

ACTION AGENDA

Monday, March 14, 2011
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.

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. Homer Accelerated Roads and Trails Program (HART) Annual Review

A. Memorandum 11-039 from the Transportation Advisory Committee as backup.

B. Memorandum 11-038 from the Natural Gas Distribution Task Force as backup.

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 5:55 p.m.

REGULAR MEETING AGENDA

Session 11-10 a Regular Meeting of the Homer City Council was called to order on March 14, 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

STAFF: CITY CLERK JOHNSON
CITY MANAGER WREDE
CITY ATTORNEY KLINKNER

CITY PLANNER ABOUD
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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 changes:

CONSENT AGENDA - **Memorandum 11-031**, Kenai Peninsula Borough notice of non-objection to Mermaid Café liquor license renewal;
ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS - Prince William Sound Regional Citizens' Advisory Council by John Velsko; Letter to Mayor Hiroshitaka Asara, City of Teshio from Mayor Hornaday; **PENDING BUSINESS - 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 21.12.020, Rural Residential (RR), Permitted Uses and Structures; 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 - Public Comments; and **Resolution 11-023(S)**, A Resolution of the Homer City Council Finding the Need to Create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and Scheduling a Public Hearing on the Necessity of the Improvement and Proposed Improvement Plan at the April 11, 2011 Regular City Council Meeting. City Manager/Public Works Director.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 15 who commented.

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 Regular Meeting minutes of February 28, 2011 and Special Meeting of March 3, 2011. City Clerk. Recommend adoption.

- B. **Memorandum 11-031**, from Deputy City Clerk, Re: Liquor License Renewal for American Legion Post #16 and Mermaid Café.
- C. **Memorandum 11-032**, from Mayor, Re: Reappointment of John Velsko to the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC).

APPROVED without discussion.

Mayor Hornaday called for a recess at 6:45 p.m. and reconvened the meeting at 6:53 p.m.

6. VISITORS

A. Lobbyists' Report - Linda Anderson and Yuri Morgan

Lobbyists Linda Anderson and Yuri Morgan reported there are 34 days left in the Legislative Session and things will move quickly now. The operating budget passed the House (House Bill 108) and is now in the Senate. Subcommittee reports will close by the end of March. Revenue sharing monies are pegged to be the same as in FY11. Senate Bill 97 for new revenue sharing was introduced and pegged to the price of oil, although the Governor is trying to change the tax rate impacting revenue sharing. The Senate responded with a price of oil at \$89 per barrel. Anything over will be added to education and revenue sharing. The current budget for FY12 was built on \$83-\$84 per barrel. Senate Bill 46 (the capital budget) will be initiated in the Senate.

At the end of February priorities had to be listed by each Legislator. Homer projects are in the capital budget, with Representative Seaton and Senator Stevens prioritizing their own projects. The gas line and cruise ship dock are in good placement.

There are half a dozen municipal tax exemptions between the House and Senate. A ballot initiative for the primary election 2012 may spur movement on the exemptions. Other bills are to create a transportation fund to assist with the money that comes as matched federal dollars to the state. The City of Homer testified on Senate Bill 47; it has now moved from the transportation committee to finance, awaiting a hearing. House Bill 184 to refund fish business taxes back to municipalities and distribute funds amongst the communities has been introduced.

House Bill 30 goes with Senate Bill 37. House Bill 30 would require a constitutional amendment. A constitutional amendment requires a 2/3 vote from the entire Legislature. It would then go on the statewide ballot.

With the passage of Resolution 11-027(S) the involvement of the community builds a good base to work with the Governor. The message is loud and clear to get the homework done at home.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission
- C. Prince William Sound Regional Citizens' Advisory Council, John Velsko
- D. Letter to Mayor Hiroshitaka Asara, City of Teshio from Mayor Hornaday

8. PUBLIC HEARING(S)

- A. **Ordinance 11-09**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.12.020, Definitions; Amending Homer City Code 19.12.040, Reference to Materials Plat—Permits; and Amending Homer City Code 19.12.050, Exceptions; Regarding the Use and Disposal of Dredge Material from City Port and Harbor Facilities. City Manager/Port and Harbor Director. Introduction February 28, 2011, Public Hearing and Second Reading March 14, 2011.

Memorandum 11-016 from Port and Harbor Director as backup.

There was one who testified.

ADOPTED without discussion.

- B. **Ordinance 11-10**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$11,000 from the General Fund for the Purchase and Installation of New Data Collection and Management Software for the City Hall Servers. City Manager. Introduction February 28, 2011, Public Hearing and Second Reading March 14, 2011.

Memorandum 11-027 from Systems Manager as backup.

There was no public testimony.

ADOPTED with discussion.

9. ORDINANCE(S)

None.

10. CITY MANAGER'S REPORT

A. City Manager's Report

The tsunami system training exercise has been cancelled until further notice. NOAA decided there was no good reason to do it now and the timing was unfortunate.

Mayor Hornaday commented it was a disaster that the tsunami warning system didn't work at all. We should consider shutting down the Spit and having a drill. He did not receive a call and there are all kinds of people calling to say it was a total failure.

Councilmember Roberts commented we should be looking at how the Emergency Operations Plan (EOP) worked and how it didn't. A worksession could be scheduled to review those issues. City Manager Wrede will be meeting tomorrow with emergency management people to talk about things that did not work well. The alarm said it was a tsunami warning and it was time to evacuate. The alarm was set off by NOAA as there was a warning for certain parts of Alaska; it was just an advisory watch for the Kenai Peninsula Borough. Later there was a press release from the KPB indicating it was a watch. There was a two-hour period of the sirens going off. The information was announced on the radio.

Mayor Hornaday insisted it was more than a learning experience. The whole town could have been wiped out; it was a total failure.

After Council passed Ordinance 11-02(S)(A) for energy efficient measures more information was received on the high mast lights at the harbor. The lights with less lumens will be tested to see the difference between the new white light and how it broadcasts light beyond the port area. Testing the project will measure the energy savings and labor necessary to replace the bulbs, although without implementing the entire lighting system at once, some energy savings will be lost.

Port and Harbor Director Hawkins reported that replacing the current 1,000 watt lights to 750 watt, there will be a 25% savings. The lumen output is 45% less, but the human eye sees the new white light better. Although Siemens says there will be adequate light, they want to test the new lights and move ahead slowly.

Councilmember Hogan commented he hopes the Port and Harbor Advisory Commission's long term parking plan will be ready for the March 29th packet.

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. **Reconsidered - 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 21.12.020, Rural Residential (RR), Permitted Uses and Structures; 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 and Second Reading February 28, 2011, Reconsidered February 28, 2011.

Memorandum 11-037 and 11-017 from City Planner as backup.

AMENDED with discussion.

POSTPONED to March 29, 2011 for second reading.

- B. **Resolution 11-023**, A Resolution of the Homer City Council Finding the Need to Create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and Scheduling a Public Hearing on the Necessity of the Improvement and Proposed Improvement Plan at the April 11, 2011 Regular City Council Meeting. City Manager/Public Works Director.

Memorandum 11-029 from Public Works Director as backup.

Resolution 11-023(S), A Resolution of the Homer City Council Finding the Need to Create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and Scheduling a Public Hearing on the Necessity of the Improvement and Proposed Improvement Plan at the April ~~11~~25, 2011 Regular City Council Meeting. City Manager/Public Works Director.

SUBSTITUTE RESOLUTION 11-023(S) ADOPTED with discussion.

14. NEW BUSINESS

None.

15. RESOLUTIONS

- A. **Resolution 11-024**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement and New Installation of a Card Reader Access System to ATS Alaska of Anchorage, Alaska, in the Amount of \$53,144.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-033 from Port and Harbor Director as backup.

ADOPTED without discussion.

- B. **Resolution 11-025**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Telescopic Tool Carrier to Craig Taylor Equipment of Soldotna, Alaska, in the Amount of \$64,902.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-034 from Public Works Superintendent as backup.

ADOPTED without discussion.

- C. **Resolution 11-026**, A Resolution of the City Council of Homer, Alaska, Re-Adopting the Investment Policies of the Permanent Fund. City Clerk/Permanent Fund Committee.

Memorandum 11-035 from Permanent Fund Committee as backup.

ADOPTED with discussion.

- D. **Resolution 11-027**, A Resolution of the City Council of Homer, Alaska, Regarding Distribution of Natural Gas Within Homer City Limits in the Event a Transmission Line is Built Through Town. Natural Gas Distribution Task Force.

Resolution 11-027(S), A Resolution of the City Council of Homer, Alaska, Approving and Adopting the Recommendations Provided in Memorandum 11-038 by the Homer Natural Gas Distribution Task Force. Howard, Zak.

Memorandum 11-038 from Natural Gas Distribution Task Force as backup.

Councilmember Wythe was excused due to conflict of interest.

ADOPTED SUBSTITUTE RESOLUTION 11-027(S) without discussion.

- E. **Resolution 11-028**, A Resolution of the City Council of Homer, Alaska, in Support of Using City Hall Depreciation Reserves to Assist with the Costs of Renovation to the Existing City Hall Facility. Wythe.

ADOPTED with discussion.

- F. **Resolution 11-029**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Water Treatment Plant Building Demolition Project to East Road Services of Homer, Alaska, in the Amount of \$58,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-036 from Public Works Director as backup.

ADOPTED with discussion.

- G. **Resolution 11-030**, A Resolution of the City Council of Homer, Alaska, In Support of the Kenai Peninsula Borough's Continued Funding for the Kachemak Bay Campus. Roberts.

Councilmembers Lewis and Zak were excused due to conflict of interest.

ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There were five who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner stated he provided Council with a report for February and was available for questions. There were no questions from Council.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede commented the tsunami warning system did not quite work right. Council could have a worksession to go over the EOP. He doesn't want the Mayor's comments to leave people thinking we had no coverage at all. The alarms went off and there were people up all night in constant contact with the KPB monitoring the situation. They didn't have a good way to get word to people that it was just a watch, not a warning. Emergency personnel were standing by to see the wave pass the weather buoy in the Aleutian Islands. There was a four hour period after the wave passed to put out a warning. If we needed to get the word out we could have used different means including the canned system that calls every number in town, the State of Alaska emergency warning system that automatically breaks in to tell people to go to high ground quickly. There were some problems that will be worked out. He didn't want to leave people believing that the City was not paying attention and was unguarded.

20. COMMENTS OF THE MAYOR

Mayor Hornaday stated he was horrified by watching the tsunami going through towns in Japan. Notwithstanding the comments of the City Manager, we were not properly prepared. We need to have a worksession and shut the Spit down for a drill.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked people for coming out to speak about the zoning code. More than anything, zoning brings people into the council room. There are a number of decisions made by Council that the community should be more involved in. The agenda is posted and advertised. She encouraged people to pay attention, as the Council can only lead as much as the public provides information.

Councilmember Hogan offered an apology to the Planning Commission for his harsh wording. He has been a little cranky since his road trip. He is concerned about the direction of Planning and Zoning. It should be something that makes the community better than worse and not create a lot of legal work for Tom. Mr. Hogan is not happy with what he has seen since serving on the Council with the direction of Planning and Zoning. In a lot of ways it would be better to give it back to the KPB. He understands the commissioners have a tough job to do and are doing their best. He doesn't want them to think their work is not appreciated.

Councilmember Howard commented the tsunami warning erred on the side of conservativeness. If you want to be disturbed that we went that route, it is better to be on safer ground to do that. All elected officials need to step back and professional staff needs to guide us in how this does or doesn't work. She thanked everyone that came tonight and the City Attorney for his guidance. The next meeting is Tuesday, March 29th.

Councilmember Roberts thanked everyone that came out with their opinions. A number of people testified since we are doing zoning changes notifications should be sent out to people for changes. The City does send out changes of zoning and conditional use permits. The City does not send notices every time we pass an ordinance. She asked that people pay attention as it is important to hear their input. It would be a good time to look at the EOP to see how we can make it better. She would like a meeting with the Council to discuss it. Ms. Roberts thanked the Planning Commission for doing a lot of work for Council in the last year. They have contributed a lot to the community.

Councilmember Zak is looking forward to a worksession on the EOP. He appreciates those that came out tonight and gave a clear picture. There were some good points made such as recycling all the metal and shipping it all to China. What are we going to do when we need it? Tonight Council did good work by passing Resolution 11-027(S) for the gas line. The Natural Gas Distribution Task Force will be ready to take on any task. Planning and Zoning tries to do their best, unfortunately there are real life examples like Meadow Drive that affect people adversely. He appreciates everyone's effort and the Mayor, as each ship needs a captain. Council does their best and puts in a lot of hours. It is the community working together with the Council. He doesn't want to be considered a bureaucrat.

Councilmember Lewis had no comment.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:18 p.m. The next Regular Meeting is scheduled for Tuesday, March 29, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, March 29, 2011 at 5:00 p.m. A Worksession is scheduled for Tuesday, March 29, 2011 at 4:00 p.m. Special Meetings are scheduled for Thursday, March 24, 2011 at 5:15 p.m. and 5:30 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.