

ACTION AGENDA

Monday, February 8, 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.

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. HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) AND HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)

Memorandum 16-030 from City Manager as backup.
Memorandum 16-022 from Deputy City Clerk as backup.
Memorandum 15-099 from Economic Development Advisory Commission as backup.

Memorandums 15-193 and 16-027 from Public Works Director as backup.

4. COMMENTS OF THE AUDIENCE

There were two who commented.

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

Mayor Wythe adjourned the meeting at 4:55 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 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis.

Memorandum 16-016 from City Clerk as backup.
Memorandums 16-017 and 16-023 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 5:49 p.m.

REGULAR MEETING AGENDA

Session 16-03 a Regular Meeting of the Homer City Council was called to order on February 8,

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 ATTORNEY WELLS
CITY PLANNER ABBOUD
LIBRARY DIRECTOR DIXON

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: **PUBLIC HEARINGS - Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Written public comments. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Written public comments.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 30 that commented.

Mayor Wythe called for a recess at 7:20 p.m. and reconvened the meeting at 7:25 p.m.

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 January 25, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-020**, from Mayor Wythe, Re: Reappointment of Steve Zimmerman to the Port and Harbor Advisory Commission.
- C. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

Moved to Resolutions, Item A. Smith.

- D. **Resolution 16-019**, A Resolution of the Homer City Council Establishing an Americans With Disabilities Act Compliance Committee to Develop a Transition Plan and Establish a Grievance Procedure to Comply with ADA Requirements and Appointing Deputy City Clerk Melissa Jacobsen as the ADA Coordinator for the City of Homer. City Manager. Recommend adoption.
- E. **Memorandum 16-028**, from City Clerk, Re: Vacation of the 30-Foot Wide (approximately 560 feet) Right-of-Way and Easement Along the South Lot Line of That Property Shown as Homer Electric Association on Plat HM 54-2021; Replatted as Lot E Heath Street Replat, HM 90-58, as Recorded in Book 165 Page 294 of the Homer Recording District. All Portions of the Requested Vacation are Located Within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and Within the Kenai Peninsula Borough; KPB File 2016-003.

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

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week, February 7 – 14, 2016

Councilmember Zak read and presented the proclamation to Dottie Zopp, grandmother to Chloe.

- B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2016
- C. **Mayor's Proclamation**, Winter Carnival and Parade, February 11 – 14, 2016

Mayor Wythe read and presented the proclamation to Karen Zak.

- D. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper provided an update on the Marijuana Task Force and the Healthcare Task Force.

- E. Commissions/Board Reports:

- 1. Library Advisory Board
- 2. Homer Advisory Planning Commission

Vice Chair Planning Commissioner Tom Stroozas reported on the commission's work on towers, Hickerson Memorial Cemetery, a birthing clinic on Shelford Street, and the preliminary plat to create 16 lots between Little Fireweed Lane and Spruce Lane. The commission reviewed the Land Allocation Plan and forwarded recommendations to Council.

- a. Minutes of January 20, 2016

- 3. Economic Development Advisory Commission
- 4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Dave Brann reported the commission will revisit the beach policy in another year to see how it is working. They are working with Angie at Public Works on the number and placement of trash receptacles on the Spit and in town. Council provided \$5,000 to replace the picnic shelter on the Spit. To date \$20,100 has been raised towards the \$30,000 goal.

- 5. Port and Harbor Advisory Commission

- a. Memorandum 16-025 from Deputy City Clerk, Re: Port and Harbor Advisory Commission Recommendations for Camping on the Spit.

- 6. Cannabis Advisory Commission

Cannabis Advisory Commissioner Lindianne Sarno reported the commission spent the first few months reading, analyzing, and commenting on state regulations. She commended City Planner Rick Abboud and Attorney Holly Wells for the plans, drawings, and information presented to the commission. Now that the state regulations are finalized it is in the Council's hands for decisions. Regardless of how the Council votes, educators and the cannabis community has spoken in favor of public health education.

8. PUBLIC HEARING(S)

A. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

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Memorandum 16-016 from City Clerk as backup.

Memorandums 16-017 and 16-023 from City Planner as backup.

There were 14 who testified.

SUBSTITUTE ORDINANCE 16-04(A)(S) ADOPTED with discussion.

B. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the

Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

Ordinance 16-05(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Memorandum 16-018 from City Manager as backup.
Memorandum 16-031 from City Attorney as backup.

There were 20 who testified.

SUBSTITUTE ORDINANCE 16-05(S) ADOPTED.

AMENDED: Line 48 to read “east of a line extending south from the southern end of the vacated easement formally known as Shirlene Circle.”

ADOPTED as AMENDED with discussion.

9. ORDINANCE(S)

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Recommended dates: Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

ADOPTED with discussion.

Mayor Wythe called for a recess at 10:22 p.m. and reconvened the meeting at 10:30 p.m.

10. CITY MANAGER’S REPORT

- A. City Manager’s Report

1. Memorandum 16-029 from Deputy City Clerk, Re: City Records Inventory.

City Manager Koester provided an update on her trip to Juneau with Mayor Wythe. She will include more information in her next report on the meetings with commissioners.

A civil complaint has been filed against the City by Clear Creek Cat Rescue. We will be working with the attorney on the complaint that challenges the ability to adopt animals from the Homer Animal Shelter and other points.

City Attorney Wells advised Council matters about the complaint should be discussed in Executive Session.

B. Bid Report

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Employee Committee Report

C. Public Safety Building Review Committee

Mayor Wythe announced a meeting for the Public Safety Building Review Committee on Wednesday, February 10th at 5:30 p.m.

D. Sustainable Animal Control Review Committee

Francie Roberts and Casey Moss referenced the Sustainable Animal Control Review Committee's (SACRC) final report in the packet. There was a high level of interest in the committee and people expressed an interest in continuing a committee. The animal shelter contractor will have a committee that meets quarterly to keep looking at issues at the shelter. The SACRC recommends educating the public on the necessity of dog licenses via the website and an update to Homer City Code Chapter 20 to address the safety and rules of animals.

1. Memorandum 16-026 from Sustainable Animal Control Review Committee, Re: Final Report.

13. PENDING BUSINESS

14. NEW BUSINESS

A. **Memorandum 16-024**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required.

APPROVED with discussion.

15. RESOLUTIONS

- A. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There was one who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

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 commented on her recent trip to Juneau. The timing was phenomenal as her and Katie met with several commissioners and their deputies. The Commissioner of Corrections talked about a change to Title 47 where jails provide protective services for people under the influence or intoxicated. It is not a function of corrections to provide those services so they will be looking at protocols for who is responsible and to move it off of the State's bill of business. They are looking for cuts with the most impact for the dollar. Cities will have to look harder at how that will trickle down to them. They met with Deputy Chief Hozey who talked about the Governor's sustainable Alaska plan. Mayor Wythe presented several challenging questions to him. It became apparent to her there are a lot of moving parts in the proposed budget. Each division and each director have their own parts they are looking at, but don't know how it impacts what other groups are looking at and considering. They want to bring it all together to create a great plan that will bring the budget into

balance. Mayor Wythe suggested they train all of them so they know what everybody else is doing and how they influence each other. The Speaker of the House announced they are not going to take an action that doesn't result in the whole issue being resolved this year.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold thanked the Sustainable Animal Control Review Committee for the great job and for staying until the end of the meeting. Volunteers in our commissions and committees make this work. The Council is dealing with contentious issues of the beach policy and marijuana zoning. She read a passage from the Alaska Constitution Section 1 on inherent rights. In summary, it is not all about me; it is about us as a people and doing what's best for the people as a whole.

Councilmember Smith knew there would be some consternation by introducing Ordinance 16-06 and a little bit of blow back. He was willing to broaden his shoulders and take that on because he cares about the community. He will stand up for things he thinks are in the best interest of the community as a whole. There are a number of people with enterprising minds who want to make some money off of this and he is not against people doing that. One of the most outspoken ones' who has been here a lot, is on committees, and heading up the grower groups, spoke frankly of his desire to see this move forward. On his Facebook page he has pictures of plants that exceed six. This is somebody that is leading to legalize and legitimize this type of industry and yet he can't even follow the law right now. If he's not willing to do it now what makes you think he will do it once he gets into operation? People need to walk the walk to make it work.

Councilmember Zak thanked the Mayor for allowing him to read the proclamation for the Congenital Heart Defect Awareness Week. It brought his awareness back to an individual he knew that was born with a congenital heart defect and what that family went through to raise that child. It was a good team tonight and there was leadership in our community coming out from both sides speaking out and taking part in democracy.

Councilmember Reynolds commented in January the Council passed Resolution 16-008 in support of the syringe exchange program being developed in Homer. There is a meeting of stakeholders tomorrow. She is hopeful she'll be able to give a progress update at the next meeting and what the timeframe will look like. She thanked the library for hosting lunch with a councilmember today. Dave and she jumped in and Katie joined them with some data to share. There were nine people. She thinks it is a great idea and hopes the other councilmembers enjoy it as much as her. She is interested to see the outcome of the Borough Healthcare Task Force. Working in the healthcare field in case management herself, it has been great to see access to quality local care with the infusion care center and being able to get biopsies on the same day as a mammogram. She hopes we can retain that while saving administrative costs. She thanked everyone for coming.

Councilmember Van Dyke commented we had a relatively productive meeting tonight. Not everybody is going to agree with what comes out of the Council, but that is why they call it

politics. He gets to talk about one of his pet peeves, which is voting. One of the ladies said “don’t vote, shut up” and he agrees with that 100%.

Councilmember Lewis requested reconsideration of Ordinance 16-05(S) and would like to bring it up again at the next meeting. He asked if we can change the Council’s vote to a majority of three (instead of four votes) when just five members are present.

City Attorney Wells will check Title 29 to make sure there is not an overreaching state statutory authority.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 11:05 p.m. The next Regular Meeting is Monday, February 22, 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 Tuesday, February 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.