

ACTION AGENDA
Tuesday, March 29, 2016
Worksession
Committee of the Whole
Regular Meeting

WORKSESSION AGENDA

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

Mayor Pro Tempore Lewis called the meeting to order at 4:00 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. STRATEGIC DOING – REVIEW OF PROCESS
COMPREHENSIVE PLAN UPDATE**

Memorandum 16-057 from City Planner as backup.

4. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Wythe adjourned the meeting at 4:48 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.

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. Ordinance 14-18(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Tower Requirements; to Define and Establish Standards for Any Towers. Zak. Introduction April 28, 2014, Referred to Planning Commission, Public Hearing and Second Reading April 11, 2016.

Ordinance 14-18(A)(S), 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.

Memorandum 16-054 from City Planner as backup.

- 4. CONSENT AGENDA**
- 5. REGULAR MEETING AGENDA**
- 6. COMMENTS OF THE AUDIENCE**

There were four who commented.

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

Mayor Wythe adjourned the meeting at 5:48 p.m.

REGULAR MEETING AGENDA

Session 16-07 a Regular Meeting of the Homer City Council was called to order on March 29, 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, REYNOLDS, SMITH, VAN DYKE, ZAK

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY PLANNER ABOUD
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

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 16-17(S)**, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for City Properties Described as Lot 1, Harry Feyer Subdivision, and the Following Located in Section 14, Township 6, Range 13, Seward Meridian: Govt. Lot 3 Lying East of Kachemak Drive, S. ½ of Govt. Lot 30 Lying West of Kachemak Drive, and Govt. Lots 10, 21, 24, 25 and 36; and Authorizing Their Sale. City Manager. **Resolution 16-031(S)**, A Resolution of the Homer City Council Concerning the **Approving** Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), **a New 20-Year Term Lease for of** Lot 8-E-1 Homer Spit #6 ~~and to Enter Into a New 20-Year Term Lease With the City,~~ and Authorizing the City Manager to Execute the Appropriate Documents. City Council. **PENDING BUSINESS - Ordinance 14-18(A)(S)**, 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. Written public comment. **RESOLUTIONS - Resolution 16-033(S)**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Long Term Boat Trailer Parking Fees. City Manager/Port and Harbor Director.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were four 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 March 14, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-052**, from Mayor Wythe, Re: Appointment of Timothy Clark to the Cannabis Advisory Commission, Appointment of Mark Massion to the Library Advisory Board and Reappointments of Erin Hollowell and Michele Miller to the Public Arts Committee.
- C. **Ordinance 16-13**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.16.020 Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited; Exceptions, to Extend From October 1 to March 31 the Period During Which a Person May Operate, Stop and Park a Motor Vehicle Between the South End of Mariner Park Beach and the East End of the Seawall Solely for the Purpose of Gathering Sand and Coal. Lewis. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-053 from City Clerk as backup.

- D. **Ordinance 16-14**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, Permitted Uses and Structures; Regarding the Permission of Detached Dwelling Units in the Rural Residential Zoning District. Planning. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-055 from City Planner as backup.

- E. **Ordinance 16-15**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$9,000 From Port and Harbor Reserves for Homer Spit Parking Signage and Long-Term Boat Trailer Parking Enforcement Improvements. City Manager/Port and Harbor Director. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-056 from Port and Harbor Director as backup.

- F. **Ordinance 16-16**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Transfer of \$80,000 From the Public Safety Building Project to the Fire Station

Improvement Project to Fund Design. Mayor. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Moved to Ordinances, Item B¹. Reynolds.

- G. **Ordinance 16-17**, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for Lots 01, 03, 10, 21, 24, 25, 30, 36, of Kachemak Drive, and Authorizing Their Sale. City Manager. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Ordinance 16-17(S), An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for City Properties Described as Lot 1, Harry Feyer Subdivision, and the Following Located in Section 14, Township 6, Range 13, Seward Meridian: Govt. Lot 3 Lying East of Kachemak Drive, S. ½ of Govt. Lot 30 Lying West of Kachemak Drive, and Govt. Lots 10, 21, 24, 25 and 36; and Authorizing Their Sale. City Manager.

Moved to Ordinances, Item A². Lewis.

- H. **Resolution 16-030**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Kramer Lane, Linda, Shirley, and Heidi Court Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.

- I. **Resolution 16-031**, A Resolution of the Homer City Council Concerning the Harbor Enterprises, DBA Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council. Recommend adoption.

Resolution 16-031(S), A Resolution of the Homer City Council ~~Concerning the~~ **Approving** Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), **a New 20-Year Term** Lease for **of** Lot 8-E-1 Homer Spit #6 and to ~~Enter Into a New 20-Year Term Lease With the City,~~ and Authorizing the City Manager to Execute the Appropriate Documents. City Council.

¹ Mayor Wythe called this ordinance as Ordinances, Item A.

² Mayor Wythe called this ordinance as Ordinances, Item B.

Moved to Resolutions, Item E. Lewis.

- J. **Resolution 16-034**, A Resolution of the City Council of Homer, Alaska, Requesting the United States Attorney General to Issue a Final Order That Removes Marijuana From Schedule I of Controlled Substances Under the Federal Controlled Substances Act of 1970. Lewis. Recommend adoption.

Moved to Resolutions, Item F. Reynolds.

Item F, Ordinance 16-16 was moved to Ordinances, Item B. Reynolds.

Item G, Ordinances 16-17 and 16-17(S) was moved to Ordinances, Item A. Lewis.

Item I, Resolutions 16-031 and 16-031(S) was moved to Resolutions, Item E. Lewis.

Item J, Resolution 16-034 was moved to Resolutions, Item F. Reynolds.

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

6. VISITORS

- A. Robert Archibald, Prince William Sound Regional Citizens Advisory Council, 10 minutes.

Robert Archibald, Homer representative of the PWSRCAC, provided a report on the group's business.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Recognition – Dave Anderson, General Manager of KBBI

Mayor Wythe read and presented the recognition to Dave Anderson.

- B. Mayor's Proclamation - Day of National Service, April 5, 2016

Mayor Wythe announced the proclamation.

- C. Borough Report

- D. Commissions/Board Reports:

- 1. Library Advisory Board

2. Homer Advisory Planning Commission
 - a. Minutes of March 2, 2016
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Louise Ashmun provided a report on the commission's business.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley provided a report on the commission's business.

6. Cannabis Advisory Commission

Councilmember Reynolds announced the commission's next meeting is in April. She thanked Mr. Clark for putting in an application to bring up the membership.

Mayor Wythe called for a recess at 7:00 p.m. and reconvened the meeting at 7:05 p.m.

8. PUBLIC HEARING(S)

- A. **Ordinance 16-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.08.030, Parking or Camping Prohibited-Enforcement, Regarding Winter Camping. Aderhold. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-050 from City Manager as backup.

There was one who testified.

ADOPTED with discussion.

- B. **Ordinance 16-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$39,300 From Port and Harbor Reserves for the Construction of the Sport Fishing Trailer Parking Lot Drainage Improvement and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Port and Harbor Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-042 from Port and Harbor Director as backup.

There was one who testified.

AMENDED: Amount changed to \$54,300.

POSTPONED to April 11, 2016 for Public Hearing.

- C. **Ordinance 16-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Allow for the Completion of the 2016 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails (HART) Funds in an Amount Not to Exceed \$638,000. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-043 from Public Works Superintendent as backup.

There was no public testimony.

ADOPTED with discussion.

RECONSIDERED by Councilmember Zak. Reconsideration scheduled for April 11, 2016.

- D. **Ordinance 16-11**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, and Enacting Homer City Code 10.04.085 Use of Load and Launch Ramp, to Regulate the Use of the Load and Launch Ramp in the Small Boat Harbor. City Manager. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

There was one who testified.

ADOPTED with discussion.

- E. **Ordinance 16-12(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$89,000 From Homer Accelerated Roads and Trails Fund for the Design of the Storm Drain Rehabilitation Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-049 from Public Works Director as backup.

There were two who testified.

ADOPTED with discussion.

9. ORDINANCE(S)

- A. **Ordinance 16-16**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Transfer of \$80,000 From the Public Safety Building Project to the Fire Station Improvement Project to Fund Design. Mayor. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

INTRODUCED with discussion.

- B. **Ordinance 16-17**, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for Lots 01, 03, 10, 21, 24, 25, 30, 36, of Kachemak Drive, and Authorizing Their Sale. City Manager. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Ordinance 16-17(S), An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for City Properties Described as Lot 1, Harry Feyer Subdivision, and the Following Located in Section 14, Township 6, Range 13, Seward Meridian: Govt. Lot 3 Lying East of Kachemak Drive, S. ½ of Govt. Lot 30 Lying West of Kachemak Drive, and Govt. Lots 10, 21, 24, 25 and 36; and Authorizing Their Sale. City Manager.

INTRODUCED Substitute Ordinance 16-17(S) with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester told Council the audit is in full swing. Finance Director Li could have helped with the conversations, but he is upstairs working with the auditors.

Legislation was introduced to increase PERS and TERS contributions and restructure community revenue sharing. Senate Bill 209 proposes to increase PERS contributions to municipalities over the next two years up to a rate of 26.5%. Years ago the State negotiated a deal and capped the amount at 22% for municipalities with the State picking up the rest. This percentage goes to paying the unfunded liability. This is for the State's retirement plan and will cost the City hundreds of thousands of dollars. AML is uniting against Senate Bill 209 on behalf of PERS employers. Senate Bill 210 restructures revenue sharing more favorable for smaller municipalities. We have pulled revenue sharing out of the budget. The bill also allows municipalities to choose whether to allow the senior property tax exemption. City Manager Koester is working with the lobbyist and others on talking points to present to the Legislature. Public testimony will be next week and she would like a full force from the Council.

Councilmember Van Dyke acknowledged Homer's drug abuse in the manager's report. There is a Bill and if passed will instruct the Department of Homeland Security to make funds available to communities with heroin and opiate use issues. If there is money available it would be a worthwhile one to apply for.

Councilmember Zak commented the communities are really feeling the pinch from the State's financial situation. The Legislature has been discussing budget cuts instead of revenue. He urged people to let their state representatives know their concern for the impact it will create. People can make testimony at the Legislative Information Office.

Mayor Wythe announced there are three different bills for use of the Permanent Fund Dividend.

B. Bid Report

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

- B. Employee Committee Report
- C. Public Safety Building Review Committee

Committee Chair Ken Castner provided an update on the committee's work.

13. PENDING BUSINESS

- A. **Ordinance 14-18(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Tower Requirements; to Define and Establish Standards for Any Towers. Zak. Introduction April 28, 2014, Referred to Planning Commission, Public Hearing and Second Reading April 11, 2016.

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Memorandum 16-054 from City Planner as backup.

INTRODUCED Substitute Ordinance 14-18(A)(S) and REFERRED to Planning for review.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-032**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Long Term Boat Trailer Parking. City Manager/Port and Harbor Director. Recommend: Public Hearing April 11, 2016.

Memorandum 16-056 from Port and Harbor Director as backup.

POSTPONED to April 11, 2016 for a Public Hearing.

- B. **Resolution 16-033**, A Resolution of the City Council of Homer, Alaska Amending the Port of Homer Terminal Tariff No. 600 to Include Long Term Boat Trailer Parking Fees. City Manager/Port and Harbor Director. Recommend: Public Hearing April 11, 2016.

Memorandum 16-056 from Port and Harbor Director as backup.

Resolution 16-033(S), A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Long Term Boat Trailer Parking Fees. City Manager/Port and Harbor Director.

Substitute Resolution 16-033(S) POSTPONED to April 11, 2016 for a Public Hearing.

- C. **Resolution 16-035**, A Resolution of the City Council of Homer, Alaska, Approving Necessary Improvements and Upgrades to the Existing Fire Station, Separating the Fire Station From the New Public Safety Building Project, and Authorizing the Public Safety Building Review Committee to Continue Work on the Fire Station Improvement Project. Mayor.

ADOPTED with discussion.

- D. **Resolution 16-036**, A Resolution of the Homer City Council Supporting a Community Gymnasium in the Town Center Area and Committing Up to \$650,000 as a Matching Grant to Facilitate the Construction of the Facility as a Collaborative Community Project. Mayor.

FAILED with discussion.

Mayor Wythe called for a recess at 9:00 p.m. and reconvened the meeting at 9:06 p.m.

- E. **Resolution 16-031**, A Resolution of the Homer City Council Concerning the Harbor Enterprises, DBA Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council. Recommend adoption.

Resolution 16-031(S), A Resolution of the Homer City Council ~~Concerning the Approving~~ Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), ~~a New 20-Year Term Lease for of~~ Lot 8-E-1 Homer Spit #6 ~~and to Enter Into a New 20-Year Term Lease With the City~~, and Authorizing the City Manager to Execute the Appropriate Documents. City Council.

Substitute Resolution 16-031(S) ADOPTED with discussion.

- J. **Resolution 16-034**, A Resolution of the City Council of Homer, Alaska, Requesting the United States Attorney General to Issue a Final Order That Removes Marijuana From Schedule I of Controlled Substances Under the Federal Controlled Substances Act of 1970. Lewis. Recommend adoption.

FAILED with discussion.

16. COMMENTS OF THE AUDIENCE

There were four 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 comments.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

20. COMMENTS OF THE MAYOR

Mayor Wythe wished Elaine Grabowski well as she retires. She will be missed at the front desk at the Fire Department. She welcomed Jaclyn Arndt. She wanted to bring Resolution 16-036 forward two weeks ago, but held back. It is exciting to hear we will get some more recreational space.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds commented it was an engaged and interesting meeting. Councilmember Aderhold, Deputy Planner Julie Engebretsen, and she participated in a three-day workshop on climate adaptation for coastal communities. It was a fascinating workshop and will help us as we review the Climate Action Plan for the City. She congratulated the Mariner Women's Basketball Team who participated in the state championships this weekend. They received several recognitions for sportsmanship. She announced the Women of Distinction awards this weekend and is proud to have these women in the community.

Councilmember Zak thanked the Chamber of Commerce for the successful Winter King Tournament that brought over 1,500 anglers, their spouses, and children to Homer to eat and stay in the community. Based on Ken Castner's comment he will reconsider Ordinance 16-10 to review the schedule and see if we can prolong paving.

Councilmember Van Dyke announced the Pee Wee Hockey Team who took state championship. His oldest grandson was named MVP on his team.

Councilmember Aderhold thanked the Planning Department, Rick Abboud, and the Planning Commission for their work on the towers ordinance. They worked real hard and they are about 90% there. She thanked the public that has engaged tonight; their good, specific, and substantive comments have helped her. She encouraged the public to provide substantive information that will help them make decisions. The training on climate adaptation was really fantastic. There were thirty people from all over the state in the training, representing local and regional agencies, and tribes. There will be additional trainings and meetings in the fall to keep the ball rolling to help us develop the Climate Action Plan.

Councilmember Smith thanked everyone that came before Council with their input. He appreciates that Daniel Zatz will be building infrastructure to provide a space for youths and adults. Councilmember Smith was part of the Jack Gist Park formation which has proved to be a tremendous asset to the community. He hopes we can find a way to be a partner since partnerships go a long way. Opiate abuse is not unique to this town. There will be a lot of competition for the money from the federal government so we need to be prepared to be in line. The future of this community is at the greatest risk and we need to provide a protective environment. He appreciates what Scott Adams said about Seafarer's Memorial. A classmate of his did the sculpture. It is a great tribute to a central part of our community.

Councilmember Lewis congratulated the women's basketball team. It is the first time Pee Wee Hockey has won state at home. On April 9th and 10th there will be an anniversary celebration of the Kevin Bell Arena. There will be all kinds of activities. The arena is another partnership where parents have put out hundreds of thousands of dollars and brought in hundreds of thousands of dollars. Over the last weekend \$260,000 was brought in to the Kevin Bell Arena with family members and players. He will always support hockey and look for help there.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:37 p.m. The next Regular Meeting is Monday, April 11, 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, April 18, 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.

