



**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>October 26, 2022</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.*

**Doug Fleming, Mayor**

**Daniela Fernández, Vice Mayor**

**Adam Kline, Council Member**

**Gary Petersen, Council Member**

**Lou Ceci, Council Member**

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**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](mailto: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)

## PRESENTATIONS

**Proclamation:** Military Appreciation Week November 5-13, 2022

**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 October 12, 2022 Regular Meeting**  
**Recommended Action:** Review and approve the minutes
2. **Fire Activity Report September 2022**  
**Recommended Action:** Receive and file the report
3. **Consideration of Adoption of Resolution No. 2022-63: A Resolution of the City Council of the City of Nevada City Repealing and Replacing Resolution No. 2022-56 and Approving the Appointment of City Council Members to Internal and External Committees and Regional Bodies Through June 30, 2023**  
**Recommended Action:** Adopt the resolution
4. **Consideration of the Cancellation of the Regular City Council Meeting Dates of November 23, 2022, and December 28, 2022 and the Rescheduling of the December 14, 2022 Regular City Council Meeting to December 15, 2022**  
**Recommended Action:** Cancel the listed meetings
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 the resolution

**6. Consideration of Adoption of Resolution No. 2022-66: A Resolution of the City Council of the City of Nevada City Approving the Application for Grant Funds for the 2022 Wildfire Recovery & Forest Resilience Directed Grant Program of the Sierra Nevada Conservancy**

**Recommended Action:** Adopt the resolution

**CONSENT ITEMS FORWARD (if needed):** 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.*

**7. Receive a Presentation on the Results of the Impact Assessment Study on Nevada City Joining the Pioneer Energy JPA for Community Choice Aggregation; Consideration of Ordinance 2022-12: An Ordinance of the City Council of the City of Nevada City Authorizing the Implementation of a Community Choice Aggregation Program in the City of Nevada City; and Consideration of Resolution 2022-64: A Resolution of the City of Nevada City Requesting Membership in Pioneer Community Energy and Approving the Amended and Restated Joint Exercise of Powers Agreement and Amendment No. 2 Thereto**

**Recommended Action:** Receive the presentation, hold first reading, waive reading of Ordinance in its entirety, read by title only, and schedule for second reading and adoption for November 9, 2022; adopt the resolution

**BUSINESS**

**8. Consideration of a Short-Term Business Development and Sustainability Fee Waiver Program in an Amount Not-To-Exceed \$40,000**

**Recommended Action:** Approve the fee waiver and authorize the City Manager to implement the program

- 9. Consideration of Resolution 2022-65: A Resolution of the City of Nevada City Approving a Memorandum of Understanding Between the County of Nevada and the City of Nevada City for Wildfire Prevention, Emergency Services, and Disaster Readiness Programs and Projects**

**Recommended Action:** Adopt the resolution

- 10. Consideration of Award of Contract with Hansen Bros. Enterprises in an Amount Not-To-Exceed \$151,477 for Concrete Walk Gutter and Stairs at Various Locations; Authorize a Project Contingency of 10%, Not-To-Exceed \$15,147; 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

## **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, Gabrielle Christakes, Deputy City Clerk for the City of Nevada City, declare that the foregoing agenda for the October 26, 2022 Regular Meeting of the Nevada City City Council was posted October 21, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed October 21, 2022 at Nevada City, California

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Gabrielle Christakes, Deputy City Clerk