



**Regular Meeting of
Nevada City Council**

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

WEDNESDAY	September 28, 2022	6:30 P.M.
------------------	---------------------------	------------------

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.

Doug Fleming, Mayor

Daniela Fernández, Vice Mayor

Adam Kline, Council Member

Gary Petersen, Council Member

Lou Ceci, 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 Fleming
_____ Vice-Mayor Fernández
_____ Councilmember Petersen
_____ Councilmember Kline
_____ Councilmember Ceci

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 (if needed)

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. **Fire Activity Report – August 2022**
Recommended Action: Receive and file
2. **Second Reading and Consideration of Adoption of Ordinance No. 2022-10: An Ordinance of the City Council of the City of Nevada City, State of California, Adding Chapter 12.05 to the Nevada City Municipal Code, Establishing an Encroachment Permit Process for Allowing Outdoor Dining Operations within the City Rights-Of-Way, Including Sidewalk and Parklet Dining**
Recommended Action: Hold second reading and adopt ordinance
3. **Second Reading and Consideration of Adoption of Ordinance No. 2022-11: An Ordinance Repealing Chapter 8.12 (“Garbage Disposal”) and Readopting Chapter 8.12 (“Solid Waste; Integrated Waste Management”) of Title 8 (“Health and Safety”) of the City of Nevada City Municipal Code Relating to Integrated Waste Management**
Recommended Action: Hold second reading and adopt ordinance
4. **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
5. **Consideration of the Special Event Request for the Display of Cultural District Flags During a Regional Tour**
Recommended Action: Review, approve, and authorize the special event request

- 6. Consideration of Award of Contract with PSCE in an Amount Not-To-Exceed \$65,000 for Water Main Abandonment at Miners Foundry; Authorize a Project Contingency of 10%, Not-To-Exceed \$6,500; and Authorize the City Manager to Execute any Contracts or Related Documents**

Recommended Action: Award the contract, authorize the contingency, and authorize the City Manager to execute related documents

CONSENT ITEMS FORWARD (if needed): Items pulled from the Consent Agenda will be discussed individually with action taken by separate motion.

BUSINESS

- 7. Hear, Receive, and File the Impact Report on the Nevada City Historic Neighborhoods District Initiative Also Known as Measure W on the November 8, 2022, Ballot for Nevada City**

Recommended Action: Hear a presentation, receive and file the report. No further action required or permitted.

- 8. Consideration of Adoption of Resolution 2022-60 Approving the Map and Conditions of Approval for Recordation of the Tentatively Approved Map at 400 Providence Mine Road; and Adoption of Resolution 2022-61 Making a Land Use Consistency Finding for Proposed Activity on the Resulting Parcels**

Recommended Action: After reviewing and considering the approved Map and Conditions of Approval, adopt Resolution 2022-60 and authorize the Mayor to sign the map to be recorded at the Nevada County Recorder's Office; and After reviewing and considering the applicant's proposed land use activity including a classic car show room and storage facility with ancillary activities and events, adopt Resolution 2022-61 and authorize the Mayor to sign.

- 9. Consideration of Award of a Professional Services Contract with Chargie LLC for the Installation, Maintenance and Data Collection for Six Electric Vehicle (EV) Chargers in the Commercial Street Parking Lot in an Amount Not-to-Exceed \$48,000 and Authorize the City Manager to Execute the Related Documents**

Recommended Action: Award the Professional Services Contract and authorize the City Manager to execute documents.

- 10. Consideration of the First Amendment to Employment Agreement for City Manager Between the City of Nevada City and Sean Grayson**

Recommended Action: Approve the first amendment to the Employment Agreement with the City Manager.

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, Sean Grayson, City Manager for the City of Nevada City, declares that the foregoing agenda for the September 28, 2022 Regular Meeting of the Nevada City City Council was posted September 23, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed September 23, 2022 at Nevada City, California

Sean Grayson, City Manager