

**CITY OF NEVADA CITY  
CITY MANAGER'S REPORT  
April 28, 2010**

**To: Honorable City Council**

**From: By Catrina Andes, Director of Finance for Vacationing Gene  
Albaugh, City Manager**

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- **Mary Ann Trygg, County Librarian and I have talked about the Doris Foley Library. Currently, in an effort to cut back expenses of the Library Department, the county is working with the Friends of the Nevada County Libraries who have come forward to propose managing the Doris Foley Library for a period of up to three years. The "Friends" have in their ranks, Librarians, historians and genealogists all of whom are passionate about libraries and research and are desirous of offering volunteers to not only keep the Doris Foley Library open, but extend library service days to two days per week rather than the one day per week offered now under county management. Days of operation will be Fridays and Saturdays. It is hoped to have the library managed by Friends mid-May, 2010 and with this arrangement save over \$25,000 in fiscal year 2010/2011.**
- **Cemetery District Board met on Wednesday, however, results of their meeting have not been received as of this writing (4-23 4:10 p.m,) Board member, Dennis Cassella reported that work is still ongoing at the City's Pioneer Cemetery removing the Scotch Broom and, weather permitting, the crew from the Wayne Brown facility will wrap up early next week.**
- **Work continues on efforts to complete a Community Development Block Grant for California Organics for a move to the Alpha Hardware Building. More on this over the next few weeks. I am still optimistic as the process enters the 20<sup>th</sup> month.**
- **Ecstatic when the word came on Monday that Nevada City and the Friends of Deer Creek's three EPA Grant applications for Brownfield's Cleanup had been approved.**

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**CITY OF NEVADA CITY  
SUMMARY MINUTES  
CITY COUNCIL MEETING OF APRIL 28, 2010**

**NOTE:** This meeting is available to view on the City's website [www.cityofnevadacity.gov](http://www.cityofnevadacity.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. The agenda listed directly below the video screen has bullet points which you can select to get to a specific agenda item. Click on the desired agenda item which will enable you view the meeting from that point forward. Please contact Deputy City Clerk, Corey Shaver for websites assistance (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.

**Regular meeting called to order at 6:30 p.m.**

**ROLL CALL**

Present: Councilmembers Harris, Coffman, McKay, Vice Mayor Bergman  
Absent: Mayor Senum

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION:**

- (1) Recognition of May as National Preservation Month
- (2) Honoring Charles Allert on the 50<sup>th</sup> Anniversary and Staging of the Tour of Nevada City Bicycle Classic

**BUSINESS FROM THE FLOOR – PUBLIC COMMENT (Per Government Code Section 54954.3)**

Richard Johnson, Tribal Leader of the Nisenan Tribe - Read a prepared statement which he handed out to Council, that when honoring history he requests that the information given be correct. Nevada County is the ancestral land of the Nisenan not the Tsi-Akim. You may view Mr. Johnson's entire report on [www.nevadacityca.gov](http://www.nevadacityca.gov) and watch the video.

Niel Locke, Local Representative to the California Preservation Foundation Conference – Indicated that they're getting much more information out and coverage via local media, businesses and public relations; received 28 youth videos for the contest and they are posted on the website - [www.californiapreservation.org](http://www.californiapreservation.org); refer to the Conference Schedule and Registration Form and for information.

**1. COUNCILMEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:**

**Councilmember McKay**

- Park & Recreation Committee Meeting – Met last week and there is item on tonight's agenda.

**2. CONSENT ITEMS:**

- A. Review Fund Financial Reports for Months of January, February and March 2010.

**Action:** Motion by Coffman, seconded by Harris to approve Consent Item A.  
(Approved 4 – 0, Senum Absent)

**3. APPROVAL OF MINUTES:**

- A. Regular City Council Meeting Minutes for April 14, 2010.

**Action:** Motion by Coffman, seconded by McKay to approve Regular City Council Minutes for March 24, 2010  
(Approved 4 – 0, Senum Absent)

#### 4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

##### A. **Subject:** Strategic Plan Update

- Councilmember McKay identified Page B-3 should be revised with a different date. The date was revised to October 1, 2010 by B. Falconi, City Engineer
- Councilmember Harris identified Page C-3 and suggested that this meeting should be live in effort to reach out to public.

**Direction:** Amend Strategic Plan Page B-3, Received and Filed

**B. Subject:** Approve Resolution No. 2010-26 Approving the Signing of the Memorandum of Understanding (MOU) Between Friends of Deer Creek, The Sierra Fund, Nevada County Land Trust, Nevada City and Bureau of Land Management with the MOU Defining Roles and Responsibilities Associated with Tribute Trail Project and Incorporating all the Resource Agency Comments - Izzy Martin, Chief Executive Officer, The Sierra Fund and Dawn Zydonis, Park & Recreation Supervisor

Park & Recreation Supervisor, D. Zydonis gave a brief history of the project:

- 2001 – Project visioning, partnership building, and planning
- 2005 – Friends of Deer Creek applied for Proposition 50 Funding
- 2006 – Friends of Deer Creek was awarded a \$912,000 grant for Tribute Trail and restoration – work began
- 2009 – Funds were frozen by the State
- 2010 – Fiscal responsibility of the project is being assumed by the Sierra Fund.

Izzy Martin stated the purpose of the Memorandum of Understanding:

- 1) The Sierra Fund is now the fiscal agent for the grant because Friends of Deer Creek does not have the cash flow necessary to meet the requirements of the grant.
- 2) The project has not changed since approved in 2008, just the fiscal agent: The grant requires that the Fiscal Agent have an MOU in place with all property owners.
- 3) The original MOU with Friends of Deer Creek is still in place and will not be cancelled out by this new/additional MOU.

**Action:** Motion by McKay, seconded by Coffman to approve Resolution No. 2010-26, a Resolution of the City Council of Nevada City Approving Signing of the Memorandum of Understanding Between the Friends of Deer Creek, The Sierra Fund, Nevada County Land Trust, Nevada City and Bureau of Land Management.  
(Approved 4 – 0, Senum Absent)

**C. Subject:** Consider Changing "Tentative Budget Workshop on Saturday, May 22<sup>nd</sup> to Saturday, June 5<sup>th</sup>, 2010 Beginning at 9:00 a.m.

**Direction:** Councilmembers checked their calendars and directed staff to reschedule the Budget Workshop from Saturday, May 22<sup>nd</sup> to Saturday, June 5<sup>th</sup>, 2010 beginning at 9:00 a.m.

#### PUBLIC HEARINGS

None

#### 5. OLD BUSINESS:

None

#### 6. NEW BUSINESS:

**Subject:** Consider a Request from the Nevada City School District (NCSD) to allow the Nevada Irrigation District to serve water for Fire Service Only inside the Nevada City Service Area. (Improving the water flow/force to the current fire hydrant at Seven Hills Middle School, Allowing the NID to serve fire water on to the Seven Hills campus that the Department of State Architect require for the new Bicycle Recycle Shop modular building:

1. This would require NCSD to tap into NID's water source on Brock Rd and Hoover.
2. This would require NCSD to install another fire hydrant; Seven Hills is an area inside the Nevada City service area and outside NID service area.) - Roxanne Gilpatric, Superintendent of the Nevada City School District and Keoni Allen, Sierra Foothills Construction.

Roxanne Gilpatrick indicated that the school received a \$1.4 million anonymous donation for the Bicycle Recycle Shop; they've outgrown the current facility; the new building will be 1500 sq ft. Keoni Allen indicated that the State has required that the new structure have an automatic fire sprinkler system installed. A flow test was conducted by the Nevada City Fire Dept and it was discovered that the pressure and volume in the existing onsite water line was significantly less than required for a fire sprinkler system. After researching four options, the only viable option appears to connect to the existing NID water line at the end of Brock Rd and bring a fire flow only water line onto the campus. This requires cooperation and action on the part of the NCSD Board, Nevada City City Council and NID. Time is critical as the NCSD is hopeful of opening their new Bike Shop beginning fall school calendar on August 18, 2010.

- Nevada City Fire Chief, Sam Goodspeed stated that facts are correct and he has researched the other options, too but agrees that the best option is what is described by Keoni Allen, Contractor.
- Vice Mayor Bergman asked if NID was willing to work with City Council.
- Councilmember Coffman asked where the costs come from.
- Roxanne stated that NID is willing and costs come from the NCSD.
- Councilmember Harris indicated that this water line would not compromise the City's residents water flow and we will continue serving our district.

**Public Comment:**

**Kristen Keetan**, has two elementary children in the NCSD – Concerned that Seven Hills didn't have adequate water pressure and believes the City should be responsible for making sure the schools have the right amount of pressure.

- City Engineer, Falconi, responded that it is not the city's responsibility to pay to bring up to code.

**Direction:** Staff to proceed and do whatever is necessary to make the request to NID; to allow them to provide water for fire service to the Seven Hills Middle School campus as requested by the Nevada City School District and bring the necessary documentation back to Council for approval.  
(Approved 4 – 0, Senum Absent)

**Subject:** Consider Resolution No. 2010-27 Authorizing the Mayor to Execute an Agreement with Sierra Engineers, in the amount of \$110,675 for Work on the Hirschman's Pond West End Trail Project – B. Falconi, City Engineer

City Engineer, Falconi stated that the City has Grant funds available to do construction of a two mile section of walking trail at Hirschman's Pond Indian Flat area. This work has been scheduled using these funds during the spring/summer of 2010. Four bids were received and after the review of paperwork and bid data, staff recommends that we award the bid for said work and authorize the Mayor to sign the contract.

- Councilmember Harris reiterates this \$110,675.00 is Grant specific.

**Action:** Motion by Coffman, seconded Harris to approve Resolution No. 2010-27 for the Nevada City City Council to authorize the Mayor to execute an agreement with Sierra Engineers for work on the Hirschman's Pond West End Trail Project.  
(Approved 4 – 0, Senum Absent)

**Subject:** Consider Resolution No. 2010-28 Authorizing the Mayor to Execute a Three-Year Rental Agreement with Robert Trent for Home at 115 Cement Hill Rd.

Vice Mayor Bergman stated there is an Addendum to the rental agreement and it was emailed to the City Council and passed out at tonight's meeting.

**Action:** Motion by Coffman, seconded by Harris to approve the Nevada City City Council to authorize the Mayor to execute a Three-Year Rental Agreement for home at 115 Cement Hill Road including the Amendment.  
(Approved 4 – 0, Senum Absent)

**7. CORRESPONDENCE:**

- A. Nevada Cities Sales Tax Update Quarter 4, 2009
- B. Letter Expressing Appreciation to the City Council for Extending Use of Nevada City Veteran's Building to Divine Sparks.

**8. ANNOUNCEMENTS**

**Councilmember McKay**

- California Preservation Foundation Conference coming up in May.
- AMGEN Tour of California in May.
- 150<sup>th</sup> Anniversary Celebration – Nevada City Fire Dept

**9. CITY MANAGER'S REPORT**

**Action:** Received and filed.

**10. CLOSED SESSION: Adjourn to Closed Session for the Following Purposes**

- a) Conference with Real Property Negotiator Prior to the Purchase, Sale, Exchange or Lease of Real Property – Pursuant to Government Code Section 45956.8. Real Property Commonly Known as Sugar Loaf Mountain APN 36-020-16, APN 36-020-26 and APN 36-020-40 – Negotiating Parties: Gene Albaugh on Behalf of the City of Nevada City and Andrew Cassano on Behalf of the Mull Family, etal.
- b) Conference with City Attorney – Pursuant to Government Code Section 54956.9(a) - Austin & Associates vs. City of Nevada City.
- c) Conference with City Attorney – Pursuant to Government Code Section 54956.9(a) – Employee Daniel Badour, Employer: Nevada City: Claim #2009085061
- d) Conference with City Attorney – Pursuant to Government Code Section 54956(b)(1) – Significant Exposure to Litigation (One Case)

**REPORT OUT OF CLOSED SESSION:**

The report out from Closed Session was that Staff was to proceed as directed. On the Badour matter, the Settlement Authority Required was approved as recommended by the claims supervisor in the compensation claim of Officer Daniel Badour. The substance of the settlement will be disclosed when the award is final.

**11. ADJOURNMENT:**

**Action:** Motion made by Harris, seconded by Coffman to adjourn the meeting at 7:56 p.m.  
(Approved 4 – 0, Senum Absent)

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**Reinette Senum, Mayor**

**ATTEST:**

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**Niel Locke, City Clerk**