

ACTION AGENDA

Tuesday, March 29, 2011
Worksession
Committee of the Whole
Regular Meeting

WORKSESSION AGENDA

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

Councilmember Zak has requested telephonic participation.

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

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. Land Allocation Plan – Joint Worksession with Advisory Bodies

- A. Memorandum 11-040 from Lease Committee
- B. Memorandum 11-041 from Planning Commission
- C. Memorandum 11-042 from Parks and Recreation Advisory Commission
- D. Memorandum 11-043 from Library Advisory Board

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

5. ADJOURNMENT

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

COMMITTEE OF THE WHOLE AGENDA

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

Mayor Hornaday called the meeting to order at 5:01 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)

The agenda was approved by consensus of the Council.

3. REGULAR MEETING AGENDA

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Hornaday adjourned the meeting at 5:21 p.m.

REGULAR MEETING AGENDA

Session 11-13 a Regular Meeting of the Homer City Council was called to order on March 29, 2011 at 6:00 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 (telephonic)

STAFF: CITY CLERK JOHNSON
CITY MANAGER WREDE
CITY PLANNER Abboud
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak's requested telephonic participation was approved.

Council met from 4:00 p.m. to 4:53 p.m. in a Joint Worksession with Advisory Bodies to discuss the Land Allocation Plan 2011. Council met as a Committee of the Whole from 5:01 p.m. to 5:21 p.m. to discuss Regular Meeting Agenda items.

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 amendments to the agenda were made:

CITY MANAGER'S REPORT - Lobbyists Report; PENDING BUSINESS - Ordinance 11-03(A), Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Public comments. RESOLUTIONS - Substitute Resolution 11-034(S), A Resolution of the City Council

of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 16 who commented.

4. RECONSIDERATION

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 Regular Meeting minutes of March 14, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-044**, from Mayor, Re: Reappointment of Robert Hartley, Mark Hottmann, and Catherine Ulmer to the Port and Harbor Advisory Commission and Reappointment of John Velsko to the Transportation Advisory Committee.

APPROVED without discussion.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Recognition** – Joe Martishev, Voznesenka School Wrestling Champion

Mayor Hornaday read and presented the recognition.

- B. **Mayor's Recognition** – Mitch Wyatt, Homer High School Wrestling Champion

Mayor Hornaday read and presented the recognition.

- C. Borough Report

- D. Commissions/Board Reports:

- 1. Library Advisory Board
- 2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Ingrid Harrald, Parks and Recreation Advisory Commissioner, reported they have a dynamic commission with a lot of energy. A subcommittee is working with the Friends of Woodard Creek and Karen Hornaday Park on a bike or multi-use trail on Kachemak Drive. The commission has been working with Mike Illg and Angie Otteson, who are both doing a fantastic job with less people to help them. A MOU with Jack Gist Park is in the works. The commission is organizing a Park Day, possibly in June at Bayview Park. A spring walk through the City's parks is scheduled in April. Other work includes a letter of recommendation for the Wooden Boat Society and updating the strategic plan. Ms. Harrald thanked Julie and Renee for all their hard work on behalf of the commission.

5. Port and Harbor Advisory Commission

Pete Wedin, Port and Harbor Advisory Commissioner, reported the commission supports Resolution 11-034(S). Earlier comments may not be correct. A cod deck hand who is not gone for more than seven days would not fall under the long term parking plan; it is only for vehicles there longer than seven days. If a fisherman had a slip in the harbor and needed a long term parking pass the fee would be \$100. Permits for parking spots in the paved areas and seasonal parking permits were added. The City can make \$500 out of each numbered spot. As to the parking survey that was mentioned, he doesn't remember the commission considering it; it was not part of the determination. He expressed support for the \$250 seasonal permit.

Councilmember Roberts said earlier testimony indicated the permitting system would be year round, she thought it was for seasonal use.

Commissioner Wedin clarified the parking plan is two part, with long term parking and seasonal parking. There is currently stuff parked and stored for a long time. Permits would control the vehicles better. The other part is the permit in season from Memorial Day to Labor Day. The \$250 seasonal permit would mean a spot through the season, eliminating the need to deal with the iron maiden.

8. PUBLIC HEARING(S)

9. ORDINANCE(S)

- A. **Ordinance 11-11**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$9,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Construction of the West Homer Elementary Trail Project. City Manager/Public Works Director. Recommended dates: Introduction March 29, 2011, Public Hearing and Second Reading April 11, 2011.

Memorandum 11-049 from Public Works Director as backup.

ADOPTED with discussion.

- B. **Ordinance 11-12**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation / Grant from Family First in the Amount of \$2,800 for Playground Equipment at Bayview Park and Stipulating that the Funds be Segregated and Used Only for That Purpose. City Manager/Public Works Director. Recommended dates: Introduction March 29, 2011, Public Hearing and Second Reading April 11, 2011.

ADOPTED without discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

Councilmember Lewis noted the lack of fire hydrants on Kachemak Drive. In the three years he has been on the Council there have been lots of meetings dealing with Kachemak Drive. There have been dueling engineers, those for and those against it, and now we finally have the project where it is now with a higher cost. He asked if there was anything that could be done right now to get water near the boatyard.

City Manager Wrede answered Council passed a resolution enabling us to go back to the property owners to see if they object if bids come in 15% higher than the cost estimate. The project has been slightly redesigned. It will cost less and we will take it out for bid sooner than later to see what the bids are. If bids come in lower than the cost estimate property owners already approved, we can go ahead without the objection period. We are trying to get the project going in this building season. There has been discussion about a smaller LID, something that took care of the business areas. It would need a new petition or the property owners could help more with the money. We heard testimony tonight that we should not mess around with LIDs. In the past that is something the City has not done. The City provides incentives, subsidizing a portion of the cost and attractive financing over a long term period. For the City to put in a water line at its own expense would be a change of policy. Council could talk about a smaller area that serves the boatyard if they choose.

Mayor Hornaday commented the quickest way for the LID is to do what we are doing now.

City Manager Wrede stated Public Works Director Carey Meyer is working the LID on two separate tracks. The best scenario is if the bids come in lower or within 15% of the price the property owners already approved. It would then alleviate the objection period.

Councilmember Hogan commented the fire at the boatyard was really scary. Somebody mentioned there was \$20M damage, he thinks it is more like \$250M of property damage, a big chunk of the economy. It is a huge asset base that needs protection, even if we have to do a spaghetti line for water.

City Manager Wrede stated Mr. Moore who owns the boatyard asked if the LID does not work, would the City consider allowing him to finance his own water line into the boatyard and have fire hydrants in the yard. Mr. Wrede told him we would look at it.

Councilmember Howard complimented staff for the public information on the gas line that is thorough and complete.

Councilmember Hogan has had a request from a member of the public to find out how much money was spent on the library energy study. City Manager Wrede will provide the information on the energy study and contract to fix the problems in his next report.

Councilmember Hogan noted the revisions to standard land lease in the Manager's Report. City Manager Wrede answered the Economic Development Advisory Commission was working on changes to the base lease. Council spent a lot of time working on lease policies, but did not get to the base lease. City Attorney Klinkner is working on revamping the base lease. It has not gone as quickly as we would like; he hopes to have it back for the next meeting. Councilmember Hogan commented the EDC did not make recommendations on the base lease. City Attorney Klinkner was asked to amend the base lease by the Council. The lease document is technical with much legal language.

Councilmember Roberts asked about the Emergency Operations Plan review after the tsunami warning a couple weeks ago. She asked if City Manager Wrede was satisfied we are moving in the right direction in correcting the issues that came up in the last tsunami warning, or if Council needed a Worksession to review the EOP. City Manager Wrede believes we have made a lot of progress correcting what happened last time. There have been meetings with the agencies involved and KBBI. There will be a meeting with the other radio station next week as to what to do if an alarm happens in the middle of the night. There is a draft report called Lessons Learned that will be presented at the next meeting. It is never a bad idea for Council to review the EOP. It is something nobody thinks about it until you need it.

Census reports for 2010 indicate Homer lost 451 people last year, but up 1,000 people over the last 10 years. The 2010 Census is a real report, other years are estimates. Special Projects Coordinator Anne Marie Holen is quizzing the State, as the State projected we were close to 6,000. They think that may have included people in the Diamond Ridge area.

Mayor Hornaday may have over vented at the last meeting, but still can't get the picture of the huge wave going across the Spit and killing everyone. He understands there are bound to be errors, but does not understand why the expensive borough equipment does not work. It has not worked for eight years. The announcement is not loud enough, is garbled, and didn't go off in a village across the bay. We need to get on the KPB about the equipment not working and need a drill.

City Manager Wrede answered we do need a drill. The Borough was quizzed hard from a number of sources about the alarms not working. The system is turned up as loud as it can be. For the last tsunami warning the populous was getting mixed messages. The siren went off to say there was a tsunami warning, if people tuned into the internet they saw it was a tsunami watch.

We didn't have a good way to let people know what was happening. Alarms go off and say for more information tune to your radio stations. It took at least an hour before the message got out. The KPB came out with a press release shortly after midnight telling people not to evacuate. Dispatch and the radio did not have the information right away. Locally we have the power to improve communications.

Mayor Hornaday reflected when Mt. Augustine exploded in the 80's. They told us to get to Pioneer Avenue. We need something very clear so people understand what to do.

City Manager Wrede said we can do a better job with the education process. Homer has the designation of a tsunami ready community. The Fire Department has community meetings and no one shows up. We have a nice tsunami ready brochure, but no money to print more. He may ask Council for more money to print more copies of the evacuation plan.

The written report of the lobbyists was referenced.

The Bridge Creek Fire Mitigation Project is going forward. They are trying to do as much work as they can this winter. There was a contract award for the mechanized work. Later another contract will issue for the hand work in the sensitive areas. He doesn't want the public to panic if they see equipment taking down trees.

B. Bid Report

C. Games Report

1. Friends of the Homer Library

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. City Hall Renovation and Expansion Task Force

F. Natural Gas Distribution Task Force

13. PENDING BUSINESS

- A. **Ordinance 11-03(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.14.020, Urban Residential (Ur), Permitted Uses and Structures; and Homer City Code 21.16.020, Residential Office (Ro), Permitted Uses and Structures; and Homer City Code 21.61.060, Termination of Nonconforming Use or Structure; Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Introduction February 15, 2011, Public Hearing, Second Reading February 28, 2011, Reconsidered February 28, 2011, Second Reading March 14, 2011, Postponed to March 29, 2011.

Memorandum 11-048 from City Attorney as backup.

Memorandums 11-051, 11-037, and 11-017 from City Planner as backup.

FAILED without discussion.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 11-031**, A Resolution of the City Council of Homer, Alaska, Amending the Library Advisory Board Regular Meeting Time to 5:00 p.m. City Clerk/Library Advisory Board.

Memorandum 11-045 from Library Advisory Board as backup.

ADOPTED without discussion.

- B. **Resolution 11-032**, A Resolution of the City Council of Homer, Alaska, in Support of the City's Participation in the Alaska Municipal League Joint Insurance Association (AMLJIA) Loss Control Incentive Program. City Manager.

ADOPTED with discussion.

- C. **Resolution 11-033**, A Resolution of the City Council of Homer, Alaska, Urging the North Pacific Fishery Management Council to Adopt Measures that Reduce the Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Commercial Trawl Fisheries. Hogan.

ADOPTED without discussion.

- D. **Resolution 11-034**, A Resolution of the City Council of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

Memorandums 11-046 and 11-047 from Port and Harbor Director as backup.

Resolution 11-034(S), A Resolution of the City Council of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

SUBSTITUTE RESOLUTION 11-034(S) ADOPTED with discussion.

- E. **Resolution 11-035**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Refurbishment of One Pedestal Crane on the Homer Fish Dock to the Firm of Alaska Hydraulics, Inc. of Anchorage, Alaska, in the Amount of \$46,780.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-050 from Port and Harbor Director as backup.

ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There were seven who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Hornaday voiced appreciation for the service of the Planning Commission and other commissions and committees.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented there are a few people that come in and make public testimony and it is not necessarily the voice of the larger community. In her seven years on the Council she has recognized that repeatedly. She extended to the Planning Commission that same concept; the voice of one person on this council does not necessarily represent the feelings of the whole.

Councilmember Lewis congratulated the Homer Hockey Bantam Tier 3 team for taking State championship, beating teams from Fairbanks, Juneau, and the Valley. Mark Robinson and his crew and the choir had a great show this past weekend.

Councilmember Hogan reiterated his apology. He did not intend to issue demeaning comments to Mr. Kranich, as he has a lot of respect for him. He stood up and congratulated him along with another person for his service on the Council. The boatyard is a big part of our economy and we need to do anything we can do to protect that asset. The taxes paid by the boatyard are the second largest in the city. At budget time Council cut their salary. It wasn't a salary for them to cut as they receive a stipend. The cut to the stipend requires a code change. Since the last meeting Council met as a Board of Ethics. He missed the original meeting as he was out of town. Mr. Hogan has a lot of concerns about that practice and about how the ordinance came into effect. Council has given itself judicial powers and it is a violation of the code. It should be looked at by a court; he welcomes any citizen that would like to seek judicial review. We have separate branches of the government, we don't look kindly at judges assuming legislative powers, and it is the same way with Council. It is not part of our system that legislative bodies are given judicial powers. It seems contrary to the principles of our government that we have a secret tribunal taking place for ethics. That seems pretty unethical to him. He can't inform the public about what it is about as it is against the rules. Council is exercising power they don't rightfully have by passing judgment on somebody. Council is applying private sector personnel human resources policies to public sector issues. We need to conduct our business in the open. If there is a violation of the Code of Ethics it needs to be handled by a court of law.

Councilmember Roberts commented testimony earlier said zoning ordinances were changing week by week. She does not think that is true as very rarely we are changing our zoning ordinances. She voted no on Ordinance 11-03(S), not because the Planning Commission didn't have some valid things, but by the time the ordinance was changed it was not a proper ordinance. She would like the planning Commission to consider it again to make a better ordinance. She also heard testimony that the only way people could talk about changes to zoning ordinances was at Council level, that there was just one opportunity. She does not think that was true, as when the Planning Commission considers anything they send to the City Council, they have at least one, if not two, public hearings. It is not like we are trying to secretly do something. Ms. Roberts thanked Ray Kranich who has done a lot for the City. He is a tremendous contributor. She urged others to say thank you to him. Ms. Roberts asked if the pay and insurance study will be finished prior to the Personnel Director's retirement.

City Manager answered if not at the next meeting, the parity study will be presented on April 25.

Councilmember Howard thanked the Planning Commission for their tireless work. They put in a lot more hours than Council. She didn't understand Ordinance 11-03(A) until she read the last memo. It was really about vehicles. She asked if Council could get a second chance about this. Vehicles stored and leaking chemicals in ground water should be of importance to all. A new ordinance should address it more clearly. Mrs. Howard thanked Ray Kranich for his service to the City.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:41 p.m. The next Regular Meeting is scheduled for Monday, April 11, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, April 11, 2011 at 5:00 p.m. A Worksession is scheduled for Monday, April 11, 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.