

## **ACTION AGENDA**

Monday, January 9, 2017

Worksession

Committee of the Whole

Regular Meeting

## **WORKSESSION AGENDA**

### **1. CALL TO ORDER, 4:00 P.M.**

Mayor Zak called the meeting to order at 4:00 p.m.

Councilmember Reynolds has requested excusal.

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

The agenda was approved by consensus of the Council.

### **3. NEW POLICE STATION/PUBLIC SAFETY BUILDING**

### **4. COMMENTS OF THE AUDIENCE**

There were four who commented.

### **5. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Mayor Zak adjourned the meeting at 4:53 p.m.

## **COMMITTEE OF THE WHOLE AGENDA**

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

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

Councilmember Reynolds has requested excusal.

### **2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

The agenda was approved by consensus of the Council.

**3. CONSENT AGENDA**

**4. REGULAR MEETING AGENDA**

**5. COMMENTS OF THE AUDIENCE**

There were eight who commented.

**6. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Zak adjourned the meeting at 5:37 p.m.

**REGULAR MEETING**

Session 17-01 a Regular Meeting of the Homer City Council was called to order on January 9, 2017 at 6:00 p.m. by Mayor Bryan Zak 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: ADERHOLD, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Reynolds has requested excusal.

Mayor Zak ruled Councilmember Reynolds' absence as excused. There was no objection from the 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 following changes were made: **CONSENT AGENDA - Resolution 17-008**, A Resolution of the Homer City Council Awarding Icicle Seafoods, Inc. a New 20-Year Lease With Two, 5-Year Options to Renew for Lot 41, Homer Spit Subdivision Amended ADL 18009, With an Annual Base

Rent of \$35,070.00, and Authorizing the City Manager to Move Forward With Lease Negotiations and Execute the Appropriate Documents. City Manager. Memorandum 17-013 from Port and Harbor Advisory Commission. **CITY ATTORNEY REPORT** - Amended City Attorney Report for the Last Quarter in 2016. **PENDING BUSINESS - Ordinance 16-57**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.95.060 and Homer City Code 21.95.070 to Require the Homer Advisory Planning Commission to Review Amendments to Title 21 or the Official Zoning Map Before Such Amendments are Adopted by City Council But Not Necessarily Before Such Amendments are Submitted to City Council for Review. City Manager. Memorandum 17-012 from City Planner. **Resolution 16-131**, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement Between the City of Homer and the Homer Chamber of Commerce. City Manager. Homer Chamber of Commerce 2016 Marketing Expenditures. **NEW BUSINESS - Memorandum 17-011**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(a-c)(1), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Briefing of Homer Police Department Confidential Investigation). **RESOLUTIONS - Resolution 17-002**, A Resolution of the City Council of Homer, Alaska, Supporting Sustainable Fisheries in Kachemak Bay Through Fisheries Enhancement and Habitat Rehabilitation. Lewis/Smith. Written public comments.

New Business Memorandums 17-006 and 17-011 were moved to be heard following Comments of the City Council.

Visitor West Homer Elementary Students was moved to be heard following Agenda Approval.

The agenda as amended was approved by consensus of the Council.

## **VISITORS**

- A. West Homer Elementary Students – Lego Robotics Group, 10 minutes.

West Homer Elementary Students provided a summary of their work in the Lego Robotics Group.

## **3. MAYORAL PROCLAMATIONS AND RECOGNITIONS**

## **4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were 26 who commented.

Mayor Zak called for a recess at 7:40 a.m. and reconvened the meeting at 7:50 p.m.

## **5. RECONSIDERATION**

## 6. 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 Regular meeting minutes of December 5, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 17-001** from Mayor Zak, Re: Appointments of Charles Evans and Rachel Lord to the Economic Development Advisory Commission.
- C. **Memorandum 17-002** from Deputy City Clerk, Re: Liquor License Renewals for Patel's, Patel's 2, Rum Locker, Homer Liquor & Wine, Grog Shop, Fat Olive's, Fresh Catch Café, La Baleine Café, and Land's End.
- D. **Ordinance 17-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040 to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Recommended dates: Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.
- E. **Ordinance 17-02**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Grubstake Avenue and Snowbird Street as Urban Road. City Manager/Public Works Director. Recommended dates: Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-004 from Public Works Superintendent as backup.

- F. **Ordinance 17-03**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule; and Repealing Subsection (F) of Homer City Code 5.20.020, Open Burning – Permit Requirement, Homer City Code 5.24.060, Violation – Penalty, Homer City Code 8.08.150, Violation – Penalty, Homer City Code 8.11.080, Violation – Penalty, Homer City Code 13.08.170, Violation – Penalty, Homer City Code 14.08.170, Violation – Penalty, Homer City Code 18.20.090, Penalty, Homer City Code 19.04.100, Violation – Penalty, Homer City Code 19.08.120, Violation – Penalty, and Homer City Code 19.12.100 Violation – Penalties, to Provide for the Disposition of Additional Offenses by Bail Forfeiture Without a Court

Appearance. City Manager. Recommended dates: Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-005 from City Clerk as backup.

- G. **Resolution 17-001**, A Resolution of the Homer City Council Establishing the Final Cost for the Shellfish Avenue/South Slope Drive Water Main/PRV Project to be \$590,314 and the Per Lot Fair Share as \$11,292. City Manager/Public Works Director. Recommend adoption.

Memorandum 17-010 from Public Works Director as backup.

- H. **Resolution 17-003**, A Resolution of the Homer City Council Confirming the Appointments of Jenna deLumeau as Treasurer and Andrea Browning as Deputy Treasurer for Calendar Year 2017. City Manager. Recommend adoption.

- I. **Resolution 17-004**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Recommend adoption.

- J. **Resolution 17-005**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the East Bunnell Avenue Storm Drain Rehabilitation Project to the Firm of Construction Unlimited, Inc. of Anchorage, Alaska, in the Amount of \$405,372 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 17-007 from Public Works Director as backup.

- K. **Resolution 17-006**, A Resolution of the City Council of Homer, Alaska, Amending the City Council Operating Manual to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Recommend postpone to January 23, 2017 to follow Ordinance 17-01.

- L. **Resolution 17-007**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement Between the City of Homer and the Kachemak Nordic Ski Club Regarding the Maintenance and Operation of Nordic Ski Trails on City Owned Land in the Baycrest Ski Area. City Manager. Recommend adoption.

- M. **Resolution 17-008**, A Resolution of the Homer City Council Awarding Icicle Seafoods, Inc. a New 20-Year Lease With Two, 5-Year Options to Renew for Lot 41, Homer Spit Subdivision Amended ADL 18009, With an Annual Base Rent of \$35,070.00, and Authorizing the City Manager to Move Forward With Lease Negotiations and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 17-013 from Port and Harbor Advisory Commission as backup.

Moved to Resolutions, Item B. Stroozas.

- N. **Resolution 17-009**, A Resolution of the City Council of Homer, Alaska, Approving Port and Harbor Enterprise's Implementation of Newly Revised Crane Use Agreements. City Manager/Port and Harbor Director. Recommend Public Hearing January 23, 2017.

Memorandum 17-008 from Port and Harbor Director as backup.

Moved to Resolutions, Item C. Stroozas.

- O. **Resolution 17-010**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule Under Planning and Zoning to Add Fees for Technical Review of Communication Tower Applications. City Clerk/City Planner. Recommend Public Hearing January 23, 2017.

Memorandum 17-009 from City Planner as backup.

- P. **Resolution 17-011**, A Resolution of the City Council of Homer, Alaska, Approving an Automatic Aid Agreement and Operational Plan Between Kachemak Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Apparatus and Personnel. Recommend adoption.

Item M, Resolution 17-008 was moved to Resolutions, Item B. Stroozas.

Item N, Resolution 17-009 was moved to Resolutions, Item C. Stroozas.

The consent agenda as amended was approved by consensus of the Council.

## 7. VISITORS

- A. West Homer Elementary Students – Lego Robotics Group, 10 minutes.

Heard following Agenda Approval.

- B. Catie Bursch, Kachemak Bay Research Reserve, Saltwater Invasive Species, 10 minutes.

Catie Bursch, Kachemak Bay Research Reserve Coordinator of the Harmful Species Program, presented on the correlation between invasive species and Jackup rigs.

**8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS  
(10 minute limit per report)**

- A. Borough Report

- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commissioner Roberta Highland reported on the commission's January 4<sup>th</sup> meeting. The commission agreed with Ordinance 16-57 where the City Council may introduce an ordinance and refer to the Planning Commission for review. It may gauge support of a proposal and flush out amendments. They approved a plat subdividing a lot on Kachemak Drive and a plat vacating a lot line west of East Hill Road. Additionally, the commission discussed and recommended zero HART funds be used for maintenance unless taken to the City Council first. They discussed sidewalks and the availability of grant programs and cost sharing in the expenses. The Planner was asked to do some more research on those subjects. The commission discussed and reviewed port and harbor recommendations on harbor overslope development. There are areas available for overslope, but there should be no development in front of Boardwalk businesses, except for Lots 88-2 and 88-4. The commission would prefer to see overslope lots available for both individual development and development by the City.

3. Economic Development Advisory Commission

Economic Development Advisory Commission Chair Karin Marks thanked Council for appointing new members to the commission; the commission is now full. A subcommittee is reviewing business retention and expansion, looking for the detailed needs of Homer businesses. Chair Marks has been appointed to the Kachemak Peninsula Economic Development District Board. Her service on the board will be an additional conduit for the City and businesses.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission
  6. Cannabis Advisory Commission
- C. Homer Council on the Arts 2017 Arts Awards Nominations
  - D. Letter to Mayor Bryan Zak from Mayor Hirotaka Asada, Teshio, Japan

**9. PUBLIC HEARING(S)**

- A. **Ordinance 16-58(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.100 to Clarify That the Mayor Retains the Right to Cast a Tie-Breaking Vote Even When Attending a Council Meeting Telephonically. Lewis. Introduction December 5, 2016, Public Hearing and Second Reading January 9, 2017.

There was one who testified.

ADOPTED without discussion.

- B. **Memorandum 17-003**, from Deputy City Clerk, Re: New Liquor License for Bluff Point Lighthouse Grill.

There was no public testimony.

APPROVED without discussion.

**10. ORDINANCE(S)**

**11. CITY MANAGER'S REPORT**

- A. City Manager's Report
- B. Bid Report

**12. CITY ATTORNEY REPORT**

- A. Last Quarter 2016 Report



### **13. COMMITTEE REPORT**

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee will meet on Thursday. She welcomed people to the committee to fill the vacancy.

### **14. PENDING BUSINESS**

- A. **Ordinance 16-57**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.95.060 and Homer City Code 21.95.070 to Require the Homer Advisory Planning Commission to Review Amendments to Title 21 or the Official Zoning Map Before Such Amendments are Adopted by City Council But Not Necessarily Before Such Amendments are Submitted to City Council for Review. City Manager. Introduction November 21, 2016, Public Hearing December 5, 2016, Referred to Planning Commission, Second Reading January 9, 2017.

Memorandum 17-012 from City Planner as backup.

ADOPTED without discussion.

- B. **Resolution 16-131**, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement Between the City of Homer and the Homer Chamber of Commerce. City Manager. Postponed from December 5, 2016.

**Resolution 16-131(S)**, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement Between the City of Homer and the Homer Chamber of Commerce. City Manager.

Substitute Resolution 16-131(S) ADOPTED and AMENDED: Line 31 to delete the words “The agreement” following the Whereas.

### **15. NEW BUSINESS**

- A. **Memorandum 17-006**, from Mayor Zak, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2), Matters, Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Manager Koester Annual Performance Evaluation/Employment Contract.)

Moved to follow Comments of the City Council.

- B. **Memorandum 17-011**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(a-c)(1), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Briefing of Homer Police Department Confidential Investigation.)

Moved to follow Comments of the City Council.

## 16. RESOLUTIONS

- A. **Resolution 17-002**, A Resolution of the City Council of Homer, Alaska, Supporting Sustainable Fisheries in Kachemak Bay Through Fisheries Enhancement and Habitat Rehabilitation. Lewis/Smith.

FAILED with discussion.

- B. **Resolution 17-008**, A Resolution of the Homer City Council Awarding Icicle Seafoods, Inc. a New 20-Year Lease With Two, 5-Year Options to Renew for Lot 41, Homer Spit Subdivision Amended ADL 18009, With an Annual Base Rent of \$35,070.00, and Authorizing the City Manager to Move Forward With Lease Negotiations and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 17-013 from Port and Harbor Advisory Commission as backup.

ADOPTED with discussion.

- C. **Resolution 17-009**, A Resolution of the City Council of Homer, Alaska, Approving Port and Harbor Enterprise's Implementation of Newly Revised Crane Use Agreements. City Manager/Port and Harbor Director. Recommend Public Hearing January 23, 2017.

Memorandum 17-008 from Port and Harbor Director as backup.

POSTPONED to January 23, 2017 for Public Hearing.

## 17. COMMENTS OF THE AUDIENCE

There were eight who commented.

**18. COMMENTS OF THE CITY ATTORNEY**

City Attorney Wells was not present.

**19. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comments.

**20. COMMENTS OF THE CITY MANAGER**

City Manager Koester had no comments.

**21. COMMENTS OF THE MAYOR**

Mayor Zak wished the Lego Robotics Group good luck.

**22. COMMENTS OF THE CITY COUNCIL**

Councilmember Lewis announced the high school hockey team will be playing on Thursday, Friday, and Saturday at the hockey rink.

Councilmember Smith appreciates the people that testified tonight. He would rather not look at it as contentious or divisive; people just have different opinions. He hopes we are all friends since we have to live together in a tight knit community.

Councilmember Stroozas said there was lots of good thought provoking conversation. The fisheries are outside the realm of our jurisdiction. He thanked everyone for their attendance and input and asked them to come back often.

Councilmember Aderhold thanked everyone for coming out and the feedback. She learned a lot about the Tutka Bay fishery and would love to have a tour. She appreciates where the economy comes from and appreciates the commercial fishermen, but it is not our issue to weigh in on. She listens to everyone that comes and comments and thanked everyone for participating in local government.

Councilmember Erickson enjoyed getting to know about the fisheries and talking to people. She would love to have a tour at the head of Tutka Bay where the pens would be. It is nice to hear from both sides. She told people not to be afraid to come again. We need to work together to make this place more profitable.

**15. NEW BUSINESS**

- A. **Memorandum 17-006**, from Mayor Zak, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2), Matters, Subjects that Tend to Prejudice the Reputation and

Character of Any Person, Provided the Person May Request a Public Discussion. (City Manager Koester Annual Performance Evaluation/Employment Contract.)

City Manager Koester requested her evaluation be conducted in Executive Session.

APPROVED.

- B. **Memorandum 17-011**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(a-c)(1), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Briefing of Homer Police Department Confidential Investigation).

APPROVED.

Mayor Zak called for a recess at 9:40 p.m.

The meeting was postponed to Tuesday, January 10, 2017 at 5:00 p.m.

Session 17-01 a Regular Meeting of the Homer City Council reconvened on January 10, 2017 at 5:00 p.m.

Council adjourned to Executive Session at 5:02 p.m. to discuss Memorandums 17-006 and 17-011.

Following Executive Session Councilmember Lewis issued the following statement for Memorandum 17-006: We met with the City Manager and completed her evaluation.

Councilmember Lewis issued the following statement for Memorandum 17-011: We met with the City Manager and the Police Chief on a confidential police investigation.

## **23. ADJOURNMENT**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:05 p.m. The next Regular Meeting is Monday, January 23, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.