

ACTION AGENDA

Monday, August 10, 2015

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.

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. CANNABIS TIMELINES AND DECISIONS, Attorney Holly Wells Joint Worksession with Cannabis Advisory Commission

4. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Wythe adjourned the meeting at 4:54 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. 6)

The agenda was approved by consensus of the Council.

3. REPORT ON TOWN HALL/PUBLIC INPUT ON BUDGET

Memorandum 15-138 from Assistant City Manager as backup.

- 4. 2016 BUDGET PRIORITIES**
- 5. CONSENT AGENDA**
- 6. REGULAR MEETING AGENDA**
- 7. COMMENTS OF THE AUDIENCE**

There were three who commented.

- 8. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Wythe adjourned the meeting at 5:55 p.m.

REGULAR MEETING AGENDA

Session 15-26 a Regular Meeting of the Homer City Council was called to order on August 10, 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 MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
FINANCE DIRECTOR LI
IT MANAGER POOLOS
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

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 - Memorandum 15-127**, from Mayor, Re: Appointment of Barbara Howard to the Public Safety Building Review Committee. Written comments by Ralph Crane, former PSBRC member. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Thank you from Pratt Museum. **PUBLIC HEARINGS - 2016 Budget Priorities**, Written public comments. **ORDINANCES - Ordinance 15-29**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis/Reynolds. Written public comments. **CITY ATTORNEY REPORT** - City Attorney Report – July 2015. **PENDING BUSINESS - Memorandum 15-118**, from Finance Director and Public Works Director, Re: Water and Sewer Rate Recommendations for 2015. Memorandum 15-139 from Finance Director as backup.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 25 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 July 27, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-127**, from Mayor, Re: Appointment of Barbara Howard to the Public Safety Building Review Committee.
- C. **Ordinance 15-30**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating a 25% Match to the Waddell Road Improvement Legislative Grant in the Amount of \$357,500 From the Homer Accelerated Roads and Trail Program (HART) Fund; Authorizing the Purchase of the Waddell Property in

Support of the Waddell Road Improvement Project; and Authorizing the City Manager To Execute All Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-134 from Public Works Director as backup.

- D. **Resolution 15-068**, A Resolution of the City Council of Homer, Alaska, Adopting the Bylaws for the Cannabis Advisory Commission. City Clerk/Cannabis Advisory Commission.

Memorandum 15-129 from Cannabis Advisory Commission as backup.

Moved to Resolutions.

- E. **Resolution 15-069**, A Resolution of the City Council of Homer, Alaska, Supporting the Alaska Marine Highway System. Mayor.

Moved to Resolutions.

- F. **Resolution 15-073**, A Resolution of the Homer City Council Awarding a Contract in an Amount Not to Exceed \$20,000 to Northern Economics to Prepare a Graduated Rate Structure, and Also Linear Rate Structure for Comparison, Amending the Port of Homer Terminal Tariff Moorage Rates to Incorporate a 32% Rate Increase Over Ten Years to Fund the Port and Harbor Reserves as Recommended in the Northern Economics November 2013 Rate Study; and Authorizing the City Manager to Execute the Appropriate Documents. Lewis/Port and Harbor Advisory Commission.

Memorandum 15-137 from Port and Harbor Director as backup.

Items D and E, Resolutions 15-068 and 15-069 were moved to Resolutions, Items D and E. Burgess.

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

6. VISITORS

- A. Kachemak Bay Water Trail – Dave Brann, 10 minutes.

Dave Brann and Robert Archibald, Co-Chairs of the Kachemak Bay Water Trail provided an overview of the project.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

Library Advisory Board Member Terry Smith reported the July statistics at the Library. There were 13,647 items checked out, 1,000 more than last year. Friends of the Library hired Mercedes Harness. The western lot had a clean-up party, adding more wood chips for the trails. The trails are getting more appropriate use. The summer reading program has finished with 384 children, adults, and teens registered, reading a total of 3,513 hours.

2. Homer Advisory Planning Commission

a. Minutes of July 15, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Matt Steffy congratulated the water trail committee. The water trail is recognized across the United States. He acknowledged the ground development at the library, consisting of volunteers and their time. The Alaska Recreation and Park Association will hold their annual conference in Homer October 7 – 10 at Land's End. He encouraged members of the community to join in the networking opportunity. A social is scheduled for Wednesday, October 7th. More information will follow. The Parks and Recreation Advisory Commission has agreed to purchase a membership at the Homer Chamber of Commerce.

Commissioner Steffy is happy to see so many people speak on the beach policy. It was a laborious process for the commission. Twenty to thirty people attended each meeting; it was a certain audience present who was vocal, with the voice shifting at the end. The commission focused a lot of energy in collecting emotional testimony. The result was a 600 page packet for the City Council.

On Bishop's Beach if you turn right or left you are on private property. There is only room for ten cars to park on the triangle of city-owned property. People are using the gates as an access point to do illegal things. For decades private property owners have not been enforcing their backyards. Now it has reached the point of being an issue and it is not fair to task the City's police department to respond. The police have priorities that may involve

domestic situations. There are either active or passive regulations to control and the City is not looking at ways to spend more money for something that can be done more economically. The Parks and Recreation Advisory Commission recommends the Council vote yes on Ordinance 15-29 to move it forward.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Howard commented the Council approved Resolution 15-073 on the consent agenda. He looks forward to the Council's support on Resolution 15-072 and to hold a public hearing.

6. Cannabis Advisory Commission

Cannabis Advisory Commissioner and Police Chief Mark Robl reported the commission spent the last meeting discussing proposed State regulations regarding cannabis. The discussion was guided by Attorney Wells. The commission discussed and approved regulations to be sent to the State.

C. Thank you from Sprout Family Services

D. Thank you from Pratt Museum

Mayor Wythe called for a recess at 7:24 p.m. and reconvened the meeting at 7:30 p.m.

8. PUBLIC HEARING(S)

A. 2016 BUDGET PRIORITIES

There was one who testified.

Mayor Wythe opened the public hearing.

B. Ordinance 15-26, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2016 in the Amount of \$6,650 for Books and Library Materials, and Authorizing the City Manager to

Execute the Appropriate Documents. City Manager/Library Director. Introduction July 27, 2015, Public Hearing and Second Reading August 10, 2015.

Memorandum 15-114 from Library Director as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 15-27**, An Ordinance of the City Council of Homer, Alaska, Providing a Procedure for the Council to Consider Whether to Exclude Certain Properties From the Homer Natural Gas Distribution Special Assessment District. Burgess. Introduction July 27, 2015, Public Hearing and Second Reading August 10, 2015.

Mayor Wythe was excused due to a conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

There was no public testimony.

ADOPTED without discussion.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

- D. **Ordinance 15-28**, An Ordinance of the Homer City Council Repealing and Reenacting Homer City Code Chapter 18.12, Municipal Property Sales, Regarding the Methods and Procedure for Disposing of Interests in Real Property Owned by the City. City Manager. Introduction July 27, 2015, Public Hearing and Second Reading August 10, 2015.

Memorandum 15-123 from City Manager as backup.

There was no public testimony.

AMENDED: Line 50 after the words sold by the city only upon receipt of full payment add a comma and “or a satisfactory financing agreement.”

ADOPTED as AMENDED with discussion.

9. **ORDINANCE(S)**

- A. **Ordinance 15-29**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the

Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis/Reynolds.
Recommended dates: Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-130 from Deputy City Planner as backup.
Memorandum 15-131 from Police Chief as backup.

ADOPTED with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 15-135 from Public Works Superintendent, Re: Purchase of New 10-Yard Dump Truck

City Manager Koester highlighted the acquisition of a dump truck for Public Works. The second truck failed and the truck is no longer usable. The dump truck is used for repairing roads, sanding, and other operations. Because there are no fleet reserves, emergency situations are becoming more frequent. The purchase of a new dump truck requires a 6 to 9 month lead time, at a cost of \$149,000. It would cost \$5,000 a month to lease a dump truck, if there is one available.

The Council discussed leasing a truck and waiting until the 2016 budget discussion before making a decision. Councilmember Burgess indicated he will sponsor an ordinance at the August 24th meeting to purchase a new dump truck.

In response to questions of the response agreements for increased tanker traffic contingency planning, City Manager Koester told Council we are agreeing that our fire department will fight fires in our harbor. It is a mutual aid agreement between two different marine firefighting companies who will be staged in Kachemak Bay if the Alaska LNG project moves forward. We will be compensated for any actual response and our volunteers and firefighters will benefit from the training opportunities.

B. Bid Report

11. CITY ATTORNEY REPORT

A. City Attorney Report – July 2015

City Attorney Holly Wells reported Birch Horton Bittner's municipal law department is expanding. She introduced Attorney Katie Davies, one of the four attorneys added to the firm with a focus on municipal law.

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Public Safety Building Review Committee

Mayor Wythe reported the committee met and reviewed a variety of steps to move forward to 35% design. They will meet towards the end of August and will begin the public information campaign.

- E. Vessel Haul-Out Task Force

13. PENDING BUSINESS

- A. **Memorandum 15-118**, from Finance Director and Public Works Director, Re: Water and Sewer Rate Recommendations for 2015. (Postponed from July 27, 2015.)

Memorandum 15-139 from Finance Director as backup.

FAILED with discussion.

A resolution to increase sewer rates effective January 1, 2016 will be on the August 24th agenda.

- B. **Resolution 15-066**, A Resolution of the Homer City Council Establishing Conditions Under Which Benefitted Property Owners Will Be Allowed to Connect to the Proposed Kachemak Drive and Shellfish Avenue/South Slope Drive Water Mains Being Installed as Part of Homer Water Storage/Distribution Improvements (Phase I). City Manager/Public Works Director. (Postponed from July 27, 2015.)

Resolution 15-066(S), A Resolution of the Homer City Council Establishing Conditions Under Which Benefitted Property Owners Will Be Allowed to Connect to the Proposed Kachemak Drive ~~And Shellfish Avenue/South Slope Drive~~ Water Mains Being Installed as Part of Homer Water Storage/Distribution Improvements (Phase I). City Manager/Public Works Director.

Memorandum 15-117 from Public Works Director as backup.
Memorandum 15-136 from City Manager as backup.

ADOPTED SUBSTITUTE with discussion.

14. NEW BUSINESS

- A. **Memorandum 15-128**, from City Clerk, Re: Deferred Assessment for Thom and Seymour for the Homer Natural Gas Special Assessment District.

Mayor Wythe was excused due to a conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

APPROVED without discussion.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

15. RESOLUTIONS

- A. **Resolution 15-070**, A Resolution of the Homer City Council Awarding the Contract for the Public Works Equipment Storage Building to the Firm of Steiner's North Star Construction, Inc. of Homer, Alaska, in the Amount of \$82,451 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 15-132 from Public Works Director as backup.

Councilmember Burgess was excused due to a conflict of interest.

ADOPTED without discussion.

- B. **Resolution 15-071**, A Resolution of the Homer City Council Awarding the Contract for the Old Harbormaster Building Demolition Project to the Firm of Moore & Moore Services, Inc. of Homer, Alaska, in the Amount of \$8,300 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 15-133 from Port and Harbor Director as backup.

Councilmember Burgess was excused due to a conflict of interest.

ADOPTED without discussion.

- C. **Resolution 15-072**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 and the City of Homer Fee Schedule Annual Moorage Rates. Lewis/Port and Harbor Advisory Commission. Recommend public hearing on August 24, 2015.

Memorandum 15-137 from Port and Harbor Director as backup.

POSTPONED to August 24th for a PUBLIC HEARING.

- D. **Resolution 15-068**, A Resolution of the City Council of Homer, Alaska, Adopting the Bylaws for the Cannabis Advisory Commission. City Clerk/Cannabis Advisory Commission.

Memorandum 15-129 from Cannabis Advisory Commission as backup.

ADOPTED with discussion (Bylaws Amended).

- E. **Resolution 15-069**, A Resolution of the City Council of Homer, Alaska, Supporting the Alaska Marine Highway System. Mayor.

AMENDED: Lines 55 and 60 to delete "Borough/".

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were three who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells introduced Attorney Katie Davies.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the candidacy filing period for two council seats is open through August 17th.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

20. COMMENTS OF THE MAYOR

Mayor Wythe thanked Deb and Tom for coming in. She appreciates their comments and time. Her kids went to Hope to go camping and found large boulders at the beginning of the trailhead. When they returned to the trailhead one of the huge boulders had been towed away and a truck drove in. You cannot regulate dishonest people and honest people don't need to be regulated. Sending people to Anchor Point to access the beach is passing the issue on to our neighbors. In her earlier comments she was not making light of the drug and alcohol situation here. A lot of people come here thinking it is a safe place, but the problem has existed for so long and is socially accepted in so many circles. It is difficult to manage and will move from one location to another.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Roberts asked if Catriona knew how many young high school people participated in drinking. She is looking forward to modifications in the beach ordinance. She thanked Holly for the meeting with the Cannabis Advisory Commission. There was a lot of information presented and the group is moving forward.

Councilmember Reynolds commented there is a lot of momentum to change some of the culture in the community with the attitude of adults and students. *Just the Facts* is the campaign that indicates 78% of high school students do not drink in a month and when adults chose to drink most chose two drinks or less. The campaign is funded by non-profits to get good information out there, provide education in schools, and be a resource guide for adolescents. There is a lot of momentum with Green Dot. She thanked everyone for the great public comments.

Councilmember Burgess commented Deb Lowney made the representation the commission's recommendation was to expand beach access in sector 6. The ordinance just passed restricted beach access on all city beaches except on the Spit in the wintertime. You (the Council) pushed the nuclear button and didn't take the commission's recommendations, you just said no beach access. You didn't fund the barrier to restrict access, a passive enforcement means. We took the all or nothing solution, acting as if there were a ticking clock and we didn't create consensus. We rushed to a conclusion. In response to Mr. Zitzmann's proposal, this is the first time any member of the public implied he doesn't take enough responsibility for making decisions on behalf of citizens. He only advocated for an advisory vote one other time (the plastic bag ban) while in office. He would advocate for an advisory vote on this since it is a hot button issue and it is not clear where the majority of citizens rest. He fears we are heading down another road by not being inclusive. He would like to pursue other alternatives than restricting beach access. Be advised the City Council did just vote to restrict all vehicular beach access on all beaches in Homer except along the Spit during the winter months. If you have a feeling about that we would like to hear from you.

Councilmember Van Dyke congratulated Kachemak Bay Water Trail people, who did a great job. If he had two drinks he would be waking up on Bishop's Beach wondering how he got there.

Councilmember Zak commented we started early today. He appreciates Patrick sharing the Town Hall report, Tom Stroozas sharing his willingness to help with a difficult budget, and Tom Zitzmann's comments on the financial situation. Two weeks ago Councilmember Zak had lost some of his optimism, but he has regained it again. Adrienne Sweeney provided well thought out and prepared comments about the bed tax. We have the professionals here to tell us the implications as we make some revenue generating sources. It was a good long meeting.

Councilmember Lewis corrected something Beau said. We have not restricted access to the beach yet. The ordinance still has a second reading. It doesn't mean anything has happened.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:15 p.m. The next Regular Meeting is Monday, August 24, 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.