



CITY OF NEVADA CITY
Regular Meeting of
Nevada City Council

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

WEDNESDAY	APRIL 28, 2021	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>a. Public Employee Appointment § 54957—Title: Interim Police Chief</p> <p>Members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.</p>		

WEDNESDAY	APRIL 28, 2021	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.

Erin Minett, Mayor

Douglass Fleming, Council Member
Daniela Fernández, Council Member

Duane Strawser, 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>*
- 4. Granicus: http://nevco.granicus.com/player/camera/2?publish_id=7&redirect=true*

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:*

<https://us02web.zoom.us/j/89009138474>

Webinar ID: 890 0913 8474

- 2. Email your comments to nevadacitypubliccomment@gmail.com*

Comments will be accepted until 7pm on the Monday prior to the meeting date. Comments will not be read during the City Council meeting, 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 Minett
_____ Vice-Mayor Strawser
_____ Councilmember Fernández
_____ Councilmember Fleming
_____ 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 Administrative Services Manager or 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. The Mayor has the discretion of limiting the total discussion time for an item.*

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. Comments shall be limited to three (3) minutes per person. At the mayor's

discretion the time limit may be shortened if there is a large number of persons wishing to comment on an item.

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 public requests otherwise, or if 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 April 14, 2021 Council Meeting**
Recommended Action: Review and approve Special City Council Meeting action minutes of March 25, 2021.

- 2. Fire Activity Report—March 2021**
Recommended Action: Receive and file

- 3. Police Activity Report—March 2021**
Recommended Action: Receive and file

- 4. Second Reading of Ordinance 2021-03 An Ordinance of the City of Nevada City Granting a One-Time, One-Year Extension to the Term of Annual Cannabis Business Permits Originally Issued Between November 1, 2019 and March 4, 2020**
Recommended Action: Approve Ordinance 2021-03

- 5. Second Reading of Ordinance 2021-04, an Ordinance of the City of Nevada City to Repeal and Reenact Chapter 12.02 of the Nevada City Municipal Code pertaining to Encroachment Permits on Public Right-Of-Way**
Recommended Action: Approve Ordinance 2021-04 :

- 6. Side Letter No. 5 to the Nevada City Miscellaneous Employee’s Association Memorandum of Understanding (MOU) and Side Letter No. 3 to the Nevada City Management and Supervisory Employee’s (MOU)—Clothing Allowance and Miscellaneous Allowance Department of Public Works Definition**
Recommended Action: Review and approve Side Letter No. 5 to the City of Nevada City Miscellaneous Employee’s Association Memorandum of Understanding (MOU) and Side Letter No. 3 to the Nevada City Management and Supervisory Employee’s (MOU) rescinding and replacing policies regarding required work clothing.

- 7. Request from Nevada City Lions Club for Approval of Language on Plaques on Benches at Pioneer Park**
Recommended Action: Approve wording for Lions Club plaques

- 8. Request to Award a Contract Change Order to Jacobson James & Associates for Wastewater Discharge Permitting Assistance**
Recommended Action: Award a contract change order to Jacobson James & Associates for Wastewater Discharge Permitting Assistance in the amount of \$23,000 and authorize the Mayor to sign

9. Cashin’s Field Housing Project: Request to Adopt Resolution No. 2021-18: A Resolution of the City Council of the City of Nevada City Approving A Loan Agreement with Nevada City Cashin’s Field, LP and Authorizing the City Manager to Execute the Loan Agreement and All Related and Necessary Documents in the Amount of \$200,000 (Effectively Deferring That Portion of Development Impact Fees)

and

Award of State Permanent Local Housing Allocation (PHLA Funds for the Cashin’s Field Housing Project and Request for Approval of Resolution No. 2021-20: A Resolution of the City Council of the City of Nevada City Approving a Loan Agreement with Nevada City Cashin’s Field, LP and Authorizing the City Manager to Execute the Loan Agreement and All Related and Necessary Documents in the Amount of \$2,485,477 of Permanent Local Housing Allocation Grant Funds.

Recommended Action:

1. Approve Resolution No. 2021-18 Approving a loan agreement with Nevada City Cashin’s Field, LP, a California limited partnership, in the amount of \$200,000.00 for the Cashin’s Field Affordable Housing Project.
2. Approve Resolution No. 2021-20 Approving a loan agreement with Nevada City Cashin’s Field, LP and authorizing the city manager to execute the loan agreement and all related and necessary documents in the amount of \$4,485,477 of Permanent Local Housing Allocation grant funds.

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

10. Request for Ratification of Interim Police Chief Contract-Ted Stec

Recommended Action: Ratify contract

11. Receipt and Approval of Infrastructure Capital Improvement Plan (Measure M)

Recommended Action: Approve and file the new infrastructure Capital Improvement Plan with semi-annual review by the Oversight Committee

12. Request for Approval of Resolution No. 2021-17, A Resolution of the City Council of the City of Nevada City Establishing the Measure M Citizens Oversight Committee Rules and Bylaws

Recommended Action: Approve Resolution No. 2021-17

13. Confirmation of Council Committee and Commission Appointments

Recommended Action: Review current list of appointments to the various commissions and committees the city has representation on, hear mayor's comments and confirm appointments

14. Request for Approval of Resolution No. 2021-19: A Resolution of the City Council of the City of Nevada City Adopting a List of Projects for Fiscal Year 2019-20 and 2020-21 Funded by Senate Bill 1 (SB1) The Road Repair and Accountability Act of 2017

Recommended Action: Approve Resolution No. 2021-19 as follows:

1. Approve the list of projects proposed to be funded with Local Partnership Program (LPP) formulaic funds with a match of Measure S and Measure M local funds for projects as described in Exhibit A.
2. Appoint the City Manager, or designee, to execute all applications, negotiations and agreements which may be necessary for completion of the aforementioned project and expenditure of LPP funds, except those designated to the City Engineer below.
3. Appoint the City Engineer, or designee, to execute and submit all reports, payment requests, and changes to the project description, which may be necessary for completion of the aforementioned project and expenditure of LPP funds.

CITY MANAGER AND COUNCILMEMBER REPORTS

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 Technician/Deputy City Clerk for the City of Nevada City, declares that the foregoing agenda for the April 14th, 2021 Regular Meeting of the Nevada City City Council was posted April 9th, 2021 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website www.nevadacityca.gov.

Signed April 9th, 2021, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk
