

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – December 06, 2011

1. OPENING

- a. Call to Order

Mayor White called the meeting to order at 6:05 in the Town Hall Council Chambers at 5555 Skyway, Paradise, California.

- b. Pledge of Allegiance to the Flag of the United States of America
- c. Invocation: Council Member Titus
- d. Roll Call

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

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Assistant Town Clerk Volenski, Finance Director Gill, Human Resource/Risk Management Analyst Peters, Community Development Director Baker, Assistant Public Works Director Derr, Police Chief Buzzard, Interim Fire Chief Cone, Battalion Chief Hasek, Police Lieutenant Billington, Police Lieutenant Tazzari, and Onsite Official Danz.

- e. Proclamations: None.
- f. Presentations

(1) Presentation: The Police Department Officers introduced the two new canines: Officer Wilke, handler for K-9 "Cash" and Officer Wright, handler for K-9 "Lucy".

(2) Mayor Alan White gave the annual State-of-the-Town address wherein he discussed the fiscal challenges and measures taken to address the deficits, as well as the accomplishments of the Town during last year. Mayor White highlighted spending cutbacks that included reductions to the work force to reduce the general fund deficit, build up reserves and reduce the retiree unfunded liability; the establishment of an independent retiree medical trust fund; negotiations successfully completed with four employee groups; approval of a TRANS financing; and, approval of a part-time, 960 hours contract, for Town Manager services for the current and next fiscal year.

Public Safety improvements include Police Department implementation of the 9-1-1-Computer Aided Dispatch/Records Management System (CAD/RMS); installation of Mobile Data Computer (MDC) units for police patrol vehicles; establishment of an interim fire chief services contract with CalFire/Butte County Unit; submittal of a Request for Proposal to CalFire/Butte County Unit to determine feasibility of CalFire providing contracted fire personnel services to the Town; and, adoption of a medical

marijuana ordinance that balances public safety needs and concerns with legitimate medical needs of some of our citizens.

Relating to business, housing and economic development, the Town sponsored its first "Growing Our Local Economy" business conference and has scheduled a second conference for next year; approved exchange of Proposition 40 Funds for Terry Ash Park frontage improvements and support for the Paradise Performing Arts Center for Paradise Recreation and Park District support of Paradise Community Village (PCV) Phase I infrastructure improvements; approved Phase I development agreement with PCV; adopted business friendly changes to onsite setback regulations; changed the Mello-Roos policy to affect only large scale commercial or residential development projects; continues to facilitate development projects for the community, including the proposed Wal Mart project application; determined two alternative options for a wastewater collection system to serve the Downtown RDA Project area; and approved loans totaling \$318,410 for First Time Home Buyers and \$114,278 through the Housing Rehabilitation Program. The Town completed the federally funded Pearson Park & Ride project, and is in final design and right of way acquisition for the federally funded Pearson/Recreation Drive signalization project. South Libby street improvement project is also in design with intent to put the project out for bid next year.

(3) Town Council Selection of Mayor and Vice-Mayor for a one-year term beginning December 6, 2011 through December 4, 2012.

Mayor White turned the meeting over to Town Clerk Gutierrez for the Council selection of a Mayor for a one-year term beginning December 6, 2011. Town Clerk Gutierrez opened nominations for the position of Mayor for a one-year term. Council Member Lotter nominated Steve "Woody" Culleton.

MOTION by White, seconded by Lotter, closed the nominations for Mayor. Council vote was unanimous.

Roll call vote on the nomination of Steve Woody Culleton was unanimous and Culleton was appointed to serve as Mayor for a one year term beginning December 6, 2011 and ending the first meeting in December, 2012. Town Clerk Gutierrez turned the meeting over to Mayor Culleton who opened nominations for the position of Vice-Mayor for a one year term. Council Member White nominated Tim Titus.

MOTION by Culleton, seconded by DiDuca, closed the nominations for the position of Vice-Mayor. Council vote was unanimous.

Roll call vote on the nomination of Tim Titus for Vice Mayor was unanimous and Titus was appointed to serve as Vice-Mayor for a one-year term beginning December 6, 2011 and ending the first meeting in December, 2012.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

2a. None.

3. CONSENT CALENDAR

Council concurred to remove agenda item 3d from the consent calendar. Vice Mayor Titus stated that he needs to abstain from voting on agenda item 3i.

MOTION by DiDuca, seconded by White, adopted the following Consent Calendar items, with the exception of Agenda Item 3d, and with the abstention of Council Member Titus from the vote on agenda item 3i. Roll call vote was unanimous.

- 3a. Approved Minutes of the 11/1/11 Regular and the 11/8/11 Special Council Meetings.
- 3b. Approved Cash Disbursements in the amount of \$1,084,208.08.
- 3c. Approved the recommended budget adjustments that will decrease the General Fund deficit and increase the General Fund Reserves by \$48,234.
- 3d. Removed from consent calendar for discussion. (To adopt Resolution No. 11-48, A Resolution of the Town Council of the Town of Paradise Amending and Restating Procedure Relating to the Conduct of Council Meetings.)
- 3e. Adopted Resolution No. 11-49, A Resolution Approving Program Supplement No. N010 Agreement for Federal Aid Project - Safe Routes to School 3 E's (provides \$66,000 in grant monies for education, encouragement and enforcement).
- 3f. Authorized the Mayor and Town Manager to execute an Amendment to Dismissal and Tolling Agreement between Town of Paradise and Oak Creek Estates. (Fourth Amendment to 11/7/2003 Agt).
- 3g. Acknowledged receipt of the 1st Quarter Investment Report for the Fiscal Year Ending June 30, 2012.
- 3h. (1) Adopted Town of Paradise Resolution No. 11-50 "A Resolution of the Town Council of the Town of Paradise Providing for a Summary Vacation of a Public Service Easement." and, (2) Directed staff to facilitate the recordation of grants of easements provided to the Town of Paradise by the Paradise Youth and Family Center Corporation and Community Housing Program, Inc.
- 3i. Adopted Resolution No. 11-51, A Resolution of the Town Council of the Town of Paradise Authorizing the Mayor and the Town Manager to Execute Amendments to the Development Agreement Between the Town of Paradise and the Paradise Youth Sports and Family Center (PCV) and All Subsequent Documents Relating to the Paradise Community Village to

Implement the Town's Obligations Under the Development Agreement.
(*Abstention by Titus)

ITEM REMOVED FOR DISCUSSION:

Council concurred to amend Section 1, Paragraph A, to require the concurrence of the Mayor or the Vice Mayor in the absence of the Mayor, to prepare an addendum for an agenda item that did not meet the agenda deadline of Tuesday 5:00 p.m.

3d. MOTION by White, seconded by Lotter, adopted Resolution No. 11-48, A Resolution of the Town Council of the Town of Paradise Amending and Restating Procedure Relating to the conduct of Council Meeting, as amended. Roll call vote was unanimous.

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

- 5a. None.

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. Rick McGregor, thanked the Town for all its assistance to ensure the success of the Truckers Parade of Lights and canned food drive that was held in conjunction with the Town's annual Christmas Tree Lighting at the Paradise Community Park.

7. COUNCIL CONSIDERATION

- 7a. Council concurred to Council representation to various local Committees and Commissions as set forth in Exhibit A attached to these minutes. Mayor will represent on City Selection Committee and Emergency Services Council; Titus will represent with DiDuca as alternate on BCAQMD and BCAG; with all other representation to remain the same as

the 2011 appointments. Tourism Round Table was removed from the local committees/commissions list.

- 7b. Following a report from Town Manager Rough regarding the employment agreement for part-time police chief services by current Police Chief Chris Buzzard, Mayor Culleton opened the matter for public comment.

1. Loren Harvey stated that his son has been missing or murdered for over a year and he would like to see some changes in the police department and would like results on his son's case and asked Council to look outside for a new chief.

Council concurred to amend Section 3, Paragraph C, to allow termination with a 30-day notice (language to be provided by Town Attorney) and with a **MOTION by Lotter, seconded by Titus**, approved a 960 hours maximum, hourly only, "part-time" Police Chief Employment Agreement with Christopher M. Buzzard from December 17, 2011 to April 30, 2012, as amended. Roll call vote was unanimous.

- 7c. **MOTION by Titus, seconded by White**, authorized the Town Manager to proceed with open and promotional recruitment for Police Chief. Council vote was unanimous.

Manager Rough informed Council that staff will bring the appropriate budget adjustment request to the January meeting for Council approval relating to the recruitment costs.

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member White reported on the Paradise Community Village meeting and the challenges and accomplishments of the PCV project; and, encouraged attendance at the Nutcracker Ballet performance next weekend at the Paradise Performing Arts Center.

Vice Mayor Titus reported that he visited the various departments of the Town to thank the employees for their efforts during these challenging fiscal times; attended the 5th Annual Tree Lighting and was impressed with the number of people in attendance; and thanked the Council for their confidence shown in him by appointing him as Vice-Mayor.

Council Member Lotter reported that the LAFCo meeting was cancelled; the 5th Annual Tree Lighting was successful and thanked Round Table Pizza for their donation; that the Shop With A Cop event helped over 40 children, that after shopping, Paradise Cinema Seven treated the shoppers to a Christmas movie and refreshments and thanked the Paradise High School cheerleaders for volunteer efforts to wrap the gifts; that he attended the League of California City Sacramento Valley Division

Quarterly Meeting in Gridley where they discussed the issues related to Realignment; and, that at the leadership conference in Southern California Senator LaMalfa was recognized for his support of City positions at the State level.

Council Member DiDuca reported on his attendance at the Veterans Day Event on November 11, 2011; at Barbara Allen's Retirement Dinner and recognition of her work at the Paradise Senior Center; at the Boys and Girls Club community turkey dinner served at Ponderosa Elementary; and, the Butte County Water Advisory Committee meeting.

Mayor Culleton reported that he attended the events as stated by Council Members DiDuca and Lotter; discussed the scorecard developed by the League of California Cities to track the voting records of representatives on certain bills important to cities; and that the Secretary of Corrections spoke at the conference about Realignment and that he gave the written report to the Town Manager.

Vice Mayor Titus stated that in light of the RDA challenges presented by the possible elimination of Redevelopment agencies that he would like a report from staff that discusses the process, feasibility and potential benefits to our local business community by the formation of an enterprise zone.

Manager Rough stated that he will bring a report back to Council on this subject.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Manager Rough stated that due to the two-week closure of Town Hall from December 19, 2011 through January 2, 2012, he is requesting that the Town Council adjourn this meeting to January 10, 2012 to allow adequate time for meeting preparation.

10. CLOSED SESSION

- 10a. At 7:40 p.m., pursuant to Government Code Section 54956.9(c), the Town Council recessed to a closed session with the Town Attorney to consider initiating litigation, one potential case; and,
- 10b. Pursuant to Government Code Section 54957.6, to hold a closed session to meet with Charles L. Rough, Jr., and Crystal Peters, its designated representatives, regarding labor relations between the Town and the Paradise Management Group.

Mayor Culleton reconvened the Town Council at 8:15 p.m. and announced that direction was given and no action was taken in closed session.

Manager Rough reported to Council that the proposed two-year agreement would (1) Establish a cap on the Town medical insurance premium at the 2011 dollar amounts and eliminate the 80/20 split; (2) Eliminate cash out provision for sick sick leave and reduce the sick leave accrual cap from 2,000 to 1,500; (3) Administrative leave benefit for new hires will be on a use or lose basis; (4) 50% reduction in car/cell phone allowance (from 4400 to \$200 per month); and, (5) Miscellaneous employees to pay 4% or 57% of the PERS EE contribution and Safety employees to pay 5% or 56% of the PERS EE contribution. The 2011/12 estimated All Funds and General Fund savings for 2011/12 is \$16,183; and, for 2012/13 is \$43,274. The cap on the medical premium results in a \$1.2 million reduction to the Town's retiree medical unfunded liability.

MOTION by White, seconded by DiDuca, adopted Resolution No. 11-52, A Resolution Approving a Two-Year Memorandum of Understanding Agreement Between the Town of Paradise and the Paradise Management Group (relating to employment), covering the period from July 1, 2011 to June 30, 2013. Roll call vote was unanimous.

11. ADJOURNMENT

- 11a. At 8:20 p.m., **MOTION by White, seconded by Titus**, adjourned the Regular Council meeting to January 10, 2012 at 6:00 p.m. Council vote was unanimous.

DATE APPROVED: January 10, 2012

Steve "Woody" Culleton

Joanna Gutierrez, CMC, Town Clerk

2012 REPRESENTATION

BUTTE COUNTY
COMMITTEES/COMMISSIONS

BUTTE COUNTY		Culleton	DiDuca	Lotter	Titus	White
1	Air Quality Management District		A		R	
2	Association of Governments		A		R	
3	City Selection Committee (Mayor)	R				
4	Emergency Services Council (Mayor)	R		A		
5	Local Area Formation Commission (LAFCo)			R to 5/2015		
6	Waste Mgt Local Task Force	A		R		
7	Water Advisory Committee (4-year term)		R to 12/2012			
8	City/County Ad Hoc Committee			R	R	
9	Lake Oroville Supplemental Benefits Funds- Alternate: Citizen Sam Dresser			R		
10	3CORE (formerly Tri County Economic Dev Corp)				R	A

LOCAL COMMITTEES/COMMISSIONS

PARADISE		Culleton	DiDuca	Lotter	Titus	White
1	Citizens RDA Advisory Committee	R			R	
2	Civic Center Planning Task Force	R		R		
3	Paradise Community Village					R
4	Paradise Irrigation District Liaison		R		R	
5	Paradise Rec. & Park District Liaison		R			R
6	Solid Waste Committee (formerly Rate Review)	R		R		
7	Youth Council (Project Vision)	R				
8	Onsite Ad Hoc Committee		R	R		
9	Investment Committee (Mayor & Council Member)	R				R