

Session 10-34 a Special Meeting of the Homer City Council was called to order on December 13, 2010 at 4:00 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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
PORT AND HARBOR DIRECTOR HAWKINS

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.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Angie Newby, Chair of the Public Arts Committee, thanked Council and the City Attorney for their time and analysis on the PAC administrative guidelines. The attorney's recommendations helped clarify artist's rights and deaccessioning, both areas of concern. The attorney recommended leaving contracts up to individuals. Powers and duties of the PAC are still a concern, as the PAC is very pro-active. Outlining the committee helps subsequent people that might join the committee. Mrs. Newby has a great relationship with Walt and Renee is a great staff support person from the Clerk's Office. Renee looked at small and mid size communities that had successful public arts committees, and that is where some of the recommendations came from. As to the make-up of the committee, Mrs. Newby asked that people appointed have a commitment to art. At different times people on the committee didn't know why they were there and it requires time to educate them. Mrs. Newby recommends the PAC work as a catalyst bringing the government arts culture/public sectors together for the benefit of the residents. The airport diorama came through the PAC Gateway project. They will be continuing with artwork on the Baycrest Hill and the Ferry Terminal, areas that greet people coming into the community.

PENDING BUSINESS

- A. **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.

Memorandum 10-148 from City Attorney as backup.

City Attorney Klinkner advised it may be helpful to reorder the agenda items and review the ordinance first. The ordinance will set a framework and the resolutions can be added as guidelines. Suggested changes to the resolutions only make sense with the ordinance as the underlying document.

Council agreed to hear New Business prior to Pending Business.

- B. **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.

NEW BUSINESS

- A. **Ordinance 10-55**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 1.70, Public Arts Committee; Amending Homer City Code 18.07.040, Implementation; Amending Homer City Code 18.07.050 Selection; Repealing Homer City Code 18.07.060, Program Administration; Public Arts Committee; and Amending Homer City Code 18.07.070, Exemptions; Regarding the Appointment, Composition and Functions of the Public Arts Committee. City Manager.

Memorandum 10-148 from City Attorney as backup.

ROBERTS/WYTHE – MOVED FOR THE ADOPTION OF ORDINANCE 10-55.

City Attorney Klinkner advised Ordinance 10-55 would elaborate on the membership, terms, duties, and other features of the PAC. Presently the only reference to the PAC and its functions within city code is in HCC Chapter 18.07 that outlines the 1% arts funding. Mr. Klinkner thought it would be consistent with the way the code handles other boards and commissions and provide a framework for considering the issues raised by the proposed guidelines. The PAC suggested a provision related to the experience of members of the committee; omission of it was an oversight and Council could put the reference to members qualifications back in. It appears in HCC 1.70.010, line 30, page 45. Adding the Mayor appointment/Council confirmation would be consistent with other committees. Line 45 and carrying over to the following page is HCC 1.70.020 that preserves the two-year terms for members.

Councilmember Roberts suggested the PAC might be comprised of five members instead of seven. We have had a difficult time getting people to be on the boards and commissions.

Angie Newby commented five members would not be a problem; with seven members they are struggling to have a quorum. That is one of the reasons they changed the meeting time to 5:00

p.m. Mrs. Newby suggested two persons as public at large if the committee is reduced to five members. There are five great people on the PAC now.

Councilmember Howard agrees reducing the PAC to five members. Referencing Line 34 “committee members shall” is too specific, and should be amended to may. People that would apply would already have an interest in art.

Councilmember Hogan concurs with Councilmember Howard. He doesn’t know of any committee with such specified criteria.

Councilmember Howard asked about the word “jury”, and asked if the word “panel” could be used instead.

Councilmember Wythe suggested language pertaining to applicants – preference may be given to – and that one member from outside the city be allowed. A common term for art review is jury.

Angie Newby clarified the PAC recommended “selection committee”, the attorney recommended “jury”. Currently there is not a councilmember on the PAC, Mrs. Newby said it would help to have one. The PAC is not an exclusive group of people. They have wide ranging interests. She asked that language “shall have a demonstrated interest and familiarity with arts” be included. The specific characteristics can be deleted.

Councilmember Zak believes the document was clearly stated. In Homer the PAC brings the community together, whether integrating trails or the library. The spirit of the ordinance brings the community together; it is not just focused on public art, but a vision.

Attorney Klinkner clarified the word jury is used in the current code. The term jury is used to refer to groups who select or valuate pieces of art. He suggested changing the guidelines to read “jury” for the sake of consistency.

Councilmember Zak commented he would love to serve on the PAC if a councilmember is needed.

ROBERTS/LEWIS – MOVED TO AMEND LINE 31 TO CHANGE THE NUMBER FROM 7 TO 5.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ROBERTS – MOVED TO AMEND LINE 34 TO STRIKE THE STATEMENT “THE COMMITTEE MEMBER SHALL INCLUDE THE FOLLOWING” AND REPLACE IT WITH “WHEN CONSIDERING APPLICANTS, PREFERENCE MAY BE GIVEN TO” AND THEN LEAVING ITEMS 1 THROUGH 5 IN THERE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE – MOVED TO AMEND LINE 42 TO CHANGE THE NUMBER TWO TO ONE COMMITTEE MEMBER MAY RESIDE OUTSIDE THE CITY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Hogan expressed the need for the final version to be radically altered for his approval. He recommended the ordinance be introduced and go to public hearing.

Councilmember Roberts expressed approval of the ordinance as it brought concerns of the original document together and fit with the other committees.

Attorney Klinkner referenced the proposed guidelines from the PAC Lines 37 and 38: “All members of the Public Arts Committee shall have a demonstrated interest and familiarity with arts and culture, either through professional practice or volunteer work.” He recommended just before the previous amendment regarding preference may be given to particular applicants.

WYTHE/ROBERTS - MOVED TO INSERT LINES 37 & 38 (OF THE ADMINISTRATIVE GUIDELINES) ONLY TO THE PERIOD INTO LINE 34 PRECEDING THE STATEMENT “WHEN CONSIDERING APPLICANTS”. THEN IT WOULD READ: “ALL MEMBERS OF THE PUBLIC ARTS COMMITTEE SHALL HAVE A DEMONSTRATED INTEREST AND FAMILIARITY WITH ARTS AND CULTURE, EITHER THROUGH PROFESSIONAL PRACTICE OR VOLUNTEER WORK. THEN IT WOULD SAY WHEN CONSIDERING APPLICANTS PREFERENCE MAY BE GIVEN TO ITEMS 1 THROUGH 5.

Councilmember Roberts asked about the “shall” which would limit members.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Attorney Klinkner referenced Line 61 of Ordinance 10-55 Powers and Duties. He shortened the powers and duties as proposed by the PAC in their guidelines. The PAC believes their powers and duties should be expanded. It is an area of policy for the Council’s decision.

ROBERTS/ZAK - MOVED TO CHANGE THE WORD “SHALL: TO “MAY” IN THE PREVIOUS SENTENCE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Angie Newby asked if the PAC Administrative Guidelines could elaborate beyond what is in the ordinance.

City Attorney Klinkner advised it is a Council decision to determine what the duties are.

Angie Newby commented members would have more clarity if the duties were embellished a bit, but she has no objections. The attorney has streamlined things and helped make the document more functional.

Councilmember Roberts referenced Line 69 in the ordinance that refers to furthering the development and public awareness of the arts in the City. Mrs. Newby agreed that was her favorite line in the ordinance.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. **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.

Memorandum 10-148 from City Attorney as backup.

Motion on the floor from October 11th: ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

Angie Newby asked the City Attorney about deleting lines 146-149 in the Administrative Guidelines.

City Attorney Klinkner stated the three items:

- G. Perform other duties as required by the City Manager and or City Council
- H. Oversee the 1% for Arts Program
- I. The Public Arts Committee administrative guidelines are to be reviewed periodically and updated as required

Council could include item G if desired. Item H is included in the duties. Item I is included in Section 2 of the ordinance beginning on Line 71.

Councilmember Roberts noted the new Administrative Guidelines Mr. Klinkner proposed are in the ordinance area. She asked how the amended changes in the guidelines should be included.

City Attorney Klinkner answered if Council chooses to accept the recommended changes in the guidelines as prepared by the City Attorney, Council can amend the resolution by substituting his guidelines currently attached to Resolution 10-80.

ROBERTS/HOWARD - MOVED TO SUBSTITUTE THE GUIDELINES ON PAGE 55 FOR THE ORIGINAL PROPOSED GUIDELINES.¹

Councilmember Howard noted Line 137 in the attorney revised guidelines state four members shall constitute a quorum. City Attorney Klinkner said it should be

WYTHE/LEWIS - MOVED TO AMEND LINE 137 BY REPLACING THE WORD "FOUR: WITH THE WORD "THREE".

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Roberts asked for clarification on the municipal art collection.

Angie Newby answered there is a collection of both acquired and donated art. There is an inventory of that collection that includes the Sister City art. She asked that the guidelines as recommended by the attorney are consistent with the changes in the ordinance.

City Attorney Klinkner answered when revising the guidelines he was careful not to duplicate in the ordinance.

City Manager Wrede asked if the resolution should wait for Ordinance 10-55. City Attorney Klinkner advised they do go together and it makes sense the resolution is deferred with the ordinance.

HOGAN/WYTHE – MOVED TO DEFER TO JANUARY 10.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

¹ Motion was not voted on, therefore will return on the floor at the January 24, 2011 meeting. Postponement date of Resolution 10-80 was amended at the Regular Meeting of December 13, 2010.

Motion carried.

- B. **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.

Motion on the floor from October 11th: LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-81(A) BY READING OF TITLE ONLY.

WYTHE/ROBERTS – MOVED TO POSTPONE TO FOLLOW RESOLUTION 10-80.

Councilmember Wythe asked if we can eliminate Resolution 10-81(A) if we approve 10-80 since 10-81(A) is redundant.

Angie Newby stated the PAC is limited by what they can do in Special Meetings. She will ask the committee if they would prefer to change the meeting time back to 11:00 a.m. The middle of the day is tough for members to meet.

Mayor Hornaday reminded Mrs. Newby meetings after 5:00 p.m. require Clerk's overtime and the City cannot afford it.

Councilmember Wythe referenced Line 116 (pg. 57) in the Administrative Guidelines that set the meeting times at 5:00 p.m.

VOTE: (postponement) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmembers Hogan, Howard, Lewis, Roberts, Wythe, and Zak had no comments.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:44 p.m. The next Regular Meeting is scheduled for Monday, January 10, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 10, 2011 at 5:00 p.m. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____