

ACTION AGENDA

Monday, May 9, 2016

Worksession

Committee of the Whole

Regular Meeting

WORKSESSION AGENDA

1. CALL TO ORDER, 4:00 P.M.

Mayor Wythe called the meeting to order at 4:00 p.m.

Councilmembers Lewis and Reynolds have requested 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. WATER AND SEWER RATES REVIEW

4. COMMENTS OF THE AUDIENCE

There were three who commented.

5. ADJOURNMENT NO LATER THAN 4:50 P.M.

Mayor Wythe adjourned the meeting at 4:28 p.m.

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 Reynolds 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. Resolution 16-049**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a New City Attorney Contract With Birch Horton Bittner & Cherot for the Period of August 1, 2016 Through July 31, 2019. City Manager.

Memorandum 16-076 from City Manager as backup.

- 4. Resolution 16-050**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals (RFP) for General Counsel Legal Services. City Manager.

- 5. CONSENT AGENDA**

- 6. REGULAR MEETING AGENDA**

- 7. COMMENTS OF THE AUDIENCE**

There was one who commented.

- 8. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Wythe adjourned the meeting at 5:26 p.m.

REGULAR MEETING AGENDA

Session 16-10 a Regular Meeting of the Homer City Council was called to order on May 9, 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, LEWIS, SMITH, VAN DYKE, ZAK

ABSENT: REYNOLDS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
FINANCE DIRECTOR LI
FIRE CHIEF PAINTER
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 following changes were made: **CITY ATTORNEY REPORT** - City Attorney Report – April 2016. Added: VISITORS – South Peninsula Athletic and Recreation Center, Daniel Zatz, 10 minutes. Reversed ANNOUNCEMENTS with VISITORS.

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 April 25, 2016. City Clerk. Recommend adoption.

- B. **Ordinance 16-22**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission. City Clerk/Parks and Recreation Advisory Commission. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.

Memorandum 16-073 from Parks and Recreation Advisory Commission as backup.
Memorandum 16-074 from Public Arts Committee as backup.

- C. **Ordinance 16-23**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia. Reynolds. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.
- D. **Resolution 16-047**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District, and Authorizing the City Manager to Proceed With the Preparation and Construction of the Project. City Clerk. Recommend adoption.
- E. **Resolution 16-048**, A Resolution of the Homer City Council Awarding the Prisoner Meals for the Homer Jail Contract to the Firm of Homer Senior Citizens, Inc. of Homer, Alaska, in the Amount of \$8.50 Breakfast, \$8.50 Lunch, and \$8.50 Dinner Per Day/Per Inmate with a Delivery Fee of \$5.00 Per Trip and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 16-075 from Police Chief as backup.

- F. **Resolution 16-051**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV Project to the Firm of Arno Construction, Inc. of Homer, Alaska, in the Amount of \$530,341.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-078 from Public Works Director as backup.

The consent agenda was approved by consensus of the Council.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation, National Police Week – May 15 - 21, 2015 and Memorial Day May 15, 2016

Councilmember Smith read and presented the proclamation to Police Chief Robl.

- B. Mayor's Proclamation, National Emergency Medical Services Week – May 15 – 21, 2016

Councilmember Zak read and presented the proclamation to Fire Chief Painter.

- C. Mayor's Proclamation, National Public Works Week – May 15 - 21, 2016

Councilmember Aderhold read and presented the proclamation to Public Works Director Meyer.

- D. Mayor's Proclamation, National Hospital Week – May 8 – 14, 2016

Mayor Wythe read and presented the proclamation to Bob Letson, CEO, South Peninsula Hospital.

- E. Mayor's Recognition, Homer Hockey Association Pee Wee C Team

Mayor Wythe and Councilmember Van Dyke read and presented the recognition and Alaska Legislature recognitions to the Pee Wee Hockey Team.

- F. Mayor's Proclamation, Bike Month - May 2016

Councilmember Aderhold read and presented the proclamation to the Homer Cycling Club.

- G. Mayor's Recognition, Alaska Legislature Memoriam of William A. Corey

Mayor Wythe and Councilmember Smith read and acknowledged the Alaska Legislature in Memoriam of William A. Corey to his widow Gloria Corey.

6. VISITORS

- A. South Peninsula Athletic and Recreation Center, Daniel Zatz, 10 minutes.

Daniel Zatz, Homer Soccer Association and SPARC project leader, provided an update on the summer soccer program and SPARC building project.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS CONTINUED

- H. Bunnell Street Arts Center, Thank You

- I. Borough Report

- J. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of March 16, 2016
3. Economic Development Advisory Commission

Councilmember Smith announced the Tuesday, May 10th meeting.

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney provided an update on the commission's business.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
 - a. Memorandum 16-077 from Cannabis Advisory Commission, Re: Support to Allow Retail Cannabis on the Spit.

Police Chief Robl reported on the commission's business.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:16 p.m.

8. PUBLIC HEARING(S)

- A. **Ordinance 16-19**, An Ordinance of the City Council of Homer, Alaska, Determining to Retain For a Public Purpose Tax Foreclosed Property in the Homer Recording District, Third Judicial District, State of Alaska Described as SW1/4 NW1/4 Section 4 Township 6S Range 13W Seward Meridian, KPB Tax Parcel No. 173-052-19, Located in the Vicinity of Easy Street and Quinalt Avenue, Last Owner of Record Debra Good. City Manager. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 16-20**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (A) of HCC 17.04.040, Initiation of District, to Provide That a Special Assessment District May Be Initiated By a Petition Signed By the Record Owners of

Real Property That Would Bear Not Less Than 50 Percent of the Assessed Cost of the Improvement. Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

Memorandum 16-070 from City Attorney as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 16-21**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

Ordinance 16-21(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the ~~an~~ Amount of **Up to** \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith.

There were five who testified.

ADOPTED Substitute Ordinance 16-21(S) with discussion.

- D. **Resolution 16-041(S)(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager. Public Hearing May 9, 2016.

Resolution 16-041(S-2)(A), A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; **Referring the Development of a Matching Grant Program for Small Scale Greenway Trails to the Parks and Recreation Advisory Commission**; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager.

There was one who testified.

ADOPTED Substitute Resolution 16-041(S-2)(A) without discussion.

9. ORDINANCE(S)

10. CITY MANAGER’S REPORT

A. City Manager’s Report

City Manager Koester highlighted her report on utility poles on Pioneer Avenue and the natural gas SAD payment schedule. One of the utility poles at Pioneer and Svedlund is right next to the crosswalk making it unsafe for pedestrians. We can engage the owner of the poles and provide encouragement that they put the poles underground, although it is not required and may be expensive. Encouragement from the City Council and City Manager is the first step towards fixing the poles. The project now is just to shave and pave Pioneer Avenue.

11. CITY ATTORNEY REPORT

A. City Attorney’s Report – April 2016

12. COMMITTEE REPORT

A. Public Arts Committee

B. Employee Committee Report

C. Public Safety Building Review Committee

Public Safety Building Review Committee Chair Ken Castner provided an update on the building project.

D. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold announced the meeting on Thursday, May 12th.

13. PENDING BUSINESS

A. **Ordinance 15-37(A)**, An Ordinance of the Homer City Council Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax From 4.5% to 5.5% From April 1st Through September 30th, With the Increase to be Used for General Government Purposes, and Authorizing the City To Submit the Question of Such Sales

Tax Increase to the Qualified Voters of The City at a ~~Special~~ **Regular** Election to Be Held in the City on _____. Lewis. Introduction October 12, 2015, Public Hearing December 7, 2015, Postponed to May 9, 2016 for Second Reading.

FAILED with discussion.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-049**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a New City Attorney Contract With Birch Horton Bittner & Cherot for the Period of August 1, 2016 Through July 31, 2019. City Manager.

Memorandum 16-076 from City Manager as backup.

ADOPTED with discussion.

- B. **Resolution 16-050**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals (RFP) for General Counsel Legal Services. City Manager.

FAILED without discussion.

- C. **Resolution 16-052**, A Resolution of the City Council of Homer, Alaska, Providing for a New Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Become Delinquent On or After July 1, 2016, and Providing Terms for the Reinstatement On or Before July 1, 2016 of Assessments That Became Delinquent Before That Date. Smith.

Mayor Wythe called for a recess at 8:10 p.m. and reconvened the meeting at 8:20 p.m.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells thanked Council for the adoption of Resolution 16-049. Birch Horton Bittner & Cherot values working with the council and city administration and the small part they play in this community.

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 the honor of walking with the college for her graduation. She witnessed the presentation of Emeritus awards to Elizabeth Graber and Michael Hawfield. It was an unusual event for two teachers from Homer to be selected for the award, especially since they are a married couple. She congratulated them on the Emeritus awards and wished them the best of luck in their retirement. Tonight we recognized public administration, police, fire, public works, and the South Peninsula Hospital who will celebrate 60 years on July 9th. It was lovely to have the Pee Wee Hockey Team and Grandpa Gus helping with the recognition. She appreciates Gloria Corey sharing the In Memoriam of her late husband. Tonight we were very focused on happy moments.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Zak commented the community came out strong for Clean-Up Day on Saturday. It was a beautiful day and community members, businesses, and the Chamber pitched in. Homer is a beautiful city and he's glad we live in a place we respect and take care of.

Councilmember Van Dyke congratulated the SPARC people and wished them good luck. The recreation center will be a great addition to the city. Parks and Recreation Advisory Commission will have a great time with greenway trails, which will be another fine addition to the city.

Councilmember Aderhold attended the graduation ceremonies at Kachemak Bay Campus, a facility that is valuable to Homer and the surrounding area. She congratulated Mayor Wythe on receiving her Master of Public Administration. It was good to see people getting their AA and GED. For those that received GED, hats off to you! She congratulated Professors Graber and Hawfield and thanked them for their service to the community. They've both done a lot for the community. She congratulated them on the Emeritus awards. Individuals and organizations that do things for the community are inspirational. These include the Peonies on Pioneer, the ski club, Homer Hockey Association, Homer Cycling Club who has instituted Share the Road and Park and Bike. The people here make it happen. She thanked the public that offered testimony and those that provided letters. It is important to her to receive

feedback from the public. In the last few months we have started to see new younger faces at the council meetings and she appreciates younger folks getting involved to see how city government works.

Councilmember Smith thanked those that participated. He is excited about SPARC and wants to provide man hours for the project. He referred John Li to the technical department to find the silencer on his cell phone. The Safe & Healthy Kids Fair was awesome for those that had the opportunity to participate; he applauded all the people that helped with the event. He congratulated the Pee Wee's and Coach Chris Owen for a good job. The payoff is to see the kids perform at that level. He thanked Gloria Corey for coming in. He has known her and Bill for many years; they are a good rare breed of Alaskans. Bill was a great dog lover, but his dog was not a great human lover.

Councilmember Lewis congratulated the Pee Wee Hockey Team. They are the first team to win state championship on home ice. He is sorry that he missed college graduation, but was Outside to watch his son walk. Kenai Peninsula College is one of the jewels of Homer. It is integrated with marine trades. In the fall they have a semester by the bay that brings students from outside to experience Homer and Kachemak Bay. SPARC will be another fun place to go and hang out.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:34 p.m. The next Regular Meeting is Monday, May 23, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, May 16, 2016 at 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.