

ACTION AGENDA
Monday, September 12, 2016
Regular Meeting

Session 16-19 a Regular Meeting of the Homer City Council was called to order on September 12, 2016 at 6:00 p.m. by Mayor Mary E. Wythe 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: ADERHOLD, SMITH, VAN DYKE, ZAK

ABSENT: LEWIS, REYNOLDS (both excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY PLANNER ABBOUD
FINANCE DIRECTOR LI
PERSONNEL DIRECTOR BROWNING
PORT AND HARBOR DIRECTOR HAWKINS

Councilmembers Lewis and Reynolds have requested excusal.

Mayor Wythe ruled Councilmembers Lewis and Reynolds absences as excused and there was no objection from the Council.

The Worksession and Committee of the Whole were cancelled due to lack of a quorum.

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 changes were made: **VISITORS - Kenai Peninsula Borough Ordinance 2016-31**, An Ordinance Amending Sections of KPB Chapter 5.18 to Update and Clarify the Borough Sales Tax Code, Including Changes to Several Provisions on Tax-Exempt Sellers and Taxable Sales and Services. Mayor. **CITY MANAGER'S REPORT - Projected Revenues for 2017**, Written public comments; **Kenai Peninsula Borough Ordinance 2016-25**, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership. Mayor Substitute; **Memorandum 16-145**, from Deputy City Clerk, Re: Planning Commission Recommendation on KPB Ordinance 2016-25; and **Memorandum 16-146**, from City Planner, Re: KPB Ordinance 2016-25, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one 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 meeting minutes of August 11, 2016 and Regular meeting minutes of August 22, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-140**, from Mayor Wythe, Re: Appointment of Jonathan Sharp to the Parks, Art, Recreation and Culture Advisory Commission and Appointment of Emilie Springer to the Library Advisory Board.
- C. **Ordinance 16-46**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Department of Homeland Security FY2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$248,421.00 to Fund the Assistant Fire Chief Position for Two Years, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction September 12, 2016, Public Hearing and Second Reading September 26, 2016.
- D. **Resolution 16-091**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from Paul Mackie of a Carved Opal Stone Sculpture Titled 'Bookworm' by Artist Odraf Nkomo to be Placed at the Library. City Clerk/Parks Art Recreation and Culture Advisory Commission. Recommend adoption.

Moved to Resolutions, Item C. Aderhold.

- E. **Resolution 16-092**, A Resolution of the Homer City Council Amending the Drug Free Workplace Policy. City Manager. Recommend adoption.

Moved to Resolutions, Item B. Smith

- F. **Resolution 16-094**, A Resolution of the Homer City Council Approving the City of Homer Parks, Art, Recreation and Culture Advisory Commission Bylaws to Prescribe Its Duties and Responsibilities, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission. City Clerk/Parks, Art, Recreation and Culture Advisory Commission. Recommend adoption.

Memorandum 16-141 from Parks, Art, Recreation and Culture Advisory Commission as backup.

- G. **Resolution 16-095**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Kachemak Drive (Phase III) Water and Sewer Improvement Project to the Firm of Southcentral Construction, Inc. of Anchorage, Alaska, in the Amount of \$912,488.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-142 from Public Works Director as backup.

- H. **Resolution 16-096**, A Resolution of the Homer City Council Approving a Joint Agreement Between the City of Homer and Global Sustainable Fisheries of Alaska (GSFA) for the Purposes of GSFA Obtaining a Grant From the U.S. Department of Commerce and Economic Development Administration for Project Funds for Establishing a High Quality Seafood Processing Company Within the City of Homer. City Manager. Recommend adoption.

Moved to Resolutions, Item D. Aderhold.

- I. **Memorandum 16-144**, from Deputy City Clerk, Re: Confirmation of Election Judges for the City of Homer October 4, 2016 Regular Election. Recommend approval.

Item E, Resolution 16-092 was moved to Resolutions, Item B. Smith.

Item D, Resolution 16-091 was moved to Resolutions, Item C. Aderhold.

Item H, Resolution 16-096 was moved to Resolutions, Item D. Aderhold.

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

6. VISITORS

- A. Public Safety Building Review Committee, Project Update, 15 minutes.

Public Safety Building Review Committee Chair Ken Castner provided an overview of the police station project.

- B. Mayor Navarre and Larry Persily, Kenai Peninsula Borough Tax Code Changes, 10 minutes.

Kenai Peninsula Borough Mayor Mike Navarre provided an overview of the propositions on the borough ballot for the October 4, 2016 election.

- C. Derotha Ferraro, Director of Public Relations, South Peninsula Hospital, Hospital Improvements Funded by Kenai Peninsula Borough Proposition 2, 10 minutes.

Derotha Ferraro, Director of Public Relations, South Peninsula Hospital, provided an overview of Proposition 2 to replace the HVAC at the hospital and expansion and renovation of Homer Medical Center.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation - National Estuaries Week, September 17 – 24, 2016

Mayor Wythe read and presented the proclamation to Councilmember Aderhold.

- B. Mayor's Proclamation – National Senior Center Month, September 2016

Mayor Wythe read and presented the proclamation to Daniel Weisser, Adult Day Services Manager, Homer Senior Citizens, Inc.

- C. Borough Report

Kenai Peninsula Borough Mayor Navarre reported Assembly Member Kelly Cooper is attending the school board meeting tonight. The Assembly and Administration will be meeting in Homer next Tuesday. The Assembly had a worksession today with Governor Walker. He spoke to the Assembly about the fiscal situation in the state and the need to face it. The Legislature and Alaskans will be faced with difficult issues for the future.

- D. Commissions/Board Reports:

- 1. Library Advisory Board

Library Advisory Board Member Mark Massion reported the library was designated as the most attractive in the state. In August 2014 there were 11,101 items in circulation; August

2015 there were 12,367 items in circulation; and August 2016 there were 15,872 books, periodicals, and CDs circulated within the month. Last month 14,221 people came through the door and year to date more than 95,000 people have used the library. The library is now accepting credit cards. Claudia Haines, Youth Services Librarian, has become a published author with her book titled *Becoming a Media Mentor*. Mr. Massion invited everyone to the library's 10th anniversary on Saturday, September 17th from 12:00 to 3:00 p.m.

2. Homer Advisory Planning Commission

Tom Stroozas, Vice Chair of the Planning Commission, reported the commission will meet on Wednesday, September 14th for a special meeting. They will work on three conditional use permits. There was an error in communicating the meetings to the public so they will resolve that this week. At the last meeting the commission worked on HAWSP (Homer Accelerated Water and Sewer Program) and made recommendations on the cost ratio and that fees be increased to start a special assessment district from the current \$100 to \$1,000. Their recommendations will go to Council soon. Upon review of Borough Ordinance 2016-25 the commission felt there would be a lack of representation for Anchor Point with the proposed reduction of commissioners. The commission is asking the Council to address that to the Borough.

3. Economic Development Advisory Commission

The next meeting is scheduled for Tuesday, September 13th at 6:00 p.m.

4. Parks Art Recreation and Culture Advisory Commission

A. Report on the Conditions and Status of the Parks and Recreational Facilities

Commissioner Archibald will make the report on September 26th.

5. Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Advisory Commissioner, reported at the September 26th council meeting moorage fees will be discussed. He asked Council to look at the packet from the commission to show the work they have done for the last two years, including public hearings. He is looking forward to the next meeting when moorage rates will be discussed more fully.

6. Cannabis Advisory Commission

- E. Alaska Municipal League Trip Report for Councilmember Zak

Mayor Wythe called for a recess at 7:03 p.m. and reconvened the meeting at 7:10 p.m.

8. PUBLIC HEARING(S)

- A. **Ordinance 16-44(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 17.04.190, Entitled “Deferment of Assessment Payments for Low Income Residents,” by Permitting Assessment Deferral Applicants to Apply for a Deferral in Any Year an Applicant is Eligible for the Deferral Regardless of Whether or Not the Applicant Applied for Deferral in the Initial Year of Assessment. City Manager. Introduction August 22, 2016, Public Hearing and Second Reading September 12, 2016.

Memorandum 16-135 from City Clerk as backup.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 16-45(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$30,000.00 From Port and Harbor Reserves to Purchase Twelve New LED Lights for the High Mast Light Pole #7 at the Harbor From Puffin Electric of Homer, Alaska, as a Sole Source Contract. City Manager/Port and Harbor Director.

Memorandum 16-136 and 16-143 from Port and Harbor Director as backup.

Councilmember Smith was excused due to an ongoing conflict of interest.

There was one who testified.

POSTPONED to September 26, 2016 due to lack of quorum with only three voting members.

A new ordinance will be presented at the next meeting.

9. ORDINANCE(S)

10. CITY MANAGER’S REPORT

- A. City Manager’s Report

1. **Memorandum 16-145**, from Deputy City Clerk, Re: Planning Commission Recommendation on KPB Ordinance 2016-25.
2. **Memorandum 16-146**, from City Planner, Re: KPB Ordinance 2016-25, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership.

City Manager Koester referenced the supplemental manager's report that includes revenue sources for the general fund and an analysis of projected revenues. It calls for a 5.4% increase in sales tax and increased property tax for this year. City Manager Koester cautioned that the projections are based on sales tax returns from the Borough and can be adjusted. Homer is doing well with a strong visitor industry and hospitality businesses; it is more robust than other areas.

The Planning Commission reviewed KPB Ordinance 2016-25 to reduce membership of the Borough Planning Commission. Previously they recommended that Council oppose the ordinance and a letter was submitted to the Borough opposing the reduction of commissioners.

Mayor Navarre said we are out of compliance with state law with the allocation of planning commissioners. We are supposed to allocate commissioners outside the cities and inside the cities as to the population of areas. Because the areas outside the cities are growing faster than the cities we are now out of proportion. By designating the five seats for cities we have to increase the commission size to 15 members. There are not designated seats, only seats for First Class and Home Rule cities. Outside cities are not designated seats; commissioners are appointed and confirmed by the Assembly based on the Mayor's discretion. If the population continues to grow we won't have to have 16 or 17 members on the planning commission. We want 11 positions that we can reallocate according to population which is compliant with state law.

City Manager Koester announced 'Lunch With Councilmembers' will resume on October 10th at the library. Councilmember Reynolds will be at that session and there is space for one more councilmember.

City Manager Koester acknowledged the work done by Special Projects and Communications Coordinator Jenny Carroll on Proposition 1, the bond for the police station. A flyer will go out to all households within the city.

The Worksession on the Capital Improvement Plan has been continued to September 26th when a quorum is present.

B. Bid Report

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Employee Committee Report

B. Public Safety Building Review Committee

Mayor Wythe announced the next meeting is Wednesday, September 14th at 5:30 p.m. in the Conference Room.

C. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the cost estimate for reviewing facilities and preparing a transition plan will be available in the next couple weeks. The committee discussed city facilities included in the review and transition plan, provided input for completing a grant application for the trust of completing the review and transition plan.

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 16-093**, A Resolution of the City Council of Homer, Alaska, Expressing Support for Kenai Peninsula Borough Ordinance 2016-31 Amending Sections of KPB Chapter 5.18 to Update and Clarify the Borough Sales Tax Code, Including Changes to Several Provisions on Tax-Exempt Sellers and Taxable Sales and Services. Mayor/City Council.

ADOPTED without discussion.

B. **Resolution 16-092**, A Resolution of the Homer City Council Amending the Drug Free Workplace Policy. City Manager. Recommend adoption.

ADOPTED with discussion.

- C. **Resolution 16-091**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from Paul Mackie of a Carved Opal Stone Sculpture Titled 'Bookworm' by Artist Odraf Nkomo to be Placed at the Library. City Clerk/Parks Art Recreation and Culture Advisory Commission. Recommend adoption.

REFERRED to Parks Art Recreation and Culture Advisory Commission for review POSTPONED and POSTPONED to October 24th.

- D. **Resolution 16-096**, A Resolution of the Homer City Council Approving a Joint Agreement Between the City of Homer and Global Sustainable Fisheries of Alaska (GSFA) for the Purposes of GSFA Obtaining a Grant From the U.S. Department of Commerce and Economic Development Administration for Project Funds for Establishing a High Quality Seafood Processing Company Within the City of Homer. City Manager. Recommend adoption.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee and early voting that begins on Monday, September 19th and continues through Election Day.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

20. COMMENTS OF THE MAYOR

Mayor Wythe congratulated the library on their 10-year anniversary and announced the event on September 17th at the library. She asked people to give hard consideration to the police station bond funding. It is a necessity to make it safer for employees and patrons. Tours of the police station are available. She encouraged anyone to see the current conditions.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Smith appreciates the people that participated tonight and encouraged everyone to vote. It is an important right that we have. He reflected on the commemoration of 911 yesterday. It had an impact on him and he remembers the events vividly. It has transfigured and transformed our nation in many ways. It is worthy of reflection. At the top of the CIP it says a carefully prepared CIP has many uses. It can assist a community to plan for maintenance and operating costs so expenses are budgeted in advance to help avoid projects that the community cannot afford. We are chasing a \$1M deficit and borrowed from the HART to fill that gap. The current plan for the new police station is projected to add \$144,000 to annual maintenance costs. It is a 15% increase to that deficit. We haven't solved the fiscal gap and can't afford it. He has been to all the committee meetings since elected. We need a new police station, but can't afford it on that big of a scope. People need the big picture at what we are looking at fiscally and what the state is looking at. The cumulative cost of everything we do will have a serious effect.

Councilmembers Aderhold and Van Dyke had no comments.

Councilmember Zak thanked Mayor Navarre for coming to talk to us about the tax propositions on the borough ballot. He appreciates the sales tax clarification and a lot of good work done by the Borough. He looks forward to having the Assembly here next week for their meeting so that local citizens can attend. He thanked Derotha of South Peninsula Hospital for sharing information on what we need for Homer Medical Center and the HVAC for the hospital. Daniel received the recognition for the senior center. On Saturday from 3:00 to 5:00 p.m. you can go to the senior center and participate in wine tasting. He hopes the voters show up to vote. He is supporting the public safety building since the timing is right. We have to consider the costs, but the interest rates for the state are good and bonding won't get any better. The Public Safety Building Review Committee has done a lot of work in the past two years by securing the location and Ken Castner is telling everyone how important the police station is to the community. If people have questions they can reach out to Ken or him. The future city council will take a hard look at what being requested and whittle it down more. We need to make sure we have public safety and fire services in the future.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:52 p.m. The next Regular Meeting is Monday, September 26, 2016 at 6:00 p.m., Worksession at 4:00 p.m., and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.