

RESOLUTION 2014-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY
REQUESTING THE NEVADA COUNTY AUDITOR-CONTROLLER
AND TAX COLLECTOR TO COLLECT NEVADA CITY'S SPECIAL TAX (1986)
FOR THE 2014/2015 FISCAL YEAR**

WHEREAS, Nevada City has duly adopted a special tax pursuant to the provisions of California Government Code Section 53978 and which was approved by the voters on November 1986; and

WHEREAS, the above Ordinance provides for the County to collect said tax on behalf of the City of Nevada City that is to be applied to improved parcels on real property in tax code areas (02-000, 02-002, and 02-005) and for the County to retain an appropriate fee for its expense in collection;

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

1. That the County Auditor and Tax Collector are hereby requested and authorized to collect the City's special tax as proposed by Nevada City's Ordinance 86-06 for the 2014-2015 fiscal year and in accordance with the following schedules which are attached as Exhibits "A" and "B" and incorporated herein by reference. And the County Board of Supervisors is requested to instruct the County Auditor and Tax Collector to bill on the secured tax roll and collect in the same manner as ad valorem county taxes on the secured rolls.
2. The County of Nevada shall be entitled to deduct the reasonable costs of collection and administration of this special tax before remitting the tax revenues collected to Nevada City.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 25th day of June, 2014 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sally Harris, Mayor

ATTEST:

Niel Locke, City Clerk



City of Nevada City

EXHIBIT A

ADDITIONS, DELETIONS AND CHANGES TO FIRE DEPT SPECIAL TAX
(As submitted in Exhibits A and B, attached following)

2002 Tax (Code 598/Measure K)

<u>OLD</u> <u>APN</u>	<u>NEW</u> <u>APN(S)</u>	<u>TAX CODE</u> <u>AREA</u>	<u>INSTALL #1</u>	<u>INSTALL #2</u>
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NO PARCEL CHANGES OR NEWLY CREATED PARCELS FOR 2014/15

EXHIBIT B

1986 Tax – Code/306

<u>OLD</u> <u>APN</u>	<u>NEW</u> <u>APN(S)</u>	<u>TAX CODE</u> <u>AREA</u>	<u>INSTALL #1</u>	<u>INSTALL #2</u>
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NO PARCEL CHANGES OR NEWLY CREATED PARCELS FOR 2014/15

RESOLUTION 2014-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY
REQUESTING THE NEVADA COUNTY AUDITOR-CONTROLLER AND TAX COLLECTOR
TO COLLECT NEVADA CITY'S 2002 SPECIAL TAX (MEASURE K)
FOR THE 2014/2015 FISCAL YEAR**

WHEREAS, Nevada City has duly adopted a special tax pursuant to the provisions of California Government Code Section 53978 and which was approved by the voters as Measure K on November 5, 2002; and

WHEREAS, the above Ordinance provides for the County to collect said tax on behalf of the City of Nevada City that is to be applied to improved parcels on real property in tax code areas (02-000, 02-002, and 02-005) and for the County to retain an appropriate fee for its expense in collection;

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

1. That the County Auditor and Tax Collector are hereby requested and authorized to collect the City's special tax as proposed by Nevada City's Ordinance 2002-06 for the 2014/2015 fiscal year and in accordance with the following schedules which are attached as Exhibits "A" and "B" and incorporated herein by reference. And the County Board of Supervisors is requested to instruct the County Auditor and Tax Collector to bill on the secured tax roll and collect in the same manner as ad valorem county taxes on the secured rolls.
2. The County of Nevada shall be entitled to deduct the reasonable costs of collection and administration of this special tax before remitting the tax revenues collected to Nevada City.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 25th day of June, 2014 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sally Harris, Mayor

ATTEST:

Niel Locke, City Clerk



City of Nevada City

EXHIBIT A

ADDITIONS, DELETIONS AND CHANGES TO FIRE DEPT SPECIAL TAX (As submitted in Exhibits A and B, attached following)

2002 Tax (Code 598/Measure K)

<u>OLD APN</u>	<u>NEW APN(S)</u>	<u>TAX CODE AREA</u>	<u>INSTALL #1</u>	<u>INSTALL #2</u>
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NO PARCEL CHANGES OR NEWLY CREATED PARCELS FOR 2014/15

EXHIBIT B

1986 Tax – Code/306

<u>OLD APN</u>	<u>NEW APN(S)</u>	<u>TAX CODE AREA</u>	<u>INSTALL #1</u>	<u>INSTALL #2</u>
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NO PARCEL CHANGES OR NEWLY CREATED PARCELS FOR 2014/15

RESOLUTION NO. 2014-XX

A RESOLUTION REQUESTING THE NEVADA COUNTY BOARD OF SUPERVISORS TO AUTHORIZE THE COUNTY AUDITOR AND THE COUNTY TAX COLLECTOR TO LEVY AND COLLECT DELINQUENT SEWER AND/OR WATER SERVICE CHARGES AGAINST CERTAIN PROPERTIES WITHIN THE CITY OF NEVADA CITY

WHEREAS, the City of Nevada City has submitted bills to certain property owners for sewer and/or water charges assessed in accordance with Nevada City Municipal Code Chapter 13.12; and

WHEREAS, the recipients of SEWER and/or WATER services applicable to those charges have not made payment; and

WHEREAS, the California Health and Safety Code Section 5473 authorizes a City to place delinquent sewer and/or water charges on the tax roll after the approval by a two-thirds vote by the members of the legislative body;

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

1. That the Nevada County Board of Supervisors is hereby requested to authorize the Nevada County Tax Collector to levy and collect unpaid sewer and/or water charges in the amount and against the Parcel and Owners of Record as set forth on Exhibit "A" attached hereto and incorporated herein by this reference.
2. Exhibit "A" represents charges that are 50 days delinquent as June 25, 2014 and does not reflect payments received after that date. Exhibit "A" is subject to deletion for owners rendering payment prior to submitting to the County.
3. That the City Council understands that costs for this service will be charged in accordance with the "Standard Form Tax Collection Services" contract between the City of Nevada City and the County of Nevada.

PASSED AND ADOPTED at a regularly scheduled meeting of the Nevada City City Council held on this 25th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Harris, Mayor

ATTEST: _____
Niel Locke, City Clerk

EXHIBIT A

	ACCOUNT	STREET #	STREET NAME	OWNER FIRST NAME	OWNER LAST NAME	SERVICE TYPE	TOTAL	ROUTE STATUS
		SERVICE ADDRESS	SERVICE ADDRESS					
1	SAS0002	104	WOODS CT	RONALD	SASAKI	Sewer	\$590.00	5 Active
2	DAN0001	728	ZION ST	ROBIN	DANOS	Sewer	\$85.82	5 Active
3	WAT0002	352	OLD DOWNIEVILLE RD	CAROLENE	WATKINS	Water	\$617.33	2 Stopped

ORDINANCE NO. 2014-___

**AN ORDINANCE OF THE CITY OF NEVADA CITY ADDING
CHAPTER 8.34 TO BE ADDED TO THE NEVADA CITY MUNICIPAL CODE
RESTRICTING USE OF SINGLE-USE CARRYOUT BAGS**

WHEREAS, the use of single-use carryout bags by consumers at retail establishments results in unnecessary negative impacts on the environment and reusable bags are readily available and provide a cost effective alternative to single-use bags; and

WHEREAS, the manufacturing and distribution of single-use carryout bags requires the utilization of natural resources and energy often resulting in the generation of pollution and greenhouse gas emissions; and

WHEREAS, single-use plastic carryout bags are difficult to recycle and often end up in landfills or as roadside litter impacting storm drains, polluting rivers, streams and lakes and polluting soils as these bags photo-degrade; and

WHEREAS, single-use paper bags are currently accepted in local recycling programs however require significant resources to manufacture and recycle and should only be made available if the bag is purchased for a charge and made of a minimum 40% post-consumer recycled content, containing no old-growth fiber; and

WHEREAS, all single-use carryout bags provided by retail establishments contribute to the generation of waste and in order to achieve waste reduction goals as mandated and directed by the state of California it is necessary to adopt policies that focus on waste prevention, reduction and reuse; and

WHEREAS, the City of Nevada City Council does, accordingly, find and declare that it should restrict the distribution of single use carry-out bags:

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

SECTION I:

There is hereby adopted and added to the Nevada City Municipal Code, a new Chapter 8.34, to read as set forth in Exhibit "A", attached hereto and incorporated herein by such reference.

SECTION II:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional,

such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Nevada City hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION III:

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 _____, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sally Harris, Mayor

ATTEST:

Niel Locke, City Clerk

EXHIBIT "A"

Chapter 8.34 – USE OF SINGLE-USE CARRYOUT BAGS

Sections:

8.34.020 – Definitions

8.34.030 – Implementation date

8.34.040 – Carryout bag regulations

8.34.050 - Exemptions

8.34.060 – Record keeping and inspections

8.34.070 - Enforcement

8.34.020- Definitions

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning:

“Customer” means any person obtaining goods from a retail establishment.

“Nonprofit Charitable Reuser” means a charitable organization, as defined in Section 501(c) (3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or material and received more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

“Post-Consumer Recycled Content” means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

“Prepared Food” means foods or beverages which are prepared on the premises and which require no further preparation to be consumed. Prepared Food for purposes of this chapter does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

“Recycled Content Paper Bag” means a paper bag provided at the check stand, cash register, point of sale, or other point of departure from a Retail Establishment for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent Post-Consumer Recycled Content and is one hundred percent recyclable.

“Restaurant” means a public eating establishment, take-out food establishment, catering truck, or any other business that receives ninety percent (90%) or more of its revenue from the sale of prepared food to be eaten on or off its premises.

“Retail Establishment” means any person, including any corporation, partnership, business, facility, vendor, organization or individual that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer. Retail Establishment includes, without limitation, any grocery store, department store, hardware store, pharmacy, liquor store, Restaurant, catering truck, convenience store, and any other retail store or vendor that is located within or doing business within the geographical limits of the City of Nevada City.

“Reusable Bag” means either a bag made of cloth or other machine washable fabric, or a durable plastic bag that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse and meets the following standards: (1) has a minimum volume of 15 liters or 4 gallons; (2) is machine washable or capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts in accordance with State and Federal standards; (4) has manufacturer information available at the retail source or printed on the bag or tag affixed to the bag the identification of the manufacturer and country where manufactured with the statement that the bag does not contain any heavy metal toxic amounts and the amount of postconsumer recycled material used.

“Single-Use Carryout Bag” means a bag made of paper, plastic, biodegradable, compostable plastic or similar materials other than a Reusable Bag, provided at the check stand, cash register, and point of sale or other point of departure from a Retail Establishment, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. “Single-Use Carryout Bags” for purposes of this chapter do not include bags which form part of a product’s packaging or bags provided for wrapping products to be placed in a Reusable Bag or Recycled Content Paper Bag, including, but not limited to, bags provided to:

1. transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale;
2. protect artwork, dry cleaning or similar products subject to damage when transporting;
3. hold prescription medication dispensed from a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the California Business and Professions Code; or
4. segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Content Paper Bag.

8.34.030- Implementation date

This ordinance shall take effect January 1, 2015.

8.34.040- Carryout Bag Regulations

A. No Retail Establishment shall provide a Single-Use Carryout Bag to a customer, at the check stand, cash register, point of sale or other point of departure from a Retail Establishment for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.

B. A Retail Establishment that sells perishable or nonperishable food and or beverages primarily for consumption off premises including food marts, liquor/beverage stores, bars with off sale license, pharmacies and similar establishments may make available for sale to a Customer a Recycled Content Paper Bag or a Reusable Bag for a minimum price of ten cents (\$0.10). No Retail Establishment shall provide a Customer with a credit, rebate, or refund of this charge. The sale of Recycled Content Paper Bags or a Reusable Bag is considered exempt from sales tax subject to conformance with state law and any direction provided by the State Board of Equalization.

C. No Retail Establishment may make available for sale a Recycled Content Paper Bag or Reusable Bag unless the price of the Recycled Content Paper Bag and Reusable Bag is separately itemized on the sales receipt.

D. No person shall distribute a Single Use Plastic Carryout Bag at any City Facility, City managed concession, City sponsored event, or City permitted event including outdoor markets unless otherwise permitted pursuant to Section 8.34.050.

E. Nothing in this chapter prohibits Customers from using bags of any type that they bring to a Retail Establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

8.34.050- Exemptions

A. The following are exempt from complying with the provisions of Section 8.34.040 except for subdivision 8.34.040A :

1. A Retail Establishment that does not sell food or beverages for consumption off premises may provide a Reusable Bag or Recycled Content Paper Bag at no charge.

2. Until January 1, 2016, Single Use Plastic Carryout Bags may be provided to customers by Restaurants for the purpose of safeguarding public health and safety during the transport of prepared take-out foods and prepared liquids intended for consumption away from the

Restaurant's premises. After January 1, 2016, the City Council shall review this exemption and may, by resolution apply the Carryout Bag restrictions as contained in Section 8.34.040.

3. Retail Establishments whose carryout bags are used as gift wrap or are for small items such as cards, gifts, books, nails, etc. may offer a small paper bag (under .5 cubic feet or 216 cubic inches) for no charge.

4. A Nonprofit Charitable Reuser who sells and promotes the use of Reusable Bags and offers a discount when customer brings own bag.

5. A Retail Establishment as described in Section 8.34.040 (B) may provide Recycled Content Paper Bags and Reusable Bags at no charge to customers who participate in the California Special Supplement Food Program for Women, Infants, and Children; the California Supplemental Food Program; and or the Calfresh Program.

B. The City Manager may exempt a Retail Establishment from the provisions of Section 8.34.040 of this chapter for a period of up to six months, upon the Retail Establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other Retail Establishments in similar circumstances. The request for a temporary exemption must include documentation showing factual support for the claimed exemption which may be approved in whole or in part. The City may adopt a fee schedule to charge for the actual cost of staff time to process the exemption.

8.34.060- Record keeping and inspection

Every Retail Establishment who is required to charge for distributing Recycled Content Paper Bags shall be required to maintain a form of record keeping related to the sale of any Recycled Content Paper Bag or plastic Reusable Bag by the Retail Establishment. The records shall be available for review by a City representative during regular business hours for the purpose of determining whether the Retail Establishment is complying with the terms of this ordinance.

8.34.070- Violation—Penalty

Any Retail Establishment and the owner thereof violating any of the provisions of this chapter shall be guilty of an infraction, and, upon conviction thereof, shall be punishable by the maximum penalty established by state law, with the current penalty being a fine not exceeding one hundred dollars (\$100.00) for the first conviction, a fine not exceeding two hundred dollars (\$200.00) for the second conviction within one (1) year, and a find not exceeding five hundred dollars (\$500.00) for each additional conviction within one (1) year.

**CITY OF NEVADA CITY
DRAFT SUMMARY MINUTES
REGULAR CITY COUNCIL MEETING OF JUNE 11, 2014**

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. The agenda listed directly below the video screen has bullet points which you can select to get to a specific agenda item. Click on the desired agenda item which will enable you view the meeting from that point forward. Please contact Deputy City Clerk, Corey Shaver for websites assistance (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, Contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

Regular meeting called to order at 6:30 p.m.

ROLL CALL

Present: Councilmembers Ray, Bergman, Strawser, Vice Mayor Andersen, Mayor Harris

PLEDGE OF ALLEGIANCE

PROCLAMATION:

PRESENTATION:

None

BUSINESS FROM THE FLOOR – PUBLIC COMMENT (Per Government Code Section 54954.3)

Walt Strickland, 656 Nevada St – Stated he has a two-fold concern regarding the stop sign at the corner of Nevada St and Uren St and made the following suggestions before there is a victim: 1) Police could make money writing tickets for those that run that stop sign, 2) Put speed bumps at the stop sign.

Public Comment - Closed

1. COUNCILMEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Tri-Cities/County Meeting – Councilmembers Ray, Bergman, and Strawser attended; all agreed it was informative and well presented.

2. CONSENT ITEMS:

- A. Approval of Accounts Payable – May 2014
- B. Approval of Fire Activity Report – May 2014
- C. Consideration of Resolution No. 2014-27 Authorizing City Concurrence with the Nevada County Landfill Parcel Charges at the Current Rate for Fiscal Year 2014/15

Action: Motion by Bergman, seconded by Ray to approve Items A, B and C as presented.
(Approved 5 - 0)

3. APPROVAL OF MINUTES:

- A. Regular City Council Meeting Minutes for May 28, 2014

Action: Motion by Strawser, seconded by Ray to approve Regular City Council Meeting minutes.
(Approved 5 – 0)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Review 2014/15 Special Fund Draft

Assistant City Manager Olson referred to the staff report included in the packet and reviewed the financials with the Council.

Action: Motion by Strawser, seconded by Bergman to direct staff to move forward with the recommended 2013/14 budget adjustments.
(Approved 5 – 0)

B. Subject: Consideration to Approve the Special Fund Year-End 2013/14 Budget Update, Adjustments and/or Appropriations

Action: Motion by Strawser, seconded by Bergman to approve Special Fund Year-End 2013-14 Budget Adjustments as recommended.
(Approved 5 – 0)

C. Subject: Appeal of Mollie Poe and Declan Hickey from Planning Commission Denial of Request to Recommence Operation of a Bed and Breakfast Facility at 534 Spring Street, Nevada City (formerly the Kendall House)

Action: Motion by Ray, seconded by Bergman to schedule a Special Meeting of the City Council for July 2, 2014 at 9:00 a.m. and staff to contact the appellants to see if they can be present.
(Approved 5 – 0)

D. Subject: Update on Measure S Schedule for 2014

City Engineer Falconi referred to the Measure S Oversight Committee Minutes included in the packet and reviewed the following streets targeted for the 2014 Measure S Paving Project: Nevada City Hwy, Spring St; Winter St; Washington St, East Broad St and the remaining portion of gold Flat Rd. Prospect St and Park St are also on the list for this year, however, a waterline must be completed first before any paving can be done.

Action: Accept & File

E. Subject: Discussion and Consideration the Adoption of a Five (5) Year Capital Improvement Plan (Enhanced).

Action: Motion by Bergman, seconded Ray to Adopt the Five (5) Year Capital Improvement Plan (Enhanced) as presented.
(Approved 5 – 0)

5. PUBLIC HEARING

None

6. OLD BUSINESS

A. Subject: Consideration of Resolution No. 2014-30 Approving Fiscal Year 2014/15 Local Transportation Fund Claim Adopting the Revised Allocation of Funds in the Amount of \$90,782.52.

Susan Healy-Harman, Transit Service Manager gave a brief overview of where the transit system is to date: The Bank St station has been working great for the last two years and receive lots of positive feedback on weekly basis regarding the station; have re-established Saturday service and will be extending the hours to 8:00 pm, effective July 7th; we're raising the paratransit fares from \$2.00 to \$3.00 and outline services from \$4.00 to \$5.00, we have not raised fares since 1991; ridership has increased by 10%. Thanked Sally for her time and service on the Transit Services Commission.

Public Comment

Justin Hartford, 265 Sutton Wy – Stated that he rides the bus and there's an increase in ridership; thanked Sally and Susan for their hard work.

Pamela Osgood, 12714 Ridge Rd – Stated she would appreciate it if the bus' schedule in Auburn could coordinate with the Amtrack schedule.

Public Comment - Closed

Action: Motion by Strawser, seconded by Ray to Adopt Resolution No. 2014-30 Approving Fiscal Year 2014/15 Local Transportation Fund Claim Adopting the Revised Allocation of Funds in the Amount of \$90,782.52
(Approved 5 – 0)

B. Subject: Consideration of an Ordinance No. 2014-XX of the City of Nevada City Adding Chapter 8.34 to Title 8 of the Nevada City Municipal Code Regulating Use of Single-Use Carryout Bags and Determination that Adoption thereof is Exempt from Environmental Review – Read Title Only, Adoption of First Reading

City Manager Brennan referred to the staff report included in the packet. Staff recommendation is as follows:

- 1) Receive and discuss staff report and hold the public hearing;
- 2) Determine an independent judgment of the City Council that adoption of the proposed ordinance is exempted from environmental review under the California Environmental Quality Act pursuant to the categorical exemptions of CEQA Guidelines §15307 and §15308;
- 3) Approve the filing of a Notice of Exemption for adoption of the proposed ordinance, finding in the independent judgment of the City council such adoption is exempt as regulatory action designed to assure the maintenance, restoration, enhancement or protection of natural resources and the environment;
- 4) Move to approve the proposed ordinance, waiving further reading of the entire ordinance; introducing and doing the first reading for adoption.

Public Comment

Allison Miller – Stated she's really excited and pleased of the City Council's consideration for this ordinance and thanked City Manager Brennan for all of his hard work in putting this ordinance together.

Paula Barber – Thanked the City Council for bringing this forward.

Glenda Zanone – Asked what the implementation date is of this ordinance and is there a tax if you purchase bags?

Public Comment – Closed

- City Manager Brennan stated it would take effect January 1, 2015 and the tax is pre-exempt.

Action: Motion by Bergman, seconded by Strawser to amend the Ordinance by adding additional language (underlined) in Section 8.34.050-Exemptions - A. The following are exempt from complying with the provisions of Section 8.34.040 except for subdivision 8.34.040A
(Approved 5 – 0)

Action: Motion by Ray, seconded by Strawser to read title only and adopt first reading of Ordinance No. 2014-XX of the City of Nevada City Adding Chapter 8.34 to Title 8 of the Nevada City Municipal Code Regulating Use of Single-Use Carryout Bags and Determination that Adoption thereof is Exempt from Environmental Review.
(Approved 5 – 0)

7. NEW BUSINESS:

A. Subject: Consideration of Adopting a Policy on the Use of Temporary Lighting for Special Events, Expansion of the Holiday Lighting Policy, and Discussion of Possible future Amendments to City Zoning Ordinance if Necessary

City Manager referred to the staff report included in the packet.

- Cathy Whittlesey, Executive Director Nevada City Chamber of Commerce stated the Chamber feels the lights are welcoming to the City and would like to have them on year-round, they add to the architectural outlining of the historical buildings.

Public Comment

Peggy Wright – Stated she's strongly in favor of the lights outlining the buildings; in favor of a continual lighting element to help with sidewalk and tripping issues on York St; lights are charming.

Alan Abbot, 242-1/2 Commercial St – Stated he loved the terrazzo lights; it was a drag when they had to come down; he paid the electricity bill for those lights and had no problem doing so because he loved those lights.

Shae Smith – Supports what previous speakers have said; beautiful ambience; like to see all businesses be involved; terrazzo lights are festive and encourage them to return to Commercial St.

Harry Bennett, 211 Mill St – Suggested we slow down and take a look at the Historical District which has made this town; lights are fine for the holidays only but some get left on through April; the Methodist Church at the top of Broad St has had lights on year round since 2012.

Linda Sutter, Drummond St – Supports lighting, they're charming and provides safety.

Jacklyn Jansen, Galena Way – Stated she loves and is enchanted by the lights on Broad St and terrazzo lights.

Walt Stickle, 656 Nevada St – Stated he has a fond appreciation for the Broad St and terrazzo lighting.

Glenda Zanone – Stated we're talking about the Historical District; Christmas lights have worked well with outlining the buildings; offensive to overhead lighting of city spaces and streets; the gas lights are special.

Laurie Oberholtzer – Agrees with the uniqueness of the gas lights; supports special event lighting but no terrazzo lighting; no overhead lights over streets and sidewalks; bad idea to create an ordinance for one current controversy; supports lights outlining the buildings at Christmas.

Reinette Senum – Read a letter from Denis Kutch in support of the lighting; she suggested we need to look at our full history in that terrazzo lights were on Broad St in 1901 (she provided photographs); suggested to Council to be visionaries and allow us to have the terrazzo lights; a survey showed that the terrazzo lights are favored by merchants, citizens, and visitors with no cost to the City; suggested to move forward with an encroachment permit process to allow terrazzo lighting.

Niel Locke – Stated that the draft resolution is clear except #4, the bulbs don't get replaced timely.

Brindy, King Hiram – Stated the overall question is how are we going to do this; need consensus on how to carry a forward vision and in the Historical Ordinance.

Public Comment – Closed

Action: Motion by Ray, seconded by Strawser to approve: 1) Holiday lighting between November 15th-January 15th, 2) Street closure requests must provide a lighting plan; 3) Lighting for special events - It will be the responsibility of the City to work with the Chamber of Commerce to manage specific lighting for special events and special events requesting overhead or street lighting to be reviewed on a case by case basis with the lighting being removed within 48 hours of the end of the event. Staff to come back to Council with a policy/resolution incorporating this direction.

(Approved 5 – 0)

B. Subject: Consideration of Approving Resolution No. 2014-28 Amending Resolution 2013-07 to Re-Enact the 7/1/2013 Water Rate Increase for 7/1/2014 and Revise the Schedule Accordingly

City Manager Brennan referred to the staff report included in the packet. Staff recommendation is to amend Resolution No. 2013-07 Acknowledging the Postponement of Scheduled Water Rate Increase Scheduled for July of 2013 and Adopt the New Rate Schedule with a 1% Overall Increase on July 1, 2014.

Action: Motion by Ray, seconded by Strawser to Adopt Resolution No. 2014-28 Amending Resolution No. 2013-07 to Re-Enact the 7/1/2013 Water Rate Increase for 7/1/2014 and Revise the Schedule Accordingly.

(Approved 5 – 0)

8. CORRESPONDENCE

None

9. ANNOUNCEMENTS

None

10. CITY MANAGER'S REPORT:

11. CLOSED SESSION

A) "Pursuant to Government Code §54957 a closed session is requested to discuss the appointment or employment of a City Manager"

B) "Pursuant to Government Code Section 54957.6 a conference with City Manager David Brennan as the City Council's designated labor representative with regard to negotiations with Police Officer's Association, Fire Dept Employee's Association, Miscellaneous Employee's Association, Supervisory Employee's Unit, Management Bargaining Unit."

City Attorney DeGraw read the Council into Closed Session.

- Item B was discussed first.
- Mayor Harris excused herself from Closed Session, Item A.

City Attorney DeGraw announced out of Closed Session for Staff proceed as directed on both Items A and B.

12. ADJOURNMENT

Action: Motion by Strawser, seconded by Ray to adjourn meeting at 10:19 pm.
(Approved 4 – 0, Absent Harris)

Sally Harris, Mayor

Attest:

Niel Locke, City Clerk