

ACTION AGENDAS

Monday, January 14, 2013

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 4:01 p.m.

Councilmember Howard has 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. LOBBYIST TASK LIST

Memorandum 13-001 from City Manager, Re: Lobbying Priorities.

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were no comments from the audience.

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

Mayor Wythe adjourned the meeting at 4:45 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.

Councilmember Howard has 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. Main Street Intersection

Memorandum 13-007, from City Manager, re: Main St. / Sterling Intersection.

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were two who commented.

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

Mayor Wythe adjourned the meeting at 5:45 p.m.

REGULAR MEETING AGENDA

Session 13-01 a Regular Meeting of the Homer City Council was called to order on January 14, 2013 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.

Councilmember Howard has requested excusal.

PRESENT: COUNCILMEMBERS: BURGESS, DOLMA, LEWIS, ROBERTS, ZAK

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
IT MANAGER POOLOS
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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 amended to reverse the order of RECONSIDERATION and PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA.

The agenda as amended was approved by consensus of the Council with the following changes:
PUBLIC HEARINGS - **Natural Gas Line Special Assessment District**, Written public comments;
PENDING BUSINESS - 2013 Budget Amendment as proposed by Councilmember Zak.

4. RECONSIDERATION

- A. **Ordinance 12-53(S)**, An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak.

RECONSIDERED without discussion. (See Pending Business)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were five who commented.

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 and Regular Meeting minutes of December 10, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 13-002**, from Deputy City Clerk, Re: Application for Liquor License Renewals for Alice's Champagne Palace, American Legion Post 16, and Mermaid Café.

APPROVED without discussion.

6. VISITORS

- A. **Sue Alexander**, President of Leadership Council, Big Brothers Big Sisters of Alaska, 10 minutes.

Sue Alexander reported on the Big Brothers Big Sisters program in Homer. There are 44 matches with several others in the works. The program is doing positive things for the community and for kids. There are two major fundraisers including Bowl for Kid's Sake on March 2nd and a Dream Big luncheon in the fall. She encouraged people to participate in either the community or school based programs.

Big Brothers Cory Stewart and Brandon Grochow and Little Zander reported on the positive aspects of the program.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation - January 2013 as National Mentoring Month

Mayor Wythe read and presented the proclamation to Sue Alexander.

B. Borough Report

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Larry Slone, Planning Commissioner, reported the commission has not met since December 5. Their next meeting is January 16th. They will resume their biweekly meeting schedule, the next meeting handling very routine items.

3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

D. Memorandum 13-003 from Community and Economic Development Coordinator, Re: Green Dot update.

Community and Economic Development Coordinator Katie Koester has attended Green Dot meetings on Mayor Wythe's behalf. The program is a violence prevention model based on the theory bystanders can act as agents of change by intervening or providing distraction to a violent situation. By becoming an agent of change we can turn red dots into green dots. Homer has been selected for the pilot project with the first training session on January 17 and 18. Community members will be trained to prevent violent acts in the community.

8. PUBLIC HEARING(S)

A. Natural Gas Line Special Assessment District

There were 12 who testified.

Mayor Wythe called for a recess at 7:03 p.m. and reconvened the meeting at 7:09 p.m.

- B. **Ordinance 12-58**, An Ordinance of the City Council of Homer, Alaska, Approving the Disbursement of the Net Earnings of 5% of the Permanent Fund, an Amount of \$3,554.79, to Local Non-Profit Organizations for the Benefit of the Community. City Clerk/Permanent Fund Committee. Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

There was no public testimony.

ADOPTED with discussion.

- C. **Ordinance 12-59**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Reimbursable Grant in the Amount of \$8,000 from the State of Alaska Department of Environmental Conservation for Hazardous Materials Training and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Deputy Harbormaster. Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

Ordinance 12-59(S), An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Reimbursable Grant in the Amount of \$8,000 from the State of Alaska Department of Environmental Conservation for Hazardous Materials Training and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Deputy Harbormaster.

Memorandum 12-181 from Deputy Harbormaster as backup.

There was one who testified.

SUBSTITUTE ORDINANCE 12-59(S) ADOPTED with discussion.

- D. **Ordinance 12-60**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. City Manager. Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

Ordinance 12-60(S), An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04. **190** Regarding **Deferment of** Special Assessment Districts **Payments**. City Manager.

There were two who testified.

SUBSTITUTE ORDINANCE 12-60(S) ADOPTED with discussion.

9. ORDINANCE(S)

- A. **Ordinance 13-01**, An Ordinance of the Homer City Council Amending HCC 17.04.190 to Provide for Deferral of Special Assessments for Low Income Residents. Burgess. Recommended dates: Introduction January 14, 2013, Public Hearing and Second Reading January 28, 2013.

AMENDED: Line 21 amended to less than 100% of the current U.S. Health and Human Services Poverty Guidelines for Alaska.

ADOPTED as AMENDED with discussion.

10. CITY MANAGER’S REPORT

- A. City Manager’s Report
1. Memorandum 13-004 from City Planner, Re: Natural Gas SAD Assessment Roll.

City Manager Wrede reported there will be a Worksession next week to include the planning process for the lot by Pier One Theatre, the consent agenda, and HERC building. The iPad training has been postponed.

Port and Harbor Director Hawkins told Council the jackup rig has no departure date in sight right now. Buccaneer is in the process of permitting, reorganizing, and the new company is standing up new operations. For the City to receive property tax on the jackup rig the State has to make a determination that it is taxable property. The State then puts a value on it to determine the revenue the City will receive. The jackup rig must leave the dock by March 1st because the fender replacement project will begin then. The jackup rig is permitted to move to Port Graham. At some time they will get to a site to put the legs down in hard pin to complete repairs on the drill. It is hoped Buccaneer will get their certifications before March and be at the Cosmopolitan site.

City Manager Wrede attended the Kenai Peninsula Borough Assembly meeting for the introduction of the ordinance to loan money to the City for the gas line project. Language on the term of the contract and other details will be included in the loan agreement. Interest payments will be made in the first couple of years and a principal payment in 2015 when the assessment money comes in. Finance Director Mauras has been working with commercial lenders on loan terms. We have been surprised of the possibilities; it is not a done deal that we go with the Borough financing as there may be a better deal out there. We may request bids to make the process more formal. All lenders seem willing to delay principal payments and draw money as needed. There will be something more definitive at the next meeting. Also at the January 28th meeting will be an ordinance approving the Special Assessment District and a contract with Enstar. There will be a report from the Clerk’s office on the number and percentages of objections to the gas line at the next meeting.

Mayor Wythe recognized the employees with January anniversaries.

- B. Bid Report

C. Games Report

1. Benevolent & Protective Order of Elks Lodge #2127

11. CITY ATTORNEY REPORT

A. City Attorney Report for December, 2012

City Attorney Klinkner noted Council adopted Ordinance 12-60(S) regarding treatment of deferrals for natural gas and other improvements not owned by the City. Ordinance 13-01 takes a different approach. He will present a substitute Ordinance 13-01(S) to clarify how it supersedes Ordinance 12-60(S) as adopted tonight.

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

- A. **(If Reconsidered) Ordinance 12-53(S)**, An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak.

Mayor Wythe called for a recess at 7:56 p.m. and reconvened the meeting at 8:02 p.m.

FAILED with discussion.

14. NEW BUSINESS

- A. **Memorandum 13-005**, from City Clerk, Re: Travel Authorization for Mayor Wythe for Juneau Trips on February 26 and April 2, 2013 to Advocate for Capital Projects and Legislation Affecting the City.

APPROVED with discussion.

15. RESOLUTIONS

- A. **Resolution 13-001**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Jo Johnson as Acting City Manager for the Calendar Year 2013. City Manager.

ADOPTED with discussion.

- B. **Resolution 13-002**, A Resolution of the Homer City Council Confirming the Appointments of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2013. City Manager.

ADOPTED without discussion.

- C. **Resolution 13-003**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager.

ADOPTED without discussion.

- D. **Resolution 13-004**, A Resolution of the City Council of Homer, Alaska, Amending the 2013 Regular Meeting Schedule for the Public Arts Committee. City Clerk.

ADOPTED without discussion.

- E. **Resolution 13-005**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$2.8 Million for Its New Facility. Roberts.

ADOPTED without discussion.

- F. **Resolution 13-006**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Land and Water Conservation Fund (LWCF) Grant for Karen Hornaday Park Improvements in an Amount up to \$75,000 and Expressing Its Commitment to Provide a Local Cash Match of \$75,000. City Manager.

Memorandum 13-006 from Community and Economic Development Coordinator as backup.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were three who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner wished everyone a Happy New Year.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson wished everyone a Happy New Year and thanked Council for their vote of confidence.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Wythe congratulated Jo. It is a nice expansion to include staff in the Acting City Manager rotation. She thanked Council for their work and told them she respects their decisions. She is looking forward to going to Juneau a couple times to do some good work for the City.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Roberts is glad to see the City Attorney report included in the packet. It shows the citizens how effective he is. She offered to help with the Emergency Operation Plan. She sent her best wishes to Councilmember Howard and hopes she is getting better.

Councilmember Zak wished everyone a Happy New Year. He is optimistic and enthusiastic about the community. There are some tough issues. He appreciates the diplomacy in coming together; there is sharing from the residents and Council is listening. We have the common good of the whole in mind. He has worked on budgets for four years with the City Council. The budget he proposed funded reserves and the police dispatcher. Employees are affected with no COLA. A community working together and developing an economy base requires tough decisions. He is glad to know we are getting a gas line. He will continue to work for the people doing the best for the greatest good. As to the 60% of the voters that voted against a sales tax, it was a shot in time. There are many variables to be considered and he is flexible enough to look at many variables to make decisions.

Councilmember Dolma is looking forward to the Mayor going to Juneau. He was not excited about renewing the contract for the lobbyist, but likes the prospect of the Mayor going to Juneau. It will be money well spent. He thanked everyone that came tonight. It is very important. He tells people to show up to be part of the equation. He told the audience to feel free to stop and talk to us and also respect that we have a schedule.

Councilmember Burgess reiterated comments made so far. He admires Councilmembers Roberts and Zak who took a bold stand addressing a tough issue. He didn't feel taxing food was the only revenue source. Expect resolutions or ordinances from him shortly to increase revenues. We need to fund the depreciation accounts or expect for services to be cut. He wished Councilmember Howard well. If she stays away too long he may well do foolish things without her guidance. It is perplexing how many

people are objecting for reasons that are not true. Make sure you are objecting with legitimate, useful information. It is a trade off between natural gas and fuel oil. It is very reasonable gas will remain lower priced than fuel oil over the next two decades or longer. The world is awash with natural gas. Issues of the availability of natural gas locally are moot points when the refined natural gas supply comes from the Lower 48. Natural gas vs. alternative energy: he owns a construction company that builds wind turbine foundations. If we could put wind turbines and solar panels on each lot it would be awesome, but is cost prohibitive. It should be on the long term agenda, but is not a good mid term agenda. Converting natural gas to electricity results in huge economic and energy loss; the numbers don't pan out. Building out an LID: when you leave neighborhoods to individual LIDs look at water and sewer. It is a low per capita usage with high costs to maintain it. You will never get this service to your lot as cheaply as you will this service. The fixed rate with Enstar is guaranteed for two years at least. You will not pay an assessment to get gas into your house until it is there. If you decide to opt out of the LID make a decision based on fact. He recognized and appreciated all the people that testified tonight.

Councilmember Lewis commented when issues come up and they are put before the voters it would be really nice to get the majority of voters to vote; not just one third of the voters making decisions for everyone else. We do not get a good view of what the people in the City of Homer want. He congratulated the high school sport teams for their three hard fought hockey games at the Kevin Bell Arena. The basketball games at the high school went fairly well. The kids work hard and deserve everyone's support.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:48 p.m. The next Regular Meeting is Monday, January 28, 2013 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 4:00 p.m. A Worksession is scheduled for Monday, January 21, 2013 at 5:15 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.