

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 12, 2020

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Bolin at 6:00 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Jody Jones.

COUNCIL MEMBERS PRESENT: Steve Crowder, Jody Jones, Melissa Schuster, Mike Zuccolillo via telephone, Greg Bolin, Mayor.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Assistant to the Town Manager Colette Curtis, Police Lieutenant Anthony Borgman, Community Development Director Susan Hartman and Town Engineer/Public Works Director Marc Mattox.

- 1e. Presentation by Charles Brooks regarding the Paradise Ridge Community Land Group
- 1f. **MOTION by Schuster, seconded by Jones**, to rescind the title of Vice Mayor from Council Member Michael Zuccolillo. Ayes of Crowder, Jones, Schuster and Mayor Bolin; Noes of Zuccolillo.

Town Clerk Volenski opened the nominations for selection of Vice Mayor to complete the remainder of the term beginning May 12, 2020 and ending December 8, 2020.

Council Member Zuccolillo nominated Council Member Crowder

Council Member Jones nominated Council Member Schuster

MOTION by Schuster, seconded by Bolin to close nominations for position of Vice Mayor. Council vote was unanimous to close the nominations.

Roll call vote to elect Council Member Crowder as Vice Mayor; Ayes of Crowder Zuccolillo and Mayor Bolin; Noes of Jones and Schuster. The Council appointed Steve Crowder to serve as Vice Mayor to complete the remainder of the term beginning May 12, 2020 and ending December 8, 2020.

2. CONSENT CALENDAR

MOTION by Schuster, seconded by Jones, approved consent calendar items 2a through 2c. Roll call vote was unanimous.

- 2a. Approved minutes from the April 14, 2020 Regular Town Council meeting.

2b. Approved April 2020 Cash Disbursements in the amount of \$2,028,504.26 (310-10-034)

2c. Authorized the Town Manager to enter into an agreement with Nicki Jones relating to the use of the public right of way adjacent to 6256 Skyway for the operation of their business.(510-20-265)

3. ITEMS REMOVED FROM CONSENT CALENDAR - None

4. PUBLIC COMMUNICATION - None

5. PUBLIC HEARINGS

5a. At 6:24 p.m. Council Member Crowder recused himself from the dais due to a potential conflict of interest for agenda item 5a. (750-65-030)

Mayor Bolin announced that the Town Council would conduct the duly noticed and scheduled public hearing related to the Appeal of Planning Commission's Conditional Approval of the Anderson Brothers Corp. Temporary Use Permit Application [PL19-00383] to allow a proposed temporary "Log Storage & Processing Yard" emergency land use facility/operation and upon conclusion of the public hearing, consider adopting the following:

1. Concur with the Planning Commission determination that the proposed temporary land use project, particularly as conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines; and, 2. Concur with the temporary use permit application project decision actions of the Planning Commission thereby **DENYING THE APPEAL**; and, 3. Authorize Town issuance of the conditioned Temporary Use Permit for the Anderson Brothers Corp. project application to allow a temporary "Log Storage & Processing Yard" land use on properties adjoining and located primarily south of 4716 thru 4724 Skyway; or, 4. Find that the Town shall not concur with the project decision actions of the Planning Commission, **Uphold the Appeal** and thereby **Deny the Project Application**.

Town Clerk Volenski read the Public Hearing Procedures adopted by Town Council Resolution No. 15-45 allowing 15 minute presentations for each of the following: staff, proponents, opponents and rebuttals.

STAFF REPORT: Community Development Director Susan Hartman provided an overview of the project that was previously approved by the Paradise Planning Commission on April 21, 2020 by a four (4) to one (1) vote.

PROPOSERS: Dave Anderson, project applicant, asked Council to support the project because he is trying to help the community rebuild and stated that there are measures in place to mitigate concerns raised by the opponents including noise, limited times of operations to six days a week, chipping will be limited to 5:00 p.m., air monitoring stations will be established and the property is zoned residential, which it will eventually be used for residential housing.

OPPOSERS: Paul Farsai opposed the project, showed video clips of previous activity on the proposed site showing no protection for workers, working late into the evening, no

dust control and asked Council to reject the project. Mr. Farsai also showed, on a map, that the individuals supporting the project do not live near the proposed site.

Brent Moore, consultant, opposed the project, thinks the Council is not following its own urgency ordinance or findings, does not think the urgency ordinance is legal, requested Council reverse the Planning Commissions decision to move forward with the project and threatened a lawsuit.

REBUTTALS: Dave Anderson stated that they are trying to assist in removing the hazardous and dangerous trees, does not want to fight, wants what's best for the town.

Brent Moore does not oppose tree removal, but does not support putting an industrial project in a residential zone, thinks it creates a nuisance, thinks the site will be shut down weekly, stated that no data is supplied for decisions being made, demanded things be reviewed.

Mayor Bolin opened the public hearing at 7:13 p.m. (the following comments were submitted over the phone)

1. Frank Conrad opposes the project (called, did not request a return call)
2. Steve "Woody" Culleton supports the project
3. Mel Davis supports the project
4. Jason Onstein supports the project (emailed comments read by the Town Clerk)
5. Tim Williams opposes the project
6. Elizabeth Kasza opposes the project

Mayor Bolin closed the public hearing at 7:25 p.m.

After discussion Town Attorney Moore asked that once Council has determined the action they want to take, that a resolution be brought back to the next Council meeting, on the Consent Calendar, for Council to approve the findings relating to the public hearing.

MOTION by Jones, seconded by Zuccolillo, to concur with the Planning Commission decision, deny the appeal, approve the projects Temporary Use Permit until December 31, 2020 with all the Conditions of Approval with the following additions:

1. The facility will only be open six (6) days a week – Not open on Sunday
2. No chipping allowed after 5:00 p.m.
3. There will be Air Quality monitoring stations.

Ayes of Jones and Zuccolillo, Noes of Schuster and Mayor Bolin, Absent: Crowder
MOTION DOES NOT PASS.

After addition discussion, Council reconsidered the item and made the following motion.

MOTION by Jones, seconded by Zuccolillo, to concur with the Planning Commission decision, deny the appeal, approve the projects Temporary Use Permit until December 31, 2020 with all the Conditions of Approval required from the Planning Commission with the following additional conditions:

1. The facility will only be open six (6) days a week – Not open on Sunday
2. No chipping allowed after 5:00 p.m.
3. There will be air quality monitoring stations
4. A traffic operations plan will be required in addition to the traffic control plan.

Ayes of Jones, Schuster, Zuccolillo and Mayor Bolin. Absent: Crowder. **MOTION PASSES**

Town Attorney Moore will draft a resolution to be brought back at the next Council meeting to approve the facts and findings resulting from the Council decision regarding the Anderson Log Storage facility.

Mayor Bolin recessed the meeting for a five-minute break at 8:16 p.m.

Mayor Boling reconvened the meeting at 8:25 p.m.

- 5b. Mayor Bolin announced that the Town Council would conduct the public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant. (This is the first of two public hearings, no action is requested at this time). (710-10-094)

Mayor Bolin opened the public hearing at 8:29 p.m.

There were no public comments.

Mayor Bolin closed the public hearing at 8:29 p.m.

6. COUNCIL CONSIDERATION

- 6a. Manager Gill provided an update on COVID-19 Re-Opening Plan for Butte County.
- 6b. **MOTION by Crowder, seconded by Jones,** 1. Approved the Notice of Vacancies created by the expiring terms of Planning Commissioners James Clarkson and Stephanie Neumann and the resignation of Shannon Costa; and, 2. Approved the Planning Commissioner application; and, 3. Authorized staff to advertise the existing Planning Commissioner vacancies, which will include a legal notice, posting on the Town's website, Facebook page and a media release; and 4. Set an application deadline of May 26, 2020; 5. Appointed Council Members Jones and Schuster to serve as an interview panel for the Planning Commission interview process with an interview date of June 1, 2020. Roll call vote was unanimous. (760-45-12)
- 6c. **MOTION by Jones, seconded by Schuster,** adopted the following resolutions relating to the consolidation of the November 3, 2020 General Municipal Election, the regulations and costs for Candidate statements and direct the Town Clerk to transmit certified copies to the Butte County election department staff: (530-10-057)
 - 1. Adopted Resolution No. 20-08, A Resolution Calling and Giving Notice for the Holding of a General Municipal Election for the Election of Three Council Members; and,
 - 2. Adopted Resolution No. 20-09, A Resolution Requesting the Butte County Board of Supervisors to Consolidate a General Municipal Election; and,

3. Adopted Resolution No. 20-10, A Resolution Adopting Regulations for Candidate Statements. Roll call vote was unanimous.

- 6d. **MOTION by Jones, seconded by Schuster**, selected Tetra Tech as the vendor for Hazard Tree Identification by Registered Professional ISA Board Certified Master Arborist and Authorized the Town Manager, Administrative Services Director and Town Attorney to negotiate an agreement with the selected vendor, with a not to exceed clause of \$500,000; and 2. Authorized the Town Manager to execute the appropriate documents relating to such services; and, 3. Do not award the Registered Professional Forester RFP. Roll Call Vote was unanimous. (420-25-006)

At 8:44 p.m. Council Member Zuccolillo and Mayor Bolin recused themselves from this item due to a potential conflict of interest.

- 6e. **MOTION by Schuster, seconded by Jones**, 1. Approved the revised Resolution No. 20-11, A Resolution of the Town Council of the Town of Paradise Approving A Financial Assistance (\$2,000,000 Grant) Application For A Financing Agreement From The State Water Resources Control Board Relating To The Paradise Sewer Project; and, 2. Contingent upon Council approval of Attachment A and subject grant application award, authorized the Town Manager to execute an amended Professional Services Agreement with HDR Engineering for the scope of work associated with the grant. Roll Call: Ayes of Crowder, Jones and Schuster. Absent: Zuccolillo and Mayor Bolin. (960-70-004)

At 8:54 p.m. Council Member Zuccolillo and Mayor Bolin returned to the meeting.

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items - None

7b. Council reports on committee representation

Council Member Schuster stated that Explore Butte County has been working on creating programs that will be ready when the County reopens; Paradise is set to host League of California cities division meeting in July, but are waiting to see what happens.

Council Member Jones attended the Butte County Association of Government and Butte County Air Quality Management District (BCAQMD) meetings and BCAQMD has hired Stephen Ertle to replace retiring James Wagoner.

Vice Mayor Crowder has attended conference calls and moved back to Paradise.

Mayor Bolin attended the Financial Services interviews, but was not able to attend the LAFCO meeting.

7c. Future Agenda Items – Council Member Jones requested that at the June meeting Council receive an update from CALOES and Butte County regarding the progress of the Tree Removal program.

8. STAFF COMMUNICATION

8a. Town Manager Report – Manager Gill stated that the top candidate for the Administrative Services Director position is in background. Town Manager Gill was invited to a Mobile home park discussion with the Chico Long Term Recovery Group, looking at Manufactured homes in parks as a housing solution. Meeting to discussion mobile home parks as place for trailers tot

Manager Gill provided the Community Development Director report stating that there are two log processing facilities out for review; plans have been submitted for the rebuilding of 24 multi-family unit development; Izzy's and Subway have re-opened and there is a Planning Commission meeting next week for a construction office and storage on commercial property on Clark Road.

Town Engineer/Public Works Director Marc Mattox provided an update on the Black Olive/Skyway Signal project that is almost complete and announced that the Town has solicited an RFP for the Paradise Broadband feasibility study with PG&E; the North Valley Community Foundation/Butte Strong Fund has committed \$50,000 for the study.

9. CLOSED SESSION - None

10. ADJOURNMENT

Mayor Bolin adjourned the Town Council meeting at 9:12 p.m.

Date approved: May 9, 2020

By: _____/s/_____
Greg Bolin, Mayor

Attest:

_____/s/_____
Dina Volenski, CMC, Town Clerk