

## **ACTION AGENDA**

Monday, February 9, 2015  
Worksession  
Committee of the Whole  
Regular Meeting

## **WORKSESSION AGENDA**

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

Mayor Pro Tempore Roberts called the meeting to order at 4:00 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. NATURAL GAS LINE FREE MAIN ALLOWANCE**

Memorandum 15-016 from Deputy City Planner as backup.

### **4. COMMENTS OF THE AUDIENCE**

There was one who commented.

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

Mayor Pro Tempore Roberts adjourned the meeting at 4:38 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. CONSENT AGENDA**

### **4. REGULAR MEETING AGENDA**

**5. COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

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

Mayor Wythe adjourned the meeting at 5:11 p.m.

**REGULAR MEETING AGENDA**

Session 15-06 a Regular Meeting of the Homer City Council was called to order on February 9, 2015 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, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK

STAFF: CITY CLERK/ACTING CITY MANAGER JOHNSON  
CITY ATTORNEY KLINKNER  
IT MANAGER POOLOS  
LIBRARY DIRECTOR DIXON  
PERSONNEL DIRECTOR BROWNING  
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: **CITY MANAGER’S REPORT** - Strategic Doing (attachment #1) **CITY ATTORNEY REPORT** - City Attorney Report of January 2015.

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

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

There were no public comments.

**4. RECONSIDERATION**

- A. **Ordinance 15-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040(M) Regarding Compensation for the Mayor and Council. City Council. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015. Reconsideration issued by Councilmember Van Dyke on January 26, 2015.

RECONSIDERED. See Pending Business.

## 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 meeting minutes of January 5, 2015 and Regular meeting minutes of January 26, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-017**, from Mayor, Re: Reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council, Reappointment of James Hornaday as the Alternate Board Member for the Cook Inlet Regional Citizens Advisory Council, and Appointment of Robert Archibald to the Prince William Sound Regional Citizens' Advisory Council.
- C. **Memorandum 15-018**, from Deputy City Clerk, Re: Liquor License Transfer for Land's End and New Liquor License for Cannery Bay Restaurant.
- D. **Ordinance 15-03**, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the City's Interest in Lot 6-A-1, Nils O. Svedlund Subdivision 2013 Replat for \$1,655.50 to Dragonfly, LLC, and Establishing the Terms of the Sale. City Manager. Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.
- E. **Ordinance 15-04**, An Ordinance of the Homer City Council Accepting and Appropriating a Grant from the Alaska Highway Safety Office in the Amount of \$40,768.01 for the Homer Police Department Project Drive and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.

Memorandum 15-019 from Police Chief as backup.

- F. **Resolution 15-011**, A Resolution of the City Council of Homer, Alaska, Acknowledging the January 2015 Surplus Equipment Bid Results. City Clerk. Recommend adoption.

APPROVED without discussion.

## **6. VISITORS**

### A. John Bushell, Summer Solstice Music Festival

John Bushell (Johnny B) and Jim Stearns (Salmon Stock organizer) presented the idea of a Sol Fest in Homer. The first event will be held June 19 – 21, 2015 in the Town Center area and will include great music, amazing art, and wonderful people.

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

### A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week – February 7 – 14, 2015

Mayor Wythe read and presented the proclamation to Melanie Miller, mother of Chloe who was born with a congenital heart defect.

### B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2015

Mayor Wythe acknowledged Brother Asaiah Bates Day. The proclamation will be mailed to Martha Ellen Anderson.

### C. Borough Report

### D. Commissions/Board Reports:

#### 1. Library Advisory Board

Library Board Member Patricia Utley reported a mom in Maine sent \$50 to the Library as her son uses the public phone at the library to call home. There are three new board members and all of them have research and grant writing experience. The Board is setting goals and supporting growth of the library and needs of the staff to provide better service. Before the Board is an amendment to HCC 2.48.040 to allow members from outside city limits to serve on the Board. Library use is growing steadily, both in the winter and summer months. In January there were 1,000 more patrons than in January 2014. Ms. Utley commended the library staff in doing a great job of keeping up with the needs. The Library is a four-star library.

#### 2. Homer Advisory Planning Commission

##### a. Minutes of January 21, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

a. Memorandum 15-022 from Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Robert Archibald provided an update on the commission's efforts on Bishops Beach. They have looked at organization, heard public comment, and are delving into legal issues. They are getting an understanding of the boundaries on the beach to include property lines pre-earthquake 1964. There was a good turnout at the last meeting and he encouraged more public participation. Law enforcement will be at the March meeting. There are a lot of opinions and a lot of problems with dog owners, 4-wheelers, and dog feces.

Memorandum 15-022 would transfer exercise equipment from the City to the Kenai Peninsula Borough School District. The equipment was removed from the red shed at Karen Hornaday Park and is meant to set up along the trail at West Homer Elementary. Attorney Klinkner will review the transfer of the equipment and determine if a more formal process is needed.

5. Port and Harbor Advisory Commission

## **8. PUBLIC HEARING(S)**

A. **Ordinance 15-02**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion. City Manager. Introduction January 26, 2015, Public Hearing and Second Reading February 9, 2015.

There was no public comment.

ADOPTED without discussion.

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

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

A. City Manager's Report

Councilmember Burgess commented on the Waddell Way re-appropriation. The project made it on the CIP and there was public support. He suggested exploring the possibility of using HART funds to follow through on the commitment to the public.

Mike Illg, PARC Needs Assessment Member, outlined their mission statement. PARC is prioritizing the community's needs and determining a 10 to 15 year outlook.

Results from the community survey are available online on the City's Parks and Recreation webpage under the park logo. PARC is still meeting and is working on the next step of the needs assessment survey. He encouraged people to participate in the survey if they get a phone call asking them to do so.

Kate Crowley, PARC Needs Assessment Member, reported the group has been discussing funding for recreational needs. The assessment will end in April. They have discussed reallocating HART funds and have asked the Council to look at it. Another funding source is establishing a recreational service area. There will be an open forum on February 26 at 3:30 p.m. at the college, Room 201. Representatives from the Borough will be present to answer questions about a service area. Discussion will include boundaries, potential mil rates, and anticipated revenue. She encouraged the public to participate.

- B. Games Report
  - 1. Alaska Hotel and Lodging Association

## **11. CITY ATTORNEY REPORT**

Attorney Klinkner commented on his involvement with the Social Media Committee who is working towards a policy for a Facebook presence.

## **12. COMMITTEE REPORT**

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Port and Harbor Building Task Force
- E. Public Safety Building Review Committee

Ken Castner reported Police Chief Robl presented a PowerPoint to the Rotary last week. The group provided immediate feedback, most of it very positive. The next meeting is February 17 at 5:00 p.m.

- F. Vessel Haul-Out Task Force
- G. City Manager Selection Committee

Councilmember Roberts reported the committee will meet on February 11 at 5:15 p.m. to proceed with the hiring process. She hopes after tonight the Council will have narrowed candidates to face-to-face interviews.

### **13. PENDING BUSINESS**

- A. **If reconsidered - Ordinance 15-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040(M) Regarding Compensation for the Mayor and Council. City Council. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015.

AMENDED: to make the change effective March 1, 2015.

ADOPTED as AMENDED with discussion.

### **14. NEW BUSINESS**

- A. **Memorandum 15-020**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2) Subjects That Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion (View Written Public Comments Pertaining to the City Manager Applicants and Discuss the Personal Character of the Applicants); and AS 44.62.310 (A-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 (Haunschild/Duggan vs. City of Homer).

APPROVED with discussion.

The Council adjourned to Executive Session at 7:08 p.m. and reconvened the Regular Meeting at 8:07 p.m.

Mayor Pro Tempore Roberts stated the Council received an update from the attorney on the legal matter and provided guidance to him. The Council reviewed confidential comments of the public and council comments regarding the character of the applicants.

- B. **Memorandum 15-021**, from City Clerk, Re: Selection of City Manager Applicants for Face-to-Face Interviews and Determine Interview Dates.

Douglas Isaacson was removed from the pool.

Jeffrey Trinker, Chris Johnson, and Carey Meyer were invited for face-to-face interviews. The interview dates were scheduled for dates between February 23 and March 3 depending on applicant availability.

### **15. RESOLUTIONS**

**16. COMMENTS OF THE AUDIENCE**

There were five who commented.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comments.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comments.

**19. COMMENTS OF THE CITY MANAGER**

Acting City Manager Johnson had no comments.

**20. COMMENTS OF THE MAYOR**

Mayor Wythe understands the Homer News' position of making comments about applicants in a public forum. Through the interview process you develop comments that need to be discussed when you have seven people working together. If you were personally deciding on an applicant you would not have to bring comments to the light of day since you are the only person making the decision. Mayor Wythe disagrees there are not comments that should not be made in public. There are things that often need to be said, but for the safety or security of the applicant, they need to be said in confidence. Whether it is a local or distance applicant any comment made in public regarding their character or characteristics that you picked up through their interview process can be impugning to their ability for future employment. There are innumerable public laws and regulations regarding impugning the character of an applicant for which an entity can be sued if they do not take appropriate precautions. The Council is trying to safeguard the community and the applicants and do a process that is really considerate of them, but meets the need of thoroughly vetting every interview you do. It was also an opportunity for the Council to share with each other their personal opinions of the individuals that were character driven based on the candidates. The Council spoke about the scoring and reasons for removing applicants from the pool. We are trying to meet the balance where we are providing enough open comments for the public to participate in the process, but being able to take public comment in a confidential format. If you have employees or managers that have to work with the person they need the ability to have input as well without concern of it being reflected in their future employment record. We are trying to respect all of the participants in the hiring process. We are looking at using a portion of the current appropriation for Waddell Way to do the initial through-way for that road. We are looking at re-appropriating a portion to keep the public safety building process moving forward. The Juneau conversation will be handled carefully and be very guarded because we don't want to lose the funds. We want to let them know they have appropriated these funds and we can do this portion and do a larger portion on our own. The public safety building is equally as important to us and we need the funding immediately to keep the project moving forward. We are looking for a way to meet both needs and not undermine the intent of the



original allocation, but to continue meeting the full needs of the City. On the Capital Improvement Plan, the public safety building is a higher priority than the road was, although they are both in our top five. In the interest of saving funds we are trying to say this is a bigger interest for us without losing the funds.

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

Councilmember Lewis hopes if Waddell Way is paved that we don't end up with the post office parking lot being a short cut jumping across from one area to the other. He thanked the Homer High School Coop Hockey Team for providing an exciting regions game streamed on the internet from Wasilla. He congratulated the women Divas that went to Wisconsin to participate in a hockey tournament and are bringing back the trophy.

Councilmember Burgess gave a shout out to Bob at Homer Saw and Cycle. Six to eight weeks ago Bob said, "You know what is wrong with you darn city council folks, you haven't ordered up winter yet." Councilmember Burgess said this last weekend was for Bob. We would have gotten the snow, but there are tight constraints at the state budget level so we just got the cold this year...maybe next year. As to the Homer News, he appreciates their appeals along the legal lines for justification of Executive Session. With regard to hiring practices he agrees with the Mayor that there is a lot more legal downside maligning someone's character and opening up the City to a lawsuit than there is to having every aspect of an applicant's qualitative consideration be part of the public record. If you did a background check, health record, or legal history on an applicant and that came out and you impugned them that could be hard. City staff are public citizens and deserve the ability to comment, but many of them, if offering any commentary about one of the applicants, could affect their ability to work. He would err on the side of as open public process as possible, but in this case there are aspects that make good sense to discuss in Executive Session. It is great to have the legal appeals and factual appeals for eliminating Executive Session as much as possible. But the moral appeals he struggles with. He doesn't fall into the delusion that newspapers are primarily about informing the public; they are primarily about selling papers. If the Homer News made that distinction more clear the moral appeals made would be easier to deal with. He realizes he is making the cardinal sin of a politician saying bad things about a newspaper.

Councilmember Reynolds serving on the Council only since October, is surprised how people think it's a them and us situation. She's not much different than she was in September or November. She is a member of the public and the community and here doing her best to reflect everyone else's concerns. Sometimes the procedure makes it feel that way. She asked people to reach out to her by email. She encouraged everyone to participate in the Winter Carnival. They just had the 4<sup>th</sup> annual Big Fat Bike Festival. There were 98 registered participants, 15 from Homer. There was one from Wisconsin, two from Seattle, and the rest from all over the place. They spent the whole weekend and battled some really tough conditions on the beach. Typically a beach ride is guaranteed conditions, but it was pretty burly. Everyone had a good time. Friday is International Bike to Work Day.

Councilmember Van Dyke thanked the public who stayed for the whole meeting and for enduring the process we are going through. He offered kudos to the folks trying to organize

the Sol Fest. An endeavor like that could become another cog in the wheel of Homer's economic diversity. To the parks and recreation people, he is pleased Bishops Beach is coming along well and going in the right direction. He asked the public to get involved to help clean up an area that used to be a fantastic family area. The Needs Assessment is on track and he hopes we get the right information to make good choices. His prayers are with those that have congenital heart disease.

Councilmember Zak commented on congenital heart disease and baby Chloe who attended the council meeting last year. The mother was holding Chloe and she was looking at us with those beautiful blue eyes. He thanked Gus for that prayer and sent condolences to anyone with congenital heart disease. He thanked the public for input on Executive Sessions. We have learned from the public and tried to listen in the interest of transparency. We could have had a much smoother process and better disclosure and conversation. Councilmember Zak expressed concern that we put Waddell Way out there and doesn't want to see the State of Alaska take those funds away. If the re-appropriation was offered up and a percentage of it taken away he is not in favor of having it offered up. It could go away since these are tough times. February 7 - 14 is Congenital Heart Defect Awareness Week. He believes President Roosevelt lost a baby at an early age due to heart defect. The good news is the surgeons today and quality of health care are so much better. He thanked the Mayor for recognizing Brother Asaiah Bates Day as February 14.

Councilmember Roberts agrees with a lot of what Beth and Beau said about the hiring process. There was information in the packet about Recreate Rec using the HART fund to pay for the new recreation monies we need to earn. The argument was we had \$6M in the HART fund. During the earlier meeting she asked Carey Meyer about how much \$6M would build in a road. He answered 2 miles was the amount of road that could be built. We are not flush in our road fund. She congratulated Carla Stanley and James Hornaday on their appointments to the Cook Inlet Regional Citizens Advisory Council and Robert Archibald on his appointment to the Prince William Sound Regional Citizens' Advisory Council. She thanked them for their volunteer time for the City of Homer. All of us have been reading about the State budget and what Governor Walker's proposing. She encouraged the City Manager to stay on top of what is going on. It is very fluid and things change all the time. She read that the jail contracts are going to be eliminated, which is an important part of our public safety budget. We need to pay very careful attention and keep our lobbyists working on these issues and staying out in front of them. The Parks and Recreation people reported they are working on the Bishops Beach issue. Meetings are scheduled in the future and public testimony is needed. It is a good time to get involved if this is an issue you care a lot about.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:04 p.m. The next Regular Meeting is Monday, February 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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.