

ACTION AGENDA

May 9, 2011

Special Meeting
Worksession
Committee of the Whole
Regular Meeting

SPECIAL MEETING AGENDA

Session 11-16 a Special Meeting of the Homer City Council was called to order on May 9, 2011 at 4:00 p.m. by Mayor James C. Hornaday 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: HOGAN, HOWARD, LEWIS, ROBERTS,

ABSENT: WYTHE, ZAK (excused)

STAFF: CITY CLERK JOHNSON
CITY MANAGER WREDE
ATTORNEY KOZIOL
POLICE CHIEF ROBL

Councilmembers Zak and Wythe 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. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were no public comments.

4. **NEW BUSINESS**

- A. **Memorandum 11-065**, From City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1&5), Matters, Which the Immediate Knowledge of which Would Clearly have an Adverse Effect upon the Finances of the Government Unit and Attorney Client Privilege. (Airport Apprehension Incident and Boatyard Fire, Briefing by Attorney Frank Koziol)

Council adjourned to Executive Session at 4:03 p.m. and reconvened at 4:46 p.m.

Councilmember Roberts stated Council spoke with their attorney regarding several litigation issues and he advised them of the status of the issues.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

7. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

8. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

9. COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

10. COMMENTS OF THE CITY COUNCIL

Councilmembers Hogan, Howard, Lewis, and Roberts had no comment.

11. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:47 p.m. The next Regular Meeting is scheduled for Tuesday, May 24, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, May 24, 2011 at 5:00 p.m. A Worksession is scheduled for Tuesday, May 24, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

WORKSESSION AGENDA

1. CALL TO ORDER, 4:30 P.M.

Mayor Hornaday called the meeting to order at 4:47 p.m.

Councilmembers Wythe and Zak 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. Ground Lease Document

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Hornaday adjourned the meeting at 4:58 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Mayor Hornaday called the meeting to order at 5:05 p.m.

Councilmembers Zak and Wythe 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. Ground Lease Document (if additional time needed from Worksession)

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Hornaday adjourned the meeting at 5:35 p.m.

REGULAR MEETING AGENDA

Session 11-17 a Regular Meeting of the Homer City Council was called to order on May 9, 2011 at 6:00 p.m. by Mayor James C. Hornaday 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE (telephonic)

ABSENT:	ZAK (excused)
STAFF:	CITY CLERK JOHNSON CITY MANAGER WREDE CITY ATTORNEY KLINKNER CITY PLANNER ABOUD PORT AND HARBOR DIRECTOR HAWKINS PUBLIC WORKS DIRECTOR MEYER

Councilmember Wythe has requested telephonic participation.
Councilmember Zak has requested excusal.

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 agenda was approved by consensus of the Council.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

4. RECONSIDERATION

None.

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 (BOA) minutes of March 24, 2011 and Regular Meeting minutes of April 25, 2011. City Clerk. Recommend adoption.

APPROVED without discussion.

6. VISITORS

None.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Recognition – Homer High School Choir

Mayor Hornaday read and presented the recognition to Mark Robinson, Choir Director.

B. Mayor's Proclamation – National Public Works Week May 15 – 21, 2011

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Mayor Hornaday read the proclamation.

C. Mayor's Proclamation – National Hospital Week May 8 – 14, 2011

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Mayor Hornaday read the proclamation.

D. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported he went to Juneau on the Borough's behalf to testify on the natural gas line extension to Homer and Kachemak City. Walt made a good impression with his presentation; overall they made a good impression on the House Energy Committee. The appearance provides a better chance than testifying over the radio. The Borough budget includes a mil rate of 4.5%. They are down almost one full time employee in 10 years with the potential of losing a few more. The Borough has union and administrative employees, with the union compromising most of the employee base. Health care insurance has increased to 17%; the union contract says the Borough can open the contract if it exceeds 10%. Mayor Carey is trying to negotiate with the union to pay 3.5% of the 17%. He suggested \$21 per pay period (every two weeks) be deducted from the employees; the union turned it down, along with other alternatives. Mayor Carey said it leaves no choice other than to lay off four employees and reduce hours for emergency employees. The Borough is trying to control the run-away costs of health insurance. Assemblyman Smith introduced an ordinance to require Assembly members to pay 30% of the health insurance cost. The budget introduced by the Mayor cuts non departmental including Kenai Peninsula Tourism Marketing Council, Small Business Development Center, EDD, and CARTS. The budget increases the contribution to the college by \$20,000. Taxable property assessments are up and oil properties assessments are up by 15%.

Mayor Hornaday commented people are unhappy about the tracks at the schools. They are no longer able to have track meets due to the conditions. Assemblyman Smith answered he has not been contacted, but was approached by someone about maintaining the fields for soccer. Mayor Hornaday thanked Assemblyman Smith for traveling to Juneau and working on the gas line.

Councilmember Hogan asked about the proposed increase on the sales tax cap. Assemblyman Smith answered it was a resounding no to raise the cap from \$500 to \$2,500. A lot of people thought \$1,000 was more reasonable. There was much testimony about residential rentals. On this fall's ballot there is a measure to remove the tax holiday on non prepared foods. If the tax holiday goes away it will help support the school district. If it fails the sales tax cap may return.

Councilmember Lewis asked where the definition of non prepared food came from and if a snack tax on pop, chips, candy, and energy drinks was feasible. Assemblyman Smith answered the original definition of non prepared food came from James Price who started the initiative following the items exempted under the food stamp program. It is unlikely the definition of non prepared food will change.

Councilmember Howard asked Mr. Smith if elected officials were participating in the health insurance working group. Mayor Carey has responses from cities and hospitals on getting a group together, but it is unclear if elected officials are part of the group.

Councilmember Roberts asked if members could participate telephonically due to the City's budgetary issues. Mr. Smith answered people should be able to participate telephonically.

E. House Resolution No. 8 – Opposing the Designation by the National Oceanic and Atmospheric Administration of 3,016 Square Miles of Upper Cook Inlet and Kachemak Bay as Critical Habitat for Beluga Whales.

F. Commissions/Board Reports:

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

Dave Brann, Parks and Recreation Advisory Commissioner, reported work on the Kachemak Drive Path with individual commissioners researching the feasibility with DOT. The commission is working on ideas and concepts for Karen Hornaday Park. On May 21st there is a work party scheduled to improve the playground equipment, ball fields, and install a fence. A group of parents are excited about making short and long term improvements to the park. They are exploring the concept of Adopt-a-Park where service groups can adopt a park. The commission had the park walk through with Angie and visited Mariner Park. They have asked staff to research how and when the park was acquired since it is not designated as a park. At the Pier One Theatre the picnic shelter is in a sad state of repair. Volunteers and donated materials are needed. They are exploring a new concept of a water trail from Pier One Theatre near the potential new Wooden Boat Society home up the north side of the bay to Seldovia. It would identify access points, landing spots, trailheads, and facilities, with 95% of the landing spots in Kachemak Bay state parks. The commission is applying to the National Park Service Rivers and Trails Conservation Assistance Program that would provide for two years of free help. The commission is diverse, energetic, and ready to make things happen. They are not asking for any money, just that Council listen, understand, and support them.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

- A. **Ordinance 11-14**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Rasmuson Foundation Grant of \$15,000 for Collection Development for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction April 25, 2011, Public Hearing and Second Reading May 9, 2011.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 11-15**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 10.04.100, Vehicles and Other Wheeled Conveyances; and Homer City Code 10.04.110, Violation--Penalty; Regarding the Regulation of Parking in the Harbor Area. City Manager/Port and Harbor Director. Introduction April 25, 2011, Public Hearing and Second Reading May 9, 2011.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 11-16(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$20,000 from the ~~Fund Balance of the General Fund~~ Water Sewer Depreciation Reserves to Purchase a Used Allman Light Tower and a Used Dynapac Diesel Plate. City Manager/Public Works Director. Introduction April 25, 2011, Public Hearing and Second Reading May 9, 2011.

There was no public testimony.

FAILED with discussion.

RECONSIDERED by Councilmember Lewis. To be heard on May 24, 2011.

9. ORDINANCE(S)

- A. **Ordinance 11-17**, An Ordinance of the City Council of Homer, Alaska, Amending the 2008 Homer Comprehensive Plan to Incorporate the Homer Spit Plan and Recommending Approval of the Amendment by the Kenai Peninsula Borough. Planning. Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.

Memorandum 11-068 from City Planner as backup.

ADOPTED with discussion.

- B. **Ordinance 11-18**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$7,793.75 from the Public Works Fleet Reserve for the Purpose of Sandblasting and Recoating a CAT Loader. City Manager/Public Works Director. Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.

Memorandum 11-064 from Public Works Superintendent as backup.

ADOPTED without discussion.

- C. **Ordinance 11-19**, An Ordinance of the City Council of Homer, Alaska, Establishing a Preliminary Budget and Authorizing the Expenditure of \$486,948 from Depreciation Reserves for the Renovation and Expansion of City Hall. Roberts/Wythe. Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.

Memorandum 11-066 from Public Works Director as backup.

ADOPTED without discussion.

- D. **Ordinance 11-20**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.24.020, Permitted Uses and Structures; and Homer City Code 21.24.030, Conditional Uses and Structures; Regarding the Permission of Single Family and Duplex Dwellings as Conditional Uses in the General Commercial 1 Zoning District. Planning. Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.

Memorandum 11-063 from City Planner as backup.

FAILED without discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede reported he made a quick trip to Juneau on Friday when the House held a hearing on the Capital Budget. He and Assemblyman Bill Smith were asked to make a presentation before the Special Energy Committee and House Resource on the gas line. The Senate Finance Committee still has the capital budget which will go to the Senate and then the House.

Councilmember Roberts asked about the TORA agreement for the Spit right of way and if there would be enough time to enact changes this summer. City Manager Wrede answered we won't get everything enacted, although the Port and Harbor staff started last year on the parking and loading zones. We won't be prepared to do the crosswalks and signage improvements. The biggest crosswalk issue is by Mariner Park as there is no good warning of the crosswalk that is on a curve. Mayor Hornaday expressed reservations about the TORA agreement as the City has

been laying people off. He questioned if we could really enforce the Spit parking with less personnel. City Manager Wrede answered one of the summer parking aid positions was not funded and we cut signs and striping materials from the budget. The TORA agreement was discussed and he had the sense Council was ready to move ahead. Mayor Hornaday will consider vetoing it as he doesn't think the City can take it over.

Councilmember Howard recounted the decision to go ahead with TORA had to do with pedestrian safety. She encouraged everyone to stay focused on public safety.

Councilmember Hogan asked about the dredge materials on the Spit and if there was a chance to get it cleaned up. City Manager Wrede answered April 30th was the Corps dredging deadline with May 8th the deadline to clear the campground. The dredge materials will remain and be moved in the fall when there is more dredging scheduled. The pipe and the mound in the road are gone. Councilmember Hogan asked if it was the City's responsibility to incur costs due to the contractors delay. Port and Harbor Director Hawkins stated only 3,500 yards was produced by the dredging this spring and is stored on Lot 49. Most of the material is the dike created to dewater and to move the materials they would have to tear the dike down. It was agreed the materials would be left in place for this fall's dredging, which is a lot bigger project.

Councilmember Lewis asked about the proposals for the Old Intermediate School. City Manager Wrede answered there were two groups on the plan holders list and proposals were received from both.

B. Bid Report

11. CITY ATTORNEY REPORT

Councilmember Hogan asked Attorney Klinkner about the quasi judicial function of city government as it applies to the Board of Ethics. He referenced an Anchorage case that relies on a record. Attorney Klinkner answered it is appropriate and lawful for City Council to perform as a quasi-judicial body. In Homer there is a record as the proceedings are recorded, they are just not made public unless the subject of the complaint agrees to make the record public. We are still on safe ground with the City Council acting in that capacity.

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 11-046**, A Resolution of the City Council of Homer, Alaska, Approving City Participation in the Proposed, Borough Sponsored, Kenai Peninsula Borough Health Insurance Working Group. City Manager.

ADOPTED with discussion.

- B. **Resolution 11-047**, A Resolution of the City Council of Homer, Alaska, Approving City Participation in a Kenai Peninsula Borough Project to Address the Federal Communications Commission Narrow Band Mandate. City Manager.

ADOPTED without discussion.

- C. **Resolution 11-048**, A Resolution of the City Council of Homer, Alaska, Approving the 2011 Annual Operating Plan Between the City of Homer and the State Division of Forestry. City Manager.

Memorandum 11-067 from Fire Chief as backup.

ADOPTED without discussion.

- D. **Resolution 11-049**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Paul's Services, of Anchor Point, Alaska, in the Amount of \$28,500 for the Carter Drive Access Improvements; and to East Road Services, Inc., of Homer, Alaska, in the Amount of \$52,475 for the Jack Gist Drainage and Field Improvements; and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 11-069 from Public Works Director as backup.

ADOPTED without discussion.

- E. **Resolution 11-050**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Soundview Avenue/Woodard Creek Culvert Replacement Project to the Firm of _____ of _____, _____ in the Amount of \$_____ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

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POSTPONED to May 24, 2011.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe appreciates being able to teleconference as it is important to be with her family at her son's college graduation. She would be happy to lend her experience to be Council's representative for the health insurance working group with the Borough as long as it is not a conflict with her husband's employment with the City.

Councilmember Lewis thanked Public Works for getting the streets clean; he spends a lot of time walking so notices it. He congratulated Mayor Hornaday for pulling off the Mark Robinson Recognition secret.

Mayor Hornaday commented Laura Norton had a great deal to do with that.

Councilmember Hogan thanked Planning for their quick response to a safety issue with a sandwich sign.

Councilmember Howard congratulated Beth and her family, as their son's graduation is an achievement to the whole family. The street and sidewalk cleanup is a miracle to behold. She recommended proclamations be read for folks that are coming to accept them and the others be distributed through the Clerk's office.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:19 p.m. The next Regular Meeting is scheduled for Tuesday, May 24, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, May 24, 2011 at 5:00 p.m. A

Worksession is scheduled for Tuesday, May 24, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.