

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – June 09, 2020

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Bolin at 6:01 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 and 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 Chief Eric Reinbold, Community Development Director Susan Hartman, Town Engineer/Public Works Director Marc Mattox and Disaster Recovery Director Katie Simmons.

Mayor Bolin read the following statement:

-Welcome to the June 9, 2020 Town of Paradise Council Meeting

Council Member Zuccolillo will be joining the meeting via phone and will be asked if he has comments for each item.

There are no members of the public in the audience, but the Council welcomes public comment and participation. In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is available through livestreaming at <https://livestream.com/townofparadise>

Public participation is also allowed in the following ways.

-Written public comment was accepted by email until 5:30 p.m. today. The comments are posted online and anything received after 5:30 will be read into the record during the public comment section of the item by the Town Clerk. Comments are subject to the regular time limitations of three minutes per speaker.

- To comment during the meeting please call (530) 872-5951. Comments will not be accepted after the public comment section of the item has closed.

If you are watching on Livestream or any other video, comments or chats are not monitored or responded to, they only way to participate is to call (530) 872-5951.

Again please call (530) 872-5951 for public comments. We appreciate your patience as we go through this process.

1e. A presentation on the Tree Removal Program was made by Katie Simmons, Town of Paradise Disaster Recovery Director and Cole Glenwright, CAL OES.

2. CONSENT CALENDAR

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

- 2a. Approved minutes from the May 12, 2020 Special and Regular Town Council meetings.
- 2b. Approved May 2020 Cash Disbursements in the amount of \$2,748,657.69
- 2c. 1. Declared vehicles as surplus property; and, 2. Adopted Resolution No. 20-12, A Resolution of the Town Council of the Town of Paradise declaring certain Town Equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee.
- 2d. Adopted Resolution No. 20-13, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Finance Division Pursuant to Government Code Section 34090. The records listed have been retained for four or more years and are eligible for destruction.
- 2e. Adopted Resolution No. 20-14, A Resolution of the Town Council of the Town of Paradise Approving an Amended and Restated Agreement for Professional Services with Town Attorney Dwight L. Moore
- 2f. Reviewed and filed the 2nd and 3rd Quarter Investment Report for the fiscal year ending June 30, 2020.

3. ITEMS REMOVED FROM CONSENT CALENDAR - None

4. PUBLIC COMMUNICATION

- 1. Aryus Manufacturing announced that their Sales office will be open on July 6th at 6141 A Center Street in Paradise. (comment submitted via email)

5. PUBLIC HEARINGS

- 5a. Mayor Bolin announced that the Town Council would conduct the duly noticed and schedule public hearing and upon conclusion of the public hearing consider the following

Solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan; and 2. Consider authorizing Town staff to submit the Substantial Amendment to HUD; and, 3. Consider authorizing the Town Manager to enter into an agreement with CHIP for a float loan of \$500,000 for the reconstruction of Paradise Community Village.

Mayor Bolin opened the public hearing at 6:40 p.m.

There were no public comments.

Mayor Bolin closed the public hearing at 6:41 p.m.

MOTION by Jones, seconded by Crowder, authorized Town staff to submit the Substantial Amendment to Housing and Urban Development; and 2. Authorized the Town Manager to enter into an agreement with Community Housing Improvement Program for a float loan of \$500,000 for the reconstruction of Paradise Community Village. Roll call vote was unanimous.

6. COUNCIL CONSIDERATION

6a. Mayor Bolin read a letter from Dave Anderson, President of Anderson Brothers Corporation, withdrawing Application No. PL19-00383, provided the Town of Paradise will not require reimbursement of its attorney fees relating to Butte County Superior Court Case 20CV01082, signed today, June 9, 2020. Town of Paradise agreed not to seek reimbursement of attorney fees from Anderson Brothers Corporation, making the withdrawal effective on June 9, 2020.

This agenda item related to adopting a proposed resolution denying an appeal by Blue Oaks Terrace Neighborhood Advisory Committee and approving Temporary Use Permit PL 19-00383 with modifications based on directions from the Town Council on May 12, 2020. On June 9, 2020, prior to the Town Council meeting at which an appeal was on Town Council Agenda as Item 6(a), Anderson Brothers Corporation withdrew its application for Temporary Use Permit PL19-00383 for a temporary tree log storage and processing yard. As a result, the Blue Oaks Terrace Neighborhood Advisory Committee appeal of Application PL19-00383 was removed from the Town Council Agenda and no action was taken by the Town Council on the appeal, because Application No. PL19-00383 was no longer pending, which made the appeal moot. As such, there was no final determination by the Town Council ever made on the application for Temporary Use Permit PL19-00383 in that the withdrawal resulted in the termination of the application and there was no legal requirement to take action on the appeal.

- 6b. 1. Consider prohibiting the sale of flavored tobacco products in the Town of Paradise; and, 2. Consider waiving the entire reading of proposed Ordinance No. 596 and approve reading by title only; and, 3. Consider introducing Ordinance No.- 596 an Ordinance of the Town Council of the Town of Paradise California, prohibiting the sale of flavored tobacco products; or, consider the following options: 1. Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products; or, 2. Ban the sale of flavored tobacco products without creating a Tobacco Retail License; or, 3. Ban the sale of flavored tobacco products, with the exception of menthol flavored products; or, 4. Take no action, thereby continuing to allow the sale of flavored tobacco products to adults.

Assistant to the Town Manager, Colette Curtis provided an overview of the proposed ordinance.

Megan Armstrong from Butte County Public Health provided the Town Council with information supporting the ban on flavored tobacco.

Ellen Michels, previously with Butte County Public Health, also provided information supporting the ban on flavored tobacco.

Town Clerk Volenski read a list of comments on agenda item 6(b) received after the posting of the agenda until 5:30 p.m., June 9, 2020.

Oppose the ban on flavored tobacco:

James Allison, California Fuels & Convenience Alliance
Issa Abuaita – Except for Hookah
Rima Khoury, Esq. Except Hookah
Jivtesh Gill, American Petroleum and Convenience Store Association
Keaton Christopher Kovach, Lounge Ambassador, USA
Shonte Anneke Powers, Lounge Ambassador, USA
Jaime Rojas, National Association of Tobacco Outlets
Crystal Sanchez, Lounge Ambassador, USA
Prabhjot Singh, Stop & Shop Owner

Support the ban on flavored tobacco:

Ann Phillippe, Tobacco Education Program, CUSD
Larry Johnson, Principal 7th & 8th Grade
DeAnne Blankenship, California Health Collaborative
Angela Martin
Esther Craig, California Health Collaborative
Suzie Lawry-Hall, Enloe Medical Center
Lynze Thornburg, Public Health Education Specialist
Danette York, Butte County Public Health Director
Ellen Michels, Paradise Resident
Rebecca Wasko, American Lung Association
Melissa Anderson, Certified Health Education Specialist
Steve Rodowick, Paradise Citizen
Marissa Maxey, Advocacy Coordinator for the American Lung Association

Two citizens requested a phone call to address the Council on agenda item 6(b)

Shelley Brantley – Support

Bruce Baldwin – Support

MOTION by Jones, seconded by Schuster, approved staff recommendation to ban the sale of flavored tobacco products without creating a Tobacco Retail License; and, 2. Include additional language prohibiting crush pods and flavored enhancers; and, 3 Adding a provision that the State bill will take precedence if it is passed; and, 4. Requested staff to research and determine if there is any way to limit internet sales of flavored tobacco within the Town of Paradise; and, 5. Waived the entire reading of proposed Ordinance No. 596 and approved by reading title

only and introduced Ordinance No. 596, an Ordinance of the Town Council of the Town of Paradise California prohibiting the sale of flavored tobacco products. Ayes of Jones, Schuster and Bolin, Mayor. Noes of Zuccolillo and Crowder. Motion passed.

6c. Town Engineer/Public Works Director Marc Mattox provided an informational update relating to the status of Town-wide undergrounding of utilities within the Town of Paradise. Mr. Mattox informed the Council that staff is communicating with the CPUC to determine if the creation of a Rule 20A Underground Utility District consisting of all parcels with property boundaries along On-System Federal-Aid arterials and collectors can be implemented within the Town of Paradise.

Mr. Mattox also informed the Town Council that a formal complaint could be filed against Comcast and AT&T to allow for a formal dispute resolution process to commence.

MOTION by Jones, seconded by Schuster, to 1. Further explore creation of an Underground District 20-1, encompassing all eligible arterials and collectors; and 2. Set a Public Hearing date of July 14, 2020; and, 3. Perform a mass public hearing notification mailing per Rule 20A requirements for all affected parcels, at the Town's expense. (no other financial impacts are anticipated at this time-to the Town of Paradise or its residents resulting from this potential action.) Roll call vote was unanimous.

Town Clerk Volenski stated that a public comment was received from John Gillander regarding agenda item 6(c).

6d. Town Engineer/Public Works Director Marc Mattox presented the Town Council with information regarding the Broadband Feasibility Study.

1. John Gillander called in stating he had sent in a video showing he has underground utilities including internet and wanted to know why the Town was trying to compete.

MOTION by Schuster, seconded by Crowder, 1. Concurred with staff's recommendation to award the contract to Geographical Information Center of Chico, CA to perform services relating to the Paradise Broadband Feasibility Study contingent upon the Town being able to secure additional funding; and authorize the Town Manager to execute a Professional Services Agreement approved by the Town Attorney. Roll call vote was unanimous.

6e. **MOTION by Crowder, seconded by Bolin,** 1. Concurred with the recommendation of the interview panel of Council Members Jones and Schuster; and, 2. Appointed applicant Lynn Costa to fill the current vacancy created by the resignation of Shannon Costa, effective immediately expiring June 30, 2023; and, appointed Ronald Lassonde and Zeb Reynolds to fill the other two terms effective July 1, 2020 to expire June 30, 2024. Roll call vote was unanimous.

6f. Administrative Services Director Gina Will presented Council with information regarding the monies from the PG&E Settlement, potential investment yield, funding for critical public services, unfunded liability and pension obligation bonds, hazard mitigation grant program, deferred maintenance and equipment replacement, cash flow and contingency reserves, FEMA match and Insurance ineligible expenses.

1. John Miller George submitted suggestions, via email, on investing the money.

MOTION by Jones, seconded by Schuster, directed staff to issue a request for proposals for professional investment portfolio management; and, 2. Directed staff to draft policies concerning the prudent use of the PG&E settlement monies which are anticipated to be received next fiscal year. Roll call vote was unanimous.

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items - None

7b. Council reports on committee representation

Council Member Schuster reported on League of California Cities division meeting was supposed to be held in Paradise in July, attended BCMVCD meeting and met with Hope Plaza committee

Council Member Jones attended Butte County Association of Government and Butte County Air Quality Management District meetings.

Vice Mayor Crowder worked with Assemblyman Gallagher and Senator Nielsen regarding PID funding, participated in Parade of Flags on Memorial Day and attended groundbreaking of Our Savior Lutheran Church.

Mayor Bolin attend groundbreaking of Our Savior Lutheran Church.

7c. Future Agenda Items

Council Member Jones asked that the Formal Complaint process against AT&T and Comcast be brought back to the next Council meeting and also requested the defensible space ordinance be brought back to the Town Council to deal with weed abatement on vacant lots.

8. STAFF COMMUNICATION

8a. Town Manager Report

Community Development Director Susan Hartman provided Council an update on projects within the Town of Paradise including applications for tree processing facilities, multi-family projects, Mobile Home parks beginning the permitting process, Code Enforcement staffing, processes and the establishment of a Code Enforcement complaint email.

9. CLOSED SESSION – Removed from the agenda due to the withdrawal of agenda item 6(a).

10. ADJOURNMENT

At 8:50 p.m. Mayor Bolin adjourned the Town Council meeting to June 30, 2020 at 9:00 a.m., Paradise Town Hall, 5555 Skyway, Paradise, CA for the purpose of holding a regular adjourned meeting pursuant to Government Code Section 54955.

Date Approved: June 30, 2020

_____/s/_____
Greg Bolin, Mayor

Attest:

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