



**REGULAR CITY COUNCIL MEETING  
MEETING AGENDA  
WEDNESDAY, FEBRUARY 14, 2018**

**Closed Session – 6:00 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.*

**Duane Strawser, Mayor**

**Reinette Senum, Council Member**

**David Parker, Vice Mayor**

**Evans Phelps, Council Member**

**Valerie Moberg, Council Member**

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The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2<sup>nd</sup> and 4<sup>th</sup> 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 – 6:00 PM**

1. Pursuant to Government Code Section 54957(b)(1) a closed session is requested with City Manager Catrina Olson and City Attorney Hal DeGraw on a personnel matter.
2. Pursuant to Government Code Section 54956.9 the City Manager Catrina Olson and City Attorney Hal DeGraw are requesting a closed session conference to confer on litigation involving the City in the case of City of Nevada City v. Letty Cano Barocia, *et al.*, Sacramento County Superior Court Case No. TBD, Claim No. NCWA-556924.
3. Pursuant to Government Code Section 54956.9 the Consulting City Attorney's Hal DeGraw and P. Scott Browne are requesting a closed session conference to confer on litigation involving the City in the case of Friends of Spring Street vs. Nevada City, *et al.*, Nevada County Superior Court Case No. CIV 1304393, Appellate Case No. C081195.

## **REGULAR MEETING – 6:30 PM - Call to Order**

**Roll Call:** Moberg, Phelps, Senum, Vice Mayor Parker, & Mayor Strawser

### **PLEDGE OF ALLEGIANCE**

### **PROCLAMATIONS:**

**PRESENTATIONS:** CABY Presentation by Katie Burdick

### **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:**

- A. Subject:** Resolution Of The City Of Nevada City Council Calling For California's US Senators To Introduce The We The People Constitutional Amendment  
**Recommendation:** Pass Resolution 2018-XX calling for California's US Senators to introduce the We The People Constitutional Amendment.

#### **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 – January 2018  
**Recommendation:** Receive and file.
- B. Subject:** Accounts Payable Activity Report – January 2018  
**Recommendation:** Receive and file.
- C. Subject:** A Resolution Of The City Council Of Nevada City To Adopt A Determination Of A CalPERS Member's Industrial Disability Retirement For Police Officer Shane Franssen  
**Recommendation:** Pass Resolution 2018-XX to adopt a determination of a CalPERS member's industrial disability retirement for Police Officer Shane Franssen.

**D. Subject:** A Resolution Of The City Council Of Nevada City To Adopt A Determination Of A CalPERS Member's Industrial Disability Retirement For Police Officer Gary Scott Clendenen

**Recommendation:** Pass Resolution 2018-XX to adopt a determination of a CalPERS member's industrial disability retirement for Police Officer Gary Scott Clendenen.

**4. APPROVAL OF ACTION MINUTES:**

**A.** City Council Meeting – January 24, 2018

**5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:**

**A. Subject:** Request The Nevada City, City Council To Review And Approve The Letter to CalPERS Requesting That CalPERS Forgo The 180 Day Waiting Period For Officer Gary Clendenen To Allow Return To Employment With The City Of Nevada City As A Non-Sworn Part-Time Retired Annuitant

**Recommendation:** Approve the attached letter to CalPERS requesting Officer Gary Clendenen be allowed to return to employment with the City of Nevada City as a non-sworn part-time retired annuitant and forgo the 180 day standard separation of employment generally required by CalPERS.

**B. Subject:** Brownfields Clean-up Project on Providence Mine Site

**Recommendation:** Accept and File

**C. Subject:** Acceptance Of Audit Report For Fiscal Year 2016/2017

**Recommendation:** Review and accept the City of Nevada City Annual Financial Statements and Management Letter for year ended June 30, 2017.

**D. Subject:** Request For Direction On Handling Of Large Number Of Applications To Operate Other Medical Cannabis Businesses

**Recommendation:** Provide direction to staff on the handling of pending applications to operate other medical cannabis businesses.

**6. PUBLIC HEARINGS:**

**7. OLD BUSINESS:**

**A. Subject:** Review Draft Amendment Ordinance 2018-XX To Ordinance 2017-06 Section 9.22.040 (Medical Cannabis Businesses) Amending Item A.1 (Medical Cannabis Dispensaries) To Allow Nevada City Council To Increase Permitted Medical Cannabis Dispensaries From One (1) To Three (3)

**Recommendation:** Waive reading of the Ordinance, read title only and introduce for the first reading.

**8. NEW BUSINESS:**

**A. Subject:** A Resolution Of City Council Of The City Of Nevada City Setting Aside Decision Granting Appeal Of Planning Commission Decision

**Recommendation:** Pass Resolution 2018-XX setting aside decision granting appeal of planning commission decision.

**9. CORRESPONDENCE:**

- A.** Letter to Council and Administration – Opinion
- B.** Letter to Council – Growing Communities

**10. ANNOUNCEMENTS:**

**11. CITY MANAGER’S REPORT:**

**12. ADJOURNMENT**

**Certification of Posting of Agenda**

I, Loree’ McCay, Deputy City Clerk for the City of Nevada City, declare that the foregoing agenda for the February 14, 2018 Regular Meeting of the Nevada City City Council was posted February 9<sup>th</sup>, 2018 at the entrance of City Hall. The agenda is also posted on the City’s website [www.nevadacityca.gov](http://www.nevadacityca.gov).

Signed February 9<sup>th</sup>, 2018 at Nevada City, California

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Loree’ McCay, Deputy City Clerk

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

February 19, 2018	President’s Day Observed
February 28, 2018	Regular Council Meeting
March 14, 2018	Regular Council Meeting
March 28, 2018	Regular Council Meeting
March 30, 2018	Cesar Chavez Day Observed

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.*