



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF NEVADA**

201 Church Street, Suite 6  
Nevada City, CA 95959  
(530) 265-1311

Sean P. Dowling  
*Presiding Judge*

G. Sean Metroka  
*Court Executive Officer*

11/16/2009

**ATTN: Andrea**

**FAX 265-9259**

Nevada City Police Department  
317 Broad Street  
Nevada City CA 95959-1311

Dear Finance Director:

The figures below indicate your city's share of the fines and forfeitures collected during the account period ended 10/31/09.

PC 1202.5 Crime Prvnt	1.93
PC 1463 General Fines & Forfeitures	114.10
PC 1463 Motor Vehicle Fines & Forfeitures	1,051.10
General Fund (exempt)	87.15
General fund (POC)	<u>6.60</u>

TOTAL \$ 1,260.88

Court Cost of Collection charged equally against all accounts, total for Nevada City for October, 2009 is: \$36.61.

Total amount of check to process is \$1,224.27

Respectfully,

Sarah Trudo  
Court Accounting Technician

**RESOLUTION NO. 2010-XX**

**AUTHORIZING CITY MANAGER TO SIGN ON  
NEVADA CITY ACCOUNTS WITH CITIZENS BANK**

**WHEREAS**, the City of Nevada City has various accounts with the Nevada City Branch of Citizens Bank of Northern California that require multiple signatures and it would be convenient for one of them to be the City Manager,

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Nevada City that City Manager Gene Albaugh is designated and empowered to be one of the Authorized Individuals for depositor City of Nevada City for signing, executing, certifying and/or attesting to checks, drafts, notes, resolutions, signature cards, and other documents relating to any accounts of the City at Citizens Bank of Northern California, Nevada City Branch.

**PASSED AND ADOPTED** by the City Council of the City of Nevada City held on 13th day of January, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Reinette Senum, Mayor

**ATTEST:**

\_\_\_\_\_  
Niel Locke, City Clerk

**CITY OF NEVADA CITY  
SUMMARY MINUTES - DRAFT  
CITY COUNCIL MEETING OF DECEMBER 9, 2009**

**NOTE:** This meeting is available to view on the City's website [www.cityofnevadacity.gov](http://www.cityofnevadacity.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. The agenda listed directly below the video screen has bullet points which you can select to get to a specific agenda item. Click on the desired agenda item which will enable you view the meeting from that point forward. Please contact Deputy City Clerk, Corey Shaver for websites assistance (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 called to order at 7:00 p.m.**

Christmas Carolers from this evening's Victorian Christmas came in to the Council Chambers and performed Jingle Bells and Silver Bells.

**ROLL CALL**

Present: Councilmembers Coffman, Harris, McKay, Vice Mayor Bergman, Mayor Senum  
Absent: None

**PLEDGE OF ALLEGIANCE** - Led by Denis Kutch

**PROCLAMATION:** 18<sup>th</sup> Annual Nevada County Food & Toy Run, received by Thom Staser

**BUSINESS FROM THE FLOOR – PUBLIC COMMENT** (Per Government Code Section 54954.3)  
- None

**1. COUNCILMEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:**

**Committee Reports**

Councilmember Coffman – Attended the SEDD Corp meeting – Primary item to report is there is a proposed change in membership to expand to four counties that are not on the Board of Directors. This is a change in the works and Councilmember Coffman to report to back to Council on the development.

Councilmember Bergman – Attended LAFCO – SR Jones and Scott Browne presented LAFCO 101; describing the processes of LAFCO.

**2. CONSENT ITEMS:**

- A. Strategic Plan Update
- B. Fire Dept Activity Report for November, 2009
- C. Approval of Accounts Payable for November, 2009
- D. Approval of Fund Report to October 31, 2009
- E. Ordinance No. 2009-08 – Prohibiting Medical Marijuana Dispensaries in the City of Nevada City Adding Chapter 9.22 to the Nevada City Municipal Code (Second Reading and Adoption)

Councilmember Coffman requested that Item E be pulled off the Consent Items and opened for public comment. Mayor Senum opened public comment for Item E.

**No public comment**

**Action:** Motion by Harris, seconded by McKay to adopt Ordinance No. 2009-08 – Item E on the Consent Items.  
(Approved 3 – 2, Ayes-Harris, McKay, Bergman – Noes-Senum, Coffman)

**Action:** Motion by Bergman, seconded by Coffman to approve Consent Items A-D.  
(Approved 5 – 0)

### 3. APPROVAL OF MINUTES:

A. Regular City Council Meeting Minutes for November 18, 2009.  
Councilmember McKay stated that the summary format minutes are too brief and agreed by Councilmember Coffman. Councilmember Harris recommended that this be agendized for the first meeting in January to discuss whether we continue with the abbreviated minutes.

**Action:** Motion by McKay, seconded by Bergman to approving the Minutes with name spelling corrections (Mayor Senum to provide to staff) and make correction of the 4-1 vote to 3-2 (noes, Coffman, Senum) on Ordinance No. 2009-08 Prohibiting Medical Marijuana Dispensaries as amended.  
(Approved 5 – 0)

### 4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

#### A. Nevada City Sign Committee:

**Subject:** Nevada City Re-Sign Committee Report – Denis Kutch

Mr. Denis Kutch, Committee Chair reviewed the progress report included in the packet.

Council Comments: Councilmember Coffman indicated that design should go to Planning Commission but placement of signs to be council decision. Council unanimously agreed that staff be involved along with one councilmember.

**Andy Howard** – 528 E Broad Street

Commented that the font was inappropriate, appears to be more 1920-30's.

**Don Schmidt** – 524 N Pine Street

Commented that the font was not historical and wouldn't pass through Planning Commission.

**Glenda Zanone** – 503 Nevada Street

Asked what the possible options are for location and recommended to leave the gas lights alone from signage.

**Action:** Councilmember McKay to be representative for City Council on Sign Committee and work with City Planner, keeping in mind that sign color and font needs to adhere to historical guidelines and go through Planning Commission first, before it comes to City Council and consider a phased approach to accommodate costs involved. Mr. Kutch will arrange a Sign Committee Meeting in January 2010 to include City staff and Councilmember McKay.

#### B. City Planner, City Engineer and Fire Chief

**Subject:** Annual Report to the Local Agency Formation Commission (LAFCO) Updates on Infrastructure and Annexation Projects – Cindy Siegfried, City Planner

The City Planner reviewed the report included in the packet. Council Comments: Unanimously agreed that it is a very comprehensive report.

#### **No public comment**

Fire Chief Goodspeed asked the Council if there was anything more the Council would like to see in this report. The City Planner added that the City is providing a level of service equal to the County so that both entities are on the same page with the General Plan and Sphere of Influence, while considering the uniqueness of Nevada City (i.e. size, Historical District).

**Action:** Motion by Harris, seconded by Coffman to approve and direct staff to file report with LAFCO.  
(Approved 5 – 0)

**C. Finance & Administration**

**Subject:** Consider Ordinance No. 2009-XX Repealing the Establishment of the Downtown Nevada City Business Improvement District (Introduction and First Reading) – Gene Albaugh, City Manager

**Action:** Motion by McKay, seconded Coffman to remove item from agenda.  
(Approved 5 – 0)

**D. Parks & Recreation:**

**Subject:** Consider Ordinance No. 2009-XX Amending and Adding to Chapter 8.24 of the Nevada City Municipal Code Prohibiting Smoking in Public Places (Introduction and First Reading) – Dawn Zydonis, Parks & Recreation Director.

The Parks & Recreation Director presented the Ordinance included in the packet. She also indicated that the location and costs of cigarette dispensaries are currently being reviewed by the Public Works Director and herself; brought samples of the “smoke free” signs as a visual aid; and referred to the map posted on the wall showing all City owned properties for clarification. Felicia Soboyna, Tobacco Use Prevention Coordinator for Nevada County was also present. Councilmember Harris suggested Council give input and direction. Councilmember Coffman voiced concern on the language in Section II and Section III-C. Vice Mayor Bergman referred to fire safety along with the dangers of cigarette butts should also be in the recitals. Chief Trovato indicated that some language in the ordinance will be difficult to enforce.

**Mr. Byars** – Nevada City

Stated that he believes that property owners are responsible for the sidewalk in front of their property and asked; could a resident or business ban smoking on the sidewalk in front of their property?

**Direction:** City Attorney replied that Mr. Byars could certainly request but would be hard to enforce unless it becomes will of the Council to make it law.

**Lynn Skrukud** – 18055 Starduster

Stated that second hand smoke caused 50,000 deaths last year, important that this ordinance passes and thanks the Council for their consideration.

**Elin Honea** – Grass Valley

Stated that second hand smoke is dangerous and important to keep out of city parks and city property.

**Action:** The City Attorney indicated that the Council’s recommended changes come back formatted into the existing ordinance but highlighted for clarification and to agendize for the next City Council Meeting. Council unanimously agreed.

**E. Finance & Administration**

**Subject:** Water Rate Summary Report – Mike Forga, P.E. (volunteer)

Mr. Forga read the Water Rate Summary Report that was included in the packet and outlined the goals to the Council to determine how to go forward. He indicated that the City should have a reserve to take care of the unexpected events (additional costs). The general fund is currently now picking up any shortfall. There is no plan of recouping past deficit. He recommends creating a tiered structure and there is a variety of ways to tailor this, whereas you pay for what you use but having the bottom tier (base rate) geared for the conservative users. Councilmember Harris recommends including two things to the summary report 1) not build with the expectation to recoup past deficit, 2) designed in such a way that a conservative, careful, moderate user not see a cost increase or not to be significant.

**No public comment**

**Action:** Direct staff to move forward with the Water Rate Summary Report and include the two items Councilmember Harris recommended: 1) not build with the expectation to recoup past deficit, 2) designed in such a way that a conservative/careful user not see a cost increase or not to be significant.

#### **F. Finance & Administration**

**Subject:** Discussion on the Nevada County Proposal to Contract for Library Services – Gene Albaugh, City Manager

The City Manager reported that there is no documentation included in the packet. Proposals are to be reviewed by a committee that our County library is being considered for contract service; doing away with our professional library staff currently running the library and hiring a private company to run the library.

Understands the Mayor sits on the committee. Mayor Senum stated a committee meeting is tomorrow and asked the Council if this is too premature to discuss at this point. Councilmember Harris said, the question is does the council want to take a stand on this issue. Vice Mayor Bergman indicated a response by him at this point would be based on emotions only with no information. Mayor Senum indicated that the committee is to review proposals and give feedback to the CEO and Board of Supervisors in mid January 2010.

Councilmember Coffman indicated that her concern is on privacy and asks to please have committee be aware of this. Councilmember McKay stated that everything he's read, he asks how they could be doubling the service and it's costing less.

**Peter VanZandt** – former Board of Supervisor, District 1

The out sourcing of the library is brought about due to the recession. There are a lot of interesting details as to why this is bad idea and the Mayor will be bringing you back those details. This is not a P&L issue; it is a management issue and a policy issue. Libraries are important and community based. The policy issue is do we want to turn over the operation to a private company who has said in their proposal and publicly to downgrade the pay eventually and benefits of the workers; over five years dismantling the library staff. Simply stated –the policy issue is; public libraries should be publicly managed.

**Action:** Mayor Senum to provide committee report to the Council the first Council meeting in January and direct staff to come back with a resolution the second Council meeting in January 2010.

#### **PUBLIC HEARINGS**

**Subject:** Public Hearing in Order to Discuss Possible Applications for funding Under the Next fiscal Year's State Community Development Block Grant (CDBG) Program and to Solicit Citizen Input of Possible Activities to be Included in These Applications.

Gene Albaugh, City Manager provided CDBG Grant opportunities as indicated in the document included in the packet. We are required to have two Public Hearings and tonight is the first, the second to be 30 days later or at our January 13, 2010 meeting. Looking to Council for ready to go projects and direct staff to submit. Vice Mayor Bergman asked if Calanan Park would qualify.

**Ray Byars** – Nevada City

Can money be assigned to Nevada City recreational areas; create trails between those areas where tourists can ride their bikes, hike, etc. to increase tourism in town.

Other Council ideas: Signage, tune up local venues (i.e. Miners Foundry, Veterans Hall, Nevada Theatre, etc) to better meet the needs to performing artists in local venues, improvements to the barns behind Nevada Theatre, revamp the dressing rooms at the theatre.

**Action:** Vice Mayor Bergman to bring preliminary plans for Calanan Park to the first meeting in January 2010. Councilmember Harris to talk to local venue(s) and see if they want to come forth. City Manager, Gene Albaugh to look into the Nevada Theatre ideas and come back next month.

#### **5. OLD BUSINESS:**

**A. Subject:** Resolution No. 2009-61 – Requesting the Nevada County Transportation Commission Release Funds for Road Improvements on Work Performed in Summer 2009 in the Amount of \$47,124.78 – William J. Falconi, City Engineer.

**Action:** Motion by Coffman, Seconded by McKay, to approve Resolution 2009-61 as submitted.  
(Approved 5 – 0)

**6. NEW BUSINESS:**

- A. Subject:** Consider the Civic Engagement of Sage Leadership in Twin Towns USA Project Description and a Possible Role for Nevada City – Gary H. Quehl  
Mr. Quehl presented a summary of the leadership project that was included in the packet and is seeking in-kind support of the Council.

**Action:** Mayor Senum, Vice Mayor Bergman, Councilmembers Harris and McKay endorse the leadership project with the understanding that the City Manager is to be the in-kind gatekeeper and Council to proceed forward and for this item to come back to the Council at a later date. Councilmember Coffman opposes.

**7. CORRESPONDENCE:**

- A.** Letter from Comcast Regarding Engineering Maintenance Adding Channel 15 and 77.
- B.** Letter from Comcast Noting Repositioned to a Lower Tier for Service.
- C.** Letter from Greater Champion Neighborhood Association Thanking Verne Taylor and the Department of Public Works for Trash Removal at a Homeless Site off Champion Mine Road.

**Action:** Received and filed.

**8. ANNOUNCEMENTS**

None

**1. CITY MANAGER'S REPORT**

Received and filed.

**10. ADJOURNMENT TO CLOSED SESSION:** No Closed Session

**11. ADJOURNMENT:**

**Action:** Motion made and seconded to adjourn the meeting at 9:25 p.m.

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Reinette Senum, Mayor

**ATTEST:**

\_\_\_\_\_  
Niel Locke, City Clerk