



**Regular Meeting of  
Nevada City Council**

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

<b>WEDNESDAY</b>	<b>April 13, 2022</b>	<b>5:30 P.M.</b>
<p><b>CLOSED SESSION</b>—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><b>CLOSED SESSION PUBLIC COMMENT:</b> members of the public are entitled to comment on the closed session agenda before the Council proceeds into closed session.</p> <p><b>CANCELLED</b></p> <p><b>A. Conference with Legal Counsel – Anticipated Litigation (§54956.9)</b> Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:</p> <ul style="list-style-type: none"> <li>• Number of cases: One case</li> </ul>		

<b>WEDNESDAY</b>	<b>April 13, 2022</b>	<b>6:30 P.M.</b>
------------------	-----------------------	------------------

**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 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.

*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](mailto: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**

**Proclamation:** A Proclamation Honoring the Grand Opening and Ribbon Cutting of Lika's Quarter Cafe

**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. **Action Minutes March 23, 2022 Regular Meeting**  
**Recommended Action:** Review and approve
2. **Accounts Payable—February 2022**  
**Recommended Action:** Receive and file
3. **Police Activity Report—February 2022**  
**Recommended Action:** Receive and file
4. **Building Activity Report—February 2022**  
**Recommended Action:** Receive and file
5. **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
6. **Consideration of Resolution No. 2022-22: A Resolution of the City Council of the City of Nevada City to Extend for 60 Days Resolution No. 2022-13**

**Declaring the Existence of a Local Emergency Due to the December 27, 2021 Snow Storm Recommended Action:** Adopt resolution

- 7. Sierra Academy Graduation, Parade and Street Closure Request 2022**  
**Recommended Action:** Review and authorize Sierra Academy graduation, parade, and street closure request per application
- 8. Consideration of Adoption of Resolution No. 2022-24: A Resolution of the City Council of the City of Nevada City for the Approval of the Regional Transportation Mitigation Fee Program Inflation Adjustment Recommended Action:** Adopt the resolution
- 9. Approve Purchase of Tarps for the City Swimming Pool in an Amount of \$14,540.41**  
**Recommended Action:** Approve purchase of tarps for the City swimming pool from the lowest total cost vendor Lincoln Aquatics
- 10. Notice of Public Hearing with California Regional Water Quality Control Board for Waste Discharge Permit Renewal for the City of Nevada City's Wastewater Treatment Plant**  
**Recommended Action:** Receive and file the notice
- 11. Consideration of Adoption of Resolution No. 2022-21: A Resolution of the City Council of the City of Nevada City Affirming the City Manager's Finding of Exception to the City's Personnel Code Policy 2120 "Hiring of Relatives"**  
**Recommended Action:** Adopt the resolution affirming the City Manager's findings
- 12. Second Reading and Adoption 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 second reading and adopt ordinance

**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.*

**13. Appeal of a Planning Commission Decision to Deny a Map Amendment Request to Relocate and Add a Driveway to Serve an Existing Residence at 230 American Hill Road**

**Recommended Action:** By motion do one of the following:

Adopt Resolution 2022-XX to Uphold the Planning Commission Decision: Motion to deny the appeal and a map amendment request to relocate and add a driveway to serve an existing residence at 230 American Hill Road because the approval of this driveway location would require substantial demolition and alteration of the distinctive site feature of a rock wall along the front of the property. That demolition and reconstruction would be inconsistent with the requirements of the City code found in Title 15, section 15.12.010 which states “The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed.” As the applicant already has approved access to the site and voluntarily purchased the property with full knowledge of the approved access, staff recommends denial of this appeal and uphold the decision of the planning commission.

OR

Adopt Resolution 2022-XX to Overturn the Planning Commission Decision: Motion to grant the appeal and approve a map amendment to provide a direct driveway access to American Hill Road based on the established law of an abutter’s rights to access to a public street, which is a priority of rights, and consistent with Nevada City Municipal Code section 15.12.010 because that section provides that “[t]he removal or alteration of any historic material or distinctive architectural features should be avoided when possible” and in this case the alteration of the distinctive rock wall is unavoidable.

**14. Public Hearing on Ordinance No. 2022-05: An Uncodified Urgency Ordinance of the City Council of the City of Nevada City, California Adopting a Military Equipment Policy of the City of Nevada City, California Governing the Use of Military Equipment and Declaring it an Urgency Measure to Take Effect Immediately upon Adoption.**

**Recommended Action:** Waive reading of Ordinance 2022-05, read by title only, and adopt an Urgency Ordinance of the City of Nevada City adopting a military equipment policy and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

## BUSINESS

**15. Receive a Presentation from the Nevada City Chamber of Commerce on Special Events Through 2022 and Consider Approval of Applications.**

**Recommended Action:** Hear presentation and approve special event applications with conditions as provided.

**16. Update on Nevada County Courthouse Discussions to Maintain the Courthouse at its Current Location for Historic Preservation and Economic Stability**

**Recommended Action:** Hear verbal report with possible direction to staff and Mayor Strawser representing the City on the Judicial Council committee reviewing options for siting of a new county courthouse

**17. Consideration of Adopting Resolution No. 2022-25: A Resolution of the City Council of the City of Nevada City Declaring a continued Stage 3 (Water Shortage Warning) Drought and Implementing Actions set forth in the March 2015 Drought Action Plan: A Water Shortage Contingency Strategy for the City of Nevada City**

**Recommended Action:** Adopt the resolution declaring a continued Stage 3 Drought

## 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 April 13, 2022 Regular Meeting of the Nevada City City Council was posted April 8, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed April 8, 2022 at Nevada City, California

---

Gabrielle Christakes, Administrative Services Manager/Deputy City Clerk