

ACTION AGENDA

Monday, August 22, 1011

Special Meeting

Committee of the Whole

Regular Meeting

SPECIAL MEETING AGENDA

Session 11-26 a Regular Meeting of the Homer City Council was called to order on August 22, 2011 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 (telephonic)

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. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

4. NEW BUSINESS

- A. **Memorandum 11-121**, From City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1&5), Matters, Which the Immediate Knowledge of which Would Clearly have an Adverse Effect upon the Finances of the Government Unit and Attorney Client Privilege. (City vs. Hillstrand, Briefing by Attorney Tom Klinkner)

APPROVED without discussion.

Council adjourned to Executive Session at 4:02 p.m. and reconvened at 4:39 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney in Executive Session on City vs. Hillstrand and received a briefing from him and provided further guidance.

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

7. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

8. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

9. COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

10. COMMENTS OF THE CITY COUNCIL

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

11. ADJOURNMENT NO LATER THAN 4:50 p.m.

Mayor Hornaday adjourned the meeting at 4:40 p.m.

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. 2012 Budget – Guiding Principles

4. Revenue Sources for General Fund

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Hornaday adjourned the meeting at 5:41 p.m.

REGULAR MEETING AGENDA

Session 11-27 a Regular Meeting of the Homer City Council was called to order on August 22, 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,
WYTHER, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL
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.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were two 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 Special and Regular Meeting minutes of August 8, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-116**, from Clerk, Re: Liquor License Restaurant Designation Permit for Alice's Champagne Palace.
- C. **Memorandum 11-117**, from Mayor, Re: Appointment of Adi Davis to the Economic Development Advisory Commission as Student Representative.

APPROVED with discussion.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. **Mayor's Proclamation** - National Preparedness Month, September 2011

Mayor Hornaday read the proclamation and presented it to Tricia Davis, Community Emergency Response Team (CERT) volunteer.

- C. 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

8. PUBLIC HEARING(S)

- A. **Ordinance 11-33**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 8.12.300 to Include Exemptions for Public Transportation Companies Serving More Than 15 Passengers. Roberts/Lewis. Introduction August 8, 2011, Public Hearing and Second Reading August 22, 2011.

Memorandum 11-120 from Police Chief as backup.

There was one who testified.

ADOPTED with discussion.

- B. **Ordinance 11-34**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$21,798.25 from the Port and Harbor Reserves for Parking Improvements at the Coast Guard Parking Area Adjacent to the Pioneer Dock. Port and Harbor Director/City Manager. Introduction August 8, 2011, Public Hearing and Second Reading August 22, 2011.

Memorandum 11-112 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 11-35**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$24,000 from the Public Works Depreciation Reserves for the Acquisition of New “narrow Band” Radios for the Public Works Department in Order to Meet FCC Requirements and Improve Public Safety and Emergency Response. Public Works Director/City Manager. Introduction August 8, 2011, Public Hearing and Second Reading August 22, 2011.

Memorandum 11-113 from Public Works Superintendent as backup.

There was no public testimony.

ADOPTED with discussion.

9. **ORDINANCE(S)**

- A. **Ordinance 11-36**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Reappropriating \$15,000 for Drainage and Associated Improvements at the Fire Hall Parking Lot. City Manager/Fire Chief. Recommended dates: Introduction August 22, 2011, Public Hearing and Second Reading September 12, 2011.

ADOPTED without discussion.

10. **CITY MANAGER’S REPORT**

- A. City Manager’s Report

There was discussion on a special fishing license for anglers at the Fishing Hole. It was suggested the Economic Development Advisory Commission could review the concept and devise a good plan. The proposed path for Kachemak Drive was discussed.

- B. Bid Report

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. Port and Harbor Improvement Committee

Port and Harbor Improvement Committee Chair Barbara Howard reported the committee convened last week and plans to have a presentation for Council on October 24. They will meet each Thursday at 5:30 p.m. at the West Campus.

13. PENDING BUSINESS

- A. **Ordinance 11-23**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 21.12.020; 21.14.020; 21.16.020; 21.18.020; 21.20.020; 21.22.020; 21.24.020; 21.26.020; Addressing Permitted Uses and Structures; and Homer City Code 21.28.030 Conditional Uses and Structures; to Add Hostel as a Permitted Use in the Rural Residential, Urban Residential, Residential Office, Central Business, Town Center, Gateway Business, General Commercial 1, and General Commercial 2 Zoning Districts, and to Add Hostel as a Conditional Use in the Marine Commercial Zoning District. Wythe. Introduction June 13, 2011, Referred to Planning Commission. Recommended dates: Public Hearing and Second Reading September 12, 2011.

Memorandum 11-118 from City Planner as backup.

ORDINANCE 11-23 INTRODUCED ON JUNE 13. REFERRED TO PLANNING COMMISSION.

AMENDED to accept revisions from the Planning Commission.

PUBLIC HEARING AND SECOND READING scheduled for September 12, 2011.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 11-083**, A Resolution of the City Council of Homer, Alaska, Approving and Adopting a 2011-2012 Homer Area Natural Gas Pipeline Project Action Plan. City Manager.

ADOPTED with discussion.

- B. **Resolution 11-084**, A Resolution of the Homer City Council Declaring Friday, September 23, 2011 as Blue and Gold Day in Homer, Alaska. Roberts.

ADOPTED with discussion.

- C. **Resolution 11-085**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws to Amend their Meeting Time to Begin at 6:30 p.m. and End at 9:30 p.m. City Clerk/Planning Commission.

Memorandum 11-119 from City Planner as backup.

ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There was one 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 offered kudos to students and teachers for high scores on the tests, the highest in Alaska. He also commended on the Beethoven concert and thought he heard Bryan Hawkins' voice.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Hogan thanked the students for coming today. He reminded them there is a student position on the Port and Harbor Advisory Commission.

Councilmember Roberts echoed Kevin's comments to the students. She appreciates the treasurer's report in the City Manager's report. It is good to have it quarterly in that manner.

Councilmember Zak thanked Pat Melone and Monte Davis for coming. There was a board meeting at the Chamber of Commerce earlier in the week. Even though the Chamber did not take action on the proposed one fish limit, it has caused a large economic impact on them. Tomorrow's meeting at noon may be most significant to Homer's economic future. At the Committee of the Whole Councilmember Hogan mentioned changes to commercial fishing for next year that may have an impact on Homer. He asked community leaders to step up and get involved.

Councilmember Howard asked Council to direct the City Manager to prepare a letter asking NOAA Pacific Management to extend the public comment time and encourage them to do an economic study. It is simply asking for fair time for all to be heard. Most environmental impact reports have an economic component, but this one does not. She asked that the City Manager write a letter if Council agrees.

Councilmember Wythe noted on many occasions we have given direction to the City Manager by consensus.

Councilmember Hogan objected.

City Attorney Klinkner was contacted by phone at 7:03 p.m. to advise Council on the matter.

Councilmember Howard explained citizens have come under public comment on items not on the agenda. She asked Council for support in directing the City Manager to write a letter with specific ideas and comments.

City Attorney Klinkner advised it is good to make sure it is a majority view of the Council when statements are made on behalf of the City. The City Manager has broad discretion to do things like this, and often does in the course of normal daily activities. Many things need to be resolved in between council meetings. If he understands from past dealings there is a general feeling of the Council about the issue, he may exercise his own discretion to respond appropriately. If it is unclear what the majority view is, that is problematic. Mr. Klinkner advised it is not a legally binding action, nor does it affect anyone's private rights. It can be done informally by consensus. The only way views of the majority can be determined is by a more formal vote.

Mayor Hornaday stated it is a very controversial issue in Homer. Attorney Klinkner stated he was aware of that.

Councilmember Hogan stated Council is not allowed to discuss and debate issues not noticed to the public on the agenda.

Councilmember Zak stated Council has asked the City Manager to take action. Letters of support have been written in the past; providing a little direction is not out of the ordinary process.

Mayor Hornaday called for a vote on whether the Council wants to take a vote.

Councilmember Hogan excused himself from the meeting.

By a raise of hands, Council did not want to take a vote. Four members were against taking a position.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:11 p.m. The next Regular Meeting is scheduled for Monday, September 12, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, September 12, 2011 at 5:00 p.m. A Worksession is scheduled for Monday, September 12, 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.