



**Regular Meeting of
Nevada City Council**

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

WEDNESDAY	March 23 , 2022	5:30 P.M.
<p>CLOSED SESSION—Pursuant to cited authority, the City Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented during the regular meeting.</p> <p>CLOSED SESSION PUBLIC COMMENT: Members of the public are entitled to comment on the closed session agenda before the Council proceeds into closed session.</p> <p>A. Conference with Labor Negotiator (§54957.6) Labor Negotiator: <ul style="list-style-type: none"> • Sean Grayson, City Manager Employee Organizations: <ul style="list-style-type: none"> • Nevada City Police Officer’s Association • Nevada City Police Supervisor’s Association • Nevada City Miscellaneous Employees • Nevada City Management and Supervisory Employees • Unrepresented Employees </p>		

WEDNESDAY	March 23, 2022	6:30 P.M.
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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

**Erin Minett, Council Member
Daniela Fernández, Council Member**

**Douglas Fleming, Vice Mayor
Gary Petersen, 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.

In order to minimize the spread of COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the

Council Chambers are closed to the public and that some or all of the City of Nevada City, City Council Members may attend this meeting telephonically.

To watch City Council Meetings live you have the follow options:

- 1. Public Television Channel 17*
- 2. City's website: <https://nevadacityca.gov/pview.aspx?id=20797&catid=563>*
- 3. Nevada City Public Meetings, YouTube Channel:
<https://www.youtube.com/channel/UCXSQwrXtey12YII3IbyGMYQ>*

If you wish to comment during Public Comment time or on any item on the agenda, you have the following options:

- 1. Please click the link below to join the webinar and use the "RAISE HAND" feature at the bottom of your screen:
<https://us02web.zoom.us/j/89009138474>
Webinar ID: 890 0913 8474*
- 2. Telephone: Dial [1-669-900-9128](tel:1-669-900-9128)*
- 3. Email your comments to publiccomment@nevadacityca.gov
Comments will be accepted until 7pm on the Monday prior to the meeting date. Comments will not be read during the City Council meeting (due to virtual participation option above), but will be forwarded to all Council Members prior to the City Council Meeting, so they have time to read them before to the meeting time. When sending an email it is extremely helpful to include the following:
 - a. Full Name*
 - b. Address (specific or general, ie: resident in unincorporated Nevada City)*
 - c. The item number that you are commenting on.**

CALL TO ORDER

NISENAN TRIBE RECOGNITION: This City Council Meeting Convenes On the Ancestral Territories of the Nevada City Rancheria Nisenan Tribe

PLEDGE OF ALLEGIANCE

ROLL CALL

_____	Mayor Strawser
_____	Vice-Mayor Fleming
_____	Councilmember Fernández
_____	Councilmember Minett
_____	Councilmember Petersen

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Deputy City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay*

within a three minutes time limit (or lesser time if the Mayor determines it necessary due to the number of persons who may wish to speak on an item). The Mayor similarly has the discretion of limiting the total discussion time for an item as may be necessary.

ADOPTION OF THE AGENDA (This is the time for agenda modifications)

ANNOUNCEMENT OF ACTION FROM CLOSED SESSION PRESENTATIONS

PUBLIC COMMENT: Government Code Section 54954.3 provides that any member of the public may address the City Council on any matter NOT ON THE AGENDA that is within the subject matter jurisdiction of the city. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on a future agenda. Please note that comments from the public will also be taken on each agenda item. At the time it is heard. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit (or lesser time if the Mayor determines it necessary due to the number of persons who may wish to speak on an item). The Mayor similarly has the discretion of limiting the total discussion time for an item as may be necessary.

CONSENT AGENDA: All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council or staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda

1. Fire Activity Report—February 2022

Recommended Action: Receive and file

2. Nevada City Farmer’s Market Street Closure Request 2022

Recommended Action: Review and authorize Nevada City Farmer’s Market street closure request per application

3. Receipt of Nevada County Transportation Commission’s (NCTC) Draft FY 2022/23 Overall Work Program (OWP) and Request for Approval of Resolution 2022-21: A Resolution of the City Council of the City of Nevada City Approving the Projects Proposed for Inclusion in the Nevada County Transportation Commission’s FY 2022/23 Overall Work Program

Recommended Action: Review projects proposed for inclusion in the Nevada County Transportation Commission (NCTC Fiscal Year (FY) 2022/23) Overall Work Program (OWP) and pass Resolution 2022-21 approving the projects proposed for inclusion in the NCTC FY 2022/23 OWP

4. Consideration of Adoption of Resolution No. 2021-44: A Resolution of the City Council of the City of Nevada City Making the Legally Required Findings to Continue to Authorize the Conduct of Remote “Telephonic” Meetings During the State of Emergency

Recommended Action: Reconfirm resolution

- 5. Second Reading and Adoption of Ordinance No. 2022-02: An Ordinance of the City Council of the City of Nevada City, State of California, Amending Chapters 8, 10 and 38 of Title 8 of the City of Nevada City Municipal Code Relating to Fire Control, Vegetation Management, Debris Removal and Abatement, Open Burning and Fireworks**

Recommended Action: Hold second reading and adopt ordinance

- 6. Incorporate a List of Projects Funded by SB 1: The Road Repair and Accountability Act**

Recommended Action: Approve Resolution No. 2022-03 approving the list of projects proposed to be funded with Local Partnership Program (LPP) formulaic funds for fiscal year 2020-21 and 2021-22; appoint the City Manager, or designee execute all applications, negotiations and agreements which may be necessary; and authorize the City Engineer, or designee, to execute and submit all reports, payment requests, and changes to the project description.

- 7. Award of Contract with Robinson Enterprises for Removal of Hazardous Trees at Sugarloaf Mountain**

Recommended Action: Award Contract with Robinson Enterprises for Removal of Hazardous Trees at Sugarloaf Mountain.

CONSENT ITEMS FORWARD: Items pulled from the Consent Agenda will be discussed individually with action taken by separate motion.

PUBLIC HEARINGS:

Notice to the Public:

The City Council, when considering the matter scheduled for hearing, will take the following actions:

- a) Open the Public Hearing*
- b) Presentation by Staff*
- c) Presentation by Applicant or Appellant (if applicable)*
- d) Accept Public Testimony*
- e) Applicant or Appellant Rebuttal Period (if applicable)*
- f) Close the Public Hearing*
- g) Council Comments and questions*
- h) Council Action*

Once the hearing is closed, no further public comment will be taken. If you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you, or someone else, raised orally at the public hearing or in written correspondence received by the city at or before the public hearing.

Public hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuance. Any matter not noted for continuance will be posed separately.

BUSINESS

- 8. Receive a Presentation from the Nevada County Arts Council and Request for Approval of a Letter of Support for Governor Newsom's 2022-23 State Budget Proposal, the California Blueprint, that includes \$30 million in One-Time Funding to Support and Expand the California Cultural Districts Program**

Recommended Action: Hear presentation and approve the letter of support.

- 9. Update on Storm Debris Clean-Up**

Recommended Action: Hear verbal report with possible direction to staff on storm debris clean-up and cost recovery actions

- 10. 2021 Housing Element Progress Report**

Recommended Action: Authorize Transmittal of the 2021 Housing Element Annual Progress Report to the Department of Housing and Community Development

- 11. Consideration of Ordinance No. 2022-04: An Ordinance of the City Council of the City of Nevada City, State of California, Adding Chapter 8.11 to the Nevada City Municipal Code, Relating to Woodstoves and Fireplaces**

Recommended Action: Hold first reading, waive reading of Ordinance in its entirety, read by title only, and schedule for second reading and adoption for April 13, 2022

CITY MANAGER, COUNCILMEMBER REPORTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

THE MEETING WILL ADJOURN AT 9:30 P.M. UNLESS A DECISION IS MADE BY MOTION OF A COUNCILMEMBER TO EXTEND THE TIME.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at 530-265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

Certification of Posting of Agenda

I, Gabrielle Christakes, Administrative Services Manager/Deputy City Clerk for the City of Nevada City, declares that the foregoing agenda for the March 23, 2022 Regular Meeting of the Nevada City City Council was posted March 18, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed March 18, 2022 at Nevada City, California

Gabrielle Christakes, Administrative Services Manager/Deputy City Clerk