton-A	
6	Water Advisory Committee (4-year term)					Rawlings
7	City/County Ad Hoc Committee		Lotter			Rawlings
8	Lake Oroville Supplemental Benefits Funds- Alternate: Citizen Sam Dresser					Rawlings
9	3CORE (formerly Tri County Economic Dev Corp) (Two year term as of 1/1/2013)			Bolin		

LOCAL COMMITTEES/COMMISSIONS

	PARADISE	Mayor	Vice Mayor	CM	CM	CM
1	Civic Center Planning Task Force	Titus	Lotter			
2	Paradise Community Village		Lotter			
3	Paradise Irrigation District Liaison			Bolin		Rawlings
4	Paradise Rec. & Park District Liaison			Bolin	Culleton	
5	Solid Waste Committee (formerly Rate Review)		Lotter		Culleton	
6	Youth Council (Project Vision)				Culleton	
7	Onsite Ad Hoc Committee		Lotter	Bolin		
8	Investment Committee (Mayor & Council Member)	Titus	Lotter			
9	Oversight Board to Successor Agency (Mayor Appointment)					Culleton