

CITY OF NEVADA CITY
SUMMARY MINUTES
CITY COUNCIL MEETING OF MARCH 14, 2012

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- City Council Meetings are available on DVD. To order, Contact City Hall - cost is \$15.00 per DVD.
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Regular meeting called to order at 6:30 p.m.

ROLL CALL

Present: Councilmembers Harris, Senum, Bergman, Vice Mayor Strawser, Mayor McKay

PLEDGE OF ALLEGIANCE

SWEARING IN CEREMONY – Chief of Police

PROCLAMATION: March 2012 as DeMolay Month in Nevada City

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

Niel Locke – Stated there was an event regarding Burning Man held at the Miner's Foundry that attracted 700 people.

Tomas Striecher – Read a prepared statement about what's happened to Nevada City.

Shilo McKnapp – Read a prepared statement where she saw Mayor McKay featured in the newspaper in attendance at the St Perrin's Day event where he was throwing pasties; she was disgusted to read that the dogs were being fed these thrown pasties and not people.

- Mayor McKay clarified that those pasties were filled with kibbles and intended for the dogs.

Public Comment – Closed

1. COUNCILMEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Councilmember Senum

Sierra Roots – Distributed a flyer about who Sierra Roots is; website address is www.sierraroots.org

Nevada City Happiness Initiative – Online survey between March 23rd and April 6th at

www.nchappiness.org; Official Nevada City Happiness Initiative Launch Party is Friday, March 23rd, 5:30 - 7pm, Nevada City City Hall and Happiness Results & Celebration, Friday, April 27th, 5:30-7pm, Nevada City City Hall.

Continuum of Care – Monthly meeting, continued discussion of homeless.

Councilmember Bergman

Economic Resource Council – Nothing to report

LAFCO – Nothing to report

Mayor McKay

Announced a Hirschman's Pond Trail Dedication and Hike on March 24th @ 9am

2. CONSENT ITEMS:

- A. Fire Department Activity Report – February 2012
- B. Accounts Payable Activity Report – February 2012
- C. Resolution No. 2012-07 Authorizing the Mayor to Sign a Notice of Completion which Completes the Construction of the Walking Trail Located From Cement Hill Rd to Hirschman's Pond and onto Indian Flat Rd

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

3. APPROVAL OF MINUTES:

- A. Regular City Council Meeting Minutes of February 22, 2012

Action: Motion by Harris, seconded by Strawser to approve Regular City Council Minutes of February 22, 2012 as presented.
(Approved 5 – 0)

PUBLIC HEARING

Caltrans Proposal to Increase the Speed Limit from 55 to 60 mph on Highway 20/49 through Nevada City between Gold Run Overcrossing and Sacramento Street – Caltrans representative, Pat Kelley referred to the diagram included in the packet.

- Councilmember Bergman asked why not just leave it alone.
- Mayor McKay stated its downhill and there have been a number of accidents at that location; there's a blind spot at Broad Street off-ramp curve; does not recommend speed increase.
- Councilmember Harris agreed; unsafe condition and setting up a license to go faster; noise problem in that area.
- Vice Mayor Strawser stated that once you're on the crest of the hill you're going 65 mph anyways.

Public Comment

Al Bulf, 11482 Ridge Rd – Stated that Caltrans owes us a deck over the freeway.
Dennis McFadden – Stated this is the craziest thing he's heard; insane to increase the speed.
Lorraine Reich – Supports decreasing the speed limit.

Public Comment - Closed

- Councilmember Senum asked what's Caltrans reasoning for increasing the speed limit.
- Ms. Kelley stated that three studies have been done; it was determined there would be less of a speed trap and a ticket would hold up in court by the increase; the study requires pacing, radar can't be used.
- Mayor McKay asked if a sign could be posted before the 50mph area, saying "50 mph ahead".
- Ms. Kelly stated the accident rate has not happened in the speed increase proposed area; 56mph is 85% of what drivers are going in that area per the study; no intent to raise the speed limit other than that 2000 ft portion which will allow Highway Patrol the authority to ticket; will check about a sign being posted and send information/letter to that affect.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Review/Revise the 2012-2017 Capital Improvement Plan

City Engineer Falconi referred to his staff report included in the packet and asked Council for their input for the next five year plan.

- Councilmember Harris asked if Item 9 should be corrected to read 2012.

Action: Accept and File as amended.

B. Subject: Consider to Approve Resolution No. 2012-07 Adopting the Fiscal Year 2011-2012 Mid Year Budget Adjustments

Finance Director Olson referred to her staff report included in the packet.

Action: Motion by Bergman, seconded by Strawser to Approve Resolution No. 2012-07 Adopting the Fiscal Year 2011-2012 Mid Year Budget Adjustments

(Approved 5 – 0)

5. OLD BUSINESS:

None

6. NEW BUSINESS:

(The Council Decided to Hear New Business Out of Order Due to Time Constraints)

C. Subject: Update on Courthouse Project and Discussion of Correspondence Received From Nevada County Superior Court

City Manager Brennan referred to his staff report included in the packet; communication in this process has been horrible; information to the City is not coming in a cohesive manner; referred to the comments that the committee drafted in the letter dated February 28, 2012 also included in the packet; we developed a budget for the existing courthouse site but have not shared with anyone than Council tonight.

- Councilmember Bergman stated what's clear at this point is a profound decision to take down the art moderne style or selecting a new location and building somewhere else.

City Manager Brennan suggested getting everyone in the same room for better communication instead of serial meetings.

Mr. Metroka stated this has been a dollars concern; out of 41 there are 39 buildings to build with special funds allocated; the State has removed 1 billion; our project is least furthest along; told to reduce 4% plus an additional 10% of total budget; lost \$8 million; asked us to re-plan/design the project; reduce squared footage; they're stuck on a temporary location to cost \$6-10 million; if we fail to do what their letter says, then the State will decide for us where our next county courthouse will be situated.

- Councilmember Bergman suggests that we get in a room with the engineering studies and show the facts and put a plan together.

Mr. Metroka stated he was sure we can arrange a meeting and get everyone into the room at the same time; the engineering of the buildings was stopped for money reasons on the historic building.

Public Comment

Al Bulf – Stated he has a book on how the Mayans how they modified their temples; remember the state capital preservation.

Gary Stollery, 343 Bridge Way – Supports to keep current courthouse, tear down annex and take school site; courthouse is on historical national registry; there's an 800 signature petition to not tear the building down.

Madelyn Helling – Agrees with Gary, don't demolish the courthouse; suggests working with existing building because it's not that old.

Laurie Oberholtzer – Supports to keep the courthouse downtown and must include preservation; tell AOC that we want the building preserved and kept downtown; stand up for what is right.

Don Schmitz – Supports to keep the building; AOC is threatening us.

Roger Savage – Strongly supports to keep courthouse in current location; they can rebuild or leave as is.

Lorraine Reich – Suggested using the Government Center on Maidu Avenue as temporary location, believes there is plenty of available space with lots of security there.

Theresa Berliner-Mann – Deeply vested in the courthouse and future of Nevada City; supports to leave downtown; asked the building remain and kept historical but to also keep an open mind.

Barbara Bashell, 241 Adams St – Supports the courthouse to stay in current location; has great interest in the vitality into the future of Nevada City; keep open mind regarding the construction of the building.

Paul Matson, Chair of Courthouse Committee "Save Our Downtown Courthouse"; mentioned the names of the members of the committee who have been working on this because of their work they did to City Hall; thanked Sean Metroka for sticking with us; acknowledged that security is an issue; County owns 49% and State owns 51% of the courthouse building; has seen no drawings; speaking from our hearts and concerned of vitality; if a reasonable façade can be acceptable, the community would support if kept downtown; committee is preparing a financial analysis and City Engineer Falconi and Architect Bruce Boyd with Council support would like to present to AOC.

Charly Price, Calvary Ln – With new budget constraints he suggests using the courthouse for less security needs (e.g. civil matters, lawsuits, etc)

Public Comment - Closed

- Councilmember Bergman suggested having a meeting per Sean's recommendation.
- Councilmember Harris stated time is of the essence; have Bill and Bruce put a plan together preserving the front façade and design that fits beautifully at that site.
- Councilmember Senum agreed to preserve the façade, keep in same location, and have meeting with everyone.
- Vice Mayor Strawser agreed; suggested to expand the annex to look like façade.

Direction: Staff to create a plan preserving the front façade along with a building design for the existing site and to schedule a meeting with the AOC for review and discussion.

(Approved 5 – 0)

Mayor called for a five minute break at 8:55 p.m.

B. Subject: Consideration to Support a Resolution of a US Constitution Amendment Where a Corporation is not People and Money is Not a Speech

Charly Price, citizen in Nevada City presented the Resolution for consideration.

- Councilmember Harris stated this resolution does have an effect locally.
- Councilmember Senum agreed.
- Councilmember Bergman asked if the resolution is the same for all cities.
- Charly Price replied no, each resolution is drafted per the needs of each city.
- Vice Mayor Strawser stated this is a no brainer.

Public Comment

Shirley McDonald displayed a list of all of the cities that have passed the resolution and asked Council for their support.

H. Hall – Concerned that the trans-national corporations are evil; they believe their rights are bigger than ours.

Kevin Thompson – Read a prepared statement; cities are experiencing major shortfalls due to greed along with bail outs to corporations; urged Council to pass resolution.

David Edwards – Supports to pass.

Stephen Greenberg – Supports to pass.

Judiah Bianchi – Supports to pass.

Norm Sauer – The cost of US Article 1 is free speech and vital to a strong country; we should be taking private and public employee unions out too; be careful what you wish for.

Suzanne Faragerro – Supports to pass.

Sharon Delgato – Corporations can use their wealth to drown out and restrict corporations and other concentrated of rights and funds into our election process; democracy is for people.

Lorraine Reich – Supports to pass.

James Ashara – Supports to pass.

Roger Savage – Stated we should not be taking a stand on this issue; does not support resolution.

Lea Schwin – Does consider this matter a local issue; too much money involved in Federal law; supports to pass.

Aaron – Stated that rights come from GOD the creator.

Public Comment – Closed

Action: Motion by Harris, seconded by Senum to Adopt Resolution No. 2012-09 for a Constitutional Amendment as presented with the strike-outs and as amended.

(Approved 5 – 0)

A. Subject: Presentation of Water Conservation Program – “Water Wise Nevada City”

City Manager Brennan stated that interns Ellis Garvin and Katie Merrill have worked closely with him the past several months under the guidance of A.P.P.L.E. and American Rivers to prepare the water conservation plan to assist Nevada City residents and commercial business through educational offering and financial incentives to use water resources effectively for financial and environmental benefits.

- Mayor McKay stated it was nice to see a pragmatic program.
- Councilmember Senum said great program.

Public Comment

Chris, with American Rivers - Stated she is impressed with the interns and the timeline in which they have developed this plan so quickly; supports the program they created; the budget was conservative with an affordable way for the City to take off.

Public Comment - Closed

7. HOMELESS AND IN-NEED CITIZENS UPDATE REPORTS AND REQUESTED ACTION ITEMS:

None

ADDED ITEM TO AGENDA

Subject: Council to schedule a Special City Council Meeting to Consideration of the following courses of Action for the June 5, 2012 Election:

- 1) Appoint to the offices of City Council, the persons who have been nominated for City Council;
- 2) Appoint to the office of City Clerk the one person who has been nominated for City Clerk;
- 3) Appoint to the office of City Treasurer an eligible elector for City Treasurer;
- 4) Or hold the Election for One or More of the Elected Positions.

Action: Motion by Harris, seconded by Bergman to schedule a Special City Council Meeting on Wednesday, March 21, 2012 at 9:30 a.m.
(Approved 5 – 0)

8. ANNOUNCEMENTS:

None

9. CITY MANAGER'S REPORT:

A. Subject: Update on Replacing the Current Microphones at the Council Table
No Discussion or Action was taken on this item.

10. CLOSED SESSION: None

11. ADJOURNMENT

Action: Motion by Harris, seconded by Senum to adjourn meeting at 10:05 p.m.
(Approved 5 – 0)

David McKay, Mayor

Attest:

Niel Locke, City Clerk

Certified Copy

Cory Sha
Deputy City Clerk
8/25/17