



**REGULAR CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 9, 2020**

**Closed Session – 6:15 PM
Regular Meeting - 6:30 PM**

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

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
Vacant, 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 the 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.

1. You are strongly encouraged to observe the City Council meetings live on PUBLIC TELEVISION CHANNEL 17, ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV or Nevada City Public Meetings-YouTube Channel or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7) (If you are unable to view the meeting live on YouTube please use one of the other 3 methods).

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided through the live meeting. You can also go to the Nevada City website at www.nevadacityca.gov and go to the public comment button to submit comments. PLEASE INCLUDE YOUR NAME AND ADDRESS IN YOUR COMMENT, AS WELL AS, INCLUDING THE AGENDA ITEM LETTER AND NUMBER IN YOUR SUBJECT LINE. Please keep your written comments to 3 minutes or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time constraints.

3. 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].

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION: 6:15 PM

Under Government Code Section 54950 members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.

- A. Pursuant to Government Code Section 54956.9(d)(1) City Attorney, Crystal Hodgson, City Manager, Catrina Olson, and Police Chief, Chad Ellis are requesting a closed session to discuss the pending litigation in the case of County of Nevada and City of Nevada City vs. Darren Engstrom in Nevada County Superior Court Case No. CU20-084887.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Mayor Minett, Vice Mayor Strawser, Council Members Fleming, Fernández and Petersen

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS, COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

- A. **Subject:** Accounts Payable Activity Report – November 2020
Recommendation: Receive and file.

- B. Subject:** Award of Contract for Mill Street Retaining Wall Improvement
Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to award a contract to PSCE in the amount of \$151,155 plus \$12,000 in contingencies for Mill Street Retaining Wall Improvement in Nevada City and authorize the Mayor to sign.
- C. Subject:** Memorandum of Understanding for Reimbursement of Sewer Main Extension
Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to enter into a Memorandum of Understanding (MOU) between Ken Krugler and Nevada City for reimbursement of Sewer Main Extension and authorize the Mayor to sign.
- D. Subject:** Assembly Bill 1255 Surplus Public Land Inventory
Recommendation: Review, receive and file.
- E. Subject:** A Resolution of the City of Nevada City Authorizing Various City Staff Positions and Elected Council Members to Sign on Nevada City Accounts with Tri Counties Bank
Recommendation: Pass Resolution 2020-XX, a Resolution authorizing various City Staff positions and elected Council Members to sign on Nevada City accounts with Tri Counties Bank.
- F. Subject:** Action Minutes November 18, 2020 Regular City Council Meeting
Recommendation: Review and approve regular City Council meeting action minutes of November 18, 2020.
- G. Subject:** Action Minutes November 20, 2020 Special City Council Meeting
Recommendation: Review and approve Special City Council Meeting action minutes of November 20, 2020.
- H. Subject:** Action Minutes December 1, 2020 Special City Council Meeting
Recommendation: Review and approve Special City Council Meeting action minutes of December 1, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

7. NEW BUSINESS:

- A. Subject:** Resolution 2020-XX Approving “Nevada City Safe” Business Self-Certification Safety Program within the City of Nevada City for the Duration of the COVID-19 Pandemic
Recommendation: Pass Resolution 2020-XX, a Resolution approving “Nevada City Safe” Business Self-Certification Safety Program within the City of Nevada City for the duration of the COVID-19 pandemic.

B. Subject: Outdoor Dining Regulations

Recommendation:

1. Rescind all encroachment permits that were issued to restraints that increased the allowed public and private space available for outdoor dining, and requiring the removal of all personal property from the public right-of-ways and private spaces that are currently in use to accommodate outdoor dining; or
2. Leave the encroachment permits intact and allow the personal property being used for outdoor eating to remain in the public right-of-ways and private spaces with the explicit expectation that the businesses with the permits are following the COVID-19 State mandates and only providing take-out/curbside service, not allowing indoor or outdoor dining.

C. Subject: Urgency Ordinance Allowing for Administrative Enforcement of State's Face Covering Guidance

Recommendation: Pass Ordinance No. 2020-XX, an Urgency Ordinance of the City Council of the City of Nevada City to Adopt the California Department of Public Health's Guidance for the Use of Face Coverings to Be Enforceable by Administrative Citation within the City of Nevada City.

D. Subject: Urgency Ordinance Prohibiting Violation of Any State or County Emergency Order as Public Nuisance

Recommendation: Pass Ordinance No. 2020-XX, an Urgency Ordinance of the City Council of the City of Nevada City, California, prohibiting violation of any emergency order issued by the State or County of Nevada, and amending Chapter 8.04.025 of the Nevada City Municipal Code declaring such violations to be public nuisances.

E. Subject: A Resolution of the City Council of the City of Nevada City Authorizing the Mayor to Execute Agreements with the California Department of Tax and Fee Administration for Implementation of a Local Transactions and Use Tax and A Resolution of the City Council of the City of Nevada City Authorizing the Examination of Transactions (Sales) and Use Tax Records

Recommendation:

1. Pass Resolution 2020-92, a Resolution of the City Council of the City of Nevada City authorizing the Mayor to execute agreements with the California Department of Tax and Fee Administration (CDTFA) for implementation of local transactions and use tax.
2. Pass Resolution 2020-93, a Resolution of the City Council of the City of Nevada City authorizing the examination of transactions (sales) and use tax records.

F. Subject: Approval to Enter into a Memorandum of Understanding (MOU) between Nevada County and Nevada City to Transfer \$500,000 in Rule 20A Credits

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to enter into a Memorandum of Understanding (MOU) between Nevada County and Nevada City to Transfer \$500,000 in Rule 20A Credits and authorize the Mayor to sign.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

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 December 9th, 2020 Regular Meeting of the Nevada City City Council was posted December 4th, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed December 4th, 2020, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

December 16, 2020	Strategic Planning Session
December 25, 2020	Christmas Holiday
January 1, 2021	New Years Holiday
January 12, 2021	Regular Council Meeting
January 18, 2021	Martin Luther King Jr. Holiday
January 26, 2021	Regular Council Meeting
February 9, 2021	Regular Council Meeting
February 15, 2021	Presidents Holiday
February 23, 2021	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*