

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

1. OPENING

The Regular Meeting of the Town Council was called to Order at 6:00 pm by Mayor Culleton in the Town Council Chamber of the Town of Paradise, 5555 Skyway, Paradise, California. Following the pledge of Allegiance to the Flag of the United States of America, an invocation was offered Vice Mayor Titus.

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

STAFF MEMBERS PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Community Development Director Baker, Acting Police Chief Tazzari-Dineen, Battalion Chief Lawrie, Battalion Chief Hasek, Public Works Manager Derr and IT Manager Marquis.

The following proclamations were read into the record and presented to representatives of each organization: (1) Community House of Paradise; (2) Paradise Animal Shelter Helpers (PASH), and, (3) Book in Common - "Unquenchable" by Robert Glennon.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

Council concurred to remove agenda item 3f from the consent calendar, the proposed adoption of Ordinance No 526 relating to rezoning property from RR to CS (Grand Sierra Lodge) for discussion and separate vote.

Public comment on the consent calendar items:

Item 3c: Tom Kelly asked if the contract with Chico State University for GIS services was a retainer or an in-kind services contract

Item 3e: Dave Berman, on behalf of Christine Wilder and the Adventure Club, stated the Adventure Club hikes and bikes frequently on Paradise Memorial Trailway and requested approval of the proposed Trailway adoption so the club can help to keep the Trailway clean.

MOTION by White, seconded by Titus, approved the following consent calendar items by unanimous vote. Item 3f removed for separate vote.

- 3a.** Approved the Minutes of the July 31, 2012 Special Meeting and the August 7, 2012 Regular Meeting.

- 3b. Approved Cash Disbursements Report in the Amount of \$2,068,193.11. (310-10-28)
- 3c. Authorized the Mayor and Town Manager to execute the 2012/13 FY annual maintenance agreement with Chico State University (CSU), Chico Research Foundation, in the amount of \$10,000 for Geographic Information System (GIS) services. (C06-22)
- 3d. Accepted the bid and award the contract for the 2012 Thermoplastic Pavement Markings Replacement Project to Centerline Striping Company, Inc., in the amount of \$31,771.00 and authorize the Town Manager to execute the contract. Expenditure will come from the Gas Tax Fund. (510-20-52)
- 3e. Approved the request by Christine Wilder with the Paradise Ridge Adventure Club (PRAC), to adopt a portion of the Paradise Memorial Trailway from Maxwell Drive to Bille Road. (950-18-07)
- 3g. Adopted Resolution No.12-30, A Resolution of the Town of Paradise approving the 2011/12 Interim Fire Chief services contract with the State of California Department of Forestry and Fire Protection (CAL FIRE); and, authorized the Mayor to sign the contract documents on behalf of the Town. (510-20-27)

ITEMS REMOVED FROM THE CONSENT CALENDAR

Council Member Lotter stated that since the August 7, 2012 Council meeting, a question had come up about the size and location of the dumpster for the Grand Sierra Lodge facility and requested confirmation that the size and location of the trash receptacle met the standards required by NRWS. Community Development Director Baker stated that the design was addressed by a condition of approval and the enclosure will stay in the same place and will be slightly enlarged.

- 3f. **MOTION by Lotter, seconded by DiDuca**, (1) Waived the second reading of entire Ordinance No 526 and approve reading by title only; and, (2) Adopted Town Ordinance No. 526, "An Ordinance Rezoning Certain Real Properties From RR-2/3 (Rural Residential, 2/3-Acre Minimum) to a CS (Community Services) Zone Pursuant to Paradise Municipal Code Section 17.45.500 Et. Seq. (PL12-00075: Grand Sierra Lodge)". Roll call vote was unanimous. (540-16-95)

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

Following a report from Acting Police Chief Tazzari-Dineen on the proposed spending plan for the State Supplemental Law Enforcement Service Funds (SLESF) in an estimated amount of \$100,000, Mayor Culleton opened the public hearing at 6:25 pm. There were no speakers for or against the matter and Mayor Culleton closed the hearing at 6:25 p.m.

- 5a. MOTION by White, seconded by Titus,** adopted Resolution No. 12-31, A Resolution of the Town Council of the Town of Paradise Accepting State Supplemental Law Enforcement Services Funds (SLESF) (AB1584 COPS Front Line). Roll call vote was unanimous. The funds will support two Police Community Service Officers and fund the Police Department Assigned Patrol Vehicle Program. (480-20-06)

Following a report from Assistant Town Manager Gill, Mayor Culleton opened the public hearing at 6:27 p.m. to receive comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program. There were no speakers for or against the matter and Mayor Culleton closed the hearing at 6:27 p.m.

- 5b. MOTION by DiDuca, seconded by Lotter,** authorized the Town Manager to submit the Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development. Roll call vote was unanimous. The CAPER outlines CDBG program accomplishments and expenditures and provides evaluation of the Town's progress in meeting community development goals and objectives. (710-10-___)

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.

7. COUNCIL CONSIDERATION

Following a report from Town Rough regarding his recommendation to appoint Acting Police Chief Tazzari-Dineen as permanent Police Chief effective immediately, Mayor Culleton opened the matter to public comment.

1. Loren Harvey asked Council to put off making the decision to appoint a Police Chief as a new Council will be seated in a couple of months, and that he thinks four months was not a long enough evaluation period.

7a. MOTION by White, seconded by Lotter, approved the Town Manager's recommended appointment of Acting Police Chief Gabriela Tazzari-Dineen as our permanent Police Chief, effective immediately, at a budgeted total salary and benefits compensation of \$ 163,554.21 for Fiscal Year 2012/13. Ayes of Lotter, Titus, White and Mayor Culleton; no of DiDuca. (650-60-07)

7b. MOTION by White, seconded by Titus, based on the US Bank Proposal, (1) Authorized the Mayor and Town Manager to execute documents necessary for the Town of Paradise to enter into a three-year banking service agreement with US Bank; and, (2) Authorized the Mayor and Town Manager to execute documents necessary for the Town to enter into a \$2,345,000 Tax and Revenue Anticipation Note (TRAN) with US Bank. Roll call vote was unanimous. (380-60-64; 510-20-53)

Following a report from Town Manager Rough regarding his recommendation to ratify the Transitional Memorandum of Understanding (TMOU), as submitted, and to adopt a resolution approving the TMOU between the Town of Paradise and the Paradise Firefighter's Association, Mayor Culleton opened the matter for public comment.

1. Tom Kelly stated that the Paradise Fire Department has done a great job for the Town and that although he would like the department remain as a Paradise Fire Department, he understands the financial problems the Town is facing and thinks the Council has done a good job in coming up with this idea to go to Cal Fire and in taking care of the guys who are already doing the job.

2. Dale Alexander thanked the Paradise Firefighters for saving his home during the 2008 wildland fires, asked if the SRA fee applies to Paradise and, asked if there is ever a dispute with Cal Fire, is there a fall back for the Town.

7c. MOTION by Lotter, seconded by White, approved the Town Manager recommendation to ratify the Transitional Memorandum of Understanding,

as submitted, between the Town of Paradise and the Paradise Firefighter's Association; and, adopted Resolution No. 12-32, A Resolution of the Town Council of the Town of Paradise Authorizing the Mayor and the Town Manager to Execute the Transitional Memorandum of Understanding Between the Town of Paradise and the Paradise Firefighters Association. Roll call vote was unanimous. The purpose of the TMOU is to promote a harmonious transition from Town service employment to service employment by the State of California Department of Forestry and Fire Protection (CAL FIRE). (440-05-25)

At 7:45 pm Mayor Culleton adjourned the Regular Council Meeting to hold a Special Council Meeting relating to the adoption of a resolution authorizing execution of a partial Memorandum of Understanding between the Town and the Paradise Firefighters Association relating to a cap on employer paid medical premiums; and, reconvened the meeting at 7:50 pm.

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Council Member White informed the Council of a ground breaking for the Paradise Community Village project on Thursday, September 13, 2012 at 3:00 pm.

Vice Mayor Titus reported on his attendance at the Butte County Association of Governments meeting, that the board has gone paperless and is spending millions on a new bus shelter facility.

Council Member Lotter reported on his attendance at the League of California Cities Annual Conference in San Diego, that there was no cost to the Town for his attendance, and discussed sessions attended relating to pension reform and public safety policy committee actions to support the three strikes legislation and oppose elimination of the death penalty.

Council Member DiDuca reported on his meeting with the County CEO to discuss mutual resources and realignment issues.

Mayor Culleton reported on his attendance at the League of California Cities Annual Conference in San Diego, and that he was installed as President of the LCC Sacramento Valley Division.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

9a. Town Manager oral reports

Town Manager Rough informed Council that the badge pinning ceremony for Police Chief Tazzari-Dineen is scheduled for September 12 at 2:00 pm and a Council Candidate Orientation is scheduled for September 20 from 8:30 am to 12:30 pm.

10. CLOSED SESSION

At 8:12 pm, Mayor Culleton announced the Council would adjourn to hold the following closed sessions:

- 10a. 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 Firefighters Association and the Paradise Police Officers Association.
- 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.

Mayor Culleton reconvened the meeting at 8:52 pm and announced that no action was taken in closed session.

11. ADJOURNMENT

Mayor Culleton adjourned the Council Meeting at 8:53 pm.

DATE APPROVED: October 9, 2012

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

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