

Session 12-20 a Special Meeting of the Homer City Council was called to order on July 23, 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: BURGESS, HOWARD, LEWIS, ROBERTS,  
WYTHE, ZAK

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

**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.

**NEW BUSINESS**

A. **Memorandum 12-112**, 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 Public Entity. (Update on Lawsuit: Hogan vs. City of Homer). City Attorney Wells will participate telephonically.

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-112 to meet in Executive Session with Attorney Wells to discuss Hogan vs. City of Homer.

WYTHE/LEWIS – SO MOVED.

City Manager Wrede requested the Port and Harbor Director be allowed to participate in Executive Session.

WYTHE/LEWIS – MOVED TO AMEND TO INCLUDE THE CITY MANAGER, PORT AND HARBOR DIRECTOR, AND CITY ATTORNEYS.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/LEWIS - MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, ZAK, HOWARD, WYTHE, ROBERTS

Motion carried.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:45 p.m.

Mayor Pro Tempore Wythe reported Council met with the staff and legal counsel and reviewed and received an update regarding the Hogan vs. City of Homer case. Council provided instruction for legal counsel and staff to move forward.

#### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

#### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:46 p.m. The next Regular Meeting is Monday, August 13, 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.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_