

ACTION AGENDA

Monday, March 9, 2015

Worksession

Committee of the Whole

Special Meeting

Regular Meeting

WORKSESSION AGENDA

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

Mayor Wythe 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. STRATEGIC DOING

Memorandum 15-031 from City Manager as backup.
Memorandums 15-032 and 15-033 from Public Works Director as backup.
Memorandum 15-034 from Library Director as backup.

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 4:58 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.

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 was one who commented.

- 6. ADJOURNMENT NO LATER THAN 5:20 P.M.**

Mayor Wythe adjourned the meeting at 5:18 p.m.

SPECIAL MEETING AGENDA

Session 15-09 a Special Meeting of the Homer City Council was called to order on March 9, 2015 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, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK
	STAFF:	ACTING CITY MANAGER/CITY CLERK JOHNSON COMMUNITY & ECONOMIC DEVELOPMENT COORDINATOR KOESTER LIBRARY DIRECTOR DIXON PERSONNEL DIRECTOR BROWNING

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

The amended agenda was approved by consensus of the Council.

- 3. CITY MANAGER RECRUITMENT**

Recruitment for City Manager was approved for in-house applicants only. Resumes are due by Monday, March 16 at 5:00 p.m. Council scheduled a Special Meeting for Tuesday, March 17 at

5:00 p.m. to review candidates' resumes. A Special Meeting for interviews was scheduled for Tuesday, March 24th at 5:00 p.m.

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Wythe adjourned the meeting at 5:40 p.m.

REGULAR MEETING AGENDA

Session 15-10 a Regular Meeting of the Homer City Council was called to order on March 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:	ACTING CITY MANAGER/CITY CLERK JOHNSON CITY ATTORNEY WELLS COMMUNITY & ECONOMIC DEVELOPMENT COORDINATOR KOESTER DEPUTY CITY PLANNER ENGBRETSSEN FIRE CHIEF PAINTER LIBRARY DIRECTOR DIXON

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 ATTORNEY REPORT - City Attorney Report of February 2015; **RESOLUTIONS - Resolution 15-012**, A Resolution of the City Council of Homer, Alaska, Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting One Property and Correcting Errors in The Assessment Roll. City Clerk. Memorandum 15-036 from Deputy City Planner; Amended Attachment A; and Written public comments.

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. 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 February 23, 2015. City Clerk. Recommend adoption.
- B. **Ordinance 15-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating \$179,892.97 From the Harbor Reserve Fund to Satisfy the City's Matching Grant Requirement Associated With the Completion of the Deep Water Dock Expansion Feasibility Study. City Manager/Port and Harbor Director. Recommended dates: Introduction March 9, 2015, Public Hearing and Second Reading March 23, 2015.
- C. **Resolution 15-013**, A Resolution of the Homer City Council Awarding the Contract for the Preparation of the Deep Water Dock Expansion Feasibility Study to the Firm of R&M Consultants, Inc. of Anchorage, Alaska, in the Amount of \$1,060,092 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.
- D. **Resolution 15-014**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Homer Small Boat Harbor Launch Ramp Renovation to the

Firm of Harris Sand & Gravel of Valdez, Alaska, in the Amount of \$3,412,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-029 from Public Works Director as backup.

Moved to Resolutions.

Item D, Resolution 15-014 was moved to Resolutions, Item C. Burgess.

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

6. VISITORS

A. Senator Gary Stevens, Legislative Update, followed by 20 minute reception.

Senator Stevens provided an overview of the Legislature's business and challenges for this session.

B. Derotha Ferraro, South Peninsula Hospital, Emergency Response Exercise Update, 10 minutes.

Derotha Ferraro, Director of Public Relations for South Peninsula Hospital, and Bob Painter, Fire Chief, provided an overview of the upcoming emergency response exercise.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

Patricia Utley, Library Advisory Board Member, read an email in support of the OWL (Online With Libraries) Program.

2. Homer Advisory Planning Commission

a. Minutes of February 18, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, reported on the commission's work.

5. Port and Harbor Advisory Commission

C. Correspondence with Russian Sister City Yelosivo

8. PUBLIC HEARING(S)

A. Homer Natural Gas Special Assessment District

There were twelve who testified.

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 15-027 from City Planner, Re: Regulation of Marijuana
2. Memorandum 15-028 from Public Works Director, Re: Fireweed Avenue and Cottonwood Lane Road Conditions

Councilmember Burgess commented on cannabis regulation and different concerns. He advocated that the Council form an advisory commission and will sponsor an ordinance for the next meeting. The commission could be made up of business people, concerned citizens, a planning commissioner, and law enforcement. The body can move forward in making an informed recommendation to the City Council. It is important for the Council to know what kind of businesses and activities they are encouraging or discouraging. An approach to ensure tax dollars stay in the community is needed whether it be a \$2M investor or smaller entrepreneurs. He encouraged the public to watch and contribute to the process. Interested citizens may email Councilmember Burgess if they are interested at beauburgess@ci.homer.ak.us

Attorney Wells advised the Council it is important to be deliberate, timely, and comprehensive when considering marijuana laws. Many different areas come into play. She cautioned them to avoid moving too quickly as there are too many missteps.

The Council discussed the conditions of Fireweed Avenue and Cottonwood Lane. A few residents attended the Worksession expressing concern for the poorly maintained roads. Residents were promised by the City of Homer when annexed several years ago the City would take a certain level of responsibility for maintaining roads. If residents have concerns they should notify Public Works of the road conditions. The Council decided to defer the discussion to March 23rd and notify the affected property owners of the upcoming discussion. Maps and better information on the road conditions will be provided for the next meeting.

The Council asked that the City Manager provide a report on the LNG prospects at the next meeting.

B. Bid Report

11. CITY ATTORNEY REPORT

A. City Attorney Report of February 2015

City Attorney Wells commented the community needs to start addressing the concerns of marijuana.

The briefing has been filed on the appeal to the Ninth Circuit Court of Appeals in Hogan vs. City of Homer. A hearing date will follow in May in Anchorage to present oral argument. That could be the end of the appeal. The Council will receive an update with more information when know what we are looking at.

12. COMMITTEE REPORT

A. Public Arts Committee

B. Permanent Fund Committee

C. Employee Committee Report

D. Port and Harbor Building Task Force

Mayor Wythe visited the new harbormaster building this morning and it looks fabulous. They hope to move in next month with a ribbon cutting ceremony in May.

E. Public Safety Building Review Committee

Mayor Wythe announced the next meeting is April 1st at 5:30 p.m.

F. Vessel Haul-Out Task Force

G. City Manager Selection Committee

The committee will be disbanded at the March 23rd meeting.

13. PENDING BUSINESS

A. **Resolution 15-004**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Legislature Re-Appropriate the \$1,405,000 That the City Received for the Waddell Way Road Improvement to a New Public Safety Building. Mayor. (Postponed from January 26, 2015.)

Resolution 15-004(S), A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Legislature Re-Appropriate \$606,000 of the \$1,405,000 That the City Received for the Waddell Way Road Improvement to a New Public Safety Building. Mayor.

SUBSTITUTE RESOLUTION 15-004(S) ADOPTED with discussion.

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 15-012**, A Resolution of the City Council of Homer, Alaska, Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting One Property and Correcting Errors in The Assessment Roll. City Clerk.

Memorandum 15-036 from City Planner as backup.

AMENDED: to include Amended Attachment A.

ADOPTED with discussion.

- B. **Resolution 15-015**, A Resolution of the City Council of Homer, Alaska, Approving an Amendment to Bob's Trophy Charter Lease on Tract 1-B Fishing Hole Subdivision No. 2, to Permit Transfer of the Lease to Wilson Stick, Inc., Extend the Lease for a Period of 20 Years, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Memorandum 15-030 from Port and Harbor Advisory Commission as backup.

POSTPONED to March 23, 2015 for attorney review.

- C. **Resolution 15-014**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Homer Small Boat Harbor Launch Ramp Renovation to the Firm of Harris Sand & Gravel of Valdez, Alaska, in the Amount of \$3,412,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-029 from Public Works Director as backup.

ADOTPED with discussion.

16. COMMENTS OF THE AUDIENCE

There were four who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced objections to the natural gas assessment roll are to be filed with the City Clerk by March 16th at 5:00 p.m.

19. COMMENTS OF THE CITY MANAGER

Acting City Manager Johnson had no comment.

20. COMMENTS OF THE MAYOR

Mayor Wythe thanked everyone for coming out for the gas line. She realizes it is stressful for the Council and the community. She thanked Senator Stevens for coming to town and spending a couple of days to meet with the community. He shared good news about things going on at the Capitol. She thanked the City Council and knows they are taking a beating on the gas line. She thanked the Council for their support in moving forward with the Public Safety building. Her family moved to Alaska in 1973 at the beginning of the pipeline. We are on the cusp of substantial change with the possibility of the LNG within the next five to seven years. We get one chance in being prepared and one chance in being the port of choice. It is lighting a good fire without a lot of smoke stack industry in our backyard. We need to be prepared and not be afraid. She has been studying a lot of things about austerity in the United States. The biggest attachment to it is economic depression. We do not have a great economy, but do not need to be overly cautious that we stymie it even more than we have.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Van Dyke commented he is a fiscal conservative and hates spending as much money as this city spends on different things. We do need a better police and fire station. The building has gone through a committee that has worked its tail off to find the best solution for the city's needs. Although he was not a part of the committee, he believes they came up with the best thing for the city. He will support it even though he doesn't agree with the amount of money. The building will have a 50-year life span to serve the city's needs.

Councilmember Roberts thanked Senator Stevens for coming to Homer. She thanked everyone that testified on the gas line and reminded people to file their written objection by March 16 at 5:00 p.m. As to the city manager hiring process, the last time the Council convened they deliberated in public about the candidates they were considering. She voted not to deliberate in public. It was extremely difficult to conduct the process in public and talking about people getting a job. One of the council members found it so difficult they didn't speak to it. We live in a small town and saying things may hurt feelings or make enemies. The privacy of candidates concerns her. The Council offered the candidates to have the deliberations done in the public or private. Any candidate was forced to say they wanted public deliberation, otherwise it would appear they had something to hide if they wanted it in private. We didn't gain anything. For all the testimony here there was very little interest. We saw five members of the public, five employees, and two news media persons. Although interviews should occur in public, the Council should be deliberating privately about candidates. She asked that we think about the process as we move forward.

Councilmember Lewis told the community the Homer High School girls took regions and are now going to State. Three young ladies are playing hockey on the U-14 Kenai team. They went to regions in San Jose and won after three overtime periods with two of the Homer girls going

all three goals for the team. They leave for nationals in two weeks in Michigan. There will be fundraising going on. This coming weekend the Squirt Tier 3 hockey tournament is here with games Friday, Saturday, and Sunday out at the rink.

Councilmember Zak commented about daylight saving time. If the Legislature voted to do away with it there would be a five-hour difference between here and the east coast. The difference may be a big deal for business owners. He urged people to email Senator Stevens with their input. He appreciated Senator Stevens taking his time in Homer at the Legislative Information Office and Senior Center and welcomed him back to the Homer district. On the city manager position it is nice to know we are looking internally. When talking about stewardship he thinks about himself, his feelings, and is talking for himself, but greatly appreciates the opportunity to work and serve with the Council. He appreciates all of the Council and is sorry that didn't come out tonight. He is the least person to move in a direction of austerity; he strongly believes in the economy. If we move in that direction it could create a much worse situation. He is an optimist and is sure we will see wonderful things ahead of us. As reported from the Port and Harbor, the Coast Guard is interested in the Deep Water Dock.

Councilmember Reynolds thanked everyone for coming to the meeting including those that listened and those that braved the microphone. It was great to have Senator Stevens here. On daylight savings, one idea is to retain daylight savings time but switch to Pacific time, making it darker in the morning. The western part of the state may remain on Alaska time. On Medicaid expansion, it makes long term sense for individual Alaskans and the state of Alaska.

Councilmember Burgess commented on the priorities of government. When he first got on the Council he didn't like the idea of owning a certain topic another council member liked. The longer he is here he has respect for it now. The Mayor never has been enthusiastic about the natural gas project, but she acknowledges some good benefits to gas. There is nothing more fundamental for the government than public safety. It is not something most will get excited about, but it's at the core of what people expect from us. We are trying to plan for the long term which will save the community money in the long run. The committee has come up with the best viable alternative. Councilmember Roberts' point on deliberations for the city manager process is well taken. There is a cost to transparency. The cost is the ability to invite people into the process and provide a framework to do so. That is why public buildings cost more than private sector buildings. In reading Mr. Trinker's letter of resignation the process was too transparent. He knew he would be working for a council, two of which at some point opposed his appointment. He realized he did not want to work for a council that did not unanimously appoint him. If you have an opinion about cannabis send Councilmember Burgess an email at beauburgess@ci.homer.ak.us. He sent hugs and kisses to everyone, especially Bryan. There was no offense taken. As to natural gas whether you like it or not, the community can be proud of it. We recognize the community need and have been talking on it for 20+ years. The Council recognized the need, took initiative, and put it in every street within the city. A lot of people don't like that and feel the assessments are unjust. There are

very few people in Homer that are not realizing an economic benefit from it. He encouraged people to realize the Council may not have chosen the perfect solution, but they chose something that did a lot for the community and will have long term ramifications.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:17 p.m. The next Regular Meeting is Monday, March 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. A Special Meeting is scheduled for Monday, March 16, 2015 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.