



**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>May 12, 2021</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> <ul style="list-style-type: none"><li>a. Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b) (1 case)</li><li>b. Conference with Legal Counsel—Existing Litigation (Govt. Code Section 54956.9) (Kenneth Paige et al vs. Nevada City—Nevada County Superior Court Case No:CU21-085158)</li></ul> <p><b>Members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.</b></p>		

<b>WEDNESDAY</b>	<b>May 12, 2021</b>	<b>6:30 P.M.</b>
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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**

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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.

*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/UCXSQwrXteyI2YII3IbyGMYQ>*
- 4. Granicus: [http://nevco.granicus.com/player/camera/2?publish\\_id=7&redirect=true](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](mailto: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. Accounts Payable Activity Report—April 2021**

**Recommended Action:** Receive and file

**2. Action Minutes April 28, 2021 Council Meeting**

**Recommended Action:** Review and approve

**3. Prop 68 Playground Project: Consideration of Resolution 2021-20: A Resolution of the City Council of the City of Nevada City Authorizing the City to Receive \$53,000 of the County of Nevada's Per Capita Grant Fund Allocation from the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018**

**Recommended Action:** Approve and Authorize the Interim City Manager to Sign the Resolution 2021-18 as the City's Authorized Representative

**4. Request from the Landmarks Commission to Place a Bronze Plaque at Hirschman's Pond**

**Recommended Action:** Approve the placement of a bronze plaque at Hirschman's Pond, along the trail route.

**5. Request from Sierra Academy for Street Closure on June 4, 2021 on Cottage Street between Main and South Pine Streets for Graduation**

**Recommended Action:** Approve street closure with conditions

**6. Request to Approve Contract with Ralph Andersen and Associates for City Manager Recruitment**

**Recommended Action:** Authorize Interim City Manager to negotiate and enter into a contract with Ralph Andersen and Associates to recruit for a city manager in an amount not to exceed \$27,500.

**7. Receipt of Nevada County Transportation Commission's (NCTC) Draft FY 2021/22 Overall Work Program (OWP) and Request for Approval of Resolution 2021-21: 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 2021/22 Overall Work Program**

**Recommended Action:** Review projects proposed for inclusion in the Nevada County Transportation Commission (NCTC Fiscal Year (FY) 2021/22) Overall Work Program (OWP) and pass Resolution 2021-XX approving the projects proposed for inclusion in the NCTC FY 2021/22 OWP.

**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.*

**8. Introduction and First Reading of Sign Ordinance Amendment**

**Recommended Action:** Hold Public Hearing, approve ordinance for introduction and first reading by title only, Ordinance 2021-05: An Ordinance of the City of Nevada City Amending Chapter 17.68 and 17.80 of the Nevada City Municipal Code Relating to

Restrictions on Commercial Signage and Allowing Limited Exceptions to Size, Placement and Style

- 9. 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 and Possible Consideration of Resolution 2021-22: A Resolution of the City Council of the City of Nevada City Overturning the Planning Commission Decision to Deny a Map Amendment by Scott Rice to Add and Relocate a Driveway, Subject to Conditions of Approval**

**Recommended Action:** Adopt Resolution 2021-22, overturning the Planning Commission decision based on State Law “abutter’s rights” and to approve the Parcel Map Amendment subject to conditions of approval as may be modified at the public hearing, pursuant to Title 16.04 of the Nevada City Municipal Code and California Government Code Sec. 66474

## **BUSINESS**

- 10. Discussion on Governor’s Intended June 15 Reopening and Determination of City’s Plans for Continued Outdoor Dining and Discussion on City Ordinances No. 2020-20 and 2020-21 Regarding Use of Face Masks**

**Recommended Action:** Discuss and provide direction to staff

## **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 9<sup>th</sup>, 2021 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City’s website [www.nevadacityca.gov](http://www.nevadacityca.gov).

Signed April 9<sup>th</sup>, 2021, at Nevada City, California

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Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk

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