

**TOWN COUNCIL MINUTES
REGULAR MEETING – 6:00 PM – January 10, 2012
5555 Skyway, Paradise, CA 95969**

1. OPENING

- a. Called to order by Mayor Culleton at 6:02 p.m.
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Invocation: Mayor Culleton
- d. Roll Call

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 Buzzard, Interim Fire Chief Cone, Finance Director Will, Assistant Public Works Director Derr, Assistant Town Clerk Volenski, Building Official/Fire Marshal Lindsey, Police Lieutenant Tazzari.

e. Presentations:

(1) The members of Girl Scout Troop #70084 introduced themselves to the Town Council and discussed their Journey to Leadership project, It's Our Plant - Love It, which is a six-month commitment of to clean litter off a certain section of the Paradise Memorial Trailway, and shared their individual energy pledges to keep the planet green. Mayor Culleton invited the scouts to come back to a Council Meeting at the end of their project to report their results.

(2) Mayor Culleton presented Council Member Alan White a plaque recognizing his year of service as Mayor, and commended him for his four terms of service as a Paradise Town Council Member.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

None.

3. CONSENT CALENDAR

Council concurred to discuss agenda item 3e, the Park and Ride, prior to the vote on the Consent Calendar. Council Member Lotter noted that Contract Change Order #6 was necessary due to a staking error and the \$2,627.62 cost was reimbursed to the Town.

MOTION by White, seconded by DiDuca, adopted the following Consent Calendar items 3a, 3b, 3c, 3d and 3e as presented by a unanimous roll call vote:

- 3a. Approved the Minutes of the 12/06/11 Special and the 12/06/11 Regular Council Meetings
- 3b. Approved Cash Disbursements in the Amount of \$867,831.37.
- 3c. Approved the recommended budget adjustments that will decrease the General Fund deficit and increase the General Fund Reserves by \$8,344.
- 3d. Approved the proposed revised job descriptions for Police Sergeant and Police Lieutenant
- 3e. (1) Approved the final quantities relating to construction costs in the amount of \$225,556.02 per the summary included with the staff report; and, (2) Accepted the contract with RJ Heuton Construction Company for the Pearson Road Park and Ride Project CIP 2100-50-8901-9362 as complete and authorized the Town Clerk to file a Notice of Completion with the County Recorder's Office with release of the retention in the amount of \$2,023.71 following a 35-day lien period, provided no liens are filed.

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

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. Ciara Barnes stated that she is a senior at Paradise High School, and discussed her senior project which is a partnership with the American Heart Association to put on a community inner beauty pageant on February 12, 2012 at the Paradise Senior Center, explained the nomination process for "Woman of the Year" and asked Council to help spread the news of the project.

2. Ward Habriel, representing the Garden Club, stated as Chairman of "Daffodils Across the Ridge" he is encouraging the Town to plant daffodils on Town property, which project was started to beautify the ridge after the 2008 wildland fires, that up to 120,000 bulbs have been planted and that Paradise has become a destination city as a result, and asked Council Member to promote the Daffodils on the Ridge at all functions, such as at the League of California Cities and Butte County organizations.

7. COUNCIL CONSIDERATION

7a. **MOTION by Lotter, seconded by DiDuca**, adopted the following seven resolutions fixing the employer's contribution cap under the public employees medical and hospital care act relating to the benefit caps for various bargaining units, each by unanimous roll call vote:

(1) Resolution No. 12-01, "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. 12-02, "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."

(3) Resolution No. 12-03, "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 (Police Mid-Management Association); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts."

(4) Resolution No. 12-04, "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 (Management Group); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts."

(5) Resolution No. 12-05, "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 (Confidential and Mid-Management Association); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts."

(6) Resolution No. 12-06, "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 (General Employees Unit); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts."

(7) Resolution No. 12-07, "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 Association); And Fixing The Employer's Contribution For Employees And The Employer's Contribution For Annuitants At Different Amounts."

7b. **MOTION by DiDuca, seconded by Lotter**, (1) Authorized the Town Clerk to advertise for applicants to the Tree Advisory Committee, one vacancy due to expiration of term of office on August 12, 2011 of the position requiring an individual with professional urban and wild land fire protection expertise; and, to re-advertise for the two vacant positions for individuals licensed in the construction and/or on-site sanitation trades; (2) Set an application deadline for January 30, 2012 at 5:00 p.m.; and, (3) Scheduled appointments to the position(s) for the February 7, 2012 Council meeting. Roll call vote was unanimous.

7c. Following a report from Assistant Public Works Director Derr, Mayor Culleton opened the matter for public comments.

1. Ward Habriel stated that he owns property on South Libby and that a realtor informed him the value would increase by at least 10% if the road was in better condition.

MOTION by White, seconded by Titus, (1) Authorized the Development Services staff to advertise the South Libby Overlay Construction Project. Roll call vote was unanimous. Total project cost is estimated at \$300,950.00.

7d. Town Manager Rough and Town Attorney Moore reported to Council regarding the California Supreme Court decision that essentially upheld the State's right to eliminate redevelopment (AB 1X 26), and the reasons for the proposed resolution that identifies the Town of Paradise as the successor agency for the non-housing and housing part of the Redevelopment Agency and to administer the dissolution of the RDA. Mayor Culleton opened the matter for public comments.

1. Jon Remalia questioned the timing of the loans from the Town to the Redevelopment Agency made after the June 20, 2011 date.

MOTION by DiDuca, seconded by Lotter, adopted Resolution No. 12-08, a Resolution of the Town of Paradise Electing to be the Successor

Agency of the Paradise Redevelopment Agency Pursuant to Assembly Bill 1X 26. Roll call vote was unanimous.

8. COUNCIL COMMUNICATION (Council Initiatives)

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

Vice Mayor Titus reported on his attendance at the Butte County Association of Government & Butte County Air Quality Management District board meeting, noting that Council Member White was honored repeatedly for his years of service.

Council Member Lotter reported on his attendance at LAFCO, the IT Steering Committee and that he will be attending the Economic Development Conference in Oroville on 1/12/12.

Mayor Culleton reported on his activities with the League of California Cities relating to the issues surrounding the dissolution of redevelopment agencies, that he attended several community events including the Tree Lighting, the Baskin Robbins opening, that he is a Chocolate King candidate participating in the Chocolate Festival fund raising activities for the youth of our community, and will be attending the Economic Development Conference in Oroville on 1/12/12.

- 8b. Council Member DiDuca discussed his initiative and asked for details relating to the formation and appointments of members to committees, including a member-at-large, for selection of applicants for the Chief of Police Position.

Town Manager Rough informed Council that he will be bringing an action item to Council to provide them the opportunity to appoint two Council Members and three citizens at large to the Community Interview Panel that he is forming as part of the police chief selection process.

- 8c. Council Member DiDuca discussed his initiative relating to the qualifications for Chief of Police including, "Experience and certificates or credits of training directly related to the Police field are equivalent to a four-year college degree", and discussed his contact with other police chiefs who confirmed that experience and training are even more important than a college degree.

Mayor Culleton opened the matter for public comment.

1. Paul Walters encouraged the Council to reconsider the job specifications as he thinks leadership is not defined by parchment on the wall but by an ability to communicate and connect within a community.

Council concurred to direct the Town Manager to bring back an action item on a future agenda to provide the Council an opportunity to consider

a change to the police chief job specifications and to consider extending the application deadline for the position.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Police Chief Buzzard gave an oral report to Council on the success of the T-shirt sales in support of the K-9 program and thanked Council Member Lotter for his assistance in shirt sales and printing of posters and thanked Subway for their over and above contribution to the program. He then reported on the success of grant funded AVOID program that provides for prevention/intervention relating to citizens operating motor vehicles while impaired by use of alcohol and/or other drugs.

10. CLOSED SESSION

At 7:45 p.m., Mayor Culleton announced the following:

- 10a. That the closed session scheduled to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town and the Paradise Police Officers Association was cancelled.
- 10b. Pursuant to Government Code Section 54957.6, the Town Council hold a closed session to meet with Charles L. Rough, Jr., its designated representative, regarding labor relations as they relate to the employment agreement for Town Clerk services with Joanna Gutierrez; and,
- 10c. Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreement for Town Clerk services.

Town Manager Rough participated in the first the closed session regarding labor relations as they relate to the employment agreement for Town Clerk services with Joanna Gutierrez; Town Clerk Gutierrez remained in the Council Chambers. At approximately 8:00 p.m., Manager Rough exited the closed session and Town Clerk Gutierrez entered the closed session relating to duration of employment agreement for Town Clerk services.

At 8:05 p.m., Mayor Culleton reconvened the Council meeting to consider taking action relating to a proposed amended and restated employment agreement for Town Clerk services.

MOTION by White, seconded by Titus, approved the proposed and restated employment agreement for Town Clerk services with Joanna Gutierrez. The amendment reduced compensation by reducing the car/cell phone allowance to that which was negotiated by the management team and approved by Council on December 6, 2011 (a 50% reduction from \$400 to \$200 per month); and, extended the term of the contract to June 30, 2015. Roll call vote was unanimous.

11. ADJOURNMENT

The Town Council meeting was adjourned at 8:10 p.m.

DATE APPROVED:

By: _____
Steve "Woody" Culleton, Mayor

By: _____
Joanna Gutierrez, CMC, Town Clerk