

ACTION AGENDA
Monday, August 22, 2016
Committee of the Whole
Regular Meeting

COMMITTEE OF THE WHOLE AGENDA

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

Mayor Wythe called the meeting to order at 5:00 p.m.

Councilmember Lewis has requested excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

The agenda was approved by consensus of the Council.

3. CITY MANAGER'S REPORT

4. CONSENT AGENDA

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 Wythe adjourned the meeting at 5:40 p.m.

REGULAR MEETING AGENDA

Session 16-18 a Regular Meeting of the Homer City Council was called to order on August 22, 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, REYNOLDS, SMITH, VAN DYKE, ZAK

ABSENT: LEWIS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON

CITY PLANNER ABBOUD
FINANCE DIRECTOR LI
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Lewis has requested excusal.

Mayor Wythe ruled Councilmember Lewis' absence as excused and there was no objection from the Council.

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: **CONSENT AGENDA - 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. **PENDING BUSINESS - Resolution 16-078(S)**, A Resolution of the Homer City Council Approving Memorandum 16-138 Establishing Conditions Under Which Adjacent and Benefitted Properties Can Connect to the Shellfish Avenue/South Slope Drive Water Main Project. City Manager/Public Works Director. Memorandum 16-138 from Public Works Director as backup. Map of proposed Shellfish Avenue/South Slope Drive Water Main Project. **RESOLUTIONS - Resolution 16-090(S)**, A Resolution of the Homer City Council Awarding the Contract for the City-Owned Dredge Materials 2016 to Gregoire Construction, Arno Construction, Betty Gambone, and JHTKO, LLC of Homer, Alaska, a Combined Total of 3,850 Cubic Yards for a Total Amount of \$20,065.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Memorandum 16-139 from Port and Harbor Director as backup. Bid Tally.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were five 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 August 8, 2016. City Clerk. Recommend adoption.

- B. **Ordinance 16-44**, 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. Recommended dates: Introduction August 22, 2016, Public Hearing and Second Reading September 12, 2016.

Memorandum 16-135 from City Clerk as backup.

Moved to Ordinances, Item A. Aderhold.

- C. **Ordinance 16-45**, 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. City Manager/Port and Harbor Director. Recommended dates: Introduction August 22, 2016, Public Hearing and Second Reading September 12, 2016.

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 from Port and Harbor Director as backup.

Moved to Ordinances, Item B. Aderhold.

- D. **Resolution 16-088**, A Resolution of the Homer City Council Awarding the Contract for the 2016 Paving Project to McKenna Brothers Paving, Inc. of Anchorage, Alaska, in the Amount of \$418,771.30 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-137 from Public Works Director as backup.

- E. **Resolution 16-089**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Ocean Drive Loop Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.

Item B, Ordinance 16-44 was moved to Ordinances, Item A. Aderhold.

Item C, Ordinance 16-45 and 16-45(S) was moved to Ordinances, item B. Aderhold.

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

6. VISITORS

- A. Karen Wood-McGuiness, Regional Community Rating System Coordinator, FEMA, 10 minutes.

Karen Wood-McGuiness, Regional Community Rating System Coordinator, and Jimmy Smith, National Flood Insurance Coordinator, presented an award to the City for protecting citizens from losses caused by flooding.

- B. Jack Bennett, Industrial Hemp Manufacturing, 10 minutes.

Jack Bennett provided an overview on the uses of hemp.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper provided an overview on the four ballot propositions for October 4th and upcoming Assembly business.

- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Deb Lowney reported the commission discussed Jack Gist Park and the issues at the park. Their recommendation is to change the closing time to 10 p.m. Enforcement of the closure time will need to be addressed and user groups need to be informed. Signage was number one in their budget recommendations. With the new dog ordinance a lot of signage is needed. Other requests were for maintenance, compliance with regulations, and a major media campaign on animal control, the new beach laws, picking up after pets, and being a good pet owner. PARC would like to make a presentation to Council on September 12th on parks and beaches.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commission Chair Cathy Ulmer advised Council the City needs a large boat harbor. She appreciates any support for Port and Harbor to make it a priority.

6. Cannabis Advisory Commission

Councilmember Reynolds announced the next meeting is Thursday, August 25th at 5:30 p.m.

Mayor Wythe called for a recess at 6:55 p.m. and reconvened the meeting at 7:02 p.m.

8. PUBLIC HEARING(S)

- A. **Ordinance 14-18(A)(S-2)**, An Ordinance of the Homer City Council Amending Homer City Code 21.03.040, Definitions Used in Zoning Code, Homer City Code 21.05.030, Measuring Heights, and Homer City Code 21.70.010, Zoning Permit Required; Repealing Homer City Code Chapter 21.58, Small Wind Energy Systems; and Enacting Homer City Code Chapter 21.58, Towers and Related Structures. Planning. Introduction April 28, 2014 and Referred to Planning Commission. Amended Substitute Adopted March 29, 2016 and Referred to Planning Commission. Second Substitute Introduced August 8, 2016, Public Hearing and Second Reading August 22, 2016.

Memorandum 16-127 from City Planner as backup.

There was no public testimony.

ADOPTED with discussion.

- B. **Ordinance 16-38(S)**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, Regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief. Introduction June 27, 2016, Public Hearings July 25, August 8 and 22, 2016, Second Reading August 22, 2016.

Memorandums 16-026 and 16-111 from Deputy City Clerk as backup.
Memorandum 16-114 from City Attorney as backup.

There was no public testimony.

AMENDED: Lines 32 and 37:

7.15.010 Transporting an animal

No person may drive a motor vehicle when an animal is riding in or on the vehicle unless the animal is prevented, **in a humane manner**, from falling, jumping or being thrown from the vehicle by one of the following:

- a. confinement in the enclosed passenger compartment of the vehicle;
- b. confinement in an area within the vehicle that is fully enclosed or that is enclosed on all sides to a height of at least 46 inches above the floor;
- c. ~~cross tethering~~ **tethering in a manner that retains animal's front and hind legs** within the vehicle; or
- d. confinement in a secure container or cage.

ADOPTED as AMENDED with discussion.

- C. **Ordinance 16-43**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 13-03(S)(2) to Change the Terms for Adjusting the Amortization of Principal of the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. Introduction August 8, 2016, Public Hearing and Second Reading August 22, 2016.

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

- A. **Ordinance 16-44**, 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. Recommended dates: Introduction August 22, 2016, Public Hearing and Second Reading September 12, 2016.

Memorandum 16-135 from City Clerk as backup.

AMENDED: Line 38 to change last word in sentence from “exemption” to “deferment.”

AMENDED and INTRODUCED with discussion.

- B. **Ordinance 16-45**, 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. City Manager/Port and Harbor Director. Recommended dates: Introduction August 22, 2016, Public Hearing and Second Reading September 12, 2016.

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 from Port and Harbor Director as backup.

Councilmember Smith was excused due to a conflict of interest. His father works for Puffin Electric.

SUBSTITUTE ORDINANCE 16-45(S) INTRODUCED with discussion.

Councilmember Smith returned to his seat.

10. CITY MANAGER’S REPORT

- A. City Manager’s Report

City Manager Koester announced the Friends of the Library are excited about resuming the “Lunch with a Councilmember” program this fall. Councilmembers will sign up for the

program to be held on the second Monday of each month, coinciding with the first council meeting of the month.

Administration is engaged with the Kenai Peninsula Borough Administration on discussion of a consolidated dispatch. Our internal analysis is that there are a number of risks and the cost savings is not there. It is an important decision to review in budgetary times and the Council will invite the Borough to a meeting after we do more research. Council will forward questions to the City Manager to ask the Borough so a meaningful conversation can be had with the Borough.

City Manager Koester announced the City received a SAFER grant that will fund an assistant fire chief at the Fire Department. It is a two-year position and we will have to figure out how to extend the position. The grant funded position will not be subject to PERS termination regulations as it is not creating a new class of employees.

B. Bid Report

11. CITY ATTORNEY REPORT

A. City Attorney Report – July 2016

12. COMMITTEE REPORT

A. Employee Committee Report

B. Public Safety Building Review Committee

C. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee met and talked about city evaluation priorities. They provided CIP (Capital Improvement Plan) recommendations of access to the Fishing Lagoon and Karen Hornaday Park and Homer intersection improvements. The current police and jail has accessibility issues and if the bond is not passed in October the committee will look at those issues.

13. PENDING BUSINESS

A. **Resolution 16-078**, A Resolution of the Homer City Council Approving Memorandum 16-120 Establishing Conditions Under Which Adjacent and Benefitted Properties Can Connect to the Shellfish Avenue/South Slope Drive Water Main Project. City Manager/Public Works Director. Postponed from July 25, 2016.

Resolution 16-078(S), A Resolution of the Homer City Council Approving Memorandum ~~16-120~~ **16-138** Establishing Conditions Under Which Adjacent and Benefitted Properties Can Connect to the Shellfish Avenue/South Slope Drive Water Main Project. City Manager/Public Works Director.

Memorandums 16-120 and 16-138 from Public Works Director as backup.

SUBSTITUTE RESOLUTION 16-078(S) ADOPTED without discussion.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-090**, A Resolution of the Homer City Council Awarding the Contract for the City-Owned Dredge Materials 2016 to a Firm to be Named in an Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Resolution 16-090(S), A Resolution of the Homer City Council Awarding the Contract for the City-Owned Dredge Materials 2016 to Gregoire Construction, Arno Construction, Betty Gambone, and JHTKO, LLC of Homer, Alaska, a Combined Total of 3,850 Cubic Yards for a Total Amount of \$20,065.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Memorandum 16-139 from Port and Harbor Director as backup.

SUBSTITUTE RESOLUTION 16-090(S) ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

20. COMMENTS OF THE MAYOR

Mayor Wythe had no comments.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold reminded folks to keep an eye out for pedestrians and bicyclists since the days are getting darker and shorter.

Councilmember Van Dyke stood corrected on Ordinance 16-38(S) that says “animal” throughout instead of just dogs. He thanked everyone for coming out and listening. He thanked Jack Bennett for his presentation on hemp products and Katie for her happy dance for the grant to fund an assistant fire chief.

Councilmember Smith thanked Jack Bennett for his presentation on products he’s developed. He thanked City Council Candidates Tom Stroozas and Shelly Erickson for showing up to have a head start, and also for stepping forward.

Councilmember Zak acknowledged the city council candidates present. He thanked Jack Bennett for sharing more information about industrial hemp. He pointed out Jack’s shoes are made from hemp and the possibility of 25,000 different products made from hemp. It is a whole future and Alaska has great space with growing potential. The senior advisor to the Governor said we send a lot of ships out empty and we could export products. He thanked the Planning Commission and Planning Department for a wonderful job in preparing ourselves for emergencies. With the recent heavy rain a mud flow could be covered by insurance.

Councilmember Reynolds announced volunteer firefighter training is about to begin. People can register at the Fire Hall or online. She thanked Tom Stroozas and Shelly Erickson for attending the meeting to get up to speed beforehand. She wished the students a great first day of school tomorrow. Go Mariners!

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:33 p.m. The next Regular Meeting is Monday, September 12, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.