



**Regular Meeting of
Nevada City Council**

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

WEDNESDAY	October 13, 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.

Duane Strawser, Mayor

**Erin Minett, Council Member
Daniela Fernández, Council Member**

**Douglas Fleming, 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/UCXSQwrXteyI2YII3IbyGMYQ>*
- 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 and use the "RAISE HAND" feature at the bottom of your screen:
<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 (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:

- a. Full Name*
- b. Address (specific or general, i.e.: 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 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

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. 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 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 September 8, 2021 Regular Council Meeting and September 21, 2021 Special Council Meeting**
Recommended Action: Review and approve
2. **Accounts Payable**
Recommended Action: Receive and file
3. **Fire Activity Report—August**
Recommended Action: Receive and file
4. **Police Activity Report—September**
Recommended Action: Receive and file
5. **Receipt of Information in Regard to the Expiration of Covid-19 Supplemental Paid Sick Leave and Request to Extend Benefit to City Employees**
Recommended Action: Approve extending the paid sick leave to city employees in the event of verified Covid-19 illness
6. **Consideration of Resolution No. 2021-45: A Resolution of the City Council of the City of Nevada City to Award a Contract to C&D Contractors for Searls Avenue Sewer Improvements and Approval of a Memorandum of Understanding with Cashin’s Field Affordable Housing for Cost-Share and Authorize the Mayor to Sign**
Recommended Action: Adopt resolution awarding the project contract to C&D Contractors in the amount of \$232,400 plus \$23,000 in contingencies
7. **Consideration of Resolution No. 2021-46: A Resolution of the City Council of the City of Nevada City to Extend Resolution No. 2021-42 to Maintain in Effect the City’s Declaration of Emergency (Proclamation No. 2021-01) Due to Continued Extreme Fire Danger**
Recommended Action: Adopt resolution

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

8. Request from Mosh Posh Marketplace for Closure of York Street between Broad and Commercial Streets on October 30, 2021 for a Fall Festival Including a General Discussion on Halloween Activities

Recommended Action: Approve request for street closure subject to conditions and any Nevada County Public Health Officer Covid-19 Mandates as well as provide potential direction to staff in regard to Halloween activities

9. Request for Approval of a Plan Revision for Commercial Street Project to Include an Area for Permanent Outdoor Dining

Recommended Action: Approve revision

10. Consideration of Conditions of Approval for Use of Tents/Protective Coverings for Outdoor Dining

Recommended Action: Discuss and approve tents for outdoor dining for establishments with approved outdoor dining permits subject to specific conditions

11. Request for Authorization for Staff to Amend SB2 and LEAP (Local Early Action Planning) Grant Applications (Cottage Ordinance) to Reallocate Funds to the General Plan Safety Element Update and to Include an Update to the General Plan Noise Element

Recommended Action: Direct staff to amend the grant applications

12. Consideration of Adoption of Resolutions to Continue to Allow Remote City Council Meetings:

Resolution No. 2021-43: A Resolution of the City Council of the City of Nevada City Making the Legally Required Findings to Authorize the Conduct of Remote “Telephonic” Meetings During the State of Emergency and

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: Adopt resolutions

13. Mayor Committee Appointments

Recommended Action: Receive appointments from Mayor Strawser

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.

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 October 13th, 2021 Regular Meeting of the Nevada City City Council was posted October 8th, 2021 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City’s website.

Signed October 08th, 2021, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk