

ACTION AGENDA

December 12, 2011
Special Meeting
Committee of the Whole
Regular Meeting

SPECIAL MEETING AGENDA

Session 11-35 a Special Meeting of the Homer City Council was called to order on December 12, 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 (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
PUBLIC WORKS DIRECTOR MEYER

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

Councilmember Zak was excused.

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 11-155**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Legal Issues Regarding Seawall).

APPROVED without discussion.

- B. **Memorandum 11-156**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Kazan Property).

APPROVED without discussion.

- C. **Memorandum 11-157**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Enforcement and Overdue Fee Collection for Derelict Vessels in the Harbor)

APPROVED without discussion.

City Attorney Klinkner, City Manager Wrede, and Public Works Director Meyer were invited into the Executive Session.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:48 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and city manager and provided instruction regarding the three items on the agenda.

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 and Wythe had no comment.

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

Mayor Hornaday adjourned the meeting at 4:49 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.

Councilmember Zak has requested telephonic participation or 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. **2012 Budget**

- A. Matt Clarke, Chair, Employee Committee Report

Memorandum 11-158 from Employee Committee as backup.

Matt Clarke, Chair of the Employee Committee, provided a report on employee benefits, including statistics and options for savings.

4. **REGULAR MEETING AGENDA**

5. **COMMENTS OF THE AUDIENCE**

There were two who commented.

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

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

REGULAR MEETING AGENDA

Session 11-36 a Regular Meeting of the Homer City Council was called to order on December 12, 2011 at 6:01 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 ATTORNEY KLINKNER
CITY PLANNER ABOUD
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak has requested telephonic participation or excusal.

Councilmember Zak was allowed to participate by telephone.

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 Council with the following changes: **PUBLIC HEARINGS - Ordinance 11-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Written public testimony; and **RESOLUTIONS - Resolution 11-109(S)**, A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

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 Regular Meeting minutes of November 28, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-159**, from Mayor, Re: Appointment of Neil Wagner to the Economic Development Advisory Commission and Appointment of Debra Lowney to the Parks and Recreation Advisory Commission.

APPROVED without discussion.

6. VISITORS

- A. **Buck Laukitis**, North Pacific Fisheries Association, Inc., Report on United Fishermen of Alaska Meeting, 10 minutes.

Buck Laukitis, North Pacific Fisheries Association, provided a report on the recent meeting for the United Fishermen of Alaska in Homer.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Borough received \$35,512 for cruise ship tax for the City of Homer. Seldovia believes they are impacted by the cruise ships that land in Homer, so allocation of the money has been postponed to January. The money may be reallocated, resulting in the City of Homer getting less than the allotted amount.

B. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner provided a report on the Library Advisory Board.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Dave Brann provided a report on the Parks and Recreation Advisory Commission.

5. Port and Harbor Advisory Commission

C. Matt Clarke, Chair, Employee Committee Report

Memorandum 11-159 from Employee Committee as backup.

Matt Clarke, Chair of the Employee Committee, reported on the committee's work and the employee's proposal to pay insurance premiums to amount to a \$150,000 annual savings to the city for employee benefits.

D. South Peninsula Gas Line Project (Email to Governor Parnell from Karin Marks)

8. PUBLIC HEARING(S)

A. **Ordinance 11-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 10, 2011, Public Hearings November 28 and December 12, 2011, Second Reading December 12, 2011.

Memorandum 11-160 from Parks and Recreation Advisory Commission.

There were 12 who commented.

AMENDED: A1-passed \$2,100 to the Port and Harbor for overtime; A2 passed to establish a maintenance fund for the Fishing Hole \$100,000; A-3 passed to establish a bond reserve fund for Port and Harbor Improvement Projects \$500,000; A-4 passed for replacement of base station for Fire Dept. \$10,000; A-5 failed Kevin Bell Arena \$10,000; A-6 funds for Parks and Recreation Advisory Commission \$1,000 (all others failed; A-7 health care contribution deleted/employee proposal accepted instead (all others failed or were removed); A-8 passed Boys and Girls Club \$14,000 for utilities to keep club open through May 2012, remove Council Stipend of \$4,500 and allot to volunteer incentives; for HERC building; A-9 removed salaries and benefits; A-10 passed Administration salary adjustments; A-11 passed repair and replace fenders on Deep Water Dock \$125,000; and amendment to allot \$20,000 to Port and Harbor Reserve for estimate expense on bond projects.

B. **Resolution 11-094**, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Resolution 11-094(S), A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates, and Amending Customer Classifications in the Water and Sewer Rate Schedules. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

There was no public testimony.

SUBSTITUTE ADOPTED without discussion.

C. **Resolution 11-095**. A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

There was no public testimony.

ADOPTED with discussion.

D. **Ordinance 11-44**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Ordinance 11-44(S) An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning.

Memorandum 11-154 from City Planner as backup.

There was no public testimony.

SUBSTITUTE ADOPTED with discussion.

- E. **Ordinance 11-45**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Accepting and Appropriating a Grant from The Homer Foundation in the Amount of \$4,904.00 for the Purpose of Making Energy Efficiency Improvements at the Port and Harbor Office Building. City Manager. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

There was no public testimony.

ADOPTED without discussion.

- F. **Ordinance 11-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget to Accept and Appropriate \$322,100 in the General Fund, the Utility Fund and the Port and Harbor Fund Operating Budgets for the Purpose of Recognizing and Accounting for State of Alaska PERS Relief Provided in 2011. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

There was no public testimony.

ADOPTED without discussion.

- G. **Ordinance 11-47**, An Ordinance of the Homer City Council Amending the FY 2011 Capital Budget by Transferring \$415,873 from the City Hall / Town Center Project Construction Account to the New City Hall Expansion and Renovation Project Construction Account. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

- A. **Ordinance 11-48**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements. City Manager. Recommended dates: Introduction December 12, 2011, Public Hearing and Second Reading January 9, 2012.

ADOPTED without discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede asked for a discussion on the Revolving Energy Fund at the January 9th Committee of the Whole. Finance Director Mauras will be present to report on some issues with the fund.

B. Games Report

1. Kachemak Bay Family Planning Clinic

11. CITY ATTORNEY REPORT

City Attorney Klinkner announced his written report for December is not yet ready. It will be forthcoming by the end of the week.

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

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 11-109**, A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

Memorandum 11-161 from Planning Commission as backup.

Memorandum 11-162 from Parks and Recreation Advisory Commission as backup.

Memorandum 11-163 from Port and Harbor Advisory Commission as backup.

Memorandum 11-164 from Library Advisory Board as backup.

Memorandum 11-165 from Lease Committee as backup.

Memorandum 11-166 from Public Arts Committee as backup.
Memorandum 11-167 from Permanent Fund Committee as backup.
Memorandum 11-168 from Transportation Advisory Committee as backup.

Resolution 11-109(S), A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

ADOPTED SUBSTITUTE without discussion.

B. **Resolution 11-110**, A Resolution of the City Council of Homer, Alaska, Approving a New Contract with Anderson Group, LLC in the Amount of \$40,000 for Lobbying Services in Calendar Year 2012. City Manager.

ADOPTED without discussion.

C. **Resolution 11-111**, A Resolution of the City Council of Homer, Alaska, Approving a Two Year Extension to the Current Agreement for Professional Services with Coastal Animal Care at the Current Annual Compensation of \$123,800 for Operation and Maintenance of the Homer Animal Shelter. City Manager.

Memorandum 11-169 from Police Chief as backup.

ADOPTED without discussion.

D. **Resolution 11-112**, A Resolution of the City Council of Homer, Alaska, Awarding the Art Work for the City Hall Renovation and Expansion Project to Keith Appel of Anchorage, Alaska, in the Amount of \$4,200, to Gerard HouseWorks of Homer, Alaska, in the Amount of \$3,300, to Tierra Tile, LLC of Homer, Alaska, in the Amount of \$5,000, to Moose Run Metalsmiths of Homer, Alaska, in the Amount of \$2,500, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-170 from 1% for the Arts Selection Committee as backup.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the special meeting on the Seawall on December 19th at 5:00 p.m. at the West Campus.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Hornaday commented it was a nice memorial service for Dennis Novak. He was a good guy. There have been too many funerals.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented she attended a UA Listens meeting at the university. They were going to various towns asking how they could better serve the community. She enjoyed the meeting and the comments. She is sorry to hear the commercial fishing fleet has removed themselves from the Chamber of Commerce. Although she understands their disappointment with decisions the Chamber has made, she feels when you live in a small community and separate yourself from the problem instead of working through it is what creates division. Until they left there was a disagreement; when they left there became a division. She hopes to move forward with the port and harbor development plan. The fleet fishermen will be a big player in that also.

Councilmember Lewis had no comment.

Councilmember Hogan wished everyone a Merry Christmas and Happy New Year.

Councilmember Roberts thanked the employees for coming forward with the proposal. It was a good proposal. She knows it was a difficult evening for them. This is the last time we will sit in the present council chambers. Next time the décor will be different.

Councilmember Howard would like us to read the editorial in last week's newspaper where we are challenged for the community, by getting along with the division of thoughts in the maritime industry. She thanked the Employee Committee for their efforts. Their task was not easy and they did not have much time to work on it. She appreciates they were willing to begin the discussion and help to find solutions for the healthcare costs. The library report is well written and highly informative. She thanked Bryan for interrupting his vacation to attend tonight's meeting. He is missing some good quality weather. She wished everyone happy holidays.

Councilmember Zak said Auf Wiedersehen and thanked everyone for allowing him to participate by phone.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:48 p.m. The next Regular Meeting is scheduled for Monday, January 9, 2012 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 9, 2012 at 5:00 p.m. A Worksession is scheduled for Monday, January 9, 2012 at 4:00 p.m. A Special Meeting is

scheduled for Monday, December 19, 2011 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.