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CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF MAY 10, 2017

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 Corey Shaver, 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 MEETING – 6:00 PM

1. Pursuant to Government Code Section 54956.8, a closed session is requested with negotiators City Manager Mark Prestwich and Consulting City Attorney Hal DeGraw regarding possible sale of City-owned property.

Action: Staff to proceed as directed.

REGULAR MEETING – 6:30 PM - Call to Order

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

PLEDGE OF ALLEGIANCE

PROCLAMATION: National Public Works Week: May 21-27, 2017

PRESENTATION: Sierra Nevada Memorial Hospital (SNMH) Economic Impact Report Findings, Kimberly Parker, SNMH Foundation Executive Director and Debbie Plass, SNMH Vice President of Operations

1. BUSINESS FROM THE FLOOR-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.

3. CONSENT ITEMS:

- A. **Subject:** Nevada City Swimming Pool Part-Time Employee Incentive Program
Recommendation: Pass Resolution 2017-28 approving the Swimming Pool Employee Incentive and authorize the Mayor to sign.
- B. **Subject:** Accounts Payable Report – April 2017
Recommendation: Receive and file.
- C. **Subject:** Award of Contract for 2017 Pioneer Park Storm Damage Repair in Nevada City
Recommendation: Pass a Motion awarding a contract to Hansen Bros Enterprises in the amount of \$94,167 plus \$20,000 contingencies for Nevada City 2017 Pioneer Park Storm Damage Repair and authorize the Mayor to sign.
- D. **Subject:** Ratification of Residential Purchase Agreement for 425 Nimrod Street
Recommendation: Pass a Motion authorizing ratification of Residential Purchase Agreement for 425 Nimrod Street.

Action: Motion by Parker, seconded by Senum to approve Consent Items as presented
(Approved 5 – 0)

4. APPROVAL OF ACTION MINUTES:

- A. City Council Meeting – April 26, 2017

Action: Motion by Senum, seconded by Parker to approve April 26, 2017 Minutes as submitted.
(Approved 5 – 0)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. **Subject:** Monthly Update on City Council Six-Month Strategic Objectives
Recommendation: Receive and file.

Action: Received and filed.

- A. **Subject:** Review of Nevada LAFCo Sphere of Influence Policies
Recommendation: Review and provide direction to the City Manager.

Action: Motion by Senum, seconded by Strawser to authorize staff to convey comments on Nevada LAFCo policies to Nevada LAFCo Policy Committee and to authorize City Manager to secure consulting services in the amount of approximately \$5,000 to assist the City with its sphere of influence and annexation plan discussions.
(Approved 5 – 0)

- B. **Subject:** Appointment of City Council Representative to Nevada City Elementary School Subcommittee
Recommendation: Pass a motion providing a City Council representative to the Nevada City Elementary School Subcommittee.

Action: Motion by Strawser, seconded by Senum to appoint Council Member Parker as the City Council representative to the Nevada City Elementary School Subcommittee and Council Member Senum as the alternate.
(Approved 5 – 0)

- A. **Subject:** Request by Bear Yuba Land Trust to Hang Banner Over Broad Street in Advance of Celebration of Trails
Recommendation: Pass a Motion authorizing Bear Yuba Land Trust request to hang a banner over Broad Street in celebration of trails.

Action: Motion by Strawser, seconded by Senum to 1) authorize banner over Broad Street in celebration of trails; 2) direct staff to convene a committee to develop a formal banner hanging policy with participation from Vice Mayor Strawser and Council Member Parker; and to suspend future banner requests until the committee develops a formal policy.
(Approved 5 – 0)

6. PUBLIC HEARINGS:

- A. **Subject:** Tentative Map for “The Grove” 59-Lot Mixed Housing Subdivision at 500 Providence Mine Road Together with a Rezone to Add the PD Combining District to the R3 Zoning District, and a Use Permit to Accommodate a Planned Unit Development
Recommendation: After reviewing and considering the proposed Mitigated Negative Declaration adopt the proposed Mitigated Negative Declaration; Adopt the attached ordinance amending the official City Zoning District Map, known as the Falconi Map dated 2008 to reflect the rezoning of the 2-acre project area zoned as “R3” to “R3-PD” High Density, Multi-family Residential with the Planned Development combining district, determining pursuant to Nevada City Municipal Code Section 17.68.240; Approve the Tentative Final Map subject to mitigation measures and conditions or as modified at the public hearing, pursuant to Title 16.04 of the Nevada City Municipal Code and California Government Code Sec. 66474; Approve the Use Permit allowing a Planned Unit Development to accommodate exceptions to lot size and property line setbacks subject to conditions of approval, or as may be modified at the public hearing, pursuant to Sections 16.04.700 of the Nevada City Municipal Code.

Action: After reviewing and considering the proposed Mitigated Negative Declaration, Motion by Senum, seconded by Strawser for the City Council to adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 and to direct the City planner to sign, and the applicant to file the attached Notice of Determination pursuant to the California Environmental Quality Act Guidelines, making findings A-C:

A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned might have any significant adverse impact on the environment;

B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Advisory Review Committee; and that the mitigation measures will reduce potentially significant impacts to a less than significant levels; and

C. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada City Planning Department, 350 Broad Street, Nevada City, California.

D. Council removed bark house mitigation measure as mitigation is not necessary.

(Approved 5 – 0)

Action: City Council held a public hearing, Motion by Parker, seconded by Strawser to waive reading of the Ordinance; read title only, and hear a first reading of the Ordinance, amending the official City Zoning District Map, known as the Falconi Map dated 2008 to reflect the rezoning of the 2-acre project area zoned as "R3" to "R3-PD" High Density, Multi-family Residential with the Planned Development combining district, determining pursuant to Nevada City Municipal Code Section 17.68.240 that approval is supported by finding A:

A. That the project provides high overall performance standards of open space (including preservation of existing trees and vegetation, and the addition of landscaping), in such a harmonious, integrated project of sufficient unity and harmony with the historic character of the city to justify exception to the normal regulations of this title.

(Approved 5 – 0)

Action: Motion by Parker, seconded by Strawser approving the Tentative Final Map subject to mitigation measures and conditions as modified at the public hearing, pursuant to Title 16.04 of the Nevada City Municipal Code and California Government Code Sec. 66474 and making findings A-L:

A. That the proposed subdivision, together with its design and existing improvements, is consistent with the Nevada City General Plan, *including the 2014 Housing Element*, and is consistent with the Nevada City Municipal Code, *including, but not limited to, demonstrating conformity with Section 16.04.054 utilizing an approved Affordable Housing Plan and developing the R3 site with 32 units;*

B. That adequate public services exist within the project area and are available to serve the project, including water, sewer, fire service and other utilities;

C. That no finding is made pursuant to Government Code Section 66474 that requires project denial;

D. That the site is physically suitable for the type of development and the proposed density of development, evidenced by its consistency with the General Plan and the ability to comply with site development standards of the R2-SP-PD and the R3-PD zoning districts;

E. That the design of the proposed subdivision and its improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as supported by the adopted Mitigated Negative Declaration;

F. That the design of the subdivision or the type of improvements required will not conflict with any easement acquired by the public at large for access through or use of property within the proposed subdivision.

G. That the proposed subdivision is designed in a manner that preserves and protects the natural resources and unique amenities of the environment, including topographic and geologic features; open space lands, recreational areas, and fish and wildlife habitats, and to maximize the public's access to public resources through the dedication and continuance of public easements thereto.

H. That the proposed lots are of sufficient size and appropriate design for the purposes for which they are to be used;

I. That the proposed design provides adequate access to each building site;

J. That the proposed streets are of adequate capacity and design for the traffic that will use them and to ensure the safety of pedestrians and vehicles;

K. That the design of the subdivision will provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting and other utilities needed for the public health, safety and convenience;

L. More than 35 units may be approved within a 12-month period in light of all the circumstances of the project and will promote public health, safety, or welfare.

(Approved 5 – 0)

7. OLD BUSINESS:

- A. Subject:** Final Map Check for Recordation of the Tentatively Approved Pello Lane Final Map for Subdivision Into 11 Lots with 15 Residential Dwelling Units, Including Four Small, Affordable Units
Recommendation: After reviewing and considering the approved Mitigation Measures and Conditions of Approval, Pass a Motion authorizing the Mayor to sign the map to be recorded at the Nevada County Recorder's Office.

Action: Motion by Strawser, seconded by Senum, to Pass Resolution 2017-29 authorizing the Mayor to sign the Pello Lane Final Map to be recorded at the Nevada County Recorder's Office.

(Approved 5 – 0)

- B. Subject:** Route Recommendation for Sugarloaf Trail
Recommendation: Pass a Motion: 1) Finding a general trail route for Sugarloaf Mountain is categorically exempt pursuant to §15306 of the California Environmental Quality Act (CEQA) guidelines because trail route selection is the preliminary phase prior to a formal trail proposal; 2) finding the proposed trail route is generally compatible with the goals of the Sugarloaf Master Plan and representative of received public feedback; 3) confirming the Sugarloaf trail route recommended by the Planning Commission; and 4) directing staff to complete formal trail alignment, and develop a project construction and funding strategy.

Action: Motion by Senum, seconded by Parker, to Pass a Motion: 1) Finding a general trail route for Sugarloaf Mountain is categorically exempt pursuant to §15306 of the California Environmental Quality Act (CEQA) guidelines because trail route selection is the preliminary phase prior to a formal trail proposal; 2) finding the proposed trail route is generally compatible with the goals of the Sugarloaf Master Plan and representative of received public feedback; 3) confirming the Sugarloaf trail route recommended by the Planning Commission; and 4) directing staff to complete formal trail alignment, and develop a project construction and funding strategy.

(Approved 5 – 0)

- C. Subject:** An Ordinance of the City of Nevada City Amending Section 9.16.010 of Chapter 9.16.010 Alcoholic Beverages of the Nevada City Municipal Code Regulating Consumption of Alcoholic Beverages in the Historical District (Second Reading)
Recommendation: Introduce for second reading an Ordinance for the regulation of Consumption of Alcoholic Beverages in the Historical District, waive reading of the Ordinance; read title only, and adopt the Ordinance.

Action: Motion by Senum, seconded by Moberg, to introduce for second reading an Ordinance for the regulation of Consumption of Alcoholic Beverages in the Historical District, waive reading of the Ordinance; read title only, and adopt Ordinance 2017-07.

(Approved 5 – 0)

8. NEW BUSINESS:

- A. Subject:** Appeal of the Planning Commission decision to deny an Application for Partial Demolition and Architectural Review of an Addition and Remodel at the Existing Residence at 325 American Hill Road
Recommendation: With consideration of public testimony and a presentation by the appellant, Barbara Roemer, Council shall make a decision whether to uphold, overturn, or modify the Planning Commission decision to deny the Partial Demolition/Architectural Review Application.

Action: Motion by Senum, seconded by Strawser, to overturn Planning Commission decision to deny the Partial Demolition/Architectural Review Application by appellant Barbara Roemer for the property at 325 American Hill Road.

(Approved 5 – 0)

Action: Motion by Strawser, seconded by Senum, to Approve the Demolition application for the rear portion of the existing residence at 325 American Hill Road, as conditioned, either making findings 1 and 2 or making finding 3:

- 1) That the structure does not hold special historical interest or value and that the structure is so dilapidated that it cannot be reasonably repaired or restored; and approving the Architectural Review Application subject to the Conditions of Approval, making findings 1 and 2, Sections 17.88.040 of the City Municipal Code; and that the

proposed residential structure is generally compatible with Nevada City style architecture; and that the proposed residence is compatible with the context of the surrounding neighborhood.

(Approved 5 – 0)

B. Subject: An Ordinance of the City of Nevada City Adding Chapter 8.34 to the Nevada City Municipal Code Banning Fireworks (First Reading)

Recommendation: Waive reading of Ordinance, read title only, and hold first reading of the proposed ordinance.

Action: Motion by Moberg, seconded by Senum, to waive reading of Ordinance, read title only, and hold first reading of the proposed ordinance.

(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 – 9:46 p.m.



Evans Phelps, Mayor

ATTEST:



Niel Locke, City Clerk