



**Regular Meeting of
Nevada City Council**

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

WEDNESDAY	May 26, 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. Labor negotiations—Government Code Section 54957.6 Agency Designated Representative: Joan Phillipe, Interim City Manager Employee Organizations: Nevada City Miscellaneous Employee’s Association Nevada City Police Supervisor’s Association Nevada County Professional Firefighters, Local 3800 Nevada City Management and Supervisory Employees Nevada City Police Officers Association</p> <p>Members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.</p>		

WEDNESDAY	May 26, 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 28, 2021 Council Meeting**
Recommended Action: Review and approve
2. **Fire Activity Report—March 2021**
Recommended Action: Receive and file
3. **Request from Nevada City Chamber of Commerce for Street Closure on June 4, July 2, August 6 and September 3, 2021 for First Friday Art Walk on York Street between Broad and Commercial Streets and Commercial Street Between N. Pine Street and Three Forks Parking Lot Entrance**
Recommended Action: Approve street closures with conditions
4. **Request from Nevada City Chamber of Commerce for Street Closure on June 6, 2021 for Nevada City Village Market Day on N. Pine Street between Broad and Commercial Streets**
Recommended Action: Approve street closure with conditions
5. **Request from Magic Lantern Corporation DBA Nevada City Film Festival for Use of Pioneer Park Bandstand and Adjacent Field for Outdoor Fil Exhibition June 11, July 9, August 13, August 27 and 28, September 3, 2021 and In-Kind Sponsorship of Event by Waiver of Fees**
Recommended Action: Approve use of Pioneer Park Band Stand and Authorize In-Kind Sponsorship of the event by waiving use fees in the amount of \$2,280
6. **Second Reading of 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**

Recommended Action: Approve Ordinance 2021-05

7. Receipt of Nevada LAFCo (Local Agency Formation Commission) Preliminary Budget and Work Program for Fiscal Year 2021-2022

Recommended Action: Confirm staff comments for submittal to LAFCo and receive and file

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 that 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. 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: Continue indefinitely the public hearing on the appeal at the request of applicant Scott Rice

9. Appeal of a Planning Commission decision to deny a Site Plan amendment for fencing replacement at 426 Broad Street for Kosmos Spa

Recommend Action: By motion do one of the following:

To Uphold the Planning Commission Decision: Council must make the finding that the fence color (cedar or dark-stained) will substantially depreciate property values in the vicinity, or unreasonably interfere with the lawful use and enjoyment of other properties in the vicinity, or endanger the public health, safety, and welfare.

To Overturn the Planning Commission Decision: Council must make the finding that the fence color (cedar or dark-stained) ***will not*** substantially depreciate property values in the vicinity, or unreasonably interfere with the lawful use and enjoyment of other properties in the vicinity, or endanger the public health, safety, and welfare.

BUSINESS

10. Police Activity Report—March 2021

Recommended Action: Receive and file

11. Discussion on Current Status of City Water Levels and Consideration of Adopting Resolution No. 2021- : A Resolution of the City Council of the City of Nevada City Declaring a Stage 2 (Water Shortage Alert) 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 Resolution No. 2021-

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
