

ACTION AGENDA
Monday, April 28, 2014
Worksession
Committee of the Whole
Special Meeting
Regular Meeting

WORKSESSION AGENDA

1. CALL TO ORDER, 4:00 P.M.

Mayor Pro Tempore Roberts called the meeting to order at 4:01 p.m.

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. EMPLOYEE COMPENSATION PACKAGE

4. COMMENTS OF THE AUDIENCE

There were three who commented.

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

Mayor Pro Tempore Roberts adjourned the meeting at 4:39 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.

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. Ordinance 14-17, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040.m Regarding Compensation for the Mayor and Council, and Amending the FY 2014 Operating Budget by Appropriating \$8,775.00 From the General Fund-Fund Balance for Mayor and Council Member Compensation. Burgess/Lewis/Roberts.

4. **CONSENT AGENDA**
5. **REGULAR MEETING AGENDA**
6. **COMMENTS OF THE AUDIENCE**

There was one who commented.

7. **ADJOURNMENT NO LATER THAN 5:15 P.M.**

Mayor Wythe adjourned the meeting at 5:16 p.m.

SPECIAL MEETING AGENDA

Session 14-13 a Special Meeting of the Homer City Council was called to order on April 28, 2014 at 5:20 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.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS,
VAN DYKE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER (telephonic)
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The following changes were made: **Memorandum 14-075**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint No. 2014-02.) to Discuss Ethics Complaint 2014-02.

The agenda as amended was approved by consensus of the Council.

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

There was one who commented.

4. **NEW BUSINESS**

- A. **Memorandum 14-072**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint Nos. 2014-03, 2014-04, 2014-05, 2014-06, 2014-07, and 2014-08.)
- B. **Memorandum 14-075**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint No. 2014-02.)

APPROVED without discussion.

Council adjourned to Executive Session at 5:25 p.m. and reconvened the Special Meeting at 5:43 p.m.

Mayor Pro Tempore Roberts stated the Board of Ethics met and provided direction to our attorney.

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

Mayor Wythe adjourned the meeting at 5:44 p.m.

REGULAR MEETING AGENDA

Session 14-14 a Regular Meeting of the Homer City Council was called to order on April 28, 2014 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.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS,
VAN DYKE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FIRE CHIEF PAINTER
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
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 following changes were made: **CONSENT AGENDA** - **Resolution 14-049**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Alaska Department of Transportation and Public Facilities (ADOT/PF) Selected Alternative for Traffic Control Improvements at the Intersection of Main Street and the Sterling Highway; a Traffic Signal With a Right Hand Turning Lane. City Manager. Written public comments.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS - Written comments on Financial Support for Natural Gas Conversion Project. Lobbyist Report – Final Session.

The agenda as amended was approved by consensus of the Council.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were three who commented.

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 Special Board of Adjustment meeting minutes of April 9 and Special and Regular meeting minutes of April 14, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-073**, from Mayor, Re: Appointment of Pedro Ochoa to the Parks and Recreation Advisory Commission as Student Representative.
- C. **Ordinance 14-17**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040.m Regarding Compensation for the Mayor and Council, and Amending the FY 2014 Operating Budget by Appropriating \$8,775.00 From the General Fund-Fund Balance for Mayor and Council Member Compensation. Burgess/Lewis/Roberts. Recommended dates: Introduction April 28, 2014, Public Hearing and Second Reading May 12, 2014.

Moved to Ordinances.

- D. **Ordinance 14-18**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting

Homer City Code 21.58.040, Communications Tower Requirements; to Define and Establish Standards for Communications Towers. Zak. Recommended dates: Introduction April 28, 2014, Refer to Planning Commission.

Moved to Ordinances.

- E. **Resolution 14-048**, A Resolution of the Homer City Council Awarding a Three-Year Contract for Solid Waste Collection and Disposal to the Firm of Moore & Moore Services, Inc. of Homer, Alaska, in the Amount of \$54,273.80 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 14-074 from Port and Harbor Director as backup.

- F. **Resolution 14-049**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Alaska Department of Transportation and Public Facilities (ADOT/PF) Selected Alternative for Traffic Control Improvements at the Intersection of Main Street and the Sterling Highway; a Traffic Signal With a Right Hand Turning Lane. City Manager. Recommend adoption.

Ordinance 14-18 was moved to Ordinances A. (Howard)

Ordinance 14-17 was moved to Ordinances B. (Mayor)

The consent agenda as amended was approved by consensus of the Council.

6. VISITORS

- A. Green Dot Update, 10 minutes.

Sharon Whytal, Caroline Norton, and Tara Schmidt provided an overview of Green Dot, the strategy used to prevent domestic violence.

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

- A. New Firefighters and EMTs were introduced by Fire Chief Painter and sworn in by Mayor Wythe.
- B. Mayor's Proclamation – Municipal Clerks Week – May 4-10, 2014

Mayor Wythe read and presented the proclamation to City Clerk Jo Johnson.

- C. Mayor's Proclamation – May 2014 as Bike Month

Mayor Wythe read and presented the proclamation to Adele Persons.

D. Borough Report

E. 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, welcomed Pedro Ochoa to the commission. He announced park cleanup at Karen Hornaday Park this coming weekend. Parks Day will be held in August with the focus on Coal Point Park. The commission is trying to include an educational component this year by inviting local experts to provide history on the park and highlight the railroad that was there. The commission continues to address safety issues in the parking areas at Karen Hornaday Park. They have received helpful material and advice from Public Works. The Woodard Creek Trail development is still a priority; during cleanup they will look for different options. Lastly, the commission is identifying public access through easements and right-of-ways for the beaches.

5. Port and Harbor Advisory Commission

Bob Hartley, Port and Harbor Advisory Commissioner, reported a new rate study for moorages within the small boat harbor was discussed at their last meeting. They are looking at ways to make the harbor self-sustaining. Funding is still lagging; if large repairs are needed it will require a bond. The study will address the disparity between the space boats require and the costs for storage. We currently charge by lineal foot; larger boats take up a lot more space than smaller boats, yet they all pay at the same rate. The commission discussed the area around Pier One Theatre and the construction on the large vessels. The large vessels should vacate the area by mid May. Trails are being prepared for paving to create nice walking areas around the harbor. The road into the launch ramp has changed drastically.

F. Letter from Recreate Rec, Re: PARC Needs Assessment and HERC Building

G. Letter from Keren Kelley, Homer Senior Citizens, Inc., Re: Request for Financial Support for Natural Gas Conversion Project

H. Letter from Joy Steward, The Homer Foundation, Re: City of Homer Grants Program 2014

I. Lobbyists Report – Final Session

8. PUBLIC HEARING(S)

A. **Ordinance 14-14(S)**, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Limitation Period for Filing a Complaint of a Violation of the City Ethics Code of Five-Years or One Year After Discovery of the Violation. City Clerk. Introduction March 24, 2014, Public Hearings April 14 & 28, 2014 and Second Reading April 28, 2014.

Memorandum 14-046 from City Clerk as backup.

There was no public testimony.

POSTPONED to May 12 for Public Hearing and Second Reading.

9. ORDINANCE(S)

A. **Ordinance 14-18**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Communications Tower Requirements; to Define and Establish Standards for Communications Towers. Zak. Recommended dates: Introduction April 28, 2014, Refer to Planning Commission.

AMENDED: strike the word “communications” throughout and replace with “any towers”.

REFERRED to the Planning Commission.

B. **Ordinance 14-17**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040.m Regarding Compensation for the Mayor and Council, and Amending the FY 2014 Operating Budget by Appropriating \$8,775.00 From the General Fund-Fund Balance for Mayor and Council Member Compensation. Burgess/Lewis/Roberts. Recommended dates: Introduction April 28, 2014, Public Hearing and Second Reading May 12, 2014.

AMENDED: Line 58 word “salary” amended to “stipend” and all references thereafter.

ADOPTED with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede referenced two memorandums from Public Works Director Carey Meyer on the community disaster recovery conference and the intent to purchase a parcel to locate an underground water tank.

Councilmember Burgess declared a potential conflict of interest as the owner of an adjacent parcel.

Mayor Wythe ruled there was a conflict and there was no objection from the Council.

Councilmember Burgess exited the dais.

Public Works Director Meyer reported it is important that the tank be placed at a certain elevation to provide pressure. Many years were spent developing a master plan of where the tank should be located and the City does not have another location. All of the City's water tanks are above ground and are not in residential neighborhoods. Although an underground concrete tank costs 20% to 25% more to construct initially, over the life of the facility it is much cheaper to maintain. In a residential neighborhood it is appreciated that a tank is not so visible. The purchase of the property is contingent that the tank will be underground. Steel tanks corrode, whereas concrete tanks don't require any refurbishing. The life of a concrete water tank is 50 to 100 years. Both above ground and underground tanks can withstand a reasonable sized earthquake. The underground tank is supported by the ground around it, whereas the above ground tank is unsupported when the water is sloshing. It is anticipated funds for the property purchase will come from the HAWSP fund or the water and sewer reserve account.

Public Works Director Meyer reported the current water tank is located at the top of Main Street as it turns and becomes Mountain View Drive. It is the first tank that the City constructed in 1964. It is deteriorating badly on the inside and needs a major expensive renovation. The new tank is being designed to abandon the old tank. We already have water stored at the top of the hill and the end of the Spit so the water tank in midtown will provide better fire flows and an opportunity for a micro hydro project to generate electricity.

The water tank is a portion of a larger project to extend the waterline across Shellfish Avenue. It will improve the ability to deliver water east/west and help with fire flows. All together it is a \$3M construction project. A lot needs to happen in the neighborhood before the project comes together. Funds became available through EPA that were matched with HAWSP funds. The City will apply for a DEC grant for construction money. A shovel ready project should prioritize DEC funding. A small low interest loan will help cash flow on the 30% of the cost the City would be responsible for. With the sale of the lot, the seller's frontage on Shellfish Avenue would be exempt from any and all future assessments related to water, sewer, and road improvements. This is part of the motivation in selling the piece of property. Purchase of Lot A-2 will not affect

the potential for future assessments on Lot A-1 resulting from South Slope Drive road, water and sewer improvements.

Councilmember Burgess returned to the dais.

Paving from Pioneer Avenue to the end of the Spit will commence this summer. Included in the project are pedestrian improvements with new signage and striping.

Finance Director John Li provided financial data on the water and sewer fund as a laydown. The fund is just barely bringing in more revenue than debt; 6% to 7% is going to debt service. The food tax exemption impacts the HAWSP and HART funds.

Mayor Wythe recognized eight employees with a combined 61 years of service to the community and congratulated Mike Illg for completing the Boston Marathon.

B. Bid Report

11. CITY ATTORNEY REPORT

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

G. Port and Harbor Building Task Force

Councilmember Howard reported the task force will meet on May 8th to review the 95% drawings.

13. PENDING BUSINESS

A. **Resolution 14-046**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2(A) of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership. Mayor and City Council. Recommend adoption. (Postponed from April 14, 2014)

Memorandum 14-066 from City Manager as backup.

ADOPTED with discussion.

14. NEW BUSINESS

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

There were two 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 commented about the water tank. The next step would be a purchase agreement with specific language contingent on Council approval. Then there is an understanding between seller and buyer on how to proceed. City Manager Wrede clarified the Alaska to the Future book was contingent on Council approval. It was discussed many times between himself and the publisher. An email with the publisher was produced to the press that indicated approval of the book was contingent on Council approval.

20. COMMENTS OF THE MAYOR

Mayor Wythe thanked Pedro for stepping up to the student seat on the Parks and Recreation Advisory Commission. There may be a student seat on the EDC. It is beneficial for students and the community. She participated in the poetry reading and trail dedication at Islands and Ocean over the weekend. The interpretative signs are great. We spent a lot of money to upgrade the trail and there is a section in the middle that is still the plastic walkway. When we put money into doing something she encouraged people to come and ask for the extra money to finish the project. There is a slip hazard right in the middle of a very well done trail. As to the Lease Committee, she sat in the EDC during the last review of lease rules and regulations. There is a lot of underlying intent and she greatly appreciates everyone that participates. The message she gets is there is a source of money to pay for all of the things we like to do...your checkbook. In the absence of revenue we have to find a way to reduce staff time in redundant services. It is one of the low hanging fruits that Administration provides and it is complicated by external participation. Not that the participation has been done poorly, it is a financial complication and streamlining is a savings of money. The same people that tell us to tighten our belt say don't take away the committee or commission I want to have. Increasing compensation for Council is not as valuable as decreasing the impugning of the character of the people that sit at the table. You sit here day after day and spend hours preparing to come

in and talk. For people to imply it is done disingenuously, you can't pay me enough money to take away that frustration for me.

21. COMMENTS OF THE CITY COUNCIL

Councilmembers Burgess commented the firefighter and EMT oath should be shortened. We should follow the Green Dot community recommendations. As to the Council pay, he would be happy to see two people come to the council meeting that pledge to run who make less than \$35,000 a year that are opposed to the ordinance. He would be interested in what they have to say. It is not a trade-off of honor or ability; it is compensating you for the cost of doing business. On health insurance he extends sympathies and appreciation to staff. Staff is in a crappy spot with health insurance. The City has been self-insured for a long time and we look pretty ugly to insurance companies who want to make a hefty profit by selling their products to us. Utilization on the plan has been significant; we need to show less utilization. The options to moving forward are not good as there must be less utilization for 3 years. If you don't want to throw more money at it there are not many solutions. Councilmember Burgess recalls we did get a nod for purchasing the lot on Shellfish Avenue. It was brought to our attention before. The City Manager and Public Works Director were not acting without our knowledge or acting outside the scope of their jobs. No one is acting unethical.

Councilmember Van Dyke expressed admiration for the firefighters and EMTs in the community. Without them we would be in a deep hurt. As to the Mayor and Council pay, he totally agrees with the Mayor.

Councilmember Lewis congratulated Francie on standing outside Friday watching the soccer games in lousy weather and the kids playing in the rain and wind. The boys came away with a win; the girls played very hard. He questioned how much money we have saved with iPads in paper, toner, and staff time. Councilmember Lewis acknowledged letters from the Senior Center with a \$100,000 request and a line item on the budget, and Recreate Rec wants to rescind the resolution to sell HERC land and keep the old intermediate school open. The Homer Foundation's letter stated who they give money to. The Pratt Museum and Haven House are on a budget and we will eventually see Kevin Bell Arena coming up. There are a lot of people that need or want money. There is a possible surplus this year, but nothing is guaranteed. A mother approached him this morning and her four year-old son asked why people on bicycles ride in the road when they cannot ride four-wheelers on the trails.

Councilmember Zak thanked all the folks that came out, especially the EMTs taking the oath. He wonders what they get for volunteer hours and providing safety to the community. He thanked Green Dot and all they've done to tabulate the results. He hated to see the Lease Committee go. He liked the checks and balances it gave us. The public could interpret unfair advantage to someone. It was a good meeting overall. There are many newsletters from the community with a lot of clubs that give more back to non-profits. Council should be thankful all these organizations exist. When Senior Citizens come make a request he will need to declare he is on the Board of Directors. With the service they provide to the community we may be able to make the line item.

Councilmember Howard congratulated KBBI and Homer News; Mr. Armstrong could hardly stand up carrying so many awards. She congratulated the firefighters providing health and safety to the community.

Councilmember Roberts had no comment.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:15 p.m. The next Regular Meeting is Monday, May 12, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.