



**REGULAR CITY COUNCIL MEETING
THURSDAY, JULY 23, 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.

Erin Minett, Mayor

**Douglass Fleming, Council Member
Daniela Fernández, Council Member**

**Duane Strawser, Vice Mayor
Vacant, 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](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7) or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7) (If you are unable to view the meeting live on YouTube please use one of the other 3 methods).

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided through the live meeting. PLEASE INCLUDE YOUR NAME AND ADDRESS IN YOUR COMMENT, AS WELL AS, INCLUDING THE AGENDA ITEM LETTER AND NUMBER IN YOUR SUBJECT LINE. Additionally, for comments during the meeting subscribe to the City's youtube channel Nevada City Public Meetings and submit your public live during the meeting or send your text live during the meeting to [530-557-5026](tel:530-557-5026). Please keep your written comments to 3 minutes or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time constraints.

3. In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (530) 265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion.

IF YOU CHALLENGE the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION: 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 Minett, Vice Mayor Strawser, Council Members Fleming and Fernández

PLEDGE OF ALLEGIANCE

PROCLAMATIONS: A Proclamation Acknowledging the Judicial Service of Kathleen Butz

PRESENTATIONS:

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: Fire Activity Report – June 2020

Recommendation: Receive and file.

B. Subject: Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City

Recommendation: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.

- C. Subject:** Second Reading and Adoption of Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration
Recommendation: Adopt Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be administer by the California Department of Tax and Fee Administration.
- D. Subject:** Second Reading and adoptions of Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City’s Sewer System
Recommendation: Adopt Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City’s Sewer System.
- E. Subject:** Second Reading and Adoption of Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA’s Requirements
Recommendation: Adopt Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter13.20 of the Nevada City Municipal Code pertaining to Flood Plain Management to comply with FEMA’s requirements.
- F. Subject:** Second reading and adoption of Ordinance 2020-13 an Ordinance of the City of Nevada City Amending Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in Order to Update the City’s Accessory Dwelling Unit Regulations
Recommendation: Adopt Ordinance 2020-13, and Ordinance of the City of Nevada City Amending the Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in order to update the City’s Accessory Dwelling Unit (ADU) Ordinance, pertaining to height limits of ADUs within the multifamily zoning designation.
- G. Subject:** Letter of Support for US Forest Service Lease at the Nevada City Tech Center
Recommendation: Review the letter of support for the US Forest Service lease property at 300 Providence Mine Road at the Nevada City Tech Center and authorize the City Council to sign.
- H. Subject:** Commitment of Auction Funds
Recommendation: Commit the \$2,267.56 raised with the Pioneer Park Online Auction to projects to be completed within Pioneer Park.
- I. Subject:** Action Minutes July 8, 2020 Special City Council Meeting
Recommendation: Review and approve Special City Council Meeting action minutes of July 8, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** LAFCo Nevada City Sphere of Influence (SOI) Update
Recommendation: Provide staff direction for any formal comments City Council would like to provide to LAFCo regarding the draft Environmental Impact Report (EIR) prepared for the Nevada City Sphere of Influence (SOI) update to be provided in a letter from the Mayor.
- B. Subject:** Proposition 68 – Per Capita Program and State Parks Program Update
Recommendation: Provide staff direction to complete applications for two Proposition 68 programs and provide input on priority projects.
- C. Subject:** Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Repealing Resolution No. 2020-36 Suspending the Imposition and Collection of Parking Fees at City Parking Meters During COVID-19 Local Emergency
Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City Of Nevada City repealing Resolution No. 2020-36 suspending the imposition and collection of parking fees at city parking meters during the Covid-19 local emergency.
- D. Subject:** Monthly Update on City Council Six-Month Strategic Objectives and Discuss Upcoming Strategic Planning Set for August 24, 2020
Recommendation: Review current Strategic Plan goals and objectives and provide staff direction as to whether to move forward with the Strategic Planning Retreat scheduled for August 24, 2020.
- E. Subject:** Sugarloaf Clean-up Update
Recommendation: Receive and file the update on the collaborative effort by Nevada City, Nevada County Health and Human Services, Nevada County Sheriff's Office and other community organizations to address the homeless encampments on Sugarloaf Mountain with particular concern around fire danger.
- F. Subject:** Commercial and Residential Back-up Generators
Recommendation: Provide staff direction to prepare and present an Ordinance option to regulate commercial and residential generators in a manner that provides objective standards for administrative processing.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

7. NEW BUSINESS:

- A. Subject:** Ordinance 2020-XX, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

Recommendation: Waive reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-XX, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections.

B. Subject: Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California Appointing a Member to Fill the Office of City Council Member Until Election can be Held to Select a Permanent City Council Member to Fill Reinette Senum’s Vacant Seat Caused by her Resignation

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California appointing a member to fill the office of City Council Member until election can be held to select a permanent City Council Member to fill Reinette Senum’s vacant seat caused by her resignation.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk for the City of Nevada City, declares that the foregoing agenda for the July 23rd, 2020 Regular Meeting of the Nevada City City Council was posted July 17th, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed June 17th, 2020, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk

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

July 23, 2020	Regular Council Meeting
August 12, 2020	Regular Council Meeting
August 24, 2020	Strategic Planning
August 26, 2020	Regular Council Meeting
September 7, 2020	Holiday
September 9, 2020	Regular Council Meeting
September 23, 2020	Regular Council Meeting
October 12, 2020	Holiday
October 14, 2020	Regular Council Meeting
October 28, 2020	Regular Council Meeting

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

July 23, 2020

City of Nevada City

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

TITLE: Fire Activity Report – June 2020

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Division Chief

BACKGROUND / DISCUSSION: The attached Fire Activity Report reviews the monthly responses including incident type, location and participation for Nevada City Fire Station 54.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Station 54 Incident Responses
- ✓ Nevada City Incident Responses
- ✓ Station 54 Incident Type Summary
- ✓ Year to Date Incident Participation

Station 54 Incident Responses

Alarm Date Between {06/01/2020} And {06/30/2020}

Alm Date	Alm Time	Location	Incident Type
06/01/2020	12:07:29	17276 SHOSHONI TRAIL CT /	320 Emergency medical service, o
06/01/2020	13:17:38	841 OLD TUNNEL RD /60 Uni	611 Dispatched & cancelled en ro
06/01/2020	16:14:25	320 Manor DR /Grass Valle	113 Cooking fire, confined to co
06/02/2020	14:43:38	State Highway 20 HWY & Ne	611 Dispatched & cancelled en ro
06/02/2020	14:49:51	301 SACRAMENTO ST /Nevada	611 Dispatched & cancelled en ro
06/03/2020	14:41:38	844 OLD TUNNEL RD /Grass	320 Emergency medical service, o
06/03/2020	15:03:00	13338 LOMA RICA DR /Grass	320 Emergency medical service, o
06/04/2020	08:37:16	10845 RIDGE RD /Grass Val	320 Emergency medical service, o
06/04/2020	12:13:00	501 Kate Hayes ST /Grass	700 False alarm or false call, O
06/04/2020	12:46:47	211 PARK AV /Nevada City,	553 Public service
06/04/2020	16:14:37	11175 RIDGE RD /Grass Val	324 Motor Vehicle Accident with
06/05/2020	11:06:03	2033 NEVADA CITY HWY /Gra	700 False alarm or false call, O
06/05/2020	11:54:55	360 CROWN POINT CIR /140/	321 EMS call, excluding vehicle
06/06/2020	02:38:03	775 OLD TUNNEL RD #202 /G	300 Rescue, EMS incident, other
06/06/2020	17:48:08	10655 JAMES LN /Grass Val	321 EMS call, excluding vehicle
06/07/2020	11:38:17	39 18.180 N x -1214.802 W	363 Swift water rescue
06/07/2020	17:02:23	444 Brock RD /Nevada City	320 Emergency medical service, o
06/08/2020	22:59:43	760 ZION ST /Nevada City,	320 Emergency medical service, o
06/09/2020	14:43:23	143 NEVADA CITY HWY /Neva	320 Emergency medical service, o
06/09/2020	14:57:40	110 S AUBURN ST /Grass Va	324 Motor Vehicle Accident with
06/10/2020	14:57:00	State Hwy 49, southbound	320 Emergency medical service, o
06/10/2020	22:18:59	821 ZION ST #B5 /B5/Nevad	320 Emergency medical service, o
06/10/2020	22:47:41	17405 GREENHORN RD /Grass	320 Emergency medical service, o
06/11/2020	10:32:27	316 Olympia Park CIR /Gra	320 Emergency medical service, o
06/11/2020	17:20:00	1005 SUTTON WY /Grass Val	322 Motor vehicle accident with
06/11/2020	18:42:18	HWY 49 AND UREN ST /Nevad	463 Vehicle accident, general cl
06/12/2020	04:45:51	RIDGE RD AND ZION ST /Nev	324 Motor Vehicle Accident with
06/12/2020	07:37:28	1954 NEVADA CITY HWY /Gra	743 Smoke detector activation, n
06/12/2020	10:16:15	408 SIERRA COLLEGE DR /Gr	700 False alarm or false call, O
06/12/2020	14:54:27	HWY 49 AND UREN ST /Nevad	463 Vehicle accident, general cl
06/12/2020	17:34:06	SEARLS AV AND WALRATH AV/	321 EMS call, excluding vehicle
06/12/2020	22:01:55	775 OLD TUNNEL RD #103 /G	320 Emergency medical service, o
06/13/2020	14:46:10	316 Olympia Park CIR /214	320 Emergency medical service, o
06/13/2020	16:34:42	625 ESKATON CIR /Grass Va	700 False alarm or false call, O
06/13/2020	18:44:59	117 MARGRETTA CT /Grass V	320 Emergency medical service, o
06/14/2020	06:51:06	592 DOUGLAS AV /Grass Val	320 Emergency medical service, o
06/14/2020	10:01:19	10952 THORNICROFT WY /Gra	320 Emergency medical service, o
06/15/2020	16:12:09	State Highway 49 @ South	320 Emergency medical service, o
06/15/2020	17:57:29	637 W BROAD ST #4 /Nevada	321 EMS call, excluding vehicle
06/16/2020	10:11:26	10681 CEDAR WY /Grass Val	320 Emergency medical service, o
06/16/2020	11:10:28	12451 LOMA RICA DR /Grass	320 Emergency medical service, o
06/16/2020	11:52:31	11615 RIDGE RD /Grass Val	622 No Incident found on arrival
06/16/2020	11:55:36	625 Eskaton CIR /Grass Va	611 Dispatched & cancelled en ro
06/16/2020	23:23:31	435 GLENWOOD PINES CT /Gr	522 Water or steam leak
06/17/2020	11:23:36		
06/17/2020	17:20:35	775 OLD TUNNEL RD /314/Gr	100 Fire, Other
06/18/2020	03:27:00	400 RAILROAD AV /Nevada C	320 Emergency medical service, o
06/18/2020	07:49:10	121 DORSEY DR /Grass Vall	
06/18/2020	12:09:11	11761 RIDGE RD /Grass Val	324 Motor Vehicle Accident with

Station 54 Incident Responses

Alarm Date Between {06/01/2020} And {06/30/2020}

Alm Date	Alm Time	Location	Incident Type
06/18/2020	17:56:37	South Yuba River @ Hoyts	320 Emergency medical service, o
06/19/2020	08:45:22	13082 JOHN BAUER AV /Gras	744 Detector activation, no fire
06/19/2020	17:10:45	HWY 49 AND NISHINAM GULCH	322 Motor vehicle accident with
06/19/2020	19:28:29	14167 LOMA RICA DR /Grass	611 Dispatched & cancelled en ro
06/20/2020	11:39:44	844 OLD TUNNEL RD /Clinic	622 No Incident found on arrival
06/21/2020	06:12:06	12213 LOMA RICA DR /Grass	320 Emergency medical service, o
06/21/2020	09:22:59	12213 LOMA RICA DR /Grass	320 Emergency medical service, o
06/21/2020	20:21:08	BRUNSWICK RD AND MACBOYLE	561 Unauthorized burning
06/22/2020	16:54:13	11532 Via Vista /Grass Va	445 Arcing, shorted electrical e
06/22/2020	19:51:57	1262 SUTTON WY /Grass Val	320 Emergency medical service, o
06/23/2020	03:05:39	212 Prospect ST /Nevada C	320 Emergency medical service, o
06/24/2020	00:18:27	14444 LA NORIA CT /Grass	320 Emergency medical service, o
06/24/2020	10:46:46	232 BROAD ST /Nevada City	700 False alarm or false call, O
06/24/2020	15:45:27	12742 RED DOG RD /Nevada	324 Motor Vehicle Accident with
06/24/2020	17:26:01	13233 LOST LAKE RD /Grass	320 Emergency medical service, o
06/24/2020	18:03:05	HWY 20 AND BRUNSWICK RD /	611 Dispatched & cancelled en ro
06/24/2020	18:45:24	208 SUTTON WY /Grass vall	142 Brush or brush-and-grass mix
06/25/2020	04:45:47	415 SIERRA COLLEGE DR #20	554 Assist invalid
06/25/2020	08:36:20	13082 JOHN BAUER AV /Hang	611 Dispatched & cancelled en ro
06/25/2020	09:08:35	112 Martin ST /Nevada Cit	320 Emergency medical service, o
06/25/2020	14:32:26	State Highway 20 HWY & Sc	320 Emergency medical service, o
06/25/2020	15:57:27	10754 Eagle CIR /Nevada C	554 Assist invalid
06/25/2020	18:54:14	State Highway 20 HWY & Pi	463 Vehicle accident, general cl
06/25/2020	19:38:17	525 Jordan ST /Nevada Cit	520 Water problem, Other
06/25/2020	23:41:32	13024 ROUGH AND READY HWY	140 Natural vegetation fire, Oth
06/25/2020	23:59:24	468 Sutton WAY /Grass Val	320 Emergency medical service, o
06/26/2020	03:05:05	815 ZION ST /Nevada City,	320 Emergency medical service, o
06/26/2020	06:50:10	347 Nile ST /22/Nevada Ci	320 Emergency medical service, o
06/26/2020	08:50:29	196 CELESTA DR /Grass Val	442 Overheated motor
06/26/2020	11:45:53	321 DORSEY DR /Grass Vall	735 Alarm system sounded due to
06/26/2020	14:37:36	39.260034 x -121.033310/N	320 Emergency medical service, o
06/26/2020	20:50:47	447 SEARLS AV /nevada cit	320 Emergency medical service, o
06/27/2020	15:07:15	775 Old Tunnel RD /210/Gr	320 Emergency medical service, o
06/27/2020	18:23:28	MADRONE SPRINGS RD AND CO	
06/28/2020	04:36:21	12311 DAVID WY /Nevada Ci	137 Camper or recreational vehic
06/28/2020	11:44:01	~ 1 mile upsatream of the	350 Extrication, rescue, Other
06/28/2020	21:26:53	10825 Thomas DR /Nevada C	611 Dispatched & cancelled en ro
06/29/2020	01:57:07	W BROAD ST AND SPRING ST	143 Grass fire
06/29/2020	13:20:56	775 OLD TUNNEL RD /314/Gr	
06/29/2020	16:33:50	844 OLD TUNNEL RD /Grass	140 Natural vegetation fire, Oth
06/29/2020	20:01:54	24691 HWY 20 /Nevada City	324 Motor Vehicle Accident with
06/29/2020	20:40:00	12329 ECHO DR /Nevada Cit	320 Emergency medical service, o

Total Incident Count 91

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {06/01/2020} And {06/30/2020}

Alm Date	Alm Time	Location	Incident Type
06/01/2020	11:08:19	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
06/02/2020	14:49:51	301 SACRAMENTO ST /Nevada	611 Dispatched & cancelled en route
06/03/2020	15:29:53	656 W BROAD ST /Nevada City,	320 Emergency medical service, other
06/04/2020	12:46:47	211 PARK AV /Nevada City, CA	553 Public service
06/05/2020	08:11:38	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
06/06/2020	23:40:24	321 BROAD ST /Nevada City, CA	320 Emergency medical service, other
06/07/2020	17:02:23	444 Brock RD /Nevada City, CA	320 Emergency medical service, other
06/08/2020	05:33:53	321 Broad ST /Nevada City, CA	320 Emergency medical service, other
06/08/2020	22:59:43	760 ZION ST /Nevada City, CA	320 Emergency medical service, other
06/09/2020	14:43:23	143 NEVADA CITY HWY /Nevada	320 Emergency medical service, other
06/10/2020	22:18:59	821 ZION ST #B5 /B5/Nevada	320 Emergency medical service, other
06/11/2020	18:42:18	HWY 49 AND UREN ST /Nevada	463 Vehicle accident, general
06/11/2020	19:56:26	330 ALEXANDER ST /Nevada	553 Public service
06/12/2020	04:45:51	RIDGE RD AND ZION ST /Nevada	324 Motor Vehicle Accident with no
06/12/2020	14:54:27	HWY 49 AND UREN ST /Nevada	463 Vehicle accident, general
06/12/2020	17:34:06	SEARLS AV AND WALRATH	321 EMS call, excluding vehicle
06/13/2020	11:50:27	39.2600337 x	320 Emergency medical service, other
06/15/2020	17:57:29	637 W BROAD ST #4 /Nevada	321 EMS call, excluding vehicle
06/15/2020	20:48:27	Nimrod Street /Nevada City,	320 Emergency medical service, other
06/17/2020	13:35:46	330 ALEXANDER ST /Nevada	553 Public service
06/18/2020	03:27:00	400 RAILROAD AV /Nevada City,	320 Emergency medical service, other
06/19/2020	00:22:29	230 COMMERCIAL ST /Nevada	320 Emergency medical service, other
06/21/2020	20:57:15	534 E BROAD ST /Nevada City,	320 Emergency medical service, other
06/23/2020	03:05:39	212 Prospect ST /Nevada City,	320 Emergency medical service, other
06/23/2020	14:51:20	251 WILLOW VALLEY RD /Nevada	611 Dispatched & cancelled en route
06/24/2020	10:46:46	232 BROAD ST /Nevada City, CA	700 False alarm or false call, Other
06/25/2020	09:08:35	112 Martin ST /Nevada City,	320 Emergency medical service, other
06/25/2020	19:38:17	525 Jordan ST /Nevada City,	520 Water problem, Other
06/25/2020	21:16:43	218 Nihell ST /Nevada City,	320 Emergency medical service, other
06/26/2020	03:05:05	815 ZION ST /Nevada City, CA	320 Emergency medical service, other
06/26/2020	06:50:10	347 Nile ST /22/Nevada City,	320 Emergency medical service, other
06/26/2020	15:35:30	925 Maidu AVE /Nevada City,	320 Emergency medical service, other
06/26/2020	20:50:47	447 SEARLS AV /nevada city,	320 Emergency medical service, other
06/29/2020	01:57:07	W BROAD ST AND SPRING ST	143 Grass fire

Total Incident Count 34

Nevada City Incident Type Summary

Alarm Date Between {06/01/2020} And {06/30/2020}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	1	0	0	0	0	1	0	0
02	5	2	1	1	0	7	1	0
1	0	0	0	0	0	1	0	0
54	1	1	5	1	0	15	3	0
84	0	0	1	1	0	9	0	0
86	0	0	0	0	0	1	0	0
87	0	1	0	0	0	0	0	0
88	0	0	0	0	0	2	0	0
90	0	0	1	0	0	1	0	0
GRS	0	1	1	0	0	1	0	0
NCCFD	0	1	0	0	0	5	0	0
NEV	1	1	1	2	0	8	2	0
	<u>8</u>	<u>7</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>51</u>	<u>6</u>	<u>0</u>

Nevada County Consolidated Fire District

NEV Year-to-date Incident Participation

**Activity Date Between {07/01/2019} And
{06/30/2020}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-I026 Banks, Tristin	19	20	13	0	0	0	0	0	1	1	0	1	55	2.61
NEV-I016 Bunyan-Naulty, Coleton	0	1	0	0	0	0	0	0	0	0	0	0	1	0.04
NEV-I028 Carpenter, Walker	14	19	19	0	0	0	0	0	0	0	1	0	53	2.52
NEV-03 Cartzdafner, Kevin L	34	32	27	18	35	7	35	36	25	17	30	31	327	15.57
NEV-65 Chau, Michael	0	0	0	0	0	0	18	9	11	3	0	0	41	1.95
NEV-I023 Dambly, Trenton	35	63	25	0	0	0	28	31	22	33	24	26	287	13.66
NEV-019 Ellison, Connor	0	0	0	0	0	0	0	0	0	0	0	10	10	0.47
NEV-71 Ellison, Connor	64	55	25	47	63	57	0	1	8	45	39	55	459	21.85
NEV-72 Foster, Sean	58	41	56	45	39	72	0	0	11	56	56	43	477	22.71
NEV-09 Goodspeed, Samuel J	1	2	1	0	2	1	1	1	1	1	1	0	12	0.57
NEV-69 McDaniel, Jesse	0	0	0	0	0	0	40	25	17	9	0	0	91	4.33
NEV-70 Otani, Alex	0	0	0	0	0	0	28	29	15	0	0	0	72	3.42
NEV-15 Paulus, Daniel H	36	26	31	14	28	36	30	20	5	0	36	26	288	13.71
NEV-I024 Rodriguez, Ryan	0	0	0	0	0	0	22	38	48	37	18	20	183	8.71
NEV-I022 Rubinson, Jake	0	0	0	0	0	0	6	3	0	0	0	0	9	0.42
NEV-I027 Schaefer, Jack	31	17	18	0	0	0	0	0	0	0	0	0	66	3.14
NEV-74 Stark, Blake	53	41	63	53	45	33	0	1	0	1	56	54	400	19.04
NEV-I025 Tomlinson, Rodney	0	0	3	0	0	0	13	26	20	23	35	14	134	6.38

Total Runs by Month											
Jan	241	Feb	191	Mar	218	Apr	164	May	185	Jun	163
Jul	98	Aug	100	Sep	109	Oct	189	Nov	218	Dec	224

Grand Total Runs: 2,100

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:

The City Engineer and Public Works staff identified sidewalk repair at Boulder Street as a priority for Measure "S" improvements. The project consists of sidewalk replacement, new railing and minor road widening at a pinch point on Boulder Street. City staff solicited bids for the Boulder Street Sidewalk and Railing project from local contractors. DMCE Concrete was awarded the contract by City Council on August 14, 2019 and the project was completed in June 2020.

FISCAL IMPACT: The project is funded by Nevada City Measure "S" funds for street improvements, Local Transportation Fund (LTF) and Regional Surface Transportation Program (RSTP).

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution for the City of Nevada City Authorizing the Mayor to sign a Notice of Completion for the Boulder Street Sidewalk and Railing project
- ✓ Exhibit 'A', Notice of Completion

RESOLUTION NO. 2020-XX

**RESOLUTION FOR THE CITY OF NEVADA CITY AUTHORIZING THE
MAYOR TO SIGN A NOTICE OF COMPLETION FOR BOULDER STREET
SIDEWALK AND RAILING PROJECT IN NEVADA CITY**

IT IS HEREBY RESOLVED by the City Council of the City of Nevada City that the Mayor is authorized to sign a "Notice of Completion", a copy of which is attached hereto and labeled "Exhibit A" which completes the construction of the Boulder Street Sidewalk and Railing project in Nevada City.

IT IS FURTHER RESOLVED, that the City Clerk is authorized to file said "Notice of Completion", Exhibit A (attached) with the Nevada County Recorder's Office.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on July 23, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

EXHIBIT A

RECORDING REQUESTED BY and
WHEN RECORDING MAIL TO:

**DEPUTY CITY CLERK
CITY OF NEVADA CITY
317 Broad Street
Nevada City, CA 95959**

SPACE ABOVE THIS LINE FOR DEPUTY CITY CLERK'S USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest of estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is: City of Nevada City
3. The FULL ADDRESS of the OWNER is: 317 Broad St, Nevada City, CA 95959
4. The nature of the INTEREST or Estate of the undersigned is: **FEE**
5. A work of improvement on the property hereinafter described was COMPLETED: June 26, 2020
6. The work of improvement completed is described as follows: Boulder Street Sidewalk and Railing project in the City of Nevada City.
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: DMCE Concrete.
8. The location of said project work is: Boulder Street in Nevada City
9. The property of which said work of improvement was completed is in the City of Nevada City, County of Nevada, State of California and is described as follows: Boulder Street.

City of Nevada City

Owner

by: _____

Erin Minett, Mayor

"I certify under penalty of perjury that the foregoing is true and correct."

(Date and Place)

(Signature)

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Second Reading and Adoption of Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration

RECOMMENDATION: Adopt Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be administer by the California Department of Tax and Fee Administration.

CONTACT: Catrina Olson, City Manager
Crystal Hodgson, City Attorney

BACKGROUND / DISCUSSION:

The first reading of the Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be administer by the California Department of Tax and Fee Administration was read by title only at the July 8, 2020 City Council meeting. Staff recommends that the City Council adopt the ordinance, which will only be effective upon 2/3 voter approval of the associated tax measure at the November 3, 2020 election.

In 2006, the voters of the City of Nevada City approved a 0.5% special transactions and use tax (“sales tax”) to fund streets, sidewalks, pathways and street drainage, known as “Measure S.” That special tax was designed to sunset after 16 years, which will be in March 2023. The need for revenue to fund these uses, as well as the City’s water, sewer and drainage systems continues to exist. At the November 13, 2019 City Council meeting, the Council directed staff bring back resolutions calling for a Special Municipal Election to be held on November 3, 2020, with a ballot measure to extend Measure S without a sunset clause, and to expand the purpose of the take to include City’s water and sewer infrastructure.

The proposed tax requires 2/3 approval of the voters. If approved, Measure S would expire on December 31, 2021, and the new tax would take effect on January 1, 2022 ensuring a seamless continuation of the tax, with no overlap. If the measure fails to get the required voter approval, the Council still has a year to decide whether to resubmit the special tax to voters or propose another type of tax to make up the funding in 2021.

Also attached to the staff report is an “Infrastructure Capital Improvement Plan” containing staff’s recommended plan for use of the special tax funds for the first 10 years of the tax, should the voters approve the tax measure. If the measure is approved, staff will bring this Plan back to the City Council for its adoption.

FISCAL IMPACT: The City agrees to reimburse the County of Nevada for the City’s prorated share of the costs of the election, which is approximately \$3,000.

ATTACHMENT:

- ✓ Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be administer by the California Department of Tax and Fee Administration
- ✓ Proposed Infrastructure Capital Improvement Plan

ORDINANCE NO. 2020-10

**AN ORDINANCE OF THE CITY OF NEVADA CITY, CALIFORNIA
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION**

THE PEOPLE AND CITY COUNCIL OF THE CITY OF NEVADA CITY DO ORDAIN AS
FOLLOWS:

Section 1. Chapter 3.54 is added to Title 3 (Revenue & Finance) of the Nevada City Municipal Code to read as follows:

Chapter 3.54 Special Transactions And Use Tax

3.54.010 Short Title

This ordinance shall be known as the Nevada City Special Transactions and Use Tax Ordinance. The city of Nevada City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.54.020 Operative Date

"Operative Date" means January 1, 2022.

3.54.030 Purpose

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.54.040 Contract with State

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.54.050 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.54.060 Place of Sale

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3.54.070 Use Tax Rate

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.54.080 Adoption of Provisions of State Law

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions

of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.54.090 Limitations on Adoption of State Law and Collection of Use Taxes

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

3.54.100 Permit Not Required

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.54.110 Exemptions and Exclusions

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code

with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.54.120 Amendments

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.54.130 Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.54.140 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

3.54.150 Use of Proceeds and Plan for Expenditure

Proceeds of the taxes imposed by this chapter shall be deposited in a special account and shall be expended only for the specific projects of improving and maintaining all of Nevada City's streets, sidewalks, pathways, drainage, water distribution and sewer collection systems and for no other purposes.

3.54.160 Annual Report

The Finance Director shall, at least annually, file a report with the City Council stating both: (i) the amount of funds collected and expended, and (ii) the status of any expenditure authorized pursuant to Section 3.54.150 of this chapter. The annual report may be combined with any other financial report prepared by the City.

3.54.170 Oversight Committee

The City Council shall establish, a Citizen's Oversight Committee, which shall have no less than five members. The terms, composition, and specific duties of the Committee shall be established by resolution of the City Council; however all members of the Committee shall be residents of the City. The Committee shall review the annual report required by Section 3.54.160 of this chapter and may make such recommendations to the City Council as it deems necessary or useful. The Committee may, by a majority vote of its membership, choose to publish a report, in

which event such report, if approved by a majority of the members, shall be published on the City's internet page. Members of the Citizen's Oversight Committee shall be appointed by the City Council, and any member may be removed from the Committee prior to the end of his or her term by a two-thirds vote of the Council. In the event the City Council, the Citizen's Oversight Committee, the City, any employee of the City, or any member of the City Council or the Citizen's Oversight Committee fails to take an action required by this Section, any court of competent jurisdiction may order that the action be taken. However, such failure to act shall not invalidate the City's authority to levy any tax or in any way affect the ongoing collection of any tax pursuant to this Chapter. The Committee shall consist of at least five members who shall be residents of the City, and all meetings of the Committee shall comply with the provisions of the Ralph M. Brown Act (Gov't Code Section 54950, et seq.).

Section 2. Chapter 3.48 of the Municipal Code is repealed as of January 1, 2022. The intent of this Section is that the tax imposed by this Ordinance will go into effect on January 1, 2022, and the existing tax will be operative through and including December 31, 2021.

Section 3. This Ordinance shall be effective only if approved by approved by a two-thirds vote of the qualified voters of the city voting on the ordinance at the November 3, 2020 municipal election. If so approved, it shall become effective as of the 10th day following its adoption by the voters. The taxes imposed by this Ordinance shall be effective as of the dates set forth in Section 1.

INTRODUCED BY THE CITY COUNCIL ON _____, 2020 AND PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEVADA CITY this _____ day of _____ 2020 BY THE FOLLOWING VOTE.

Ayes:
Nays:
Present

Erin Minette, Mayor

ATTEST:

_____, City Clerk
(seal)

Date: _____

ADOPTED BY THE VOTERS OF THE CITY OF NEVADA CITY AT THE NOVEMBER 3, 2020 ELECTION.

Erin Minett, Mayor

ATTEST:

_____, City Clerk
(seal)

Date: _____

CITY OF NEVADA CITY INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN OF RENEWAL OF ONE-HALF (1/2) CENT SALES TAX REVENUE

The City of Nevada City fully maintains and operates Streets, Sewer and Water system:

Nearly 16 years ago the City of Nevada City passed a ½ cent Tax Revenue called Measure ‘S’ for the rehabilitation and reconstruction of City streets, sidewalks and storm drainage. The program has been a grand success

The majority of the City Street system were constructed to the standards and conditions of the early to mid-20th century with many streets not meeting today’s demands. City Staff has nearly completed the pavement Capital Improvement Plan passed in 2006 and is on the track to pave all the streets per the Capital Improvement Plan by 2023 The report, which was prepared by staff cited that Nevada City’s streets had a low pavement condition rating. The average pavement condition rating for the City’s streets was low.

City Staff determined that in order to keep its streets in good order the program needs to be continually ongoing. Also, during the last 16 years of work on streets, work had to be delayed because of existing utilities (sewer & water) under streets that needed to be completed before streets could be improved/paved to help the Capital Improvement Plan.

Therefore staff recommends that the City of Nevada City budget \$550,000, ½ cent Tax Revenue annually for Infrastructure work. Increasing the annual maintenance budget by \$550,000 will improve the overall Infrastructure, slowing the growth of the deferred maintenance backlog, from the current budget. In addition to the need to improve the condition of the City’s Infrastructure, there is also a need to maintain and improve streets, storm drainage, sidewalks, and sewer and water that are an integral part of the street.

The needed improvements and maintenance on the City of Nevada City Infrastructure far exceed the available revenues for these activities. While the City remains committed to continue efforts to obtain all possible Federal and State funding for improvements, it is apparent that **without** the one-half (1/2) cent sales tax revenue the City will be unable to accomplish its task to maintain the Infrastructure system at a level to adequately serve its citizens.

The City of Nevada City’s Infrastructure Capital Improvement Plan for the One-half (1/2) Cent Sales Tax requires the City to prepare a Maintenance and/or Improvement Program” that the sales tax revenues will fund. This plan is also required to be **updated annually**. The City’s Plan is a simple one as it proposes to utilize the one-half cent sales tax exclusively for street maintenance and improvement-related purposes. It would follow the recommendations outlined in the Infrastructure Inventory, which was recently prepared by staff. The City of Nevada City only has one goal, and that is to provide the City’s public with the best and most efficient infrastructure possible given the existing facilities and the available sales tax funds.

City of Nevada City Infrastructure Capital Improvement Plan

The City of Nevada City Infrastructure Capital Improvement Plan will cover a **10 year period**, which will be the period of the voter approved one-half (1/2) cent sales tax. The City's Capital Improvement Plan will be broken down by priorities reviewed **annually** by the City Council and the Oversight Committee with funds for that year to be expended on the priority items first. In addition the City would set aside funds of the approved one-half (1/2) cent sales tax, annually, to provide matching funds for Federal and State Grants related to Infrastructure Improvement and rehabilitation projects. In addition 5% of the sales tax would be set aside to purchase equipment used in the maintenance of the Public Works System.

The Capital Improvement Plan will be a "**living document**" that should be modified as necessary to provide the desired results. The annual review and evaluation process will entail inviting the public to participate in open discussion and evaluation of any modifications that may be appropriate.

The plan will be revised every **10 years**. At that time, the progress made will be evaluated as well as needs required for the next **10 year period**. At no time will funds be used for needs other than sewer, water, roads drainage, and sidewalks related to the Infrastructure. Without special needs the staff will continue its plan per the schedule of work and street inventory.

City of Nevada City Infrastructure Capital Improvement Plan

The initial Infrastructure Capital Improvement Plan for the City of Nevada City will include **three primary elements**:

- ◆ Seasonal Maintenance
- ◆ Planned Maintenance
- ◆ Special Maintenance

1. Seasonal Maintenance will consist of enhanced maintenance activities applicable to seasonal demands on a system wide basis and include such typical tasks as:

- ◆ pothole and surface repairs
- ◆ pavement dig outs and asphalt blankets
- ◆ culvert replacements/improvements
- ◆ crack filling
- ◆ graveling and associated grading on unpaved roads
- ◆ shoulder restoration
- ◆ re-striping, painting and installation of pavement reflector markings
- ◆ maintenance of street signs
- ◆ sewer and water Infrastructure to be improved
- ◆ storm drain cleaning

2. Planned Maintenance will consist of scheduled projects directed at preventative and protective maintenance measures to avoid deterioration. Typical examples would be:

- ◆ pavement grinding removal and replacement
- ◆ asphalt pavement overlay and rehabilitation projects
- ◆ chip seals and other surface treatments
- ◆ rock rip-rap protection
- ◆ bridge deck and railing replacement
- ◆ sidewalk restoration
- ◆ shoulder and surrounding landscape restoration

3. Special Maintenance will consist of specifically assigned activities such as:

- ◆ maintenance equipment lease, rental, or purchase
- ◆ sidewalk and bicycle facility improvements
- ◆ bridge replacement/rehabilitation
- ◆ public transportation (transit) facility improvements
- ◆ sewer lines, water lines and storm drains in areas where roads are to be resurfaced and repaved//repaired/cleaned

**CAPITAL PROGRAM
 FOR
 A TYPICAL 1 YEAR
 SEWER/WATER/ROADS**

Activity	Estimated Expenditure
Roads Seasonal Maintenance Overlays (Grinding/New pavements) Bridge deck maintenance Equipment Street Related Transportation / Sidewalks	\$250,000
Sewer New sewer mains New sewer services Sewer Cleaning New sewer manholes Ground restoration erosion control	\$125,000
Water New water mains New water services New water valves Line flushing and cleanings Ground restoration erosion control	\$125,000

TOTAL REVENUES PROJECTED PER YEAR \$500,000

CAPITAL PROGRAM SUMMARY
FOR
TEN (10) YEARS
STREETS

Activity	Estimated Expenditure	Estimated Percentage
Seasonal Road Maintenance / Repair/Reconstruct	\$500,000	20.0%
Planned Road Maintenance / Repair / Reconstruct Erosion Control	\$1,500,000	60.0%
Bridge Maintenance / Repair	\$125,000	5.0%
Maintenance Equipment / Street Related Lease/Rental/Purchase	\$250,000	10.0%
Bicycle, Sidewalk / ADA Compliant	\$125,000	5.0%
Total	\$2,500,000	100%

CAPITAL PROGRAM SUMMARY
FOR
TEN (10) YEARS
SEWER

Activity	Estimated Expenditure	Estimated Percentage
New Manholes Repair/Replace	\$125,000	10.0%
New Mains Repair/Replace	\$843,750	67.5%
Backflow device	\$31,250	2.5%
New services, Repair/replace	\$125,000	10.0%
I & I Improvements	\$62,500	5.0%
Cleaning & Maintenance	\$62,500	5.0%
Total	\$1250,000	100%

CAPITAL PROGRAM SUMMARY
FOR
TEN (10) YEARS
WATER

Activity	Estimated Expenditure	Estimated Percentage
Water Meter/Services, Repair/Replace	\$125,000	10.0%
Water Mains, Repair/Replace	\$687,500	55.0%
Water Boxes (B-16), Replace	\$125,000	10.0%
Fire Hydrants, New/Replace	\$62,500	5.0%
Water Valves Maintenance, New/ Replace	\$187,500	15.0%
Leak Detections/Repair	\$62,500	5.0%
Total	\$1,125,000	100%

City of Nevada City Infrastructure Capital Improvement Plan

TO: City council
 FROM: City Engineering Staff
 SUBJECT: Infrastructure Inventory

Street	Limits	Lin. Ft.	Width	Key
1. Adams St.	Prospect to Clay	900	30	L, K, Q, B
2. Alexander St.	Main to Coyote	900	20	K, F, H
3. Airport Rd..	City Portion	1,800	24	K, Q
4. American Hi.	Bennett to City Limits	1,800	16	K, M, B
5. Argall Wv.	Zion to Searls	750	35	Q, S
6. Austin St.	Drummond to American Hill	700	30	Q
7. B St.	Nevada to Uren	800	15	E, I, H, B
8. Beckman Ln.	E Broad to End	700	12	I, Q
9. Bennett St.	Broad to Monroe	1,600	16	N, K
10. Bost Av.	Searls to New Mohawk	600	16	Q, L, B
11. Boulder St.	Plaza to City Limits	1,800	35	N, P, A
12. Boulder St.	Public Works Yard	500	100	N, P, A
13. Bourbon Hi.	Nevada to Uren	900	30	Q, F
14. Bridge St.	Broad to End	700	11	F, Q
15. Bridge Wv.	Searls to End	1,000	20	Private
16. E. Broad St.	“Y” to Hy. 49	2,000	30	N, P, A, J
17. W. Broad St.	“Y” to Hy. 49 Surface	2,000	30	N, P, A
18. Broad St.	Plaza to Y	1,900	40	N, P, C
19. Broad St.	Bridge	200	36	R, I
20. Brock Rd.	Hoover to Zion	1,600	25	F, G, E
21. Cabin St.	S. Pine to End	100	10	T, Q
22. Cement Hi.	Hwy 49 to Wet Hill	800	35	Q, B
23. Cement Hi.	Lot Hirshman’s	250	50	K
24. Chief Kelly Dr.	American Hill to W Broad	1,200	20	K, Q
25. Church St.	Coyote to N Pine	500	30	B, N, Q
26. Clark St.	S Pine to Sacramento	600	25	A, N, K, Q
27. Clay St.	Turpentine to 4-Corners	900	30	K, Q, B
28. Clay St.	Turpentine to Prospect	1,600	20	N, A, E, L, M, F
29. Commercial St.	Union to Broad	1,100	20	N, A, E, L, M, F
30. Commercial St	Lot 412	60	500	B, Q, K
31. Cottage St.	Main to Broad	900	30	N, B, Q
32. Court St	Coyote to Main	300	15	Q, B
33. Coyote St.	Union to Hy. 49	2,000	30	A, Q, N
34. Cross St.	S. Pine to Jordan	700	14	Q, B, K, N
35. Dean Al.	Coyote to End	500	12	Q, B, K
36. Doane Rd.	Lindlev to Zion	250	16	B, Q
37. Drummond St.	Monroe to End	900	12	Q, B, K
38. Factory St.	Bridge to Wyoming	400	10	K, Q, B, E
39. Finley St.	W Broad to Spring	100	12	B, Q
40. Galena Wv.	Long to Turpentine	600	25	Q, S, N, B
41. Gethsemane St.	S Pine to Zion	800	25	K, B, N
42. Giles St.	Drummond to End	150	20	Gravel
43. Gold Flat Ct.	New Mohawk to End	150	40	B, I
44. Gold Flat Rd	Gracie to Hollow	6,500	25	A, B, H, I, K, N
45. Gold Nugget Ct.	Nimrod to End	150	24	Private
46. Gold Tunnel Dr.	American Hill to End	350	12	B, N
47. Gracie Rd.	Clay to City Limits	600	30	B, Q
48. Great Oak Ct.	Parkside to End	100	30	Private
49. Grove St	Nevada to End	2,000	14	E, K, H, Q
50. Hallwood Ln.	Hollow Way to End	300	20	Private

City of Nevada City Infrastructure Capital Improvement Plan

Street	Limits	Lin. Ft.	Width	Key
51. Heilman Ct.	Reward to End	600	30	B, I
52. Helling Wv	Maidu to End	400	26	Private
53. High St.	Nevada to Washington	600	22	L, M, B, N
54. Hollow Wy.	Gold Flat to End	1,500	40	N, K, J
55. Hoffman St.	Nevada to Uren	200	20	B, Q
56. Hoover Ln.	Lindley to End	2,500	24	Private
57. Jordan St.	S Pine to End	2,800	16	Q, B, N, K, H
58. Kidder Ct.	Bost to End	200	20	B
59. King Hiram Dr.	Searls to End	900	24	Private
60. Lindley Av.	Brock to End	900	12	B, Q, E, F
61. Little Deer Crk	Sacramento to Nimrod	1,000	8	Q, K
62. Long St.	Adams to Martin	2,000	25	Q, S, B, N
63. Lost Hill Ct.	American Hill to End	400	24	Private
64. Lower G.V. Rd.	Ridge to End	1,600	30	B, K, N, T
65. Maidu Av	Hv 49 to End	1,000	40	Private
66. Manzanita Ln.	Nevada to End	300	20	Private
67. Max Solaro Dr.	Nimrod to Park Ave.	600	30	B, Q
68. Mt. Calvary St.	Cross to Zion	500	20	Q, B
69. Main St.	Cottage to Union	1,300	30	B, N, Q
70. Main St.	Cottage to E Broad	1,200	35	N, P, O, B
71. Martin St.	Clay to End	800	12	Q, E, F, B
72. Mill St.	Broad to Factory	200	20	N, L, M, Q, A
73. Mine Rock Rd.	Searls to End	450	14	Private
74. Mother Lode Ct.	American Hill to End	400	200	Private
75. Monroe St.	American Hill to Drummond	600	16	K, N, Q, B
76. National Al.	Broad to Spring	100	12	B
77. Nevada City Hy.	Zion to City Limits	1,000	30	K, E, F, G, B
78. Nevada St.	Willow Valley to Hwy. 20	1,800	40	N, K, I, B
79. Nevada St.	Plaza to Washington	900	30	N, B
80. Nevada St.	Washington to Willow Valley	1,500	30	N, B
81. Nevada St.	Lot 101	60	300	B
82. New Mohawk Rd.	Bost to Gold Flat	1000	30	K, N, B
83. Nihell St	Nevada to End	1,600	20	N, B, W, K
84. Nile St.	Adams to Nimrod	600	30	B, Q
85. Nimrod St.	Park to Gracie	2,700	35	B, N
86. Nimrod St.	Lots 425 & 427	200.	100	B
87. Nivens Ln.	E. Broad to City Limits	450	15	B, K, N, J
88. Nursery St.	Nevada to Willow Valley	1,200	20	K, N, B Q
89. Old Washington	Nevada to City Limits	450	18	K, B, Q
90. Old Downieville	Monroe to End	700	20	K, B, N, D
91. Orchard St	E. Broad to Hv 49	900	30	K, J, B
92. Park Av.	Boulder to City limits	600	30	B, I, Q
93. Parkside Pl.	Nimrod to End	450	18	Private
94 Pello Ln	Chief Kelly to end	600	40	Private
95 Perseverance Mi	Searls to Searls Loop	500	16	K, B, N
96. Pine St.	Bridge	800	24	R, I, G
97. N. Pine St.	Broad to E. Broad	2,200	25	E, F, G, B, N
98 S. Pine St.	Sacramento to Broad	2,100	30	N, B, Q
99 Prospect Ct.	Clay to Clay Loop	600	15	Q, B
100 Prospect St.	Adams to Clay	1,800	16	N, Q, B
101 Providence Mi	Zion to GV Group	1,600	36	Q, B, N
102. Railroad Av.	Sacramento to Gold Flat	2,600	16	N, O, B, Q, K, E, F
103. Redbud Wy.	Chief Kelly to End	700	24	Private
104. Reward St.	Zion to End	600	20	H, K, A, N
105. Ridge Rd	Searls to City Limits	2,600	25	K, B
106. Rose Ln.	Covote to End	200	12	Gravel

City of Nevada City Infrastructure Capital Improvement Plan

Street	Limits	Lin. Ft.	Width	Key
107. Sacramento St	Plaza to Zion	2,500	24	N, O, P, B, A
108. School St.	N Pine to Cottage	750	10	L, M, O, E, B
109. Searls Av.	Sacramento to Ridge	4,400	30	N, O, P, B, N
110. Silva Av.	Nimrod to End	700	10	Q, S, B
111. Spring St.	Nat'l Alley to W. Broad	2,000	30	Q, B, I, H
112. Spring St.	Lot	300	100	A, N, Q
113. Sylvan Rd.	Lindley to End	60	16	Q, B
114. Tribulation Tr.	Jordan to S. Pine	400	6	N, J
115. Turpentine Dr.	Long to Clay	700	25	N, Q, S, B
116. Union St.	Broad to Main	200	28	C, O
117. Upper Park Av.	Boulder to End	350	12	Q, B
118. Uren St.	B to Bourbon Hill	2,000	25	Q, N, B, K, I
119. Valley St.	Sacramento to Searls	350	25	B, Q
120. Walrath Av.	Searls to Zion	400	20	B, Q, E
121. Washington St.	S Pine to Nevada	1,300	25	Q, B, H, N
122. Willow Valley Rd	Nevada to City Limits	600	30	N, B, F
123. Winter St.	Washington to Cottage	200	12	H, B
124. Woodpecker Ln.	Reward to End	600	12	K, Q
125. Woods Ct.	Railroad to End	250	24	Private
126. Wyoming Rd.	Factory to Old Downieville	1,000	16	Gravel
127. York St.	Broad to N Pine	400	16	C Portion
128. Zion St.	Sacramento to Jordan	1,200	40	H, Q, B
129. Zion St.	Providence Mine to Sacramento	3,000	40	A, I, Q
130. Zion St.	Public Works Yard	5,000	100	A, H

KEY

STREETS

- A = street grind and/or overlay
- B = pavement/repair/replace/new
- C = rebuild entire street
- D = improvements

SEWER

- E = sewer line repair/replace/new
- F = sewer line, manholes/service repair/replace/new
- G = sewer line cleaning

STORM DRAINS

- H= new storm drain repair/replace/new
- I = storm drains/clean/repair/replace/new
- J = French drains/repair/replace/new
- K = ditch cleaning repair/replace/new

WATER

- L= water mains, repair/replace/new
- M = valves, hydrants, repair/replace/new

SIDEWALKS

- N =repair ADA, repair/replace/new
- O =retaining walls. Rock, concrete, repair/replace
- P = safety rails repair/replace/new

MISCELLANEOUS

- Q= brush cleaning/vegetation control
- R = bridge deck repair/replace
- S = tree removal/INFRASTRUCTURE
- T = erosion control

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Second Reading and adoptions of Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

RECOMMENDATION: Adopt Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.

CONTACT: Bryan McAlister, City Engineer
Crystal Hodgson, Consulting City Attorney

BACKGROUND / DISCUSSION:

Nevada City Wastewater Treatment Plant operates in compliance with a California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions. This permit is renewed every five years as required by U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Central Valley Region for wastewater treatment and discharge. The permit currently in effect is ORDER R5-2017-0060 NPDES NO. CA0079901.

Chapter 13.08 of the Nevada City Municipal Code regulating the City's Sewer System is proposed to be repealed and reenacted to comply with current requirements for the above referenced permit. This includes provisions for industrial discharges; fats oils and grease from food service establishments; and pre-treatment where necessary to limit or eliminate discharges of waste constituents that negatively affect the City's ability to treat the wastewater in compliance with its permit.

On July 8, 2020, the City Council held a public hearing and approved a first reading of the proposed Ordinance. Staff recommends the City Council approve the Ordinance, which will be effective 30 days after its passage.

ENVIRONMENTAL IMPACT: None

FISCAL IMPACT: None.

ATTACHMENTS:

- ✓ Ordinance No. 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

ORDINANCE NO. 2020-11

**AN ORDINANCE OF THE CITY OF NEVADA CITY
REPEALING AND REENACTING CHAPTER 13.08 OF
THE NEVADA CITY MUNICIPAL CODE
REGULATING THE CITY'S SEWER SYSTEM**

WHEREAS, Chapter 13.08 "Sewer System" of the City Municipal Code regulates discharges into the city sewer system, requires a discharge permit and/or requires pretreatment of certain waste products before they may be discharged into the City's sewer system; and

WHEREAS, the City Council desires to update Chapter 13.08 to provide new and updated regulations to protect the City's sewer system and to maximize the City's ability to safely and efficiently maintain the system at the lowest costs possible for residents.

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

SECTION I: Chapter 13.08 Repealed and Reenacted.

Nevada City Municipal Code Chapter 13.08, entitled "Sewer System" shall be repealed in its entirety and reenacted to read as follows:

"CHAPTER 13.08 SEWER SYSTEM

13.08.010 - Definitions.

The following terms, as used in this chapter, shall have the following respective meanings:

"Applicant" or "person" means any person, partnership, corporation, club, association, public corporation, political subdivision, county, the state, the United States of America or any department or agency thereof.

"Building sewer" means that part of the sanitary sewer system which receives discharge from soil and waste pipes in a building and conveys it to the junction with the service sewer at the property line or sewer easement line.

"BOD" means biological oxygen demand, indicating the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five consecutive days at twenty (20) degrees centigrade.

"City" means the City of Nevada City.

"City council" means the City council of the City of Nevada City.

"Combined sewer" means a sewer that services the purpose of both a sanitary sewer and a storm sewer.

"Connection" means the physical hookup from a parcel of land to a sewer line regardless of the number of units or use on that parcel of land.

"Connection fee" is a previously used term for "sewer impact fee," used to determine the fair share costs to finance planning, design, construction inspection, administrative, debt service, debt covenant and other related costs for wastewater conveyance, treatment and disposal facilities for sewerage system expansion.

"Department of public works" means the department of public works of the City of Nevada City.

"Equivalent dwelling unit (EDU)" is a term used to characterize the average wastewater discharge from a single-family dwelling (SFD). For purposes of calculating sewerage system design parameters and comparing wastewater discharge from sewer service users other than Single Family Dwellings, one EDU equals a domestic wastewater volume of two hundred (200) gallons per day (GPD) and one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and TSS, per day at average dry weather flow rates. One EDU is further considered to generate domestic wastewater, carrying a minimal to moderate load of non-hazardous contaminants such as common household cleaning and maintenance products.

"Industrial user" means any user which meets one or more of the following criteria:

1. Any discharge of five thousand (5,000) gallons or more of wastewater per day (excluding the domestic portion of the discharge) or more than 7.5 pounds of biochemical oxygen demand (BOD) or total suspended solids (TSS) per day (five thousand gallons at 180 mg/l);
2. Discharges wastewater to a Publicly Owned Treatment Works (POTW), which contains hazardous materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW;
3. Discharges wastewater to a Publicly Owned Treatment Works (POTW), which contains any concentrations of Metals, Nitrite, Nitrate, Ammonia or Organic Nitrogen of any form or combination thereof that requires additional treatment at the POTW.
4. Is subject to EPA categorical pretreatment standards or any pretreatment standards set by the state;
5. Is required to obtain an industrial wastewater discharge permit pursuant to this chapter.

"FOG" means Fats, Oils and Grease including any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"Industrial waste" means the waterborne waste and wastewater from any industrial user.

"Sewage" means the wastewater derived from the human habitation and use of buildings for residential, institutional or commercial purposes, excluding storm waters and industrial waste.

"Sewer lateral line" means a sewer line with no more than three (3) authorized connections before connecting with a sewer main line.

"Sewer main line" means a sewer line with four (4) or more authorized connections.

"TSS" means total suspended solids, defined as solids that either float on the surface of or are in suspension in, wastewater and which are largely removable by standard laboratory filtration procedures.

"Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal origin or from any commercial, producing, manufacturing or processing operation of whatever nature.

"Wastewater" means all wastes and waters considered for and/or discharged to and carried by the City sewerage system.

13.08.085 - Responsibility for maintenance and repair of sewer lines.

All expenses with respect to sewer lateral lines, including without limitation, installation, maintenance and repair, shall be borne by and be the obligation of the landowners of properties with connections to that sewer lateral line. The City is responsible only for sewer main lines, not for sewer lateral lines.

13.08.090 - Prohibited discharges.

- A. No person shall discharge or cause to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage or other sources of inflow including cooling water or unpolluted industrial process water, into any sewer facility which is directly or indirectly connected to the sewage facilities of the City. Stormwater and all other unpolluted water shall be discharged to such pipelines as are specifically designated as storm drains, or to a natural outlet approved by the City manager.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters to any public sewer:
 - 1. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees Fahrenheit;
 - 2. Any waste or water which contains more than one hundred (100) milligrams per liter of fat, oil or grease;

3. Any water or waste having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
4. Any waste or water which contains a concentration of more than one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and TSS, unless otherwise authorized with an industrial wastewater discharge permit;
5. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the City's Publicly Owned Treatment Works (POTW) (sewage treatment plant);
6. Any water or waste containing radioactive material in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the sewage treatment plant;
7. Any water or waste containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving water of the sewage treatment plant;
8. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
10. Any garbage that has not been properly shredded for the purpose of this chapter. This means that it has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension;
11. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;
12. Any noxious or malodorous gas or substance capable of creating a public nuisance.
13. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

- c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
 - d. Unusual volumes of flow or concentrations of wastes constituting slugs.
 - 14. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- C. If waters or wastes are discharged or are proposed to be discharged to the public sewers contain the substances or possess the characteristics enumerated in subsection B of this section and which, in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the City may:
 - 1) Reject the wastes;
 - 2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - 3) Require control over the quantities and rates of discharge;
 - 4) Require sampling of discharge at owners expense and/or
 - 5) Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of this section.

13.08.095 - Industrial wastewater permit requirements.

- A. Any user whose facility may generate wastewater meeting the standards for an "industrial user" set forth in Section 13.08.010 of this chapter must apply for an industrial wastewater permit prior to connection to the City sewer system and pay the industrial wastewater fee set forth in Section 13.08.096 of this Chapter.
- B. An industrial wastewater discharge permit shall be approved by the City manager if he or she finds that the application satisfies all of the following:
 - 1. The applicant has submitted a letter of authorization from the Nevada County Department of Environmental Health;
 - 2. The applicant has submitted satisfactory proof of compliance (e.g., laboratory analysis or report) to show that the wastewater discharge will meet the requirements, limitations and conditions contained in the current City wastewater discharge permit issued by California Regional Water Quality Control Board;

3. The application and the quality, quantity and condition of the proposed discharge have been approved by the director of public works and the engineer as satisfying the provisions of this chapter, applicable federal and state laws, the City wastewater discharge permit and other City policies and regulations concerning sewer service; and
 4. The City's Publicly Owned Treatment Works (POTW) has available, unallocated capacity to accommodate the proposed discharge.
- C. Wastewater discharged to the sanitary sewer must be metered with a flow totalizer with sampling of BOD, pH, TSS. Sampling shall be conducted by the industrial user at users expense at sampling frequency of two times per month during the first six months of business use; and every 6 months thereafter; and as required for compliance sampling.
 - D. As part of issuance of any industrial wastewater permit, the City may require installation of inspection ports, additional cleanouts and other facilities as the engineer may require to handle or pre-treat the wastewater flow.
 - E. Industrial users' facilities and flows shall be subject to periodic inspection by the City and testing of wastewater constituents. As a condition of grant of a permit, the industrial user shall agree to such conditions, including the right to make surprise inspections and testing at any time.
 - F. The conditions imposed by this Chapter on industrial users shall be in addition to all of the other requirements of this chapter applicable generally to all users.

13.08.096 - Industrial wastewater fees.

- A. In addition to the other fees and charges required by this chapter, industrial wastewater disposal permit applicants and permittees shall pay the following fees to the City:
- B. An application processing fee in an amount set by resolution of the City Council, due at time of submitting application for industrial wastewater discharge permit together with any additional amounts required by the City engineer for testing and other City costs.
- C. Industrial wastewater disposal user fees will be calculated by the City engineer based on either (1) the number of equivalent dwelling units (EDUs) represented by the discharge, or (2) other calculations based on the discharger's share of actual operating costs of the City's sewer and wastewater treatment plant as determined by the City engineer. Fees are due and payable bi-monthly, with a minimum fee of five hundred dollars (\$500.00) bi-monthly.
- D. Reimbursement of the costs of any testing undertaken by the City of the industrial wastewater generated by the industrial user as authorized by this Chapter.

13.08.097 - Pretreatment.

- A. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes ordinances and laws.
- B. Grease, oil, grit and sand interceptors, traps and similar systems shall be provided as set forth in Section 13.08.100.
- C. Discharge of water or waste from the pretreatment facility to the City's Publicly Owned Treatment Works (POTW) shall not include prohibited discharges as set forth in Section 13.08.090.
- D. Where preliminary treatment or rate-of-flow controller facilities are provided for any water or waste, they shall be maintained continuously, in satisfactory and effective operation, by the owner at his or her expense.
- E. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner, at his or her expense and shall be maintained by him or her to be safe and accessible at all times.
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards to life, limb and property.

13.08.100 – Fats, Oils and Grease (FOG) Interceptors.

- A. All food service establishments ("FSE's") and all nonresidential sewer users shall be required to install and maintain a fat, oil, grease, grit and sand interceptor, trap or similar system (collectively a "FOG System") when the City manager or his/her designee finds that a FOG System is necessary for the proper collection, handling and disposal of (i) fats, oil or grease, (ii) flammable substances, (iii) grit, sand or dirt or (iv) other harmful constituents (collectively, "FOG") and will prevent or minimize the discharge of FOG into the City's sewer system. A FOG

System shall be installed when the wastewater flow from an FSE or any nonresidential user is anticipated to contain FOG in amounts or concentrations which the City determines, in its discretion, present the possibility of causing or contributing to the fouling of, blockage of or other damage to the City's sewer system.

- B. All FSEs connected to the City's sewer system that use grease traps prior to the effective date of this Chapter shall upgrade to grease interceptors if after an inspection the City determines that the FSE is not complying with the City's operation, repair and maintenance requirements or if the City determines, in the City's discretion, that a grease trap alone is or is likely to be ineffective at preventing the discharge of FOG into the City's sewer system.
- C. The type of FOG System to be installed shall be at the discretion of the City. Installation, maintenance and repair of the FOG System shall be the responsibility of (1) the owner of the property upon which the FOG System is installed, and (2) the person/entity that applies for connection to or use of the City's sewer system, and (3) the person/entity connecting to or using the City's sewer system, even if the property is leased, rented or otherwise occupied by a person or entity that is not the property owner. It shall be the responsibility of the owner of the property upon which a FOG System is installed to assure compliance by tenants or occupants of such property with the requirements of this Chapter. The City shall establish a FOG System permitting process.
- D. Criteria for Determining Need for Installation or Upgrading of a FOG System. The City shall determine whether a FOG System is required to be installed or upgraded on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, the following factors:
 - 1. The type of facility (for example: a restaurant, bakery, ice cream shop, gas station, etc.);
 - 2. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation);
 - 3. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
 - 4. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);
 - 5. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility;
 - 6. The overall potential for FOG-laden discharges;
 - 7. The existence of devices, procedures, or processes which are designed to minimize the amount of FOG from entering the sewer system;

8. FOG-laden discharges from exhaust hood systems (vents, filters); and
 9. Such other factors as the City may establish by resolution from time to time.
- E. The design, size, location and procedures for operating a FOG System shall be approved by the City and shall meet at least the minimum requirements of the latest edition of the Uniform Plumbing Code and this Chapter, as well as satisfying all requirements established by the City engineer. The minimum interceptor size shall be determined by the City engineer, shall have a retention time of not less than fifteen (15) minutes and shall be located to be easily accessible for cleaning and inspection.

13.08.101 – Inspections of Fats, Oils and Grease (FOG) Interceptors.

- A. Initial Inspection of Food Service Establishments. The City shall make a diligent effort to conduct FOG compliance inspections of all existing FSEs in its jurisdiction within ninety (90) days of the effective date of this Chapter using the criteria in Subsection 13.08.100 (D). If after making such inspection the City determines that a FOG System needs to be installed or upgraded on the inspected property, the City shall require the installation of an appropriate new or upgraded FOG System. The new or upgraded FOG System shall be installed to the City's satisfaction within a reasonable time, not to exceed ninety (90) days or such additional time as the City in its discretion may approve in writing upon a showing of good cause.
- B. New FSE's and Commercial and Industrial Users. Prior to issuance of a building permit or other entitlement, all new FSE's and other new nonresidential users of the City's sewer system shall be evaluated to ascertain whether they warrant installation of a FOG System. If the City in its discretion determines that a FSE or other nonresidential user of the City's sewer system warrants installation of a FOG System, the FOG System shall be installed and must pass inspection prior to issuance of a certificate of occupancy.
- C. Other Inspections. The City may inspect any FSE or nonresidential user of the City's sewer system and require the installation or upgrade of a FOG System at anytime. If the City in its discretion determines that a FOG System should be installed or upgraded, the responsible parties shall complete the installation within such time as the City shall allow which shall in no case exceed ninety (90) days except upon the written consent of the City for good cause shown.

13.08.102 – Maintenance of Fats, Oils and Grease (FOG) Interceptors.

- A. All FOG Systems shall be operated, maintained, repaired in continuous and good working order at all times. Generally, the minimum cleaning frequency of any outdoor grease interceptor shall be once every six months, or as otherwise directed by the City, or whenever the combined layer of settled solids and the layer of floating solids in the interceptor reaches twenty-five (25) percent of the depth of the interceptor, whichever occurs earlier. Grease traps may require more frequent maintenance to stay below the twenty-five (25) percent limit. Decanting or discharging removed waste back into a FOG System for the purpose of reducing the volume to be hauled shall be prohibited. The use of chemicals, enzymes, grease solvents or emulsifiers to temporarily dissolve FOG in lieu of physical cleaning is not acceptable interceptor or trap maintenance and is prohibited. The use of biological additives as a supplement to FOG System maintenance, including the addition of micro-organisms, may be authorized in writing by the City prior to the use of such additives.
- B. Maintenance records indicating date and type of service, volume pumped, name of waste hauler and waste disposal location for each pumping of a FOG System shall be kept for by the property owner for a minimum of three years. The records shall be provided to the City upon request.
- C. All waste removed from a FOG System must be disposed at a duly permitted facility authorized to receive such waste. The waste shall not be returned to the public sewer system or manhole, any private wastewater system or any storm drain.
- D. If significant grease accumulation (e.g. a partial blockage) is found downstream or if significant grease wicking is found upstream of FOG System, a special inspection of the premises may occur. The inspection will include a review of the FOG System, the FOG maintenance program, waste storage area, drains not flowing to the FOG System and such other investigation as the City deems necessary.
- E. If an FSE or other nonresidential user of the City's sewer system causes, or is a substantial factor in causing, a FOG-related sanitary sewer overflow, the operator of the FSE or other nonresidential user, and the owner of the property will be responsible for all related costs, fines, penalties and other expenses.

13.08.110 - New construction design.

- A. All new sewer extensions and service connections shall be properly designed and constructed. Plans for sewerage system construction shall meet all design requirements of the City, as determined by review of the City manager.
- B. Inspection of all sewerage construction shall be made by personnel or agents of the City. No new construction shall be covered without the approval of the City.
- C. The City shall be directly reimbursed by the project proponent for all reasonable costs associated with design review and inspection of new construction.

13.08.120 - Inspection and enforcement.

- A. From time to time, City agents or personnel may enter onto privately or publicly owned lands to inspect portions of the sewage system, including service connections, for violations of the ordinance codified in this chapter. The City will endeavor to inspect at the convenience of the user and in no event will grease traps be inspected during peak meal hours.
- B. Any user who violates any provision of this chapter, or who is found by the City manager to be guilty of any of the following violations, may be disconnected from the sewer and water system:
 - 1. Failure of the user or owner to report significant changes in operations or wastewater flows, constituents, and characteristics;
 - 2. Refusal to allow the City manager or his representatives' access to user's or owner's premises for the purpose of inspection, sampling, or monitoring;
 - 3. Nonpayment of fees and charges;
 - 4. Repeated violations of the provisions of this chapter.
- C. Waste or wastewater discharge, threatened waste or wastewater discharge, or any condition or act in violation of any provision of this chapter, of any provision of any permit issued pursuant to the chapter, or of any order or directive of the City manager authorized by the provisions of this chapter, is declared to be a public nuisance and may be abated, removed, or enjoined and damages assessed therefor, in any manner provided by law.
- D. When the City manager finds that a discharge of waste has taken place or is likely to take place in violation of this chapter, the City manager may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall:
 - 1. Comply forthwith; or
 - 2. Comply in accordance with a time schedule set forth by the City manager; or
 - 3. Take appropriate remedial or preventative action.
- E. In the event repairs, construction, or other public work is performed on any premises pursuant to any provision of law relating to the emergency performance of public work and expenditure of public funds therefor, or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate, or abate a condition upon such premises which threatens to cause, causes, or has caused a violation of any provision of the chapter, a violation of any permit issued pursuant to the provisions of the chapter, or a violation of any other requirement of law, then the user responsible for the occurrence or condition giving rise to such work, and the occupant and the owner of the premises shall be liable, jointly, and severally to the City for such public expenditures.
- F. When a discharge of wastes causes an obstruction, damage, or any other impairment to City sewage system, the City may, after providing the user with notice

and opportunity to be heard, assess a charge against the user for the work required to clean or repair the sewage system, and may add such charge to the user's charges and fees.

- G. Any charge or rental levied by the City pursuant to this chapter on any premises within the corporate limits of the City having a connection to the City sewage system is made a lien upon the premises. The City manager is authorized, and it shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the City or outside the corporate limits of the City, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency.
- H. The City may terminate, or cause to be terminated, wastewater service to any premises, if a violation of any provisions of the ordinance codified in this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this chapter.
- I. In the event of a violation of any terms of the chapter, or any rule or regulation established pursuant to this chapter, the City manager shall notify the person or persons causing, allowing, or committing such violation. Such notice shall specify in writing both the violation and the time after which, upon failure of such person or persons to prevent or rectify the violation, the City manager will exercise his authority to disconnect the property served by the sewage system. Such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Nevada City, California, addressed to the person or persons to whom notice is given. In the event such violation results in a public hazard or menace, then the City manager may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amount expended in so doing shall be a charge upon the owner so in violation.
- J. When service has been disconnected as provided in this chapter, the City manager may require that the person or persons who request that such service be reestablished furnish security acceptable to the City manager in a sum not to exceed five hundred dollars (\$500.00), payable to the City and conditioned upon compliance with the provision of this chapter, before granting permission to make such connection. Before such service will be reestablished, the person or persons making application for such reestablishment of service shall pay all expenses incurred by the City in causing such disconnection and in reestablishing such connection.
- K. It is unlawful to knowingly make any false statement, representation, record, report, plan, or other document, or to knowingly tamper with, bypass, or render inaccurate any sample monitoring device or equipment installed or operated pursuant to this chapter or to any permit issued under this chapter. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for disconnecting said user from the sewer system.
- L. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of

the sewage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

M. Appeals.

1. Any user, permittee, applicant, or other person aggrieved by any decision, action, finding, determination, order, or directive of the City manager which is made or authorized pursuant to the provisions of this chapter, or which relates to any permit issued pursuant to this chapter, or to any interpretation or implementation of the same, may file a written request with the City manager for reconsideration thereof within ten (10) days of such decision, action, finding, determination, or order, setting forth in detail the facts supporting each user's or person's request for reconsideration. The City manager shall render a final decision within fifteen (15) days of the receipt of such request for reconsideration;
2. Any user, permittee, applicant, or other person aggrieved by the final determination of the City manager may appeal such determination to the City council of Nevada City within fifteen (15) days after notification of the final determination of the City manager, and shall set forth in written detail the facts and reasons supporting the appeal. The appeal shall be heard by the City council within forty-five (45) days from the date of filing the notice of appeal. The appellant, the City manager, and such other persons as the City council may deem appropriate shall be heard at the hearing on such appeal.
3. The City council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the City council for hearing such appeal. The City council shall direct the City clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the City council, and to publish such notice once in a newspaper of general circulation within the City at least five (5) days prior to the date fixed for such hearing.
4. Upon conclusion of such hearing, the City council may affirm, reverse, or modify the final determination of the City manager as the City council deems just and equitable, and in harmony with the provisions of the chapter. During the pendency of any such appeal, the final determination of the City manager shall remain in full force and effect. The City council's determination on the appeal shall be final.
5. Pending decisions upon any appeal relative to the amount of any charge hereunder, the person making such appeal shall pay such charge. After the appeal is heard, the City council shall order refunded to the person making such appeal such amount, if any, as the City council shall determine should be refunded.

- N. Any person who intentionally or negligently violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or who so violates any cease and desist order, prohibition, effluent limitation, national standard of performance, or national pretreatment or toxicity standard may also be in violation

of the Porter-Cologne Act and be subject to its sanctions, including ten thousand dollars (\$10,000.00) a day civil penalty.

- O. Every person who violates any provisions of this chapter is guilty of a misdemeanor and is punishable as provided in the Health and Safety Code Section 4766.
- P. The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.
- Q. Any person violating the provisions of this chapter shall become liable to the City for any expense, loss, or damage, including any fines levied upon the City, occasioned by the City by reason of such violation.”

SECTION II:

STATUTORY CONSTRUCTION & SEVERABILITY: It is the intent of the City Council of the City of Nevada City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Nevada City hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION III: Effective Date and Publishing Requirement.

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of the passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Second Reading and Adoption of Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA's Requirements

RECOMMENDATION: Adopt Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code pertaining to Flood Plain Management to comply with FEMA's requirements.

CONTACT: Bryan McAlister, City Engineer
Crystal Hodgson, Consulting City Attorney

BACKGROUND / DISCUSSION:

FEMA Region IX Floodplain Management and Insurance Branch recently reviewed Nevada City's Ordinance to assess the community's enforcement of National Flood Insurance Program (NFIP) requirements. To participate in the NFIP, communities must have enforceable floodplain management regulations that are consistent with the requirements in Title 44, Code of Federal Regulations (CFR), Chapter I, Subchapter B, Parts 59 and 60 for land management and use. The City adopted its floodplain management regulations in Municipal Code Title 13, Chapter 13.20, and in Ordinance 97-04, Section 8.24 of the Nevada City Municipal Code, on October 27, 1997. The City elected to adopt higher NFIP standards from 44 CFR, 60.3(a)-(d); however, the City is only required to adopt the minimum requirements of 60.3(a)-(b).

FEMA provided a courtesy review of the ordinance and identified some deficiencies with current NFIP requirements. The City needs to amend its ordinance to comply with NFIP provisions and to reduce future flood risks to new construction. Participation in the NFIP provides access to federally backed flood insurance protection for property owners. The proposed amendment to chapter 13.20 of the Nevada City Municipal Code pertaining to flood plain management has been reviewed by City of Nevada City Engineering department and is recommended for approval.

Adoption of the proposed ordinance is exempt from CEQA review pursuant to CEQA Guidelines including Section 15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to the environment, and Section 15060(c)(2) as an activity covered by the general rule that CEQA applies only to projects that have the potential for a direct or reasonably foreseeable indirect physical change in the environment.

On July 8, 2020, the City Council held a first reading of the proposed Ordinance. Staff recommends the City Council hold a second reading and approve the Ordinance, which will be effective 30 days after its passage.

ENVIRONMENTAL IMPACT: The ordinance is exempt from environmental review under CEQA pursuant to §§15378(b)(5) and 15060(c)(2) as recited in proposed ordinance.

FISCAL IMPACT: No direct fiscal impact to the City as NFIP (insurance) is purchased by property owners.

ATTACHMENTS:

- ✓ Proposed City Ordinance No. 2020-12 with attached amendments to Nevada City Municipal Code Chapter 13.20

ORDINANCE NO. 2020-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY
AMENDING PORTIONS OF CHAPTER 13.20 OF
THE NEVADA CITY MUNICIPAL CODE
PERTAINING TO FLOOD PLAIN MANAGEMENT
TO COMPLY WITH FEMA'S REQUIREMENTS**

WHEREAS, Chapter 13.20 "Flood Plain Management" of the City Municipal Code provides regulations and requirements for the City to manage property within flood plains; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") is the federal agency charged with designating flood plain areas and issuing flood insurance to properties build within flood plains. FEMA has notified the City that its flood plain management regulations must be updated in order to allow persons within flood plains to obtain federal flood insurance through FEMA.

WHEREAS, the City Council desires to update the provisions of the Nevada City Municipal Code Chapter 13.20 comply with FEMA's requirements to ensure that Nevada City's citizens who need flood insurance through FEMA are eligible for it.

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

Section 1: Amendment to Section 13.20.020 – Definitions.

The following definitions in Nevada City Municipal Code Section 13.20.020 "Definitions" are amended to read as follows:

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before October 27, 1997.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after October 27, 1997, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after October 27, 1997.

The following definitions in Nevada City Municipal Code Section 13.20.020 "Definitions" are added as follows:

"Base Flood Elevation (BFE)" The elevation of surface water resulting from a flood that has a 1percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

"Floodproofing" Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents

"Freeboard" An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Section 2: Amendment to Section 13.20.030 -General provisions.

Subdivision (B), of Nevada City Municipal Code Section 13.20.030 shall be amended to read as follows:

"B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the February 3, 2010, Flood Insurance Study (FIS) and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, 317 Broad Street, Nevada City, California 95959."

Section 3: Amendment to Section 13.20.040 – Administration.

Subsection (7) of Subdivision (C) entitled "Duties and Responsibilities of the Floodplain Administrator" of Nevada City Municipal Code Section 13.20.040 shall be added to read as follows:

13.20.040 - Administration.

- “7. Submit Updates of Technical Data to FEMA. Notify FEMA of changes in the base flood elevation by submitting technical or scientific data (so insurance and floodplain management can be based on current data) within 6 months of discovery of any such change. “

Section 4: Amendment to Section 13.20.050 -Provisions for flood hazard reduction, subdivision (A), subsection (3).

Subsection 3 (Elevation and Floodproofing) of Subdivision A (Standards of Construction) of Nevada City Municipal Code Section 13.20.050 (Provision for flood hazard reduction) shall be amended to read as follows:

3. Elevation and Floodproofing. (See Section 13.20.020 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)
- a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
- i. In an AO zone, elevated at least two (2) feet above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM plus one (1) foot of freeboard, or elevated at least two (2) feet above the highest adjacent grade plus one (1) foot of freeboard if no depth number is specified;
 - ii. In an A zone without a base flood elevation specified on the FIRM: elevated at least two (2) feet) or above the base flood elevation, as determined under 13.20.040.C.2 plus one (1) foot of freeboard;
 - iii. In all other zones, elevated at least two (2) feet above the base flood elevation specified on the FIRM plus one (1) foot of freeboard, or as determined under 13.20.040.C.2 where no base flood elevation is specified plus one (1) foot of freeboard .

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

Section 5: Amendment to Section 13.20.050 - Provisions for flood hazard reduction, subdivision (D)

Subdivision D (Standards for Manufactured Homes) of Nevada City Municipal Code Section 13.20.050 (Provision for flood hazard reduction) shall be amended to read as follows:

“D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, within Zones A1-A30, and AH, on sites located:
 - a. Outside a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two (2) feet above the base flood elevation specified on the FIRM plus one (1) foot of freeboard, or as determined under 13.20.040.C.2 where no base flood elevation is specified plus one (1) foot of freeboard and be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-A30, AH, AE, V1-30, V, and VE on the community's flood insurance rate map that are not subject to the provisions of subsection (D)(1) of this section will be elevated so that either the:
 - a. Lowest floor of the manufactured home is elevated at least two (2) feet above the base flood elevation specified on the FIRM plus one (1) foot of freeboard, or as determined under 13.20.040.C.2 where no base flood elevation is specified plus one (1) foot of freeboard or
 - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.”

Section 6. Findings:

- A. The City Council hereby finds and declares that this Ordinance is exempt from California Environmental Quality Act (CEQA) review pursuant to the CEQA guidelines, including §15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to

the environment, and §15060(c)(2) as an activity that does not create a potential for direct or reasonably foreseeable indirect physical change in the environment.

Section 6: Effective Date and Publishing Requirement.

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of the passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this 8th day of July, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minnett, Mayor

ATTEST:

Niel Locke, City Clerk

July 23, 2020

TITLE: Second reading and adoption of Ordinance 2020-13 an Ordinance of the City of Nevada City Amending Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in Order to Update the City’s Accessory Dwelling Unit Regulations

RECOMMENDATION: Adopt Ordinance 2020-13, and Ordinance of the City of Nevada City Amending the Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in order to update the City’s Accessory Dwelling Unit (ADU) Ordinance, pertaining to height limits of ADUs within the multifamily zoning designation.

CONTACT: Amy Wolfson, City Planner
Crystal Hodgson, City Attorney

BACKGROUND / DISCUSSION:

At the January 22, 2020 City Council meeting, the City Council adopted an Ordinance pertaining to Accessory Dwelling Units (ADUs) amending Section 17.72.020 through Section 17.72.038 of the City Municipal Code in order to comply with adopted State legislation. In May 2020, staff received a request by a property owner to construct a small second unit above an existing garage on an existing multi-family lot. Existing regulations require ADU’s on a multi-family lot to be under 16-feet in height, while single-family lots may have an ADU that extends up to 35-feet if built above a garage, not to exceed the height of the primary residence.

DRAFT ORDINANCE AMENDMENT (Accessory Dwelling Unit Ordinance): Staff is recommending that similar consideration for height be applied to ADUs on multi-family lots, particularly for those units being placed above a garage or carport and those that otherwise meet site development standards including setback standards. This requires amendment to sections 17.72.026(B)(2.b) and 17.72.027(A)(2.b) of the existing Municipal Code. Below is a redlined copy of the text showing the amendments. A copy of the full proposed amended Ordinance is attached to the staff report.

2. For lots with existing multi-family residential dwellings:
 - a. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space of the existing building provided that applicable building codes are met; or
 - b. Up to two (2) of either of the follow types of units: a detached accessory dwelling units or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed. No more than two detached accessory dwelling units, provided that no such unit shall be more thannot exceed sixteen (16) feet in height, and must have a minimum of four-foot side and rear yard setbacks. If such a unit complies with standard setbacks of the zoning designation, then a newly constructed unit may be constructed over an existing, permitted garage or carport-, not to exceed twenty-five feet (25') in height. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall comply with the limits set forth in Section 17.72.024.

The City Attorney also wanted to take the amendment opportunity to clarify section 17.72.026 (F), pertaining to owner-occupancy limitations, with a clarifying statement that this requirement will not apply to multi-family lots which are not expected to have owner-occupied units now or in the future (amended language in blue below).

- F. Occupancy. Until January 1, 2025, the City shall not impose an owner-occupancy requirement on any newly permitted accessory dwelling unit on a lot with a single family dwelling. After that date this prohibition shall no longer be of force and effect unless otherwise prohibited by state law, and one of the units on the property must be occupied by the property owner. The city shall require the property owner to file a deed restriction outlining the owner-occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to the new purchasers of the requirement to maintain the owner-occupancy requirement. This requirement shall not apply to lots zoned for multifamily residential use.

PLANNING COMMISSION RECOMMENDATION AND CITY COUNCIL FIRST READING: The Planning Commission reviewed the draft Ordinance amendment at their June 25, 2020 special meeting. They recommended approval of the amendments with a 5-0 vote. On July 8, 2020, the City Council held a public hearing and approved a first reading of the Ordinance. Staff recommend adopting the ordinance.

ENVIRONMENTAL CONSIDERATIONS: The state legislature created a specific exemption to CEQA for adoption of ordinances to regulate accessory dwelling units in compliance with state law, found in CEQA Guidelines Section 15282(h) and in Public Resources Code Section 21080.17. The ordinance is also exempt from review under CEQA Guidelines Sections 15303 (new construction of small structures), 15305 (minor alterations to land), and 15061, because this ordinance will not have a significant effect on the environment, as ADUs will largely constitute infill housing which is exempt from CEQA. Council previously approved a Notice of Exemption pursuant to CEQA Guidelines Section 15282(h) at the July 10, 2020 meeting.

FISCAL IMPACT: There is no fiscal impact related to the proposed changes.

ATTACHMENTS:

- ✓ Ordinance No. 2020-13, an Ordinance of the City of Nevada City Amending Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in Order to Update the City's Accessory Dwelling Unit Regulations

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING NEVADA CITY MUNICIPAL CODE SECTIONS 17.72.026 AND 17.72.027 IN ORDER TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT REGULATIONS

WHEREAS, the City of Nevada City, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2017 and 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in January of 2020, the City Council passed Ordinance No. 2020-01 which revised Chapter 17.72 of the Nevada City Municipal Code regulating the construction of Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with the New ADU Laws; and

WHEREAS, the City Council desires to adopt additional changes to Sections 17.72.026 and 17.72.027 of Chapter 17.72 of the Nevada City Municipal Code in order to allow for the construction of up to two detached or attached accessory dwelling units on lots containing legal multi-family units, which is permitted under the New ADU Laws, and to make other clarifications of the new regulations' application to multi-family units; and

WHEREAS, the City Council held a duly-noticed public hearing for a first reading on _____, 2020, and a second reading on _____, 2020 and considered the staff report, recommendations by staff, recommendations by the Planning Commission, and public testimony concerning the proposed ordinance.

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

Section 1. Section 17.72.026 of the Nevada City Municipal Code shall be amended to read as follows:

"17.72.026 - Accessory dwelling units—Development standards.

Any permit for an accessory dwelling unit shall be subject to the development standards listed below.

- A. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.
- B. Number of accessory dwelling units per lot.
 - 1. For lots with proposed or existing single-family residences, no more than one (1) attached or detached accessory dwelling unit shall be permitted on the lot.
 - a. Notwithstanding the above, a lot with a single-family residence may have one (1) junior accessory dwelling unit and (1) detached accessory dwelling unit.
 - 2. For lots with existing multi-family residential dwellings:
 - a. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space of the existing building provided that applicable building codes are met; or
 - b. Up to two (2) of either of the follow types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed, provided that such unit shall not exceed sixteen (16) feet in height, and must has a minimum of four-foot side and rear yard setbacks. If such a unit complies with standard setbacks of the zoning designation, then a newly constructed unit may be constructed over an existing, permitted garage or carport, not to exceed twenty-five feet (25') in height. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall comply with the limits set forth in Section 17.72.024.
- C. Building Code Compliance. All new accessory dwelling units must satisfy the requirements contained in the building code and fire code as currently adopted by the city, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.
- D. Fees and Charges.
 - 1. City/public utilities.
 - a. All accessory dwelling units must be connected to public utilities, including water, electric, and sewer services.
 - b. Except as provided in subsection c below, the City may require the installation of a new or separate utility connection between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values.
 - c. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the accessory dwelling unit is being constructed in connection with a new single-family dwelling.

d. Regardless of where it is located, for the purposes of calculating utility connection fees or capacity charges, accessory dwelling units shall not be considered a new residential use unless the accessory dwelling unit was constructed with a new single-family dwelling.

2. Impact Fees.

a. For accessory dwelling units of seven hundred fifty (750) square feet or larger, all impact fees applicable to accessory dwelling unit's construction shall be paid to the city in amounts proportional to the size of the accessory dwelling unit relative to the square footage of the primary dwelling unit.

b. For accessory dwelling units seven hundred forty-nine (749) square feet or smaller, no impact fees shall be charged, unless otherwise allowed by state law.

c. For purposes of this subsection, "impact fee" has the same meaning as specified in Government Code section 66000(b) and also includes in-lieu park fees as specified in Government Code section 66477.

3. Application Fees. Application fees for an accessory dwelling unit shall be paid in an amount specified by resolution of the City Council.

4. Exception for lower income housing. Newly permitted accessory dwelling units shall not be required to pay application, or sewer and water hookup fees if accompanied by a deed restriction ensuring affordable rent to low or very low income household, as defined in Sections 50105 and 50079.5 of the California Health and Safety Code. Said deed restriction shall be effective for a minimum of 30 years. (2003 Housing Element Policy 2b).

E. Parking.

1. The City shall not require the owner to provide more than one additional parking space per accessory dwelling unit or per bedroom, whichever is less. The required parking space may be provided as:

a. Tandem parking on an existing driveway; or

b. Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the City.

2. No parking shall be required for a studio accessory dwelling unit that does not have a separate bedroom.

3. Notwithstanding the foregoing, no parking spaces shall be required for accessory dwelling units in the following instances:

a. It is located within one-half mile walking distance of public transit;

b. It is located within an architecturally and historically significant district;

c. It is part of a proposed or existing primary residence or an accessory structure;

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

- e. Where there is a car share vehicle located within one block of the accessory dwelling unit.
- 4. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.
- F. **Occupancy.** Until January 1, 2025, the City shall not impose an owner-occupancy requirement on any newly permitted accessory dwelling unit on a lot with a single family dwelling. After that date this prohibition shall no longer be of force and effect unless otherwise prohibited by state law, and one of the units on the property must be occupied by the property owner. The city shall require the property owner to file a deed restriction outlining the owner-occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to the new purchasers of the requirement to maintain the owner-occupancy requirement. This requirement shall not apply to lots zoned for multifamily residential use.
- G. **Prohibition on separate sale of accessory dwelling unit.** Accessory dwelling units may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- H. **Conversion of existing primary unit.** An existing primary dwelling may be converted to a dwelling unit if it complies with all applicable requirements of this ordinance. If so, a new, larger primary residence may be constructed.
- I. **Design requirements for new units.** All new accessory dwelling units must comply with the following design requirements:
 - 1. The materials, colors, and architecture shall be similar to and compatible with those of the primary unit.
 - 2. Accessory dwelling units shall not exceed 16-feet in height unless constructed over a garage, in which case the ADU shall not exceed the height of the primary residence or 35-feet
 - 3. Accessory dwelling unit entrances shall be oriented to face the street except that if topographic or other site constraints prevent such orientation, the entrance shall be screened from neighboring properties.
 - 4. Lighting shall not spill on to neighboring lots.
- J. **Accessibility standards.** New construction of any ground level accessory dwelling unit shall be designed and constructed to allow for disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.
- K. **No passageway shall be required in conjunction with the construction of an accessory dwelling unit.**
- L. **For residential development, the garage door shall remain in place and look functional, or the garage door shall be removed. If the door is removed, the project shall include architectural features (including siding, doors, windows, trim and accent details), and landscaping (such as a landscape strip to disconnect the driveway from the building**

- wall) so it is not apparent that the structure was originally a garage.
- M. Any ADU taking advantage of reduced setbacks pursuant to Section 17.72.027 shall not have doors or windows within such setback unless required to meet health and safety requirements
 - N. Limitation on Use as a Hosted Short-term Rental: The following types of accessory dwelling units shall not be permitted to operate as a hosted short-term rental pursuant to Chapter 17.72.080.
 - 1. Any detached accessory dwelling unit in excess of 800 square feet;
 - 2. Any attached unit in excess of 640 square feet; or
 - 3. Any unit permitted under the provisions allowed by Section 17.72.027.
 - O. Setback requirements.
 - 1. No setbacks are required for accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units or constructing new accessory dwelling units in the same location and to the same dimensions as an existing structure.
 - 2. For all other accessory dwelling units, there must be a minimum of four feet from side and rear lot lines, and comply with all other applicable front yard setbacks.
 - 3. Any ADU or JADU that does not meet the setback standards of the base zoning designation shall not be permitted to utilize yard exceptions pursuant to Section 17.84.040 or be permitted for any further projections into side or rear yards pursuant to Section 17.84.050
 - P. A detached ADU may include an attached unconditioned garage that does not exceed 250 square feet.”

SECTION 2. Section 17.72.027 of the Nevada City Municipal Code shall be amended to read as follows:

“17.72.027- Accessory dwelling units—Permitted regardless of compliance with other development standards and regulations.

- A. Accessory dwelling unit permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Title 17
 - 1. For lots with single family dwellings, one of the following:
 - a. One interior accessory dwelling unit or one junior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit or junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of section 17.72.032 below; or

b. One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single family dwelling. A junior accessory dwelling unit may also be built within the existing or proposed dwelling of such residence in connection with the accessory dwelling unit.

2. For lots with existing multifamily dwellings:

a. Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and

b. Up to two (2) of either of the follow types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed, provided they, do not exceed eight hundred (800) square feet in floor area, are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks.

B. Accessory dwelling units approved under this Section 17.72.027 shall not be rented for a term of less than thirty (30) days.

C. Accessory dwelling units or junior accessory dwelling units approved under this Section 17.72.027 shall not be required to correct legal nonconforming zoning conditions.”

SECTION 3. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because CEQA only applies to projects which have the potential to have a significant impact on the environment and because the environmental impact of each individual project will be analyzed at the time that the project is submitted. There are no impacts of this ordinance which have the potential to cumulatively cause a significant effect on the environment because the city is so small, and it is not anticipated that there will be enough facilities to cause such an impact.

SECTION 4. Effective Date. This ordinance shall become effective on the 31st day after adoption.

SECTION 5. 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 6. 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:
NOES:
ABSENT:
ATTEST:

ERIN MINETT, MAYOR

Niel Locke, City Clerk

APPROVED AS TO FORM

Crystal Hodgson, City Attorney

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Letter of Support for US Forest Service Lease at the Nevada City Tech Center

RECOMMENDATION: Review the letter of support for the US Forest Service lease property at 300 Providence Mine Road at the Nevada City Tech Center and authorize the City Council to sign.

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

BACKGROUND / DISCUSSION:

Property owner Robert Upton is requesting a letter of support to lease property to the U.S. Forest Service. The proposed property to be leased is located within the Nevada City Tech Center, which is regulated by a Development Agreement that was re-affirmed by property owners and City Council in August 2015.

Provision 1.6 Land Use Plan, of the Development Agreement outlines the permitted uses of land covered under the agreement and provides that “Notwithstanding the fact that the Subject Property is zoned LI-Light Industrial, the only uses permitted on the Subject Property are the ***permitted, conditional, and accessory uses consistent with City's prevailing regulations for the EC-Employment Center zoning district*** and including these additional land uses: Permitted accessory uses typically associated with the technological, research and development, and a digital campus, such as classrooms, child care facilities, and other similar uses that support such a business. (emphasis added)” The Employment Center (EC) zoning designation allows for “Public and quasi-public uses” as a conditional use. Forest Service use is therefore considered a “by-right” permitted use based on the language of the Development Agreement. Development of the site will require site plan review pursuant to section 17.88.010 and Architectural Review pursuant to 17.88.040 of the City Municipal Code.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Supplemental information submitted by the property owner
- ✓ Letter of Support- US Forest Service Lease within the Nevada City Tech Center



Background.

Nevada City Tech Center (NCTC) and Redwood Parks Co have jointly made a submission to the US Forest Service to relocate the existing USFS facility to NCTC. Brian Stewart, the owner of Redwood Parks Co is also the owner of the Liberty Hill office building at NCTC.

It would be very helpful to our submission to receive formal support from the City of Nevada City for the Forest Service relocation.

USFS Requirement

The USFS have requested proposals to lease approximately 20,000 square feet of office space to accommodate the office of the Supervisor for Tahoe National Forest to include a 2,000 square foot Community Room, a storage building and parking.

USFS requires a long term lease of space in a modern, high quality building. Their desired location is in an established business park with restaurants shops and other services within a walkable distance of one half mile.

NCTC Proposal

NCTC meets the requirement for an established quality business park. The Seven Hills district is within walking distance and offers a wide selection of restaurants, shops and services.

We propose building a new single story concrete building at 300 Providence Mine Road just inside the entry to the park. A location plan is attached together with a preliminary site plan and rendering of the proposed building.

The use falls within the scope of the existing Development Agreement between NCTC and the City which gives certainty to the review of the proposal and will speed the process significantly.

Benefits to Nevada City

The benefits to Nevada City include:

- Maintaining the City's long standing relationship with Forest Service.
- Locating a prestigious government office within the City.
- Bringing approximately 140 jobs into the City limits.
- Significantly increasing business in the Seven Hills Business District.
- Promoting activity at NCTC which will encourage further interest in the property.



Existing 10.5 K SF Professional Office Condominiums

Lots 2,4,5,6,7,8,10 Future Development

- The "Maidu Grove Amenity Area"
- Basketball
 - Bocceball
 - Picnic Tables

Existing 30K SF Class A Office

The Grove - Approved 59 Unit "Affordable by Design" Housing Project

Proposed TNF Building Site

NEVADA CITY TECH CENTER MASTER PLAN





July 23, 2020

US Forest Service Lease Proposal

Dear Ms. McCollister,

We understand that you are seeking new premises for the US Forest Service to replace their existing location at the junction of Highways 20 and 49. As you know the Forest Service has had a long association with Nevada City and I am writing to advise you that the City is anxious that we continue this relationship and will assist you in finding an alternative Nevada City location.

You are receiving a proposal from the Nevada City Tech Center to build you a new purpose-built building on one of their vacant parcels which will meet your requirements for a business park location with great access to shop, restaurants and services. The City and Nevada City Tech Center have a Development Agreement in place which approves a further 170,000 square feet of development and which will facilitate a rapid review process through the City. If you have any questions about this process please contact Amy Wolfson, our City Planner.

The City hopes to continue our relationship with the Forest Service and believes that the Tech Center would be an ideal location. Please let me know if either I or our City staff can assist you in deciding on a new location for the Forest Service.

Sincerely,

Erin Minett,

Mayor, City of Nevada City.

erin4nevadacity@gmail.com

530 478 1816

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Commitment of Auction Funds

RECOMMENDATION: Commit the \$2,267.56 raised with the Pioneer Park Online Auction to projects to be completed within Pioneer Park.

CONTACT: Dawn Zydonis, Parks & Recreation Manager

BACKGROUND / DISCUSSION:

On June 17 & 18, 2020, the Parks & Recreation Manager held an online auction to raise funds for Pioneer Park. The items sold at the auction were playground equipment that had been removed from Pioneer Park in the 90's, wood windows from Seaman's Lodge and youth chairs from a youth program that the City no longer runs.

The auction was very successful and raised \$2,267.56. The Parks & Recreation Manager is requesting that these funds be committed to use at Pioneer Park for a project that will improve an existing space or add a new amenity. The funds could be used as a match for a grant application, combined with a donation or used directly for a project at Pioneer Park.

ENVIRONMENTAL CONSIDERATIONS: If the project that the funds are used for require environmental review, that will be completed at the time the project is decided on.

FISCAL IMPACT: None

ATTACHMENTS: None

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Action Minutes July 8, 2020 Special City Council Meeting

RECOMMENDATION: Review and approve Special City Council Meeting action minutes of July 8, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the July 8, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Special City Council Meeting action minutes July 8, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF JULY 8, 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
Absent: Council Member Moberg

PLEDGE OF ALLEGIANCE

PROCLAMATIONS: “A Proclamation of Appreciation”

PRESENTATIONS:

BUSINESS FROM THE FLOOR:

1. OUTGOING COUNCIL MEMBER AND MAYOR REMARKS

Action: Remarks from Council Member Parker and Mayor Senum – resigned from the Council, no action by the Council required.

2. REORGANIZATION OF CITY COUNCIL:

A. Subject: Selection of Mayor and Vice Mayor to Service for Fiscal Year 2020-2021

Recommendation: Conduct the selection process for Mayor and Mayor Pro Tem (Vice Mayor) in accordance with the Mayoral Succession adopted as amended pursuant to Resolution 2012-27.

Action: Action: Motion by Parker, seconded by Senum to appoint Vice Mayor Minett as Mayor and Council Member Strawser as Vice Mayor and welcome new Council Members Fernandez and Fleming for the Fiscal Year 2020-2021 pursuant to Resolution 2012-27.

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

Action: Recess from 7:30 PM to 7:37 PM

3. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

4. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

Action: New Council Member Fernandez announced her Planning Commissioner appointment to be, Nikaya Schwartz, no action required.

Action: Motion by Strawser, seconded by Fleming to add an agenda item to Resolution Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California Calling a Special Municipal Election to be held on Tuesday, November 3, 2020, submitting to the Electorate at that Election a Ballot Measure Relating to the Offices of City Clerk and City Treasurer, requesting that the Board of Supervisors of the County of Nevada Consolidate the Special Municipal Election with other Elections to be held on November 3, 2020, and taking certain related actions with added language to elect a Council Member to fill the vacant seat caused by Council Member Reinette Senum's resignation.

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

5. CONSENT ITEMS:

A. Subject: Action Minutes June 24, 2020 City Council Meeting

Recommendation: Review and approve City Council Meeting action minutes of June 24, 2020.

B. Subject: Action Minutes June 30, 2020 Special City Council Meeting

Recommendation: Review and approve Special City Council Meeting action minutes of June 30, 2020.

Action: Motion by Strawser, seconded by Fleming to approve items 3A and 3B as presented.

(Approved 3-0, Abstention 1-Fernandez, Absent 1-Senum, Roll call votes ayes Strawser, Fleming and Minett)

6. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Automatic Extension of City's Evictions Moratorium (for COVID-19) Until September 30, 2020

Recommendation: Receive and file.

Action: No action, receive and file.

B. Subject: Resolutions Calling for a Special Municipal Election on November 3, 2020 with a Ballot Measure Concerning the City Clerk and City Treasurer and Resolution to Submit a Ballot Measure with a Special Transactions and Use Tax and Associated Ordinance

Recommendation:

1. Pass Resolution 2020-49, a Resolution of the City Council of the City of Nevada City, California Calling a Special Municipal Election to be Held on Tuesday, November 3, 2020, Submitting to the Electorate at that Election a Ballot Measure Relating to the Offices of City Clerk and City Treasurer, Requesting that the Board of Supervisors of the County of Nevada Consolidate the Special Municipal Election with other Elections to be Held on November 3, 2020, and Taking Certain Related Actions; and

2. Waive reading of Ordinance in its entirety, read by title only, and approve a first reading of an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration; and
3. Pass Resolution 2020-50, a Resolution of the City Council of the City Of Nevada City, California, Submitting a Special Transactions and Use Tax Measure to the Voters at the November 3, 2020 Special Municipal Election and Taking Certain Related Actions.

Action: Motion by Strawser, seconded by Fernandez to pass Resolution 2020-49, a Resolution of the City Council of the City of Nevada City, California calling a Special Municipal Election to be held on Tuesday, November 3, 2020, submitting to the Electorate at that Election a Ballot Measure relating to the Offices of City Clerk and City Treasurer, requesting that the Board of Supervisors of the County of Nevada consolidate the Special Municipal Election with other Elections to be held on November 3, 2020, and taking certain related actions, with added language to elect a Council Member to fill the vacant seat caused by Council Member Reinette Senum's resignation.

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

Action: Motion by Strawser, seconded by Fernandez to waive reading of Ordinance in its entirety, read by title only, and approve a first reading of an Ordinance of the City of Nevada City, California imposing a Transactions and Use Tax to be administered by the California Department of Tax and Fee Administration.

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

Action: Motion by Strawser, seconded by Fernandez to pass Resolution 2020-50 a Resolution of the City Council of the City Of Nevada City, California, submitting a Special Transactions and Use Tax Measure to the voters at the November 3, 2020 Special Municipal Election and taking certain related actions.

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

7. PUBLIC HEARINGS:

- A. **Subject:** Ordinance Amendment for the Regulation of Accessory Dwelling Units
Recommendation: Waive reading of Ordinance, read title only and introduce for first reading, Ordinance 2020-13 to amend Section 17.72.026 and Section 17.72.027 in order to update the City's Accessory Dwelling Unit (ADU) Ordinance pertaining to height limits of ADUs within the multifamily zoning designation.
 1. Find that Draft Ordinance 2020-13 is Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15282(h), 15303, 15305, and 15061.
 2. Approve first reading of Ordinance 2020-13 to amend Sections 17.72.026(B)(2.b), 17.72.027(A)(2.b), and 17.72.026(F) in order to update the City's Ordinance pertaining to Accessory Dwelling Units.

Action: Motion by Strawser, seconded by Fernandez to find that Draft Ordinance 2020-13 is

Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15282(h), 15303, 15305, and 15061.

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

Action: Motion by Strawser, seconded by Fernandez to waive first reading and read by title only Ordinance 2020-13 to amend Sections 17.72.026(B)(2.b), 17.72.027(A)(2.b), and 17.72.026(F) in order to update the City's Ordinance pertaining to Accessory Dwelling Units. taking certain related actions.

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

B. Subject: An Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

Recommendation: After holding a public hearing, approve for introduction and first reading of Ordinance by title only, waiving further reading of the entire Ordinance.

Action: Motion by Strawser, seconded by Fernandez to waive first reading and read by title only Ordinance 2020-11, an Ordinance of the City of Nevada City repealing and reenacting Chapter 13.08 of the Nevada City Municipal Code regulating the City's sewer system.

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

8. OLD BUSINESS:

A. Subject: Resolution 2020-51, a Resolution Approving the Memorandum of Understanding (MOU) Regarding approval of an MOU between the County of Nevada and Cities of Nevada City and Grass Valley for joint application and administration of Permanent Local Housing Allocation (PLHA) Plan and Resolution 2020-52 Authorizing the formation of a Regional Local Housing Trust Fund (LHTF) with the County of Nevada, the City of Grass Valley and the City of Nevada City

Recommendation:

1. Pass Resolution 2020-51, a Resolution approving a memorandum of understanding between the County of Nevada, City of Grass Valley and City of Nevada City pertaining to the proposed regional application for the Permanent Local Housing Allocations (PLHA) and authorizing the formation of a Regional Housing Trust Fund (RHTF) for the coordination and administration of the Permanent Local Housing Allocations; and
2. Pass Resolution 2020-52, a Resolution of the City Council of the City of Nevada City, Authorizing the County Of Nevada to Apply to Jointly Form A Regional Local Housing Trust Fund.

Action: Motion by Strawser, seconded by Fleming to pass Resolution 2020-51, a Resolution approving a memorandum of understanding between the County of Nevada, City of Grass Valley and City of Nevada City pertaining to the proposed regional application for the Permanent Local Housing Allocations (PLHA) and authorizing the formation of a Regional Housing Trust Fund (RHTF) for the coordination and administration of the Permanent Local Housing Allocations; and pass Resolution 2020-52, a Resolution of the City Council of the City of Nevada City, Authorizing the County Of Nevada to Apply to jointly form A Regional Local Housing Trust Fund.

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

9. NEW BUSINESS:

A. Subject: An Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA’s Requirements

Recommendation:

1. Pass Resolution 2020-53, a Resolution of the City Council of the City of Nevada City, State of California approving a Notice of Exemption (Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA’s Requirements); and
2. Approve for introduction and first reading of Ordinance by title only, waiving further reading of the entire Ordinance.

Action: Motion by Strawser, seconded by Fernandez to pass Resolution 2020-53, a Resolution of the City Council of the City of Nevada City, State of California approving a Notice of Exemption (Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA’s Requirements).

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

Action: Motion by Strawser, seconded by Fernandez to approve for introduction and first reading of by title only, waiving further reading of the entire Ordinance 2020-12, and Ordinance amending portions of Chapter 13.20 of the Nevada City Municipal Code pertaining to Flood Plain Management to comply with FEMA’s requirements.

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

10. CORRESPONDENCE:

A. Subject: Nevada County Relief Fund donation

B. Subject: Grand Jury Report – Fire Inspection in Nevada County – What We Don’t Know Can Hurt Us

11. ANNOUNCEMENTS:

12. CITY MANAGER’S REPORT: A verbal report was provided.

13. ADJOURNMENT: - 9:32 PM

AYES: MINETT, STRAWSER, MOBERG

[Type here]

NOES:

ABSTAIN:

ABSENT: SENUM

ATTEST:

Erin Minett, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

July 23, 2020

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

TITLE: LAFCo Nevada City Sphere of Influence (SOI) Update

RECOMMENDATION: Provide staff direction for any formal comments City Council would like to provide to LAFCo regarding the draft Environmental Impact Report (EIR) prepared for the Nevada City Sphere of Influence (SOI) update to be provided in a letter from the Mayor.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

At the June 27, 2018 City Council meeting, staff provided an update of LAFCo's direction to move forward with determining the appropriate level of environmental review pursuant to the California Environmental Quality Act (CEQA) necessary for the Nevada City Sphere of Influence (SOI) Update. At that meeting Council was advised of an updated scope of work by LAFCo's consultant, Kimley Horn to prepare an Environmental Impact Report (EIR).

LAFCo released a Notice of Availability (NOA) for the draft EIR on June 19, 2020 commencing a 45-day public review period that ends on August 3, 2020. The attached NOA includes a summary of the determined environmental impacts associated with the Sphere of Influence update. The draft EIR in its entirety can be reviewed at the LAFCo website at the following link: <https://www.mynevadacounty.com/3036/Nevada-City-Sphere-Update>

PLANNING COMMISSION RECOMMENDATION:

At their meeting on July 16, 2020 the Planning Commission recommended that City Council reiterate the City's preference to retain the existing Sphere of Influence. The existing SOI is represented in the draft EIR as the "City Recommended Alternative." It should be noted that LAFCo has sole authority in determining the SOI limit and they previously identified the map represented in the dEIR as the "LAFCo/City Consensus Alternative" as the "Preferred Alternative" for the purpose of evaluation under the California Environmental Quality Act (CEQA). The planning commission did not make any recommendation regarding the adequacy of the dEIR analysis.

ENVIRONMENTAL CONSIDERATIONS: Nevada LAFCo is the lead agency for the Nevada City SOI update Environmental Impact Report (EIR). Nevada City is a commenting agency and may provide comments on the report to be presented to LAFCo.

FISCAL IMPACT: Cost of preparation of the EIR was estimated to be \$77,935. The City contributes funds to the Nevada LAFCo operating budget, along with other County jurisdictions and special districts.

ATTACHMENTS:

- ✓ Notice of Availability (NOA): Nevada City Sphere Update draft EIR



LAFCo · 950 Maidu Avenue · Nevada City · CA · 95959 · 530-265-7180

NOTICE OF AVAILABILITY

Date: June 19, 2020
To: Responsible Agencies, Organizations, and Interested Parties
From: Nevada County Local Agency Formation Commission
Contact: Nevada County Local Agency Formation Commission
SR Jones, LAFCo Executive Officer
950 Maidu Avenue,
Nevada City, CA 95959

Subject: **Sphere of Influence Plan for the City of Nevada City Environmental Impact Report**

NOTICE IS HEREBY GIVEN THAT the Nevada County Local Agency Formation Commission (LAFCo), as Lead Agency under the California Environmental Quality Act (CEQA), has prepared a Draft Environmental Impact Report (EIR) for the proposed update to the Sphere of Influence Plan for the City of Nevada City (proposed project). A 45-day public review period will commence **June 19, 2020** and end **August 3, 2020**.

Project Title: Sphere of Influence Plan Update for the City of Nevada City Environmental Impact Report.

Project Location: The project proposed would update the Sphere of Influence (SOI) of the City of Nevada City. The proposed project would occur within the City's current SOI covering an area of approximately 2,702 acres. The SOI area is largely characterized by rural and low density residential development, undeveloped parcels, limited commercial development, and generally steep and hilly forested terrain. Access to and within the SOI project area is provided via State Route (SR-20\49), Highway (Hwy-20), major collector roadways including Banner Lava Cap Road, Gracie Road, Red Dog Road, Willow Valley Road, Lewis Road, Old Downieville Hwy and Champion Mine Road. The area also contains many local and private roads that provide direct access through the area.

Project Description: The proposed project consists of an update the existing Nevada City SOI area. The proposed project would reduce the size of the existing SOI area to omit lands that are unlikely to require municipal services and to promote orderly development and logical future extensions of City infrastructure. The proposed project includes four priority annexation areas (Annexation Area #1, Annexation Area #2, Annexation area #3, and Annexation Area #4) as well as six areas with significant development potential (Providence Mine East, Hurst Ranch, HEW Building, Manzanita Diggins, Highway 49 Planned Development Area, and Gracie/Gold Flats) that have reasonable access to water and wastewater service. Due to the presence or proximity to services, these properties are considered more likely to be annexed to the City.

The five areas that would be removed from the SOI would be designated by LAFCo as “Areas of Interest” to the City. The proposed project does not include any development or propose any plans for development. The proposed project would only result in the adjustment of the City’s SOI.

Significant Environmental Impacts: The Draft EIR has determined that the proposed project would result in any significant and unavoidable associated with Wildfire and Greenhouse Gas. Other impacts that were initially found to be potentially significant would be mitigated to less than significant.

Public Hearing: The Nevada County Local Agency Formation Commission will hold a public hearing to gather public input on the Draft EIR and provide the public with an opportunity to comment in addition to the standard 45 day review period (discussed below). The hearing will be on **Thursday, August 20, 2020 at 9:30 A.M., or as soon thereafter as possible**, and presented from the Nevada County LAFCo, 950 Maidu Avenue, Nevada City, CA 95959. Because of the ongoing COVID-19 restrictions and to enable public participation this meeting is planned to be held using Zoom, which is available at (<https://zoom.us/>).

Public Review Period: In accordance with CEQA, should you or your organization have any comments on the Draft EIR, it is requested to provide a written response to this notice within the public review period, which begins on **Friday, June 19, 2020** and ends on **Monday August 3, 2020**. The Draft EIR and related documents can be reviewed at the Nevada City City Hall at 317 West Broad Street and the Nevada County LAFCo offices at 950 Maidu Avenue in the Nevada City. The Draft EIR also is available for review on the Nevada County LAFCo website at <https://www.mynevadacounty.com/907/Local-Agency-Formation-Commission-LAFCo>.

If you wish to comment, please include: “Nevada City SOI Update Draft EIR Comments” in the subject line and send comments via U.S. mail or e-mail to:

Nevada County Local Agency Formassion Commission
Attn: SR Jones – Executive Officer
950 Maidu Avenue, Nevada City, CA 95959
(530) 265-7180
lafco@co.nevada.ca.us

PLEASE NOTE:

To ensure delivery via e-mail, please do not send attachments larger than 1 MB. Nevada County LAFCo does not accept responsibility for any attachments rejected by our e-mail system due to file size.

Hours of public access at the Nevada County LAFCo office are 9:00 a.m. to 5:00 p.m. Monday – Friday. During the COVID-19 crisis, we ask that you contact the office to make an appointment.

Hand delivered comments will only be accepted at the Nevada County LAFCo offices during the listed hours.

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Proposition 68 – Per Capita Program and State Parks Program Update

RECOMMENDATION: Provide staff direction to complete applications for two Proposition 68 programs and provide input on priority projects.

CONTACT: Dawn Zydonis, Parks & Recreation Manager

BACKGROUND / DISCUSSION:

In 2018, California voters passed the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68). The following is information about Proposition 68 grant programs that Nevada City is now able to apply for.

Per Capita Program

The City has been awarded \$177,952 through the General Per Capita Program. Funds are available for local park rehabilitation, creation, and improvement. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

Per Capita Program Details:

- A 20% match is required if the project is not serving a “severely disadvantaged community”. This is defined by the Match Calculator on the State Parks website. Staff and volunteer hours can be used toward the match amount.
- Projects must be capital outlay for recreational purposes.
- The City can request more than one Project.
- Grantees are encouraged to partner with other grantees on projects. The County of Nevada was awarded \$400,000 of per capita funding. City of Grass Valley, Town of Truckee, and each of the 3 Park Districts in Western Nevada County received \$177,952.

Although the City has been awarded this funding, the project needs to be approved by the State and then is treated like a reimbursement grant.

Statewide Park Program (SPP)

The City applied for SPP funding in 2019 and was denied. The City was not given feedback on why the application was denied other than the fact that \$2.3 billion was requested and only \$254.9 million was available. The Parks & Recreation Manager has reached out to the state to find out if feedback is available.

These funds are available to create a new park, expand an existing park or renovate an existing park. The maximum grant request can be \$8.5 million and the minimum request can be \$200,000. The City's application in 2019 requested just over \$3 million for the following projects at Pioneer Park; trails and access points, pickleball courts, renovation of ballfield, renovation of Seaman's Lodge, playground improvements, tennis court lighting, renovation of parking lots and renovation of Looser Fountain.

SPP Details:

- No match is required.
- Must have a project that serves a community that has a critical lack of park space or with significant poverty.
- Community meetings are required. COVID-19 guidelines have been provided for this process.

The Parks & Recreation Manager will be attending a Prop 68 SPP Workshop on July 21st, so there may be additional updates for that grant program after attending.

Attached to this report is a copy of Appendix E from the Pioneer Park Master Plan. Appendix E is a Project List for Pioneer Park that was last approved by the City Council on March 11, 2020. Also attached is a list of recreation projects that the City has started, discussed as priorities or mentioned in Plans for our open space parcels.

City staff is asking the Council to direct City staff to complete applications for the two Proposition 68 programs and provide input about priority projects. At this time, staff is recommending that the Per Capita funds be used for lighting on the tennis courts and bandshell area and that the SPP public meetings focus on the items that were included in the 2019 application, but possibly narrow down to less projects within the park.

ENVIRONMENTAL CONSIDERATIONS: Environmental review is part of the grant application process.

FISCAL IMPACT: There may be a 20% match on the Per Capita Funding.

ATTACHMENTS:

- ✓ Pioneer Park – Project List (Appendix E)
- ✓ Open Space Project List

Pioneer Park - Project List (Appendix E)
Adopted March 11, 2020

	PROJECT	NOTES	EST. COST
1	A new lawn mower		\$8,000
2	New lights at tennis courts		\$122,000
3	Renovate lower field for better drainage - outfield area of ballfield		
4	Renovation of Seaman's Lodge - bathrooms, kitchen, fireplace, sound absorbing materials, paint outside and repair shutters		\$495,000
5	Renovate The Wagon Shed - move carriages to museum; fix roof to create covered picnic area		
6	Renovate Looser Fountain		\$20,000
7	Renovate bathrooms at swimming pool - possibly also the office		
8	Develop area behind Seaman's Lodge - Pickleball Courts		\$340,000
9	Trails/walkways and access points with lighting		\$436,500
10	Renovate Parking Lots		\$382,500
11	Playground Improvements (remove sand, add shade, ADA swing, complete fencing)		\$422,000
12	Picnic area at bottom of stairs by playground: Make it function better; possible shade structure; and clean up hillside		
13	Upper Picnic Area: "counter" by BBQ		
14	Portable fencing for lower ball field	Little League was working on this pre-COVID	
15	Slide or other feature for the swimming pool		
16	Cottage - new roof (before completion of this project review the benefits of having the cottage in the park...is it beneficial to invest in the building?)		
17	A Plan for 425 Nimrod		

Nevada City Open Spaces - Project List

July 2020

	PROJECT	LOCATION	EST. COST
1	Maybert Bridge, trails and Parking	Stiles Mill	
2	Sugarloaf Trail	Sugarloaf Mtn.	
3	Viewing Dock	Hirschman's Pond	
4	???	Old Airport	
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REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Repealing Resolution No. 2020-36 Suspending the Imposition and Collection of Parking Fees at City Parking Meters During COVID-19 Local Emergency

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City Of Nevada City repealing Resolution No. 2020-36 suspending the imposition and collection of parking fees at city parking meters during the Covid-19 local emergency.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

In order to promote economic recovery in the downtown area of the City during the impacts of the COVID-19 emergency business shut-downs, on June 1, 2020, the City Council approved Resolution No. 2020-36 temporarily suspending the imposition and collection of parking meter fees at city parking meters. The City Council directed staff to bring the matter back to their consideration at this July 23, 2020, meeting to determine whether the Resolution should be repealed or stay in place. Staff recommends repealing the Resolution No. 2020-36 in order to resume the normal collection of parking meter fees in the City's downtown area. The City relies on parking meter fees to support its general services, and further suspension of the imposition and collection of the parking meter fees may strain the City's general fund.

If the City Council does not prefer to resume collection and imposition of the parking meter fees at this time, staff requests direction on what date to bring the matter back to the City Council for further consideration.

FISCAL IMPACT: Approval of the Resolution will allow for the City to resume collection of parking meter fees which provides revenue to support the City's general services.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Repealing Resolution No. 2020-36 Suspending the Imposition and Collection of Parking Fees at City Parking Meters During the Covid-19 Local Emergency

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY REPEALING
RESOLUTION NO. 2020-36 SUSPENDING THE IMPOSITION AND COLLECTION OF
PARKING FEES AT CITY PARKING METERS DURING THE COVID-19 LOCAL
EMERGENCY**

WHEREAS, in order to promote economic recovery in the downtown area of the City during the impacts of the COVID-19 emergency business shut-downs, on June 1, 2020, the City Council approved Resolution No. 2020-36 temporarily suspending the imposition and collection of parking meter fees at city parking meters. The City Council directed staff to bring the matter back to their consideration at this July 23, 2020, meeting to determine whether the Resolution should be repealed or stay in place; and

WHEREAS, the City Council desires to repeal Resolution No. 2020-XX in order to reinstate the normal collection of parking meter fees at the City's lots.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that Resolution No. 2020-36 temporarily suspending the imposition and collection of parking meter fees at city parking meters is hereby repealed.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 23st day of July, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Monthly Update on City Council Six-Month Strategic Objectives and Discuss Upcoming Strategic Planning Set for August 24, 2020

RECOMMENDATION: Review current Strategic Plan goals and objectives and provide staff direction as to whether to move forward with the Strategic Planning Retreat scheduled for August 24, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

On February 10, 2020, the City Council, Planning Commission and executive staff held a planning retreat in the City Hall Council Chambers, facilitated by Marilyn M. Snider. The focus retreat included the review of the three-year goals for the organization and identification of the six-month strategic objectives.

The four goals not in priority order:

- Improve Citywide infrastructure with emphasis on increased parking;
- Improve Citywide technology;
- Improve and manage fiscal stability and sustainability;
- Improve safety and security of the City residents and visitors; and
- Enhance long-term planning documents (*this was a prior goal and was removed*).

The attendees then reviewed the above-mentioned goals and developed 19 specific six-month strategic objectives (as outlined in the attached grid), specific performance measures and a follow-up process to ensure progress is monitored.

Consistent with the City Council's direction, a monthly status report has been prepared to provide an update on attainment of the Council's six-month objectives. The attached grid outlines the status of each objective and, where appropriate, includes comments to provide additional information about select objectives. The date of completion for several objectives have been revised. The changes are noted in the comments on the grid. Many of the outlined objectives have been revised, put on hold or abandoned due to the COVID-19 pandemic and unknown financial impacts the City will be facing.

Strategic planning is a critical component of keeping the City on track with Citywide set goals and objectives. A date was set on February 10, 2020 to have a 6 month Strategic Planning Retreat on August 24, 2020. With two new City Council members and the onset of the COVID-19 pandemic it is a good time for the City Council to determine how to move forward with a retreat. The City Manager had a discussion with Marilyn Snider and the retreat can be formatted in a way to accommodate the State guidelines. Staff is seeking direction on if the Council would like to move forward with having the retreat on August 24, 2020, postponing the retreat to a later date or cancelling the retreat all together.

ENVIRONMENTAL CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT:

- ✓ 6-Month Strategic Objectives Grid

NEVADA CITY

SIX-MONTH STRATEGIC OBJECTIVES

February 10, 2020 – August 1, 2020

THREE-YEAR GOAL: <i>Improve citywide infrastructure with emphasis on increased parking</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Engineer (lead), City Manager, Police Chief and Public Works Superintendent, working with the Consulting Attorney and the neighborhood	Present to the City Council for direction a Safety Plan for Clark Street and a Site Plan for Clark Street parking lot construction and associated trails and bridge.			X	COVID-19 has limited our ability to meet with this neighborhood to create a plan. The City has painted crosswalks at Clark and Pine. New date September 23, 2020
2. At the April 8, 2020 City Council meeting	City Engineer and City Manager	Present to the City Council for action a professional services agreement for a consultant to perform a preliminary design and cost estimate for a parking structure at Spring Street.			X	On hold due to COVID-19 and financial impacts the City does not currently have funding available for this.
3. At the May 27, 2020 City Council meeting	City Manager and City Engineer	Present to the City Council for action a BID request award for initial work on the Nevada Street Bridge Project and recommend a funding source for inclusion in the 2020-2021 Budget.			X	On hold until the City receives notification in November 2020 regarding funding. Bid to Council January 27, 2020
4. At the June 18, 2020 Planning Commission meeting	City Manager (lead) and City Engineer, working with the City Planner and Rebecca Coffman	Complete Phase II design work for Commercial Street streetscape improvements and present to the Planning Commission for a recommendation to the City Council.			X	Phase II design going to the August Planning Commission meeting. New date September 23, 2020

THREE-YEAR GOAL: *Improve citywide technology*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Planner and Technology Committee	Identify technology solutions for the Council Chambers to improve meeting production and efficiency.			X	August 12, 2020 limited plan due to lack of funding tied to COVID-19.
2. At the April 22, 2020 City Council meeting	City Manager, working with Michael Anderson of ClientWorks	Provide a progress report to the City Council on the Fiber Optics Project.			X	August 26, 2020
3. At the April 22, 2020 City Council meeting	Administrative Services Manager	Identify future accounting software, including costs and funding options, and request from the City Council that money is set aside in the 2020-2021 Budget.			X	This project will be put on hold for an unknown period of time due to lack of ability to fund related to COVID-19.
4. At the June 10, 2020 City Council meeting	Public Works Superintendent, working with a consultant	Present a water meter technology upgrade strategy, including funding options, to the City Council for direction.			X	This project will be put on hold for an unknown period of time due to lack of ability to fund related to COVID-19.
5. At the June 24, 2020 City Council meeting	City Planner	Present at least two permit tracking software options to the City Council for direction.			X	Recently notified of funding award currently in discussion of getting costs from vendors. Revised date August 26, 2020

THREE-YEAR GOAL: *Improve and maintain fiscal stability and sustainability*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 8, 2020 City Council meeting	Mayor Reinette Senum, with input from the Nevada County Arts Council	Present to the City Council a Citywide Art Installation Plan, timeline and promotion for consideration.			X	On hold due to COVID-19.
2. At the May 13, 2020 City Council meeting	City Manager	Present the results of the AB1600 Development Impact Fees Study and recommend adoption of the fees to the City Council.			X	Currently still in process – revise date to August 26, 2020 due to COVID-19 interruption.
3. At the June 10, 2020 City Council meeting	City Manager and Administrative Services Manager	Present a pre-funding pension option for CalPERS unfunded liabilities to the City Council for action.			X	On hold until further notice due to unstable financial condition and lack of funding options because of COVID-19.
4. By June 15, 2020	City Manager (lead), City Attorney, City Engineer and Consulting City Engineer	Complete legal and practical requirements to place a tax measure on the ballot to extend Measure S's one half-cent sales tax and to fund water distribution, wastewater collection and roads.		X		
5. At the July 22, 2020 City Council meeting	City Planner, with input from the 100% Renewables Committee	Review and present to the City Council the progress on the 2015 Energy Action Plan goals.			X	Currently still in process – revise date to August 26, 2020 due to COVID-19 interruption.

THREE-YEAR GOAL: *Improve safety and security of the city residents and visitors*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By the April 22, 2020 City Council meeting	Fire Chief (lead), City Attorney and Councilmember Erin Minett	Report back to the City Council with recommendations to amend the hazardous vegetation ordinance to include overhanging trees.	X			Staff recommends not moving forward with this because in most instances, it is a neighbor dispute (civil) and an Ordinance could open the City up to liability and would be difficult to enforce.
2. At the April 22, 2020 City Council meeting	Councilmember Erin Minett	Recommend to the City Council the appointment of specific categories as members of a Nevada City Fire Safety Advisory Committee to assist in defining goals and objectives for overall citywide vegetation management.	X			
3. By the May 13, 2020 City Council meeting	Councilmember Erin Minett	Host a citywide Town Hall meeting to address fire concerns and educate the public on the high/low sirens.			X	Due to COVID-19 postponed until July 31, 2020
4. At the May 13, 2020 City Council meeting	Public Works Superintendent and Police Chief	Propose to the City Council a plan to include security at City facilities.	X			
5. At the May 13, 2020 City Council meeting	Police Chief (lead), City Attorney and Fire Chief	Present a new ordinance to the City Council preventing camping on Sugar Loaf Mountain and the Nevada City Trails due to the extreme public safety issues of wildfires and contaminated water- ways.	X			Staff is recommending not moving forward with this at this time because other jurisdictions such as Yuba County and Sacramento that have put this type of Ordinance in place have received lawsuits associated to such Ordinance.

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Sugarloaf Clean-up Update

RECOMMENDATION: Receive and file the update on the collaborative effort by Nevada City, Nevada County Health and Human Services, Nevada County Sheriff's Office and other community organizations to address the homeless encampments on Sugarloaf Mountain with particular concern around fire danger.

CONTACT: Police Chief Chad Ellis
HOME Team Member Joe Naake

BACKGROUND / DISCUSSION:

Recently, there has been increased community, neighborhood and media attention related to homeless encampments on Sugarloaf Mountain in Nevada City, with particular concern around fire danger.

The Health and Human Services Agency (HHS) has been partnering closely with Nevada City, The Sheriff's Office and other partner community organizations to mitigate and address these concerns. The HOME Team has been actively engaging homeless individuals to build relationships, educate them on fire danger and connect them to treatment and housing. These efforts take time and time isn't a luxury that we have with the danger posed by encampments in this heavily wooded residential area.

Over the past 4 weeks the individuals that were camping on Sugarloaf have been relocated to and staying at the Northern Queen Hotel. During this time outreach workers have spent countless hours working with these individuals and connecting them with many different services and discussing different housing alternatives. On July 8th the funding for the hotel came to an end and 14 out of 17 individuals were relocated into various alternative housing. NCPD has been doing routine patrols on Sugarloaf Mountain and as of today there are no current active camps on the property.

During the 4 weeks Nevada City employees along with community members were able to clean up the multiple abandoned camps that were left behind on Sugarloaf. Waste Management as well as United rentals were instrumental in the cleanup process as they donated three large dumpsters and a large dump truck to assist us with the cleanup project.

ENVIRONMENTAL CONSIDERATIONS:

A positive impact as hundreds of pounds of garbage and waste were removed from Sugarloaf Mountain

FISCAL IMPACT:

None

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Commercial and Residential Back-up Generators

RECOMMENDATION: Provide staff direction to prepare and present an Ordinance option to regulate commercial and residential generators in a manner that provides objective standards for administrative processing.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION: Staff has received several requests for processing commercial and residential generators to be used in the event of emergency electrical power outages. The Municipal Code does not currently include land use standards specific to generator placement or aesthetics and in some cases does not provide clear authority to permit at all, or in other cases requires a lengthy conditional use permit process. Staff is recommending Council direction to research and prepare an option for an Ordinance that provides objective standards in terms of screening, noise attenuation, and other land use parameters so that there is an administrative process available to businesses and residential applicants.

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

July 23, 2020

TITLE: Ordinance 2020-XX, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

RECOMMENDATION: Waive reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-XX, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections.

CONTACT: Catrina Olson, City Manager
Crystal Hodgson, City Attorney

BACKGROUND / DISCUSSION:

Section 2.40.010 of the Nevada City Municipal Code provides that the date of the general municipal election of the city shall be the first Tuesday after the first Monday in June of each even-numbered year. This June date was set years ago to comply with California Elections Code Section 1000 which sets established elections dates, on which dates local general elections must be held. Effective on January 1, 2020, Election Code Section 1000 was amended to omit the June election date option and instead, establishes election dates to be either (a) the first Tuesday after the first Monday in March of each year; (b) the second Tuesday of April in each even-numbered year; and (c) the first Tuesday after the first Monday in November of each year.

The City must update the Municipal Code provision establishing the City's general municipal election dates to comply with the amended state law to be held on one of the three dates in Section 1000. Staff recommends amending Section 2.40.010 to set the dates of the general municipal elections of the city to be **either** (1) the first Tuesday after the first Monday in March of each even-numbered year; **or** (2) the first Tuesday after the first Monday in November of each even-numbered year.

Should the Council choose to set the general municipal election for March of even-numbered years, the terms of all five current Council members will be shortened by approximately 3 months of their current 48-month terms, since new Council members would take office in April rather than in July, which was the practice after the June election to elect Council members.

Should the Council choose to set the general municipal election for November of even-numbered years, the terms of all five current Council members will be lengthened by approximately 6 months, since new Council members would take office in January of the year following the certification of November elections results and after holidays have passed, rather than in July.

FISCAL IMPACT: There is no fiscal impact related to the proposed changes.

ATTACHMENTS:

- ✓ Ordinance 2020-XX, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

ORDINANCE NO. 2020-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY
REPEALING AND REENACTING SECTION 2.40.010 OF
THE NEVADA CITY MUNICIPAL CODE
SETTING THE DATE FOR GENERAL MUNICIPAL ELECTIONS**

WHEREAS, Section 2.40.010 of the Nevada City Municipal Code sets the dates for general municipal elections to be held on the first Tuesday after the first Monday in June of each even-numbered year;

WHEREAS, the City's June general municipal election date was based on California Elections Code Section 1000, which was amended by the state legislature effective January 1, 2020, to now require general municipal elections to be held in even-numbered years on the second Tuesday in April or on the first Tuesday after the first Monday in March of each year; and

WHEREAS, the City Council desires to amend the Nevada City Municipal Code Section 2.40.010 to change the general municipal elections to be held on the first Tuesday after the first Monday of March each even-numbered year, to comply with the revised Elections Code requirement.

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

Section 1. Section 2.40.010 of the Nevada City Municipal Code is hereby repealed and readopted as follows:

“2.40.010 Date held.

2.40.010. Date held.

The date of the general municipal election of the city shall be the first Tuesday after the first Monday in March of each even-numbered year.”

OR

“The date of the general municipal election of the city shall be the first Tuesday after the first Monday in November of each even-numbered year”

SECTION 2. Effective Date. This ordinance shall become effective immediately upon its adoption pursuant to Government Code Section 36937, subdivision (a), because it relates to elections.

SECTION 3. 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 4. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

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

July 23, 2020

TITLE: Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California Appointing a Member to Fill the Office of City Council Member Until Election can be Held to Select a Permanent City Council Member to Fill Reinette Senum's Vacant Seat Caused by her Resignation

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California appointing a member to fill the office of City Council Member until election can be held to select a permanent City Council Member to fill Reinette Senum's vacant seat caused by her resignation.

CONTACT: Catrina Olson, City Manager
Crystal Hodgson, City Attorney

BACKGROUND / DISCUSSION:

During the July 8, 2020, City Council meeting, Council Member Reinette Senum resigned from her position as Council Member for the City Council of the City of Nevada City. Section 2.04.020 of the Nevada City Municipal Code requires the City Council to immediately call for an election to fill the remainder of a vacated City Council Member term. The City Council called for a special election on November 3, 2020, to allow the voters to select a person to fill the vacancy on the City Council. Section 2.04.020 of the Nevada City Municipal Code also allows for, *but does not require*, the City Council to appoint a person to serve until the date of the election to fill the remainder of the term. The appointment of a person to fill in until the election can be held is optional, and the City Council may choose to leave the seat vacant until the election results are certified.

The City Council has three options for filling the vacant Council Member seat until the November 3, 2020, election is held to permanently fill Reinette Senum's seat:

- (1) Leave the seat vacant until the November 3, 2020 election results are certified, which is anticipated to occur before the City Council meeting on December 9, 2020;
- (2) Approve the attached resolution to appoint David Parker to fill the vacancy until the election results are certified to permanently fill the vacancy; or
- (3) Schedule interviews for persons for consideration to fill the vacancy until the election at an upcoming Council meeting.

FISCAL IMPACT: There is no fiscal impact related to the proposed changes.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California Appointing a Member to Fill the Office of City Council Member Until Election can be Held to Select a Permanent City Council Member to Fill Reinette Senum's Vacant Seat Caused by her Resignation

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY,
CALIFORNIA APPOINTING A MEMBER TO FILL THE OFFICE OF CITY
COUNCILMEMBER UNTIL ELECTION CAN BE HELD TO SELECT A PERMANENT
CITY COUNCILMEMBER TO FILL REINETTE SENUM'S VACANT SEAT CAUSED
BY HER RESIGNATION**

WHEREAS, during the July 8, 2020, regular City Council meeting, Councilmember Reinette Senum resigned from the Nevada City Council; and

WHEREAS, the Section 2.04.020 of the Nevada City Municipal Code requires the City Council to immediately call for an election to fill the remainder of a vacated City Councilmember term, which such election was called for November 3, 2020; and

WHEREAS, the Section 2.04.020 of the Nevada City Municipal Code allows for the City Council to appoint a person to serve as interim Council member until the date of the election for the voters to select a permanent member to fill the remainder of Senum's term; and

WHEREAS, the City Council desires to appoint a person to serve on the City Council until the election can be held, and results certified, to fill the remainder of the term.

NOW THEREFORE, BE IT RESOLVED, the City Council of Nevada City does hereby resolve, determine and order as follows:

Section 1. The City Council appoints David Parker to serve as City Council member until the November 3, 2020, election results are certified to elect a person to fill the remainder of Reinette Senum's term on the Nevada City Council.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 23rd day of July, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Erin Minett, Mayor

Niel Locke, City Clerk