

## **ACTION AGENDA**

Monday, September 22, 2014  
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 4:00 p.m.

Councilmember Zak has requested telephonic participation.

**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. FINAL REPORT FROM VESSEL HAUL-OUT TASK FORCE**

**4. COMMENTS OF THE AUDIENCE**

There were three who commented.

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

Mayor Wythe 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 5:01 p.m.

Councilmember Zak has requested telephonic participation.

**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. Resolution 14-093** , A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. (Postponed from September 8, 2014.)

Memorandums 14-134 and 14-144 from Community and Economic Development Coordinator as backup.

**4. CONSENT AGENDA**

**5. REGULAR MEETING AGENDA**

**6. COMMENTS OF THE AUDIENCE**

There were three who commented.

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

Mayor Wythe adjourned the meeting at 5:35 p.m.

**REGULAR MEETING**

Session 14-23 a Regular Meeting of the Homer City Council was called to order on September 22, 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.

<b>PRESENT:</b>	COUNCILMEMBERS:	BURGESS, HOWARD, LEWIS, ROBERTS, VAN DYKE, ZAK (telephonic)
	STAFF:	CITY MANAGER WREDE CITY CLERK JOHNSON CITY PLANNER ABBODD COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KOESTER FINANCE DIRECTOR LI IT MANAGER POOLOS PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Zak has requested 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 following changes were made:

**CONSENT AGENDA - Resolution 14-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Safe Routes to Schools Planning Grant in the Amount of \$15,000 and Expressing Commitment to Provide In-Kind Staff Time as a Contribution. City Manager. Written public comments. **PUBLIC HEARINGS - Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. Memorandum 14-147 from City Planner as backup. **PENDING BUSINESS - Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windsock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop’s Beach Park. City Clerk/Public Arts Committee. Memorandum 14-148 from Parks and Recreation Advisory Commission as backup. Written public comments.

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

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

There were 24 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 Regular meeting minutes of September 8, 2014 and Special meeting minutes of September 15, 2014. City Clerk. Recommend adoption.

- B. **Memorandum 14-138**, from Deputy City Clerk Re: Liquor License Transfer of Stock Ownership for Oaken Keg.
- C. **Ordinance 14-46**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 8.12.200(d) “Chauffeur’s License – Required”, to Remove the Enumerated Chauffer Application Fee and Instead Identify Chauffer License Fees in the City of Homer Fee Schedule Determined by City Council Resolution. City Manager/City Clerk. Recommended dates: Introduction September 22, Public Hearing and Second Reading October 13, 2014.

Memorandum 14-145 from City Clerk as backup.

- D. **Ordinance 14-47**, An Ordinance of the Homer City Council Amending the FY 2014 Operating Budget by Appropriating \$105,000 from the General Fund / Fund Balance for Barge Mooring Facility Phase 2 – Uplands Improvements. City Manager/Port and Harbor Director. Recommended dates: Introduction September 22, Public Hearing and Second Reading October 13, 2014.

Memorandum 14-146 from Vessel Haul-Out Task Force as backup.

Moved to Ordinances.

- E. **Resolution 14-097**, A Resolution of the City Council of Homer, Alaska, Calling for an Amendment to the Constitution of the United States to Abolish Corporate Personhood. Lewis/Burgess. Recommend adoption.
- F. **Resolution 14-098**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Grant Request in the Amount of \$1.65 Million for its New Facility. Roberts. Recommend adoption.
- G. **Resolution 14-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Safe Routes to Schools Planning Grant in the Amount of \$15,000 and Expressing Commitment to Provide In-Kind Staff Time as a Contribution. City Manager. Recommend adoption.

Memorandum 14-141 from Deputy City Planner as backup.

Memorandum 14-142 from Parks and Recreation Advisory Commission as backup.

- H. **Resolution 14-100**, A Resolution of the City Council of Homer, Alaska, Declaring and Stating for the Record That It Finds it to be in the Public Interest for the City to Own the Proposed New Public Safety Building and It is Not Interested in Leasing the Building From a Third Party. Mayor/Council. Recommend adoption.
- I. **Resolution 14-101**, A Resolution of the City Council of Homer, Alaska, Approving a New Five Year Sublease at the Homer Airport Terminal for Hertz/Pioneer Car Rental, Inc., Approving a New Owner, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 14-143 from City Manager as backup.

Ordinance 14-47 was moved to Ordinances A. (Howard)

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

Mayor Wythe called for a recess at 7:03 p.m. and reconvened the meeting at 7:10 p.m.

## 6. VISITORS

- A. Vessel Haul-Out Task Force, Final Report, 10 minutes.

Port and Harbor Director Bryan Hawkins provided a Power Point presentation of the final report of the Vessel Haul-Out Task Force.

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

- A. **Mayor's Proclamation** - September 28<sup>th</sup> - October 4<sup>th</sup> as Childhood Cancer Awareness Week
- B. Borough Report
- C. Commissions/Board Reports:
  - 1. Library Advisory Board
  - 2. Homer Advisory Planning Commission
    - a. Minutes of September 3, 2014

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported the commission unanimously supports the loon sculpture and the placement at Bishop's Beach. The commission chose Karen Hornaday Park as the highest priority CIP project. Other projects selected were the HERC, Bayview Park, and changing Rogers Loop Trailhead from a non-profit to a City project. The HERC building is of great concern to the commission. The commission supports the building and the gym being well maintained as a recreation facility. They are requesting \$20,000 to hire a hydrologist to do some research on Woodard Creek and the whole watershed. This is in conjunction of seeking support and funds for restoration to Woodard Creek through the Rivers, Trails, and Conservation Assistance Program. The commission has requested funds for various connector trails to provide for a walkable, non-motorized community. The goal is to keep pedestrians off streets without sidewalks and away from heavy traffic. The commission supports the safe routes to schools and the recent trail clearing projects. At Karen Hornaday Park the Land and Water Conservation Grant is being completed at the campground. Saturday, October 11<sup>th</sup> at 10:30 a.m. the commission and interested community members will be working in the park on clean-up and small maintenance concerns. The committee has been working with Agnew:Beck on the Parks, Art, Recreation and Culture (PARC) Needs Assessment. The website survey and project roll out will begin the second week in October. A community meeting on the results will be November 13<sup>th</sup> at Islands and Ocean. The commission recognizes the Old Town community and improvements there. The commission requested a representative from the Homer Police Department attend their next meeting to address the inappropriate activities in the Bishop's Beach parking lot and along the beach that is affecting private properties.

5. Port and Harbor Advisory Commission

**8. PUBLIC HEARING(S)**

- A. **Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. (Introduction August 25, 2014, Referred to Planning Commission, Public Hearing September 22, 2014.

Memorandums 14-123 and 14-147 from City Attorney as backup.

There was no public testimony.

ADOPTED without discussion.

## **9. ORDINANCE(S)**

- A. **Ordinance 14-47**, An Ordinance of the Homer City Council Amending the FY 2014 Operating Budget by Appropriating \$105,000 from the General Fund / Fund Balance for Barge Mooring Facility Phase 2 – Uplands Improvements. City Manager/Port and Harbor Director. Recommended dates: Introduction September 22, Public Hearing and Second Reading October 13, 2014.

Memorandum 14-146 from Vessel Haul-Out Task Force as backup.

AMENDED: Funds to come from the Port and Harbor Reserve Fund instead of the General Fund.

ADOPTED as AMENDED with discussion.

## **10. CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Wrede commented on the good discussion about the HERC building during the Committee of the Whole.

Last week he met with Fish and Wildlife to talk about habitat damage along Bishop's Beach. Folks are driving on berms and doing things they should not be. The Parks and Recreation Advisory Commission will be approached by Fish and Wildlife for amendments to the Beach Policies regarding driving on beaches. The area of concern at Bishop's Beach is traveling left from the entrance point. People don't traditionally go left to gather coal. Mr. Griswold pointed out the Beach Policies do not prohibit driving left on Bishop's Beach, only that it is discouraged.

The East End Road Bike Trail is of real concern with the number of dangerous bumps on it. One person was hurt pretty badly. It is a State trail and the engineers have expressed an interest in making repairs to it while they are here working on East End Road. He will contact DOT to see if they can find the money to fix the bike trail. A resolution will be forthcoming at the October 13<sup>th</sup> meeting.

City Manager Wrede met with the Woodard Creek Coalition. The culvert where Woodard Creek travels under Pioneer Avenue is problematic since the water does not flow. Some of the

water is lost and is going on adjacent lots and damaging buildings. Project money they have can do some limited drainage work. The coalition would like to see a bridge instead of a culvert on Pioneer Avenue. It would fit in the efforts to daylight Woodard Creek. The Pratt is working on that now. A resolution will be presented at the next meeting for DOT to consider a bridge.

Councilmember Howard commented the public records act applies to existing records. It is very different from asking that a new record be created. She suggested checking with the City Attorney to see how we develop a procedure if we don't already have one in place.

Councilmember Van Dyke asked how the traffic speed bump project for Old Town was progressing. City Manager Wrede did not have an answer, but will provide a timetable for the next meeting packet.

Jeff Paxton will meet with Administration and then the Employee Committee. We are on track to have a recommendation to the Council timely as part of the budget process.

Councilmember Burgess commented on the issues surrounding the HERC building. We have explored costs to operate, renovate, and maintain the existing building and costs to tear down the building. We are one of only a few communities without a dedicated recreation space. There is an intense fervor to associate the recreation need with the HERC building. The goal of the PARC Needs Assessment is to find a viable solution. He asked people to be open minded to the results of the study. No one wants to tear down the HERC building and no one wants to sell the HERC property. It is prime real estate in Homer. If we want to improve the lot we may want to seek lending or funding. The deed restriction on the lot says it cannot be sold or repossessed. We are limiting our options to leverage a capital improvement to the lot. We need the freedom to say this is the best spot for a recreation or a public safety facility. He asked people to look to the long term of how we are going to solve our recreation and public safety needs.

Mayor Wythe commented the concept of removing deed limitations was not about selling the property, but making it the most useful building. The HERC is a facility on the lot that in many ways has exceeded its useful life. Councilmember Lewis worked in the HERC building and recollected that the people who worked there thought it was a lousy building other than the gym. The gym is the one important piece in the building.

B. Bid Report

## **11. CITY ATTORNEY REPORT**

## **12. COMMITTEE REPORT**



A. Public Arts Committee

Public Arts Committee Chair Michele Miller reported the committee unanimously approved the loon sculpture. The vandalism and graffiti issues were discussed. The committee would be proud to have a Rachelle Dowdy sculpture in the City's collection.

B. Permanent Fund Committee

C. Employee Committee Report

D. Port and Harbor Building Task Force

E. Public Safety Building Review Committee

Mayor Wythe announced the next meeting: Wednesday, September 24<sup>th</sup> at 5:30 p.m. in the Conference Room. She urged people to stay involved in the process if they are interested. If you are not involved it leaves room for misunderstanding. At the recent Open House there were about twenty people who attended.

F. Vessel Haul-Out Task Force

Councilmember Howard thanked the Council for their support.

**13. PENDING BUSINESS**

- A. **Ordinance 14-19**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. (Introduction May 12, 2014, Referred to the Planning Department. Recommend Public Hearing October 13, 2014.)

Memorandum 14-139 from City Planner as backup.

POSTPONED to October 13 for a PUBLIC HEARING.

- B. **Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windsock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. (Referred to the Public Arts Committee June 23, 2014.)

Memorandums 14-103 and 14-140 from Public Arts Committee as backup.

Memorandums 14-107 & 148 from Parks and Recreation Advisory Commission as backup.

ADOPTED with discussion.

- C. **Resolution 14-093**, A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. (Postponed from September 8, 2014.)

Memorandums 14-134 and 14-144 from Community and Economic Development Coordinator as backup.

AMENDED: Added projects submitted by other organizations:

- Homer Hockey Association – Kevin Bell Ice Arena Building/Land Acquisition
- Homer Council on the Arts – Reconfiguration and Facility Upgrade
- Haven House – Safety/Security Improvements

AMENDED: Added projects to the City of Homer Capital Improvement Plan

- Replacement Ambulance
- Seafarers Memorial Parking Expansion
- Storm Water Master Plan
- Bayview Park Restoration
- Homer Spit Trailhead Restroom
- Backup Generator for Homer Public Library
- Rogers Loop Trailhead Land Acquisition (moved from Kachemak Nordic Ski Club to City of Homer project)

Mayor Wythe called for a recess at 8:01 p.m. and reconvened the meeting at 8:05 p.m.

POSTPONED to October 13, 2014 to allow public comment.

#### **14. NEW BUSINESS**

#### **15. RESOLUTIONS**

#### **16. COMMENTS OF THE AUDIENCE**

There were three who commented.

#### **17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner was not present.

#### **18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson announced absentee voting is underway for the City's election.

#### **19. COMMENTS OF THE CITY MANAGER**

City Manager Wrede commented that it was a good meeting.

#### **20. COMMENTS OF THE MAYOR**

Mayor Wythe reiterated the discussion regarding the HERC is the HERC, but community recreation is not lost on this council. The Council allocated funds for a PARC needs assessment to find the scope of the need so that some type of planning may take place. She encouraged participation in the Public Safety building meetings.

#### **21. COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts commented on the face from the Citizens Academy that offered valuable input. She appreciates that program and encouraged people to sign up next year. She is interested in bringing a resolution forward at the next meeting to repair the speed bumps for the East End Road bike path.

Councilmember Van Dyke thanked everyone that came to express their opinion. There is a considerable amount of passion in regard to certain things. Tonight we have gone over so much with public safety and public needs for recreation. As a grandfather of hockey players, he too is passionate for recreation needs.

Councilmember Burgess commented the Mayor's comments on the HERC and the broader concern of community recreation are well received. The Public Safety building, the HERC gym, and the idea of a community parks and recreation department or program are separate issues. As a policy maker there is an element of frustration. He sees certain people using the idea of keeping the HERC building open as a point of leverage to de-facto fund parks and recreation programs without getting the buy in of the larger community. The Council asked what the consensus looks like and started with the PARC needs assessment. What is the consensus of the community? We are charged with spending taxpayers' money. It's not fair to say we can spend \$250,000 per year heating and maintaining the HERC building and not adequately house the police and fire departments. A certain amount of rhetoric around a certain structure to drive the discussion does not give us a long-term facility. No one likes the idea of closing the HERC or the idea of an expensive Public Safety building, but we would like to have our citizens adequately protected.

Councilmembers Lewis, Howard, and Zak had no comment.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:35 p.m. The next Regular Meeting is Monday, October 13, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Special Meetings are scheduled for Monday, September 29, 2014 at 6:00 p.m., October 20, 2014 at 6:00 p.m., and Saturday, October 25, 2014 9:00 a.m. – 4:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.