

**CITY OF NEVADA CITY  
ACTION MINUTES  
REGULAR CITY COUNCIL MEETING OF DECEMBER 12, 2018**

**NOTE:** This meeting is available to view on the City's website [www.nevadacityca.gov](http://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 134.

- 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, the and City Attorney Hal DeGraw on a personnel matter related to the Police Chief position.

**Action:** Report out of closed session, staff to proceed as directed.

**REGULAR MEETING – 6:30 PM - Call to Order**

**Roll Call:** Present: Mayor Parker, Vice Mayor Senum, Council Members Minett, Strawser, and Moberg

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS:** None

**PRESENTATIONS:**

- A. **Subject:** Introduction of New Firefighter – Alex Otani was moved to a future agenda.

**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](http://www.nevadacityca.gov).

**2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:**

**3. CONSENT ITEMS:**

- A. **Subject:** Fire Activity Report – November 2018  
**Recommendation:** Receive and file.
- B. **Subject:** Accounts Payable Activity Report – November 2018  
**Recommendation:** Receive and file.

- C. **Subject:** Review and Approve the Purchase of Radar Units for Installation in Patrol Vehicles and a Speed Monitoring Mobile Radar Trailer **Recommendation:** Approve the request for the Police Department to purchase radar units for installation in the patrol vehicles and a speed monitoring mobile radar trailer.
- D. **Subject:** Nevada City Chinese New Year Parade and Festival Street Closure Request  
**Recommendation:** Review and authorize Nevada City Chinese New Year Parade and Festival street closure request per application.
- E. **Subject:** Bear Yuba Land Trust (BYLT) Trail Maintenance Contract  
**Recommendation:** Pass Resolution 2018-72 and authorize the City Manager to sign the 2019 Trail Maintenance Contract.
- F. **Subject:** Bench and Plaque for Placement on Hirschman Trail  
**Recommendation:** Approve the requested plaque wording.
- G. **Subject:** Award of Contract for Pioneer Park Tennis Court Bathroom Improvements in Nevada City  
**Recommendation:** Pass Resolution 2018-73 awarding a contract to Barsotti Contracting in the amount of \$65,200.00 plus \$7,000.00 in contingencies for Pioneer Park Tennis Court Bathroom Improvements in Nevada City and authorize the Mayor to sign.
- H. **Subject:** Authorization for Procurement for Nevada City Water Plant Chlorine System  
**Recommendation:** Authorize the City Manager or designee to sign purchase orders for the procurement of Nevada City Water Plant Chlorine System in the amount of \$31,706.20 plus \$2,000.00 in contingencies for Nevada City Water Plant Chlorine System in Nevada City.

**Action:** Motion by Strawser, seconded by Senum to approve Consent Items 3A-3C and 3E-3H as presented. Item 3D was pulled to request applicant to remind affected businesses of the parade date. Applicant agreed to send a flyer.

**(Approved 5 – 0)**

Motion by Strawser, seconded by Minett to approve Consent Item 3D.

**(Approved 5 – 0)**

#### 4. APPROVAL OF ACTION MINUTES:

##### A. City Council Meeting – November 14, 2018

**Action:** Motion by Moberg, seconded by Senum to approve November 14, 2018 minutes as presented.

**(Approved 5 – 0)**

##### B. Special City Council Meeting – November 20, 2018

**Action:** Motion by Senum, seconded by Moberg to approve November 20, 2018 special

meeting minutes as presented.

**(Approved 4 – 0, 1 Abstain-Strawser)**

**5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:**

**A. Subject:** Monthly Update On City Council Six-Month Strategic Objectives

**Recommendation:** Receive and file.

**Action:** No action. Receive and file.

**B. Subject:** Year End Update for Ongoing Citywide Projects

**Recommendation:** Review and recommend further direction/next steps on presented projects if desired.

**Action:** No action. Staff directed to add directional signage back on the list of things to work towards completing.

**C. Subject:** Revised City of Nevada City Special Event Application/Contract

**Recommendation:** Review and approve the revised City of Nevada City Special Event Application/Contract and Event Guidelines.

**Action:** No action. Update to City Council on changes, receive and file.

**6. PUBLIC HEARINGS:**

**A. Subject:** Ordinance to Regulate Wireless Telecommunications Facilities in the Right of Way

**Recommendation:** Hold a Public Hearing and introduce by title only, and waive full reading of the ordinance, for first reading of an Ordinance Amending the Nevada City Municipal Code to add Chapter 17.150 entitled "Wireless Telecommunication Facilities in the Right of Way".

**Action:** Motion by Strawser, seconded by Minett to continue this item to a date certain of January 23, 2019 for review of comments regarding the Ordinance from Paul Albritton of Mackenzie & Albritton, LLP, the attorney representing Verizon Wireless.

**(Approved 5 – 0)**

**B. Subject:** A Public Hearing and Pass Resolution 2018-74 Establishing a 5-Year Wastewater Rate Structure with Scheduled Annual Incremental Increases

**Recommendation:** Hold a Public Hearing and Pass Resolution 2018-74 establishing a 5-year wastewater rate structure with scheduled annual incremental increases.

**Action:** Motion by Senum, seconded by Strawser to pass Resolution 2018-74 establishing a 5-year wastewater rate structure with scheduled annual incremental increases as presented.

**(Approved 4 – 1) Roll call vote – Yes: Strawser, Moberg, Senum, and Parker**

**No: Minett**

**7. OLD BUSINESS:**

**A. Subject:** : An Ordinance of the City of Nevada City Repealing and Re-enacting Chapter 9.22 of Title 9 of the Nevada City Municipal Code Entitled "Medical Cannabis Dispensaries and Other Cannabis Businesses and Activity" and

Renaming it “Cannabis Dispensaries and Other Cannabis Businesses and Activity”; Amending Chapter 17.142 Entitled “Medical Cannabis Uses and Activity” and Renaming it “Cannabis Uses and Activity” to Allow Adult-Use for Businesses and Activities Previously Restricted to Medical-only; and Amending Sections 17.36.020, 17.40.020, and 17.48.020 (principal permitted uses in LB, GB, and LI zones) in Title 17 to Reflect the Amendment

**Recommendation:** Introduce for a second reading an Ordinance 2018-10 repealing and re-enacting Chapter 9.22 of Title 9 of the Nevada City Municipal Code, to allow adult-use cannabis businesses in addition to medical businesses to operate within City limits in appropriate zoning designations, as outlined in the above Title; waive reading of the Ordinance; read title only, and adopt the Ordinance.

**Action:** Motion by Senum, seconded by Minett to introduce for a second reading an Ordinance 2018-10 repealing and re-enacting Chapter 9.22 of Title 9 of the Nevada City Municipal Code, to allow adult-use cannabis businesses in addition to medical businesses to operate within City limits in appropriate zoning designations, as outlined in the above Title; waive reading of the Ordinance; read title only, and adopt the Ordinance. Staff was directed to bring an Ordinance amendment back to Council to update Section 9.22.120 deleting subsection B, number 4.

**B. Subject:** An Ordinance of the City of Nevada City Adding Chapter 8.06 of the Nevada City Municipal Code Addressing Unlawful Panhandling

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

**Action:** Motion by Senum, seconded by Strawser to waive reading of Ordinance, read title only and introduce for first reading.

**(Approved 5 – 0)**

**C. Subject:** Approve Improvements for a Kiosk and Rail Exhibit at Clamper’s Square

**Recommendation:** Approve a Notice of Exemption improvements to the Clamper’s Square.

**Action:** Motion by Strawser, seconded by Moberg to approve a Notice of Exemption improvements to the Clamper’s Square.

**(Approved 5 – 0)**

## **8. NEW BUSINESS:**

**A. Subject:** Request for Council Review and Consideration of Grievance by Firefighter Michael Chau Regarding Incentive Pay Requirements and City Manager’s Decision Thereon

**Recommendation:** Commence conducting a review of the grievance, determining the best means to conduct a review of the facts and issues and determine if any further investigation is needed and set a date for rendering a decision or render a decision if nothing else is needed.

**Action:** City Council conducted a review of the grievance, determined that there was no further investigation needed and rendered a unanimous decision to uphold the determination of the Fire Chief, Mark Buttron and City Manager, Catrina Olson to not include the six months of temporary work towards the three years of employment required to receive incentive pay for qualified certifications. City Council directed City Attorney, Hal DeGraw to draft a letter to

Michael Chau with the decision that was rendered.

- B. Subject:** Resolution Approving Application of Cal Fire – Fire Prevention Grant  
**Recommendation:** Pass Resolution 2018-75 Approving a Notice of Exemption (NOE), Pass Resolution 2018-76 Approving the Cal Fire Environmental Review Report, and Pass Resolution 2018-77 Approving Application of Cal Fire – Fire Prevention Grant and authorize the Mayor to sign.

**Action:** Motion by Moberg, seconded by Minett to pass Resolution 2018-75 approving a Notice of Exemption (NOE), pass Resolution 2018-76 approving the Cal Fire Environmental Review Report, and pass Resolution 2018-77 approving application of Cal Fire – Fire Prevention Grant and authorize the Mayor to sign.

**(Approved 5 – 0)**

- C. Subject:** Proposition 68 Funding: California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018  
**Recommendation:** Choose top priority projects and direct staff on how to proceed with participation in the grant application process.

**Action:** No action. City Council directed staff to proceed with setting a community meeting to review possible priority projects for Proposition 68 funding.

- D. Subject:** Vegetation Management on City Owned Properties – Prescriptive Grazing “Goat Brigade”  
**Recommendation:** Review progress made regarding vegetation management on City owned properties with the use of the “Goat Brigade” for prescriptive grazing and approve recommended next steps on presented project locations.

**Action:** No action. City Council update regarding suggested projects. Staff directed to proceed with Pioneer Park project for prescriptive grazing contributing approximately \$3,000.

9. **CORRESPONDENCE:**  
10. **ANNOUNCEMENTS:**  
11. **CITY MANAGER’S REPORT:**  
12. **ADJOURNMENT:** - 10:24 PM

  
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David Parker, Mayor

**ATTEST:**

  
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Niel Locke, City Clerk