

# ACTION AGENDA

Monday, February 27, 2012  
Special Meeting  
Committee of the Whole  
Regular Meeting

Session 12-06 a Special Meeting of the Homer City Council was called to order on February 27, 2012 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,  
ZAK

ABSENT: WYTHE (excused)

STAFF: CITY MANAGER WREDE  
CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER (telephonic)

Councilmember Wythe has requested excusal.

Mayor Hornaday declared Councilmember Wythe as excused and there was no objection from the Council.

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. NEW BUSINESS

- A. **Memorandum 12-025**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit. (Kazan Property Purchase).

APPROVED without discussion.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:35 p.m.

Acting Mayor Pro Tempore Roberts stated they met with the attorney who provided advice and they directed the City Manager as how to proceed.

### 4. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Hornaday adjourned the meeting at 4:38 p.m.

**COMMITTEE OF THE WHOLE AGENDA**

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

Mayor Hornaday called the meeting to order at 5:02 p.m.

Councilmember Wythe has requested telephonic participation or 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. Anderson Group, Lobbyists Report**

**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 5:42 p.m.

**REGULAR MEETING AGENDA**

Session 12-07 a Regular Meeting of the Homer City Council was called to order on February 27, 2012 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), ZAK

STAFF: CITY MANAGER WREDE  
CITY CLERK JOHNSON  
FINANCE DIRECTOR MAURAS

COMMUNITY AND ECONOMIC  
DEVELOPMENT COORDINATOR KOESTER  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Wythe has requested telephonic participation.

Council approved Councilmember Wythe's request for telephonic participation.

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 with the following changes:

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Memorandum 12-028 from Parks and Recreation Advisory Board, re: Karen Hornaday Park to Complete the Recommendations Outlined in Ordinance 11-22; Memorandum 12-029 from Parks and Recreation Advisory Board, re: Karen Hornaday Park Day Use Improvements; Memorandum 12-030 from Parks and Recreation Advisory Board, re: Karen Hornaday Park Improvements to Ball Fields, Dugout and Related Amenities; and Memorandum 12-031 from Parks and Recreation Advisory Board, re: Karen Hornaday Park Northern Parking Lot Improvements; **PUBLIC HEARINGS - Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit, Written correspondence.

**3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were no comments of the public.

**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 February 13, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-026**, from Mayor, Re: Reappointment of Glen Carroll to the Port and Harbor Advisory Commission.

APPROVED without discussion.

## **6. VISITORS**

- A. **John Hendrix/Lisa Parker**, Apache Corporation, 10 minutes.

John Hendrix, General Manager of Apache Alaska Corporation, provided an overview of the company and its accomplishments and plans in Alaska.

- B. **Representative Seaton**, Legislative Session update, 10 minutes.

Representative Seaton appeared by telephone and reported there are good vibrations on the gas line. The tariff will be helpful. He is hopeful the City and Enstar are working on the Army Corps of Engineers regional permit to allow the main gas line, distribution lines, and connections without a separate permit.

District 35 has over \$300M in requests. If the Deep Water Dock is a general obligation bond it will not be competitive with the gas line. Although the fish tax bill would be advantageous, he has no high hopes. Representative Seaton is a sponsor for the Alaska Coastal Management program but is not too confident it will pass the Legislature. He may look at a voter initiative. If the City decides enforceable policies may be needed they can incorporate those in Homer City Code under Title 29 authority. He also endorses that all oil companies pay a 9.4% corporate income tax.

- B. **Kachemak Bay Research Reserve**, Kachemak Bay Science Conference, 5 minutes.

Megan Murphy, Coastal Training Program Coordinator for the Kachemak Bay Research Reserve, invited Homer and Kachemak Bay communities to participate in Healthy Bay = Vibrant Communities. The science conference will be held March 8 – 10 to highlight the interconnectedness between the communities well being and coastal ecosystems wellbeing. There will be over 30 presentations on resource and management. It is an opportunity for the community to learn and better understand our home. Due to generous support of local businesses and partners the registration is free. Register at: [www.kbayscience.org](http://www.kbayscience.org)

## **7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Borough Report

- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

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

Commissioner Tricia Lillibridge provided a PowerPoint presentation showing the state of Karen Hornaday Park. The Parks and Recreation Advisory Commission is very busy working on all parks and any recreational land. They have had discussions on additional areas just outside the boundaries of the City and presentations from various people. Recommendations tonight include the additional allocation of funds from the Karen Hornaday Park Grant Committee. There is support for a vibrant 24-hour park in the summer with additional day shelters, added BBQ pits, and new turf. HoPP (Homer Playground Project) has been the energy fuel cell to get everyone off the ground.

The commission is recommending a campground host program they hope will start in June. There is also the Adopt-A-Park program to ensure someone is overseeing each local park. Signage prohibiting alcohol and cigarettes within 50 ft. of the parks and a code of conduct are being explored.

Community activities include repairing the day use area of the campground near Pier One Theatre. It is currently in disrepair and falling down; the object is to repair it for safety. The commission also requests restrooms at Mariner Park. On May 5 there is an event scheduled called "Meet the Trucks" with fire trucks, ambulances, and Public Works trucks at Mariner Park show kids how things work. It will also provide an opportunity to sign up for summer activities. There are currently two commissioner openings.

City Manager Wrede reported draft documents of the campground host program were forwarded to the City Attorney and the attorney's comments were received. He will bring something forward at the next meeting.

5. Port and Harbor Advisory Commission

## **8. PUBLIC HEARING(S)**

- A. **Ordinance 12-06**, An Ordinance of the City Council of Homer, Alaska, Amending the Karen Hornaday Park Project Budget Established via Ordinance 11-22 by Appropriating an Additional \$50,000 for Playground Equipment and Materials and Providing that Future Budget Amendments be Made by Resolution. City Manager/Parks and Recreation Advisory Commission. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-019 from Parks and Recreation Advisory Commission as backup

There were three who testified.

ADOPTED with discussion.

- B. **Ordinance 12-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$81,000 from the General Fund Reserve (Fund Balance) to the City Hall Complex Budget for the Purpose of Acquiring New Furniture at City Hall. City Manager. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-023 from City Manager as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 12-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the Amount of \$35,512.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

There was no public testimony.

ADOPTED without discussion.

- D. **Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit. City Manager/Public Works Director. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-024 from Public Works Director as backup.

There was no public testimony.

ADOPTED with discussion.

- E. **Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-028 from City Attorney as backup.

Memorandum 12-021 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.

**9. ORDINANCE(S)**

**10. CITY MANAGER'S REPORT**

**A. City Manager's Report**

City Manager Wrede reported on the FEMA flood hazard maps that produced a fair amount of concern with Council and the community. City Planner Abboud has been working with FEMA and the assumptions behind the data and just learned that FEMA has changed the maps. The good news is the end of the Spit is now in the 100 year flood zone, alleviating special regulations or higher insurance costs. The map amendments have dramatically improved the situation for the City.

The Borough and State declared a disaster for the November windstorm damage and subsequently President Obama declared the Kenai Peninsula Borough a disaster. In the storm, two fenders of the Deep Water Dock were severely damaged. They will be fixed as quickly as possible. We have applied for reimbursement from FEMA. Pier One Theatre had roof damage from the windstorm and is applying for reimbursement too.

City Manager Wrede indicated water bills that include charges for multi-family dwellings will go out soon. He asked that Council let him know if they wish to amend the rates or classifications. Councilmember Hogan had concerns of how Resolution 11-094(S) was adopted, without public notice of the substitute resolution. Councilmember Hogan is not comfortable with the resolution as there was no mention to the public we were going to institute the rate classification change. An opinion from City Attorney Klinkner on the subject indicated sufficient public notice was given.

Councilmember Lewis recollected we were going to have meters for every single apartment complex. The owners would have to pay for the meters and would have the same charges. We took out the requirement and cost of putting in the meters; you no longer have to have an individual meter for each apartment. The charge for each apartment was already there. People are saving money by not having to redo plumbing for individual meters.

Councilmember Hogan noted the Council passed an ordinance and rescinded it. Resolution 11-094 was advertised and the title said there would be no changes to the fee schedule. Substitute Resolution 11-094(S) added a separate classification of service. He plans to bring forth a new resolution at the next meeting to change that.

Councilmember Roberts stated we changed apartment people from commercial to residential last summer. Multi-family dwellings would have a meter. In December we said it was onerous and we would eliminate meters from family dwellings. We eliminated the one charge.

Mayor Hornaday reflected he had vetoed a water/sewer rate increase and last time was insistent we not raise the rates. He noted:

- For those with existing leases, if you subtract the savings from commercial to residential the individual fee was a \$15 increase.
- Apartment owners who are not involved in a preexisting lease had to pay the full \$45 increase.
- There are a number of people on subsidized low rental programs. If the \$45 increase goes into effect those people can no longer afford their apartments. He is concerned they may be forced out.

Councilmember Lewis commented we tried to get everyone on the same playing field. A number of people own homes and make monthly payments. Apartments are getting away with one rate for many users, yet the single family pays.

Finance Director Mauras reported in July she did an analysis on costs for all multiplex units showing the monthly differences. A 10 plex will pay \$2,000 less as they will pay residential rates. There are reduced rates for water usage; some are paying more, but most are paying less.

Councilmember Hogan questioned the RFP for replacement of the airport doors. He contacted a vendor who said the proposal asked specifically for Tormax doors. If you put it out for RFP and only specify one brand, what happens to other brands? Councilmember Hogan commented the procurement process is broken. We need to spend money in the interests of the citizens.

Councilmember Roberts commented on the new art in the new building. She thanked the Public Arts Committee for all their work.

Councilmember Lewis asked about the Community Recreation Program and if we moved as many programs as possible to the HERC building how it would affect negotiations with the other schools. City Manager Wrede answered it would help since there is concern of elimination for some programs or scaling back due to classroom space. The Boys and Girls Club has the gym for wrestling. The biggest loss is the high school gym and mat room. Asked by Councilmember Lewis if Council has the funds to keep the entire building heated, City Manager Wrede answered revenues could be made as there are inquiries to rent the HERC building. There is no fee schedule or rental agreement for the building.

Councilmember Wythe noted if we start using the HERC building for another institution we would have to upgrade accessibility and code regulations. City Manager Wrede agreed some upgrades would be needed. We have been holding off from using the sizeable depreciation account for that building. Councilmember Wythe asked if it was a multi-million account as a couple hundred thousand dollars would not be enough to bring the building up to code.

Councilmember Roberts asked if the money currently paid to the school district to have Community Recreation in their building would be equal to maintain the other building. City Manager Wrede answered the money we are paying the school district was a legislative grant and is running out. Next year \$6,000 will come out of the general fund to pay the school district.



- B. Bid Report

**11. CITY ATTORNEY REPORT**

**12. COMMITTEE REPORT**

- A. Public Arts Committee

Public Arts Committee Chair Angie Newby thanked Council for supporting their budget request and their input on the City Hall art. The committee is working to get the Welcome to Homer sign at the airport replaced with visible language. Gaye Wolfe has been the PAC liaison, working diplomatically with groups to provide art placement recommendations contained in Memorandum 12-027. Public art that has been stuffed in corners will be placed in visible spaces. Two more of the 1% for arts pieces are scheduled for installation.

A subcommittee is working on the Gateway project, specifically the Baycrest Hill portion. It is the same group of people that made the airport diorama photo display possible. Public Arts Committee Member Marianne Aplin collaborated with the Alaska State Parks, Kachemak Bay Research Reserve, and Fish and Wildlife to obtain the \$35,000 airport diorama at no cost to the City. The Baycrest Hill project will be driven by the community, but led by Alaska State Parks, Kachemak Bay Research Reserve, Fish and Wildlife, Homer Chamber of Commerce, Pratt Museum, and Alaska Department of Transportation. Baycrest Hill is the primary way to draw people into Homer.

- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

- A. **Memorandum 12-027**, From Public Arts Committee, Re: Recommendation on Placement of Existing City Owned Artwork Within City Hall Public Areas.

APPROVED without discussion.

**15. RESOLUTIONS**

- A. **Resolution 12-017**, A Resolution of the City Council of Homer, Alaska, Expressing Support for a One Dollar Per Mcf Tariff Increase on the Price of Natural Gas in the Area Served by the Proposed South Peninsula Natural Gas Pipeline as a Local Contribution to the Cost of Constructing the Line. City Manager.

Mayor Hornaday ruled Councilmember Wythe has a conflict of interest due to her employment with HEA. A motion to overrule the Mayor's ruling failed 3-2.

ADOPTED without discussion.

**16. COMMENTS OF THE AUDIENCE**

There was one 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 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 thanked Soldotna Mayor Micciche for coming to Homer and the additional funding from ConocoPhillips for the playground project. She appreciates his efforts on our behalf.

Councilmember Roberts commented on remarks made by Larry Slone. If the playground equipment appropriation ordinance was amended to change the contribution from \$50,000 to \$75,000 it would require more public testimony. It is a substantive amendment so the public would be noticed to allow them the opportunity to testify.

Councilmember Zak commented he is glad he asked for the increased playground equipment contribution and hopes it will go back to the Parks and Recreation Advisory Commission and they will recommend an increase. There is value in the HoPP, both economically and bringing the community together. He appreciates meeting with the lobbyists and the update and asked for another meeting before the legislative session ends.

Councilmember Hogan expressed appreciation to Mayor Micciche for coming to Homer to offer support for the HoPP. He wonders what issue we can send to Mayor Micciche.

Councilmembers Howard and Lewis had no comment.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:37 p.m. The next Regular Meeting is Monday, March 12, 2012 at 6:00 p.m. and Committee of the Whole 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.