

**ACTION AGENDA
Monday, November 22, 2010
Committee of the Whole
Regular Meeting**

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Mayor Hornaday called the meeting to order at 5:00 p.m.

Councilmember Zak has requested telephonic participation.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

3. 2011 Budget

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There was one who commented.

6. ADJOURNMENT NO LATER THAN 5:50 p.m.

Mayor Hornaday adjourned the meeting at 5:54 p.m.

REGULAR MEETING AGENDA

Session 10-32 a Regular Meeting of the Homer City Council was called to order on November 22, 2010 at 6:02 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
FINANCE DIRECTOR HARVILLE
LIBRARY DIRECTOR HILL
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Zak has requested telephonic participation.

Mayor Hornaday ruled Councilmember Hogan may participate by phone. There was no objection from Council.

Department Heads may be called upon from time to time to participate via teleconference.

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the Council with the following amendments: **VISITORS - Representative Paul Seaton and PUBLIC HEARINGS - Ordinance 10-51(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one public comment.

4. RECONSIDERATION

None.

5. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special Meeting minutes of October 19, 25 and 26, 2010 and Regular Meeting minutes of October 25, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-133**, from City Clerk, Re: Liquor License Ownership Transfer for Duggans Waterfront Bar to APS Investments LLC and Renewal for Alice's Champagne Palace.
- C. **Memorandum 10-134**, from Mayor, Re: Appointment of Gillian Munn to the Library Advisory Board, Mike Heimbuch, Barbara Howard, Michael Pate, Norm Story, and Bryan Zak to the Natural Gas Distribution System Task Force, and Reappointment of Bumpo Bremicker to the Parks and Recreation Advisory Commission.

APPROVED without discussion.

6. VISITORS

- A. **Amber McDonough**, Siemens Building Technologies, Inc., Energy Audits of City Buildings and Facilities, 10 minutes.

Amber McDonough, Siemens Building Technologies, Inc. provided a PowerPoint presentation on the energy audit conducted on 16 public facilities. The firm was contracted to provide an energy savings performance contract that:

1. Improves energy efficiency of facility infrastructure
2. Reduces operating costs
3. Explores waste streams for energy sources
4. Meets budget of \$542,000 and identifies opportunities with attractive paybacks (under 10 years)

The 65% design energy project summary includes:

- 35% preliminary project identified up to \$1.4M in potential Facility Improvement Measures (FIMs)
- Budget cost for priority facility improvement measures identified \$787,000
- Estimated annual savings \$107,000
- Estimated simple payback 7+ years
- Approximate total utility spend reduction 14%

FIMs include motor replacements, fuel oil heater, water pipe insulation, programmable radiant heat control, solar powered wastewater aeration, and lighting upgrades at various city facilities.

B. Representative Paul Seaton, 10 minutes.

Representative Paul Seaton invited the public to Islands and Ocean Visitor Center on Tuesday, November 23rd from 6:30 to 8:00 p.m. to hear gas line issues. The federal coordinator and Charlie Pierce from Enstar will be available to answer questions about the local line. Mr. Seaton appreciates the City's fast movement on appointing a task force for planning the gas line; it will help in Juneau next year to further the local gas line. He is pleased with the City's participation with the Corps of Engineers, EPA, ADF&G, and the Borough in looking at a regional general permit for construction of the pipeline, wetlands consideration and individual connections. It will expedite the permitting process instead of having to go through a nationwide permit.

Representative Seaton was selected as the co-chair for House Resources for the next Legislature. He will still serve on the Education Committee, Labor and Commerce Committee, and the Health and Social Services Committee. He is trying to move the state into a prevention of disease model instead of the current treatment of disease model. He made a presentation at the health fair on Vitamin D deficiency. Twenty percent of the people that took the blood test received the Vitamin D test also. The City Manager was presented a flash drive with seminars on the benefits of Vitamin D. A brochure outlining the benefits of the vitamin can be viewed at: grassrootshealth.org.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the school district put the gas line to Homer on their capital priority list. He is making a proposal to the Borough to add it to their capital priority list. It is a big deal for the schools, hospital, and citizens inside and out of the

city. The Assembly at their last meeting conveyed the parcel on Kachemak Drive that the city turned down; the City now owns it. Buccaneer Alaska is doing more drilling and development in the upper inlet. Mr. Smith reported on the AML meeting with 83 newly elected officials in attendance. A resolution was passed to restore things in the coastal zone management program, restoring local communities a voice in coastal zone development. Presentations were heard from Malcolm Roberts and Oregon Fire Chief Jeff Johnson.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

A. Community Economic Development Strategy

Dean Ravin, Economic Development Advisory Commissioner, reported the commission forwarded the CEDS to City Council for approval. The EDC is ready to focus on paying tenants for the old high school building which is in need of repair. They hope to generate revenue to make it pay its way.

4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, reported they now have a full commission with a lot of energy and enthusiasm. At the last meeting they walked through Karen Hornaday Park and Bayview Park. They discussed renovation of the KHP playground, the bridge across Woodard Creek, and safety issues of the current location of the road. Most of the park is on the right hand side with people having to cross the road to access the ballfields. Bayview Park is a popular neighborhood park for children. Camping fee income is up by \$10,000. The commission discussed maintenance of parks, dressing the parks up, and the need to fund the four maintenance positions. Two new committees were formed, one for the Kachemak Drive pedestrian/bike path and parks and recreation on the Spit. Both committees will meet on December 5th. The commission is trying to invite recreational groups for presentations to gain familiarity with all organizations. A community skate at Ben Walters Park was attended by 150 people.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. **Ordinance 10-51**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010, and Second Reading December 13, 2010.

Ordinance 10-51(S), An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the

Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).
City Manager.

ADOPTED Substitute Ordinance 10-51(S).

There were five who testified.

- B. **Resolution 10-89**, A Resolution of the City Council of Homer, Alaska, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly. City Clerk. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

There was no public testimony.

- C. **Resolution 10-90**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees. City Clerk. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

There was no public testimony.

- D. **Resolution 10-91**, A Resolution of the City Council of Homer, Alaska Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund. City Manager/Finance Director. Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

There was no public testimony.

9. **ORDINANCE(S)**

- A. **Ordinance 10-52**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Homeland Security and Emergency Management Grant in the Amount of \$30,000.00 in Federal Funds to Purchase Emergency Medical Dispatch ProQA Software, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010.

Memorandums 10-135 and 10-136 from Police Chief as backup.

ADOPTED with discussion.

- B. **Ordinance 10-53**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating and Alaska Department of Transportation (ADOT) Reimbursement of up to \$6,720.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010.

Memorandum 10-137 from Police Chief as backup.

ADOPTED without discussion.

- C. **Ordinance 10-54**, An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land. Planning. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010.

Memorandum 10-138 from City Planner as backup.

ADOPTED and POSTPONED to January 10, 2011 for Public Hearing and Second Reading. A Special Meeting will be held at 4:00 p.m. to discuss Ordinance 10-54.

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 10-141 from Library Director, re: Response to Proposed Amendments to the FY2011 Budget
2. Memorandum 10-142 from Port and Harbor Director, re: Derelict Vessels
3. Memorandum 10-144 from Public Works Director, re: Energy Audit – City Facilities 65% Recommendations
4. Memorandum 10-145 from Public Works Director, re: Kachemak Drive Water/Sewer Project (Phase II) What's Next?

City Manager Wrede referenced #8 the energy audit and #18 the report from the Library Director as contained in his report. As to the energy audit we are proposing under the contract the projects Carey had identified that total \$800,000. It would complete the projects with the biggest feedback. The schedule as outlined in the packet would be followed and would be taken to 95% to define the cost estimates and come back to Council to ask for an appropriation. Council can pick and choose which projects to fund. The projects would not all need to come from the revolving energy fund.

Library Director Helen Hill reported Memorandum 10-141 addressed the issues and answered questions pertaining to proposed budget reductions at the library. Books are needed at the library and computers are used to access information. Representative Seaton gave her the flash drive with the Vitamin D information. The cataloger at the library has received training and in addition to cataloging books, can now catalog electronic information from the flash drive.

Councilmember Hogan questioned the Fire Chief's travel to California for fire training. He asked if it was part of the grant funding budgeted item. City Manager Wrede believes it is, but will get back to Mr. Hogan.

Councilmember Wythe commended the Port and Harbor for their work in getting rid of derelict vessels.

Councilmember Hogan asked for more information on the dredge spoils. City Manager Wrede reported as to #11 on his report, there are a lot of dredge materials from the harbor entrance and the Hickory berth. We have now found the harbor has lifted about a foot so more dredging may be required, including the fairway. The Corps of Engineers would be responsible for the fairway, but the City is responsible for the rest. The COE have been trying to come up with a 20-year plan. We are trying to help them find a good use for the dredge spoils. They have recommended replenishing beaches if need be. The issue of more parking needs keeps coming up in the planning sessions. Carey and Bryan put together a proposal to the COE for a permit to create new parking lots to provide access to the beach and to replenish some beaches. They went to a scoping meeting in Kenai; there was concern expressed about the revetments and beach nourishment. He expects the COE to write a letter asking for more information.

Agencies were challenging us on our code provision that prevents material from going off the Spit. Carey and Bryan explained the history, going back to the earthquake and commercial mining. They asked if Council would consider removing the provision within the code. There are other ideas out there and if the Deep Water Dock or the East Boat Harbor happened, the fill material will be good for it. The dredge spoils now just pile up and are using up useful space. City Manager Wrede stated we are not in negotiations with the COE on a permit. If we change locations of dredge spoils they could give us a new permit. Fish and Game is concerned there may be contaminants, and the EPA is concerned about upsetting the natural processes. Dredging anything below the mean mean high tide would require a permit from the COE. Dredge spoils could be used on land the City owns to build higher or fix drainage, but if it is below a certain elevation, it requires a COE permit.

Mayor Hornaday called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

B. Bid Report

11. CITY ATTORNEY REPORT

City Attorney Klinkner provided a brief explanation of the format of the report. There were no questions from the Council.

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

Councilmember Roberts reported the TAC met for their quarterly meeting and had a lively discussion about the CARTS program. Several private businesses came to the meeting. As it moves forward, people in the city may be interested to participate.

- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force

13. PENDING BUSINESS

- A. **Resolution 10-79**, A Resolution of the City Council of Homer, Alaska, Determining the Area Within Which The City May Provide Water Utility Service. Zak. (Postponed from October 11, 2010.)

FAILED with discussion.

- B. **Resolution 10-80**, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.

POSTPONED to December 13, 2010.

- C. **Resolution 10-81(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-123 from Public Arts Committee as backup.

POSTPONED to December 13, 2010.

14. NEW BUSINESS

- A. **Memorandum 10-139**, from City Clerk, re: Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough. And vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M.,

APPROVED without discussion.

15. RESOLUTIONS

- A. **Resolution 10-92**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of \$124,105. City Manager/Public Works Director.

Memorandum 10-140 from Public Works Superintendent as backup.

FAILED with discussion.

- B. **Resolution 10-93**, A Resolution of the City Council of Homer, Alaska, Opposing an Application to the U.S. Food and Drug Administration (FDA) to Approve and Market Genetically Engineered Atlantic Salmon in the United States. Hogan.

ADOPTED with discussion.

- C. **Resolution 10-94**, A Resolution of the City Council of Homer, Alaska, Approving a New Lease for Brad Faulkner on Lot 88-4, and Finding that it is in the Public Interest to do so Without a Competitive Bidding Process. Lease Committee.

Memorandum 10-143 from Lease Committee as backup.

POSTPONED to December 13, 2010.

- D. **Resolution 10-95**, A Resolution of the City Council of Homer, Alaska, Expressing Support for Public Radio and Urging Continued Funding from the State and Federal Governments. Lewis.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner thanked everyone for celebrating his birthday with him and wished everyone a great Thanksgiving.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson wished everyone a Happy Thanksgiving.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede wished everyone a Happy Thanksgiving.

20. COMMENTS OF THE MAYOR

Mayor Hornaday commented on the nice article on Francie. She lives an excited life and we are honored to have her on the Council. He congratulated Kevin, Pat, and McBride for now being television stars. Whatever your political views are, Sarah Palin's Alaska was great. The show brought back a lot of happy memories.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe reminded people there will be a community Black Friday home sales person doing a craft fair at the Kachemak Center on the 26th from 10-6. She is happy to see the content of the gas task force with Mr. Story and Mr. Pate stepping up.

Councilmember Lewis wished everyone a Happy Thanksgiving and congratulated Homer High School Hockey Team on winning the End of the Road Tournament this past weekend.

Councilmember Hogan commented he is happy to see Mr. Heimbuch as well on the commission. With the public hearings on the budget he is surprised at how few people come to testify. He is concerned when people call him and say they are afraid to come down here and speak up because there are consequences. It bothers him a lot and he hears it a lot. He encouraged everyone out there to come and testify and if you have consequences, we will fight like hell to make sure your rights are protected. He is really kind of tired of hearing of people being afraid to participate; there is a reason for it.

Councilmember Zak wished everyone a Happy Thanksgiving. He went to AML last week and our clerks were not there. Some of the discussion at the Committee of the Whole had to do with training budgets. He hopes the training for the clerks can be worked back into the budget as they receive training credits. It is an invaluable opportunity for the Mayor and councilmembers to network with other communities. We are not represented there as well as we should be.

Councilmember Roberts had no comment.

A Special Meeting was scheduled for December 13, 2010 at 4:00 p.m. to discuss Resolutions 10-80 and 81(A).

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:58 p.m. The next Regular Meeting is scheduled for Monday, December 13, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, December 13, 2010 at 5:00 p.m. Special Meetings are scheduled for Wednesday, December 8, 2010 at 5:30 p.m. and Monday, December 13, 2010 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.