



**REGULAR CITY COUNCIL MEETING
MEETING AGENDA
WEDNESDAY, MARCH 30, 2016**

**Closed Session Meeting – 5:30 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Jennifer Ray, Mayor

**Robert Bergman, Council Member
Terri Andersen, Council Member**

**Evans Phelps, Vice Mayor
Duane Strawser, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION MEETING – 5:30 PM

Pursuant to Government Code Section 54956.8 Real Property Transactions: Closed meeting with negotiators, City Manager Mark Prestwich, Contract City Attorney Hal DeGraw to participate in negotiations with representatives of Sierra Fund regarding purchase and/or terms of acquisition of property identified as APN 05-100-69 and 97 (portions).

Pursuant to Government Code Section 54956.9(d)(2) the Contract City Attorney is requesting a Closed Session regarding a significant exposure to litigation in one potential case.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Andersen, Bergman, Strawser, Vice Mayor Phelps, & Mayor Ray

PLEDGE OF ALLEGIANCE

PROCLAMATION:

PRESENTATION:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

A. Subject: Fire Activity Report – February 2016

Recommendation: Receive and file.

B. Subject: Award Contract for Water Plant Improvements in Nevada City

Recommendation: Pass Resolution 2016-XX 1) Finding the project categorically exempt pursuant to CEQA Guideline §15306, and 2) Awarding a Contract for a Fixed Price, Not to Exceed Amount of \$50,000 based on a rate for labor of \$70.00 per hour plus actual direct cost for materials to E.R Harries Construction of Nevada City, CA and Authorize Mayor to sign.

C. Subject: Offer of Dedication of Public Utility Easement for Inn Town Campground on City-owned property at #5 Kidder Court used by the Nevada County Narrow Gauge Railroad and Transportation Museum

Recommendation: Approve and Authorize the Mayor to sign the attached easement document where indicated to grant a non-exclusive easement for Public Utility Purposes across City-owned property at #5 Kidder Court to the Inn Town Campground.

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – March 9, 2016

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** Memorial Bench Request for Pioneer Park
Recommendation: Approve a bench with plaque to be placed in memory of Dr. Galen Martin at Pioneer Park.
- B. Subject:** 2015 Year in Review - Police Department (Oral Report)
Recommendation: Receive and file.
- C. Subject:** June 7, 2016 Municipal Election Update (Oral Report)
Recommendation: Receive and file.

6. PUBLIC HEARINGS:

- A. Subject:** Appeal of Planning Commission Decision to Deny the Architectural Review Application of Charlotte Dewar to Construct a Front Entry Façade on the Accessory Building located at 254 Boulder Street
Recommendation: After holding a public hearing, Council shall make a decision whether to uphold, overturn or modify the Planning Commission decision to deny the Architectural Review Application.
- B. Subject:** An Ordinance of the City of Nevada City Imposing a 3/8 of 1% Transactions and Use Tax for Special Purposes (First Reading / Requires 4/5ths Vote)
Recommendation: Hold a public hearing and first reading of a proposed Special Tax Ordinance imposing a 3/8 of 1% Transactions and Use Tax for Special Purposes effective upon voter approval.

7. OLD BUSINESS:

8. NEW BUSINESS:

- A. Subject:** Review of Draft 2016 Nevada City Community Survey
Recommendation: Provide direction to the City Manager.

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER'S REPORT:

12. ADJOURNMENT

Certification of Posting of Agenda

I, Corey Shaver, Administrative Supervisor for the City of Nevada City, declare that the foregoing agenda for the March 30, 2016 Regular Meeting of the Nevada City City Council was posted March 25, 2016 at the office of the City of Nevada City (City Hall). The agenda is also posted on the City's website www.nevadacityca.gov.

Signed this March 25, 2016 at Nevada City, California

_____, Corey Shaver, Administrative Supervisor

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

March 31, 2016	Cesar Chavez Day Holiday – City Hall Closed
April 13, 2016	Regular Council Meeting
April 27, 2016	Regular Council Meeting
May 11, 2016	Regular Council Meeting
May 18, 2016	Special Council Meeting – Budget Workshop
May 25, 2016	Regular Council Meeting
June 7, 2016	Municipal Election
June 8, 2016	Regular Council Meeting
June 22, 2016	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: Fire Activity Report – February 2016

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Fire Chief *SG*

BACKGROUND / DISCUSSION: The attached Fire Activity Report reviews the monthly responses including incident type, location and participation for Nevada City Fire Station 54.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Station 54 Incident Responses
- ✓ Nevada City Incident Responses
- ✓ Station 54 Incident Type Summary
- ✓ Year to Date Incident Participation

Station 54 Incident Responses

Alarm Date Between {02/01/2016} And {02/29/2016}

Alm Date	Alm Time	Location	Incident Type
02/01/2016	01:25:00	10456 Pittsburg RD /Nevad	320 Emergency medical service, o
02/01/2016	07:42:00	12914 Lost Lake RD /Grass	554 Assist invalid
02/02/2016	01:33:00	13998 Paul's PL /Grass Va	311 Medical assist, assist EMS c
02/02/2016	08:21:00	12914 Lost Lake RD /Grass	554 Assist invalid
02/02/2016	08:59:00	Brunswick Rd near Beaver	324 Motor Vehicle Accident with
02/02/2016	10:14:00	11321 Northview DR /Nevad	311 Medical assist, assist EMS c
02/03/2016	00:06:00	500 Sacramento ST /Nevada	611 Dispatched & cancelled en ro
02/03/2016	07:49:00	12914 Lost Lake /Grass Va	311 Medical assist, assist EMS c
02/03/2016	12:24:00	State Highway 49 HWY & Ha	324 Motor Vehicle Accident with
02/03/2016	14:22:00	537 Eskaton Cir /Grass Va	321 EMS call, excluding vehicle
02/03/2016	16:01:00	844 Old Tunnel RD /Grass	311 Medical assist, assist EMS c
02/03/2016	20:27:00	State Highway 20 HWY & Br	322 Motor vehicle accident with
02/04/2016	10:44:00	11761 Ridge RD /Grass Val	743 Smoke detector activation, n
02/04/2016	14:20:00	400 Railroad AVE /Nevada	554 Assist invalid
02/04/2016	16:25:00	844 Old Tunnel RD /Grass	311 Medical assist, assist EMS c
02/05/2016	03:16:00	State Highway 49 1/4 mile	324 Motor Vehicle Accident with
02/05/2016	08:12:00	1031 Sutton WAY /Grass Va	412 Gas leak (natural gas or LPG
02/05/2016	17:14:00	16318 Pine Knoll RD /Gras	311 Medical assist, assist EMS c
02/06/2016	09:39:00	14200 Idaho Maryland RD /	320 Emergency medical service, o
02/06/2016	19:43:00	555 Searls AVE /Nevada Ci	320 Emergency medical service, o
02/07/2016	10:25:00	State Highway 49 HWY & Sh	324 Motor Vehicle Accident with
02/07/2016	12:54:00	625 Eskaton CIR /Grass Va	743 Smoke detector activation, n
02/08/2016	06:20:00	Highway 20/49 northbound	322 Motor vehicle accident with
02/08/2016	09:09:00	360 Sutton WAY /13/Grass	320 Emergency medical service, o
02/08/2016	14:19:00	280 Sierra College DR /20	311 Medical assist, assist EMS c
02/09/2016	06:04:00	18849 Jones Ridge RD /Gra	311 Medical assist, assist EMS c
02/09/2016	17:06:00	14446 North Bloomfield RD	322 Motor vehicle accident with
02/10/2016	09:43:00	101 Woods CT /Nevada City	321 EMS call, excluding vehicle
02/12/2016	08:46:00	615 Kechley CT /Grass Val	554 Assist invalid
02/12/2016	15:07:00	104 New Mohawk rd /Nevada	700 False alarm or false call, O
02/12/2016	18:52:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/12/2016	21:27:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/13/2016	18:34:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/13/2016	20:31:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/13/2016	21:43:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/13/2016	23:16:00	400 RAILROAD AVE /8/Nevad	554 Assist invalid
02/14/2016	00:00:00	400 RAILROAD AVE /8/Nevad	320 Emergency medical service, o
02/14/2016	10:18:00	400 RAILROAD AVE /23/Neva	320 Emergency medical service, o
02/14/2016	12:19:00	14141 Mt Auburn Road /Nev	321 EMS call, excluding vehicle
02/14/2016	18:03:00	Cnhampion Mine Road ~ 3/4	460 Accident, potential accident
02/15/2016	04:36:00	1008 Plaza DR /Grass Vall	311 Medical assist, assist EMS c
02/15/2016	07:21:00	775 Old Tunnel RD /310/Gr	311 Medical assist, assist EMS c
02/16/2016	17:55:00	14449 Echo Ridge DR /Neva	311 Medical assist, assist EMS c
02/16/2016	21:17:00	760 ZION ST /Nevada City,	743 Smoke detector activation, n
02/16/2016	23:43:00	12176 E Bennett RD /Grass	311 Medical assist, assist EMS c
02/17/2016	00:07:00	155 Glasson WAY /Grass Va	700 False alarm or false call, O
02/17/2016	11:09:00	E Main ST & Sierra Colleg	324 Motor Vehicle Accident with
02/17/2016	15:28:00	Pioneer Park - Rear Picni	321 EMS call, excluding vehicle
02/18/2016	04:51:00	13935 Downwind CT /Nevada	311 Medical assist, assist EMS c

Station 54 Incident Responses

Alarm Date Between {02/01/2016} And {02/29/2016}

Alm Date	Alm Time	Location	Incident Type
02/18/2016	08:28:00	300 Cross ST /Nevada City	311 Medical assist, assist EMS c
02/18/2016	09:49:00	State Highway 49 HWY & Su	463 Vehicle accident, general cl
02/18/2016	12:23:00	844 Old Tunnel RD /Grass	311 Medical assist, assist EMS c
02/18/2016	18:20:00	State Highway 49 HWY /Nev	320 Emergency medical service, o
02/19/2016	08:04:00	459 HOLLOW WAY /Nevada Ci	311 Medical assist, assist EMS c
02/19/2016	12:37:00	825 Old Tunnel RD /304/Gr	554 Assist invalid
02/19/2016	13:16:00	12133 Polaris DR /Grass V	744 Detector activation, no fire
02/21/2016	18:02:00	12914 Lost Lake RD /Grass	311 Medical assist, assist EMS c
02/21/2016	18:47:00	12200 Banner Lava Cap RD	114 Chimney or flue fire, confin
02/21/2016	22:13:00	11412 Idaho Maryland RD /	611 Dispatched & cancelled en ro
02/22/2016	12:30:00	500 Crown Point CIR /100/	311 Medical assist, assist EMS c
02/22/2016	16:13:00	995 Helling WAY /Grass Va	744 Detector activation, no fire
02/22/2016	22:45:00	11909 Cement Hill RD /Nev	554 Assist invalid
02/23/2016	16:18:00	844 Old Tunnel RD /Grass	311 Medical assist, assist EMS c
02/24/2016	01:08:00	13082 John Bauer AVE /Gra	700 False alarm or false call, O
02/24/2016	01:15:00	13082 John Bauer AVE /Gra	733 Smoke detector activation du
02/24/2016	09:16:00	10961 Sutter WAY /Nevada	743 Smoke detector activation, n
02/24/2016	14:32:00	13082 John Bauer AVE /Gra	743 Smoke detector activation, n
02/25/2016	14:00:00	380 Railroad AVE /In the	311 Medical assist, assist EMS c
02/25/2016	14:29:00	185 Spring Hill DR /Grass	611 Dispatched & cancelled en ro
02/26/2016	02:13:00	925 MAIDU AVE /Nevada Cit	551 Assist police or other gover
02/26/2016	08:50:00	104 Margaret LN /A & B/Gr	311 Medical assist, assist EMS c
02/26/2016	13:22:00	133 ARGALL WAY /D/Nevada	743 Smoke detector activation, n
02/27/2016	16:00:00	12175 North Bloomfield RD	311 Medical assist, assist EMS c
02/28/2016	13:23:00	120 Martin ST /Nevada Cit	321 EMS call, excluding vehicle
02/29/2016	03:47:00	13935 Downwind CT /Grass	311 Medical assist, assist EMS c
02/29/2016	17:40:00	400 RAILROAD AVE /Nevada	321 EMS call, excluding vehicle

Total Incident Count 76

NCC Fire

Nevada City Incident List

Alarm Date Between {02/01/2016} And {02/29/2016}

Alm Date	Alm Time	Location	Incident Type
02/03/2016	00:06:00	500 Sacramento ST /Nevada	611 Dispatched & cancelled en route
02/03/2016	11:22:00	321 Broad ST /Nevada City, CA	321 EMS call, excluding vehicle
02/03/2016	20:27:00	State Highway 20 HWY & Broad	322 Motor vehicle accident with
02/03/2016	22:31:00	554 E Broad ST /Nevada City,	321 EMS call, excluding vehicle
02/04/2016	14:20:00	400 Railroad AVE /Nevada	554 Assist invalid
02/06/2016	10:16:00	582 Main ST /Nevada City, CA	321 EMS call, excluding vehicle
02/06/2016	11:59:00	544 Coyote ST /Nevada City,	321 EMS call, excluding vehicle
02/06/2016	19:43:00	555 Searls AVE /Nevada City,	320 Emergency medical service, other
02/08/2016	06:20:00	Highway 20/49 northbound at	322 Motor vehicle accident with
02/09/2016	17:50:00	995 Helling WAY /Nevada City,	321 EMS call, excluding vehicle
02/10/2016	09:43:00	101 Woods CT /Nevada City, CA	321 EMS call, excluding vehicle
02/10/2016	16:18:00	925 Maidu Ave /Nevada City,	311 Medical assist, assist EMS crew
02/12/2016	15:07:00	104 New Mohawk rd /Nevada	700 False alarm or false call, Other
02/12/2016	18:52:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/12/2016	21:27:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/12/2016	22:33:00	236 Boulder ST /Nevada City,	311 Medical assist, assist EMS crew
02/13/2016	08:32:00	503 Nursery Street /Nevada	553 Public service
02/13/2016	18:34:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/13/2016	20:31:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/13/2016	21:43:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/13/2016	23:16:00	400 RAILROAD AVE /8/Nevada	554 Assist invalid
02/14/2016	00:00:00	400 RAILROAD AVE /8/Nevada	320 Emergency medical service, other
02/14/2016	10:18:00	400 RAILROAD AVE /23/Nevada	320 Emergency medical service, other
02/16/2016	21:17:00	760 ZION ST /Nevada City, CA	743 Smoke detector activation, no
02/17/2016	07:33:00	530 Nevada ST /Nevada City,	311 Medical assist, assist EMS crew
02/17/2016	15:28:00	Pioneer Park - Rear Picnic	321 EMS call, excluding vehicle
02/18/2016	08:28:00	300 Cross ST /Nevada City, CA	311 Medical assist, assist EMS crew
02/18/2016	17:00:00	925 MAIDU AVE /Nevada City,	311 Medical assist, assist EMS crew
02/19/2016	08:04:00	459 HOLLOW WAY /Nevada City,	311 Medical assist, assist EMS crew
02/22/2016	16:13:00	995 Helling WAY /Grass	744 Detector activation, no fire -
02/24/2016	15:00:00	549 N Pine ST /Nevada City,	321 EMS call, excluding vehicle
02/25/2016	05:33:00	State Highway 49 HWY & Cement	611 Dispatched & cancelled en route
02/26/2016	02:13:00	925 MAIDU AVE /Nevada City,	551 Assist police or other
02/26/2016	13:22:00	133 ARGALL WAY /D/Nevada	743 Smoke detector activation, no
02/27/2016	22:10:00	214 Park AVE /Nevada City, CA	554 Assist invalid
02/28/2016	13:23:00	120 Martin ST /Nevada City,	321 EMS call, excluding vehicle
02/29/2016	17:40:00	400 RAILROAD AVE /Nevada	321 EMS call, excluding vehicle

Total Incident Count 37

Station 54 Incident Type Summary

Alarm Date Between {02/01/2016} And {02/29/2016}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	0	0	0	0	0	0	1	0
02	2	0	1	1	0	8	1	0
54	3	0	0	0	0	12	3	0
84	1	0	0	1	0	4	1	0
86	0	0	0	0	0	1	0	0
87	1	0	0	0	0	1	0	0
91	1	0	0	0	0	0	0	0
GRS	0	0	0	0	0	2	0	0
NCCFD	0	1	1	1	0	4	0	0
NEV	4	0	1	0	0	10	7	0
NSJ	0	0	0	0	0	1	0	0
OPH	0	0	0	0	0	1	0	0
	12	1	3	3	0	44	13	0

NCC Fire

NEV Year-to-date Incident Participation

**Activity Date Between {07/01/2015} And
{02/29/2016}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-03 Cartzdafner, Kevin L	46	36	0	0	0	0	50	31	36	22	38	42	301	42.39
NEV-65 Chau, Michael	23	37	0	0	0	0	10	28	23	34	21	35	211	29.71
NEV-I007 Fish, Michael	0	0	0	0	0	0	33	30	32	22	18	29	164	23.09
NEV-I011 Giranis, Steve	27	24	0	0	0	0	0	0	0	0	0	3	54	7.60
NEV-09 Goodspeed, Samuel J	0	0	0	0	0	0	34	22	34	22	21	0	133	18.73
NEV-15 Paulus, Daniel H	36	30	0	0	0	0	18	31	24	38	16	48	241	33.94
NEV-67 Pistochini, Travis	24	32	0	0	0	0	0	1	7	27	38	41	170	23.94
NEV-59 Radican, Robert	31	7	0	0	0	0	41	31	36	29	21	28	224	31.54
NEV-I012 Rohrer, Nicholas	23	20	0	0	0	0	0	0	0	0	0	0	43	6.05
NEV-53 Schaaake, Mathew	0	0	0	0	0	0	0	0	0	5	0	0	5	0.70
NEV-66 Silvas, Eric	0	0	0	0	0	0	10	23	20	0	0	0	53	7.46
NEV-I010 Wheeler, Justin	21	21	0	0	0	0	0	0	0	0	0	0	42	5.91

Total Runs by Month											
Jan	90	Feb	75	Mar	0	Apr	0	May	0	Jun	0
Jul	86	Aug	86	Sep	96	Oct	94	Nov	79	Dec	104

Grand Total Runs: 710

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: Award Contract for Water Plant Improvements in Nevada City

RECOMMENDATION: Pass Resolution 2016-XX 1) Finding the project categorically exempt pursuant to CEQA Guideline §15306, and 2) Awarding a Contract for a Fixed Price, Not to Exceed Amount of \$50,000 based on a rate for labor of \$70.00 per hour plus actual direct cost for materials to E.R Harries Construction of Nevada City, CA and Authorize Mayor to sign.

CONTACT: William J. Falconi, Consulting Assistant City Engineer

BACKGROUND/DISCUSSION: The City is in the process of upgrading the Water Treatment Plant with new electronic and computer interface control systems using CABY funds for water infrastructure improvements. In conjunction with this work, City staff determined that remodel work was necessary at the Water Plant.

The building remodel work was advertised in July, 2015 for contracts by the hour. Three hourly bids and one lump sum bid were received. The four bids were as follows:

- Barsotti Construction \$50.00 per hour (wasn't available for 6 months due to health)
- E.R. Harries Construction \$70.00 per hour (General Contractor/ self employed and performs all of the work)
- CWS Construction \$65.00 per hour (limited skills / requiring subcontractors)
- SDJ Construction – Lump sum bid of \$117,852 (exceeded capital outlay budgeted)

E.R. Harries Construction was selected as the lowest responsive bidder capable of performing the tasks required and began work under the direction of the City engineering staff. To date, \$10,300 has been expended on the project. However, pursuant to Municipal Code 3.08.050, award of contracts exceeding \$10,000 require City Council approval. Staff estimates an additional \$30,000 to \$40,000 is necessary to complete the project. The Water Fund's current year budget has capacity to fund this work.

During the late summer of 2015, the Consulting Assistant City Engineer and Public Works staff were managing multiple contracts for paving and reconstruction including East Broad Street Improvements. As a result, the Consulting Assistant City Engineer neglected obtaining formal Council approval at that time for the Water Plant remodel described herein. Based on the continued satisfaction with the performance of the contractor, it is recommended the City Council formally award the remaining contract work to E.R. Harries Construction.

FISCAL CONSIDERATIONS: The current fiscal year 2015-16 Water Fund budget includes \$108,000 for capital improvements to the water plant of which approximately \$11,000 has been expended to date.

ATTACHMENT:

- ✓ Resolution 2016-XX

RESOLUTION 2016-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY
AWARDING A CONTRACT TO E.R. HARRIES CONSTRUCTION, NEVADA CITY, CA
FOR WATER PLANT IMPROVEMENTS IN NEVADA CITY
AND AUTHORIZE MAYOR TO SIGN**

WHEREAS, the City is in the process of upgrading the Water Treatment Plant to improve reliability, conservation, and efficiency; and

WHEREAS, funding for Water Treatment Plant modernization of electronics and computer interface is being utilized under the CABY Water Grant; and

WHEREAS, it was determined that building remodel work was necessary in coordination with grant-funded upgrades; and

WHEREAS, consistent with Municipal Code requirements, City staff advertised and received four bids for the project.

BE IT RESOLVED, the City Council of the City of Nevada City

Section 1. Finds the project categorically exempt pursuant to California Environmental Quality Act (CEQA) Guideline §15306; and

Section 2. Awards a Contract for a Fixed Price, Not to Exceed Amount of \$50,000 based on a rate for labor of \$70.00 per hour plus actual direct cost for materials to E.R Harries Construction of Nevada City, CA and Authorize Mayor to sign.

PASSED AND ADOPTED at a regularly scheduled meeting of the Nevada City City Council held on this 30th day of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Ray, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: Offer of Dedication of Public Utility Easement for Inn Town Campground on City-owned property at #5 Kidder Court used by the Nevada County Narrow Gauge Railroad and Transportation Museum

RECOMMENDATION: Approve and Authorize the Mayor to sign the attached easement document where indicated to grant a non-exclusive easement for Public Utility Purposes across City-owned property at #5 Kidder Court to the Inn Town Campground.

CONTACT: William J. Falconi, Consulting Assistant City Engineer

BACKGROUND / DISCUSSION:

Existing underground electrical and telephone facilities are located adjacent to Kidder Court and are within the City-owned property at #5 Kidder Court used by the Nevada County Narrow Gauge Railroad and Transportation Museum. In arranging for utility service to Inn Town Campground, it was determined by the public utility agencies, PG&E and ATT, that connection to these existing facilities located on City-owned property is necessary to provide service to the campground. The proposed dedication of easement facilitates provision of utility service to the campground and does not interfere with any existing or planned use of City property.

FISCAL IMPACT:

None

ATTACHMENT:

- ✓ City of Nevada City Grant of Easement from Nevada City to Inn Town Development, LLC to be signed by the City of Nevada City which effectively grants a non-exclusive easement for the installation and maintenance of facilities to provide electric and telephone service to the campground property.

Project Name: Inn Town Campground
APN 37-050-066

Recording requested by and Return to:
City of Nevada City
317 Broad Street
Nevada City, CA 95959
Phone: 530.265.2496
Attention:

THIS SPACE IS RESERVED
FOR THE RECORDER'S USE

Exempt from Recording Fees – Govt Code 27383

CITY OF NEVADA CITY
OFFER OF DEDICATION
PUBLIC UTILITY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration, **the City of Nevada City the undersigned GRANTOR(S), hereby irrevocably offers for dedication to Inn Town Development, LLC,** a non-exclusive easement for Public Utility Purposes (P.U.E.) for the installation and maintenance of any and all utility service facilities including but not limited to poles, wires and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto together with the right to trim and remove trees and vegetation, including rights over, on and across all that real property situated in the City of Nevada City, State of California, bounded and described as follows:

(Any and all interest in the property conveyed by grantor to the City of Nevada City pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

(See Attached Exhibits "A" & "B")

GRANTOR agrees for itself, its successors and assigns, not to erect, place or maintain any buildings, structures, wells and/or other similar improvements that would unreasonably interfere with the ability of CITY to obtain access to the easement for the purposes of repair, replacement, or installation of facilities.

GRANTOR(S)

Dated this ____ Day of _____, 20____,

Sign name

Print name and title

Recording Reference Number

Sign name

Print name and title

See following page for Acknowledgement

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT

Description of a Public Utility Easement over a portion of the parcel described in a Deed to the City of Nevada City recorded as Document No. 2000-34953, Official Records Nevada County, as shown on record of survey, recorded in Book 12, Page 217, Official Records Nevada County, said parcel also being a portion of Lot 19 of Section 18, Township 16 North, Range 9 East, Mount Diablo Meridian within Nevada County, California, and being more particularly described as follows:

Commencing at the northwest corner of said parcel, said point also being the northeasterly corner of Kidder Court right of way as shown on the above mentioned record of survey, thence along the easterly line of said right of way South 00°15'00" East 133.63 feet to the true point of beginning, thence leaving said right of way line North 89°45'00" East 30.00 feet, thence South 00°15'00" East 12.50 feet, thence South 89°45'00" West 30.00 feet to a point on said easterly right of way line, thence along the easterly right of way line North 00°15'00" West 12.50 feet to the true point of beginning.



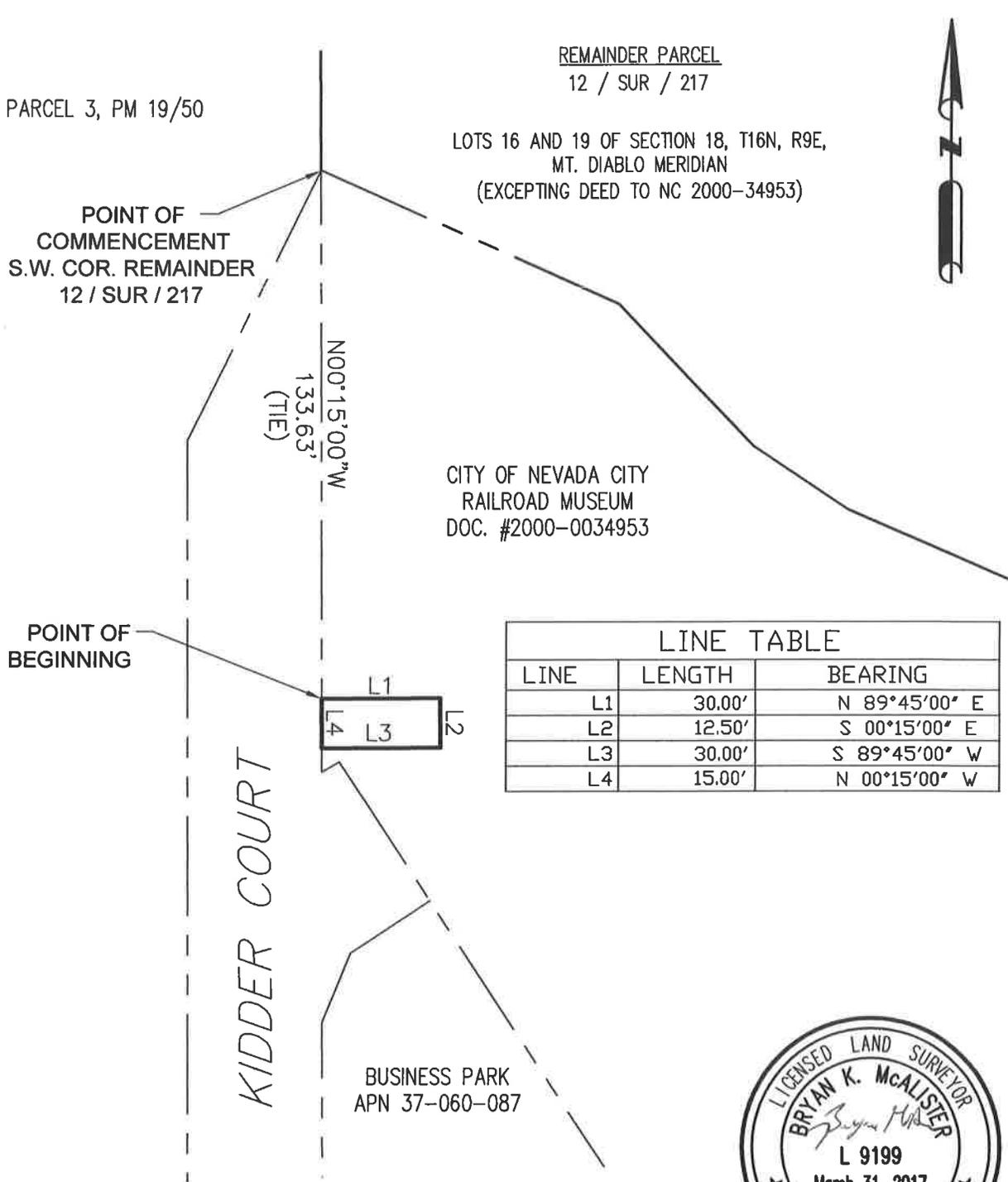
SIERRA LAND SOLUTIONS, INC.
350 Crown Point Circle, Suite 260
Grass Valley, CA 95945
(530) 272-3757

EXHIBIT "B"

PUBLIC UTILITY EASEMENT

MARCH, 2016

SCALE: 1"=40'



LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00'	N 89°45'00" E
L2	12.50'	S 00°15'00" E
L3	30.00'	S 89°45'00" W
L4	15.00'	N 00°15'00" W



SIERRA LAND SOLUTIONS, INC.
 350 CROWN POINT CIRCLE, STE.260
 GRASS VALLEY, CA 95945
 (530) 272-3757

**CITY OF NEVADA CITY
DRAFT ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF MARCH 9, 2016**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. For website assistance, please contact Corey Shaver, Deputy City Clerk at (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Andersen, Bergman, Strawser, Vice Mayor Phelps, & Mayor Ray

PLEDGE OF ALLEGIANCE

Led by North Star Chapter DeMolay

PROCLAMATION: Proclamation March 2016 as March for Meals Month

PRESENTATION: Swearing in of Reserve Officers Shayne Robert McLaughlin and Shane Michael Scrimager

1. BUSINESS FROM THE FLOOR-PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Action: Councilmember Strawser requested Staff to evaluate options for additional design controls related to second dwelling units and refer matter to Planning Commission.

Please refer to the meeting video on the City's website at www.nevadacityca.gov for additional comments.

3. CONSENT ITEMS:

A. Subject: Award Contract for New Sewer Line on Providence Mine Road in Nevada City

Recommendation: Pass Resolution 2016-11 to award a contract in the amount of \$29,148, plus \$3,500 contingencies to C&D Contractors Inc., Nevada City, CA for a new sewer line on Providence Mine Road in Nevada City and authorize Mayor to sign.

B. Subject: Nevada City Farmers Market Street Closure Request

Recommendation: Review and authorize Nevada City Farmers Market street closure request per application.

Action: Motion by Strawser, seconded by Bergman to approve Consent Calendar as presented.

(Approved 5 - 0)

4. APPROVAL OF ACTION MINUTES:

- A. City Council Meeting – City Council Meeting – February 24, 2016

Action: Motion by Strawser, seconded by Phelps to approve the February 24, 2016 Minutes.
(Approved 5 - 0)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. **Subject:** 2nd Quarter Financial Update, Fiscal year (fy) 15/16
Recommendation: Receive and file

Action:
Information Only.

- B. **Subject:** City of Nevada City Budget Calendar 2016-2017
Recommendation: Review and approve the attached budget calendar with recommended operating and capital budget preparation schedule for fiscal year 2016-2017.

Action: Direction was provided to City Staff to schedule the fiscal year 2016-2017 Budget Workshop on May 18, 2016.

6. PUBLIC HEARINGS:

- A. **Subject:** Hosted Short-term Rental Registration Fee and Good Neighbor Policy
Recommendation: Pass 1) Resolution 2016-XX adopting a processing fee for reviewing registration forms for hosted short-term rentals; and 2) Resolution 2016-XX adopting a “Good Neighbor Policy” to be distributed to renters of hosted short-term rental units.

Action: Motion by Strawser, seconded by Phelps to approve Resolution 2016-12 adopting a processing fee for hosted short-term rentals with staff to review cost of renewal after one year.
(Approved 3 – 2, AYES Phelps, Strawser, Bergman, NOES Ray, Andersen)

Action: Motion by Strawser, seconded by Phelps to approve Resolution 2016-13 adopting a “Good Neighbor Policy” to be distributed to renters of hosted short-term rental units.
(Approved 3 – 2, AYES Phelps, Strawser, Bergman, NOES Ray, Andersen)

7. OLD BUSINESS:

- A. **Subject:** Proposed Three-Month Designated Smoking Area Pilot Project
Recommendation: Approve three-month designated smoking area pilot project in the Commercial Street Parking Lot.

Action: Motion by Strawser, seconded by Andersen to approve a three-month designated smoking area pilot project in the Commercial Street Parking Lot.
(Approved 5 - 0)

B. Subject: Robinson Plaza Tables and Chairs

Recommendation: 1) Find the project categorically exempt pursuant to CEQA Guideline §15301; and 2) Approve the design and placement of permanent table and chair units at Robinson Plaza.

Action: Motion by Strawser, seconded by Phelps to find the project categorically exempt pursuant to CEQA Guideline §15301.

(Approved 5 - 0)

Action: Motion by Strawser, seconded by Phelps to approve the design and placement of table and chair units at Robinson Plaza.

(Approved 3 – 2 AYES Phelps, Strawser, Bergman, NOES Ray, Andersen)

8. NEW BUSINESS:

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER'S REPORT:

City Manager Prestwich announced that the annual Community Cleanup event will be held April 16 at Pioneer Park between 9:00 a.m. – 2:00 p.m.

Police Chief Foley announced a volunteer Spring Clean-up event will be held April 18-19.

12. ADJOURNMENT – 8:21 pm

Jennifer Ray, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: Memorial Bench Request for Pioneer Park

RECOMMENDATION: Approve a bench with plaque to be placed in memory of Dr. Galen Martin at Pioneer Park.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION:

The family of Dr. Galen Martin, a Nevada City resident and well liked community doctor, would like to place a bench in his memory at Pioneer Park. All funds for the bench and plaque will be provided by those making the request.

The City updated and adopted the Policy for Placement of Items in City Parks & Open Space on December 9, 2015. Appendix B shows the recommended locations for benches at Pioneer Park. The family has chosen one of the recommended locations that provides a view of the Bandshell where he enjoy doing Tai Chi and attending concerts.

The family has made the following request for wording on the plaque:

In loving memory of
Dr. Galen A. Martin
1946-2015

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: None

ATTACHMENTS:

- ✓ Memorial Placement Request Form
- ✓ Policy for Placement of Items in City Parks & Open Space
- ✓ Photo of recommended bench location

**City of Nevada City
Memorial Placement Request**

This form is intended to collect all necessary information from an individual, family or organization who would like to place an item on City owned property as a memorial. All memorials, materials needed and labor must be funded by the person, family or organization making the request. The information on page one may be viewed by the public if presented at a public meeting. The information on page two will only be viewed by City staff.

Contact Name: Janine Martin

Item that you would like to have placed on City property (ie: bench, tree): _____

bench with plaque

Location where you would like the item placed: Pioneer Park near
bandshell

Person being honored by memorial: Dr. Galen A. Martin

Significance of this location: Where he walked, did Tai Chi,
attended concerts and raised our children
at the pool & playground.

Amount of funding you have available for this project: \$ 300 - \$ 800

I am requesting to place a plaque with my memorial

Wording that will go on the plaque: In loving memory of
Dr. Galen A. Martin (1946-2015)

City of Nevada City
Parks & Recreation Department
Policy for Placement of Items in City Parks and Open Space
Adopted September 25, 2013
Updated December 2015

This policy was created to insure that the parks and open space areas owned by the City of Nevada City are preserved in such a way that they remain well maintained, open and usable for our current and future residents and visitors.

While memorials and new amenities may enrich a park experience for park users, public open space is also a very precious commodity, and new memorials, amenities and facilities should be carefully reviewed to balance these two public benefits to protect the greater good. Any new structures should represent community values, and be mindful of future generations.

Maintenance concerns should be a primary consideration, with adequate provision made for continued future maintenance. Durable materials should be used to stand up over time. The City also wants to insure that no one park or space reaches a saturation point. Therefore, within this policy, placement of memorials has been limited to specific locations.

Improvements made in public spaces become the property of the public.

The policies and processes provided herein should be followed prior to any new structure, play equipment, benches, facility, etc. being placed in a Nevada City park or open space owned and operated by the City.

Any person or organization requesting to place, fund or construct a new amenity in a City park or open space property should be directed to the Parks & Recreation Supervisor. It is assumed in the following policy and procedures that all projects are fully funded by an individual, organization or has been included in the City's budget.

Memorials:

Memorials are smaller or common items that are requested for placement in City Parks to honor a family member or friend. Examples: bench, plaque, tree, etc. Any items not fitting this description shall follow the procedures for "New or Re-constructed Facility".

Any individual or family requesting to place a memorial should complete a Memorial Placement Request Form (Appendix A). A list of options for placement of memorials has been provided in Appendix B. To take advantage of one of these memorial placements, the individual making the request will need to cover all costs for materials, installation and maintenance. Bench and plaque styles will be chosen by the City. The fee for this will be adopted by the City Council in the form of a Fee Schedule for Memorials.

If the individual would like to request a memorial that is not included on the pre-approved list, their project request will need to be presented to the City Council for approval. In addition, any requests for a tree will need to be approved by the Public Works Superintendent to insure that the type of tree will grow in this area, match the current landscaping and be located near watering lines to avoid extra maintenance needs or costs.

Placement of benches along Hirschman and the Environs Trail is managed by the Bear Yuba Land Trust (BYLT) within the guidelines provided by the Memorandum of Understanding (MOU) between BYLT and the City (Appendix C). There are a limited number of bench locations along the trails. A diagram of the potential bench locations can be found in Appendix C along with the agreement.

Memorial plaques shall be no larger than 12" x 12" with lettering no larger than 1". Wording for all plaques must be approved by City Council.

Memorials Placed Prior to the 2015 Updated Adoption of this Policy

Placement of new items will have a fee associated with them to cover long term maintenance of the item. Items that were placed prior to the adoption of this updated policy will be maintained in the following manner:

If a bench, tree or plaque is in a state of disrepair, has been destroyed by Mother Nature or vandalism, or goes missing the following steps will be taken:

1. The person or group who donated that item will be contacted to see if they would like to fund the replacement of the item. If they would, staff will re-install the replaced item.
2. If the person or group does not want to replace the item: trees and plaques will not be replaced. Bench locations will be added to our list of available bench locations to be memorialized by another person or group.

Playground Equipment:

There is only one playground owned and operated by the City of Nevada City. It is located in Pioneer Park. Most of the playground equipment has been funded by the Nevada City Lions Club. When equipment for the playground needs to be replaced or additional equipment is desired—the following steps will be taken:

1. The Parks & Recreation Supervisor will first approve the desired equipment to insure that based on installation regulations, the equipment can be placed within the boundaries of the existing playground to meet safety and ADA requirements.
2. The Public Works Superintendent will then approve the use of Public Works employees for the installation of the equipment or recommend that the equipment be installed by a professional.
3. New equipment can then be installed.

New or Re-constructed Facility:

New or re-constructed facilities include monuments, historical artifacts, Eagle Scout projects, recreational amenities, etc.

The following steps will be taken for any proposed projects on City properties.

1. A Project Proposal Submission Form (Appendix D) shall be completed.
2. The project will be presented to the Parks & Recreation Supervisor.
3. The Parks & Recreation Supervisor will then request written comments from other appropriate staff members on the project.
4. Staff comments should be addressed and then the project will be presented to the City Council for direction.

Recognition Signs:

Recognition signs have historically been placed next to Eagle Scout projects and new facilities. Any signs or plaques placed next to a facility or structure that has been donated shall fit within the following parameters:

- Signs/plaques shall be no larger than 20" x 20"
- Lettering shall be no larger than 1"
- All signs/plaques will be approved by the City Council

Wording and Language:

The wording/language that is proposed for any recognition sign, Eagle Scout project, memorial, etc. shall be approved by the City Council.

City of Nevada City Memorial Placement Request

This form is intended to collect all necessary information from an individual, family or organization who would like to place an item on City owned property as a memorial. All memorials, materials needed and labor must be funded by the person, family or organization making the request. The information on page one may be viewed by the public if presented at a public meeting. The information on page two will only be viewed by City staff.

Contact Name: _____

Item that you would like to have placed on City property (ie: bench, tree): _____

Location where you would like the item placed: _____

Person being honored by memorial: _____

Significance of this location: _____

Amount of funding you have available for this project: _____

I am requesting to place a plaque with my memorial

Wording that will go on the plaque: _____

Contact Information

Contact Name: _____

Phone #: _____ Alternate Phone #: _____

Mailing Address: _____

City, ST Zip code _____

Email Address: _____

<p>For Office Use</p> <ul style="list-style-type: none"><input type="checkbox"/> Memorial Placement Request Form completed<input type="checkbox"/> Memorial meets Appendix B approvals<input type="checkbox"/> Tree – approved by Public Works Superintendent<input type="checkbox"/> Plaque wording provided
--

MEMORIAL PLACEMENT OPTIONS

UPDATED: October 2015

Calanan Park

There are no suggested locations for memorials within the boundaries of Calanan Park. The park does not have open space for any benches and has plenty of seating at this time. If changes are considered for the park, this could be re-visited.

Environs/Tribute Trail

As noted within this document, the Environs Trail has bench locations available. The Bear Yuba Land Trust will work with individuals interested in these locations. Memorial benches will only be placed as noted in Appendix C.

No memorial locations are recommended for the section of trail from Champion Mine Rd. to the NID ditch.

Hirschman Pond Property/Trail

As noted within this document, Hirschman's Pond has bench locations available. The Bear Yuba Land Trust will work with individuals interested in these locations. Memorial benches will only be placed as noted in Appendix C.

Miners Trail

No memorials recommended.

Nevada Mine/Stiles Mill

Due to the Brownfield's Clean-up grant that is in process at this time, no memorials are suggested for this property.

Old Airport

Due to the un-developed nature of this property, no memorials are recommended at this location.

Penzance Park

No memorials recommended.

Pioneer Park

A map of Pioneer Park is attached with recommended bench locations. These benches can be memorials or donations from an individual or organization.

Robinson Plaza

No memorials recommended.

Sugarloaf Mountain

Three bench locations have been approved for this location and have already been approved for installation.



Existing Benches (some dots may represent 2 benches)

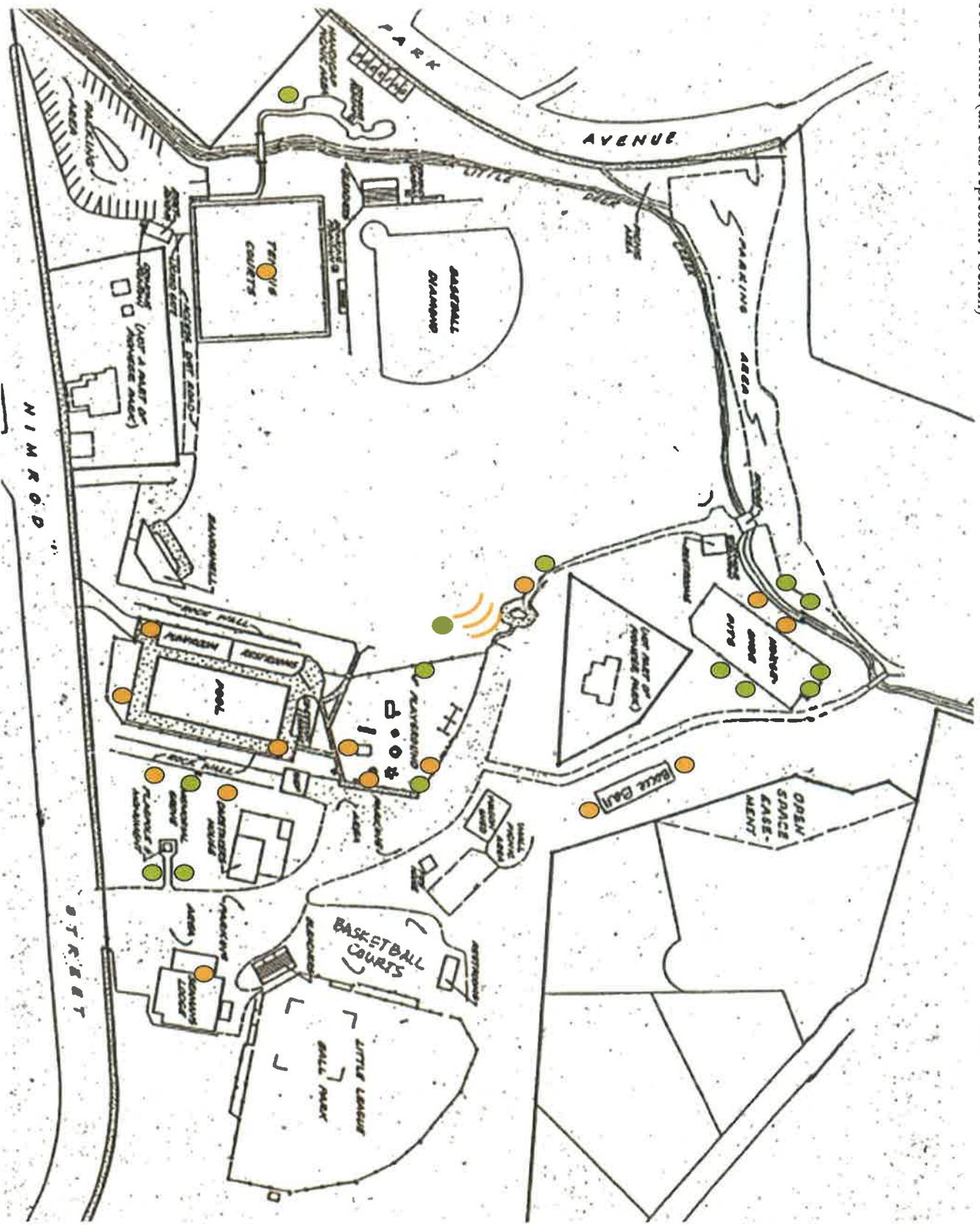


Existing Benches (amphitheater)



Proposed Benches (all dots represent 1 bench)

Pioneer Park Bench Locations



MEMORANDUM OF UNDERSTANDING
CITY OF NEVADA CITY, CALIFORNIA
AND
NEVADA COUNTY LAND TRUST
FOR
TRAIL CONSTRUCTION AND MAINTENANCE

Introduction

This Memorandum of Understanding (MOU) describes the relationship between the City of Nevada City, a public entity, hereinafter referred to as "City", and the Bear Yuba Land Trust, a private, non-profit group, hereinafter referred to as "BYLT", in their joint efforts to provide non-motorized public trails within the sphere of influence of the City.

WITNESSETH

WHEREAS, the BYLT has been operating since 1991 and is a member supported group promoting voluntary conservation of Nevada County's natural, historical, and agricultural resources through protection and enhancement of trails, parks, and open spaces to provide a lasting community heritage; and

WHEREAS, the goals of BYLT are accomplished by acquiring land, conservation easements, and development rights by donation, purchase and other means through voluntary, private action; and

WHEREAS, BYLT was the lead agency responsible for the construction of several trails in western Nevada County; and

WHEREAS, the City recognizes that one of the essential elements of enhancing the quality of life in the City is the construction of parks, recreation programs and facilities, open space and trails; and

WHEREAS, the City has or will obtain public land where trails are proposed and/or planned; and

WHEREAS, the City supports trail development that links park facilities, neighborhoods, schools and other community facilities; and

WHEREAS, it is mutually beneficial for the City and BYLT to collaborate in the development, operation, and maintenance of non-motorized trails,

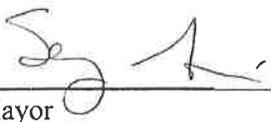
NOW, THEREFORE, in consideration of the above recitals, the parties agree as follows:

1. To establish the procedure and responsibility for accomplishing the location, design, construction, operation and maintenance of trails on land owned by the City of Nevada City.
2. In concept BYLT agrees to:
 - A. Provide assistance to the designated City representative to plan trail alignments on City property.
 - B. Prepare project descriptions suitable for CEQA review.

- C. Secure easements from private landowners for trail segments to be built over private land that provides connections to City property.
 - D. Secure grants and private funding to purchase service of contractors to construct the trail(s).
 - E. Organize and supervise volunteers to assist in the construction of trails.
 - F. Manage a trail adoption program for trails as agreed to by the City.
3. In concept the City agrees to:
- A. Insure that each project complies with CEQA, the City's General Plan, Parks and Recreation Master Plans and any other applicable laws, regulations, and permitting requirements.
 - B. Provide BYLT with written approval and assist with obtaining encroachment permits for trails constructed on city property.
 - C. Provide assistance in the construction of the trail using the City's equipment, personnel, and funds to the extent they are available and agreed upon through the budget process.
 - D. Reimburse BYLT for services provided in accordance with terms of contract or purchase agreements executed by both parties.
4. Both Parties agree to:
- A. Only proceed with a project when a letter of agreement has been received and signed by both parties describing the details of a specific project.
 - B. Carry out all of their responsibilities under this agreement in a timely fashion, and to the extent possible, will do nothing to jeopardize the cooperation and goodwill of any willing donors, grantors, volunteers or other members of the public.
 - C. Consult with the other party before preparing any information about the trail project for public distribution.
 - D. Provide a designated representative to carry out the terms of this MOU. The designated representative for the City shall be Dawn Zydonis, Nevada City Parks & Recreation Supervisor; and the designated representative for BYLT shall be Bill Haire, Trails Coordinator.
 - E. Termination of this agreement may be initiated by either party and will be effective upon delivery of written notice the other party by the signer of this agreement.
 - F. Two originals signed this 14th day of August, 2013 in Nevada City, CA.

CITY OF NEVADA CITY

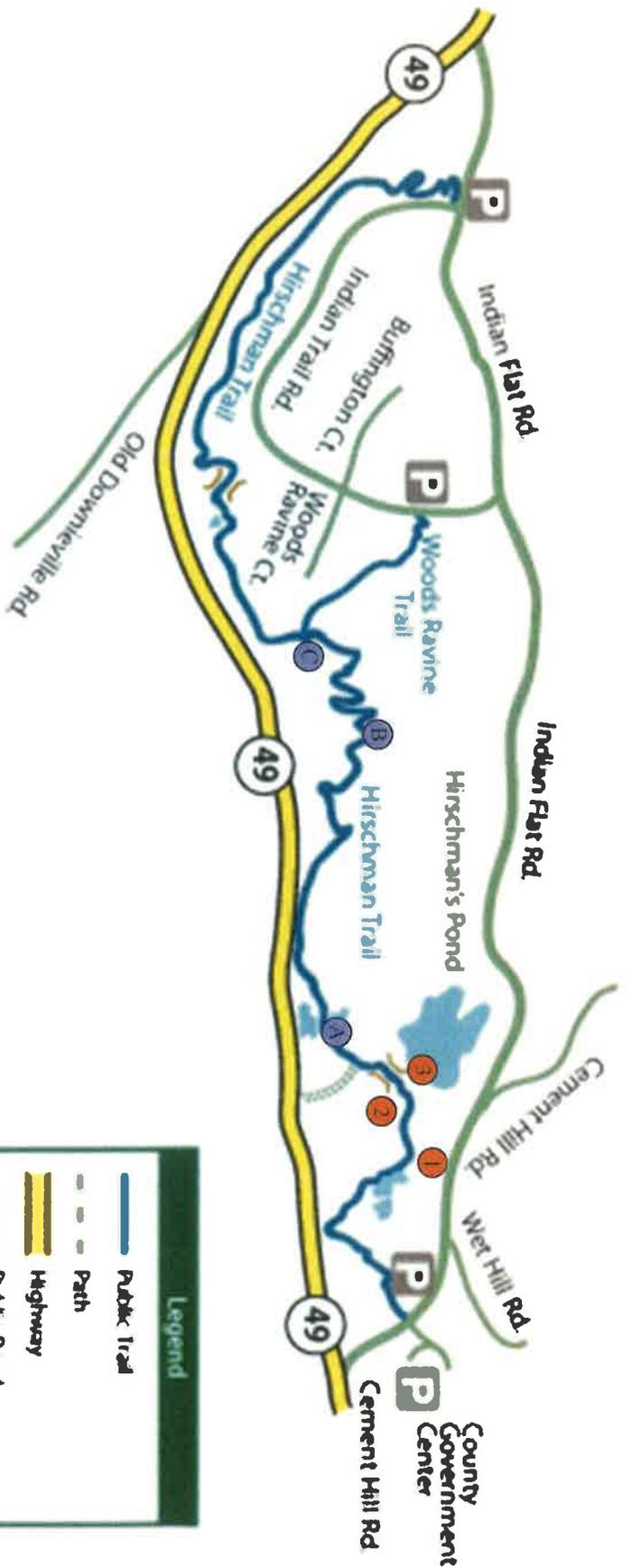
BEAR YUBA LAND TRUST



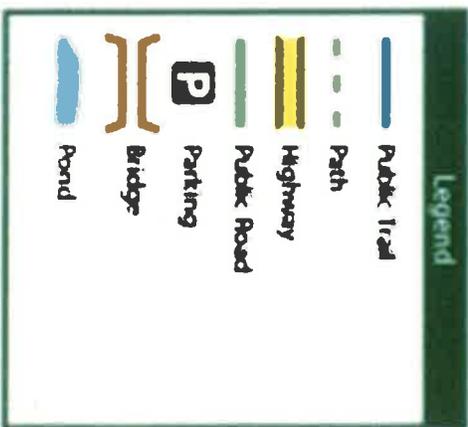
 Mayor
 Sally Harris



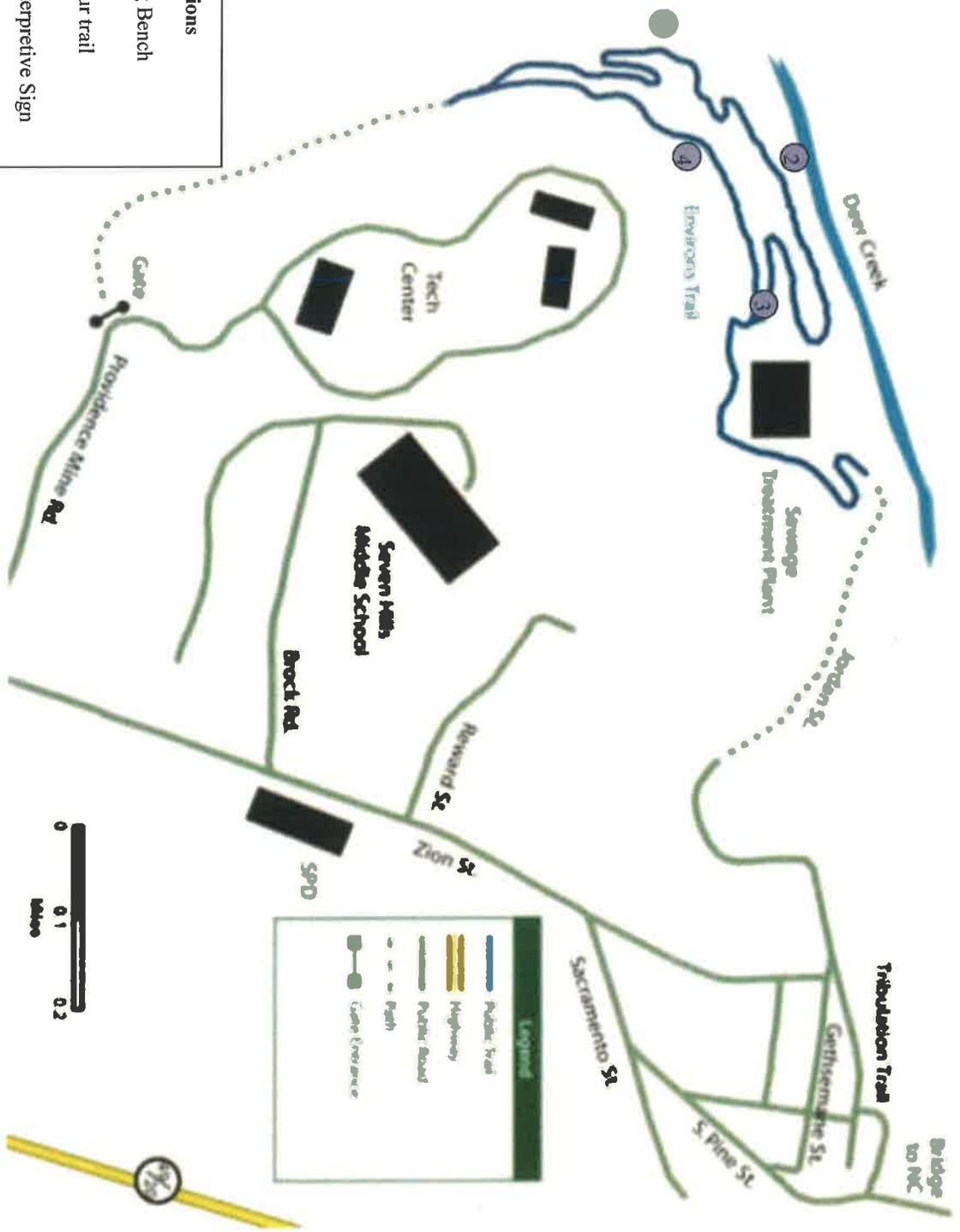
 President
 Joe Byrne



- Current Bench Locations**
- 1 Memorial Bench
 - 2 Memorial Bench
 - 3 Next to the Pond
 - 4 After hiking out of Woods Ravine
- Available Bench Locations**
- Near the first bridge past the pond
 - At the Woods Ravine Trail



- Bench Locations**
- Existing Bench
 - Near spur trail
 - Near Interpretive Sign
 - Near Interpretive Sign





City of Nevada City
Proposed Project Submission

The purpose of this form is to communicate with the City about a project that is being proposed on City property, needs City administration or requests City partnership. The City Manager will review and provide direction about how to proceed with the project proposal. A list of City processes and timelines is included at the bottom of this form. This form is to be submitted to the City Manager (City Hall, 317 Broad St, Nevada City, CA 95959). Allow at least 2 weeks for the City Manager to respond.

Applicant/Organization Information

Applicant/Organization: _____

Contact person: _____

Phone #: _____ email: _____

List any other parties/organizations involved in the project: _____

Project Information

Project Title: _____

Briefly describe the project (A more detailed description of the project may be required at a later date.):

Describe how the project needs City involvement (ie: on City property, need the City to be the fiscal lead, etc). _____

Describe how the project will benefit the City, its residents and/or the community? _____

List efforts undertaken to gather public opinion and community support: _____

Type of Support Needed from the City:

- 1. Letter of Support YES NO
- 2. # of staff hours per month _____
 Dates/duration of project that this staff time is needed: _____
- 3. Other: _____
- 4. Other: _____

Funding Sources:

- a. Total cost of the project: _____
- b. Amount provided by organization: _____
- c. Amount requested from City: _____

(OVER)

- d. Amount provided by Grant funds: _____
 What grant is the organization planning to apply for? _____

 Attach a copy of the Grant Application Packet or a website address to the information: _____

- e. What maintenance is required once the project is complete? _____

 Is there future funding available for maintenance of the project? Explain: _____

City Process:

Once your form is submitted to the City Manager, the following steps may occur.

- a. A staff member may be assigned as the Project Manager.
- b. The information distributed to City Staff for comments. This process can take 2-3 weeks for staff to return comments and/or conditions. In addition, if it is determined that the project requires environmental review, that process can take up to 3 months.
- c. Presentation to City Council for direction/approval of the project. The City Council only meets the 2nd and 4th Wednesday of each month. Agenda items must be prepared and turned in to City Hall in advance. Placement on any council agenda is determined by the City Manager.
- d. The City may require deposits or fees be paid for staff time in reviewing and implementing projects or grants.
- e. Projects may need to be presented to the Recreation Committee or Planning Commission. These bodies meet once each month.
- f. Some projects may require a signed Agreement or Memorandum of Understanding (MOU) between the City and the Organization.
- g. A monthly written status report from the organization may be required during the planning and implementation process.

FOR CITY HALL USE		
Is the project a priority for the City?	YES	NO
Explain: _____ _____		
Is the project on the City's... <ul style="list-style-type: none"> <input type="radio"/> Capital Improvement Project List (CIP) <input type="radio"/> General Plan <input type="radio"/> A Master Plan (Pioneer Park, Hirschman's, etc): _____ <input type="radio"/> Strategic Plan <input type="radio"/> Other: _____ 		
Does the project match the City's Mission/Vision?	YES	NO
Explain: _____ _____		
Would the project interfere with another project that is on the CIP?	YES	NO
Explain: _____ _____		
Staff member assigned as Project Manager: _____		



Proposed bench location for Dr. Galen Martin

REPORT TO CITY COUNCIL

March 30, 2016

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

TITLE: Appeal of Planning Commission Decision to Deny the Architectural Review Application of Charlotte Dewar to Construct a Front Entry Façade on the Accessory Building located at 254 Boulder Street

RECOMMENDATION:

1. After holding a public hearing, Council shall make a decision whether to uphold, overturn or modify the Planning Commission decision to deny the Architectural Review Application.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

The Planning Commission first heard the Architectural Review proposal by Ms. Dewar to construct a front entry façade on the accessory structure at their July 16, 2015 meeting. The subject entry façade was proposed on an accessory structure originally constructed in the 1960's. The submittal included stone piers salvaged from the original building's foundation, exposed wood posts and beams in a style that was consistent with the existing door and window treatments. The accessory structure is setback from the street a distance of approximately 200-feet. The structure currently supports a meditation and exercise studio for the owner's personal use.

At the July meeting, Commissioners expressed concern that the details were too ornate and that the façade did not fit in with Mother Lode architecture. The Planning Commission voted to continue the review of the application until such time the applicant was able to revise the design in a manner that was more in keeping with the City's architectural standards and Design Guidelines.

PLANNING COMMISSION DENIAL:

On September 17, 2015, the Planning Commission reviewed a revised proposal by the applicant, which displayed fewer architectural details. Specifically, the applicant removed lattice infill details, horizontal iron bands around the posts, and decorative corbel details beneath the wood beam. Commissioners expressed dismay that the revised submittal was too similar to the original proposal. The Commission voted 4-1 (Commissioner Croul provided the dissenting vote) to make a motion of intent to deny the application at such time that staff was able to prepare appropriate denial findings.

On February 18, 2016, the Planning Commission reviewed denial findings prepared by staff which were intended to reflect the Commission's determination at the previous meeting. The Commission voted 5-0 to deny the Architectural Review application based on the following findings:

1. Charlotte Dewar-Xu as owner submitted a proposal to remodel the front entry façade to an accessory building located on property at 254 Boulder Street by adding wooden beams and rafters, a new front stone wall with reclaimed

materials, and a matching roof that would protect a doorway from weather damage.

2. The building was constructed in 1960, but is located on the same property as the historic Martin Luther Marsh House built and occupied by one of the city's founding families. The Marsh house is on the National Register of Historic Places in Nevada County and is a prime example of Nevada City architecture of the Mother Lode type that has remained virtually unaltered in outward appearance since its construction in the late 1800s.
3. Although the property is outside the Historical District, as the Design Guidelines point out, accessory buildings should be designed to fit the character of the neighborhood and they should be compatible with the primary structure. The Marsh House is a building of special historical and architectural interest and value and the context of the neighborhood primarily reflects the Mother Lode type of architecture that the City seeks to preserve, protect and enhance. The property is very visible on one of the major streets entering downtown Nevada City.
4. Even after being afforded an opportunity to present revised plans that are more in keeping with the City's architectural standards and Design Guidelines, the proposed remodel as revised similarly contained design details more Craftsman-style as opposed Mother Lode in style to such an extent that it appears to be inconsistent and in conflict with the Mother-Lode style of the neighborhood in general and of the principal Marsh House in particular.
5. A more compatible design for the entry façade for the accessory structure would be practical and desirable to further the goals of the City General Plan to preserve the historic character of Nevada City architecture, especially in terms of style, general design, details, and historic values.

APPEAL:

The applicant timely filed a request to appeal the decision of the Planning Commission on March 2, 2016. Ms. Dewar states that she provided a redesigned and simplified plan as requested. She further states that the redesign attempted to be consistent with the "Arts and Crafts" style of other residences in the neighborhood and that it also was intended to reflect the style of the interior renovations of the meditation hall. The façade is necessary to protect the entrance doors from the outside elements. She requests that the City Council overturn the Planning Commission's decision to deny the revised front entry façade proposal.

STAFF RECOMMENDATION

Staff recommends the following options for motions that may be made in response to the appeal request:

Motion to Overturn/Modify

1. In overturning and approving the revised Architectural Review application, as conditioned, for the proposed construction of the front entry façade of the accessory building located at 254 Boulder Avenue, Nevada City, CA, the City Council finds:

- a. that the entry facade is generally compatible with Nevada City's style of architecture; and
- b. that the entry facade is compatible with the context of the surrounding neighborhood.

RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to issuance of a building permit for the front facade, the applicant shall submit three sets of plans, along with the review fee of \$80 to the City Planner for review, approval. Once stamped, the applicant can proceed to the Building Department for permit issuance.

Motion to Uphold

1. In upholding the Planning Commission's decision to deny the Architectural Review application for the proposed construction of the front entry facade of the accessory building located at 254 Boulder Avenue, Nevada City, CA, the City Council finds:
 - a. that the entry facade is not generally compatible with Nevada City's style of architecture; and
 - b. that the entry facade is not compatible with the context of the surrounding neighborhood.

ENVIRONMENTAL CONSIDERATIONS: Because structures accessory to a residence meet criteria in the R1 zoning designation, as an allowed use on the property, local authority can only be ministerial in nature. Sections 21080 of the Public Resource Code, of the California Environmental Quality Act (CEQA), exempts ministerial projects from environmental review.

FINANCIAL CONSIDERATIONS: None

ATTACHMENTS:

- Exhibit A – Appeal Form
- Exhibit B – Original Design Elevations
- Exhibit C – Revised Design Elevations
- Exhibit D – Excerpt Minutes: July 16, 2015
- Exhibit E – Excerpt Minutes: September 17, 2015
- Exhibit F – Excerpt Minutes: February 18, 2016
- Exhibit G – Photos of Subject Structure

Check 10
2397

\$400
3/2/2016

CITY OF NEVADA CITY
CITY COUNCIL

Any applicant or interested party may file an appeal with the City Council requesting review of any final action taken by the Planning Commission. Such appeal shall be filed with the Deputy City Clerk within fifteen (15) calendar days from the date of the decision. Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the City Council's initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the City Council has acted upon the appeal.

I. APPEAL:

I/We, the undersigned, hereby appeal the decision of the Planning Commission, regarding:

Charlotte Dewar 2/18/2016
Name of Application Date of Decision

List Planning Commission action taken: Denial of porch architectural plan for the Yoga/Meditation Hall

II. STATEMENT OF THE REASONS FOR THE APPEAL:

The architectural plan for the front porch of my newly renovated Yoga/Meditation Hall is to protect the beautiful gate as well as adding charm & elegance to the current bare wall. This plan was redesigned & simplified after my initial plan was rejected.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

The old barn was built in the 60's. The style we restored to is "Art & Craft" of 20's & 30's America. Many houses on my street carry this style. It fits the theme of the Japanese/Chinese Temple style of the interior design, an elegant restoration that is calming & pleasing.

To: Amy

APPEAL FORM
PAGE TWO

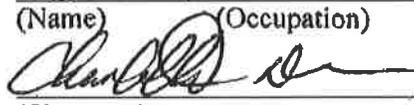
IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE CITY

COUNCIL: see first page

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPLICANT: _____

see first page

VI. IDENTIFICATION OF THE APPELLANT

<u>Charlotte Dewar, President</u>	<u>4708989</u>
(Name) (Occupation) (Mailing Address)	(Telephone #)
<u></u>	<u>254 Boulder St. NC.</u>
(Signature)	(Date)
_____ (Name - Representative)	_____ (Mailing Address)
_____ (Telephone #)	

FOR OFFICE USE ONLY

<u>\$400</u>	<u>3/2/2016</u>	<u>A. Wilson</u>
Filing Fee	Date Filed	Received by

Appeal form to be returned to: Deputy City Clerk, CITY OF NEVADA CITY,
317 Broad Street, Nevada City, CA 95959

Architectural Review -Outside Historical District

1. 254 Boulder Street – Charlotte Dewar-Xu, Owner – Architectural Review Application proposing remodel of the front entry facade to a building on the property constructed in 1960. Remodel proposes adding wooden beams and rafters, new front stone wall reclaimed from the existing barn side porch and matching roofing materials of other structures on the site.

Charlotte Dewar was present and reviewed the proposed remodel to the front facade of the building. She provided photographs of the existing doorway which has been damaged by weather and a front roof will protect the doors.

Vice-Chair Croul opened the meeting for public comment. None noted.

The Commissioners reviewed the plans and Commissioner Lauters stated it is an attractive porch, however his concern is the architectural style which he did not feel met the 'mother-lode era' style of Nevada City and it may conflict with the Design Guidelines.

Commissioner Meek discussed the design, also feeling it did not meet the Design Guidelines which ensure that accessory buildings should be in keeping with the other buildings on the site.

Commissioner Parent felt the design was out of keeping with the home on the site and the area.

Vice-Chair Croul discussed the details and it was agreed that the size and mass is in keeping with the plain front facade of the building, but perhaps the details needed to reflect more mother-lode era architecture.

Commissioner Lauters questioned the design details, specifically the notched ends. He felt the pitch of the roof is compliant.

Ms. Dewar discussed the age of the building and Planner Siegfried also stated the building was constructed in 1960 as a barn, but has been used as a residence and is currently used as a meditation hall.

Vice-Chair Croul agreed that the details were out of keeping and too ornate with the plain front.

The Commission discussed recommendations and it was agreed to continue the matter to allow the applicant to return with revised designs for the front, based on the members' comments and recommendations.

MOTION by Parent, Second by Lauters to continue the application to a future Planning Commission to allow the applicant to present revised plans that are more in keeping with the City's architectural standards and Design Guidelines. VOTE: 3-1 (No: Meek).

ARCHITECTURAL REVIEW (Outside Historical District)

1. **254 Boulder Street – Charlotte Dewar-Xu, Owner** – Architectural Review application for the re-review of a proposed remodel of the front entry façade to an accessory building as continued from the July 16, 2015 planning commission meeting.

Ms. Charlotte Dewar, applicant and property owner, was present.

Planner Wolfson introduced the project, noting that it had previously come before the Commission and that this was a continuation from the July 16 meeting. The Commission had asked that the applicant prepare a design that was less ornate. The current design eliminates lattice details and iron bands and overall presents a simpler form than the previous design.

Applicant Dewar indicated that the architect was concerned about the redesign request because the plan was already simplified and had been reluctant to remove additional details. She advised that she intended to work with the Commission and asked that he further simplify the design.

Chair Croul opened up the meeting for any public testimony;

Neil Locke, City Clerk provided testimony regarding the removal of the original door and other exterior alterations that have taken place to the residence and stated that alterations such as this are required to come before the Commission.

Chair Croul closed the public hearing and reminded the commission and the applicant that the project before them was not the residence;

Vice Chair Meek read an excerpt from August 16, 1982 Lodi News Sentinel regarding the Marsh Christie House and its historic value to the community and noted that she interprets design guidelines to mean accessory buildings should not compete architecturally with the main structure. The changes on the barn face should preserve the façade in what little remaining simplicity exists.

Commissioner Parent indicated the Commission has heard from the applicant several times and that the proposal today demonstrates disrespect. The proposal is too similar to the design previously reviewed by the Commission. He expressed his dismay for the unpermitted alterations of both the accessory structure and the residential structure.

Commissioner Lauters indicated that he had expected a drastically different design from the previous design and that the applicant disregarded the Commission's direction regarding the inappropriateness of the original design. Neighboring structures do not represent craftsman style architectural. The design is out of context with itself and with neighboring buildings. The design before the commission is too similar to the previous design.

Commissioner Thiem. Indicated that he was not present at the July 16 meeting and was not in a position to know what the direction was for the applicant at that time. He feels it may be still be too ornate for its original use as a barn and should be less of an architectural statement and more a historical statement appropriate to the original barn use.

Chair Croul indicated that he felt the design of the studio entryway met the expectations of the Commissioners last request and was an improvement from the previous design. He asked for clarification on the step shown on the plans. Discussion ensued amongst the members and the applicant. The record clarified that the feature under discussion is not a step, but a decorative wall feature and that entry is from the side of the façade. Croul feels the façade design achieves the purpose of protecting the door and feels it relates well to the other features of the structure. The façade as proposed will emphasize the function as the front of the structure. The current face of the structure does not read as craftsman style and that a shed roof might be a better fit. Overall, it does provide the function and feels the design is appropriate.

Discussion ensued regarding the potential actions that could be taken to either deny or continue the item. The consensus was that the applicant was not interested in a fundamental redesign of the façade and that a motion of intent to deny the application would be the most appropriate route.

September 17, 2015 PC
Page 2 of 2

MOTION by Thiem, Second by Meek and Carried to make a motion of intent to deny the architectural review application for the front entry façade at 254 Boulder Street, subject to findings to be prepared by staff: Vote: 4-1; Planner Wolfson indicated that she would work with the applicant and the Commission to come up with an appropriate date to bring the findings before the Commission since the applicant would be out of the Country for the October hearing.

The Applicant expressed her passion and love for the property. She indicated that much work and money went into rehabilitating the main residence and that any physical alteration was done in an effort to save it from its dilapidated state and with much passion and love for the property. The barn restoration has been influenced from ancient Chinese architecture. She wishes the Commission could be more supportive of her effort.

DENIAL FINDINGS

1. **254 Boulder Street – Charlotte Dewar-Xu, Owner** – Denial Findings for the Architectural Review application heard before the Commission on September 17, 2015

Discussion: Planner Wolfson discussed history of the proposed porch façade. Ms. Dewar indicated that everyone has the same spirit of support for the Marsh House and Nevada City history but asks that the Commission take into account the uniqueness of the owners that currently inhabit these historical spaces. Ms. Dewar expressed that the facade design will be harmonious with the current use of the building as a meditation room. B. Croul clarified that the Commission’s charge is to ensure that the exterior appearance be consistent with the period, with the residence, and with the surrounding neighborhood.

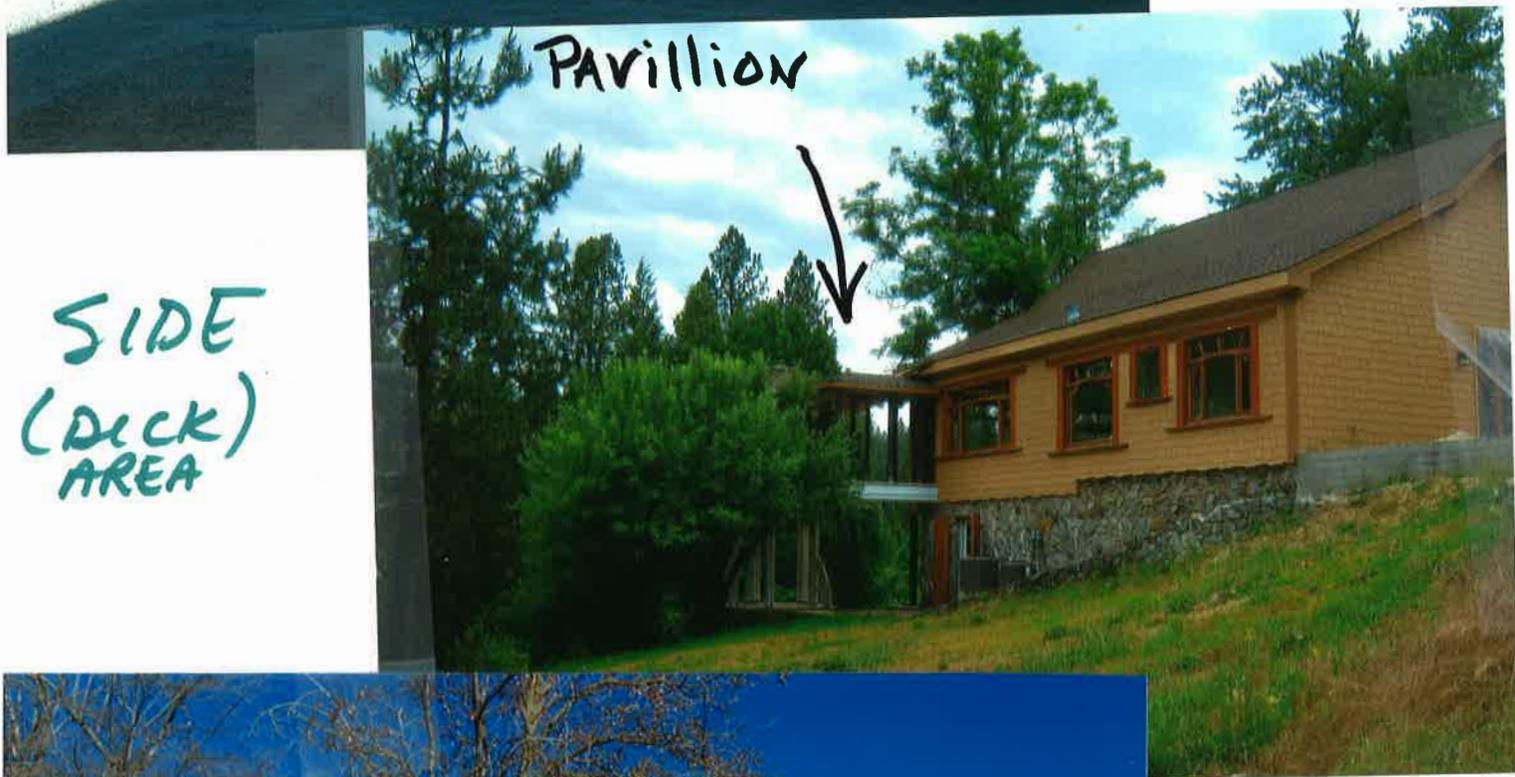
Motion by P. Meek to deny the remodel of the front entry façade making findings 1-5 outlined in the staff report

Seconded by D. Thiem

Vote: 5/0, motion carries



FRONT



PAVILLION

SIDE
(DICK)
AREA



REAR

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: An Ordinance of the City of Nevada City Imposing a 3/8 of 1% Transactions and Use Tax for Special Purposes (First Reading / Requires 4/5^{ths} Vote)

RECOMMENDATION: Hold a public hearing and first reading of a proposed Special Tax Ordinance imposing a 3/8 of 1% Transactions and Use Tax for Special Purposes effective upon voter approval.

CONTACT: Mark Prestwich, City Manager

BACKGROUND/DISCUSSION: In late 2014, the Nevada County Consolidated Fire District (NCCFD) notified the City of Nevada City that they intended to end an 11-year co-staffing relationship of providing three firefighters to Nevada City's Fire Station 54 on Providence Mine Road on April 19, 2015. The notice caused the City to search for ways to keep Station 54 open so that it could meet Nevada City's fire protection and emergency services needs and continue to participate in mutual aid agreements with Grass Valley and NCCFD.

When the NCCFD removed their three personnel on April 19, 2015, rather than close Station 54, the City held an administrative position vacant temporarily and instead funded a 4th firefighter position allowing the City to operate two of its three 48-hour shifts without adding new additional costs. The City then implemented a rotating brown-out of the "C" shift while awaiting word on a federal grant request it submitted to temporarily pay for the replacement firefighters until a subsequent sustainable funding source could be secured.

While it was anticipated the service impact would be minimal on brown-out days given the proximity of Consolidated Fire Station 84 adjacent to Nevada City, a review of service calls on the 28 days Station 54's "C" shift was browned-out indicates average response times increased by nearly two minutes when the station was browned out. Of critical concern was the fact that service level responses failed to meet National Fire Protection Association (NFPA)'s standard response time of 5:00 minutes at least 90% of the time. On brown-out days, response times for service calls that Station 54 would have taken had it been operational averaged 6:43, more than 1 minute and forty seconds slower than NFPA standards. In 2014, average emergency response times for Station 54 were 4:06.

Due to safety concerns related to response times, extended drought conditions, as well as the City's preparedness entering an anticipated dangerous fire season, the City Council authorized the use of Measure L funds to hire two limited-term firefighter positions to eliminate the rotating brown-out. However, because Measure L is a temporary 3/8 cent general purpose sales tax measure that expires March 31, 2018, the City Council agreed to develop a sales tax proposal for a future ballot to provide a sustainable funding needed to ensure operational continuity of Station 54 into the future.

On January 13, 2016, after a series of City Council discussions about the preferred type and timing of a sales tax, the City Council provided direction to prepare a 3/8 cent Special Tax Ordinance for the November 2016 ballot that specifically dedicates revenue received to services provided.

The proposed Special Tax Ordinance will provide the sustainable funding needed to address the staffing challenges described above. The measure will also provide funding for a new full-time Police Officer dedicated to patrol and crime prevention services to address unmet needs of the department. An expenditure plan for a typical year is included as an Appendix to the Ordinance. The City estimates the sales tax will provide annual revenues of approximately \$432,000 in fiscal year 2016/17. As noted above, all proceeds from the measure are required to be used exclusively for City Fire and Police services. Further, the ordinance includes a requirement that the City Council establish a citizens oversight committee to review the revenue and expenditure of funds for accountability purposes. A 4/5 vote is required to place the measure on the November 8, 2016 ballot and the measure must be approved by at least two-thirds of voters.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FINANCIAL CONSIDERATIONS: California state law authorizes cities to seek voter approval of transaction and use taxes in multiples of 0.125 percent so long as the combined transaction and use taxes do not exceed two percent. It is estimated that non-City residents generate more than 60% of Nevada City sales tax revenues.

The proposed measure will provide annual revenues of approximately \$432,000 in fiscal year 2016/17. Pursuant to the proposed expenditure plan, approximately \$275,000 will be used for fund three firefighter positions and approximately \$120,000 will be used to fund a Police Officer position. Any remaining resources shall be allocated for Fire and Police equipment, training and facility maintenance expenses.

ATTACHMENTS:

- ✓ Appendix A
- ✓ Draft Ordinance

Appendix A – Importance of Station 54 to the Joint Operational Area

For more than 11 years, Nevada City's Fire Station 54 on Providence Mine Road was co-staffed by the Nevada County Consolidated Fire District and Nevada City. Each agency provided three firefighters to the City-built and equipped station; the City paid for three additional interns that completed staffing and facilitated the ability to deliver fire services cost-effectively. The station is one of seven stations in a Joint Operational Area (JOA) that includes Grass Valley, along with Nevada City and the Consolidated Fire District. By working together, the agencies maximize coverage area and improve response times.

One of the reasons Station 54 is so important to the JOA is the fact that it provides service on behalf of each of the three JOA agencies. If Station 54 were to close permanently, existing call volumes would shift to adjoining stations making those stations even busier. As those stations become busier, the chances of having the appropriate response apparatus available at scene within emergency response standards declines as evidenced by the City's experience during the rotating brown-outs. For example, some emergency events like fires and vehicle accidents require a two engine response, meaning fire engines from two stations respond to the scene. In a scenario with Station 54 closed, the responding engines must come from farther away. If more than 600 annual calls for service were added to Consolidated Fire District's Station 84 and Grass Valley's Station 2 in a scenario with Station 54 closed, that would mean those stations are more likely to be burdened with another call when a second engine response is needed. That is particularly true for Grass Valley's Station 2, as it is already the busiest JOA fire station with over 2,000 calls for service annually (considered a high volume station).

ORDINANCE NO. 2016-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES ORDAIN AS FOLLOWS:

Section 1. TITLE. This ordinance shall be known as the Nevada City Fire and Police Transactions and Use Tax Ordinance. The City of Nevada City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 3/8 of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 3/8 of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. CITIZENS OVERSIGHT COMMITTEE. Although not otherwise required by law, the city council shall, by resolution adopted before the operative date of this ordinance, establish a citizens oversight committee to review the revenue and expenditure of funds from the tax adopted by this ordinance. The members' terms and qualifications, and duties and scope of the committee, shall be as established by the resolution.

Section 15. INDEPENDENT ANNUAL AUDIT. The proceeds resulting from this transactions and use tax shall be accounted for in a special fund and become subject to the same independent annual audit requirements as other general fund revenue. The independent auditor's report, which shall include an accounting of the revenues received and expenditures made from the transactions and use tax, will be presented annually to the City Council and made available for public review.

Section 16. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 17. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 18. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall continue indefinitely until terminated by a majority of the voters at a regularly scheduled municipal election.

Section 19. The following measure shall be placed on the ballot for the general election to be held on June 7, 2016, and the measure shall read as follows:

To ensure Nevada City's Fire Station remains operational, continues to provide essential fire protection, 9-1-1 response, and emergency medical services to the community, and to fund one additional Police Officer for dedicated patrol and crime prevention services, shall the City of Nevada City enact a three-eighths cent per one dollar transactions and use tax, with all funds to be spent locally, and subject to required annual financial audits and independent citizen oversight?

_____ YES _____ No

Section 20. All of the funds generated from this revenue source shall be restricted to use exclusively for professional fire and police protection purposes: including the operation, maintenance, and improvement of fire and police facilities within the City; maintenance, replacement, and upgrading of fire and police equipment; staffing and training of professional, career fire and police personnel and support staff; and expenditures necessary to support mutual aid from and to like agencies in other jurisdictions in time of need, and for no other purpose. It is

intended that the revenues generated will provide the resources for Nevada City to maintain and operate its own professional municipal fire and police departments to adequately provide for public safety for its residents and to participate in mutual aid arrangements with like agencies. These expenses are real and ongoing rather than one-time expenditures that could be satisfied within a set period of time, so that collection of this tax shall be ongoing, with no term or sunset provision, without any need to resubmit it to the voters, but subject to termination by a majority of the voters at a future regular municipal election called for that purpose. An Expenditure Plan has been prepared by the Nevada City Fire and Police Departments reflecting existing and anticipated expenditures currently known to be necessary to provide effective fire and police protection purposes now and when the existing general tax sunsets in 2018 and the funds raised by this ordinance will be expended in accordance with that plan. The Expenditure Plan is attached hereto and incorporated herein.

PUBLICATION: The City of Nevada City shall publish this Ordinance in The Union, a newspaper of general circulation, within 15 days of the date of its passage

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of the city of Nevada City , State of California, on _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Jennifer Ray, Mayor

Attest: _____
Niel Locke, City Clerk

I, Niel Locke, duly deputized City Clerk of the City of Nevada City, California, do hereby certify that the above is a true and correct copy of Ordinance No. 2016-XX duly passed and adopted by the City council of the City of Nevada City on the ____ day of _____, 2016.

Niel Locke, City Clerk

City of Nevada City Expenditure Plan of Anticipated Three-Eight (3/8) Cent Sales Tax Revenue

The City requires a sustainable funding source to fund three permanent firefighter positions to address a staffing shortfall that occurred in April 2015 when the Nevada County Consolidated Fire District removed three firefighters from the formerly co-staffed City Fire Station No. 54 on Providence Mine Road. The City also desires to increase sworn Police staffing to include sustainable funding for a new full-time Police Officer dedicated to patrol and crime prevention. Remaining resources shall be allocated for Police and Fire equipment, training and facility maintenance and other eligible expenses.

The City estimates the sales tax will provide annual revenues of approximately \$432,000 in fiscal year 2016/17.

Expenditure Plan for a Typical Year*

Three (3) Firefighters	\$ 275,000
One (1) Police Officer	120,000
Police/Fire Equipment, Training & Facility Maintenance	37,000
TOTAL	\$ 432,000

* Revenue and expenditure figures will adjust annually due to inflation and performance

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

March 30, 2016

TITLE: Draft 2016 Nevada City Community Survey

RECOMMENDATION: Provide direction to the City Manager.

CONTACT: Mark Prestwich, City Manager

BACKGROUND / DISCUSSION: Many cities, including Nevada City, have used community surveys to receive feedback on quality of life, satisfaction with performance in providing City services and programs, and to gather resident feedback on specific issues. This feedback is invaluable to elected officials, staff and other stakeholders for planning, resource allocation, program improvement and policy making. The City Council's adopted NCFORWARD economic strategy includes a plan to convene a community survey in 2016.

One of the first things a community must do before it conducts a survey is to agree on the answer to the question: What do we want to learn? To this end, Staff has developed a draft resident survey for the City Council's review. The survey instrument was developed by reviewing other community surveys and via staff input. The draft survey was also shared with the Nevada City Chamber of Commerce. Staff requests the City Council review the draft survey and provide feedback on any suggested additions, deletions or edits to survey questions and survey formatting.

Staff is recommending the City utilize both paper and online survey instruments to be distributed via utility bills in early May 2016. Extra copies will be made available at City Hall. Sierra Commons has volunteered to assist the City with conducting the online survey instrument. This will allow results to be tabulated in time for the annual City Council/Planning Commission goal setting process tentatively planned for late July and provide policymakers with comprehensive community input.

Following the survey and review of results, the City Council may also desire to probe some survey feedback in greater depth via focus groups.

ENVIRONMENTAL CONSIDERATIONS: None.

FISCAL IMPACT: None.

ATTACHMENT:

- ✓ Draft 2016 Nevada City Community Survey

DRAFT 2016 Nevada City Community Survey

QUALITY OF LIFE

1. Please rate your level of satisfaction with the following items about life in Nevada City:

How do you rate . . .	Excellent	Good	Fair	Poor	N.A./ Don't Know
Your overall quality of life in Nevada City					
Overall quality of your neighborhood					
The sense of community in Nevada City					
Nevada City as a place to work					
Nevada City as a place to retire					
Opportunities to attend arts/cultural events					
Access to affordable housing					
Availability of overnight lodging					
Employment opportunities					
Shopping opportunities					
Quality of outdoor recreation options					
Food/restaurant options					
Quality of sidewalks					
Quality of streets					
Amount of public parking					
Availability of paths and walking trails					
Overall image/reputation of Nevada City					

2. Please rate how safe you feel from each of the following in Nevada City:

	Very Safe	Somewhat Safe	Neither Safe Nor Unsafe	Somewhat Unsafe	Very Unsafe
Violent crime (e.g. rape, robbery, homicide)					
Property crime (e.g. burglary, theft)					
Wildland Fires					
Structural/house fires					
Environmental Hazards, including mine waste					

3. Please tell us how safe you feel in each of the following areas in Nevada City:

	Very Safe	Somewhat Safe	Neither Safe Nor Unsafe	Somewhat Unsafe	Very Unsafe	Don't Know
Historic District during the day						
Historic District after dark						
In your neighborhood during the day						
In your neighborhood after dark						
Pioneer Park						
City parking lots						
Multi-use trails (e.g. Hirschman's Trail)						

4. Do you have specific comments about your ratings for these areas? _____

5. What would you say are the one or two most important issues facing the City of Nevada City today? _____

6. What one or two things would you like to see changed to improve the City? _____

CITY SERVICES

7. For each of the following services/amenities provided by the City of Nevada City, please rate the quality of service/amenity.

How do you rate . . .	Excellent	Good	Fair	Poor	N.A./ Don't Know
Police services					
Fire services					
Street repair (potholes, crack repair, etc.)					
Street sweeping					
Drinking water					
Building and Housing Code enforcement					
Storm drainage					
Preserving the City's historic features and attributes					
Trails					
Pioneer Park					
Recreation programs or classes					

8. If you have had phone, in-person or email contact with a City of Nevada City employee in the last 12 months, how would you rate your impression?

	Very Good	Good	Neither Good Nor Bad	Bad	Very Bad	N.A./ Don't Know
Courteousness and respectfulness						
Responsiveness to your needs						
Knowledge						

9. How likely, if at all, would you be to obtain information from the City about things like City Council meetings, community meetings, upcoming programs and events from the following formats?

	Very Likely	Likely	Somewhat Likely	Not at all Likely	N.A./ Don't Know
Email listserve					
Inserts in water utility bill					
City website (www.nevadacityca.gov)					
Public Cable Channel 17					
The Union Newspaper					
Social Media (e.g. Facebook, Twitter, etc.)					
Radio					
Other (Describe: _____)					

BUSINESS / EVENTS

10. How often do you shop or conduct business in...

	Historic District	7-Hills District
Daily (6-7 times per week)	<input type="checkbox"/>	<input type="checkbox"/>
Weekly on weekdays (1-5 times per week)	<input type="checkbox"/>	<input type="checkbox"/>
Weekly on weekends (1-2 times per weekend)	<input type="checkbox"/>	<input type="checkbox"/>
Once or twice per month	<input type="checkbox"/>	<input type="checkbox"/>
Seasonally (1-4 times per year)	<input type="checkbox"/>	<input type="checkbox"/>
Never	<input type="checkbox"/>	<input type="checkbox"/>

11. What other kinds of businesses do you feel Nevada City needs? _____

12. Which of the following Nevada City events do you plan to attend in the future? *(mark all that apply)*

- Victorian Christmas Street Fair
- 4th of July Parade
- Constitution Day Parade & Events
- Summer Nights Street Fair
- Wild & Scenic Film Festival
- Mardi Gras Events & Parade
- Soapbox Derby
- Artisan Craft Faire – Thanksgiving Weekend
- Nevada City Uncorked
- Nevada City Classic
- Summer Movies in the Park

13. What other types of events would you attend if they were held in Nevada City? _____

ABOUT YOU AND YOUR HOUSEHOLD

14. How many years have you lived in Nevada City?

- Less than 2 years
- 2-5 years
- 6-10 years
- 11-20 years
- More than 20 years

15. Do you own or rent your residence?

- Own
- Rent

16. What is your gender?

- Female
- Male

17. Do you have any children 17 or under living in your household?

- No
- Yes - If so, how many? _____

18. Select your age bracket:

- 18-29
- 30-39
- 40-49
- 50-59
- 60-69
- 70-79
- 80 or older

19. Are you currently employed for pay?

- No
- Yes, full time
- Yes, part time

20. Do you have regular, convenient access to the internet?

- Yes
- No

21. What is your zip code?

- 95959 – 3 digit house address (e.g. 317 Broad Street)
- 95959 – 5 digit house address (e.g. 26177 Nevada City Highway)
- Other: _____

22. OPTIONAL. Following the survey, the City may convene focus groups to probe various aspects of feedback provided. If you would like to be considered as a focus group participant, please provide your name and either email address or telephone number below:

Name: _____

Email: _____

Telephone: _____

Thank you!