

Session 12-25 a Special Meeting of the Homer City Council was called to order on September 10, 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, ROBERTS,
WYTHE

ABSENT: LEWIS, ZAK (both excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
PORT AND HARBOR DIRECTOR HAWKINS

Councilmembers Lewis and Zak have requested excusal.

Mayor Hornaday declared Councilmembers Lewis and Zak as excused absences. There was no objection from the Council.

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.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

NEW BUSINESS

- A. **Memorandum 12-137**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney-client Privilege (City Attorney Update on Pending Court Case: Hogan vs. City of Homer).

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-137 to meet in Executive Session with Attorney Wells to discuss Hogan vs. City of Homer.

WYTHE/HOWARD – SO MOVED.

Mayor Hornaday ruled Port and Harbor Director Hawkins be a part of the discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion to adjourn to Executive Session.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. ROBERTS, WYTHE, HOWARD, BURGESS

Motion carried.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:26 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and staff to receive an update on the pending court case Hogan vs. City of Homer and provided direction to the attorney.

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 4:27 p.m. The next Regular Meeting is Monday, September 24, 2012 at 6:00 p.m., Special Meeting 4:00 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____