



**REGULAR CITY COUNCIL MEETING - REVISED
WEDNESDAY, MAY 13, 2020**

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.

Reinette Senum, Mayor

**Duane Strawser, Council Member
David Parker, Council Member**

**Erin Minett, Vice Mayor
Valerie Moberg, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th 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, 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)

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to the City Manager at NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided until 2pm the day of the meeting PLEASE INCLUDE THE AGENDA ITEM NUMBER AND LETTER IN YOUR SUBJECT LINE. For comments during the meeting subscribe to the City's youtube channel Nevada City Public Meetings and submit your public live during the meeting. Please limit to 200 words 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]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

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: None

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.

REGULAR MEETING – 6:30 PM - Call to Order

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS: 170 Ridge Road - Cashin's Field Affordable Housing Project

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 – April 2020
Recommendation: Receive and file.

B. Subject: Rescheduling of Fiscal Year 2020/2021 Budget Workshop
Recommendation: Approve rescheduling the Fiscal Year (FY) 2020/2021 Budget Workshop from May 14, 2020 to May 20, 2020.

C. Subject: 3rd Quarter Financial Update, Fiscal Year (FY) 19/20
Recommendation: Receive and file.

D. Subject: Authorization for Procurement of Nevada City Wastewater Plant Belt Press Wash Water Return Pump

Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Council authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Belt Press Wash Water Return Pump from Pac Machine Company in the amount of \$11,277.00 plus \$2,000.00 in contingencies.

E. Subject: Lease Purchase of Two Chevy Silverado SSV (Special Service Vehicle) Trucks for the Nevada City Police Department

Recommendation: Pass Resolution 2020-XX, a Resolution of the of the City Council of the City of Nevada City Authorizing the City Manager to execute lease agreements for two Chevy Silverados for the Nevada City Police Department.

F. Subject: Resolution Approving a Notice of Exemption for Commercial Street Phase II Improvements

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, State of California, Recommending Approval of a Notice of Exemption (NOE) for Commercial Street Phase II Improvements and authorize the Mayor to sign.

G. Subject: Action Minutes April 22, 2020 City Council Meeting

Recommendation: Review and approve City Council Meeting Action Minutes of April 22, 2020.

H. Subject: Action Minutes May 1, 2020 Special City Council Meeting

Recommendation: Review and approve Special City Council Meeting Action Minutes of May 1, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Approval of Street Closure at the 300 and 400 block of Broad Street to Vehicular Traffic from Fridays at 6AM Until Mondays at 6AM until the COVID-19 Pandemic Shelter in Place Orders are Lifted and Suspend the Imposition and Collection of City Parking Meter Fees Until the End of the Local Emergency

Recommendation:

1. Provide approval for City staff to block off the 300 and 400 block of Broad Street from 6AM on Fridays until 6AM on Mondays in an effort to create more area to social distance in the downtown area.
2. Review and approve Resolution 2020-XX, a Resolution of the City Council Of The City Of Nevada City Suspending The Imposition And Collection Of Parking Fees At City Parking Meters During The Covid-19 Local Emergency.

5. PUBLIC HEARINGS:

A. Subject: Consideration of and First Reading of Ordinance Repealing and Readopting Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City”

Recommendation: Hold first reading, waive reading of Ordinance in its entirety, and read by title only, Ordinance 2020-XX Repealing and Readopting Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City”.

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Subject: Declaration of Fiscal Emergency

Recommendation: Approve Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Proclaiming a Local Financial Emergency and Recognizing the financial Hardship Facing the City in Fiscal Years 19/20 and 20/21.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Neil Locke, City Clerk for the City of Nevada City, declare that the foregoing agenda for the May 13th, 2020 Regular Meeting of the Nevada City City Council was posted May 9th, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed May 9th, 2020, at Nevada City, California

Neil Locke, City Clerk

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

May 25, 2020	Holiday
May 20, 2020	Budget Workshop
May 27, 2020	Regular Council Meeting
June 10, 2020	Regular Council Meeting
June 24, 2020	Regular Council Meeting
July 8, 2020	Regular Council Meeting
July 22, 2020	Regular Council Meeting
August 12, 2020	Regular Council Meeting
August 26, 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.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Accounts Payable Activity Report – April 2020

RECOMMENDATION: Receive and file.

CONTACT: Loree' McCay, Administrative Services Manager

BACKGROUND / DISCUSSION:

The attached Accounts Payable Activity Report includes all the cash disbursements associated with the citywide expenditures for the month of April 2020.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Varies Monthly

ATTACHMENTS:

- ✓ Accounts Payable Activity Report – April 2020

REPORT.: Apr 30 20 Thursday
 RUN...: Apr 30 20 Time: 14:45
 Run By.: Desirae Andresen

City of Nevada City
 Month End Payable Activity Report
 Report for 04-20

PAGE: 001
 ID #: PY-AC
 CTL.: NEV

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	4LE01 (4LEAF, INC.)	J3652Q	04/10/20	/ /		665.00	NATIONAL HOTEL INSP 03/01-03/31/20
04-20	A&A03 (A & A AIR CONDITIONING & HE	218742	04/20/20	/ /		120.25	A/C REPAIR @ 201 PROV MINE RD
04-20	ACE03 (ACE WELDING, INC.)	11256	04/06/20	/ /		2373.84	N PINE ST SIDEWALK & RAIL MEASURE S
04-20	ADV08 (ADVANCE MARKING SYSTEMS)	I-6570441	03/26/20	/ /		29.89	ACCOUNTABILITY TAGS
04-20	ADV11 (ADVANTAGE GEAR, INC.)	20125	08/19/19	/ /		273.38	UNIFORM ALLOWANCE J.MCDANIEL
		20985	09/04/19	/ /		73.90	UNIFORM ALLOWANCE J.MCDANIEL
		22070	09/27/19	/ /		140.18	UNIFORM ALLOWANCE C.ELLISON
		22571	10/08/19	/ /		475.92	UNIFORM ALLOWANCE S.FOSTER
		23142	10/21/19	/ /		859.72	UNIFORM ALLOWANCE SPLIT S.FOSTER/C.ELLISON
		24237	11/13/19	/ /		168.11	UNIFORM ALLOWANCE B.STARK
		25528	12/11/19	/ /		429.90	UNIFORM ALLOWANCE B.STARK
			Vendor's Total	----->		2421.11	
04-20	AIR05 (AIRGAS)	909963919	03/23/20	/ /		124.20	MEDICAL SUPPLIES/OXYGEN
04-20	ALB01 (ALBANESE WELDING, INC)	3450	04/03/20	/ /		290.00	WWTP WELDING WORK
		3451	04/14/20	/ /		1850.00	LOADING DOCK RAIL WELDING
			Vendor's Total	----->		2140.00	
04-20	ALH02 (ALHAMBRA & SIERRA SPRINGS)	040220	04/02/20	/ /		31.91	WATER
04-20	ALL01 (ALL SEASONS POOLS & SPAS)	49828	03/19/20	/ /		130.16	ACID FOR LIME
		49870	03/26/20	/ /		823.31	POOL CHEMICALS
			Vendor's Total	----->		953.47	
04-20	AME03 (AMERICAN EAGLE EXTINGUISHER	11791	04/10/20	/ /		383.32	WWTP FIRE EXT SVC
		11792	04/10/20	/ /		231.88	WTP FIRE EXT SVC
			Vendor's Total	----->		615.20	
04-20	AME19 (AMERICAN FIDELITY)	D151222	04/20/20	/ /		859.06	STD/LTD BENEFITS APR 2020
04-20	AME24 (AMERICAN UNITED LIFE INSURA APR 2020		04/20/20	/ /		512.98	LIFE INS 04/01-04/30/20
04-20	ARA01 (ARAMARK)	637377585	03/26/20	/ /		71.69	CITY HALL/DPW MATS
		637377589	03/26/20	/ /		61.90	MATS/LINENS
		637377593	03/26/20	/ /		34.19	UNIFORM SVC
		637377594	03/26/20	/ /		34.01	UNIFORM SVC
		637390072	04/02/20	/ /		71.33	MATS/LINENS
		637390074	04/02/20	/ /		37.02	UNIFORM SVC
		637390075	04/02/20	/ /		34.01	UNIFORM SVC
		637401815	04/09/20	/ /		71.33	MATS/LINENS
		637401816	04/09/20	/ /		37.02	UNIFORM SVC
		637401817	04/09/20	/ /		34.01	UNIFORM SVC
		637413250	04/16/20	/ /		49.34	UNIFORM SVC
		637413251	04/16/20	/ /		34.01	UNIFORM SVC
		637413253	04/16/20	/ /		71.33	MATS/LINENS
			Vendor's Total	----->		641.19	
04-20	AT&15 (AT&T CALNET 3)	14580326	04/10/20	/ /		1039.97	03/10-04/09/20 BAN #9391023504
04-20	AT&16 (AT&T - WWTP)	32642820	03/28/20	/ /		102.50	WWTP INTERNET SVC 03/2-04/28/20
04-20	ATO01 (A TO Z SUPPLY)	368132	03/27/20	04/26/20	A	28.12	PVC PARTS
		368838	04/14/20	05/14/20	A	42.83	SAFETY CHAIN LOADING DOCK SNAP LINKS
			Vendor's Total	----->		70.95	
04-20	AXO00 (AXON ENTERPRISE, INC.)	SI1650356	03/26/20	/ /		6528.30	EVIDENCE STORAGE
04-20	B&C01 (B & C TRUE VALUE HOME CTR)	413420	03/24/20	04/23/20	A	105.93	YARD MISC

City of Nevada City
 Month End Payable Activity Report
 Report for 04-20

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	B&C01 (B & C TRUE VALUE HOME CTR)	413451	03/24/20	04/23/20	A	53.66	YARD MISC
		413584	03/26/20	04/25/20	A	154.59	SHOP HEATER
		413675	03/27/20	04/26/20	A	32.20	CITY HALL PAINTING
		413693	03/27/20	04/26/20	A	65.94	PANEL REPLACEMENT
		413894	03/30/20	04/29/20	A	96.89	CITY HALL PAINTING
		414057	03/31/20	04/30/20	A	104.88	EFFLUENT SHACK REPAIR
		414112	04/01/20	05/01/20	A	35.14	STRAPS
		414183	04/01/20	05/01/20	A	40.28	EFFLUENT SHACK
		414225	04/02/20	05/02/20	A	59.63	EFFLUENT SHACK REPAIR
		414348	04/03/20	05/03/20	A	51.79	ELECTRICAL PARTS
		414468	04/04/20	05/04/20	A	37.83	FF SINK REPAIR
		414564	04/06/20	05/06/20	A	89.64	PIPE FITTINGS
		414665	04/07/20	05/07/20	A	20.40	EFFLUENT BLDG TRASH CAN
		414668	04/07/20	05/07/20	A	93.34	PAINTING
		414669	04/07/20	05/07/20	A	46.84	N95 MASKS COVID-19
		414782	04/08/20	05/08/20	A	13.93	AIR COMPRESSOR REPAIR
		414855	04/09/20	05/09/20	A	60.45	CITY HALL
		414858	04/09/20	05/09/20	A	8.96	PROPANE
		414879	04/09/20	05/09/20	A	32.35	OSHA VIOLATION LIME ROOM FAN
		415040	04/10/20	05/10/20	A	67.25	STATION SUPPLIES
		415423	04/15/20	05/15/20	A	17.36	STREET LIGHT ARGALL WY
		415551	04/16/20	05/16/20	A	61.28	STREET LIGHTS
		415591	04/16/20	05/16/20	A	56.94	PVC FITTINGS
		415593	04/16/20	05/16/20	A	.97	PVC FITTINGS
		415618	04/16/20	05/16/20	A	19.49	STREET LIGHTS
		415663	04/17/20	05/17/20	A	22.58	PVC PARTS
		Vendor's Total ----->				1450.54	
04-20	BAN01 (JOHN PEKAREK, BANNER COMMUN	36922	04/01/20	05/01/20	A	50.00	WTP RADIO REPEATERS MAR 2020
04-20	BAR17 (BARSOTTI CONTRACTING)	040220	04/02/20	/ /		19000.00	ADA PICNIC AREA RESTROOM
04-20	BLU05 (BLUE SHIELD OF CALIFORNIA)	MAY 2020	04/13/20	/ /		56569.66	HEALTH INS MAY 2020 INV#201040055965
04-20	BOR01 (BORGES & MAHONEY)	141807	03/24/20	04/23/20	A	63.08	CHLORINE SYSTEM TUBING
04-20	BUS02 (BUSINESS CARD/B OF A VISA)	MAR 2020	04/06/20	/ /		482.53	MISC DEPT PURCHASES 03/07-04/06/20
04-20	CAR09 (KEVIN CARTZDAFNER)	040520	04/05/20	/ /		500.00	TUITION REIMB PER MOU
		041020	04/10/20	/ /		32.08	MEDICAL SUPPLIES REIMB
		Vendor's Total ----->				532.08	
04-20	CAS08 (CASH)	041320	04/13/20	/ /		400.00	CHANGE FOR POOL/CAMP FAIR 2020
		JAN-MAR20	04/20/20	/ /		56.22	PETTY CASH REIMB JAN-MAR 2020
		Vendor's Total ----->				456.22	
04-20	CEL05 (CELESTIAL VALLEY TOWING)	45967	03/31/20	/ /		1770.00	#32 TOW
04-20	CEN02 (CENTER FOR MUNICIPAL SOLUTI55663-004		01/07/20	/ /		250.00	TELECOM ORD REVIEW & CHANGES 01/07/20
04-20	CHE08 (CHEMTRADE CHEMICALS US LLC)	92859861	03/19/20	/ /		2479.79	WTP ALUM
04-20	COM08 (COMCAST)	425120	03/27/20	/ /		134.94	DPW MNTHLY SVC INTERNET 04/02-05/01/20
04-20	CON11 (CME SERVICES)	64789	03/31/20	/ /		37041.00	COMMERCIAL ST PHASE I
04-20	COO01 (COOLER ZONE)	53391	04/01/20	/ /		49.00	COOLER RENTAL APR 2020
04-20	COR08 (DAN CORTINOVIS)	320-7	03/31/20	/ /		1280.00	PERMIT COMPLIANCE CONSULTING FEB & MAR 2020
04-20	COU06 (COUNTY OF NEVADA)	MAY 2020	04/20/20	05/20/20	A	9489.07	DISPATCH SVCS MAY 2020
04-20	COU23 (NEVADA COUNTY COLLECTIONS)	MAR 2020	04/20/20	05/20/20	A	4021.00	PARKING TIX/POC MAR 2020
04-20	COU40 (COUNTY OF NEVADA)	Q3FY19/20	04/08/20	/ /		1586.87	QTRLY VETS BLDG PMNT FOR JAN-MAR 2020

REPORT.: Apr 30 20 Thursday
 RUN...: Apr 30 20 Time: 14:45
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City of Nevada City
 Month End Payable Activity Report
 Report for 04-20

PAGE: 003
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Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	CRA01 (CRANMER ENGINEERING, INC.)	GCD0035	03/31/20	04/30/20	A	1220.00	WATER TESTING
		GCD0036	03/31/20	04/30/20	A	1499.00	WATER TESTING
		GCD0037	03/31/20	04/30/20	A	53.00	WATER TESTING
		GCD0038	03/31/20	04/30/20	A	5795.80	WATEWATER TESTING
		Vendor's Total ----->				8567.80	
04-20	CUR03 (CURTIS BLUE LINE)	INV373368	03/24/20	/ /		139.75	ENGINE EQUIP
04-20	DAT01 (DATA TICKET, INC.)	111682	04/14/20	05/14/20	A	1252.30	TICKET PROCESSING MAR 2020
04-20	DEL08 (DELTA INDUSTRIAL SOLUTIONS)	28082	02/11/20	/ /		308.21	STATION SUPPLIES
		28428	03/19/20	/ /		1376.99	SUPPLIES
		Vendor's Total ----->				1685.20	
04-20	DEP06 (DEPT OF FORESTRY & FIRE)	1278812	03/18/20	/ /		224.58	WASHINGTON RIDGE CREW 02/14/20
04-20	DEP08 (DEPT OF INDUSTRIAL RELATION	1431204	03/17/20	/ /		3245.00	OSHA FINES REPORT#0950621 INSP#1431204
04-20	DEP17 (DEPT OF TOXIC SUBSTANCES CO	19SM4278	03/13/20	/ /		589.19	5YR REPORT REVIEW PROJ#101377-SM
04-20	DIP00 (DIPIETRO & ASSOCIATES, INC.	032088	03/31/20	/ /		1050.00	AED PROGRAM MGMT FED&ST REG COMPL 5/1/20-4/3
04-20	DIV01 (DIVISION OF THE STATE ARCHI3Q	FY1920	04/20/20	/ /		38.40	DISABILITY ACCESS & ED FEE SB1186 JAN-MAR202
04-20	DMC01 (DMCE CONCRETE &)	4026	04/10/20	05/10/20	A	19125.00	BOULDER ST SIDEWALK
04-20	ENG06 (ENGINEERED FIRE SYSTEMS, IN	16277	04/01/20	/ /		100.00	FIRE PLAN REV/TENANT IMPROV 224 CHURCH ST 03
04-20	EVE01 (EVERGUARD SYSTEMS)	A66696	04/01/20	/ /		255.00	MUSEUM FIRE ALARM CHECK 04/01/20
04-20	FEA01 (FEATHERLITE OF)	030420	03/04/20	/ /		8749.19	BIG TEX DUMP TRAILER 03/04/20
		041620	04/16/20	/ /		427.85	STREET DEBRIS CLEANUP
		Vendor's Total ----->				9177.04	
04-20	FER02 (FERRELLGAS)	111079507	03/09/20	04/08/20	A	616.26	PROPANE TANK RELOCATION
		111084316	03/02/20	04/01/20	A	18.16	THERMAL
		111095039	03/12/20	04/11/20	A	132.51	PROPANE TANK RELOCATION
		111122880	03/26/20	04/25/20	A	31.31	THERMAL
		111126819	04/01/20	05/01/20	A	819.34	WTP GENERATOR PROPANE
		Vendor's Total ----->				1617.58	
04-20	FIS01 (BRIAN FISH)	040920	04/09/20	/ /		24.95	LAPTOP REIMB
04-20	FOR01 (FORD HALL COMPANY, INC)	4703	04/07/20	/ /		170.20	CLARIFIER BRUSHES
04-20	GEA01 (GEARED UP DRIVE TRAIN)	I001946	03/31/20	/ /		154.65	UNIT#25 CODE CONTROL BOX REPAIR
04-20	GLO05 (GLOBAL MACHINERY INT. WEST	06035757	04/02/20	/ /		707.02	VAC
04-20	GOL20 (GOLD COUNTRY WATER)	0128916	02/19/20	/ /		12.95	WATER
		0129372	02/29/20	/ /		90.65	WATER
		0130598	03/17/20	/ /		38.85	WATER
		Vendor's Total ----->				142.45	
04-20	GRA01 (GRAY ELECTRIC COMPANY)	051828	03/27/20	04/26/20	A	26.00	CITY HALL ALARM SVC APR 2020
		051829	03/27/20	04/26/20	A	28.00	SEAMANS LDGE ALARM SVC APR 2020
		Vendor's Total ----->				54.00	
04-20	GRA10 (GRAINGER)	948614702	03/25/20	04/24/20	A	871.51	BELT PRESS POLYMER PUMP

REPORT.: Apr 30 20 Thursday
 RUN...: Apr 30 20 Time: 14:45
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City of Nevada City
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PAGE: 004
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Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	GRA14 (CITY OF GRASS VALLEY FIRE)	DFD1020002	04/02/20	05/02/20	A	900.37	NEW ENGINE EQUIP
04-20	GRA19 (GRASS VALLEY SIGN COMPANY)	407202026	04/13/20	05/13/20	A	90.00	STRIPING REPAIR
04-20	GRE17 (GREAT AMERICA FINANCIAL SVC)	26830274	04/07/20	/ /		384.46	COPIERS CONTRACT 04/01-04/30/20
04-20	HAC01 (HACH COMPANY)	11913874	04/08/20	05/08/20	A	1947.58	LAB SUPPLIES
04-20	HDL00 (HINDERLITER, deLLAMAS & ASS)	0033486IN	03/18/20	/ /		1047.72	CONTRACT SVCS SALES TAX Q1 AUDIT-SVC Q3
04-20	HIL02 (HILLS FLAT LUMBER CO.)	625144/1	03/19/20	04/18/20	A	257.86	J.FORD UNIFORM
		626036/1	03/26/20	04/25/20	A	221.31	EFFLUENT SHACK REPAIRS
		626148/1	03/27/20	04/26/20	A	57.12	EFFLUENT SHACK REPAIRS
		626853/1	04/01/20	05/01/20	A	714.80	EFFLUENT SHACK REPAIR
		626981/1	04/02/20	05/02/20	A	16.48	EFFLUENT SHACK REPAIR
		627577/1	04/07/20	05/07/20	A	202.48	SAFETY GLASSES/EAR PLUGS
		627660/1	04/08/20	05/08/20	A	50.67	WWTP FENCE REPAIR
		628014/1	04/10/20	05/10/20	A	29.00	CERTIFICATION SHELF
		976885/1	04/16/20	05/16/20	A	829.24	BAFFLE WALL BOARDS
		K26145/1	03/27/20	04/26/20	A	9.94	UNIFORM HOLDER
						Vendor's Total ----->	2388.90
04-20	HIL10 (HILL BROTHERS CHEMICAL CO.)	07067014	04/06/20	/ /		5720.91	MAG
04-20	HOU03 (HOUSE OF PRINT & COPY)	88409	03/03/20	04/02/20	A	221.01	FIRE TOWNHALL PACKETS
04-20	JAC03 (JACKSON LEWIS P.C.)	7516197	03/26/20	/ /		3403.00	OUTSIDE ATTORNEY INVESTIGATION C.HURST 04/09
04-20	JOR01 (JORGENSEN COMPANY)	5872829	04/13/20	/ /		120.00	FIRE EXT MAINT
04-20	KIM01 (KIMBALL MIDWEST)	7853331	04/03/20	/ /		263.24	GRINDING WHEELS CUT-OFF WHEELS
		7857477	04/07/20	/ /		872.04	SHOP SUPPLIES
						Vendor's Total ----->	1135.28
04-20	KNI01 (KNIGHTS PAINT STORE)	293828/1	03/23/20	04/22/20	A	347.22	CITY HALL PAINTING
		293901/1	03/27/20	04/26/20	A	175.33	CITY HALL PAINTING
		293902/1	03/27/20	04/26/20	A	15.95	CITY HALL PAINTING
		293933/1	03/31/20	04/30/20	A	436.17	PP RESTROOMS
		293937/1	03/31/20	04/30/20	A	110.23	PP RESTROOMS
		293996/1	04/03/20	05/03/20	A	45.07	TENNIS COURT RESTROOMS
		294055/1	04/07/20	05/07/20	A	170.99	CITY HALL PAINTING
		294137/1	04/14/20	05/14/20	A	29.31	PARK RESTROOMS
		294167/1	04/15/20	05/15/20	A	207.58	PARK RESTROOMS
						Vendor's Total ----->	1537.85
04-20	LEX01 (RELX INC. DBA LEXIS NEXIS)	309254043	03/31/20	/ /		115.00	ONLINE ATTORNEY SVC MAR 2020
04-20	LIF01 (LIFE ASSIST)	993653	04/13/20	05/13/20	A	47.25	MEDICAL SUPPLIES
		994054	04/14/20	05/14/20	A	127.34	MEDICAL SUPPLIES
		994763	04/15/20	05/15/20	A	86.27	MEDICAL SUPPLIES
						Vendor's Total ----->	260.86
04-20	MAT05 (MATTINGLY CONCRETE)	1013	04/03/20	/ /		39010.00	CDBG CURB REPLACEMENTS
04-20	MEA01 (MEADOW ELECTRIC, INC)	12-19-2	04/10/20	/ /		510.00	PSPS GRANT MONEY
04-20	MUN05 (MUNICIPAL EMERGENCY SERVICE)	IN1440046	03/23/20	/ /		80.21	SAFETY MASK GLASSES
		IN1444407	04/03/20	/ /		248.76	UNIFORM ALLOWANCE SPLIT FOSTER/ELLISON/STARK
		IN1444842	04/06/20	/ /		159.21	MEDICAL SUPPLIES
		IN1444853	04/06/20	/ /		185.90	CHLORINE SAFETY MASKS
						Vendor's Total ----->	674.08
04-20	NCC02 (NCCSIF)	2220	04/01/20	/ /		66411.00	Q4 FY 19/20 WORK COMP

City of Nevada City
 Month End Payable Activity Report
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04-20	NCT00 (NEVADA CO. DIGITAL MEDIA CE	1095)	03/31/20	/ /		760.00	VIDEO SVCS MAR 2020
		1096	03/31/20	/ /		750.00	PEG OPERATIONAL FEES Q4 FY 19/20
		Vendor's Total ----->				1510.00	
04-20	NEV02 (NEVADA IRRIGATION DISTRCT)	0303*0407	04/07/20	05/07/20	A	20.90	WATER SVC 5 KIDDER 03/03-04/07/20 ACCT#38626
		0303*0407	04/07/20	05/07/20	A	34.23	WATER SVC 5 KIDDER 03/03-04/07/20 ACCT#38493
		0303-0407	04/07/20	05/07/20	A	69.22	WATER SVC 201 PROV 03/03-04/07/20 ACCT#37256
		0303/0407	04/07/20	05/07/20	A	19.60	WATER SVC 201 PROV 03/03-04/07/20 ACCT#37398
		Vendor's Total ----->				143.95	
04-20	NEV03 (NEVADA CITY CHAMBER)	Q3 FY1920	04/20/20	05/20/20	A	8150.67	TOT'S 3RD QTR FY 19/20
04-20	NEV06 (NEVADA CITY ENGINEERING)	29114	04/02/20	05/02/20	A	1320.00	ANNEXATION MAPPING MARCH 2020
		29115	04/02/20	05/02/20	A	760.00	SEWER DESIGN BOURBON HILL MARCH 2020
		Vendor's Total ----->				2080.00	
04-20	NEV95 (NEVADA COUNTY ELECTIONS)	041320	04/13/20	/ /		2805.99	SHARED COST ELECTION 03/03/20
04-20	NOR30 (NORTH STATE CONSULTING)	20-03	04/01/20	/ /		3520.00	ENGINEER CONSULT MAR 2020
04-20	OFF06 (OFFICE DEPOT, INC.)	461345342	03/18/20	/ /		114.23	KEYBOARD TRAY T.HORTON
04-20	P.S00 (P. SCOTT BROWNE, ATTORNEY) PE	031520	03/15/20	/ /		977.75	NC B&B LIT 02/16-03/15/20
04-20	PAC02 (PACIFIC GAS & ELECTRIC)	0229-0331	04/02/20	05/02/20	A	1466.11	GAS SVC 02/29-03/31/20
04-20	PET02 (PETER SCHACK CONSTRUCTION E	PW-56)	04/05/20	/ /		19428.00	WATERLINE REPLACEMENT BOULDER ST
		PW-57	04/05/20	/ /		1300.00	COTTAGE ST PAVING MEASURE S
		Vendor's Total ----->				20728.00	
04-20	PIT04 (PITNEY BOWES POSTAGE BY PHO	040520	04/05/20	/ /		987.99	JAN&FEB2020 UTILITY BILLING & GENERAL POSTAG
04-20	PLA01 (PLAZA TIRE CO., INC.)	3248250	04/01/20	05/01/20	A	784.00	UNIT #25 TIRES
		0-3247364	02/21/20	03/22/20	A	.21	UNDERPAYMENT ON INV # 3247364
		0-3248004	03/17/20	04/16/20	A	89.95	UNDERPAYMENT ON INV #3248004
		0-3248006	03/17/20	04/16/20	A	89.95	UNDERPAYMENT ON INV #3248006
		Vendor's Total ----->				964.11	
04-20	PLA13 (PLATT)	0G13449	04/01/20	/ /		336.36	PP RESTROOM
		0G39615	04/01/20	/ /		45.98	EFFLUENT BUILDING REPAIR
		Vendor's Total ----->				382.34	
04-20	PRE05 (PREMIER ACCESS INSURANCE CO MAY 2020		04/11/20	/ /		3372.99	DENTAL BENEFITS MAY 2020
04-20	RAN03 (RANEY PLANNING & MGMT, INC.	1984P-3	04/07/20	/ /		297.50	GALLELLI PROP GSR INV \$5K DEP
04-20	RAY01 (RAY MORGAN CO)	2928870	04/06/20	/ /		78.27	CONTRACT USAGE 03/01-03/31/20
04-20	REA00 (REAL GRAPHIC)	72516	03/31/20	/ /		26.04	PARK SIGNS COVID-19
04-20	REE02 (REED'S LOCKSMITHING, INC.)	4454	03/30/20	04/29/20	A	20.86	KEYS
		4484	04/14/20	05/14/20	A	349.50	RESTROOM DOOR HANDLES
		Vendor's Total ----->				370.36	
04-20	RIE02 (RIEBE'S NAPA AUTO PARTS)	161573	03/08/20	04/07/20	A	116.29	TOOLS
		862658	03/03/20	04/02/20	A	11.56	MISC
		862825	03/05/20	04/04/20	A	90.95	#63 WIPER BLADES & FLUID
		863128	03/09/20	04/08/20	A	12.19	SWEeper
		863351	03/11/20	04/10/20	A	17.96	CARE CARE
		863369	03/11/20	04/10/20	A	49.21	MISC SHOP
		863934	03/17/20	04/16/20	A	22.64	GREASE GUN

City of Nevada City
 Month End Payable Activity Report
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Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	RIE02 (RIEBE'S NAPA AUTO PARTS)	864013	03/18/20	04/17/20	A	82.69	#36 BELT
		864063	03/18/20	04/17/20	A	58.66	PARTS
		864193	03/20/20	04/19/20	A	1.13	FITTING
		864557	03/25/20	04/24/20	A	12.85	SOCKET
		Vendor's Total ----->				476.13	
04-20	RJR01 (RJ RICCIARDI, INC)	11562	12/31/19	/ /		900.00	AUDIT ADD'L WORK BILLING THROUGH 12/31/19
		11585	01/31/20	/ /		3000.00	AUDIT SVC THROUGH 01/31/20
		11680	03/31/20	/ /		1800.00	AUDIT ADD'L WORK THROUGH 03/31/20
		Vendor's Total ----->				5700.00	
04-20	ROB03 (ROBINSON ENTERPRISES, INC.)	27973	03/30/20	04/29/20	A	3799.60	WWTP BIO-SOLIDS CUST#141130 INV#IN00027973
		27978	03/30/20	04/29/20	A	1104.08	DIESEL 480 GENE CUST#141130 INV#IN00027978
		20032359	03/31/20	04/30/20	A	904.52	DPW FUEL CUST #141100 INV #FI20032359
		20032360	03/31/20	04/30/20	A	663.19	PD FUEL CUST #141120 INV #FI20032360
		20032361	03/31/20	04/30/20	A	212.97	WWTP FUEL CUST #141130 INV #FI20032361
		20032365	03/31/20	04/30/20	A	619.92	PD FUEL CUST#141217 INV#FI120032365
		20041334	04/15/20	05/15/20	A	434.29	DPW FUEL CUST#141100 INV#FI20041334
		20041335	04/15/20	05/15/20	A	748.80	PD FUEL CUST#141120 INV#FI20041335
		20041336	04/15/20	05/15/20	A	246.92	WWTP FUEL CUST#141130 INV#FI20041336
		20041340	04/15/20	05/15/20	A	376.62	FD FUEL CUST#141217 INV#FI20041340
		Vendor's Total ----->				9110.91	
04-20	SEC01 (SECURE RECORD MANAGEMENT)	21634	04/02/20	/ /		50.00	RECORDS SHRED 03/11/20
04-20	SIE67 (SIERRA STREAMS INST.)	040620	04/06/20	/ /		345.00	BROWNSFIELD QUARTZ MILL SSI MAR 2020
04-20	SIE78 (SIERRA ROOTS)	040120	04/01/20	/ /		40.00	EXT WEATHER SHELTER NOV2019-MAR2020 SIERRA R
04-20	SMA02 (SMARTERBROADBAND, INC.)	94744	04/16/20	/ /		140.00	BROADBAND MNTHLY SVC MAY 2020
04-20	SPD01 (SPD MARKETS)	05826712	03/30/20	04/29/20	A	23.85	BATTERIES
		08519697	03/12/20	04/11/20	A	5.82	PATROL KEYS
		08522595	03/24/20	04/23/20	A	9.74	PAPER TOWELS
		08523378	03/27/20	04/26/20	A	10.05	YARD SOAP COVID-19
		08524165	03/31/20	04/30/20	A	1.94	ARMORY KEYS
		Vendor's Total ----->				51.40	
04-20	SPD02 (SPD SAW SHOP)	115223	03/04/20	04/03/20	A	29.80	SAW
04-20	STA07 (STATE OF CALIFORNIA)	180013311	04/01/20	05/01/20	A	11435.00	NC RAW WATER DAM FEES INV#1800133110
04-20	STE12 (STERICYCLE, INC.)	300505225	04/01/20	/ /		23.15	SHARPS MNTHLY COLLECTION/MED WSTE APR 2020
04-20	SUN01 (SUNRISE ENVIRONMENTAL)	107199	03/24/20	04/23/20	A	280.51	HAND SANITIZER-COVID 19
		107652	04/02/20	05/02/20	A	295.44	DISINFECANT SPRAY COVID-19
		107656	04/02/20	05/02/20	A	194.02	TOWELS SUPPLY
		108061	04/09/20	05/09/20	A	285.17	HAND SANITIZER-COVID 19
		Vendor's Total ----->				1055.14	
04-20	TES02 (TESCO CONTROLS, INC.)	0069787A	03/19/20	/ /		1890.00	ON CALL TABLET
		0069787B	03/19/20	/ /		1890.00	ON CALL TABLET
		Vendor's Total ----->				3780.00	
04-20	THA01 (THATCHER COMPANY OF CA., IN	274148	04/06/20	/ /		2460.53	CL2 @ 150
		274149C	04/06/20	/ /		750.00	-CL2 RETURNS
		274150	04/06/20	/ /		2714.00	SO2 WWTP
		274151C	04/06/20	/ /		1000.00	-SO2 RETURN
		Vendor's Total ----->				3424.53	
04-20	THE10 (THE AUTO SHOP)	29137	03/23/20	/ /		171.50	#24 BATTERY
		29167	03/27/20	/ /		525.36	#23 BRAKES
		29196	04/01/20	/ /		38.69	#24 OIL CHANGE
		Vendor's Total ----->				735.55	

REPORT.: Apr 30 20 Thursday
 RUN...: Apr 30 20 Time: 14:45
 Run By.: Desirae Andresen

City of Nevada City
 Month End Payable Activity Report
 Report for 04-20

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 CTL.: NEV

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
04-20	UNI01 (THE UNION)	I00550032	02/20/20	03/21/20	A	184.49	PC-PH-NATIONAL HOTEL VARIANCE AD#550032-01
		I00564953	04/02/20	05/02/20	A	168.40	PH-PC-PLANNING COMMISSION APPEAL AD#564953-0
		Vendor's Total ----->				352.89	
04-20	UPS01 (UPS STORE 5417/DJE CONSULTA	23847	03/04/20	/ /		13.07	DOJ POSTAGE
04-20	USA01 (USA BLUE BOOK)	190723	03/30/20	04/29/20	A	412.20	CHLORINE ANALYZER REAGENTS
		233471	03/30/20	04/29/20	A	878.08	CHLORINE ANALYZER REAGENTS
		Vendor's Total ----->				1290.28	
04-20	VER01 (VERIZON WIRELESS)	FD MAR20	03/23/20	/ /		114.03	FD IPAD 02/24-03/23/20 INV#9851202251
		PD MAR20	03/23/20	/ /		632.26	PD CELL SVC 02/24-03/23/20 INV#9851202249
		DPW MAR20	03/23/20	/ /		76.02	DPW IPAD MAPPING 02/24-03/23/20 INV#98512022
		W-W MAR20	04/07/20	/ /		63.81	WWTP&WTP ON CALL CELL 3/8-4/7/20 INV#9852011
		Vendor's Total ----->				886.12	
04-20	VSP00 (VISION SERVICE PLAN-(CA))	APR 2020	03/19/20	/ /		464.20	VISION BENEFITS APR 2020
		MAY 2020	04/19/20	/ /		482.35	VISION BENEFITS MAY 2020
		Vendor's Total ----->				946.55	
04-20	WAL01 (WALKER'S OFFICE SUPPLY)	2103496-0	03/20/20	04/19/20	A	23.03	INK
		2103496-0C	03/30/20	04/29/20	A	23.03	INK RETURN
		2103496-1	03/23/20	04/22/20	A	105.18	INK
		2103716-0	03/23/20	04/22/20	A	23.79	ID BADGE HOLDER COVID-19
		2104622-0	03/31/20	04/30/20	A	65.69	LANYARD HOLDER COVID-19
		2105064-0	04/03/20	05/03/20	A	30.42	BINDER CLIPS/OPEN SPACE & PARK BINDERS
		2106017-0	04/13/20	05/13/20	A	33.15	MISC OFFICE SUPPLIES
		Vendor's Total ----->				258.23	
04-20	WIL02 (WILLIAMS STATIONERY)	3554357-0	03/27/20	04/26/20	A	16.46	DVD-R FOR MEETINGS/NCTV
04-20	XIO00 (XIO, INC.)	201209275	11/15/19	/ /		300.00	CLOUD & SCADA SVC 11/15/19
		201209428	12/15/19	/ /		300.00	CLOUD & SCADA SVC 12/15/19
		201209451	12/13/19	/ /		493.11	SCADA REPAIR FOR CDF TANK
		201209544	01/15/20	/ /		300.00	CLOUD & SCADA SVC 01/15/20
		201209658	02/15/20	/ /		300.00	CLOUD & SCADA SVC 02/15/20
		201209840	03/15/20	/ /		300.00	CLOUD & SCADA SVC 03/15/20
		Vendor's Total ----->				1993.11	
04-20	YUB05 (YUBA DOCS MEDICAL GROUP)	1438	03/05/20	/ /		90.00	DOT PHYSICAL K.TIMMS
04-20	ZYD02 (DAWN ZYDONIS)	042120	04/21/20	/ /		725.39	LIFEGUARD TRAINING SUPPLIES REIMB
		Total of Purchases ->				421950.25	

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Rescheduling of Fiscal Year 2020/2021 Budget Workshop

RECOMMENDATION: Approve rescheduling the Fiscal Year (FY) 2020/2021 Budget Workshop from May 14, 2020 to May 20, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

At the February 26, 2020 City Council meeting the City Council adopted the fiscal year 2020/2021 budget calendar. The budget workshop was scheduled for May 14, 2020 at 9 a.m. With the Governor of California's declaration of a Statewide state of emergency due to the COVID-19 virus on Wednesday March 4, 2020 and its ongoing economic impacts it has completely changed the original outlook of the City's budget projections for the FY 2020/2021.

With the drastic changes in the revenue projections and the need to cut originally requested operational budget expenditures it seemed prudent to reschedule the budget workshop to further review the impacts to the upcoming budget.

It is being recommended that the budget workshop be rescheduled from May 14, 2020 at 9 a.m. to May 20, 2020 at 11 a.m.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS: None.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: 3rd Quarter Financial Update, Fiscal Year (FY) 19/20

RECOMMENDATION: Receive and file.

CONTACT: Loree' McCay, Administrative Services Manager

BACKGROUND / DISCUSSION:

As of March 31, 2020, the City has a cumulative cash total of \$3.3 million vs. \$3.2 million March 31, 2019, including \$515k in the Local Agency Investment Fund (LAIF) yielding 2.03%, and \$1.2 million in Certificates of Deposit (CD's) with an average portfolio maturity of 2.8 years and an average yield of 2.86%. The increased cash flow year over year (YOY) is significantly tied to an increase in cash in the general fund.

The City's General Fund has \$453k remaining in long term debt from obtaining loans with Tri Counties Bank for the purchase of 425 Nimrod Nevada City, CA 95959, a Department of Public Works (DPW) replacement truck and a replacement street sweeper.

The City's Measure "C" Fund has \$368k remaining in long term debt from obtaining a lease/purchase of a new Fire Truck needed to replace an aged engine.

The City's Enterprise Fund long term debt was \$3.6 million as of March 31, 2020 vs. \$3.7 million as of March 31, 2019, \$103k lower, associated to regular principal reduction payments.

As of March 31, 2020, General Fund revenues were \$3.7 million vs. \$2.8 million March 31, 2019, an increase of \$897k YOY associated to an increase of sales tax, excise tax, cannabis business permit fees and proceeds from debt for the street sweeper and DPW vehicles. General Fund revenues received at \$3.7 million were 76% of the \$4.8 million budget.

As of March 31, 2020, General Fund expenditures were at \$4.2 million vs. \$3.53 million March 31, 2019 an increase of \$621k YOY. General Administration expenditures at \$830k were 76% of the \$1.1 million operational budget. The Fire Department expenditures at \$605k were 89% of the \$677k operational and capital budget. 3rd quarter YOY comparison of the decreased costs in the Fire Department are associated to a reduction of "Strike Team" involvement in the current fiscal year which reduced the costs associated with Non-permanent Salary and overtime needed for the assistance provided by the Nevada City Fire Department at several fires that occurred in the State of California (Strike Team) The State has paid the City for participation on the "Strike Teams". The Police Department expenditures at \$1.6 million were 76% of the \$2.1 million budget. 3rd quarter YOY comparison the increased costs in the Police Department are tied to department salary and benefits

associated to having previously vacant positions filled, as well as, an increase in Capital Outlay for the purchase of a replacement vehicle. The Police Department currently has two vacant positions that will not be filled due to the financial implications of the Coronavirus pandemic. The Department of Public Works expenditures at \$721k were 110% of the \$653k operational and capital budget. This variance will be corrected with a budget adjustment at year end for the purchase of the street sweeper. The Parks and Recreation Department expenditures at \$287k were 75% of the \$383k budget. Veteran's Building expenditures at 44k were 69% of the \$64k budget. Typically at the completion of the 3rd quarter, departmental expenditures should be approximately 75% of the budget. Overall operational expenditures at \$4.1 million were 82% of the \$5.0 million operational and capital outlay budget.

The General Fund had expenditures exceeding revenues of \$462k as of March 31, 2020, lower than FY 18/19 at \$738k million. The City has a positive unassigned fund balance of \$789k ending FY 18/19 up from \$345k ending FY 17/18. It continues to be crucial that City Staff monitor incoming revenues and prioritize and review program expenditures to support preserving and improving the current financial status.

As of March 31, 2020, Special Fund revenues were \$1.8 million and were 43% of the \$4.3 million budget. The City's special tax measures have been performing on or better than budget. The City has received \$516k in Measure "S" sales tax revenues or 56% of the \$923k budget and \$368k in Measure "C" sales tax revenues or 80% of \$458k budget. Most Special Fund revenues are tied to the timing of expenditures by the City and reimbursement based.

As of March 31, 2020, the Special Fund expenditures including capital outlay were \$1.5k or 35% of the overall \$4.2 million budget. Special Fund expenditures are all timing related.

As of March 31, 2020, Water Fund revenues were \$592k vs. \$618k March 31, 2019. Water Fund revenues received at \$592k were 67% of the \$879k budget.

As of March 31, 2020, the Water Fund expenditures were at \$751k vs. \$436k March 31, 2019. The increase of \$314k in Water Fund expenditures was associated to increased capital outlay costs of plant improvements associated to a chlorine Building project and an NID Cross Connect project and outside services. The Water Department and Water Distribution Fund with expenditures of \$751k were 86% of the \$783k operational and capital budget (not including the A87 allocation).

The Water Fund had expenditures exceeding revenues of \$158k as of March 31, 2020. The Water Fund had been experiencing an improved unrestricted financial position, however, with the increases in expenditures for necessary repairs it is critical that City Staff explore efficiencies in operations and reductions in expenditures to maintain the improving financial position of the Water Fund.

As of March 31, 2020, the Wastewater Fund revenues were \$940k vs. \$982k March 31, 2019. The decrease in Wastewater Fund revenues of \$42k was associated to the decrease in program income from Leachate hauling as well as lower than expected water usage during January and February of 2019 which is directly linked to the revenues received from customers. Wastewater Fund revenues received at \$940k were 67% of the \$1.4 million budget.

As of March 31, 2020, the Wastewater Fund expenditures were at \$1.2 million vs. \$1.2 million March 31, 2019. The increase of \$41k in Wastewater Fund expenditures was primarily associated to a increase in Capital Outlay for projects at the wastewater plant. The Wastewater Department and Wastewater Distribution Fund with expenditures of \$1.2 million were 80% of the \$1.5 million operational and capital outlay budget (not including the A87 allocation).

The Wastewater Fund had expenditures exceeding revenues of \$284k as of March 31, 2020vs. \$201k as of March 31, 2019. The Wastewater Fund continues to maintain a positive fund position with an approximate unrestricted balance of \$1.6 million ending FY 18/19. However, the last 5 fiscal years the fund has experienced significant erosion. City staff will need to closely monitor incoming revenues and review and prioritize operational and capital expenditures to support preserving the Wastewater Fund financial status.

ATTACHMENTS:

- Fund Financial Status Report
- Statement of Condition
- Revenue and Expenditure Report (General Fund, Special Funds, Water Fund & Sewer Fund)
- Major Revenue Graphs

CITY OF NEVADA CITY
Fund - Financial Status Report
March 31, 2020

March 31, 2020

1) Checking Account Tri Counties	\$	1,065,511.96	
2) Core Account	\$	417,824.15	
3) LAIF	\$	514,778.06	
4) Fire Department	\$	78,623.36	
5) Certificates of Deposit	\$	1,233,000.00	see attachment A

Total City Cash Accounts **\$ 3,309,738** ****Ties to Fund balances**

6) Petty Cash \$ 500.00 Admin \$100/PD\$400

Other Cash Accounts **\$ 500.00**

TOTAL CASH **\$ 3,310,237.53**

<u>General Fund Balances:</u>	<u>FY 19-20 Activity to</u>	<u>FY 18-19 Activity to</u>	<u>\$ Change</u>
	<u>March 31, 2020</u>	<u>March 31, 2019</u>	
100 GENERAL FUND	\$ 1,433,039	\$ 785,480	\$ 647,559
Subtotal General Funds	\$ 1,433,039	\$ 785,480	\$ 647,559
200 AB1600	\$ 62,927	\$ 85,955	\$ (23,028)
201 P&R QUIMBY	\$ 307	\$ 29,210	\$ (28,903)
205 DONATION PRJT	\$ 3,987	\$ 43,413	\$ (39,426)
209 NEVADA/MAIN PRJ	\$ (121,040)	\$ (93,679)	\$ (27,361)
210 GAS TAX-STREETS	\$ 235,611	\$ 127,552	\$ 108,059
212 RSTP/STIP	\$ -	\$ (1)	\$ 1
215 RURAL PLANNING	\$ (40,751)	\$ (303,597)	\$ 262,846
216 TRAFFIC RELIEF	\$ 10,871	\$ 7,312	\$ 3,559
217 REG.TRAFFIC MIT	\$ 2,624	\$ 3,785	\$ (1,161)
218 FEMA	\$ (15,962)	\$ 1,713	\$ (17,675)
220 INDIAN TRAILS	\$ 46,238	\$ 46,137	\$ 101
221 UST PROJECT	\$ -	\$ (30)	\$ 30
223 CALFIRE GRANT	\$ -	\$ (9,805)	\$ 9,805
224 LCWF POOL REHAB	\$ 25,020	\$ 25,020	\$ -
227 LITTLE DEER CRK	\$ (114,691)	\$ (109,958)	\$ (4,733)
229 BROWNSFIELD '10	\$ 2,612	\$ 7,820	\$ (5,208)
230 TAX - FIRE DEPT	\$ 20,206	\$ 18,510	\$ 1,696
231 2003 FIRE TAX	\$ 38,885	\$ 35,620	\$ 3,265
241 NC REC/QUIMBY	\$ -	\$ (17,909)	\$ 17,909
250 CDBG ENTERPRISE	\$ (105,532)	\$ (21,152)	\$ (84,380)
265 CABY - NEV CITY	\$ -	\$ (5,778)	\$ 5,778
266 CABY- MISC AGENCY	\$ (324,341)	\$ (319,053)	\$ (5,288)
271 PROP 172	\$ 81,006	\$ 87,888	\$ (6,882)
272 MATHIVET	\$ 10,812	\$ 19,533	\$ (8,721)
273 SLESF	\$ 75,176	\$ 71,403	\$ 3,773
280 MEASURE "L"	\$ (2,892)	\$ 215,667	\$ (218,559)
285 MEASURE "C"	\$ 112,087	\$ 188,385	\$ (76,298)
710 CONSTITUTION DAY PARADE	\$ (1,599)	\$ 76	\$ (1,675)
715 MEASURE "S"	\$ (115,106)	\$ 125,872	\$ (240,978)
Subtotal Special Revenues	\$ 18,777	\$ 18,611	\$ 166
	\$ (94,768)	\$ 278,520	\$ (373,288)
Enterprise Funds:			
600 WATER FUND	\$ 267,865	\$ 421,442	\$ (153,577)
614 WATER-AB1600	\$ 36,354	\$ 36,033	\$ 321
625 WTP - UPGRADE	\$ -	\$ (1)	\$ 1
650 SEWER FUND	\$ 1,642,907	\$ 1,684,766	\$ (41,859)
Subtotal Enterprise Funds	\$ 24,339	\$ 24,124	\$ 215
	\$ 1,971,465	\$ 2,166,364	\$ (194,899)
TOTAL OF FUNDS	\$ 3,309,736	\$ 3,230,364	\$ 79,372

**City of Nevada City
Statement of Condition
March 31, 2020**

<u>Cash & Investments</u>	<u>Actual</u> <u>March 31, 2020</u>	<u>Actual</u> <u>March 31, 2019</u>
Checking	\$ 1,065,512	\$ 1,368,261
Core	\$ 417,824	\$ 21,450
LAIF	\$ 514,778	\$ 502,323
Certificates of Deposit	\$ 1,233,000	\$ 1,232,000
Fire Department	\$ 78,623	\$ 106,330
Petty Cash	\$ 500	\$ 900
Total Cash & Investments	\$ 3,310,238	\$ 3,231,264

<u>Debt Governmental Activities</u>	<u>Balance</u> <u>March 31, 2020</u>	<u>Balance</u> <u>March 31, 2019</u>	<u>Comments</u>
Leases:			
REV Financial Services, LLC	\$ 368,457	\$ 401,867	Fire Engine - KME Predator Severe Service 1500 GPM Pumper
Loans:			
Tri Counties Bank	\$ 250,485	\$ 263,804	Mortgage - 425 Nimrod Nevada City CA 95959
Tri Counties Bank	\$ 189,683	-	DPW-2019 Badger Sweeper
Tri Counties Bank	\$ 12,712	-	DPW Vehicle-2019 Chevrolet Colorado*
Total Governmental Debt	\$ 821,337	\$ 665,670	

**Allocated to 100,600 & 650 Funds*

Debt Business Type Activities (Water&Wastewater)

COP's:			
Citizens - Wastewater Treatment Plant Refunding 2008	\$ 284,314	\$ 353,965	Payments made twice yearly Jun/Dec
USDA - Wastewater COP's Series 2005	\$ 1,788,000	\$ 1,825,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & int)
USDA - Wastewater COP's Series 2007	\$ 1,506,000	\$ 1,536,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & int)
Loan:			
First Security Finance - Water Plant Bond Refi	\$ -	-	Payments made twice yearly Mar/Sept
Tri Counties Bank	\$ 25,424	-	DPW Vehicle-2019 Chevrolet Colorado*
Total Business Type Debt	\$ 3,603,738	\$ 3,714,965	

**Allocated to 100,600 & 650 Funds*

<u>PERs projected Contribution Rates:</u>	<u>Empl. Contrib. 18/19</u>	<u>Empl. Contrib. 19/20</u>	<u>Unfunded Accrued Liability as of 6/30/19</u>
Miscellaneous Employees	33.150%+ 8%	41.944%+8%	\$ 2,164,705
Safety Employees	38.843%+ 9%	43.254%+ 9%	\$ 2,662,500
2nd Tier Retirement (employee contributes 5% towards 7% employee portion)			
Miscellaneous Employees (2% @60)	8.271%+7%	9.063%+7%	\$ 10,559
PEPRA (new members)			
Miscellaneous Employees (2% @62)(Employee contributes 6.25%)	7.213% + 6.25%	7.533% + 6.75%	\$ 15,161
Safety Police Employees (2.7% @57) (Employee contributes 9.5%)	10.151% + 9.5%	10.880% + 9.5%	\$ 16,796
Safety Fire Employees (2.7% @57) (Employee contributes 9.5%)	10.622% + 9.5%	11.145% + 9.5%	\$ 5,178
Total			\$ 4,874,899

City of Nevada City
Revenues & Expenditures General Fund
March 31, 2020

	<u>Actual</u> <u>March 31, 2020</u>	<u>Actual</u> <u>March 31, 2019</u>	<u>Adopted Annual Budget</u> <u>FY 19/20</u>	<u>\$</u> <u>Annual Budget</u>	<u>%</u>
Revenues - Governmental Activities					
Sales Taxes	\$ 950,739	\$ 836,655	\$ 1,050,000	\$ (99,261)	91%
Property Taxes (includes prop tax in lieu of VLF)	\$ 996,386	\$ 949,366	\$ 1,715,438	\$ (719,052)	58%
Transient Occupancy Taxes	\$ 355,357	\$ 319,198	\$ 420,000	\$ (64,643)	85%
Measure "F" Cannabis Tax	\$ 340,224	\$ 16,965	\$ 240,000	\$ 100,224	142%
Franchises	\$ 86,469	\$ 87,181	\$ 165,000	\$ (78,531)	52%
Licenses & Permits	\$ 206,084	\$ 76,605	\$ 149,600	\$ 56,484	138%
Planning & Inspection Fees	\$ 52,977	\$ 49,052	\$ 98,500	\$ (45,523)	54%
Parks & Recreation	\$ 64,728	\$ 64,776	\$ 140,500	\$ (75,772)	46%
Veteran's Building	\$ 13,103	\$ 20,163	\$ 23,500	\$ (10,397)	56%
Parking Meters	\$ 83,350	\$ 77,442	\$ 270,000	\$ (186,650)	31%
Safety (Includes PD POST, Fire Department/Strike, Asset Forfeiture/mvlf etc)	\$ 223,878	\$ 227,841	\$ 188,000	\$ 35,878	119%
Grants (includes Reim. PD Air quality Grant)	\$ 31,015	\$ 5,000	\$ 10,000	\$ 21,015	310%
Sale of Real Property/Proceeds from Debt	\$ 223,292	\$ -	\$ -	\$ 223,292	N/A
All Other Revenues	\$ 68,673	\$ 69,103	\$ 366,790	\$ (298,117)	19%
Total Governmental Revenue	\$ 3,696,274	\$ 2,799,347	\$ 4,837,328	\$ (1,066,230)	76%
Funds from Other Financing Sources					
Transfers In (fire taxes, CABY Admin., SLESF, Prop 172, Measure 'L')	\$ -	\$ -	\$ 200,000		
TOTAL GENERAL FUND REVENUES	\$ 3,696,274	\$ 2,799,347	\$ 5,037,328		
Expenditures - Governmental Activities					
General Government (Finance & Administration)	\$ 387,649	\$ 348,117	\$ 491,855	\$ (104,206)	79%
Capital Outlay	\$ 14,777	\$ -	\$ 14,400	\$ 377	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ (208,868)		
City Council	\$ 15,010	\$ 7,990	\$ 22,250	\$ (7,240)	67%
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 1,668		
Planning Commission	\$ 3,876	\$ 2,588	\$ 5,260	\$ (1,384)	74%
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 467		
City Attorney	\$ 72,831	\$ 105,988	\$ 137,175	\$ (64,344)	53%
Capital Outlay	\$ -	\$ -	\$ 1,400	\$ (1,400)	
City Planner	\$ 174,323	\$ 148,765	\$ 202,590	\$ (28,267)	86%
Capital Outlay	\$ -	\$ -	\$ 1,800	\$ (1,800)	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 18,311		
City Manager	\$ 173,948	\$ 153,773	\$ 225,625	\$ (51,677)	77%
Capital Outlay	\$ -	\$ 1,973	\$ -	\$ -	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ (28,936)		
City Clerk&Treasurer	\$ 1,987	\$ 1,987	\$ 2,584	\$ (597)	77%
Fire Department	\$ 605,365	\$ 631,586	\$ 676,645	\$ (71,280)	89%
Capital Outlay	\$ -	\$ -	\$ -	\$ -	
A-87 Cost Allocation for Administrative Staff - Charge to FD	\$ -	\$ -	\$ 30,407		
Police Department	\$ 1,598,440	\$ 1,401,554	\$ 2,096,760	\$ (498,320)	76%
Capital Outlay	\$ 3,885	\$ 60,183	\$ -	\$ 3,885	
A-87 Cost Allocation for Administrative Staff - Charge to PD	\$ -	\$ -	\$ 70,201		
Public Works (b&g, streets)	\$ 386,096	\$ 313,619	\$ 467,795	\$ (81,700)	110%
Capital Outlay	\$ 335,108	\$ 658	\$ 185,000	\$ 150,108	
A-87 Cost Allocation for Administrative Staff - Charge to PW	\$ -	\$ -	\$ 56,192		
Community Agency Support	\$ 34,605	\$ 42,605	\$ 61,550	\$ (26,945)	56%
Capital Outlay	\$ 20,000	\$ -	\$ 1,400	\$ 18,600	
Parks and Recreation (p&r, pool, summer prg.)	\$ 286,912	\$ 270,452	\$ 382,072	\$ (95,160)	75%
Capital Outlay	\$ (525)	\$ -	\$ 1,400	\$ (1,925)	
A-87 Cost Allocation for Administrative Staff - Charge to P&R	\$ -	\$ -	\$ 55,369		
Veteran's Building	\$ 44,396	\$ 46,315	\$ 64,075	\$ (19,679)	69%
A-87 Cost Allocation for Administrative Staff - Veteran's Building	\$ -	\$ -	\$ 1,192	\$ (1,192)	
Total General Fund Expenditures	\$ 4,158,684	\$ 3,538,154	\$ 5,037,639	\$ (863,273)	83%
NET GENERAL FUND REVENUES/EXPENDITURES	\$ (462,410)	\$ (738,807)	\$ (311)		

**Revenues & Expenditures Committed Funds
March 31, 2020**

<u>Revenues - Special</u>	Fund	<u>Actual</u> <u>March 31, 2020</u>		<u>Adopted Annual Budget</u> <u>FY 19/20</u>	<u>Variance to</u> <u>Budget</u>
AB1600 Mitigation Fees	200 \$	1,130	\$	23,490	\$ (22,360)
P&R Quimby	201 \$	-	\$	1,810	\$ (1,810)
Donation Projects	205 \$	621	\$	2,150	\$ (1,529)
Highway Bridge Grant Project	209 \$	149,539	\$	2,100,000	\$ (1,950,461)
Gas Tax	210 \$	108,790	\$	151,670	\$ (42,880)
NCTC RSTP & Local Ped & Bike	212/213 \$	-	\$	40,000	\$ (40,000)
CMAQ Streets and Roads	215 \$	287,775	\$	140,000	\$ 147,775
Traffic Relief	216 \$	3,510	\$	3,670	\$ (160)
Regional Traffic Mitigation	217 \$	2,610	\$	7,565	\$ (4,955)
FEMA Grant	218 \$	-	\$	-	\$ -
CEC Grant	219				\$ -
Indian Trails	220 \$	-	\$	-	\$ -
Underground Storage Tank Project	221 \$	-			\$ -
PSPS Grant	222 \$	225,000	\$	-	\$ 225,000
Calfire Grant	223 \$	-	\$	-	\$ -
LWCF - Pool Rehab	224 \$	-	\$	-	\$ -
Little Deer Creek	227 \$	-	\$	-	\$ -
Brownsfield '10 Grant Reimbursement	229 \$	7,814	\$	55,000	\$ (47,186)
Fire Tax	230/231 \$	59,091	\$	100,500	\$ (41,409)
CDBG-Enterprise	250 \$	-	\$	185,000	\$ (185,000)
Prop 172	271 \$	36,284	\$	38,000	\$ (1,716)
SLESF - Supplemental Law Enforcement	273 \$	75,000	\$	100,200	\$ (25,200)
Measure "L" Sales Tax	280 \$	2,071	\$	5,600	\$ (3,529)
Measure "C"	285 \$	367,801	\$	458,000	\$ (90,199)
Constitution Day	710 \$	2,000	\$	8,000	\$ (6,000)
Measure "S" Sales Tax	715 \$	516,792	\$	922,750	\$ (405,958)
Special Revenue Interest	\$	810	\$	700	\$ 110
Total Special Revenue		\$ 1,846,639	\$	4,344,105	\$ (2,497,577)

Expenditures - Special Revenue Activities

Donation Projects	205 \$	21,461	\$	2,000	\$ 19,461
Highway Bridge Grant Project	209 \$	-	\$	-	\$ -
<i>Capital Outlay</i>	\$	100,612	\$	2,100,000	\$ (1,999,388)
Gas Tax	210 \$	19,601	\$	100,000	\$ (80,399)
<i>Capital Outlay</i>	\$	3,977	\$	-	\$ 3,977
NCTC RSTP & Local Ped & Bike	212/213 \$	-	\$	40,000	\$ (40,000)
<i>Capital Outlay</i>	\$	-	\$	-	\$ -
CMAQ - ST&RD	215 \$	-	\$	-	\$ -
<i>Capital Outlay</i>	\$	11,590	\$	140,000	\$ (128,410)
Regional Traffic Mitigation	217 \$	-	\$	7,565	\$ (7,565)
CEC Grant	219				\$ -
FEMA Grant	218				\$ -
<i>Capital Outlay</i>	\$	-			\$ -
Indian Trails	220 \$	310	\$	1,000	\$ (690)
Little Deer Creek	227 \$	575	\$	-	\$ 575
Brownsfield '10	229 \$	6,418	\$	55,000	\$ (48,582)
Fire Tax	230/231 \$	-	\$	100,500	\$ (100,500)
CDBG	250 \$	92,631	\$	-	\$ 92,631
<i>Capital Outlay</i>	\$	818	\$	185,000	\$ (184,182)
Prop 172	271 \$	54,579	\$	38,000	\$ 16,579
SLESF - Supplemental Law Enforcement	273 \$	-	\$	100,000	\$ (100,000)
Measure "L"	280 \$	-	\$	-	\$ -
<i>Capital Outlay</i>	\$	84,411	\$	95,000	\$ (10,589)
Measure "C"	285 \$	458,473	\$	482,690	\$ (24,217)
Constitution Day	710 \$	5,675	\$	8,000	\$ (2,325)
Measure "S"	715 \$	159,026	\$	112,195	\$ 46,831
<i>Capital Outlay</i>	\$	501,704	\$	701,500	\$ (199,796)
A-87 Cost Allocation for Administrative Staff - Charge to	\$	-	\$	27,000	\$ (27,000)
Total Special Revenue Expenditures		\$ 1,521,860	\$	4,295,450	\$ (2,773,590)

**City of Nevada City
Revenues & Expenditures Enterprise Funds
March 31, 2020**

<u>Water Fund Revenues</u>	<u>Actual</u> <u>March 31, 2020</u>	<u>Actual</u> <u>March 31, 2019</u>	<u>Annual Budget</u> <u>FY 19/20</u>	<u>\$\$</u> <u>Annual Budget</u>	<u>%</u>
Water Fund (includes interest)	\$ 592,193	\$ 615,201	\$ 879,480	\$ (287,287)	67%
Water AB1600 Mitigation	\$ 68	\$ 2,964	\$ -		
Total Water Revenues	\$ 592,262	\$ 618,165	\$ 879,480	\$ (287,218)	67%

<u>Water Fund Expenditures</u>					
Water Plant	\$ 279,417	\$ 280,549	\$ 350,820	\$ (71,403)	80%
Capital Outlay	\$ 104,265	\$ 21,575	\$ 65,000	\$ 39,265	160%
Water Distribution	\$ 144,480	\$ 116,721	\$ 167,020	\$ (22,540)	87%
Capital Outlay	\$ 222,508	\$ 17,433	\$ 200,000	\$ 22,508	111%
<i>A-87 Cost Allocation for Administrative Staff - Charge to Water</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ 93,000</i>	<i>\$ (93,000)</i>	
Total Water Expenditures	\$ 750,669	\$ 436,278	\$ 875,840	\$ (125,171)	86%

NET WATER FUND REVENUES/EXPENDITURES

\$ (158,407)	\$ 181,887	\$ 3,640
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Wastewater Fund Revenues

Wastewater Plant (includes interest & Proceeds from Debt)	\$ 838,035	\$ 869,180	\$ 1,336,270	\$ (498,235)	63%
Wastewater - Program Income	\$ 101,520	\$ 111,160	\$ 60,000	\$ 41,520	
Wastewater AB1600 Mitigation	\$ 46	\$ 1,755	\$ -		
Total Wastewater Revenues	\$ 939,601	\$ 982,096	\$ 1,396,270	\$ (456,669)	67%

Wastewater Fund Expenditures

Wastewater Plant	\$ 927,327	\$ 912,577	\$ 1,051,095	\$ (123,768)	88%
Capital Outlay	\$ 130,597	\$ 51,390	\$ 75,000	\$ 55,597	174%
Wastewater Collection	\$ 150,414	\$ 126,908	\$ 201,885	\$ (51,471)	75%
Capital Outlay	\$ 15,488	\$ 92,290	\$ 200,000	\$ (184,512)	8%
<i>A-87 Cost Allocation for Administrative Staff - Charge to Wastewater</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ 130,000</i>		
Total Wastewater Expenditures	\$ 1,223,825	\$ 1,183,165	\$ 1,657,980	\$ 434,155	74%

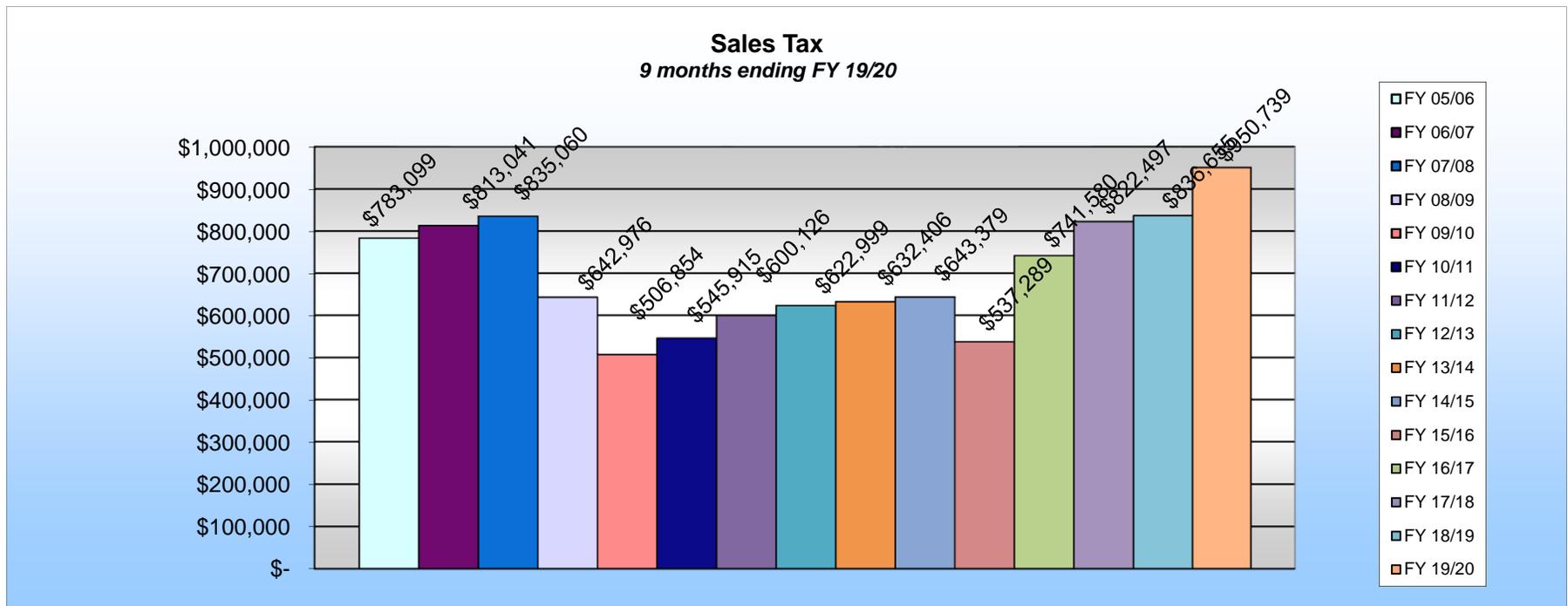
NET WASTEWATER FUND REVENUES/EXPENDITURES

\$ (284,225)	\$ (201,069)	\$ (261,710)
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YTD Analysis Sales Tax (includes property in lieu of sales tax)

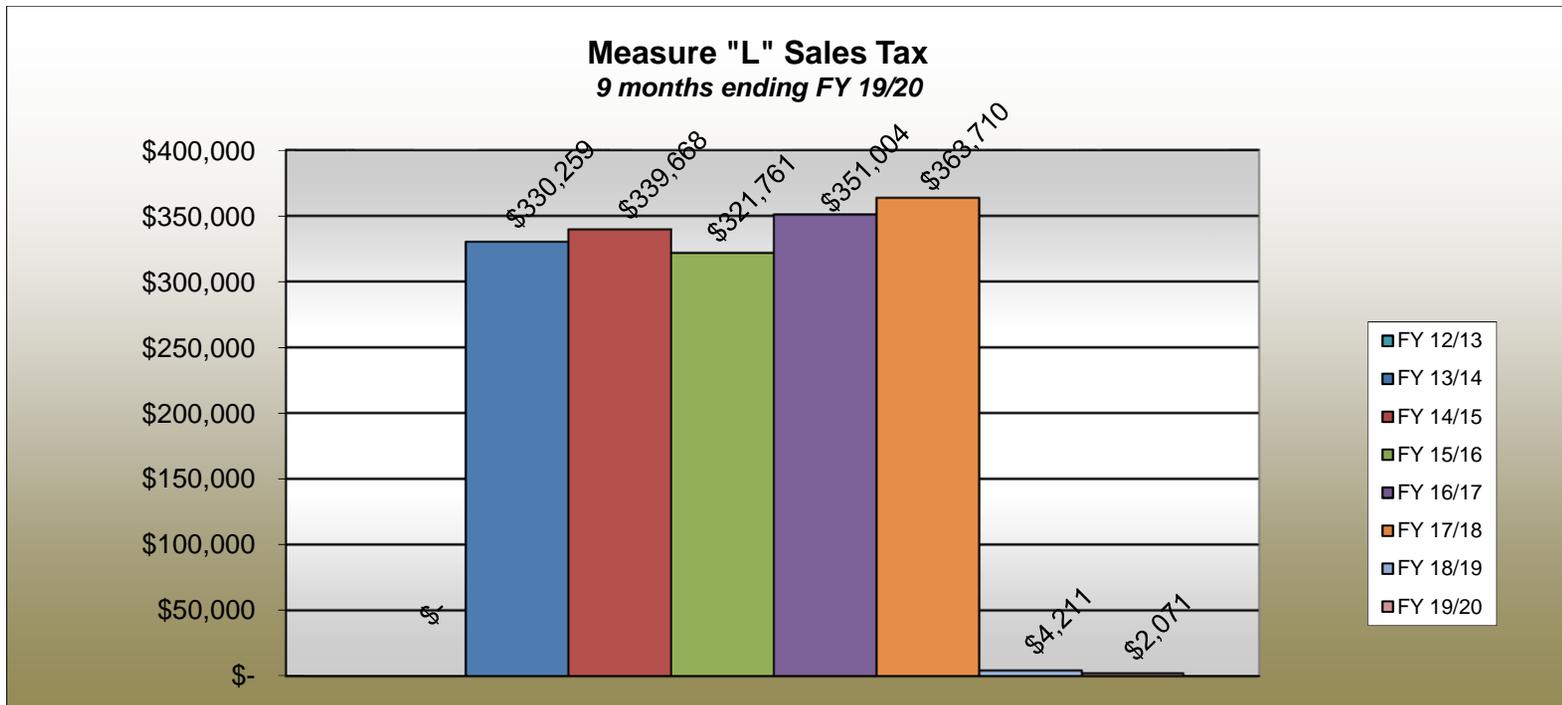
3200-107

<u>Year</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Total</u>
FY 05/06	\$ 82,600	\$ 110,200	\$ -	\$ 94,004	\$ 73,700	\$ 114,885	\$ 202,709	\$ 105,000	\$ -	\$ 99,035	\$ 212,337	\$ 89,076	\$ 1,183,547
FY 06/07	\$ 75,600	\$ 100,800	\$ 64,661	\$ 62,700	\$ 83,700	\$ 117,358	\$ 206,922	\$ 101,300	\$ -	\$ 150,002	\$ 200,622	\$ 91,491	\$ 1,255,156
FY 07/08	\$ 69,800	\$ 93,100	\$ -	\$ 137,713	\$ 58,800	\$ 64,326	\$ 261,046	\$ 107,800	\$ 42,475	\$ 45,700	\$ 241,146	\$ 109,416	\$ 1,231,322
FY 08/09	\$ -	\$ 78,700	\$ 83,300	\$ 50,100	\$ 66,800	\$ 120,161	\$ 162,516	\$ 81,400	\$ -	\$ -	\$ 106,987	\$ 152,525	\$ 902,489
FY 09/10	\$ 56,100	\$ 66,500	\$ 6,902	\$ 51,400	\$ -	\$ 73,747	\$ 154,471	\$ -	\$ 97,734	\$ 28,400	\$ 148,071	\$ 31,725	\$ 715,050
FY 10/11	\$ 36,500	\$ 48,700	\$ 57,749	\$ 35,100	\$ 46,800	\$ 96,873	\$ 123,798	\$ 63,700	\$ 36,695	\$ 34,100	\$ 125,998	\$ 62,874	\$ 768,887
FY 11/12	\$ 41,800	\$ 55,800	\$ 58,493	\$ 44,800	\$ 44,000	\$ 79,233	\$ 154,208	\$ 62,200	\$ 59,591	\$ 35,900	\$ 155,408	\$ 75,347	\$ 866,780
FY 12/13	\$ 43,800	\$ 58,400	\$ 87,494	\$ 52,200	\$ 69,600	\$ 35,096	\$ 164,179	\$ 67,700	\$ 44,530	\$ 41,500	\$ 168,679	\$ 66,270	\$ 899,448
FY 13/14	\$ 52,300	\$ 69,700	\$ 58,370	\$ 46,300	\$ 61,700	\$ 56,847	\$ 161,122	\$ 65,900	\$ 60,167	\$ 36,100	\$ 159,922	\$ 97,309	\$ 925,737
FY 14/15	\$ 54,200	\$ 72,200	\$ 34,768	\$ 45,500	\$ 60,700	\$ 75,592	\$ 179,747	\$ 71,000	\$ 49,672	\$ 45,200	\$ 186,647	\$ 80,897	\$ 956,123
FY 15/16	\$ 48,264	\$ 63,800	\$ 61,898	\$ 49,600	\$ 66,200	\$ 52,000	\$ 51,300	\$ 68,500	\$ 75,726	\$ 57,700	\$ 76,800	\$ 87,926	\$ 759,715
FY 16/17	\$ 62,100	\$ 82,800	\$ 107,090	\$ 60,800	\$ 81,200	\$ 114,963	\$ 68,800	\$ 91,700	\$ 72,127	\$ 50,100	\$ 66,700	\$ 109,486	\$ 967,866
FY 17/18	\$ 68,100	\$ 90,800	\$ 95,722	\$ 66,600	\$ 88,700	\$ 119,070	\$ 68,100	\$ 90,700	\$ 134,705	\$ 53,100	\$ 89,986	\$ 83,345	\$ 1,048,928
FY 18/19	\$ 85,257	\$ 80,063	\$ 87,770	\$ 139,114	\$ 32,443	\$ 131,570	\$ 118,553	\$ 96,625	\$ 65,260	\$ 81,673	\$ 106,826	\$ 138,932	\$ 1,164,086
FY 19/20	\$ 106,826	\$ 141,823	\$ 81,407	\$ 139,958	\$ 172,861	\$ 87,617	\$ 116,364	\$ -	\$ 103,883	\$ -	\$ -	\$ -	\$ 950,739



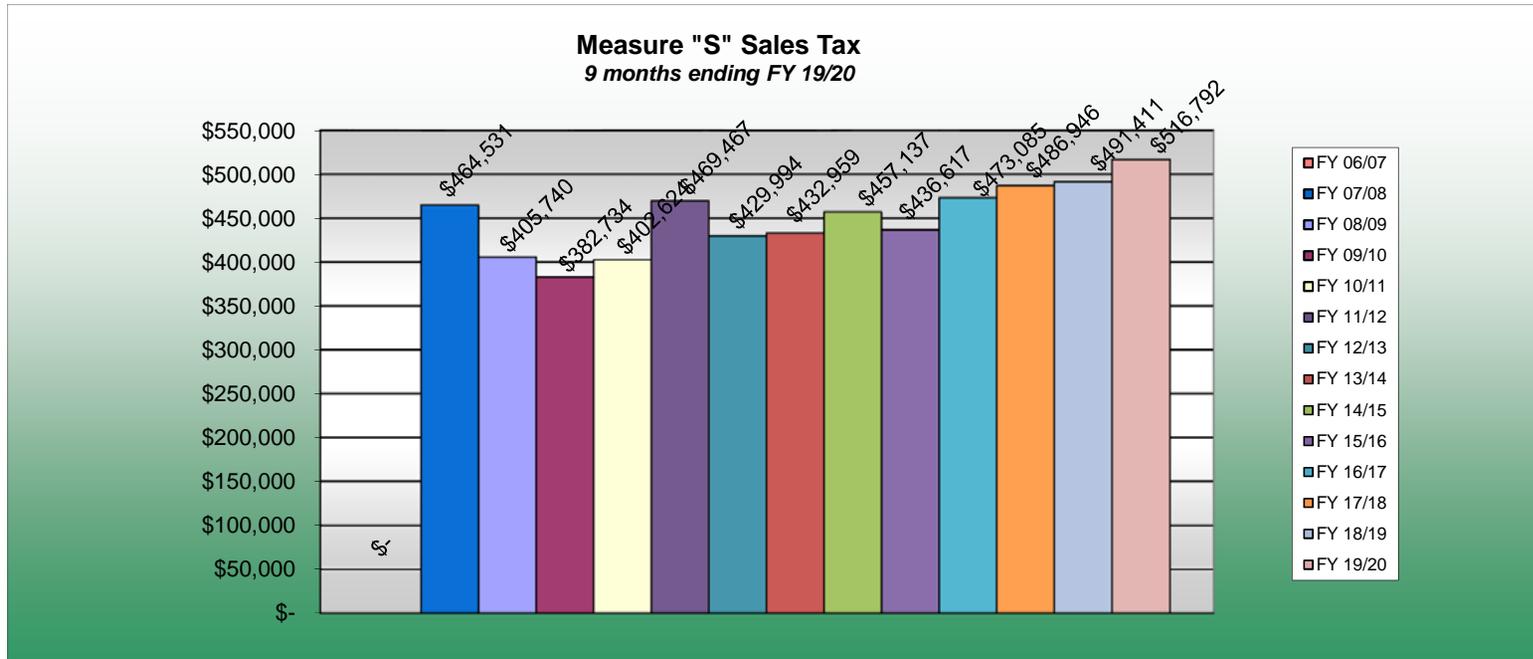
**YTD Analysis Measure "L" Sales Tax
3200-107**

<u>Year</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Total</u>
FY 12/13	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,822	\$ 26,400	\$ 35,200	\$ 88,422
FY 13/14	\$ 26,400	\$ 35,200	\$ 44,384	\$ 30,200	\$ 40,200	\$ 36,796	\$ 30,500	\$ 40,700	\$ 45,879	\$ 31,700	\$ 42,200	\$ 20,971	\$ 425,130
FY 14/15	\$ 29,100	\$ 38,800	\$ 51,160	\$ 30,400	\$ 40,500	\$ 45,730	\$ 33,000	\$ 44,000	\$ 26,978	\$ 25,500	\$ 34,000	\$ 61,573	\$ 460,741
FY 15/16	\$ 33,200	\$ 44,200	\$ 32,965	\$ 32,600	\$ 43,500	\$ 22,286	\$ 32,800	\$ 43,700	\$ 36,510	\$ 28,100	\$ 37,500	\$ 23,889	\$ 411,250
FY 16/17	\$ 30,300	\$ 40,400	\$ 42,786	\$ 29,800	\$ 39,800	\$ 52,729	\$ 32,400	\$ 43,200	\$ 39,589	\$ 25,500	\$ 34,000	\$ 49,276	\$ 459,779
FY 17/18	\$ 30,500	\$ 40,600	\$ 52,667	\$ 33,100	\$ 44,200	\$ 45,586	\$ 33,100	\$ 44,200	\$ 39,757	\$ 27,500	\$ 41,991	\$ (62,886)	\$ 370,315
FY 18/19	\$ -	\$ -	\$ 738	\$ 360	\$ 373	\$ 1,452	\$ -	\$ 915	\$ 372	\$ 711	\$ 257	\$ 195	\$ 5,374
FY 19/20	\$ 257	\$ 195	\$ 144	\$ 630	\$ 202	\$ 574	\$ 69	\$ -	\$ -				\$ 2,071



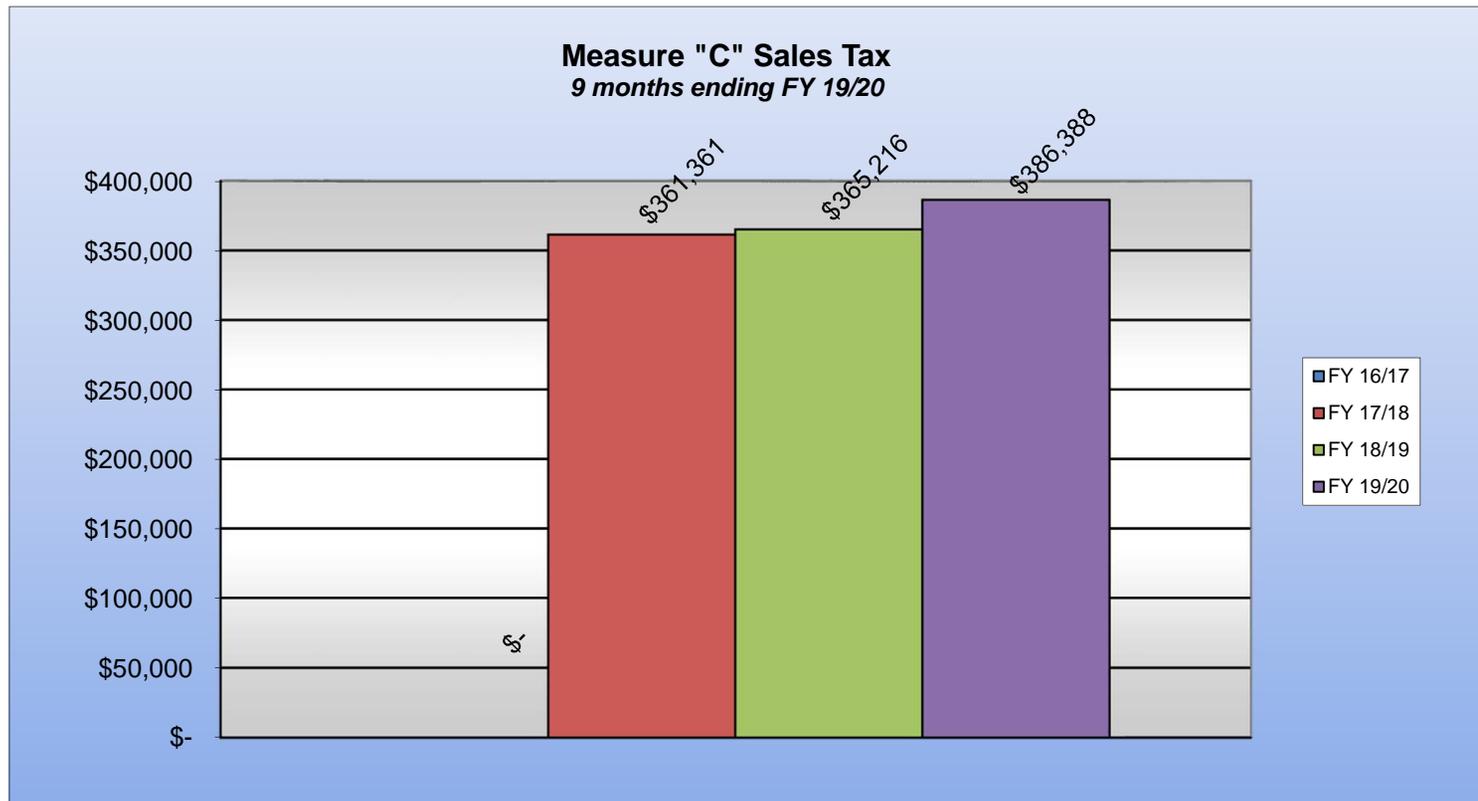
**YTD Analysis Measure "S" Sales Tax
3200-107**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 06/07	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 58,800	\$ 58,800
FY 07/08	\$ 29,400	\$ 39,200	\$ -	\$ 79,769	\$ 42,100	\$ 100,974	\$ 40,100	\$ 53,400	\$ 79,588	\$ 22,600	\$ 30,100	\$ 137,228	\$ 654,459
FY 08/09	\$ -	\$ 48,800	\$ 79,940	\$ 45,200	\$ 60,200	\$ 63,900	\$ 51,400	\$ 56,300	\$ -	\$ 47,701	\$ 33,100	\$ 101,532	\$ 588,073
FY 09/10	\$ 37,200	\$ 49,600	\$ 45,591	\$ 40,200	\$ 44,700	\$ 41,377	\$ 38,000	\$ -	\$ 86,066	\$ 28,100	\$ 41,000	\$ 43,297	\$ 495,131
FY 10/11	\$ 35,100	\$ 46,800	\$ 50,183	\$ 36,800	\$ 49,000	\$ 51,244	\$ 38,300	\$ 51,100	\$ 44,096	\$ 30,100	\$ 44,200	\$ 52,610	\$ 529,534
FY 11/12	\$ 37,600	\$ 50,100	\$ 90,158	\$ 37,000	\$ 49,300	\$ 65,276	\$ 41,100	\$ 54,800	\$ 44,133	\$ 32,300	\$ 43,100	\$ 93,994	\$ 638,861
FY 12/13	\$ 51,300	\$ 68,400	\$ 17,008	\$ 43,500	\$ 58,000	\$ 51,363	\$ 42,400	\$ 56,400	\$ 41,623	\$ 33,600	\$ 44,800	\$ 34,587	\$ 542,981
FY 13/14	\$ 41,900	\$ 55,800	\$ 45,504	\$ 45,900	\$ 61,200	\$ 34,106	\$ 42,700	\$ 56,900	\$ 48,950	\$ 35,400	\$ 47,200	\$ 43,217	\$ 558,777
FY 14/15	\$ 40,600	\$ 54,100	\$ 63,977	\$ 40,900	\$ 54,600	\$ 61,086	\$ 44,200	\$ 58,900	\$ 38,774	\$ 34,400	\$ 45,800	\$ 39,251	\$ 576,588
FY 15/16	\$ 44,700	\$ 59,600	\$ 45,133	\$ 44,000	\$ 58,600	\$ 29,429	\$ 44,000	\$ 58,600	\$ 52,555	\$ 38,500	\$ 51,300	\$ 31,193	\$ 557,609
FY 16/17	\$ 40,800	\$ 54,400	\$ 58,438	\$ 40,000	\$ 53,300	\$ 71,113	\$ 43,700	\$ 58,200	\$ 53,134	\$ 34,600	\$ 46,100	\$ 61,254	\$ 615,039
FY 17/18	\$ 40,800	\$ 54,400	\$ 70,688	\$ 44,400	\$ 59,200	\$ 60,865	\$ 44,300	\$ 59,100	\$ 53,192	\$ 36,800	\$ 56,572	\$ 58,028	\$ 638,345
FY 18/19	\$ 52,185	\$ 84,848	\$ 45,792	\$ 53,653	\$ 61,877	\$ 54,674	\$ 46,893	\$ 56,249	\$ 35,240	\$ 54,749	\$ 70,907	\$ 51,465	\$ 668,532
FY 19/20	\$ 70,907	\$ 51,465	\$ 61,236	\$ 58,655	\$ 73,625	\$ 57,683	\$ 64,849	\$ -	\$ 78,373				\$ 516,792



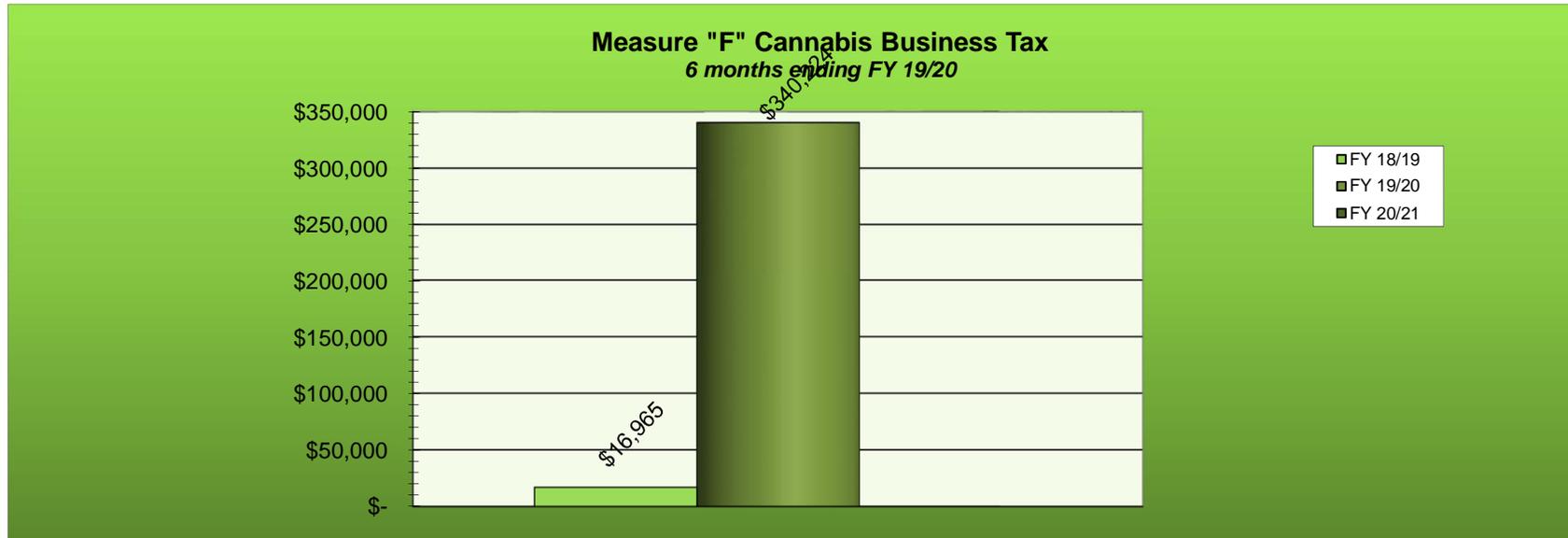
**YTD Analysis Measure "C" Sales Tax
3200-107**

<u>Year</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Total</u>
FY 16/17	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,449	\$ 26,400	\$ 35,200	\$ 88,049
FY 17/18	\$ 26,400	\$ 35,200	\$ 58,157	\$ 29,000	\$ 38,700	\$ 55,231	\$ 30,900	\$ 41,200	\$ 46,573	\$ 28,400	\$ 36,568	\$ 52,373	\$ 478,702
FY 18/19	\$ 39,393	\$ 63,393	\$ 33,402	\$ 40,016	\$ 45,807	\$ 40,738	\$ 35,955	\$ 42,141	\$ 24,370	\$ 41,024	\$ 52,771	\$ 38,561	\$ 497,572
FY 19/20	\$ 52,771	\$ 38,561	\$ 46,239	\$ 54,271	\$ 43,710	\$ 42,975	\$ 48,921	\$ -	\$ 58,939				\$ 386,388



**YTD Analysis Measure "F" Cannabis Business Tax
3200-108**

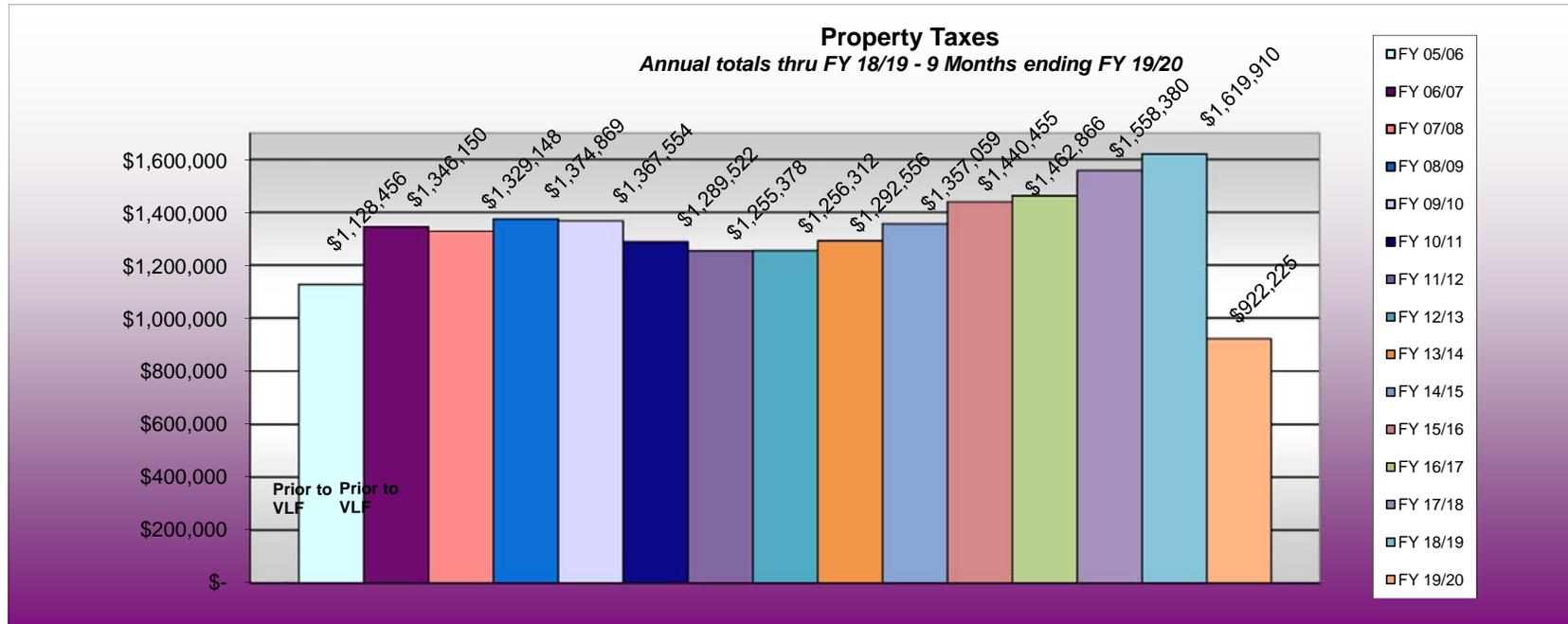
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 18/19	\$ -	\$ -	\$ -	\$ 3,432	\$ -	\$ -	\$ 13,532	\$ -	\$ -	\$ 55,376	\$ 537	\$ 103,973	\$ 176,850
FY 19/20	\$ 99,887	\$ 4,086	\$ 26,000	\$ 95,185	\$ 730	\$ 90,251	\$ 2,748	\$ 21,337	\$ -	\$ -	\$ -	\$ -	\$ 340,224
FY 20/21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



YTD Analysis Property Taxes

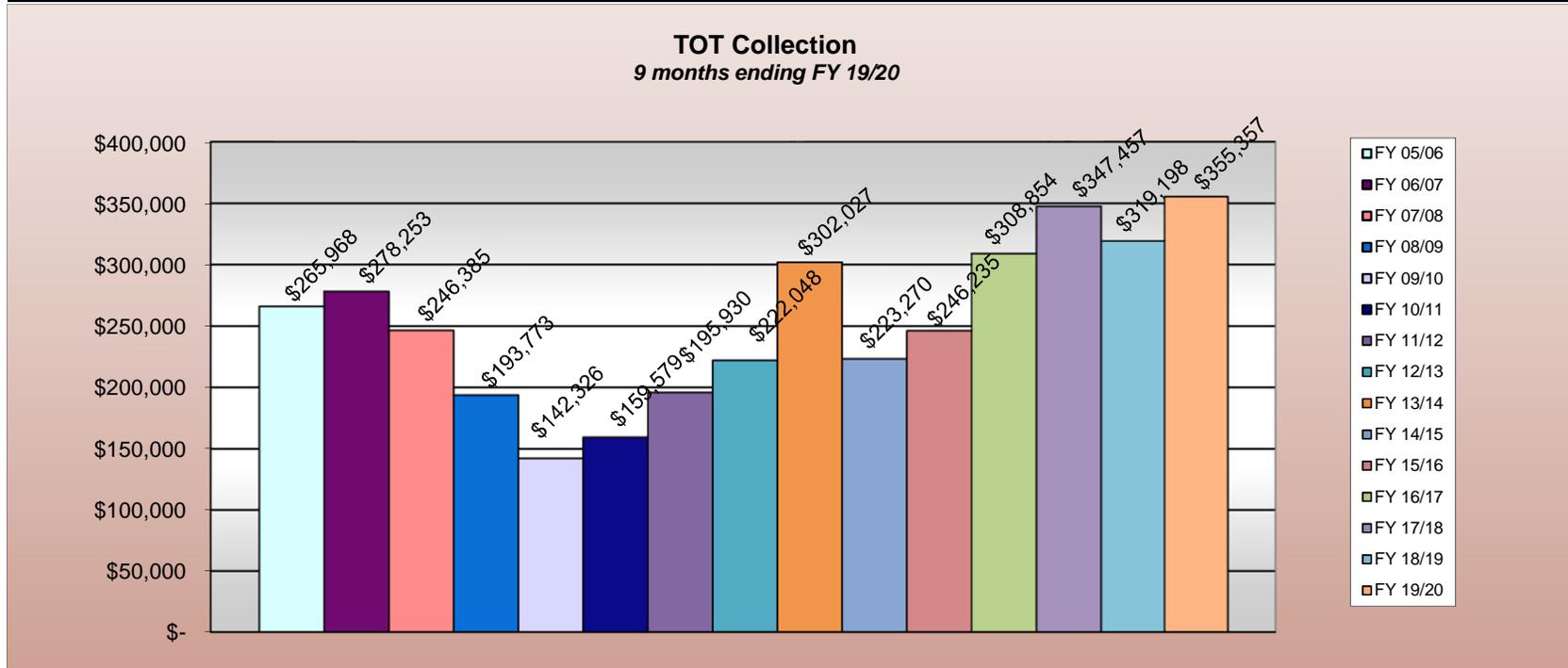
3100 3200-112

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Less prop in lieu of
FY 05/06							\$ 615,649				\$ 439,110	\$ 73,696	\$ 1,128,456	
FY 06/07							\$ 775,021				\$ 505,087	\$ 66,041	\$ 1,346,150	
FY 07/08							\$ 725,621				\$ 541,000	\$ 62,527	\$ 1,329,148	
FY 08/09							\$ 757,317				\$ 555,497	\$ 62,054	\$ 1,374,869	\$ 1,128,693
FY 09/10							\$ 744,833				\$ 567,056	\$ 55,666	\$ 1,367,554	\$ 1,105,080
FY 10/11							\$ 705,616				\$ 534,009	\$ 49,896	\$ 1,289,522	\$ 1,053,040
FY 11/12							\$ 686,226				\$ 522,126	\$ 47,026	\$ 1,255,378	\$ 1,018,525
FY 12/13							\$ 689,971				\$ 515,379	\$ 50,963	\$ 1,256,312	\$ 1,021,841
FY 13/14							\$ 704,881				\$ 530,673	\$ 57,001	\$ 1,292,556	\$ 1,054,844
FY 14/15							\$ 746,043				\$ 557,144	\$ 53,873	\$ 1,357,059	\$ 1,107,508
FY 15/16							\$ 763,539				\$ 615,353	\$ 61,563	\$ 1,440,455	\$ 1,184,514
FY 16/17							\$ 795,443				\$ 605,782	\$ 61,641	\$ 1,462,866	\$ 1,197,110
FY 17/18							\$ 842,202				\$ 642,543	\$ 73,635	\$ 1,558,380	\$ 1,277,045
FY 18/19							\$ 875,731				\$ 670,018	\$ 74,161	\$ 1,619,910	\$ 1,323,838
FY 19/20							\$ 922,225				\$ -	\$ -	\$ 922,225	\$ 768,549



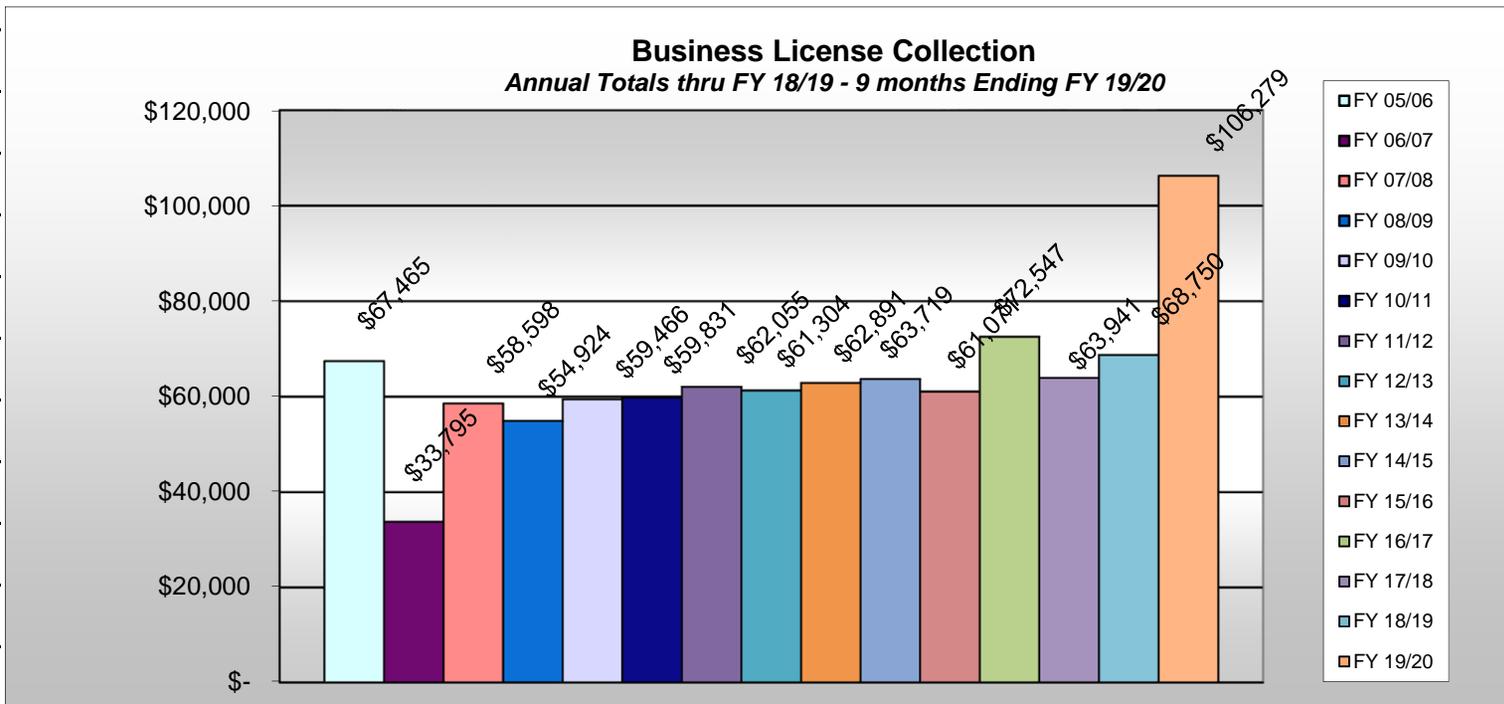
**YTD Analysis Transient Occupancy Tax
3200-106**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 3,412	\$ 72,828	\$ 8,036	\$ 78,308	\$ 4,509	\$ 10,105	\$ 66,086	\$ 18,053	\$ 4,631	\$ 4,849	\$ 53,530	\$ 2,921	\$ 327,268
FY 06/07	\$ 19,279	\$ 59,088	\$ 8,326	\$ 74,099	\$ 20,238	\$ 16,328	\$ 17,162	\$ 57,461	\$ 6,273	\$ 19,647	\$ 35,888	\$ 10,656	\$ 344,444
FY 07/08	\$ 22,782	\$ 53,480	\$ 7,486	\$ 75,807	\$ 7,784	\$ 6,829	\$ 63,626	\$ 4,068	\$ 4,522	\$ 28,673	\$ 15,264	\$ 3,893	\$ 294,215
FY 08/09	\$ 17,503	\$ 51,500	\$ 7,969	\$ 24,812	\$ 43,993	\$ 7,987	\$ 25,032	\$ 7,618	\$ 7,358	\$ 18,375	\$ 10,039	\$ (18,827)	\$ 203,360
FY 09/10	\$ 18,178	\$ 25,562	\$ 7,107	\$ 32,603	\$ 8,556	\$ 11,546	\$ 18,366	\$ 13,477	\$ 6,930	\$ 12,371	\$ 8,627	\$ 16,976	\$ 180,299
FY 10/11	\$ 36,641	\$ 13,936	\$ 14,242	\$ 34,421	\$ 10,348	\$ 13,916	\$ 20,191	\$ 11,108	\$ 4,775	\$ 12,078	\$ 15,478	\$ (201)	\$ 186,933
FY 11/12	\$ 20,422	\$ 32,092	\$ 13,049	\$ 39,416	\$ 15,389	\$ 19,049	\$ 33,209	\$ 18,064	\$ 5,239	\$ 26,328	\$ 14,286	\$ 31,110	\$ 267,654
FY 12/13	\$ 30,720	\$ 26,910	\$ 29,135	\$ 44,698	\$ 22,224	\$ 11,635	\$ 34,497	\$ 15,100	\$ 7,129	\$ 17,782	\$ 16,834	\$ 14,218	\$ 270,883
FY 13/14	\$ 43,388	\$ 20,864	\$ 21,350	\$ 139,377	\$ 6,414	\$ 17,386	\$ 41,066	\$ 3,571	\$ 8,612	\$ 11,378	\$ 21,373	\$ 5,989	\$ 340,766
FY 14/15	\$ 52,346	\$ 13,222	\$ 9,943	\$ 25,243	\$ 42,520	\$ 14,207	\$ 26,458	\$ 34,115	\$ 5,217	\$ 41,202	\$ 1,664	\$ 21,457	\$ 287,593
FY 15/16	\$ 46,582	\$ 21,775	\$ 17,906	\$ 7,732	\$ 55,544	\$ 13,882	\$ 23,931	\$ 54,258	\$ 4,625	\$ 50,453	\$ 12,864	\$ 14,261	\$ 323,814
FY 16/17	\$ 57,419	\$ 20,595	\$ 17,380	\$ 92,630	\$ 18,835	\$ 19,822	\$ 63,347	\$ 12,167	\$ 6,658	\$ 46,098	\$ 11,472	\$ 35,192	\$ 401,616
FY 17/18	\$ 35,639	\$ 63,502	\$ 19,415	\$ 86,233	\$ 39,397	\$ 15,925	\$ 23,001	\$ 54,609	\$ 9,736	\$ 49,274	\$ 11,659	\$ 15,928	\$ 424,317
FY 18/19	\$ 72,511	\$ 28,465	\$ 19,830	\$ 30,650	\$ 67,005	\$ 13,556	\$ 21,976	\$ 59,639	\$ 5,566	\$ 13,449	\$ 42,176	\$ 20,038	\$ 394,861
FY 19/20	\$ 33,707	\$ 47,738	\$ 26,704	\$ 35,868	\$ 79,563	\$ 23,501	\$ 70,537	\$ 19,664	\$ 18,074				\$ 355,357



**YTD Business Licenses
3300-120**

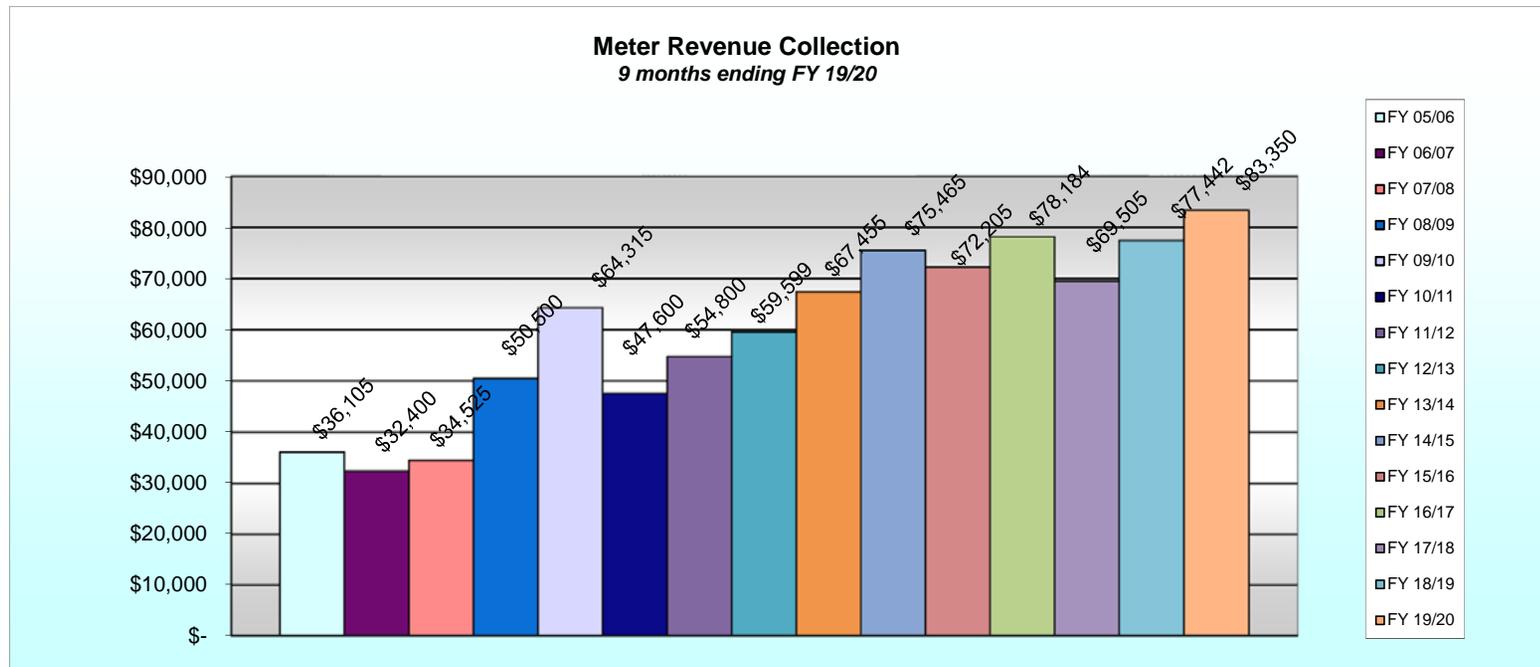
<u>Year</u>	<u>\$ YTD</u>
FY 05/06	\$ 67,465 <i>(accrued for 05/06 audit \$35389.50)</i>
FY 06/07	\$ 33,795 <i>(reverse for 05/06 accrual \$35389.50 the \$35k was an unrealized overaccrual)</i>
FY 07/08	\$ 58,598
FY 08/09	\$ 54,924
FY 09/10	\$ 59,466
FY 10/11	\$ 59,831
FY 11/12	\$ 62,055
FY 12/13	\$ 61,304
FY 13/14	\$ 62,891
FY 14/15	\$ 63,719
FY 15/16	\$ 61,071
FY 16/17	\$ 72,547
FY 17/18	\$ 63,941
FY 18/19	\$ 68,750
FY 19/20	\$ 106,279



Increased revenue related to an internal audit of non-compliant Business Licenses

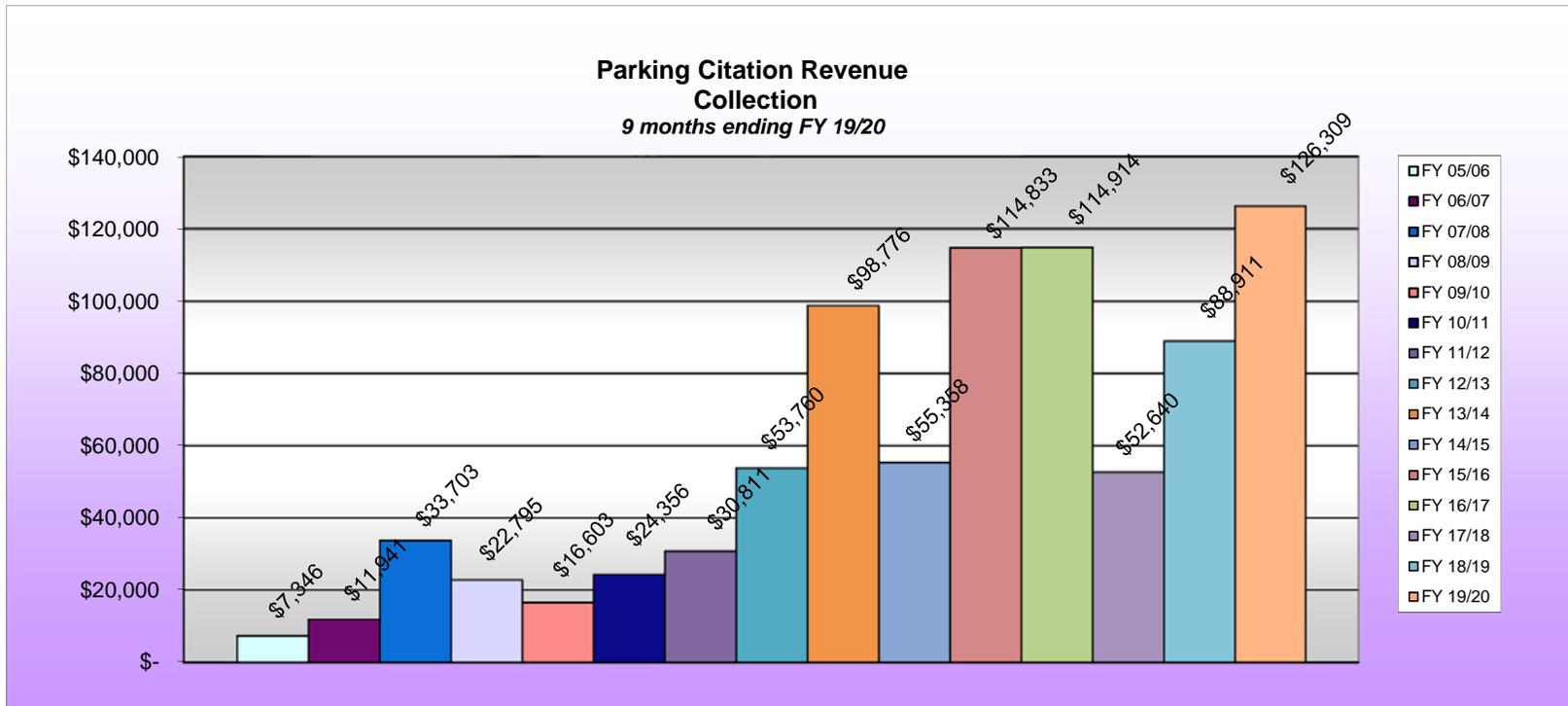
**YTD Analysis Parking Meter Collection
3700-166**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 4,700	\$ 4,700	\$ 2,000	\$ 4,700	\$ 5,400	\$ 5,205	\$ -	\$ 3,700	\$ 5,700	\$ -	\$ 5,200	\$ 4,700	\$ 46,005
FY 06/07	\$ -	\$ 7,700	\$ 3,700	\$ 4,200	\$ -	\$ 7,400	\$ 4,000	\$ -	\$ 5,400	\$ 5,700	\$ 4,000	\$ 7,300	\$ 49,400
FY 07/08	\$ 2,200	\$ 7,500	\$ -	\$ 10,200	\$ 5,000	\$ -	\$ 5,500	\$ 4,125	\$ -	\$ 7,500	\$ 5,500	\$ 9,742	\$ 57,267
FY 08/09	\$ 3,500	\$ 5,000	\$ 5,000	\$ 6,200	\$ 5,500	\$ 11,400	\$ 6,700	\$ 7,200	\$ -	\$ 6,200	\$ 6,200	\$ 13,078	\$ 75,978
FY 09/10	\$ 8,200	\$ 6,700	\$ 5,200	\$ 8,200	\$ 8,200	\$ 5,200	\$ 7,200	\$ 9,215	\$ 6,200	\$ 7,385	\$ 7,200	\$ 1,822	\$ 80,722
FY 10/11	\$ 4,000	\$ 8,400	\$ -	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 6,400	\$ -	\$ 7,200	\$ 7,200	\$ 15,400	\$ 77,400
FY 11/12	\$ -	\$ 8,200	\$ 6,200	\$ 6,200	\$ 6,200	\$ 7,200	\$ 7,400	\$ 8,200	\$ 5,200	\$ 7,200	\$ 7,200	\$ 13,049	\$ 82,249
FY 12/13	\$ 3,080	\$ 8,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,400	\$ 7,200	\$ 5,200	\$ 6,919	\$ 7,200	\$ 8,108	\$ 12,747	\$ 87,653
FY 13/14	\$ 6,285	\$ 6,886	\$ 6,927	\$ 7,513	\$ 7,582	\$ 6,789	\$ 12,321	\$ 60	\$ 13,092	\$ 7,026	\$ 6,310	\$ 11,088	\$ 91,879
FY 14/15	\$ 6,491	\$ 7,514	\$ 12,705	\$ 9,941	\$ 6,502	\$ 9,163	\$ 7,498	\$ 7,683	\$ 7,968	\$ 7,592	\$ 8,112	\$ 3,456	\$ 94,626
FY 15/16	\$ 7,587	\$ 14,291	\$ 6,453	\$ 8,440	\$ 7,532	\$ 6,155	\$ 6,995	\$ 6,158	\$ 8,594	\$ 8,781	\$ 8,945	\$ 5,600	\$ 95,531
FY 16/17	\$ 8,025	\$ 9,003	\$ 14,727	\$ 6,802	\$ 8,196	\$ 8,547	\$ 7,920	\$ 7,858	\$ 7,106	\$ 9,629	\$ 8,751	\$ 8,440	\$ 105,004
FY 17/18	\$ 8,165	\$ 9,313	\$ 200	\$ 8,340	\$ 9,346	\$ 9,295	\$ 16,798	\$ -	\$ 8,048	\$ 15,551	\$ 6	\$ 16,786	\$ 101,847
FY 18/19	\$ 10,189	\$ 9,217	\$ 11,860	\$ -	\$ 12,020	\$ 9,322	\$ 12,478	\$ 2	\$ 12,353	\$ 10,319	\$ 8,725	\$ 3,880	\$ 100,366
FY 19/20	\$ 8,286	\$ 8,586	\$ 10,103	\$ 1	\$ 9,661	\$ 12,002	\$ 10,169	\$ 13,603	\$ 10,940				\$ 83,350



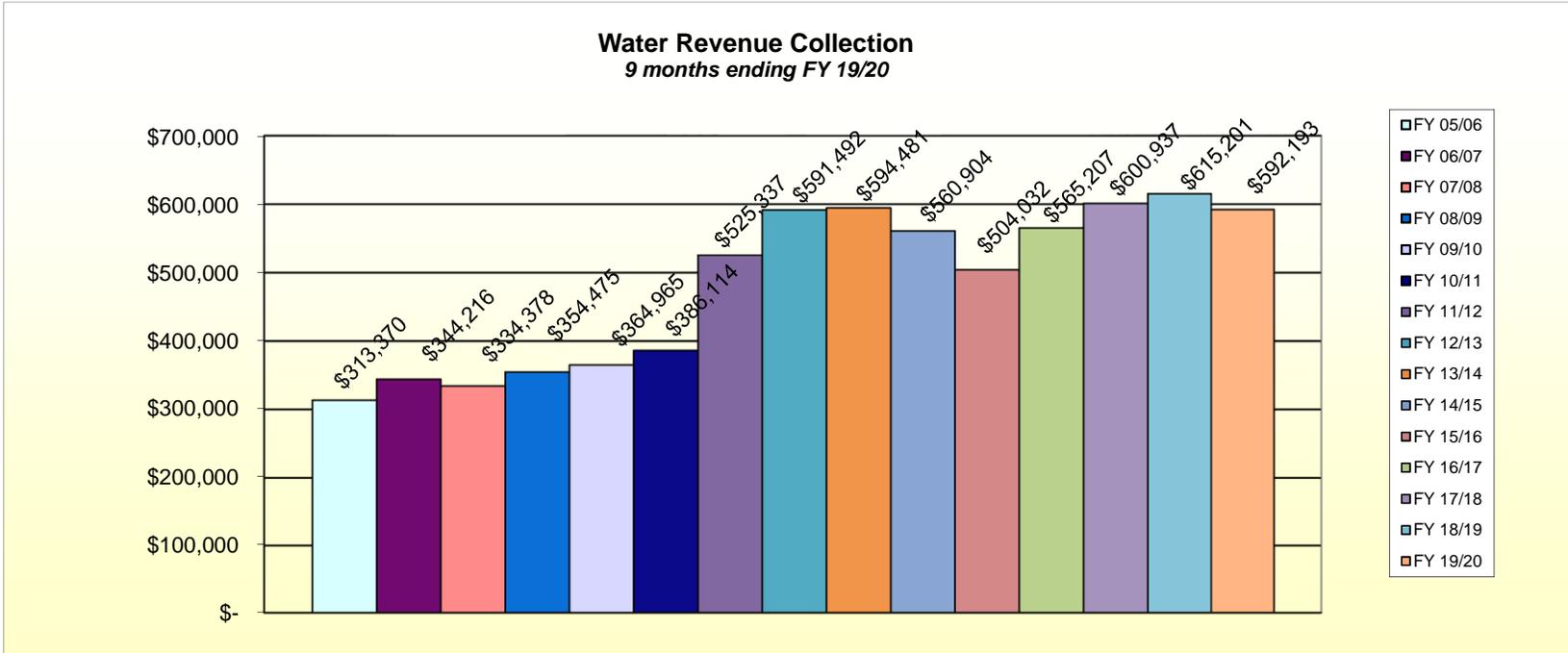
YTD Analysis Parking Citations Collection
3700-162

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 584	\$ 987	\$ 589	\$ 997	\$ 902	\$ 1,705	\$ 205	\$ 765	\$ 612	\$ 452	\$ 270	\$ 885	\$ 8,953
FY 06/07	\$ 681	\$ 716	\$ 511	\$ 1,839	\$ 2,048	\$ 2,085	\$ 1,535	\$ 1,561	\$ 965	\$ 472	\$ 865	\$ 2,170	\$ 15,448
FY 07/08	\$ 4,367	\$ 7,172	\$ -	\$ 5,300	\$ 6,101	\$ 2,356	\$ 1,370	\$ 3,353	\$ 3,684	\$ 3,125	\$ 4,450	\$ 4,265	\$ 45,543
FY 08/09	\$ 1,735	\$ 3,366	\$ 1,910	\$ 3,210	\$ 2,805	\$ 1,715	\$ 1,243	\$ 2,766	\$ 4,045	\$ 3,480	\$ 2,240	\$ 3,379	\$ 31,894
FY 09/10	\$ 1,566	\$ 3,881	\$ 1,037	\$ 1,261	\$ 1,475	\$ 1,172	\$ 740	\$ 1,460	\$ 4,011	\$ 6,860	\$ 3,095	\$ 2,980	\$ 29,538
FY 10/11	\$ 1,934	\$ 4,484	\$ 3,932	\$ 4,563	\$ 1,361	\$ 2,559	\$ 1,104	\$ 2,557	\$ 1,862	\$ 2,658	\$ 3,128	\$ 2,321	\$ 32,463
FY 11/12	\$ 2,406	\$ 5,767	\$ 4,029	\$ 1,709	\$ 3,904	\$ 5,180	\$ 1,730	\$ 3,511	\$ 2,575	\$ 4,086	\$ 3,802	\$ 3,618	\$ 42,317
FY 12/13	\$ 8,740	\$ 2,053	\$ 10,728	\$ 6,705	\$ 9,054	\$ 3,161	\$ 4,436	\$ 4,165	\$ 4,718	\$ 5,760	\$ 2,752	\$ 2,309	\$ 64,581
FY 13/14	\$ 7,983	\$ 13,950	\$ 12,969	\$ 10,788	\$ 12,784	\$ 9,367	\$ 8,422	\$ 10,165	\$ 12,348	\$ 10,014	\$ 11,345	\$ 9,648	\$ 129,783
FY 14/15	\$ 1,648	\$ 12,581	\$ 7,623	\$ 6,727	\$ 8,345	\$ 5,098	\$ 3,490	\$ 2,461	\$ 7,385	\$ 8,053	\$ 8,721	\$ 8,729	\$ 80,861
FY 15/16	\$ 8,681	\$ 13,166	\$ 9,457	\$ 68	\$ 11,294	\$ 20,396	\$ 15,149	\$ 14,996	\$ 21,626	\$ 17,617	\$ 20,457	\$ 25,428	\$ 178,335
FY 16/17	\$ 18,065	\$ 15,188	\$ 13,930	\$ 13,994	\$ 11,254	\$ 12,068	\$ 3,636	\$ 13,711	\$ 13,068	\$ 9,890	\$ 6,151	\$ 1,279	\$ 132,234
FY 17/18	\$ 4,545	\$ 4,055	\$ 5,982	\$ 4,567	\$ 5,127	\$ 5,345	\$ 4,354	\$ 8,159	\$ 10,506	\$ 11,404	\$ 13,028	\$ 23,002	\$ 100,074
FY 18/19	\$ 8,916	\$ 11,521	\$ 10,577	\$ 12,754	\$ 8,663	\$ 7,511	\$ 5,107	\$ 9,825	\$ 14,038	\$ 14,190	\$ 14,736	\$ 19,702	\$ 137,539
FY 19/20	\$ 14,547	\$ 18,343	\$ 16,100	\$ 12,924	\$ 11,963	\$ 14,635	\$ 11,904	\$ 12,651	\$ 13,242				\$ 126,309



YTD Analysis Water Revenue
600-3800

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ -	\$ 83,311	\$ (585)	\$ 79,214	\$ -	\$ 76,535	\$ (52)	\$ 74,947	\$ -	\$ 78,957	\$ -	\$ 76,286	\$ 468,613
FY 06/07	\$ -	\$ 127,617	\$ (2,497)	\$ 60,253	\$ -	\$ 80,008	\$ (25)	\$ 78,836	\$ 25	\$ 80,749	\$ -	\$ 114,814	\$ 539,779
FY 07/08	\$ 945	\$ 86,117	\$ 192	\$ 81,508	\$ (180)	\$ 83,030	\$ (72)	\$ 82,701	\$ 138	\$ 87,953	\$ 144	\$ 70,900	\$ 493,375
FY 08/09	\$ -	\$ 87,007	\$ 710	\$ 84,937	\$ 1,264	\$ 83,911	\$ (2,880)	\$ 99,508	\$ 18	\$ 83,642	\$ (72)	\$ 79,284	\$ 517,329
FY 09/10	\$ 41	\$ 91,030	\$ 112	\$ 91,078	\$ 985	\$ 90,376	\$ 831	\$ 1,958	\$ 88,554	\$ 2,885	\$ 93,589	\$ 89,907	\$ 551,345
FY 10/11	\$ -	\$ 3,945	\$ 93,760	\$ 3,888	\$ 90,748	\$ 92,387	\$ -	\$ 103,460	\$ (2,074)	\$ 93,604	\$ (605)	\$ 130,156	\$ 609,269
FY 11/12	\$ 37	\$ 180,527	\$ (4,613)	\$ 135,509	\$ (220)	\$ 100,593	\$ 1,290	\$ 112,159	\$ 54	\$ 95,213	\$ (71)	\$ 154,609	\$ 775,088
FY 12/13	\$ 304	\$ 207,380	\$ (452)	\$ 172,393	\$ (1,858)	\$ 109,805	\$ (688)	\$ 104,465	\$ 144	\$ 111,234	\$ 854	\$ 167,830	\$ 871,410
FY 13/14	\$ 243	\$ 208,697	\$ (355)	\$ 158,209	\$ 50	\$ 121,659	\$ 1,581	\$ 103,964	\$ 434	\$ 110,258	\$ 102	\$ 151,242	\$ 856,083
FY 14/15	\$ 251	\$ 188,177	\$ 38	\$ 152,804	\$ 767	\$ 107,031	\$ (303)	\$ 107,307	\$ 4,832	\$ 103,012	\$ (467)	\$ 142,414	\$ 805,863
FY 15/16	\$ 110	\$ 157,962	\$ -	\$ 166,095	\$ 47	\$ 76,372	\$ (732)	\$ 104,136	\$ 41	\$ 113,052	\$ 174	\$ 127,315	\$ 744,573
FY 16/17	\$ 237	\$ 179,478	\$ 233	\$ 167,947	\$ (597)	\$ 114,832	\$ 200	\$ 102,843	\$ 35	\$ 102,303	\$ 357	\$ 177,985	\$ 845,852
FY 17/18	\$ 123	\$ 198,911	\$ (85)	\$ 162,614	\$ 347	\$ 119,860	\$ (23)	\$ 116,903	\$ 2,287	\$ 119,325	\$ (360)	\$ 166,018	\$ 885,921
FY 18/19	\$ 75	\$ 204,372	\$ (2,599)	\$ 182,917	\$ (6,464)	\$ 124,611	\$ 468	\$ 112,304	\$ (483)	\$ 164,406	\$ (1,832)	\$ 112,498	\$ 890,272
FY 19/20	\$ 3,740	\$ 178,064	\$ (40)	\$ 160,553	\$ 496	\$ 123,815	\$ (1,670)	\$ 112,791	\$ 14,446	\$ -	\$ -	\$ -	\$ 592,193



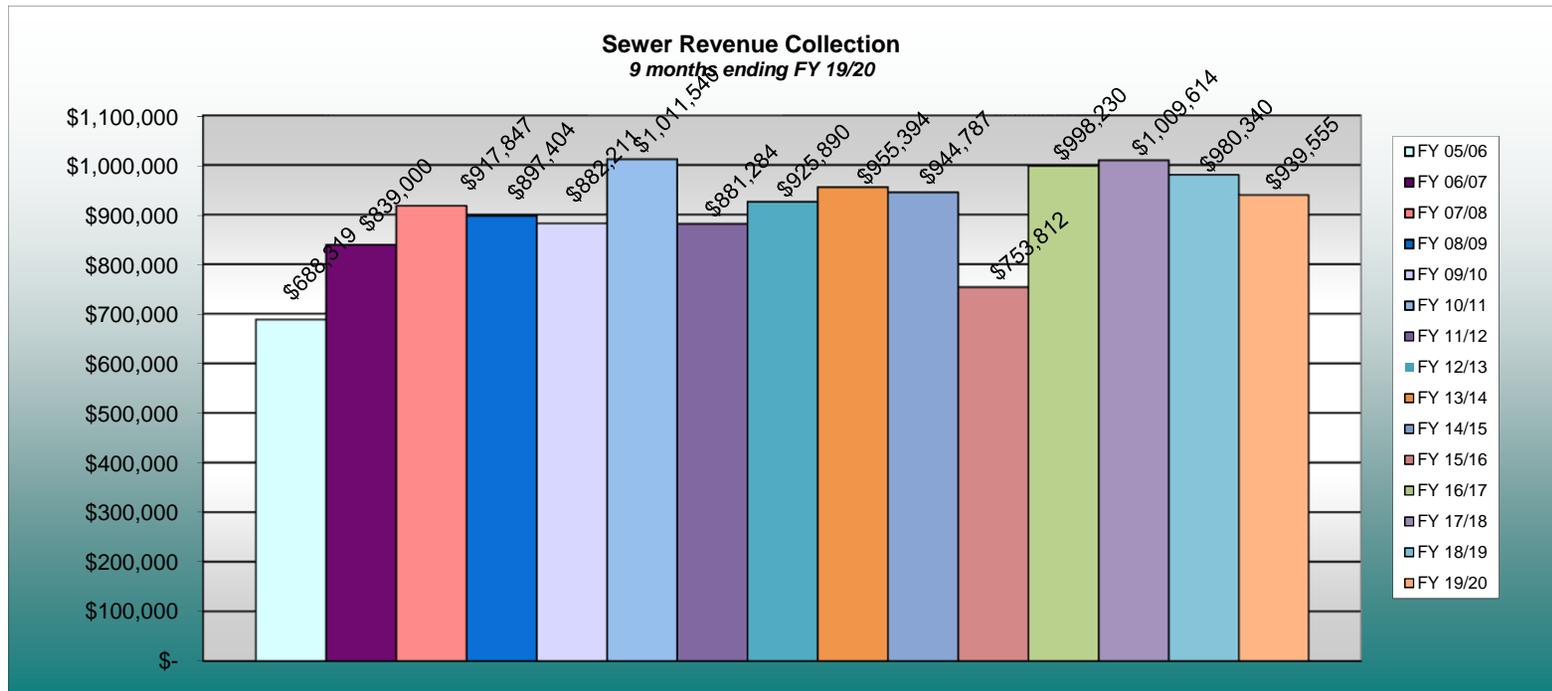
YOY \$ (23,007)

due to reduced water usage and aged meter infrastructure

Prepared By: Loree' McCay
 5/6/2020

**YTD Analysis Sewer Revenue
650-3800**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
FY 05/06	\$ -	\$ 166,688	\$ (1,169)	\$ 129,604	\$ -	\$ 158,910	\$ (70)	\$ 174,912	\$ 59,445	\$ 210,454	\$ 52,975	\$ 224,723	\$ 1,176,471	\$205,437 program income
FY 06/07	\$ -	\$ 197,031	\$ (2,405)	\$ 200,755	\$ 22,900	\$ 217,871	\$ 11,070	\$ 191,778	\$ -	\$ 193,793	\$ -	\$ 214,798	\$ 1,247,591	\$90,590 program income
FY 07/08	\$ (1,011)	\$ 216,250	\$ 22	\$ 246,719	\$ (180)	\$ 230,033	\$ 12,411	\$ 213,604	\$ -	\$ 252,356	\$ 22,146	\$ 261,574	\$ 1,453,923	\$109,870 program income
FY 08/09		\$ 221,389	\$ 180	\$ 218,946	\$ -	\$ 225,508	\$ 11,148	\$ 220,233	\$ -	\$ 243,601	\$ 24,396	\$ 205,915	\$ 1,371,316	\$44,020 program income
FY 09/10	\$ 1,900	\$ 218,419	\$ (71)	\$ 219,086	\$ 4,785	\$ 217,537	\$ (25)	\$ 843	\$ 219,737	\$ 4,496	\$ 218,201	\$ 218,286	\$ 1,323,195	\$9,965 program income
FY 10/11	\$ (3)	\$ 343	\$ 216,516	\$ 2,049	\$ 217,466	\$ (179)	\$ 303,269	\$ 259,607	\$ 12,472	\$ 219,547	\$ 63,426	\$ 294,548	\$ 1,589,061	\$276,435 program income
FY 11/12	\$ 130	\$ 218,474	\$ 63	\$ 219,975	\$ -	\$ 218,792	\$ 3,343	\$ 220,465	\$ 42	\$ 220,026	\$ (53)	\$ 237,589	\$ 1,338,845	\$17,145 program income
FY 12/13	\$ 72	\$ 236,619	\$ 193	\$ 221,841	\$ 68	\$ 236,121	\$ 9,298	\$ 219,176	\$ 2,502	\$ 281,899	\$ 46,273	\$ 321,680	\$ 1,575,743	\$248,876 program income
FY 13/14	\$ 53,301	\$ 223,197	\$ 128	\$ 228,948	\$ 20	\$ 223,796	\$ 1,499	\$ 219,455	\$ 5,051	\$ 219,724	\$ 141	\$ 209,630	\$ 1,384,889	\$56,520 program income
FY 14/15	\$ 55	\$ 239,871	\$ 2,305	\$ 220,141	\$ 118	\$ 226,522	\$ 5,280	\$ 244,755	\$ 5,741	\$ 229,881	\$ 557	\$ 224,204	\$ 1,399,428	\$46,560 program income
FY 15/16	\$ 320	\$ 186,993	\$ 74	\$ 170,840	\$ 8,454	\$ 183,462	\$ 14,577	\$ 188,060	\$ 1,033	\$ 257,845	\$ 50,366	\$ 261,886	\$ 1,323,909	\$118,872 program income
FY 16/17	\$ 12,389	\$ 232,359	\$ (318)	\$ 231,373	\$ (717)	\$ 218,433	\$ (1,654)	\$ 227,985	\$ 78,379	\$ 279,987	\$ 2,130	\$ 317,481	\$ 1,597,828	\$263,640 program income
FY 17/18	\$ 36,709	\$ 245,220	\$ 501	\$ 215,686	\$ 15,215	\$ 221,971	\$ 13,497	\$ 234,915	\$ 25,901	\$ 239,273	\$ 24,680	\$ 172,473	\$ 1,446,041	\$163,800 program income
FY 18/19	\$ -	\$ 253,221	\$ 1,476	\$ 215,366	\$ 23,853	\$ 212,689	\$ 4,616	\$ 241,374	\$ 27,745	\$ 283,497	\$ 57,043	\$ 234,788	\$ 1,555,668	\$225,400 program income
FY 19/20	\$ 17,588	\$ 207,213	\$ (155)	\$ 206,501	\$ 27,463	\$ 204,161	\$ 36,909	\$ 204,697	\$ 35,177				\$ 939,555	\$46,320 program income



REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Authorization for Procurement of Nevada City Wastewater Plant Belt Press Wash Water Return Pump

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Council authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Belt Press Wash Water Return Pump from Pac Machine Company in the amount of \$11,277.00 plus \$2,000.00 in contingencies.

CONTACT: Bryan K. McAlister, City Engineer
Kevin Timms, Chief Plant Operator

BACKGROUND/DISCUSSION:

The Nevada City Wastewater Treatment Plant operates in compliance with the California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions. The treatment process involve wasting and decanting of solid waste at a day tank located near the belt press building. There are two wash return pumps that return a portion of the wastewater back to the basins where it is cycled back through the treatment system. Both pumps are 26 years old, however only one of the pumps is in need of replacement at this time.

City staff solicited quotes for the Wastewater Plant flow control valve from a vendor that specializes in this product. This is sole source because of the rail system which is for "Flyght" pumps. Quote for improvements are as follows:

- Pac Machine Company
(equipment only, installation by City staff) \$11,277.00 / Each

City staff recommends that the project be awarded to Pac Machine Company who has provided a comprehensive bid.

FISCAL CONSIDERATIONS: The project will be funded as authorized in the fiscal year 2019/2020 capital outlay appropriations for the wastewater treatment.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Council to Authorize the Procurement from Pac Machine Company for the Nevada City Wastewater Plant Belt Press Wash Water Return Pump
- ✓ Vendor Quotes for Wastewater Plant Belt Press Wash Water Return Pump

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY COUNCIL TO
AUTHORIZE THE PROCUREMENT FROM PAC MACHINE COMPANY FOR
THE NEVADA CITY WASTEWATER PLANT BELT
PRESS WASH WATER RETURN PUMP**

WHEREAS, Nevada City Wastewater Treatment Plant operates in compliance with California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions; and

WHEREAS, in accordance with the City of Nevada City prioritization of projects for permit compliance and Wastewater Treatment Plant improvements, City staff procured bids for Wastewater Belt Press Wash Water Return Pump; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City to pass Resolution 2020-XX authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Belt Press Wash Water Return Pump from Pac Machine Company in the amount of \$11,277.00 plus \$2,000.00 in contingencies.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 13th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk



Pac Machine Company

SACRAMENTO, BENICIA, CA
SPARKS, NV

From: Gerard Marquez
Pac Machine Company
8570 23rd Avenue
Sacramento, CA 95826
Phone: (916) 387-1336
Fax: (916)387-1380

To: Kevin Timms
Of: City of Nevada WWTP
Email/Fax: Kevin.Timms@nevadacityca.gov
Phone: 530-870-2471
Re: Flygt 3127 Pump Quote
Date: 05.04.20

Call Gerard Marquez @ mobile 916-416-2252 or email @ gerard@pacmachine.com w/questions per your request we're pleased to quote the following.

Qty	Description	Price Each	Amount
1	Flygt Model NP-3127.060 4" volute sewage pump equipped with a 230 Volt / 3 phase, 60 Hz, 10 HP 1745 RPM motor, HT488 impeller, 50 Ft subcab power cable, FLS. Includes guide pin and is drilled for flush valve.	\$11,277.00	\$11,277.00
	Delivery 7-10 days FOB: MS Taxes & Freight not included. Quote valid for 30 days		
		Total:	\$11,277.00

Please Call with any questions.

Regards,
Gerard Marquez

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13th, 2020

TITLE: Lease Purchase of Two Chevy Silverado SSV (Special Service Vehicle) Trucks for the Nevada City Police Department.

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the of the City Council of the City of Nevada City Authorizing the City Manager to execute lease agreements for two Chevy Silverados for the Nevada City Police Department.

CONTACT: Chief Chad Ellis

BACKGROUND / DISCUSSION:

The Nevada City Police Department will be phasing out two Ford Explorer patrol cars originally purchased by the City in 2014. The two Ford Explorers have high mileage and are costing the City a considerable amount of expenditures in repairs. Further costly repairs will be needed to keep the current service vehicles in a suitable condition to be utilized for emergency response.

Approximately two years ago, the Police Department transitioned from Ford Explorers to Chevy Tahoes for patrol use. The Tahoes have proven to be more reliable than the Explorers and better suited as patrol vehicles. Due to the Covid-19 Pandemic, Chevy/GMC has closed their factories down and have discontinued making the Chevy Tahoe 2020 body style. The Tahoes were set to have a completely new design (2021 body style) that was to be released this summer, however, due to the Covid-19 Pandemic, Chevy/GMC is anticipating the Tahoes will not be available until potentially next spring.

Folsom Chevrolet conducted an inventory search and there are no Chevy Tahoe PPV's (Police Patrol Vehicles) available for purchase. Chevrolet had started producing the Chevy Silverados in a police package that has grown in popularity due to the utility of the vehicle and reliability it shares with the Chevy Tahoe. Folsom Chevrolet currently has Chevy Silverados in stock ready for purchase. In looking into purchase options it was found that GM offers a Municipal Lease Program. The program is a 4 year lease and at the conclusion the City has the ability to purchase the vehicle for \$1.00. The program also has a one-time annual payment for the four years of the lease. Given the unpredictability of the economy due to the COVID Pandemic, it is my belief that the lease option is a better way for the city to purchase these vehicles as it will not require a large amount of money upfront.

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: \$103,148.92 (Over four years) from the Proposition 172 Safety Fund.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Authorizing the City Manager to Execute Lease Agreements for Two Chevy Silverados for the Nevada City Police Department
- ✓ Folsom Chevrolet price sheet for Chevy Silverado SSV (Special Service Vehicle)

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE LEASE AGREEMENTS FOR
TWO CHEVY SILVERADOS FOR THE NEVADA CITY POLICE DEPARTMENT**

WHEREAS, the Nevada City Police Department needs to replace two of its service vehicles;

WHEREAS, after researching the features, costs, and reliability of various options, the Police Chief has determined that the best option is leasing two Chevy Tahoes from Folsom Chevrolet for a total cost to lease both vehicles for 4 years with an option to purchase each for \$1.00 at the end of the lease period of \$103,148.92; and

WHEREAS, funding is provided by existing City restricted Proposition 172 funds which are allocated for Safety purposes typically used for Police Department equipment.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED the City Manager is hereby authorized to execute lease agreements and other necessary documents with Folsom Chevrolet to effectuate the lease of two Chevy Silverados trucks to be used by the Nevada City Police Department for a 4-year lease term with an option to purchase at the end of the lease period, for a total cost not to exceed one hundred \$110,000.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 13th day of May, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk

Folsom Chevrolet
 12655 Auto Mall Circle
 Folsom CA, 95630
 Phone 916.869.1425



SSV QUOTE #2
 4/24/2020
 #40081
 CITY OF NEVADA CITY

SOLD TO:
SHIP TO:
 VIN# LG223191

Comments or Special Instructions: 1 NEW SPECIAL SERVICE VEHICLE - SILVERADO 1500 4X4
 Prepared for: CHAD ELLIS CHIEF OF POLICE; NEVADA CITY PD.

FLEET	P.O. NUMBER	TERMS	SHIP VIA	VIN LAST 8	STOCK#
CHRIS C		NET-30		LG223191	INBOUND

QUANTITY	DESCRIPTION	UNIT PRICE	TAXABLE?	AMOUNT
1	2020 CHEVROLET 1600 SSV 4x4	\$ 50,255.75	T	\$ 50,255.75
1	FLEET / MUNICIPAL CREDIT	\$ (4,433.75)	T	\$ (4,433.75)
1	FOLSOM CHEVY POLICE CREDIT	\$ (8,400.00)	T	\$ (8,400.00)
1	FULL LIGHTS / SIRENS / GEAR BUILD OUT	\$ 11,321.97	T	\$ 11,321.97
1	DOC FEE	\$ 85.00	T	\$ 85.00
1	REPEAT BUYER DISCOUNT FOR CHIEF	\$ (1,000.00)	T	\$ (1,000.00)
SUBTOTAL				\$ 47,828.97
TAX RATE				7.75
SALES TAX				\$ 3,706.74
DELIVERY TO:				\$ -
GOV FEES				38.75
TOTAL:				\$ 51,574.46

[SILVERADO SSV COST PER UNIT ONLY 36422!]
 (This truck includes All-Terrains)

- Single color LED modules mounted into tail lamps
- 100-watt siren speaker mounted behind the grille
- Whelen Legacy Duo lightbar (with RED D/S and BLUE P/S warning colors, forward WHITE override for takedown and scene lighting, rear AMBER override for traffic director, alley lights, and vehicle specific mounting brackets)
- Whelen Cencom light and siren controller with remote head mounted into the police console
- Equipment console with armrest and dual cupholder (kit includes faceplates to fit customer radio equipment)
- Single vertical gun rack mounted to a Setina stand-alone mounting bracket
- Setina PB450-4L aluminum Push bumper with two side facing and two forward facing LED modules.
- Hidden manual door lock release rods
- Front or rear power management system with battery circuits, ignition circuits, and integrated timed auto shutdown circuits

KP7X7LED – Supply & install dual pillar mounted spotlight assemblies, both with the upgrade to include Whelen LED #P46SLC inserts.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

MAY 13, 2020

TITLE: Resolution Approving a Notice of Exemption for Commercial Street Phase II Improvements

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, State of California, Recommending Approval of a Notice of Exemption (NOE) for Commercial Street Phase II Improvements and authorize the Mayor to sign.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

Commercial Street sustains significant use by pedestrians and vehicles both during the work day and during evenings and weekends due to the restaurants, shops and bars in this area. The heavy use has contributed to the postponement of much needed street rehabilitation, due to relative inconvenience to users of the corridor. In 2017, the City Council prioritized this street for rehabilitation to extend its useful life by 20 years or more. The attached Resolution approving a Notice of Exemption for the project is a requirement of the grant application to demonstrate the City's compliance with the California Environmental Quality Act (CEQA).

ENVIRONMENTAL CONSIDERATIONS:

Staff has prepared a Notice of Exemption (NOE) pursuant to CEQA Guidelines Section 15301 (c) which includes those projects involving maintenance, repair and minor alterations of existing public streets and sidewalks for which there is no or negligible expansion of use. Consistent with this exemption, Phase II Commercial Street improvements will consist of roadway rehabilitation of approximately 600 linear feet of Commercial Street, widening of the sidewalk, enhanced at intersections to provide safe, convenient and efficient pedestrian access within the Downtown Historic District. Pavement improvements include replacement of deteriorated pavement and improvements to cross-slope for drainage.

FISCAL IMPACT: There are no CEQA filing fees for a Notice of Exemption

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, State of California, Recommending Approval of a Notice of Exemption (NOE exhibit attached) for the Commercial Street Phase II Improvements

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEVADA CITY, STATE OF CALIFORNIA, RECOMMENDING
APPROVAL OF A NOTICE OF EXEMPTION
(Commercial Street Phase II)**

WHEREAS, the City of Nevada City seeks grant funding through the SB-1 Local Partnership Program (LPP); and

WHEREAS, CEQA Guidelines Section 15301(c) includes those projects involving maintenance, repair and minor alterations of existing public streets and sidewalks involving no or negligible expansion of use. Consistent with this exemption, Phase II Commercial Street improvements will consist of roadway rehabilitation of approximately 600 linear feet of Commercial Street, widening of the sidewalk, enhanced at intersections to provide safe, convenient and efficient pedestrian access within the Downtown Historic District. Pavement improvements include replacement of deteriorated pavement and improvements to cross-slope for drainage.

WHEREAS, a Notice of Exemption has been prepared for the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City as follows:

Section 1. Based on the review and determination of Staff, the City Council of the City of Nevada City finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is recommended for approval for the Project and is attached as Exhibit 1.

Section 3. Upon approval of the Project by the City Council, the City Clerk may file the Notice of Exemption with the County Clerk of Nevada County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada City at a public meeting held on the 13th day of May, 2020

AYES:

NOES:

ABSTAIN:

ABSENT:

Reinette Senum, Mayor

ATTEST:

By: _____
Niel Locke, City Clerk

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Action Minutes April 22, 2020 City Council Meeting

RECOMMENDATION: Review and approve City Council Meeting Action Minutes of April 22, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the April 22, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ City Council Meeting Action Minutes April 22, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF APRIL 22, 2020**

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 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 – None

REGULAR MEETING – 6:30 PM - Call to Order

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS: “Waste Management Employee Appreciation Day”- April 22, 2020

PRESENTATIONS: Installation of the City Clerk, two new Council Members and one incumbent.

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.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

A. Subject: Fire Activity Report – March 2020
Recommendation: Receive and file.

B. Subject: Accounts Payable Activity Report – March 2020
Recommendation: Receive and file.

C. Subject: Continuance of a Public Hearing for the Consideration of Ordinance Amendments for the Regulation of Wireless Telecommunication Facilities in the City
Recommendation: Provide staff direction to continue a Public Hearing for the first reading of a draft amended Ordinance for the regulation of Wireless Telecommunication Facilities in the City to May 13, 2020.

D. Subject: Resolution Declaring Results of March 3, 2020 Municipal Election
Recommendation: Pass Resolution 2020-12 declaring results of Municipal Election held March 3, 2020.

E. Subject: Action Minutes March 25, 2020 City Council Meeting
Recommendation: Review and approve City Council Meeting Action Minutes of March 25, 2020.

Action: Motion by Strawser, seconded by Minett to approve consent item 3A, 3B, 3D and 3E and Mayor Senum pulled item and 3C for discussion.

(Approved 4-0, Absent 1 Roll call votes ayes Minett, Strawser, Moberg and Senum)

Action: Item 3C was discussed. Motion by Moberg, seconded by Strawser to approve continuance of the Public Hearing for the first reading of a draft amended Ordinance for regulation of Wireless Telecommunication Facilities in the City to May 13, 2020.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: City Support of the Nevada County Launch of Countywide Relief Fund with \$100,000 Challenge Grant

Recommendation: Review the Nevada County Relief Fund effort and structure, authorize Nevada City support of the development of the Nevada County Relief Fund and approve a budget re-allocation of the Community and Economic Support Program (CESP) funds of \$5,000 to the Countywide Relief Program.

Action: Motion by Strawser, seconded by Moberg to support the development of the Nevada County Relief Fund and approve a budget re-allocation of the Community and Economic Support Program (CESP) funds of \$5,000 to the Countywide Relief Program.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

B. Subject: Senate Bill 2 Grant Award

Recommendation: Receive and file.

Action: No action, receive and file.

C. Subject: Report Out of Closed Session Friends of Spring Street Versus the City of Nevada City, Mollie Poe, Declan Hickey, Real Parties in Interest

Recommendation: Receive and file.

Action: No action, receive and file.

D. Subject: City Dismissal from Jacquelyn Sakioka, Successor in Interest to the Estate of Ronson Sakioka Versus the State of California, County of Nevada, City of Nevada City, Genevieve Dungan Lawsuit

Recommendation: Receive and file.

Action: No action, receive and file.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

A. Subject: Continuation of a Public Hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City

Recommendation: Provide staff direction to continue a Public Hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City to June 10, 2020.

Action: Motion by Strawser, seconded by Moberg to continue a Public Hearing for the appeal of the Planning Commission decision to deny a variance from development performance standards and Historic District Signage Standards as proposed by representatives of the National Exchange Hotel for the property located at 211 Broad Street, Nevada City to June 10, 2020.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

7. NEW BUSINESS:

A. Subject: Urgency Ordinance Extending a Temporary Moratorium on Commercial Evictions Due to COVID-19

Recommendation: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City extending a temporary moratorium on evicting commercial tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

Action: Motion by Strawser, seconded by Minett to waive reading of Ordinance 2020-06 and read by title only, and adopt an Urgency Ordinance of the City of Nevada City extending a temporary moratorium on evicting commercial tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption including striking from Section 1, "for 30 days."

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

B. Subject: Urgency Ordinance Granting an Extension for Cannabis Business Permits
Recommendation: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City Granting a One-time Extension of Six Months to the Term of Annual Cannabis Business Permits and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

Action: Motion by Strawser, seconded by Minett waive reading of Ordinance 2020-07 and read by title only, and adopt an Urgency Ordinance of the City of Nevada City Granting a One-time Extension of Six Months to the Term of Annual Cannabis Business Permits and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER'S REPORT: Written report available.

11. ADJOURNMENT: - 7:53 PM

AYES: SENUM, STAWSER, MINETT, MOBERG

NOES:

ABSTAIN:

ABSENT: PARKER

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

May 13, 2020

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

TITLE: Action Minutes May 1, 2020 Special City Council Meeting

RECOMMENDATION: Review and approve Special City Council Meeting Action Minutes of May 1, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the May 1, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Special City Council Meeting Action Minutes May 1, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
SPECIAL CITY COUNCIL MEETING OF MAY 1, 2020**

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 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 – None

REGULAR MEETING – 11:00 AM - Call to Order

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

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.
2. **COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:**
3. **CONSENT ITEMS:**
4. **DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:**
5. **PUBLIC HEARINGS:**
6. **OLD BUSINESS:**
7. **NEW BUSINESS:**
 - A. **Subject:** Resolution 2020-27 Ratifying the Director of Defense and Disaster's Second Supplemental Proclamation of a Local Emergency Issued on April 24, 2020 Ordering the Partial Reopening of Pioneer Park and Authorizing the City Manager to Order the Reopening of Parks and Public Facilities When Appropriate

Recommendation: Discuss and approve adoption of Resolution 2020-27 of the City Council of the City of Nevada City.

Action: Motion by Strawser, seconded by Parker to approve adoption of Resolution 2020-27, a Resolution of the City Council of the City of Nevada City ratifying the Director of Defense and Disaster's Second Supplemental Proclamation of a Local Emergency issued on April 24, 2020 ordering the partial reopening of Pioneer Park and authorizing the City Manager to order the reopening of parks and public facilities when appropriate.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Parker)

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER'S REPORT:

11. ADJOURNMENT: - 11:09 AM

AYES: SENUM, STAWSER, MINETT, MOBERG

NOES:

ABSTAIN:

ABSENT: PARKER

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Approval of Street Closure at the 300 and 400 block of Broad Street to Vehicular Traffic from Fridays at 6AM Until Mondays at 6AM until the COVID-19 Pandemic Shelter in Place Orders are Lifted and Suspend the Imposition and Collection of City Parking Meter Fees Until the End of the Local Emergency

RECOMMENDATION:

1. Provide approval for City staff to block off the 300 and 400 block of Broad Street from 6AM on Fridays until 6AM on Mondays in an effort to create more area to social distance in the downtown area.
2. Review and approve Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Suspending the Imposition and Collection of Parking Fees at City Parking Meters During the Covid-19 Local Emergency.

CONTACT: Mayor Reinette Senum
Chief Chad Ellis

BACKGROUND / DISCUSSION:

Due to the Covid-19 Pandemic local businesses have suffered tremendously due to the necessary social distancing and shelter in place orders. With the implementation of the Governor's phase two and lifting some restrictions we are, and will be, seeing more people out in public. In an effort to create an environment with more area to have the ability to socially distance we would like to close Broad Street to vehicles, giving individuals the ability to have more room to socially distance in the downtown area. We believe that this is a better approach than having people being confined to the sidewalks while downtown. This approach, while still having the public and businesses operate under the confines of the current orders, should provide a safer environment for the public.

During the remainder of the order, we are also recommending that we as a city not require individuals to pay for parking in the downtown area.

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: To be determined

ATTACHMENTS:

- Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Suspending the Imposition and Collection of Parking Fees at City Parking Meters During the Covid-19 Local Emergency
- Letter to the public from the Chamber of Commerce

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY SUSPENDING THE IMPOSITION AND COLLECTION OF PARKING FEES AT CITY PARKING METERS DURING THE COVID-19 LOCAL EMERGENCY

WHEREAS, conditions of extreme peril to the safety of persons or property have arisen within the City of Nevada City as a result of the spread of the COVID-19 virus throughout the State of California; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on Wednesday, March 4, 2020; and

WHEREAS, the City Council confirmed the declaration of a local emergency due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City on March 11, 2020; and

WHEREAS, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS, the economic impacts of COVID-19 have been significant, and businesses are experiencing substantial losses; and

WHEREAS, the City Council desires to suspend the requirement to pay parking meter fees in the downtown area of the City during the local emergency in order to prevent any additional adverse economic impacts on individuals and downtown businesses.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that imposition and collection of City parking meter fees in the City of Nevada City is hereby suspended until the end of the local emergency due to COVID-19, or until further resolution of the City Council of the City of Nevada City.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 13th day of May, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk

Hello Nevada County Business Owners:

Thank you for your diligence during these Covid-19 times. Nevada County has done very well with taking their safety precautions seriously.

Governor issued a Report Card on the state's progress in fighting COVID-19. Visit the link for official Office of the Governor Gavin Newsom [HERE](#) - [Governor's Report Card](#) indicates California will be prepared to move into the early phase of *Stage 2* of reopening this Friday, May 8.

For Nevada County, NOTE

- This does not mean that business returns to normal and doors are open for all businesses this Friday in Nevada County.
- All business will be curbside pick-up only, unless you are deemed an essential service. If you are deemed an essential service, you will be required to follow social distancing guidelines for employees, customers. See page 8 for list of essential businesses [HERE](#)

Social Distancing - For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

This Order shall be effective immediately and will remain in effect until further Order of the Health Officer.

Essential services:

Later this week the state will release public health guidance for certain Stage 2 sectors including some retail, manufacturing, and logistics businesses, which will outline modifications that lower the risk of transmission. Other Stage 2 sectors, such as offices and dine-in restaurants, will be part of a *later* Stage 2 opening.

If you are not deemed an essential service at this point, be sure you are following guidelines so as not to endanger your business license status in your specific industry.

NOTE: Stage 2 allows gradual reopening of lower-risk workplaces with adaptations including bookstores, clothing stores, florists and sporting goods stores, with modifications.

While the state will be moving from Stage 1 to Stage 2, counties can choose to continue more restrictive measures in place based on their local conditions, and the state expects some counties to keep their more robust stay at home orders in place beyond May 8.

NOTE: Each County has variations based on their County and their readiness with the State check-off list.

Regional Variation

The Governor also announced today that while the state is moving into Stage 2 together, counties can move more quickly through Stage 2, if they attest that they meet the state's readiness criteria. Counties must create and submit a readiness plan which the state will make publicly available.

The Governor signed an executive order today directing the State Public Health Officer to establish criteria to determine whether and how, in light of local conditions, local health officers may implement public health measures less restrictive than the statewide public health directives. Counties must meet criteria including demonstrating they have a low prevalence of COVID-19, that they meet testing and contact tracing criteria, that their health care system is prepared in case they see a sudden rise in cases, and that they have plans in place to protect vulnerable populations. The state will outline these criteria in the coming days. The text of the Governor's executive order can be found [here](#) and a copy can be found [here](#).

REPORT TO CITY COUNCIL

City of Nevada City

317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Consideration of and First Reading of Ordinance Repealing and Readopting Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City”

RECOMMENDATION: Hold first reading, waive reading of Ordinance in its entirety, and read by title only, Ordinance 2020-XX Repealing and Readopting Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City”.

CONTACT: Catrina Olson, City Manager
Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

The City Council adopting an Ordinance amending Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City” on September 25, 2019. The City Council subsequently authorized Council Member Strawser to meet with a working group of citizens, the City’s consultant Bob Ross, and Jones & Mayer attorney Baron Bettenhausen to make changes to Chapter 17.150 to add further protections to the public health, safety, and welfare, permitted under federal and state law.

The working group met with Council Member Strawser and Mayor Senum on March 6, 2020, and agreed upon proposed changes that were submitted to Bob Ross and Baron Bettenhausen for their review. On March 13, 2020, the working group met at Nevada City Council Chambers with Mayor Senum and Council Member Strawser, joined by Baron Bettenhausen and Bob Ross via video conference to discuss all the requested amendments. Baron Bettenhausen has prepared a new revised version of the Telecommunication Ordinance incorporating the working group’s requested changes, as were legally permissible.

A redlined version of the proposed ordinance amending Chapter 17.150 comparing it to the currently adopted Chapter 17.150 is attached for your review. Notable changes include the following:

- Removal of option for Master Deployment Plan;
- Update distancing requirements between facilities;
- Include distancing from sensitive use areas;
- Clarify frequency of recertification requirement;

- Conform undergrounding requirement to existing federal law;
- Streamline standards imposed to make more objective; and
- Removal of redundant requirements and other minor changes to clarify provisions of the ordinance as needed.

The working group, Bob Ross, and Baron Bettenhausen came to consensus on all but one issue which was a distancing requirement for new wireless facilities located in the public-right-of way to be located at least 500 feet from existing wireless facilities. This requirement contained in Section 17.150.070 (A)(1)(d) reads as following: “The installation of new wireless facilities to new or existing poles in the public right-of-way must be separated 500 feet away from the nearest wireless facility.”

The working group advocates for this distance to be 1,500 feet, but Baron, Bob, and Duane recommend using the 500 feet as is proposed. Staff would like the City Council’s specific direction on what distance to use in this section.

ENVIRONMENTAL CONSIDERATIONS: Not applicable at this time.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENTS:

- ✓ Redlined Ordinance comparing proposed changes with the originally adopted Ordinance (NCMC Chapter 17.150)
- ✓ Ordinance No. 2020-XX Ordinance Repealing and Readopting Chapter 17.150 of the Nevada City Municipal Code entitled “Wireless Telecommunication Facilities in the City”

17.150.010 Purpose and Policy.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of zoning regulations and standards for the permitting, development, siting, installation, modification, design, operation and maintenance of wireless telecommunications facilities in the city. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the General Plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with ~~the~~all current state and federal laws, rules and regulations.

This chapter is intended solely as a zoning regulation. These requirements are in addition to any other applicable law, such as the requirement to obtain an encroachment permit, and any required authorization from a third party, such as an electric utility.

17.150.020 Definitions.

“7-Hills Business District” means the areas shown in Section 17.150.230.

“**Accessory Facility or Structure**” means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunication Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment, storage sheds, or cabinets.

“**Accessory equipment**” means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

“**ADA**” means the Americans With Disabilities Act or ADA.

“**Applicant**” means any Wireless service provider submitting an application for a ~~special~~conditional use permit or administrative permit for Wireless telecommunications facilities.

“**Application**” means all necessary and required documentation that an Applicant submits in order to receive a ~~special~~conditional use permit, administrative permit, or a building permit for Wireless telecommunications facilities.

“**Antenna**” means that part of a wireless telecommunications facility designed to radiate

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or receive radio frequency signals, ~~electromagnetic waves, or other wireless signals or electromagnetic waves for the provision of services, including, but not limited to cellular, paging, personal communications services (PCS) and microwave communications.~~ Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

“**Base station**” shall have the same meaning as set forth in 47 C.F.R. 1.6100 (b)(1), as may be amended.

“**Cellular**” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

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“**Code**” means the Nevada City Municipal Code.

“**Collocation**” or “**Co-location**” has the same meaning as set forth in 47 C.F.R. §1.40001(b)(2), as may be amended.

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“**Commercial Impracticability**” or “**Commercially Impracticable**” means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and which jeopardizes the financial efficacy of the project.

“**Complete Application**” means an application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an application and that all information is true, accurate and correct.

“**Concealment**” shall have the same meaning as Stealth below.

“**DAS**” or “**Distributive Access Antenna System**” means a network of antennas and related fiber optic nodes, including strand-mounted antennas, which provide access and signal transfer for Wireless Telecommunication Service providers. DAS also includes antenna combining technology, managed hubs and remote antennas that distribute a wireless signal to a series of connected indoor or outdoor multi-band, multi-technology radio heads, allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

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“**CUP**” shall mean conditional use permit.

“**Director**” means the ~~director of planning~~ City Manager, or his or her designee.

“**Eligible Facility**” means an existing Wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a substantial modification.

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“**FAA**” means the Federal Aviation Administration, or its duly designated and authorized successor agency.

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“**Facility(ies)**” means wireless telecommunications facility(ies).

“**FCC**” means the Federal Communications Commission, or its duly designated and authorized successor agency.

“**Ground-Mounted**” means any communications equipment that is mounted to a separate post or to a foundation on the ground, or installed in or under and extends above the ground, natural grade,

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“**Located within public right-of-way**” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the public right-of-way.

“**Modification**” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: a change or addition of equipment, collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation.

“**Monopole**” means a structure composed of a hollow non-wooden pole or telecommunications tower used to support antennas or related equipment. A monopole also includes any disguised monopole, including but not limited to trees or other object.

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“**Mounted**” means attached or supported.

“**Necessary**” or “**Necessity**” or “**Need**” means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service in violation of applicable law. Necessary or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant’s specific chosen design standards. Any situation involving a choice between or among alternatives or options is not a Need or a Necessity.

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“**Personal wireless service(s)**” shall have the same meaning as set forth in 47 U.S.C. § 332(c)(7)(C), as it may be amended.

“**Pole**” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this Code.

“**Small wireless facility**” or “**Small cell**” means a facility shall have the same meaning as defined provided in 47 CFR 1.6002(l) as it may be amended from time to time.

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“Stealth” or “Stealth Siting Technique” means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which means the least visually and physically intrusive Facility, so as to make it substantially invisible, and that is not technologically or commercially impracticable under the facts and circumstances. Stealth technique includes such techniques as i) DAS or its functional equivalent; or ii) camouflage where the Facility is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility.

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“Substantial Modification” has the same meaning as provided in 47 C.F.R § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular Facility type and location. For clarity, the definition in this section organizes the FCC's criteria and thresholds for a substantial change according to the Facility type and location.

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1. For Towers outside the public rights-of-way, a substantial change occurs when:
 - a. The proposed co-location or modification increases the overall height more than ten percent (10%) or the height of one additional antenna array not to exceed twenty (20) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than twenty (20) feet from the edge of the Wireless Tower or the width of the Wireless Tower at the level of the appurtenance (whichever is greater); or
 - c. The proposed co-location or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four (4); or
 - d. The proposed co-location or modification involves excavation outside the current boundaries of the leased or owned property surrounding the Wireless Tower, including any access or utility easements currently related to the site.
2. For Towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - a. The proposed co-location or modification increases that overall height more than ten percent (10%) or ten (10) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than six (6) feet from the edge of the Wireless Tower or base station; or
 - c. The proposed co-location or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - d. The proposed co-location or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted cabinets; or

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- e. The proposed co-location or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
3. In addition, for all Towers and base stations wherever located, a substantial change occurs when:
 - a. The proposed co-location or modification would defeat the existing concealment elements of the support structure as determined by the City; or
 - b. The proposed co-location or modification violates a prior condition of approval as regards to height, width, number and size of equipment cabinets or any excavation that is inconsistent with the thresholds for a substantial change described in this section.
 4. As to all measurements set forth herein, the following principles shall govern:
 - a. Any threshold or limit of height increases are cumulative or collective.
 - b. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to Wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date of passage of the Middle-Class Tax Relief and Job Creation Act of 2012, Section 6409(a).

b-

"Telecommunication tower" means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

"Transmission Equipment" shall have the same meaning as provided in 47C.F.R. § 1.40001(b)(8), as may be amended.

"Tower" shall have the same meaning as set forth in 47 C.F.R. 1.40001(b)(9), as may be amended.

"Utility pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

"Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a wireless telecommunications collocation facility, and shall include, but not limited to, the following services: personal wireless services, cellular service, personal communication service, and/or data radio telecommunications.

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“Wireless telecommunications facility” or “facilities” mean any facility that transmits and/or receives electromagnetic waves for commercial purposes. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development. This definition includes DAS systems owned or operated by a commercial carrier and are part of a commercial wireless system, or are able to be used by the general public, regardless of the location or whether the facility or any of its components is located inside or outside a structure or building.

Exceptions: The term “wireless telecommunications facility” does not apply to the following:

- (a) A telecommunications facility that is both owned and operated by a governmental entity where the director determines enforcing the requirements of this Chapter are against the public interest.
- (b) Mobile services providing public information coverage of news events of a temporary nature.
- (d) Any wireless telecommunications facilities exempted from this Code by federal law or state law.

17.150.030 Applicability

A. Applicability. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in any portion of the City as follows:

1. All facilities, notwithstanding the date approved or the location installed, shall be subject immediately to the provisions of this chapter provided, however, if a condition of approval conflicts with a provision of this chapter, the condition of approval shall control until the permit is amended or revoked.

2. Any wireless telecommunication facility that was lawfully constructed prior to the adoption of this Ordinance that does not comply with the standards, regulations and/or requirements of this chapter, shall be allowed to continue as it presently exists, provided that i) it exists and is operating as originally permitted; and ii) any modification of the Facility has been properly permitted.

3. Any modification not properly permitted under a previously existing ordinance must be permitted under this Ordinance.

4. Any modification of a Facility or its equipment subsequent to the adoption of this Ordinance, must be permitted under this Ordinance and will require the entire Facility and any new or modified installation to comply with this Ordinance, except that

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any Tower or other support structure properly permitted prior to the adoption of this Ordinance may remain at the originally permitted height.

5. Any repair and maintenance of a Wireless Facility that does not i) increase the height of the structure, ii) alter the equipment profile, iii) change the latest RF emissions levels Modeling form provided for this site, iv) increase the footprint of the Facility, v) increase the structural loading on the support structure; or vi) otherwise exceed the conditions of the permit, does not require an application for a new permit, but may require a building permit, electrical permit or other authorizing permit. In no instance shall any additional construction or modification be considered to be repair or maintenance.

B. Exclusions. This chapter does not apply to any entity legally entitled to an exemption from these zoning requirements pursuant to state or federal law.

17.150.040 Wireless Telecommunications Facility Permit Requirements.

A. General Rule: Conditional Use Permit Required

4. Unless otherwise provided herein, all new wireless facilities, except for small cells or collocations or modifications to existing wireless facilities, shall require a Conditional Use Permit. See section 17.150.060, below for review procedures.

1. The Planning Commission may refer a conditional use permit to the City Council for approval.

2. The Planning Commission shall approve a Conditional Use Permit if all of the following apply:

A. The facility will comply with all applicable laws including, but not limited to:

1. The Americans with Disabilities Act;

2. All building and safety requirements, including those within the California Building Standards Code, as amended by the city and the latest version of TIA ANSI 222, to the extent that such standards are more restrictive than the otherwise applicable requirements.

3. All applicable current requirements of the FCC and OSHA (Occupational Safety and Health Administration), including requirements relating to radiofrequency (RF) emissions and limits on interference.

4. The requirements of this Chapter 17.150.

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2.5. Either the City has issued all required encroachment permits or it is a condition of the issuance of the permit that no installation begin in reliance on the permit until the City has issued all required encroachment permits.

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3.B. A facility that obtains an administrative permit need not obtain a conditional use permit.

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B. Administrative Permit.

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The Director shall approve an administrative permit if all of the following apply:

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1. The application is for i) a Small Wireless Facility, or ii) a collocation or modification of wireless telecommunication equipment on an existing Eligible Facility which does not create a Substantial Modification.

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2. The facility will comply with all applicable laws including, but not limited to:

a. The Americans with Disabilities Act;

b. All building and safety requirements, including those within the California Building Standards Code, as amended by the city and the latest version of TIA ANSI 222, to the extent that such standards are more restrictive than the otherwise applicable requirements.

c. All applicable requirements of the FCC and OSHA (Occupational Safety and Health Administration), including requirements relating to ~~radio-frequency~~ radiofrequency (RF) emissions and limits on interference.

d. The requirements of this Chapter 17.150.

3. The proposed facility complies with the City's published wireless design guidelines.

4. The proposed facility will be installed on either:

a. An existing support structure that meets all of the following requirements:

i. The facility will match the design of the pole; and

ii. If feasible, all equipment installed on the pole will be the same color as the pole; or

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b. A new light pole that meets all of the following requirements:

i. The pole is ~~at least ninety (90) feet away from~~ not closer to any existing light pole ~~than the then current spacing between light poles upon the street the pole shall be installed~~; and

ii. Unless requested otherwise by the City in writing, the light on the pole will be illuminated, operated, and maintained consistent with the operation of the other light poles in the City, and the full costs of illumination shall be fully borne by the applicant.

5. ~~Either the City has issued all required encroachment permits and entered into any required franchise agreement(s); or it is a condition of the issuance of the permit that no installation begin in reliance on the permit until the City has issued all required encroachment permits and entered into any required franchise agreement(s).~~

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~~C. Master Deployment Plan Permit~~

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1. ~~Excepting batched applications for Small Wireless Facilities, any applicant that seeks approval of five (5) or more wireless telecommunications facilities may elect to submit an application for a Master Development Plan Permit. The proposed Master Deployment Plan shall be conceptual in nature and approval thereof shall not be deemed approval of any given Facility or specific address or location. The proposed facilities in a Master Development Plan shall be reviewed together at the same time and subject to the same requirements and procedures applicable to a Major Wireless Telecommunications Facility Permit.~~

2. ~~A Master Development Plan Permit shall not be deemed approval for all wireless telecommunications facilities within the plan; provided, however, that an encroachment permit shall be required.~~

~~C.~~

3. ~~After the approval of a Master Development Plan Permit, an individual wireless telecommunications facility shall require either a CUP or an Administrative Permit, as applicable.~~

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~~D. Batched Application:~~ An Applicant, or its agent of record, may submit Applications for multiple small wireless facilities or locations with the following conditions that are intended in order to assure compliance with the FCC's 'Shot Clock' requirements:

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1. No single batched submittal shall contain more than five (5) Applications;

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2. There must be a minimum of seven business days between submittals of batched Applications;

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~~4. 3.~~ No more than 4 batched Applications shall be accepted in any thirty ~~(30)~~ consecutive day period.

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D. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required permits or other approvals from other city departments, state or federal agencies.

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FE. Eligible Applicants. Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the public right-of-way, or who are acting at the behest and direction of one of the foregoing shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunication collocation facility in the public right-of-way.

GF. Speculative Equipment Prohibited.— The city shall not approve any equipment or other improvements in connection with a Wireless Telecommunications Facility Permit when the applicant does not actually and presently intend to install such equipment or construct such improvements within one-hundred-eighty (180) days.

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17.150.050 Application for Wireless Telecommunications Facility Permit

A) General Application Requirements: The following items are considered general application requirements and shall be included in all applications:

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~~1) Any items that are asserted not to be applicable to the instant Application(s) shall be clearly identified in the front of the Application.~~

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1) Identification of ~~the specific~~ all current applicable federal and State law and rule, including the specific section and subsection, regarding Wireless facilities under which the Application is filed.

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2) The name, address, phone number and e-mail address of the person preparing the application

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3) The name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the Applicant, the name and all necessary contact information for each shall be provided.

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4) The postal address and tax map parcel number of the subject property, or when application is for installation in the public right of way real, for the real property closest to proposed installation, and, if applicable, the Public Utility Pole number.

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6)5. The zoning district or designation in which the property is situated.

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7)6. For all new Facilities, a ~~list of the specific frequency bands to be initially activated immediately upon completion of construction~~ completed Propagation Study Data Form is required.

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8)7. For all new Facilities, a separate list of all frequencies licensed to the carrier not intended to be initially activated.

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9)8. A copy of the FCC licenses applicable for all the frequency bands licensed to the carrier to provide service in the City.

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10)9. All Applications shall include signed written commitment ~~statements~~stating that:

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- a) the Applicant's Facility shall at all times without exception be maintained in a safe manner, and in compliance with all conditions of the ~~Special~~Conditional Use Permit, as well as all applicable and permissible local codes, ordinances, and regulations and all applicable City, State and Federal Laws, rules, and regulations, unless specifically granted relief by the Council in writing;
- b) the construction of the Facility is legally permissible, including, but not limited to the fact that the Applicant is licensed to do business in the State.
- c) the Applicant commits to fully and completely indemnify the City for any use of the City's Right-of-Way by Applicant, it's employees, and agents.

11)10. Certified detailed construction drawings, including but not limited to the following information:

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- a) the size of the property footprint on which the structure to be built or attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines and rights-of-way.
- b) location of the nearest residential or habitable structure.
- c) the location, size and height of all existing and proposed structures on the property.
- d) enclosures and cabinets on the property on which the structure is located that are related to the subject of the application.

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- e) a site plan to-scale showing the footprint of the support structure and the type, location and dimensions of boundaries, access drives, landscaping and buffers, fencing, underground utilities of any kind and any easements.
- f) elevation drawings showing the profile and the vertical rendition of the Facility and, where appropriate, its support Structure and identifying all existing and proposed attachments and all related fixtures, structures, appurtenances and apparatus, including the height above the existing grade, materials, colors and lighting.
- g) proposed electrical and grounding plans for the Facility.

42)11. The azimuth, size, top of antenna height, locations of all proposed and existing antennas on the support structure, and the height of the tip of any lightning arrestor.

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43)12. Copies of the cut sheets for all antennas, RRU's, Transmitters, Receivers, and other in line RF devices that are used in the site.

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44)13. The type and manufacturer of the Tower or other support Structure and a rigorous structural analysis and report for such, including the calculations, certified by a Professional Engineer licensed in the State and proving the structure's capability to safely accommodate the facilities of the Applicant.

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45)14. An ANSI/TIA-222 Maintenance and Conditions Assessment report regarding the physical condition of the Facility and its components, using the most recently adopted version of ANSI/TIA-222, or a functional equivalent report for any support structure that is not a Tower. If applicable, the report shall identify and contain allowable tolerances including but not limited to guy tensions, plumb, twist, slip splices, and take-up devices. No Conditional Use Permit or Administrative Permit or any authorization for anything other than remediation work shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of safety-related remediation to comply with the requirements of this Ordinance and other applicable adopted standards of the City, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the City.

46)15. For telecommunications Towers, but only Towers, taller than thirty-three feet (33') in height, a completed and signed checklist for categorical exclusion of radio frequency electromagnetic emissions. If the modification, co-location or construction of a new Wireless Facility is not categorically excluded based on the Federal Communications Commission's rules and regulations, the Applicant shall provide a compliance letter to the City committing to remain in full compliance

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with all requirements set forth by the latest edition of the Federal Communications Commission (FCC) OET Bulletin 65 or its functional equivalent.

~~17) In certain instances, the City may deem it appropriate to have an on-site RF survey of the Facility done after the construction or modification of the Facility. Such survey shall be done under the observation and direction of the City or its designee, and an un-redacted copy of the survey results along with all calculations provided, prior to the issuance of a Certificate of Compliance.~~

18) 16. A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other Wireless devices or services.

19) 17. Cut Sheets or specifications for all equipment to be installed/mounted on the structure including a photograph and model name/number for each piece of equipment included.

20) 18. No applicant seeking to install wireless antennas shall seek an encroachment permit for fiber or coaxial cable only. Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the right-of-way.

24) 19. If the applicant requests an exception to the requirements of this chapter (in accordance with section 17.150.180), the applicant shall provide all information and studies necessary for the city to evaluate that request.

22) 20. An application fee and a deposit for a consultant's review as set forth herein; in an amount set by resolution by the city council. Failing to submit the correct Application fee shall make the Application incomplete on its face

23) 21. Proof that a temporary mock-up of the facility and sign has been installed at the proposed location for a period of at least thirty (30) calendar days.

a) Applicant shall obtain an encroachment permit before installing the temporary mock-up, and must remove the temporary mock-up within five (5) calendar days of receiving a written notice to remove from the director.

b) When seeking the encroachment permit, the applicant shall provide proof of written notice mailed to all property owners within ~~500~~300 feet of the proposed installation. The applicant shall mail a notice regarding installation of the mock-up at least ~~five (5)~~ten (10) business days prior to the installation.

c) The mock-up shall demonstrate the height and mass of the facility, including all interconnecting cables. The applicant shall not

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be entitled to install the facility it intends to install permanently. The mock-up may consist of story poles or the like.

d) The mock-up shall include a sign that displays photo simulations depicting before and after images, including any accessory equipment cabinet, and the telephone number of the Public Works Department.

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e) The applicant shall be required to follow any other city practices or processes relevant to the installation of a mock-up as may be provided in a publicly accessible form or document.

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f) After installation of the mock-up, the applicant shall certify that the mock-up accurately represents the height and width of the proposed installation and has been installed consistent with this Code.

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B) Co-location Application Requirements: In addition to the requirements set forth in Subsection A, the following items shall be included in the application for co-locations on existing structures:.

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1) A copy of the lease with the owner of the structure, and with the landowner if different than the structure owner, and if applicable a signed letter of agency granting authorization to represent and commit for the party represented. If the Applicant owns the site, a copy of proof of ownership is required.

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2) The frequency, modulation and class of service of radio or other transmitting equipment.

3) Transmission and maximum effective radiated power of the antenna(s).

4) Direction of maximum lobes and associated radiation of the antenna(s).

5) ~~If requested, Require~~ to-scale photographic simulations of the Facility "before and after construction" from key viewpoints inside of the City as deemed appropriate and/or as designated and accompanied by i) a map showing the locations of where the photographs were taken; and ii) the distance(s) of each location from the proposed structure. Guidance will be provided concerning the appropriate key viewpoints on an individual Application basis.

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6) A copy of the Applicant's Certificate of Liability Insurance.

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C) New Wireless Structures and Substantial Modification Requirements: In addition to the preceding requirements, the following shall be included in the application for a new Wireless Support Structures and Substantial Modifications of support structures:

1. General Liability Commercial Insurance \$5 million to protect the City: The applicant shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies of commercial general liability insurance, with minimum limits of Two Million Dollars (\$2,000,000) for each occurrence and One Hundred Million Dollars (\$100,000,000) in the aggregate, that fully protects the City from claims and suits for boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced.

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2. The Applicant for a new Tower or Substantial Modification shall submit clear and convincing technical evidence, done by the Wireless service provider associated with the Application, justifying the technical Need for the proposed height of the Facility and the Need for such, to the exclusion of all reasonable less intrusive alternatives. Evidence in the form of propagation studies must include the modeling data and assumptions used to produce the studies on a form to be provided by the City.

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3. The Applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the Applicant to share space on the new Tower or support structure.

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4. If a Modification of a Facility is needed whereby the height, profile or size of the Facility is increased, or if construction is needed outside the permitted compound or property, a detailed narrative explaining what changes are needed and why they are needed.

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5. The type of support structure, the number of antenna arrays proposed to be accommodated and a Certified structural report, including all calculations, demonstrating the Facility's capacity to accommodate the required number of antenna arrays and associated equipment for which the structure must be designed.

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6. A copy of the foundation design, including a geotechnical sub-surface soils investigation report and foundation design recommendation for the Tower or other structure. Such shall be Certified by a licensed Professional Engineer licensed in the State that is experienced in the structural design of Wireless support structures.

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~~6)7.~~ A written copy of an analysis completed by a qualified individual or organization to determine if the proposed Wireless telecommunications Facility is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. Unless already lighted, this requirement shall also be for any Facility where there is a proposed increase in the height of the Facility. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

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~~7)8.~~ A narrative description of the specifically what will be done to minimize the visual impact. The City expressly reserves the right to require the use of stealth or camouflage techniques.

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~~8)9.~~ For a new support structure, or for a Substantial Modification, the Applicant shall be required to submit clear and convincing evidence that a new Tower or support structure or the Substantial Modification is the only option within one-half (1/2) mile of the proposed new Tower or support structure that will enable the provision of Wireless services substantially within the intended service area.

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10. Timely re-certifications (at the municipality's discretion but no more frequent than every 5 years) will be denied if the re-certification has not been properly or timely submitted, or any equipment no longer in use has not been removed within the required 30-day period. In addition, no further applications for any new wireless facilities from the applicant and its representatives will be accepted by the City until such time as the timely re-certification has been submitted, all equipment no longer in use has been removed, and all fees and fines or any other amounts owed are paid in full.

~~9)11.~~ In order to better inform the public, in the case of a new Tower or support structure, the Applicant shall hold a "balloon test" or erect a story pole, i.e. a temporary mast, prior to the initial public hearing on the application. The choice of the use of a balloon test or story pole shall be that of the City based upon the facts and circumstances involved.

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a) The Applicant shall arrange to fly, or raise upon story pole, a minimum of a three (3) foot in diameter, brightly colored balloon at the maximum height of the proposed new Tower. To reasonably assure control and the stability of the balloon in winds, a spherical balloon shall not be used.

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b) At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be

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legible from the road by a person with 20/20 corrected vision. The sign shall be placed off, but as near to, the public right-of-way as is possible and shall show the times and date(s) of the balloon test and City contact information.

c) The dates (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date), times and location of the balloon test shall be advertised by the Applicant, in a newspaper with a general circulation in the City and as agreed to by the City, fourteen (14) and seven (7) days in advance of the first test date. The Applicant shall inform the City in writing of the dates and times of the test, at least fourteen (14) days in advance.

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d) The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 4:00 p.m. on the dates chosen. The primary date shall be on a ~~week-end~~ weekend, but the second date, in case of poor visibility on the initial date, may be on a ~~week~~ weekday. A report with photos from various locations of the balloon, and to-scale superimposed photo simulations of the Facility when completed, shall be provided with the application.

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~~e) The Applicant shall notify all property owners and residents located within one thousand five hundred (1,500) feet of the nearest property line of the subject property of the proposed construction of the Tower or other support structure and the Wireless Facility, and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by first-class mail. The Applicant shall bear all costs associated with said notification.~~

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40)12. The owner of a new Tower or other support structure, and his/her successors in interest, shall negotiate in good faith for the shared use of the Facility by other Wireless service providers, and shall:

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a) Respond within 60 days to a request for information from a potential shared-use Applicant;

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b) Negotiate in good faith concerning future requests for shared use of the new Wireless telecommunications Facility by other telecommunications providers.

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c) Allow shared use of the new Wireless telecommunications Facility if another telecommunications provider agrees in writing to pay reasonable charges.

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d) Understand that failure to abide by the conditions outlined above may be grounds for denial or revocation of the ~~Special~~ Conditional Use Permit.

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13. The Applicant shall provide a written description and a visual rendering demonstrating how it shall effectively screen from view the Facility and all related equipment and structures associated with the Facility. The buffer, which may be located within the required setback area, shall consist of a landscape strip, at least five (5) feet in depth, located outside the security fence. The landscape strip should be planted with a combination of trees and/or shrubs which are capable of attaining the required minimum height at maturity and which will enhance and, at minimum, partially screen the outward appearance of the security fence. For ~~Towers~~ facilities located within 1,000/500 feet of ~~a residential area~~ environmentally sensitive areas, as the City may designate in its sole and absolute discretion, the City may require wider landscape buffers and other items such as decay resistant, solid wood fences, earth berms, and brick or masonry walls in addition to the security fence. All fencing, walls, and landscaping shall be kept in good condition and repair and maintained in a neat manner by the owner of the Tower.

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14. Co-location Not Reasonably Feasible: Co-location on an existing structure is not reasonably feasible if the co-location is Technically or Commercially Impracticable or the owner of the structure is unwilling to enter into a contract for its use. Written clear and convincing evidence to support such claims must be submitted with an application.

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15. Spec Support Structures Prohibited: A building permit shall not be issued for construction of a new ~~Tower~~ facility, or other support structure until there is an application filed for or by a specific carrier that documents that ~~the Facility is Necessary for that carrier to provide service in the intended service area for service primarily within the City and that~~ a less visually intrusive option or co-location on an existing structure is not Technologically Impracticable.

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D. Small Cell Facilities Requirements. In addition to the preceding requirements, the following shall include in the application for a small cell facility a general description of the proposed scope of work and the specific purpose(s) of the small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with emphasis on those matters likely to be affected or impacted by the work proposed. The description shall include at a minimum the type of equipment, number of antennas, height to top of antenna(s), statement of compliance with FCC requirements, and description and/or depiction of concealment elements.

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E. Effect of State or Federal Law Change. If a subsequent state or federal law prohibits the collection of any information authorized by section 17.150.050, the director may omit, modify or add to that request from the city's application form with the written

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approval of the city attorney, which approval shall be a public record.

F. Independent Expert. The ~~director~~Director is authorized to retain on behalf of the city an independent, qualified consultant to review any application for a permit for a wireless telecommunications facility. ~~The review is intended to be a review of all aspects of the proposed wireless telecommunications facility and shall address any or all of the following; and confirm applicant's ongoing compliance.~~

~~1. Compliance with applicable radio frequency emission standards;~~

~~2. Compliance with applicable building standards (e.g. the latest version of TIA-ANSI 222 regarding the structural adequacy of the support structure to the extent that such standards are more stringent than otherwise applicable standards);~~

~~3. Whether a denial of the application would be an "effective prohibition" in violation of applicable law;~~

~~4. The accuracy and completeness of submissions;~~

~~5. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;~~

~~6. The applicability of analysis techniques and methodologies;~~

~~7. The validity of conclusions reached or claims made by applicant;~~

~~8. The viability of alternative sites and alternative designs; and~~

~~9. Any other specific technical issues identified by the consultant or designated by the city.~~

The cost of this review shall be paid by the applicant through a deposit pursuant to an adopted fee schedule which may be adopted by resolution. No permit shall be issued to any applicant which has not fully reimbursed the city for the cost of a consultant's review, even if the cost exceeds the initial amount of the deposit. Such amount shall be paid to the City prior to the issuance of the applicable permit or Certificate of Completion, whichever is procedurally needed next. Upon written request after the issuance of the Certificate of Completion and the payment of all expert assistance invoices, the City shall promptly refund any unexpended amount of the deposit. The payment of the deposit shall precede any work being done that is related to the intended Application or lease.

17.150.060 Review Procedure

A. Pre-submittal Conference. Prior to application submittal, the city strongly encourages all applicants to schedule and attend a pre-submittal conference with

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designated City staff/departments and or consultants to receive informal feedback on the proposed location, design and application materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal. Staff will endeavor to provide applicants with a reasonable time and date mutually agreed upon. As the pre-submittal conference is not mandatory and is for the benefit of the applicant, it shall not precipitate the start of the FCC's applicable shot clock deadlines.

B. Application Submittal Appointment. All applications must be submitted to the city - and/or its designated consultant for completeness and review.

C. Notice: Decisions. The provisions in this section describe the procedures for approval and any required notice for an application.

1. *Planning Commission Hearings*. Any permit application under this chapter subject to planning commission approval (directly, or via appeal) shall require notice and a public hearing. The planning commission may approve, or conditionally approve, an application only after it makes the findings required in section 17.150.080.

2. *Decision by Planning Commission*. The Planning Commission may approve, or conditionally approve, an application only after it makes the findings required in section 17.150.080. Within ten days after the Planning Commission approves or conditionally approves an application under this chapter, the director shall issue a notice of the decision and post the notice on the City's Planning Department public website, and any applicable conditions of approval shall be provided to the applicant at the contact information provided on the application.

3. *Written Decision Required*. All final decisions made pursuant to this chapter shall be in writing and based on substantial evidence in the written administrative record. The written decision shall include the reasons for the decision.

D. Appeals. Appeals shall be subject to the requirements of Chapter 17.88.

E. Review of Applications.

1. *Engineer's Certification*. Where a certification of any technical or engineering expert is called for in an application, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.

2. *Leases Do Not Extinguish City Priorities*. The existence of a lease or an option to lease shall not be deemed justification for not complying with the city's siting priorities. An Applicant may not bypass sites of higher priority solely because the site proposed is under lease or an option to lease exists. If a site other than the number 1 priority is proposed, the applicant must explain to the reasonable satisfaction of the City why colocation is technically or commercially impracticable. Build-to-Suit agreements

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between carriers and a proposed tower owner shall not be a valid basis for any claim of exemption, exception or waiver from compliance with this Section.

3. *Verifiable Information.* Any technical information must be provided in such a manner, form and with such content that it is able to be verified by a third party using the information used and provided by the applicant.

17.150.070 Requirements for Facilities

A. Design, Development, and Construction Standards.

~~All wireless~~ Wireless telecommunications facilities shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following:

1. *General Guidelines:*

a. The applicant shall employ screening, undergrounding (where not prohibited by federal or state law) and camouflage design techniques in the design and placement of wireless telecommunications facilities to ensure that the facility is as visually screened as feasible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties all in a manner that achieves compatibility and does not result in visual disharmony with the community, ~~and in compliance with section 17.400.175 of this Code.~~

b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

c. Facilities shall be located such that the primary view from each residential structure is not significantly impaired.

d. The installation of new wireless facilities to new or existing poles in the public right-of-way must be separated 500 feet away from the nearest wireless facility.

e. Each component part of a facility shall be located in such manner as to minimize physical or visual obstructions to pedestrian or vehicular traffic, not inconvenience the public's use of the right-of-way, and not create safety hazards to pedestrians and motorists.

f. A facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, or underground vaults, valve housing structures, or any

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other vital public health and safety facility.

2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

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3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

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4. Equipment. The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, symmetrical to the top of the pole, and no more than four (4) inches wider in diameter than the existing pole, to the extent not technically impracticable. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be the minimum height above ground technically ~~Needed~~needed to achieve the ~~intended purpose~~requirements herein. When part of small cell or DAS, antenna and equipment attached to and directly associated with the antenna, excluding cabling, shall cumulatively not exceed 3 cubic feet in volume, nor be larger than two feet (2') in height.

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5. Poles.

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a. Facilities shall be located consistent with section 17.150.190.

b. Only pole-mounted antennas ~~or strand mounted antennas (within 10 foot of pole)~~ shall be permitted in the right-of-way. All other telecommunications ~~towers~~facilities are prohibited and no new poles are permitted that are not replacing an existing pole.

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c. Utility Poles. If the proposed facility is to be located upon a utility pole, the maximum height of any antenna shall not exceed the lesser of forty-eight (48) inches or ten percent (10%) above the existing height of the utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than twenty-four (24) feet above any drivable road surface or 16-and-one-half feet (16.5') above any sidewalk or driveway surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.

d. Light Poles. If the proposed facility is to be located upon a light pole, the maximum height of any antenna shall not exceed the lesser of forty-eight (48) inches or ten percent (10%) above the existing height of the light pole, nor shall any portion of the antenna or equipment mounted on a pole be less than ten (10) feet above the ground and no less than twenty-four (24) feet above any drivable road surface or more than sixteen and a half (16.5) feet above any sidewalk or driveway surface.

e. New or Replacement Poles. Primarily but not exclusively for

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aesthetic reasons, the City reserves the right, at Applicant's cost, to require a new pole, or a replacement pole if such is needed to accommodate Wireless Equipment. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall either be (i) designed to resemble as closely as is reasonably possible the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible; or (ii) designed consistent with adopted wireless design guidelines. The new or replacement pole shall also be a hollow metal or non-~~corrodable~~corrodible, functionally equivalent structure.

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f. A pole mounted equipment and enclosure, exclusive of antennas, shall not exceed four (4) cubic feet in total volume.

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g. No utility or light pole shall ever exceed the lesser of fifty feet (50') or the maximum permitted height for the zoning district in which it is located.

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h. Accessory Equipment: Except where otherwise preempted by federal or state law, all accessory equipment is required to be located underground to the extent feasible. When above-ground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and when viewed from the street, is surrounded by foliage, which foliage, within 6 months of installation, will screen no less than 50% of the structure when viewed from the street.

6. *Space.* Each facility to be located within the right of way shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

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7. *Wind Loads.* Each facility shall be properly engineered to withstand wind loads as required by this Code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility, where such modification is proposed.

8. *Obstructions.* Each component part of a facility shall be located ~~so in such manner, as not to cause any~~minimize physical or visual obstruction to pedestrian or vehicular traffic, not incommode the public's use of the right-of-way, ~~and not create~~ safety hazards to pedestrians and motorists.

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9. *Public Facilities.* No equipment or facility shall be located and no work associated thereto shall interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, utility or any other public health or safety facility or the public right-of-way.

10. *Screening and Aesthetics.*

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a. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least eighteen (18) inches from the curb and gutter flow line.

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b. If permitted to be mounted externally, no Wireless Antenna or other pole-mounted equipment shall extend laterally beyond the diameter of the structure as measured at the point of attachment.

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c. If permitted to be mounted externally, the point of attachment of any antennas shall not be more than three inches (3") from the pole or other support structure, and the space between the structure and the attachment point of the antenna shall be concealed with a weather-proof material the same color as the structure or the antenna.

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d. Antennas shall be of a color that, as closely as is reasonably possible, matches that of the support structure.

e. Except in such circumstances where federal or state law preempts this requirement, all antenna, cabling, electronic and accessory equipment not attached to the antenna(s) and transmission and distribution cable or fiber shall be placed underground in a weather-proof vault or contained inside the new support Structure; and when federal or state law or justifiable circumstance preempt or prohibit this requirement, the same shall be mounted so as to be the least visually intrusive given the facts and circumstances.

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~~f. A Small Wireless Facility shall not be easily recognizable as a wireless facility by a layperson.~~

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f. Signage shall be attached on all wireless facilities in such manner as to leave it clearly visible to any person by, near, under, or around the site, indicating the level of exposure to RF emissions from the site at the spot of the signage. Signage shall be in compliance with appropriate federal and state regulations.

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g. All small cell or DAS Antennas shall not be larger than two feet (2') in height.

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11. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below:

a. If the proposed facility is in the right-of-way, unless city staff determines that there is no room in the public right-of-way for undergrounding, that undergrounding is not feasible, or federal or state law or regulation prohibit the City from requiring undergrounding, an exception shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.

b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be

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enclosed within a structure, and shall not exceed a height of three feet (3') and a total of twenty-eight (28) cubic feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this Chapter.

c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of street with no homes.

d. When otherwise preempted by federal or state law or regulation.

12. *Landscaping.* Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.

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13. *Signage.* No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

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14. *Lighting.*

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a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.

b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as telecommunications towers, lattice towers and monopoles.

c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The City may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

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e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.

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15. *Noise.*

a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 PM and 7:00 AM. A Fire Department Inspection on backup generators is required before generator installation

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b. At no time shall equipment noise from any facility exceed an exterior noise level of fifty-five (55) dBA three (3) feet from the source of the noise if the facility is located in the public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within ~~five~~fifteen hundred (~~500~~1500) feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed forty-five (45) dBA three (3) feet from the sources of the noise.

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16. *Security.* Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of its location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no dangerous or potentially lethal devices or elements shall be installed as a security device.

17. *Modification.* Consistent with current state and federal laws and, if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

18. *Expiration.* The installation and construction approved by a wireless telecommunications facility permit shall begin within one (1) year after its approval or it will expire without further action by the city.

19. *Construction.* All construction and maintenance shall at all times comply with all applicable portions of all federal, State and local safety and safety related codes.

B. Conditions of Approval. In addition to compliance with the design and development standards outlined in this section, all facilities shall be subject to the following conditions of approval (approval may be by operation of law), as well as any modification of these conditions or additional conditions of approval deemed necessary by the director:

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1. *As built drawings.* The permittee shall submit an as-built drawing within thirty (30) days after installation of the facility. As-builts shall be in an electronic format acceptable to the city which can be linked to the city's GIS.

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2. *Contact information.* The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permittee shall notify the city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

a. Identity, including the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

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b. The legal status of the owner of the wireless telecommunications facility.

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3. *Assignment.* The permittee shall notify the city in writing at least ninety (90) days prior to any proposed transfer or assignment of the permit. The written notice required in this section must include: (1) the transferee's legal name; (2) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address; and (3) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. The director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: federal, state and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission. Noncompliance with the permit and all its conditions of approval, if any, or failure to submit the materials required by the director shall be a cause for the city to revoke the applicable permits pursuant to and following the procedure set on in section 17.150.170.

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4. *Signs.* At all times, all required notices and/or signs shall be posted on the site as required by the Federal Communications Commission, California Public Utilities Commission, any applicable licenses or laws, and as approved by the city. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

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5. *Security.* For a CUP or a Master Deployment Plan Permit, permittee shall pay for and provide a performance bond or other form of security approved by the city attorney's office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and this code. The security instrument coverage shall include, but not be limited to, removal of the facility. (The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.) Before issuance of any building permit, permittee must

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submit said security instrument.

6. *Noise.* If a nearby property owner registers a noise complaint, the city shall forward the same to the permittee. Said complaint shall be reviewed and evaluated by the applicant. The permittee shall have ten (10) business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the city may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of this chapter. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the director may impose conditions on the project to achieve said objective.

7. *Permit Expiration.* A condition setting forth the permit expiration date in accordance with section 17.150.150 shall be included in the conditions of approval.

8. *Additional conditions.* The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the director for the purpose of: (a) protecting the public health, safety, and welfare; (b) preventing interference with pedestrian and vehicular traffic; and/or (c) preventing damage to the public right-of-way or any adjacent property. The city may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the underlying permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the city by the permittee.

9. *Permit Transfer.* The permittee shall not transfer the permit to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by section 17.150.070(B)(5).

10. *Property Rights.* The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the city shall be moved to accommodate a wireless telecommunications facility unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant's facilities.

11. *Liability.* The permittee shall assume full liability for damage or injury

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caused to any property or person by the facility.

12. *Repair Obligations.* The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the permittee not make said correction within the time period allotted the city engineer shall cause such repair to be completed at permittee's sole cost and expense.

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13. *Drip Line.* No facility shall be permitted to be installed in the drip line of any tree in the right-of-way.

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14. *Insurance.* The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies meeting the City of Nevada City's insurance requirements for contractors to perform work with public right-of-way.

15. *Indemnification.* Permittee shall defend, indemnify, protect and hold harmless city, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the city, and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers to attack, set aside, void or annul, an approval of the city, planning commission or city council concerning this permit and the project. Such indemnification shall include damages of any type, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit city from participating in a defense of any claim, action or proceeding. The city shall have the option of coordinating the defense, including, but not limited to, choosing counsel after consulting with permittee and at permittee's expense.

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16. *Hold Harmless.* Additionally, to the fullest extent permitted by law, the permittee, and every permittee and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney's fees, interest and expert witness fees), or damages claimed by third parties against the city for any injury

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claim, and for property damage sustained by any person, arising out of, resulting from, or are in any way related to the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permittee, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.

17. *Cabinet Removal.* Should the utility company servicing the facility with electrical service that does not require the use of an above ground meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within ninety (90) days of such service being offered and reasonably restore the area to its prior condition. An extension may be granted if circumstances arise outside of the control of the permittee.

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18. *Relocation.* The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to city, if and when made necessary by (i) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or above ground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency, (ii) any abandonment of any street, sidewalk or other public facility, (iii) any change of grade, alignment or width of any street, sidewalk or other public facility, or (iv) a determination by the director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within ninety (90) days of notification by city unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a modified permit pursuant to the Code including applicable notice and hearing procedures. The permittee shall be entitled, on permittee's election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Code allow. In the event the facility is not modified, removed, or relocated within said period of time, city may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances including those of immediate or imminent threat to the public's health and safety, the city may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

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19. *Conditions.* Permittee shall agree in writing that the permittee is aware of, and agrees to abide by, all conditions of approval imposed by the wireless telecommunications facility permit within thirty (30) days of permit issuance. The permit shall be void and of no force or effect unless such written consent is received by the city within said thirty (30) day period.

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20. *Right of Way Agreement.* Prior to the issuance of any encroachment permit,

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permittee shall be required to enter into a right-of-way agreement with the city in accordance with the City's past practice.

17.150.080 Findings.

No CUP shall be granted for a wireless telecommunications facility unless the approving party makes all of the following findings:

- A. All notices required for the proposed installation have been timely given.
- B. The proposed facility has been designed and located in compliance with all applicable laws, including the requirements of this Chapter 17.150.
- C. The applicant has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has otherwise obtained a legal authorization to use the public right-of-way.
- D. The facility is designed in a manner consistent with the architectural requirements applicable to the zone, if any.

~~E. The applicant has shown that no other feasible design would be less intrusive upon the values intended to be protected by Chapter 17.150. The proposed facilities are designed in a way that preserves and promotes harmonious land uses and the public right-of-way in the City, furthers the purposes of the general plan, and protects public health and safety, visual resources, and the aesthetic quality of the City consistent with the goals, objectives and policies of the General Plan;~~

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~~FF. The applicant has shown that no other feasible design would be less intrusive upon the values intended to be protected by Chapter 17.150.~~

~~G. There is no known feasible alternate location which is available to the applicant at rates that are not commercially impracticable and that would be less intrusive upon the values intended to be protected by Chapter 17.150, and which location would allow the applicant to meet its reasonable wireless coverage objectives.~~

17.150.090 Planning Commission.

The Planning Commission will review and approve, conditionally approve, or deny ~~CUP and Master Deployment Plan Permits~~ a CUP.

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17.150.100 Nonexclusive Grant

No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as any warranty of title.

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17.150.110 Emergency Deployment.

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A COW shall be permitted for the duration of an emergency declared by the city or at the discretion of the director. "COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed. Notwithstanding the foregoing, other than in extreme emergency situations as determined by the City, COWs shall not be permitted in the right-of-way.

17.150.120 Operation and Maintenance Standards.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards.

A. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent within forty-eight (48) hours:

1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent;

2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.

B. Each permittee of a wireless telecommunications facility shall provide the director with the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven (7) days of any change.

C. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good and safe condition, including compliance with the applicable portions of the most current version of TIA-ANSI 222, including but not limited to ensuring the facilities are free of:

1. Unreasonable amount of General dirt and grease;
2. Chipped, faded, peeling, and cracked paint;
3. Rust and corrosion;
4. Cracks, dents, and discoloration;
5. Missing, discolored or damaged artificial foliage or other camouflage;
6. Graffiti, bills, stickers, advertisements, litter and debris;

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- 7. Loose or unsecured fittings.
- 8. Broken and misshapen structural parts; and
- 9. Any damage from any cause.

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D. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the director.

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E. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

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F. Each facility shall be operated and maintained to comply with all conditions of approval. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in this chapter.

17.150.130 Certificate of Completion for New Work

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A. No work shall be allowed to be done at or on any wireless facility, excepting normal repair and maintenance work, for which the owner cannot produce a certificate of completion for the most recent previous work, until a final inspection has been conducted and a certificate of completion has been issued. The owner of the wireless facility, telecommunications tower, or other support structure shall pay for any inspection(s) prior to the inspection(s) being conducted. A passing final inspection is required prior to the issuance of a certificate of completion.

B. Operation of a facility without a certificate of completion is prohibited and may be enforced either pursuant to Chapter 1.12 or 1.22 of this Code.

17.150.140 No Dangerous Condition or Obstructions Allowed.

No person shall install, use or maintain any facility, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impairs or impedes the flow of pedestrian, bicycle, or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location. A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not materially obstruct

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the roadway views of vehicles, bicycles, and pedestrians traveling within the public right-of-way, and does not obstruct the visibility of signs located within the right-of-way.

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17.150.150 Permit Expiration.

A. Unless Government Code section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this Code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.

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~~B.~~ B. A permittee may apply for a new permit within one hundred and eighty (180) days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.

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17.150.160 Cessation of Use or Abandonment.

A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for ninety (90) or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

B. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten (10) days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of thirty (30) days or more.

C. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:

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1. Litigation;
2. Revocation or modification of the permit;
3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
4. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or

5. Any other remedies permitted under this Code.

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17.150.170 Removal and Restoration – Permit Expiration, Revocation or Abandonment.

A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property, at no cost or expense to the city.

B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within ninety (90) days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this Code. Upon a showing of good cause, an extension may be granted by the director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:

1. Prosecution;
2. Acting on any security instrument required by this chapter or conditions of approval of permit;
3. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or
4. Any other remedies permitted under this Code.

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~~C.~~ C. *Summary Removal.* In the event the director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five (5) business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty (60) days, the facility shall be treated as abandoned property.

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D. *Removal of Facilities by City.* In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the city due to exigent circumstances.

17.150.180 Exceptions.

A. Effective Prohibition. In the event that any applicant asserts that strict compliance with any provisions in this chapter, as applied to a specific proposed wireless services facility, would effectively prohibit the provision of wireless services, the Planning Commission, when the application is for a CUP, or the Director, when the application is for an Administrative Permit, may grant a limited, one-time exemption from strict compliance subject to the provisions in this section.

B. Required Findings. The Planning Commission or Director, shall not grant any exception unless the applicant demonstrates with clear and convincing evidence all the following:

1. The applicant has provided the city with a clearly defined technical service objective and a clearly defined potential site search area;

32. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city of otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available; and

43. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives.

C. Scope. The Planning Commission and Director, shall limit its/their, exemption to the extent to which the applicant demonstrates such exemption in Necessary to reasonably achieve its reasonable technical service Needs. The Planning Commission may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

D. Procedure. An applicant desiring relief, waiver, or exemption from any aspect or requirement of this Ordinance shall address and identify such at the earliest possible time.

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If relief is not requested at or prior to a Pre-Application meeting, the city reserves the right to require a formal Amendment of the Application, including payment of all applicable fees and charges. The burden of providing the need for requested relief shall be solely on Applicant. Applicant bears all costs of the city in considering the request for relief.

17.150.190 Location Prohibitions and Preferences

- A. Prohibited. Unless otherwise required by law, no wireless facility in the right of way may be located in any area the City Engineer determines is inconsistent with existing or planned or expected uses of the right of way.
- B. Epecially Discouraged. ~~Unless authorized by CUP or otherwise allowed by law, telecommunications~~Telecommunications facilities ~~shall not be allowed within those portions of the right of way which are especially discouraged in the 7-Hills Business District, any residential and historical zone or in the Historical Combining District, as well as designated sensitive areas.~~
- C. Discouraged. Wireless telecommunication facilities are discouraged from being in the Scenic Corridor Combining District- ~~or any Historic Districts.~~ A facility in the scenic corridor combining district must ~~either~~ obtain a CUP ~~or administrative permit~~ where required by federal or state law and this ordinance.
- D. Encouraged. Wireless telecommunication facilities are encouraged to be in industrial and commercial zones.

17.150.200 Effect on Other Ordinances.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this Code. In the event of a conflict between any provision of this chapter and other sections of this Code, this chapter shall control.

17.150.210 State or Federal Law.

A. In the event it is determined by the city attorney that state or federal law prohibits certain discretionary permitting requirements for certain wireless telecommunications facilities, such requirement shall be deemed severable and all remaining regulations shall remain in full force and effect. For those facilities, in lieu of a CUP required by section 17.150.040, an administrative permit shall be required, and all provisions of that section shall be required except to the extent determined by the city attorney to be prohibited by law. Any conditions of approval set forth in this provision or deemed necessary by the director shall be imposed and administered as reasonable time, place and manner rules.

B. If subsequent to the issuance of the city attorney's opinion pursuant to (A) above, the city attorney determines that the law has changed and that such discretionary permitting is permissible, the city attorney shall inform appropriate city staff and all

discretionary permitting requirements shall be reinstated.

17.150.220 Nonconforming Wireless Telecommunications Facilities in the Right-of-Way.

A. Nonconforming wireless telecommunications facilities are those facilities that do not conform to this chapter.

B. Nonconforming wireless telecommunications facilities shall be brought into conformity with all requirements of this article upon the first modification or upgrade of the Facility or Equipment following adoption of this ordinance; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this Code at such time, to the extent the city can require such compliance under federal and state law.

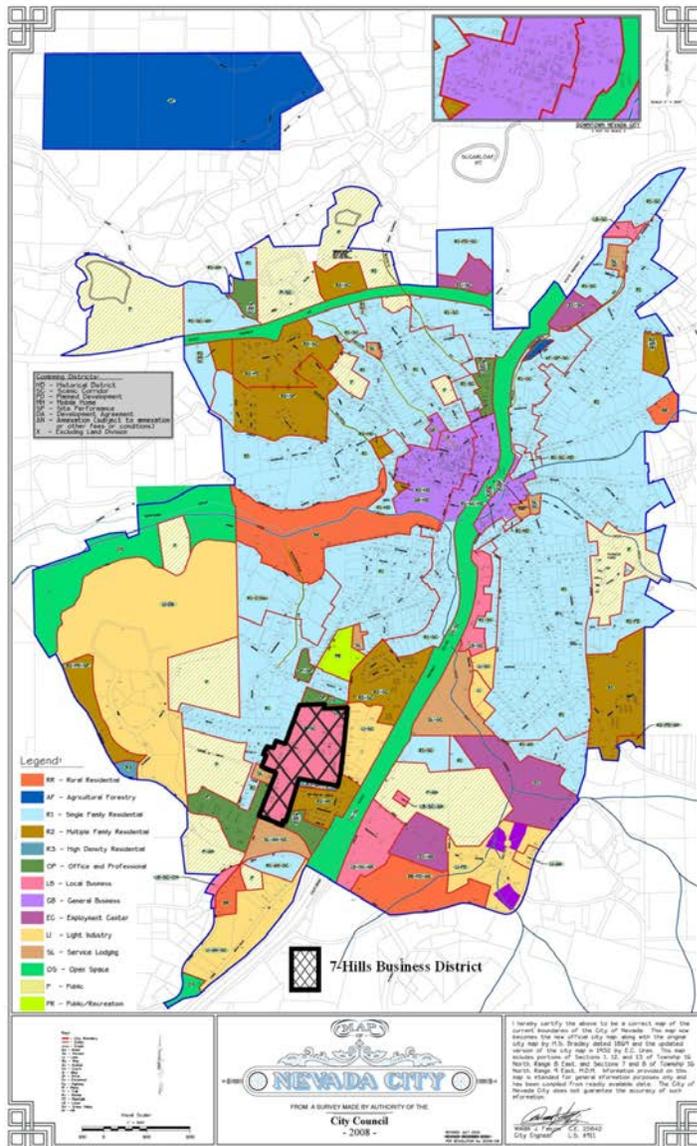
C. An aggrieved person may file an appeal to the city council of any decision of the director made pursuant to this section. In the event of an appeal alleging that the ten (10) year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.”

SECTION 17.150.230 MAP OF 7-HILLS BUSINESS DISTRICT

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**7-Hills Business District Exhibit Map
as depicted on the City Zoning Map**



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ORDINANCE NO. 2020-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY
REPEALING AND READOPTING CHAPTER 17.150 OF THE
NEVADA CITY MUNICIPAL CODE ENTITLED “WIRELESS
TELECOMMUNICATION FACILITIES IN THE CITY”**

WHEREAS, Section 7901 of the California Public Utilities Code (“section 7901”) authorizes telephone and wireless corporations to construct telephone or wireless telecommunication lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters; and

WHEREAS, Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner, and may involve the imposition of fees. Specifically, it has been determined by the courts that a municipality has authority to regulate the placement and appearance of telecommunications equipment installed on its public rights-of-way, and that a municipality need not grant wireless providers blanket permission to install their equipment throughout a municipality, but may require wireless providers to go through a site-specific permitting process provided it is not so burdensome that it runs afoul of section 7901; and

WHEREAS, Section 1455 of Title 47 of the United States Code mandates approval by local agencies of certain eligible facilities requests for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such wireless tower or base station; and

WHEREAS, on October 10, 2018, the City Council adopted an interim ordinance, and on November 14, 2018, the City Council extended that ordinance through October 9, 2019;

WHEREAS, on September 25, 2020, the City Council of the City of Nevada City adopted an Ordinance amending Chapter 17.150 of the Nevada City Municipal Code and renaming it “Wireless Telecommunication Facilities in the City;” and

WHEREAS, the City Council desires to adopt further amendments to Chapter 17.150 of the Municipal Code, consistent s authority under federal and state law.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY
DOES ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 17.150 of the Municipal Code Replaced and Readopted. Chapter 17.150 entitled “Wireless Telecommunications Facilities” is hereby repealed in its entirety and readopted to read as follows:

“17.150.010 Purpose and Policy.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of zoning regulations and standards for the permitting, development, siting, installation, modification, design, operation and maintenance of wireless telecommunications facilities in the city. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the General Plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with all current state and federal laws, rules and regulations.

This chapter is intended solely as a zoning regulation. These requirements are in addition to any other applicable law, such as the requirement to obtain an encroachment permit, and any required authorization from a third party, such as an electric utility.

17.150.020 Definitions.

“7-Hills Business District” means the areas shown in Section 17.150.230.

“Accessory Facility or Structure” means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunication Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment, storage sheds, or cabinets.

“Accessory equipment” means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

“ADA” means the Americans With Disabilities Act or ADA.

“Applicant” means any Wireless service provider submitting an application for a conditional use permit or administrative permit for Wireless telecommunications facilities.

“Application” means all necessary and required documentation that an Applicant submits in order to receive a conditional use permit, administrative permit, or a building permit for Wireless telecommunications facilities.

“Antenna” means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

“Base station” shall have the same meaning as set forth in 47 C.F.R. 1.6100 (b)(1), as may be amended.

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“Code” means the Nevada City Municipal Code.

“Collocation” or **“Co-location”** has the same meaning as set forth in 47 C.F.R. §1.40001(b)(2), as may be amended.

“Commercial Impracticability” or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and which jeopardizes the financial efficacy of the project.

“Complete Application” means an application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an application and that all information is true, accurate and correct.

“Concealment” shall have the same meaning as Stealth below.

“DAS” or **“Distributive Antenna System”** means a network of antennas and related fiber optic nodes, including strand-mounted antennas, which provide access and signal transfer for Wireless Telecommunication Service providers. DAS also includes antenna combining technology, managed hubs and remote antennas that distribute a wireless signal to a series of connected indoor or outdoor multi-band, multi-technology radio heads allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

“CUP” shall mean conditional use permit.

“Director” means the City Manager, or his or her designee.

“Eligible Facility” means an existing Wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a substantial modification.

“FAA” means the Federal Aviation Administration, or its duly designated and authorized successor agency.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission, or its duly designated and authorized successor agency.

“Ground-Mounted” means any communications equipment that is mounted to a separate post or to a foundation on the ground and extends above the natural grade.

“Located within public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the public right-of-way.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: a change or addition of equipment, collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation.

“Monopole” means a structure composed of a hollow non-wooden pole or telecommunications tower used to support antennas or related equipment. A monopole also includes any disguised monopole, including but not limited to trees or other object.

“Mounted” means attached or supported.

“Necessary” or **“Necessity”** or **“Need”** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service in violation of applicable law. Necessary or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant’s specific chosen design standards. Any situation involving a choice between or among alternatives or options is not a Need or a Necessity.

“Personal wireless service(s)” shall have the same meaning as set forth in 47 U.S.C. § 332(c)(7)(C), as it may be amended.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as

required by provisions of this Code.

“Small wireless facility” or **“Small cell”** shall have the same meaning as provided in 47 CFR 1.6002(*l*) as it may be amended from time to time.

“Stealth” or **“Stealth Siting Technique”** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which means the least visually and physically intrusive Facility, so as to make it substantially invisible, and that is not technologically or commercially impracticable under the facts and circumstances. Stealth technique includes such techniques as i) DAS or its functional equivalent; or ii) camouflage where the Facility is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility.

“Substantial Modification” has the same meaning as provided in 47 C.F.R § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular Facility type and location. For clarity, the definition in this section organizes the FCC’s criteria and thresholds for a substantial change according to the Facility type and location.

1. For Towers outside the public rights-of-way, a substantial change occurs when:
 - a. The proposed co-location or modification increases the overall height more than ten percent (10%) or the height of one additional antenna array not to exceed twenty (20) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than twenty (20) feet from the edge of the Wireless Tower or the width of the Wireless Tower at the level of the appurtenance (whichever is greater); or
 - c. The proposed co-location or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four (4); or
 - d. The proposed co-location or modification involves excavation outside the current boundaries of the leased or owned property surrounding the Wireless Tower, including any access or utility easements currently related to the site.
2. For Towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - a. The proposed co-location or modification increases that overall height more than ten percent (10%) or ten (10) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than six (6) feet from the edge of the Wireless Tower or base station; or
 - c. The proposed co-location or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or

- d. The proposed co-location or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted cabinets; or
 - e. The proposed co-location or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
3. In addition, for all Towers and base stations wherever located, a substantial change occurs when:
- a. The proposed co-location or modification would defeat the existing concealment elements of the support structure as determined by the City; or
 - b. The proposed co-location or modification violates a prior condition of approval as regards to height, width, number and size of equipment cabinets or any excavation that is inconsistent with the thresholds for a substantial change described in this section.
4. As to all measurements set forth herein, the following principles shall govern:
- a. Any threshold or limit of height increases are cumulative or collective.
 - b. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to Wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date of passage of the Middle-Class Tax Relief and Job Creation Act of 2012, Section 6409(a).

“Telecommunication tower” means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

“Transmission Equipment” shall have the same meaning as provided in 47C.F.R. § 1.40001(b)(8), as may be amended.

“Tower” shall have the same meaning as set forth in 47 C.F.R. 1.40001(b)(9), as may be amended.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a wireless telecommunications collocation facility, and shall include, but not limited to, the following services: personal wireless services, cellular service, personal communication service, and/or data radio telecommunications.

“Wireless telecommunications facility” or “facilities” mean any facility that transmits and/or receives electromagnetic waves for commercial purposes. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development. This definition includes DAS systems owned or operated by a commercial carrier and are part of a commercial wireless system, or are able to be used by the general public, regardless of the location or whether the facility or any of its components is located inside or outside a structure or building.

Exceptions: The term “wireless telecommunications facility” does not apply to the following:

(a) A telecommunications facility that is both owned and operated by a governmental entity where the director determines enforcing the requirements of this Chapter are against the public interest.

(b) Mobile services providing public information coverage of news events of a temporary nature.

(d) Any wireless telecommunications facilities exempted from this Code by federal law or state law.

17.150.030 Applicability

A. Applicability. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in any portion of the City as follows:

1. All facilities, notwithstanding the date approved or the location installed, shall be subject immediately to the provisions of this chapter provided, however, if a condition of approval conflicts with a provision of this chapter, the condition of approval shall control until the permit is amended or revoked.

2. Any wireless telecommunication facility that was lawfully constructed prior to the adoption of this Ordinance that does not comply with the standards, regulations and/or requirements of this chapter, shall be allowed to continue as it presently exists, provided that i) it exists and is operating as originally permitted; and ii) any modification of the Facility has been properly permitted.

3. Any modification not properly permitted under a previously existing ordinance must be permitted under this Ordinance.

4. Any modification of a Facility or its equipment subsequent to the adoption of this Ordinance, must be permitted under this Ordinance and will require the entire Facility and any new or modified installation to comply with this Ordinance, except that

any Tower or other support structure properly permitted prior to the adoption of this Ordinance may remain at the originally permitted height.

5. Any repair and maintenance of a Wireless Facility that does not i) increase the height of the structure, ii) alter the equipment profile, iii) change the latest RF Modeling form provided for this site, iv) increase the footprint of the Facility, v) increase the structural loading on the support structure; or vi) otherwise exceed the conditions of the permit, does not require an application for a new permit, but may require a building permit, electrical permit or other authorizing permit. In no instance shall any additional construction or modification be considered to be repair or maintenance.

B. Exclusions. This chapter does not apply to any entity legally entitled to an exemption from these zoning requirements pursuant to state or federal law.

17.150.040 Wireless Telecommunications Facility Permit Requirements.

A. General Rule: Conditional Use Permit Required

Unless otherwise provided herein, all new wireless facilities, except for small cells or collocations or modifications to existing wireless facilities, shall require a Conditional Use Permit. See section 17.150.060, below for review procedures.

1. The Planning Commission may refer a conditional use permit to the City Council for approval.
2. The Planning Commission shall approve a Conditional Use Permit if all of the following apply:
 - A. The facility will comply with all applicable laws including, but not limited to:
 1. The Americans with Disabilities Act;
 2. All building and safety requirements, including those within the California Building Standards Code, as amended by the city and the latest version of TIA ANSI 222, to the extent that such standards are more restrictive than the otherwise applicable requirements.
 3. All applicable current requirements of the FCC and OSHA (Occupational Safety and Health Administration), including requirements relating to radiofrequency (RF) emissions and limits on interference.
 4. The requirements of this Chapter 17.150.

5. Either the City has issued all required encroachment permits or it is a condition of the issuance of the permit that no installation begin in reliance on the permit until the City has issued all required encroachment permits.

B. A facility that obtains an administrative permit need not obtain a conditional use permit.

B. Administrative Permit.

The Director shall approve an administrative permit if all of the following apply:

1. The application is for i) a Small Wireless Facility, or ii) a collocation or modification of wireless telecommunication equipment on an existing Eligible Facility which does not create a Substantial Modification.
2. The facility will comply with all applicable laws including, but not limited to:
 - a. The Americans with Disabilities Act;
 - b. All building and safety requirements, including those within the California Building Standards Code, as amended by the city and the latest version of TIA ANSI 222, to the extent that such standards are more restrictive than the otherwise applicable requirements.
 - c. All applicable requirements of the FCC and OSHA (Occupational Safety and Health Administration), including requirements relating to radiofrequency (RF) emissions and limits on interference.
 - d. The requirements of this Chapter 17.150.
3. The proposed facility complies with the City's published wireless design guidelines.
4. The proposed facility will be installed on either:
 - a. An existing support structure that meets all of the following requirements:
 - i. The facility will match the design of the pole; and
 - ii. If feasible, all equipment installed on the pole will be the same color as the pole; or
 - b. A new light pole that meets all of the following requirements:
 - i. The pole is not closer to any existing light pole than the then current spacing between light poles upon the street the pole shall be installed; and

ii. Unless requested otherwise by the City in writing, the light on the pole will be illuminated, operated, and maintained consistent with the operation of the other light poles in the City, and the full costs of illumination shall be fully borne by the applicant.

5. Either the City has issued all required encroachment permits or it is a condition of the issuance of the permit that no installation begin in reliance on the permit until the City has issued all required encroachment permits.

C. Batched Application: An Applicant, or its agent of record, may submit Applications for multiple small wireless facilities or locations with the following conditions that are intended in order to assure compliance with the FCC's 'Shot Clock' requirements:

1. No single batched submittal shall contain more than five (5) Applications.
2. There must be a minimum of seven business days between submittals of batched Applications.
4. No more than 4 batched Applications shall be accepted in any thirty consecutive day period.

D. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required permits or other approvals from other city departments, state or federal agencies.

E. Eligible Applicants. Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the public right-of-way, or who are acting at the behest and direction of one of the foregoing shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunication collocation facility in the public right-of-way.

F. Speculative Equipment Prohibited. The city shall not approve any equipment or other improvements in connection with a Wireless Telecommunications Facility Permit when the applicant does not actually and presently intend to install such equipment or construct such improvements within one-hundred-eighty (180) days.

17.150.050 Application for Wireless Telecommunications Facility Permit

A) General Application Requirements: The following items are considered general application requirements and shall be included in all applications:

1. Identification of all current applicable federal and State law and rule, including the specific section and subsection, regarding Wireless facilities under which the Application is filed.
2. The name, address, phone number and e-mail address of the person preparing the application
3. The name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the Applicant, the name and all necessary contact information for each shall be provided.
4. The postal address and tax map parcel number of the subject property, or when application is for installation in the public right of way real, for the real property closest to proposed installation, and, if applicable, the Public Utility Pole number.
5. The zoning district or designation in which the property is situated.
6. For all new Facilities, a completed Propagation Study Data Form is required.
7. For all new Facilities, a separate list of all frequencies licensed to the carrier not intended to be initially activated.
8. A copy of the FCC licenses applicable for all the frequency bands licensed to the carrier to provide service in the City.
9. All Applications shall include signed written commitment stating that:
 - a) the Applicant's Facility shall at all times without exception be maintained in a safe manner, and in compliance with all conditions of the Conditional Use Permit, as well as all applicable and permissible local codes, ordinances, and regulations and all applicable City, State and Federal Laws, rules, and regulations, unless specifically granted relief by the Council in writing;
 - b) the construction of the Facility is legally permissible, including, but not limited to the fact that the Applicant is licensed to do business in the State.
 - c) the Applicant commits to fully and completely indemnify the City for any use of the City's Right-of-Way by Applicant, it's employees, and agents.
10. Certified detailed construction drawings, including but not limited to the following information:

- a) the size of the property footprint on which the structure to be built or attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines and rights-of-way.
 - b) location of the nearest residential or habitable structure.
 - c) the location, size and height of all existing and proposed structures on the property.
 - d) enclosures and cabinets on the property on which the structure is located that are related to the subject of the application.
 - e) a site plan to-scale showing the footprint of the support structure and the type, location and dimensions of boundaries, access drives, landscaping and buffers, fencing, underground utilities of any kind and any easements.
 - f) elevation drawings showing the profile and the vertical rendition of the Facility and, where appropriate, its support Structure and identifying all existing and proposed attachments and all related fixtures, structures, appurtenances and apparatus, including the height above the existing grade, materials, colors and lighting.
 - g) proposed electrical and grounding plans for the Facility.
11. The azimuth, size, top of antenna height, locations of all proposed and existing antennas on the support structure, and the height of the tip of any lightning arrester.
12. Copies of the cut sheets for all antennas, RRU's, Transmitters, Receivers, and other in line RF devices that are used in the site.
13. The type and manufacturer of the Tower or other support Structure and a rigorous structural analysis and report for such, including the calculations, certified by a Professional Engineer licensed in the State and proving the structure's capability to safely accommodate the facilities of the Applicant.
14. An ANSI/TIA-222 Maintenance and Conditions Assessment report regarding the physical condition of the Facility and its components, using the most recently adopted version of ANSI/TIA-222, or a functional equivalent report for any support structure that is not a Tower. If applicable, the report shall identify and contain allowable tolerances including but not limited to guy tensions, plumb, twist, slip splices, and take-up devices. No Conditional Use Permit or Administrative Permit or any authorization for anything other than remediation work shall be issued for any Wireless Facility or related equipment where the

structure being attached to is in need of safety-related remediation to comply with the requirements of this Ordinance and other applicable adopted standards of the City, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the City.

15. For telecommunications Towers, but only Towers, taller than thirty-three feet (33') in height, a completed and signed checklist for categorical exclusion of radio frequency electromagnetic emissions. If the modification, co-location or construction of a new Wireless Facility is not categorically excluded based on the Federal Communications Commission's rules and regulations, the Applicant shall provide a compliance letter to the City committing to remain in full compliance with all requirements set forth by the latest edition of the Federal Communications Commission (FCC) OET Bulletin 65 or its functional equivalent.
16. A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other Wireless devices or services.
17. Cut Sheets or specifications for all equipment to be installed/mounted on the structure including a photograph and model name/number for each piece of equipment included.
18. No applicant seeking to install wireless antennas shall seek an encroachment permit for fiber or coaxial cable only. Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the right-of-way.
19. If the applicant requests an exception to the requirements of this chapter (in accordance with section 17.150.180), the applicant shall provide all information and studies necessary for the city to evaluate that request.
20. An application fee and a deposit for a consultant's review as set forth herein; in an amount set by resolution by the city council. Failing to submit the correct Application fee shall make the Application incomplete on its face
21. Proof that a temporary mock-up of the facility and sign has been installed at the proposed location for a period of at least thirty (30) calendar days.
 - a) Applicant shall obtain an encroachment permit before installing the temporary mock-up and must remove the temporary mock-up within five (5) calendar days of receiving a written notice to remove from the director.
 - b) When seeking the encroachment permit, the applicant shall provide proof of written notice mailed to all property owners within

300 feet of the proposed installation. The applicant shall mail a notice regarding installation of the mock-up at least ten (10) business days prior to the installation.

- c) The mock-up shall demonstrate the height and mass of the facility, including all interconnecting cables. The applicant shall not be entitled to install the facility it intends to install permanently. The mock-up may consist of story poles or the like.
- d) The mock-up shall include a sign that displays photo simulations depicting before and after images, including any accessory equipment cabinet, and the telephone number of the Public Works Department.
- e) The applicant shall be required to follow any other city practices or processes relevant to the installation of a mock-up as may be provided in a publicly accessible form or document.
- f) After installation of the mock-up, the applicant shall certify that the mock-up accurately represents the height and width of the proposed installation and has been installed consistent with this Code.

B) Co-location Application Requirements: In addition to the requirements set forth in Subsection A, the following items shall be included in the application for co-locations.

- 1) A copy of the lease with the owner of the structure, and with the landowner if different than the structure owner, and if applicable a signed letter of agency granting authorization to represent and commit for the party represented. If the Applicant owns the site, a copy of proof of ownership is required.
- 2) The frequency, modulation and class of service of radio or other transmitting equipment.
- 3) Transmission and maximum effective radiated power of the antenna(s).
- 4) Direction of maximum lobes and associated radiation of the antenna(s).
- 5) Require to-scale photographic simulations of the Facility “before and after construction” from key viewpoints inside of the City as deemed appropriate and/or as designated and accompanied by i) a map showing the locations of where the photographs were taken; and ii) the distance(s) of each location from the proposed structure. Guidance will be provided concerning the appropriate key viewpoints on an individual Application basis.

6) A copy of the Applicant's Certificate of Liability Insurance.

C) New Wireless Structures and Substantial Modification Requirements: In addition to the preceding requirements, the following shall be included in the application for new Wireless Support Structures and Substantial Modifications of support structures:

1. General Liability Commercial Insurance \$5 million to protect the City: The applicant shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies of commercial general liability insurance, with minimum limits of Two Million Dollars (\$2,000,000) for each occurrence and One Hundred Million Dollars (\$100,000,000) in the aggregate, that fully protects the City from claims and suits for boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced.
2. The Applicant for a new Tower or Substantial Modification shall submit clear and convincing technical evidence, done by the Wireless service provider associated with the Application, justifying the technical Need for the proposed height of the Facility and the Need for such, to the exclusion of all reasonable less intrusive alternatives. Evidence in the form of propagation studies must include the modeling data and assumptions used to produce the studies on a form to be provided by the City.
3. The Applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the Applicant to share space on the new Tower or support structure.
4. If a Modification of a Facility is needed whereby the height, profile or size of the Facility is increased, or if construction is needed outside the permitted compound or property, a detailed narrative explaining what changes are needed and why they are needed.
5. The type of support structure, the number of antenna arrays proposed to be accommodated and a Certified structural report, including all calculations, demonstrating the Facility's capacity to accommodate the required number of antenna arrays and associated equipment for which the structure must be designed.

6. A copy of the foundation design, including a geotechnical sub-surface soils investigation report and foundation design recommendation for the Tower or other structure. Such shall be Certified by a licensed Professional Engineer licensed in the State that is experienced in the structural design of Wireless support structures.

7. A written copy of an analysis completed by a qualified individual or organization to determine if the proposed Wireless telecommunications Facility is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. Unless already lighted, this requirement shall also be for any Facility where there is a proposed increase in the height of the Facility. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

8. A narrative description of the specifically what will be done to minimize the visual impact. The City expressly reserves the right to require the use of stealth or camouflage techniques.

9. For a new support structure, or for a Substantial Modification, the Applicant shall be required to submit clear and convincing evidence that a new Tower or support structure or the Substantial Modification is the only option within one-half (1/2) mile of the proposed new Tower or support structure that will enable the provision of Wireless services substantially within the intended service area.

10. Timely re-certifications (at the municipality's discretion but no more frequent than every 5 years) will be denied if the re-certification has not been properly or timely submitted, or any equipment no longer in use has not been removed within the required 30-day period. In addition, no further applications for any new wireless facilities from the applicant and its representatives will be accepted by the City until such time as the timely re-certification has been submitted, all equipment no longer in use has been removed, and all fees and fines or any other amounts owed are paid in full.

11. In order to better inform the public, in the case of a new Tower or support structure, the Applicant shall hold a "balloon test" or erect a story pole, i.e. a temporary mast, prior to the initial public hearing on the application. The choice of the use of a balloon test or story pole shall be that of the City based upon the facts and circumstances involved.

a) The Applicant shall arrange to fly, or raise upon story pole, a minimum of a three (3) foot in diameter, brightly colored balloon at the maximum height of the proposed new Tower. To reasonably assure control and the stability of the balloon in winds, a spherical balloon shall not be used.

- b) At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be legible from the road by a person with 20/20 corrected vision. The sign shall be placed off, but as near to, the public right-of-way as is possible and shall show the times and date(s) of the balloon test and City contact information.
- c) The dates (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date), times and location of the balloon test shall be advertised by the Applicant, in a newspaper with a general circulation in the City and as agreed to by the City, fourteen (14) and seven (7) days in advance of the first test date. The Applicant shall inform the City in writing of the dates and times of the test, at least fourteen (14) days in advance.
- d) The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday. A report with photos from various locations of the balloon, and to-scale superimposed photo simulations of the Facility when completed, shall be provided with the application.

12. The owner of a new Tower or other support structure, and his/her successors in interest, shall negotiate in good faith for the shared use of the Facility by other Wireless service providers, and shall:

- a) Respond within 60 days to a request for information from a potential shared use Applicant.
- b) Negotiate in good faith concerning future requests for shared use of the new Wireless telecommunications Facility by other telecommunications providers.
- c) Allow shared use of the new Wireless telecommunications Facility if another telecommunications provider agrees in writing to pay reasonable charges.
- d) Understand that failure to abide by the conditions outlined above may be grounds for denial or revocation of the Conditional Use Permit.

13. The Applicant shall provide a written description and a visual rendering demonstrating how it shall effectively screen from view the Facility and all related equipment and structures associated with the Facility. The buffer, which may be located within the required setback area, shall consist of a landscape strip, at least five (5) feet in depth, located outside the security fence. The landscape strip should be planted with a combination of trees and/or shrubs which are capable of attaining the required minimum height at maturity and which will enhance and, at minimum, partially screen the outward appearance of the security fence. For facilities located within 1,500 feet of environmentally sensitive areas, as the City may designate in its sole and absolute discretion, the City may require wider landscape buffers and other items such as decay resistant, solid wood fences, earth berms, and brick or masonry walls in addition to the security fence. All fencing, walls, and landscaping shall be kept in good condition and repair and maintained in a neat manner by the owner of the Tower.
14. Co-location Not Reasonably Feasible: Co-location on an existing structure is not reasonably feasible if the co-location is Technically or Commercially Impracticable or the owner of the structure is unwilling to enter into a contract for its use. Written clear and convincing evidence to support such claims must be submitted with an application.
15. Spec Support Structures Prohibited: A building permit shall not be issued for construction of a new facility or other support structure until there is an application filed for or by a specific carrier that documents that a less visually intrusive option or co-location on an existing structure is not Technologically Impracticable.

D. Small Cell Facilities Requirements. In addition to the preceding requirements, the following shall include in the application for a small cell facility a general description of the proposed scope of work and the specific purpose(s) of the small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with emphasis on those matters likely to be affected or impacted by the work proposed. The description shall include at a minimum the type of equipment, number of antennas, height to top of antenna(s), statement of compliance with FCC requirements, and description and/or depiction of concealment elements.

E. Effect of State or Federal Law Change. If a subsequent state or federal law prohibits the collection of any information authorized by section 17.150.050, the director may omit, modify or add to that request from the city's application form with the written approval of the city attorney, which approval shall be a public record.

F. Independent Expert. The Director is authorized to retain on behalf of the city an independent, qualified consultant to review any application for a permit for a wireless telecommunications facility and confirm applicant's ongoing compliance.

The cost of this review shall be paid by the applicant through a deposit pursuant to an adopted fee schedule which may be adopted by resolution. No permit shall be issued to any applicant which has not fully reimbursed the city for the cost of a consultant's review, even if the cost exceeds the initial amount of the deposit. Such amount shall be paid to the City prior to the issuance of the applicable permit or Certificate of Completion, whichever is procedurally needed next. Upon written request after the issuance of the Certificate of Completion and the payment of all expert assistance invoices, the City shall promptly refund any unexpended amount of the deposit. The payment of the deposit shall precede any work being done that is related to the intended Application or lease.

17.150.060 Review Procedure

A. Pre-submittal Conference. Prior to application submittal, the city strongly encourages all applicants to schedule and attend a pre-submittal conference with designated City staff/departments and or consultants to receive informal feedback on the proposed location, design and application materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal. Staff will endeavor to provide applicants with a reasonable time and date mutually agreed upon. As the pre-submittal conference is not mandatory and is for the benefit of the applicant, it shall not precipitate the start of the FCC's applicable shot clock deadlines.

B. Application Submittal Appointment. All applications must be submitted to the city and/or its designated consultant for completeness and review.

C. Notice; Decisions. The provisions in this section describe the procedures for approval and any required notice for an application.

1. *Planning Commission Hearings*. Any permit application under this chapter subject to planning commission approval (directly, or via appeal) shall require notice and a public hearing. The planning commission may approve, or conditionally approve, an application only after it makes the findings required in section 17.150.080.

2. *Decision by Planning Commission*. The Planning Commission may approve, or conditionally approve, an application only after it makes the findings required in section 17.150.080. Within ten days after the Planning Commission approves or conditionally approves an application under this chapter, the director shall issue a notice of the decision and post the notice on the City's Planning Department public website, and any applicable conditions of approval shall be provided to the applicant at the contact information provided on the application.

3. *Written Decision Required*. All final decisions made pursuant to this chapter shall be in writing and based on substantial evidence in the written administrative record. The written decision shall include the reasons for the decision.

D. Appeals. Appeals shall be subject to the requirements of Chapter 17.88.

E. Review of Applications.

1. *Engineer's Certification.* Where a certification of any technical or engineering expert is called for in an application, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.

2. *Leases Do Not Extinguish City Priorities.* The existence of a lease or an option to lease shall not be deemed justification for not complying with the city's siting priorities. An Applicant may not bypass sites of higher priority solely because the site proposed is under lease or an option to lease exists. If a site other than the number 1 priority is proposed, the applicant must explain to the reasonable satisfaction of the City why colocation is technically or commercially impracticable. Build-to-Suit agreements between carriers and a proposed tower owner shall not be a valid basis for any claim of exemption, exception or waiver from compliance with this Section.

3. *Verifiable Information.* Any technical information must be provided in such a manner, form and with such content that it is able to be verified by a third party using the information used and provided by the applicant.

17.150.070 Requirements for Facilities

A. Design, Development, and Construction Standards.

All Wireless telecommunications shall be planned, designed, located, and erected in accordance with the following:

1. *General Guidelines:*

a. The applicant shall employ screening, undergrounding (where not prohibited by federal or state law) and camouflage design techniques in the design and placement of wireless telecommunications facilities to ensure that the facility is as visually screened as feasible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties all in a manner that achieves compatibility and does not result in visual disharmony with the community.

b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

c. Facilities shall be located such that the primary view from each residential structure is not significantly impaired.

d. The installation of new wireless facilities to new or existing poles in the public right-of-way must be separated at least five hundred (500) feet away from the nearest wireless facility.

e. Each component part of a facility shall be located in such manner as to minimize physical or visual obstructions to pedestrian or vehicular traffic, not inconvenience the public's use of the right-of-way, and not create safety hazards to pedestrians and motorists.

f. A facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, or underground vaults, valve housing structures, or any other vital public health and safety facility.

2. *Traffic Safety.* All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

3. *Blending Methods.* All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

4. *Equipment.* The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, symmetrical to the top of the pole, and no more than four (4) inches wider in diameter than the existing pole, to the extent not technically impracticable. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be the minimum height above ground technically needed to achieve the requirements herein. When part of small cell or DAS, antenna and equipment attached to and directly associated with the antenna, excluding cabling, shall cumulatively not exceed 3 cubic feet in volume, nor be larger than two feet (2') in height.

5. *Poles.*

a. Facilities shall be located consistent with section 17.150.190.

b. Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications facilities are prohibited and no new poles are permitted that are not replacing an existing pole.

c. *Utility Poles.* If the proposed facility is to be located upon a utility pole, the maximum height of any antenna shall not exceed the lesser of forty-eight (48) inches or ten percent (10%) above the existing height of the utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than twenty-four (24) feet above any drivable road surface or 16-and-one-half feet (16.5') above any sidewalk or driveway surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be

revised or superseded.

d. **Light Poles.** If the proposed facility is to be located upon a light pole, the maximum height of any antenna shall not exceed the lesser of forty-eight (48) inches or ten percent (10%) above the existing height of the light pole, nor shall any portion of the antenna or equipment mounted on a pole be less than ten (10) feet above the ground and no less than twenty-four (24) feet above any drivable road surface or more than sixteen and a half (16.5) feet above any sidewalk or driveway surface.

e. **New or Replacement Poles.** Primarily but not exclusively for aesthetic reasons, the City reserves the right, at Applicant's cost, to require a new pole, or a replacement pole if such is needed to accommodate Wireless Equipment. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall either be (i) designed to resemble as closely as is reasonably possible the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible; or (ii) designed consistent with adopted wireless design guidelines. The new or replacement pole shall also be a hollow metal or non-corrodible functionally equivalent structure.

f. A pole mounted equipment and enclosure, exclusive of antennas, shall not exceed four (4) cubic feet in total volume.

g. No utility or light pole shall ever exceed the lesser of fifty feet (50') or the maximum permitted height for the zoning district in which it is located.

h. **Accessory Equipment:** Except where otherwise preempted by federal or state law, all accessory equipment is required to be located underground to the extent feasible. When above-ground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and when viewed from the street, is surrounded by foliage, which foliage, within 6 months of installation, will screen no less than 50% of the structure when viewed from the street.

6. **Space.** Each facility to be located within the right of way shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

7. **Wind Loads.** Each facility shall be properly engineered to withstand wind loads as required by this Code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility, where such modification is proposed.

8. **Obstructions.** Each component part of a facility shall be located in such manner as to minimize physical or visual obstruction to pedestrian or vehicular traffic, not incommode the public's use of the right-of-way, and not create safety hazards to pedestrians and motorists.

9. *Public Facilities.* No equipment or facility shall be located and no work associated thereto shall interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, utility or any other public health or safety facility or the public right-of-way.

10. *Screening and Aesthetics.*

a. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least eighteen (18) inches from the curb and gutter flow line.

b. If permitted to be mounted externally, no Wireless Antenna or other pole-mounted equipment shall extend laterally beyond the diameter of the structure as measured at the point of attachment.

c. If permitted to be mounted externally, the point of attachment of any antennas shall not be more than three inches (3") from the pole or other support structure, and the space between the structure and the attachment point of the antenna shall be concealed with a weather-proof material the same color as the structure or the antenna.

d. Antennas shall be of a color that, as closely as is reasonably possible, matches that of the support structure.

e. Except in such circumstances where federal or state law preempts this requirement, all antenna, cabling, electronic and accessory equipment not attached to the antenna(s) and transmission and distribution cable or fiber shall be placed underground in a weather-proof vault or contained inside the new support Structure; and when federal or state law or justifiable circumstance preempt or prohibit this requirement, the same shall be mounted so as to be the least visually intrusive given the facts and circumstances.

f. Signage shall be attached on all wireless facilities in such manner as to leave it clearly visible to any person by, near, under, or around the site, indicating the level of exposure to RF emissions from the site at the spot of the signage. Signage shall be in compliance with appropriate federal and state regulations.

g. All small cell or DAS Antennas shall not be larger than two feet (2') in height.

11. *Accessory Equipment.* Not including the electric meter, all accessory equipment shall be located underground, except as provided below:

a. If the proposed facility is in the right-of-way, unless city staff determines that there is no room in the public right-of-way for undergrounding, that undergrounding is not feasible, or federal or state law or regulation prohibit the City from requiring undergrounding, an exception shall be required in order to place accessory

equipment above-ground and concealed with natural or manmade features to the maximum extent possible.

b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of three feet (3') and a total of twenty-eight (28) cubic feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this Chapter.

c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of street with no homes.

d. When otherwise preempted by federal or state law or regulation.

12. *Landscaping.* Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.

13. *Signage.* No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

14. *Lighting.*

a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.

b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as telecommunications towers, lattice towers and monopoles.

c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The City may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.

15. *Noise.*

a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 PM and 7:00 AM. A Fire Department Inspection on backup generators is required before generator installation

b. At no time shall equipment noise from any facility exceed an exterior noise level of fifty-five (55) dBA three (3) feet from the source of the noise if the facility is located in the public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within fifteen hundred (1500) feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed forty-five (45) dBA three (3) feet from the sources of the noise.

16. *Security.* Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of its location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no dangerous or potentially lethal devices or elements shall be installed as a security device.

17. *Modification.* Consistent with current state and federal laws and, if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

18. *Expiration.* The installation and construction approved by a wireless telecommunications facility permit shall begin within one (1) year after its approval or it will expire without further action by the city.

19. *Construction.* All construction and maintenance shall at all times comply with all applicable portions of all federal, State and local safety and safety related codes.

B. Conditions of Approval. In addition to compliance with the design and development standards outlined in this section, all facilities shall be subject to the following conditions of approval (approval may be by operation of law), as well as any modification of these

conditions or additional conditions of approval deemed necessary by the director:

1. *As built drawings.* The permittee shall submit an as-built drawing within thirty (30) days after installation of the facility. As-builts shall be in an electronic format acceptable to the city which can be linked to the city's GIS.

2. *Contact information.* The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permittee shall notify the city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

a. Identity, including the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

b. The legal status of the owner of the wireless telecommunications facility.

3. *Assignment.* The permittee shall notify the city in writing at least ninety (90) days prior to any proposed transfer or assignment of the permit. The written notice required in this including a primary contact person, mailing address, telephone number and email address; and (3) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. The director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: federal, state and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission. Noncompliance with the permit and all its conditions of approval, if any, or failure to submit the materials required by the director shall be a cause for the city to revoke the applicable permits pursuant to and following the procedure set on in section 17.150.170.

4. *Signs.* At all times, all required notices and/or signs shall be posted on the site as required by the Federal Communications Commission, California Public Utilities Commission, any applicable licenses or laws, and as approved by the city. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

5. *Security.* For a CUP a permittee shall pay for and provide a performance bond or other form of security approved by the city attorney's office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and this code. The security instrument coverage shall include, but not be limited to,

removal of the facility. (The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.) Before issuance of any building permit, permittee must submit said security instrument.

6. *Noise.* If a nearby property owner registers a noise complaint, the city shall forward the same to the permittee. Said complaint shall be reviewed and evaluated by the applicant. The permittee shall have ten (10) business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the city may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of this chapter. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the director may impose conditions on the project to achieve said objective.

7. *Permit Expiration.* A condition setting forth the permit expiration date in accordance with section 17.150.150 shall be included in the conditions of approval.

8. *Additional conditions.* The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the director for the purpose of: (a) protecting the public health, safety, and welfare; (b) preventing interference with pedestrian and vehicular traffic; and/or (c) preventing damage to the public right-of-way or any adjacent property. The city may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the underlying permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the city by the permittee.

9. *Permit Transfer.* The permittee shall not transfer the permit to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by section 17.150.070(B)(5).

10. *Property Rights.* The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the city shall be moved to accommodate a wireless telecommunications facility unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public

right-of-way to be affected by applicant's facilities.

11. *Liability.* The permittee shall assume full liability for damage or injury caused to any property or person by the facility.

12. *Repair Obligations.* The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the permittee not make said correction within the time period allotted the city engineer shall cause such repair to be completed at permittee's sole cost and expense.

13. *Drip Line.* No facility shall be permitted to be installed in the drip line of any tree in the right-of-way.

14. *Insurance.* The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies meeting the City of Nevada City's insurance requirements for contractors to perform work with public right-of-way.

15. *Indemnification.* Permittee shall defend, indemnify, protect and hold harmless city, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the city, and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers to attack, set aside, void or annul, an approval of the city, planning commission or city council concerning this permit and the project. Such indemnification shall include damages of any type, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit city from participating in a defense of any claim, action or proceeding. The city shall have the option of coordinating the defense, including, but not limited to, choosing counsel after consulting with permittee and at permittee's expense.

16. *Hold Harmless.* Additionally, to the fullest extent permitted by law, the permittee, and every permittee and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers

harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney's fees, interest and expert witness fees), or damages claimed by third parties against the city for any injury claim, and for property damage sustained by any person, arising out of, resulting from, or are in any way related to the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permittee, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.

17. *Cabinet Removal.* Should the utility company servicing the facility with electrical service that does not require the use of an above ground meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within ninety (90) days of such service being offered and reasonably restore the area to its prior condition. An extension may be granted if circumstances arise outside of the control of the permittee.

18. *Relocation.* The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to city, if and when made necessary by (i) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or above ground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency, (ii) any abandonment of any street, sidewalk or other public facility, (iii) any change of grade, alignment or width of any street, sidewalk or other public facility, or (iv) a determination by the director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within ninety (90) days of notification by city unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a modified permit pursuant to the Code including applicable notice and hearing procedures. The permittee shall be entitled, on permittee's election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Code allow. In the event the facility is not modified, removed, or relocated within said period of time, city may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances including those of immediate or imminent threat to the public's health and safety, the city may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

19. *Conditions.* Permittee shall agree in writing that the permittee is aware of, and agrees to abide by, all conditions of approval imposed by the wireless telecommunications facility permit within thirty (30) days of permit issuance. The permit shall be void and of no force or effect unless such written consent is received by the city within said thirty (30) day period.

20. *Right of Way Agreement.* Prior to the issuance of any encroachment permit, permittee shall be required to enter into a right-of-way agreement with the city in accordance with the City's past practice.

17.150.080 Findings.

No CUP shall be granted for a wireless telecommunications facility unless the approving party makes all of the following findings:

- A. All notices required for the proposed installation have been timely given.
- B. The proposed facility has been designed and located in compliance with all applicable laws, including the requirements of this Chapter 17.150.
- C. The applicant has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has otherwise obtained a legal authorization to use the public right-of-way.
- D. The facility is designed in a manner consistent with the architectural requirements applicable to the zone, if any.
- E. The proposed facilities are designed in a way that preserves and promotes harmonious land uses and the public right-of-way in the City, furthers the purposes of the general plan, and protects public health and safety, visual resources, and the aesthetic quality of the City consistent with the goals, objectives and policies of the General Plan;
- F. The applicant has shown that no other feasible design would be less intrusive upon the values intended to be protected by Chapter 17.150.
- G. There is no known feasible alternate location which is available to the applicant at rates that are not commercially impracticable and that would be less intrusive upon the values intended to be protected by Chapter 17.150, and which location would allow the applicant to meet its reasonable wireless coverage objectives.

17.150.090 Planning Commission.

The Planning Commission will review and approve, conditionally approve, or deny a CUP.

17.150.100 Nonexclusive Grant

No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as any warranty of title.

17.150.110 Emergency Deployment.

A COW shall be permitted for the duration of an emergency declared by the city or at the discretion of the director. "COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed. Notwithstanding the foregoing, other than in extreme emergency situations as determined by the City, COWs shall not be permitted in the right-of-way.

17.150.120 Operation and Maintenance Standards.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards.

A. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent within forty-eight (48) hours:

1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or

2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.

B. Each permittee of a wireless telecommunications facility shall provide the director with the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven (7) days of any change.

C. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good and safe condition, including compliance with the applicable portions of the most current version of TIA-ANSI 222, including but not limited to ensuring the facilities are free of:

1. Unreasonable amount of General dirt and grease.
2. Chipped, faded, peeling, and cracked paint.
3. Rust and corrosion.
4. Cracks, dents, and discoloration.
5. Missing, discolored or damaged artificial foliage or other camouflage.
6. Graffiti, bills, stickers, advertisements, litter and debris.

7. Loose or unsecured fittings.
8. Broken and misshapen structural parts; and
9. Any damage from any cause.

D. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the director.

E. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

F. Each facility shall be operated and maintained to comply with all conditions of approval. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in this chapter.

17.150.130 Certificate of Completion for New Work

A. No work shall be allowed to be done at or on any wireless facility, excepting normal repair and maintenance work, for which the owner cannot produce a certificate of completion for the most recent previous work, until a final inspection has been conducted and a certificate of completion has been issued. The owner of the wireless facility, telecommunications tower, or other support structure shall pay for any inspection(s) prior to the inspection(s) being conducted. A passing final inspection is required prior to the issuance of a certificate of completion.

B. Operation of a facility without a certificate of completion is prohibited and may be enforced either pursuant to Chapter 1.12 or 1.22 of this Code.

17.150.140 No Dangerous Condition or Obstructions Allowed.

No person shall install, use or maintain any facility, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impairs or impedes the flow of pedestrian, bicycle, or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location. A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not materially obstruct the roadway views of vehicles, bicycles, and pedestrians traveling within the public right-

of-way, and does not obstruct the visibility of signs located within the right-of-way.

17.150.150 Permit Expiration.

- A. Unless Government Code section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this Code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within one hundred and eighty (180) days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.

17.150.160 Cessation of Use or Abandonment.

A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for ninety (90) or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

B. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten (10) days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of thirty (30) days or more.

C. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:

- 1. Litigation;
- 2. Revocation or modification of the permit;
- 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
- 4. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or
- 5. Any other remedies permitted under this Code.

17.150.170 Removal and Restoration – Permit Expiration, Revocation or Abandonment.

A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property, at no cost or expense to the city.

B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within ninety (90) days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this Code. Upon a showing of good cause, an extension may be granted by the director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:

1. Prosecution;
2. Acting on any security instrument required by this chapter or conditions of approval of permit;
3. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or
4. Any other remedies permitted under this Code.

C. *Summary Removal.* In the event the director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five (5) business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty (60) days, the facility shall be treated as abandoned property.

D. *Removal of Facilities by City.* In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those

excess costs in accordance with this Code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the city due to exigent circumstances.

17.150.180 Exceptions.

A. Effective Prohibition. In the event that any applicant asserts that strict compliance with any provisions in this chapter, as applied to a specific proposed wireless services facility, would effectively prohibit the provision of wireless services, the Planning Commission, when the application is for a CUP, or the Director, when the application is for an Administrative Permit, may grant a limited, one-time exemption from strict compliance subject to the provisions in this section.

B. Required Findings. The Planning Commission or Director shall not grant any exception unless the applicant demonstrates with clear and convincing evidence all the following:

1. The applicant has provided the city with a clearly defined technical service objective and a clearly defined potential site search area;

2. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available; and

3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives.

C. Scope. The Planning Commission and Director shall limit their exemption to the extent to which the applicant demonstrates such exemption is Necessary to reasonably achieve its reasonable technical service Needs. The Planning Commission may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

D. Procedure. An applicant desiring relief, waiver, or exemption from any aspect or requirement of this Ordinance shall address and identify such at the earliest possible time. If relief is not requested at or prior to a Pre-Application meeting, the city reserves the right to require a formal Amendment of the Application, including payment of all applicable fees and charges. The burden of providing the need for requested relief shall be solely on Applicant. Applicant bears all costs of the city in considering the request for relief.

17.150.190 Location Prohibitions and Preferences

- A. Prohibited. Unless otherwise required by law, no wireless facility in the right of way may be located in any area the City Engineer determines is inconsistent with existing or planned or expected uses of the right of way.
- B. Especially Discouraged. Telecommunications facilities are especially discouraged in any residential and historical zone as well as designated sensitive areas.
- C. Discouraged. Wireless telecommunication facilities are discouraged from being in the Scenic Corridor Combining District or any Historic Districts. A facility in the scenic corridor combining district must obtain a CUP where required by federal or state law and this ordinance.
- D. Encouraged. Wireless telecommunication facilities are encouraged to be in industrial and commercial zones.

17.150.200 Effect on Other Ordinances.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this Code. In the event of a conflict between any provision of this chapter and other sections of this Code, this chapter shall control.

17.150.210 State or Federal Law.

- A. In the event it is determined by the city attorney that state or federal law prohibits certain discretionary permitting requirements for certain wireless telecommunications facilities, such requirement shall be deemed severable and all remaining regulations shall remain in full force and effect. For those facilities, in lieu of a CUP required by section 17.150.040, an administrative permit shall be required, and all provisions of that section shall be required except to the extent determined by the city attorney to be prohibited by law. Any conditions of approval set forth in this provision or deemed necessary by the director shall be imposed and administered as reasonable time, place and manner rules.
- B. If subsequent to the issuance of the city attorney's opinion pursuant to (A) above, the city attorney determines that the law has changed and that such discretionary permitting is permissible, the city attorney shall inform appropriate city staff and all discretionary permitting requirements shall be reinstated.

17.150.220 Nonconforming Wireless Telecommunications Facilities in the Right-of-Way.

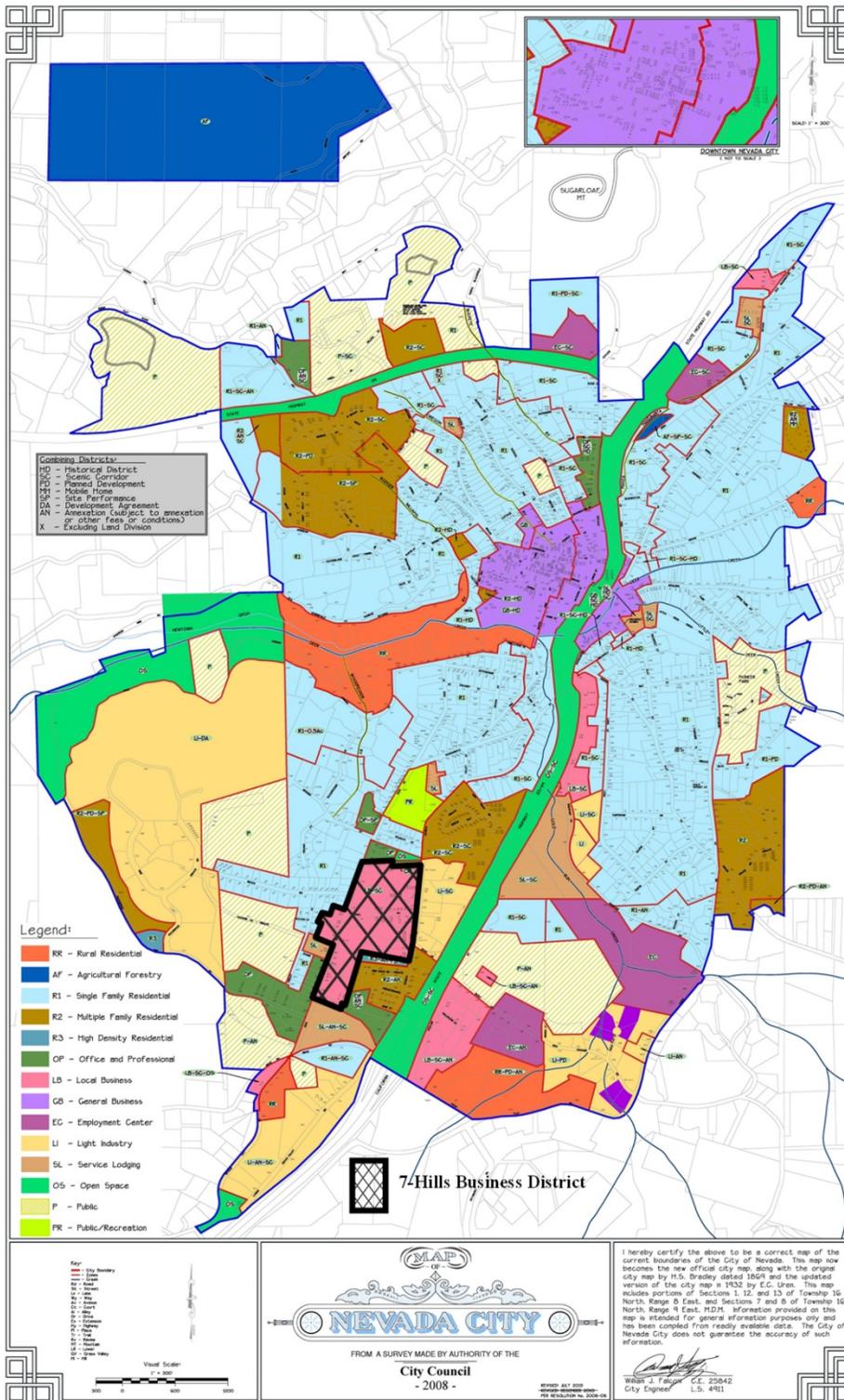
- A. Nonconforming wireless telecommunications facilities are those facilities that do not conform to this chapter.

B. Nonconforming wireless telecommunications facilities shall be brought into conformity with all requirements of this article upon the first modification or upgrade of the Facility or Equipment following adoption of this ordinance; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this Code at such time, to the extent the city can require such compliance under federal and state law.

C. An aggrieved person may file an appeal to the city council of any decision of the director made pursuant to this section. In the event of an appeal alleging that the ten (10) year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.”

SECTION 17.150.230 MAP OF 7-HILLS BUSINESS DISTRICT

7-Hills Business District Exhibit Map as depicted on the City Zoning Map



SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant impact on the environment.

SECTION 3. Effective Date. This ordinance shall become effective on the 31st day after adoption.

SECTION 4. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this ___th day of _____2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk

APPROVED AS TO FORM

Crystal V. Hodgson, City Attorney

I, Niel Locke, City Clerk of Nevada City, do hereby certify that the foregoing urgency ordinance was introduced and adopted at a meeting thereof on the ___day of _____2020.

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

May 13, 2020

TITLE: Declaration of Fiscal Emergency

RECOMMENDATION: Approve Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Proclaiming a Local Financial Emergency and Recognizing the financial Hardship Facing the City in Fiscal Years 19/20 and 20/21.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

On Wednesday, March 4, 2020, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus, and on March 5, 2020 the City's Director of the Defense and Disaster declared a local emergency due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City. The City Council of the City of Nevada City confirmed the Declaration of Local Emergency on March 11, 2020. Despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed. The economic impacts of COVID-19 have been significant in the City of Nevada City, and many businesses are experiencing substantial losses. Accordingly, the City is facing a continued decline in General Fund revenues and limited or no growth in other revenues. The City is anticipating total General Fund revenue to decline in the current Fiscal Year 2019-20 below budget estimates with similar trends projected for FY2020-21. Specifically, the City has experienced a shortfall in the General Fund (based on reduced approximated year-end revenues). The shortfall is estimated at \$40k for FY 19/20 and continued declines in Sales Tax and Transient Occupancy Tax and parking revenues. The estimated shortfall is projected at \$ \$441.5k for FY 20/21.

Analysis/Discussion:

Declaring a fiscal emergency has several legal effects. Usually, the main purpose of declaring a fiscal emergency is to qualify a city for bankruptcy or to take more drastic personnel actions if deemed necessary. It provides no relief from financial constraints in and of itself. However, the California Constitution provides that in cases of "emergency," not necessarily fiscal emergency, declared by a majority vote of the City Council, a city can place a tax measure on the ballot at a special election instead of at a regular election when members of the legislative body are up for election. Cal. Const. art. XIII C (2)(b), Gov. Code § 53724(d). A fiscal emergency also is a requirement in many labor agreements before certain personnel actions can occur, like a reduction in force, for example.

Due to the current and anticipated reduction in revenues, the City is facing a serious shortfall with respect to its ability to maintain services at the current level. A declaration of fiscal emergency is needed to afford the City Manager authority to begin staff reductions if deemed necessary, obtain any available State and Federal assistance, and develop a budget that includes a reduction in force and other reductions necessary to meet the financial limitations caused by the COVID-19 pandemic.

Recommendation:

Approve the Resolution Declaring the Existence of a Fiscal Emergency.

FISCAL IMPACT: There are no budget impacts of declaring a fiscal emergency but doing so will afford the City Administrator authority to begin to address the challenges to the City's current and future budgets.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Proclaiming a Local Financial Emergency and Recognizing the Financial Hardship Facing the City in Fiscal Years 19/20 and 20/21

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY PROCLAIMING A LOCAL FINANCIAL EMERGENCY AND RECOGNIZING THE FINANCIAL HARDSHIP FACING THE CITY IN FISCAL YEARS 19/20 AND 20/21

WHEREAS, conditions of extreme peril to the safety of persons or property have arisen within the City of Nevada City as a result of the spread of the COVID-19 virus throughout the State of California; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on Wednesday, March 4, 2020; and

WHEREAS, the City Council confirmed the declaration of a local emergency due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City on March 11, 2020; and

WHEREAS, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and businesses are experiencing substantial losses; and

WHEREAS, the City is facing a continued decline in General Fund revenues and limited or no growth in other revenues; and

WHEREAS, the City is anticipating total General Fund revenue to decline in the current Fiscal Year 2019-20 below budget estimates; and

WHEREAS, the City has experienced a drop in economic activity as evidenced by the decline in business activity and the closure of all non-essential business establishments within the City due to COVID-19, thereby reducing the revenues for FY2019-20 with similar trends projected for FY2020-21; and

WHEREAS, the City has experienced a shortfall in the General Fund (based on reduced approximated year-end revenues), the shortfall is estimated at \$40k for FY 19/20 and continued declines in Sales Tax and Transient Occupancy Tax and parking revenues and the estimated shortfall is projected at \$ \$441.5k for FY 20/21.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the City Council hereby proclaims a local financial emergency due to the existence or threatened existence of conditions relating to COVID-19 and associated economic impacts within the City of Nevada City; and

IT IS FURTHER RESOLVED AND ORDERED that based on the current financial status and revenue projections, the City Council must make findings that enable and authorize potential reductions to staffing; therefore:

IT IS FURTHER ORDERED that the City Manager of the City of Nevada City is the authorized representative of the City of Nevada City for the purpose of processing, negotiating, and implementing the layoffs of City employees should they be deemed necessary, and processing,

and coordinating all inquiries and requirements necessary to obtain any available State and Federal assistance.

IT IS FURTHER ORDERED due to the financial hardship facing the City, the City Manager is authorized to proceed with budget development that includes a reduction in force if deemed necessary and other reductions that may be implemented to meet the financial limitations of the City and to be incorporated into the FY2020-21 budget.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 13th day of May, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk