



**Regular Meeting
Nevada City Council**

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

WEDNESDAY	June 8, 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:</p> <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>B. Conference with Legal Counsel - Anticipated Litigation Significant exposure to litigation pursuant to § 54956.9(e)(5) One (1) matter</p>		

WEDNESDAY	June 8, 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**

NOTICE TO THE PUBLIC: Please be advised that the Council Chambers are currently open to the public. This meeting is accessible to the public in person, via Zoom video conference, via YouTube, or on the local government cable channel 17. Individual City Council members may participate remotely in accordance with applicable open meeting law requirements. In-person meetings will be conducted in

accordance with local and State Department of Public Health orders and guidance and requirements of the California Division of Occupational Safety and Health (CalOSHA).

The public is encouraged to participate or observe this meeting by:

1. Attending this meeting in person at the City of Nevada City Council Chambers located at 317 Broad Street Nevada City, California.
2. Attending this meeting via Zoom video conference by linking to the following site: <https://us02web.zoom.us/j/89009138474> or, by telephone: Dial 1-669-900-9128 Webinar ID: 890 0913 8474
3. Observing this meeting live from the City of Nevada City YouTube channel at: <https://www.youtube.com/channel/UCXSQwrXtey12YII3IbyGMYQ>
4. Observe this meeting live from the local government cable channel 17

Public comments may be made:

1. In person: Live at the meeting. Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration. Comments for all agenda items are limited to a speaking time of three minutes.
2. Via Zoom: If you choose to join the City Council Meeting via Zoom video conference you will be able to utilize the “Raise Hand”. If joining by telephone: Dial 1-669-900-9128 Webinar ID: 890 0913 8474, dial *9 to “Raise Hand”. The Mayor will call on those who wish to speak at the appropriate time, not to exceed three minutes.
3. In writing: 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:
 - Full Name
 - Address (specific or general, ie: resident in unincorporated Nevada City)
 - The item number that you are commenting on

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 317 Broad Street, Nevada City, California during normal business hours. Government Code § 54957.5(b)(1). Copies will also be provided at the appropriate meeting.

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 530-265-0187 Extension 133. 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].

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

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 May 25, 2022 Regular Meeting**
Recommended Action: Review and approve

2. **Accounts Payable—May 2022**
Recommended Action: Receive and file

3. **Police Activity Report—May 2022**
Recommended Action: Receive and file
4. **Building Activity Report—May 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. 2022-38: A Resolution of the City Council of the City of Nevada City to Extend for 60 Days Proclamation No. 2022-22 Declaring the Existence of a Local Emergency Due to the December 27, 2021 Snow Storm**
Recommended Action: Adopt resolution
7. **Consideration of the Purchase of Supplies and the Authorization of the Completion of the Pioneer Park Pedestrian Bridge Reconstruction Project**
Recommended Action: Approve the purchase authorization
8. **Consideration of the Purchase of Materials and the Authorization of the Completion of the Pioneer Park Bleacher Rehabilitation Project in Coordination with Nevada City Little League**
Recommended Action: Approve the purchase authorization
9. **Consideration of Adoption of Resolution No. 2022-39: A Resolution of the City Council of the City of Nevada City Approving Compensation Ranges for Authorized Positions**
Recommended Action: Adopt the resolution
10. **Consideration of Request from Waste Management Disposal for a Rate Increase as Provided for and Set Forth in its Agreement with the City and Consideration of Resolution No. 2022-40: A Resolution of the City Council of the City of Nevada City Approving a Rate Increase for Refuse Service Based on the U.S. City Average Consumer Price Index for All Urban Consumers**
Recommended Action: Adopt the resolution
11. **Second Reading and Adoption of Ordinance No. 2022-06: An Ordinance of the City Council of the City of Nevada City, State of California, Amending Chapter 3.08 (“Purchasing”) of Title 3 (“Revenue and Finance”) of the City of Nevada City Municipal Code, Relating to Purchasing Procedures**
Recommended Action: Hold second reading and adopt ordinance

12. Second Reading and Adoption of Ordinance No. 2022-07: Ordinance of the City of Nevada City Amending Sections of Chapter 12.02 (“Encroachments on Public Right-of-Way”) of Title 12 (“Streets, Sidewalks and Public Places”) Regarding Resurfacing of Streets and Sidewalks

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. Conduct a Public Hearing in Consideration of Resolution No. 2022-41 To File a Notice of Exemption; Ordinance No. 2022-08 Approving the Annexation and Rezoning; and Resolution No. 2022-42 Request to Initiate Proceedings; for the Annexation of 43.5 Acres Located in Two Distinct Areas of the City Sphere of Influence Along State Highway 49 and Old Downieville Highway, City Annexation No. 57

Recommended Action: Approve Resolution 2022-41 for filing a Notice of Exemption for the annexation, and pre-zoning pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment making finding A:

- A. That the pre-zoning will provide land use designations that are either compatible with existing developed uses or compatible with the Nevada City General Plan Land Use Designations and the planned use of the properties to be annexed for which an EIR was prepared and certified in 1986*

Adopt Ordinance 2022-08, approving the annexation of 43.5 acres of Nevada County territory into the City of Nevada City and pre-zoning the properties as provided in the Ordinance making findings A-C:

- A. *That all the proposed annexation territory is within the City's current Sphere of Influence boundary;*
- B. *That all of the proposed annexation territory will be pre-zoned in a manner that is compatible with the City's General Plan Land Use designations as may be amended; and*
- C. *That the City has the capacity to serve the proposed annexation territory in terms of Police, Fire, and Sewer service.*

Approve Resolution 2022-42, initiating an annexation application with LAFCo for all that territory delineated on the map known as Annexation #57 (Exhibit B), making findings A-B:

- A. *That all the proposed annexation territory is within the City's current Sphere of Influence boundary; and*
- B. *That the City has the capacity to serve the proposed annexation territory in terms of Police, Fire, and Sewer service.*

BUSINESS

- 14. Consideration of Resolution No. 2022-43: A Resolution of the City Council of the City of Nevada City Requesting the Nevada County Auditor-Controller and Tax Collector to Collect Nevada City's 2002 Special Tax (Measure K) for Fiscal Year 2022-2023; and**

Consideration of Resolution No. 2022-44: A Resolution of the City Council of the City of Nevada City Requesting the Nevada County Auditor-Controller and Tax Collector to Collect Nevada City's Special Tax (1986) for Fiscal Year 2022-2023

Recommended Action: Adopt the resolutions

- 15. Consideration of Resolution No. 2022-45: A Resolution of the City Council of the City of Nevada City Requesting the Nevada County Board of Supervisors to Authorize the County Auditor Controller and the County Tax Collector to Levy and Collect Delinquent Sewer and/or Water Service Charges Against Certain Properties within the City of Nevada City**

Recommended Action: Adopt the resolution

- 16. Receive a Report on the Current and Proposed Changes to the Citywide Fee Structure and Provide Direction to Staff for Inclusion of a Master Fee Schedule Resolution with the Fiscal Year 2022/23 Budget.**

Recommended Action: Receive the report and provide staff direction

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.

Certification of Posting of Agenda

I, Amy Wolfson, City Planner for the City of Nevada City, declare that the foregoing agenda for the June 8, 2022 Regular Meeting of the Nevada City City Council was posted June 3, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed June 3, 2022 at Nevada City, California

Amy Wolfson, City Planner