

**CITY OF NEVADA CITY  
ACTION MINUTES  
REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2017**

**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 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 – 6:00 PM**

1. 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.
2. Pursuant to Government Code Section 54957(b)(1) a closed session is requested with Interim City Manager Catrina Olson and Consulting City Attorney Hal DeGraw on a personnel matter related to the City Manager position and Police Department Lieutenant position.

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

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

**PLEDGE OF ALLEGIANCE**

Consulting City Attorney, DeGraw reported out of Closed Session: Staff to proceed as directed.

**PROCLAMATION:** None

**PRESENTATIONS:** Commercial Street Walkway – Present Study Results to Transform Commercial Street into a pedestrian-only walkway for one weekend to the effects on businesses and downtown aesthetics – McCamant & Durrett Architects

**Action:** Presentation pushed to next meeting

**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:**

Please refer to the meeting video on the City's website at [www.nevadacityca.gov](http://www.nevadacityca.gov) for comments.

### 3. CONSENT ITEMS:

- A. **Subject:** Accounts Payable Activity Reports – June, July, August 2017
- B. **Subject:** Award Of Contract Change Order For Water And Sewer Repairs At Various Locations In Nevada City
- C. **Subject:** Award Of Contract For Drainage Repairs At Various Locations In Nevada City
- D. **Subject:** Award Of Contract For Storm Damage Turf Restoration At Pioneer Park In Nevada City
- E. **Subject:** Amendment to Agreement with Stantec Consulting Services, Inc. For Wastewater Treatment Plant NPDES Permit Compliance
- F. **Subject:** Award Of Contract To Extreme Roofing For The Chamber Of Commerce Building Roof In Nevada City

Consent Item B was pulled by Senum for discussion and clarification. Consent Item F was pulled by Parker for clarification and correction.

**Action:** Motion by Phelps, seconded by Parker to approve Consent Items A, C, D and E as presented.  
(Approved 5 - 0)

**Action:** Motion by Senum, seconded by Parker to approve Consent Item B with clarification provided regarding Coopers.  
(Approved 5 - 0)

**Action:** Location corrected from Seaman's Lodge roof to Chamber of Commerce roof. Motion by Senum, seconded by Parker to approve Consent Item F with clarification on recommendation provided.  
(Approved 5 - 0)

### 4. APPROVAL OF ACTION MINUTES:

- A. City Council Meeting – September 13, 2017

**Action:** Motion by Phelps, seconded by Moberg to approve September 13, 2017 Minutes as presented.  
(Approved 5 - 0)

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

- A. **Subject:** *UPDATE* - Report To Council Outcomes from the July 21, 2017 LAFCO –City Planner Wolfson
- B. **Subject:** Universal Recovery Corporation Collection Agreement And Check Recovery Agreement

**Action:** Motion by Phelps, seconded by Parker to Pass Resolution 2017-67 for Universal Recovery Corporation (URC) Collection Agreement and Check Recovery Agreement and Authorize the Interim City Manager to sign.  
(Approved 5 - 0)

### 6. PUBLIC HEARINGS:

- A. **Subject:** Request To Appeal The Planning Commission Decision To Deny The Use Permit Application By Epic Wireless To Install Eight (8) Cellular Antennas To Various Points Of The Rooftop Of 109 North Pine Street

1. With consideration of public testimony and a request by the appellant, Epic Wireless, Council shall make a decision whether to continue the appeal hearing for 30-days.

**Action:** Motion by Phelps, seconded by Senum to deny request for continuance of appeal on Item A.  
**(Approved 5 - 0)**

2. Council shall also consider the Environmental Action to do one of the following:

- a. Uphold the Planning Commission's Decision to find the project exempt from CEQA pursuant to Pubic Resource Code §21080(b)(5), for projects which a public agency disapproves.

Or

- b. Overturn the Planning Commission's Decision and adopt the attached Mitigated Negative Declaration.

**Action:** Motion by Senum, seconded by Parker to uphold the Planning Commission's decision to deny the proposed Use Permit by Epic Wireless to erect eight antennas at 109 North Pine Street making findings A-D as provided in the staff report and also adding the following additional finding:

E. That the applicant has not provided adequate showing that the 109 North Pine Street site is the only viable location to provide personal wireless services.

**(Approved 5 - 0)**

## 7. OLD BUSINESS:

**A. Subject:** Special Event Application/Street Closure Request And Request City Support Of Event – Town Square Revival, Saturday, November 4, 2017

**Action:** Motion by Senum, seconded by Moberg to withdraw street closure permit for FUNC but also motioned to approve city support.

**(Approved 5 - 0)**

## 8. NEW BUSINESS:

**A. Subject:** Habitat Conservation Fund Grant Application

**Action:** Motion by Senum, seconded by Parker to approve the Sierra Stream Institutes application for the Habitat Conservation Fund Program on behalf of the City and pass Resolution 2017-68

**(Approved 5 - 0)**

**B. Subject:** Volunteer Policy

**Action:** Motion by Parker, seconded by Senum to adopt a City of Nevada City Volunteer Policy.

**(Approved 5 - 0)**

**C. Subject:** Nevada City Social Media Policy

**Action:** Motion by Phelps, seconded by Moberg to adopt a City of Nevada City Social Media Policy, including the use of Instagram by Taylor Wolf at the County Office.

**(Approved 5 - 0)**

**D. Subject:** An Ordinance Of The City Of Nevada City Adding Chapter 12.25 To Title 12 Of The Nevada City Municipal Code Establishing An Electric Vehicle Charging Station Permitting Process (First Reading)

**Action:** Motion by Senum, seconded by Parker to waive the reading of Ordinance, read title only and introduce for first reading.  
**(Approved 5 - 0)**

**9. CORRESPONDENCE:**

**10. ANNOUNCEMENTS:**

Please refer to the meeting video on the City’s website at [www.nevadacityca.gov](http://www.nevadacityca.gov).

**11. CITY MANAGER’S REPORT:**

**12. ADJOURNMENT – 8:55 pm**

  
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Duane Strawser, Mayor

**ATTEST:**

  
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Niel Locke, City Clerk