

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF FEBRUARY 14, 2018**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to [Quick Links](#) and Click on [Agendas & Minutes](#) and find the Archived Videos in the middle of the screen. Select the meeting date and Click on [Video](#) to watch the meeting. For website assistance, please contact Loree' McCay, Deputy City Clerk at (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION – 6:00 PM

1. Pursuant to Government Code Section 54957(b)(1) a closed session is requested with City Manager Catrina Olson and City Attorney Hal DeGraw on a personnel matter.
2. Pursuant to Government Code Section 54956.9 the City Manager Catrina Olson and City Attorney Hal DeGraw are requesting a closed session conference to confer on litigation involving the City in the case of City of Nevada City v. Letty Cano Barocia, *et al.*, Sacramento County Superior Court Case No. TBD, Claim No. NCWA-556924.
3. Pursuant to Government Code Section 54956.9 the Consulting City Attorney's Hal DeGraw and P. Scott Browne are requesting a closed session conference to confer on litigation involving the City in the case of Friends of Spring Street vs. Nevada City, *et al.*, Nevada County Superior Court Case No. CIV 1304393, Appellate Case No. C081195.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Moberg, Phelps, Senum, Vice Mayor Parker, & Mayor Strawser

PLEDGE OF ALLEGIANCE

Consulting City Attorney, Hal DeGraw reported out of Closed Session:

1. Staff to proceed as directed.
2. Accepted settlement apportionment as proposed.
3. Staff to proceed as directed.

PROCLAMATIONS: None

PRESENTATIONS: CABY Presentation by Katie Burdick

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Please refer to the meeting video on the City's website at www.nevadacityca.gov for comments.

A. Subject: Resolution Of The City Of Nevada City Council Calling For California's US Senators To Introduce The We The People Constitutional Amendment

Recommendation: Pass Resolution 2018-05 calling for California's US Senators to introduce the We The People Constitutional Amendment.

Action: Motion by Phelps, seconded by Senum to approve Item 2A as presented.
(Approved 5 - 0)

3. CONSENT ITEMS:

A. Subject: Fire Activity Report – January 2018

Recommendation: Receive and file.

B. Subject: Accounts Payable Activity Report – January 2018

Recommendation: Receive and file.

C. Subject: A Resolution Of The City Council Of Nevada City To Adopt A Determination Of A CalPERS Member's Industrial Disability Retirement For Police Officer Shane Franssen

Recommendation: Pass Resolution 2018-06 to adopt a determination of a CalPERS member's industrial disability retirement for Police Officer Shane Franssen.

D. Subject: A Resolution Of The City Council Of Nevada City To Adopt A Determination Of A CalPERS Member's Industrial Disability Retirement For Police Officer Gary Scott Clendenen

Recommendation: Pass Resolution 2018-07 to adopt a determination of a CalPERS member's industrial disability retirement for Police Officer Gary Scott Clendenen.

Action: Motion by Senum, seconded by Parker to approve Consent Items 3A - 3D as presented.
(Approved 5 - 0)

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – January 24th, 2018

Action: Motion by Senum, seconded by Parker to approve January 24th, 2018 minutes as presented.

(Approved 3 – 0: 2 Abstained - Moberg & Phelps (due to absence))

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. **Subject:** Request The Nevada City, City Council To Review And Approve The Letter to CalPERS Requesting That CalPERS Forgo The 180 Day Waiting Period For Officer Gary Clendenen To Allow Return To Employment With The City Of Nevada City As A Non-Sworn Part-Time Retired Annuitant
Recommendation: Approve the attached letter to CalPERS requesting Officer Gary Clendenen be allowed to return to employment with the City of Nevada City as a non-sworn part-time retired annuitant and forgo the 180 day standard separation of employment generally required by CalPERS.

Action: Motion by Phelps, seconded by Parker to approve as presented.
(Approved 5 - 0)

B. **Subject:** Brownfields Clean-up Project on Providence Mine Site
Recommendation: Accept and File

Action: No action.

C. **Subject:** Acceptance Of Audit Report For Fiscal Year 2016/2017
Recommendation: Review and accept the City of Nevada City Annual Financial Statements and Management Letter for year ended June 30, 2017.

Action: No action.

D. **Subject:** Request For Direction On Handling Of Large Number Of Applications To Operate Other Medical Cannabis Businesses
Recommendation: Provide direction to staff on the handling of pending applications to operate other medical cannabis businesses.

Action: No action.

6. PUBLIC HEARINGS:

7. OLD BUSINESS:

A. Subject: Review Draft Amendment Ordinance 2018-XX To Ordinance 2017-06 Section 9.22.040 (Medical Cannabis Businesses) Amending Item A.1 (Medical Cannabis Dispensaries) To Allow Nevada City Council To Increase Permitted Medical Cannabis Dispensaries From One (1) To Three (3)

Recommendation: Waive reading of the Ordinance, read title only and introduce for the first reading.

Action: In advance of vote, Council was polled. Parker, Strawser, Senum and Phelps all preferred one (1) dispensary and Moberg preferred three (3). These results prompted the Council to take no action on item 7A.

(No action taken)

8. NEW BUSINESS:

A. Subject: A Resolution Of City Council Of The City Of Nevada City Setting Aside Decision Granting Appeal Of Planning Commission Decision

Recommendation: Pass Resolution 2018-08 setting aside decision granting appeal of planning commission decision.

Action: Motion by Moberg, seconded by Parker to approve as presented.

(Approved 5 - 0)

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

11. CITY MANAGER'S REPORT:

12. ADJOURNMENT – 10:39 pm



Duane Strawser, Mayor

ATTEST:



Niel Locke, City Clerk