



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

**Closed Session – 6:00 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**

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The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2<sup>nd</sup> and 4<sup>th</sup> 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](http://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](mailto: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](http://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: 6:00 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.**

1. Pursuant to Government Code Section 54956.9(d)(4) City Attorney, Crystal Hodgson, and Police Chief, Chad Ellis are requesting a closed session to discuss the potential for litigation being initiated by the City in two matters.

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

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

### **PLEDGE OF ALLEGIANCE**

### **PROCLAMATIONS:**

**PRESENTATIONS:** Dr. Johnson, Nevada County Public Health Officer and Jill Blake, Director, Nevada County Public Health Department

### **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 – June, July and August 2020  
**Recommendation:** Receive and file.

**B. Subject:** Action Minutes August 21, 2020 Special City Council Meeting  
**Recommendation:** Review and approve special City Council meeting action minutes of August 21, 2020.

**C. Subject:** Action Minutes August 26, 2020 Regular City Council Meeting  
**Recommendation:** Review and approve regular City Council meeting action minutes of August 26, 2020.

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

**A. Subject:** Update on State Law Evictions Protections (AB 3088)  
**Recommendation:** Receive and file.

**5. PUBLIC HEARINGS:**

**6. OLD BUSINESS:**

**A. Subject:** Letter Addressing PG&E Tree Removal  
**Recommendation:**

1. Finalize list of trees to be reviewed by an arborist; and
2. Review the draft letter, approve content and authorize the Mayor to sign; and
3. Direct staff to sign the PG&E encroachment permit request, dated 8/24/20

**7. NEW BUSINESS:**

**A. Subject:** Presentation by Nevada County Transportation Commission's Consultant Fehr and Peers Regarding Senate Bill 743 Vehicle Miles Traveled Study Recommendations  
**Recommendation:** Receive and file.

**B. Subject:** Ordinance 2020-XX, an Ordinance of the City of Nevada City Adding Section 17.80.240 to the Nevada City Municipal Code Regulating Stationary Standby Generators and Ordinance 2020-XX an Ordinance of the City of Nevada City Amending Section 8.20.90 of the Nevada City Municipal Code in Order to Update the City's Ordinance Pertaining to Emergency Use of Generators

**Recommendation:**

1. Adopt Resolution 2020-XX, Approving a Notice of Exemption Related to Adoption of Ordinance 2020-XX and Ordinance 2020-XX Updating the City's Municipal Code Pertaining to Emergency Generator Use.
2. Waive Reading of Ordinance, Read Title Only and Introduce for First Reading: Ordinance 2020-XX, an Ordinance of the City of Nevada City Amending Section 8.20.90 of the Nevada City Municipal Code to Add an Exception to the City's Noise Regulations for the Use of Emergency Generators.

3. Waive Reading of Ordinance, Read Title Only and Introduce for First Reading: Ordinance 2020-XX, an Ordinance of the City of Nevada City Adding Section 17.80.240 to the Nevada City Municipal Code Regulating Stationary Standby Generators.

**8. CORRESPONDENCE:**

**9. ANNOUNCEMENTS:**

**10. CITY MANAGER’S REPORT:**

**11. ADJOURNMENT**

**Certification of Posting of Agenda**

I, Loree’ McCay, Administrative Services Manager for the City of Nevada City, declares that the foregoing agenda for the September 9<sup>th</sup>, 2020 Regular Meeting of the Nevada City City Council was posted September 3<sup>rd</sup>, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website [www.nevadacityca.gov](http://www.nevadacityca.gov).

Signed September 3<sup>rd</sup>, 2020, at Nevada City, California

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Loree’ McCay, Administrative Services Manager

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

September 7, 2020	Holiday
September 9, 2020	Regular Council Meeting
September 23, 2020	Regular Council Meeting
October 12, 2020	Holiday
October 14, 2020	Regular Council Meeting
October 28, 2020	Regular Council Meeting
November 18, 2020	Regular Council Meeting
December 9, 2020	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.*