

**ACTION AGENDA
Special Meeting
Committee of the Whole
Regular Meeting**

SPECIAL MEETING

Session 19-07 a Special Meeting of the Homer City Council was called to order on March 11, 2019 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ERICKSON, LORD, SMITH, STROOZAS (Telephonic), VENUTI

ABSENT: ADERHOLD (Excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
PORT DIRECTOR HAWKINS
CITY ATTORNEY WELLS

- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

APPROVED without discussion

3. PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

4. NEW BUSINESS

- A.** Griswold v. City of Homer, 3HO-14-00243CI; Griswold v. City of Homer, 3HO-15-00009CI; Griswold v. City of Homer, 3HO-15-00021; and Griswold v. Homer Planning Commission, 3HO-18-00240CI

Discussion only, no was taken.

5. COMMENTS OF THE AUDIENCE

There were three who commented.

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

Next Regular Meeting is Tuesday, March 26, 2019 at 6:00 p.m., Worksession 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 4:52 p.m.

COMMITTEE OF THE WHOLE

1. CALL TO ORDER, 5:00 P.M.

Mayor Castner called the meeting to order at 5:02 p.m.

Councilmember Aderhold was excused and Councilmember Stroozas participated telephonically.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

APPROVED without discussion

3. CONSENT AGENDA

4. REGULAR MEETING AGENDA

5. CITY MANAGER'S REPORT RE: RIGHT-OF-WAY CLEARING

6. COMMENTS OF THE AUDIENCE

There were three who commented.

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

Next Regular Meeting is Tuesday, March 26, 2019 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

REGULAR MEETING AGENDA

Session 19-08 a Regular Meeting of the Homer City Council was called to order on March 11, 2019 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ERICKSON, LORD, SMITH, STROOZAS (Telephonic), VENUTI

ABSENT: ADERHOLD (Excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
PORT DIRECTOR HAWKINS
CITY ATTORNEY WELLS

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 2.08.040.)

The following changes were made: **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION/COMMITTEE REPORTS** Councilmember Smith Travel Report; **PUBLIC HEARINGS Ordinance 19-07(S-3)(A)**, An Ordinance of the City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Appropriating FY2019 Community Assistance in the Amount of \$177,172.05 from the Police Station Fund **and \$7,827.95 from the General Fund to Homer Foundation for City of Homer Grants Related to Addiction Prevention, Treatment, Harm Reduction, and Recovery; and** Set Free Alaska for the Purpose of **to aid the Construction of a Residential and Out-Patient** Addiction Treatment Center in the **City of Homer. Aderhold/Venuti-Smith/Erickson** Written Public Comments, US Supreme Court Case No. 15-577 Trinity v. Comer; **CITY MANAGERS REPORT** ROW Clearing Considerations; **PENDING BUSINESS Ordinance 19-09**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a \$100,000 Service Extension Fees and Authorizing the Extension of City of Homer Water Services to Lot 2B, Puffin Acres Milepost 3, East End Road in Kachemak City. Mayor. **Ordinance 19-09(S)**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a \$100,000 Service Extension Fees and Authorizing the Extension of City of Homer Water Services to Lot 2B, Puffin Acres Milepost 3, East End Road in Kachemak City. Mayor **Smith. Resolution 19-012**, A Resolution of the City Council of Homer, Alaska, Amending the Council's Operating Manual Regarding Telephonic Participation, Re-Organizing Sections, Clarifying Language, and Adding Appendices for Homer City Code Excerpts. City Clerk. Resolution 06-115(A) as backup; **RESOLUTIONS Resolution 19-019**, A Resolution of the City Council of Homer, Alaska, Authorizing the Issuance of General Obligation Bonds in the Principal Amount of not to Exceed \$5,000,000 to Finance Part of the Cost of Planning, Design, and Construction of Police Station and Related Capital Improvements in the City; Fixing Certain Details of Such Bonds, Authorizing Their Sale, and Providing for Related Matters. City Manager. Memorandum 19-035 from Finance Director as backup.

APPROVED as amended.

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were two who commented.

5. RECONSIDERATION

6. 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 February 21, 2019 and Regular Meeting Minutes of February 25, 2019. City Clerk. Recommend adoption.
- B. **Memorandum 19-028** from City Clerk Re: Liquor Licenses Renewals for Beluga Lake Lodge, American Legion Post 16, Mermaid Café, and Boardwalk Fish & Chips. Recommend Approval.
- C. **Memorandum 19-034** from City Clerk Re: City of Homer Municipal Impact Statement. Recommend Approval.

Moved to New Business Item A. Lord.

- D. **Ordinance 19-11**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget to Appropriate Matching Funds in the Amount of \$40,097 from the HART Fund for Low-Impact Development Planning through the use of Green Infrastructure. City Manager/Public Works Director. Recommended Dates Introduction March 11, 2019, Public Hearing and Second Reading March 26, 2019.
- E. **Ordinance 19-12**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget to Appropriate Funds in the Amount of \$25,000 from the Harbor Reserve Account for the Final Design of the Harbor Barge Mooring Facility. City Manager/Port Director. Recommended Dates Introduction March 11, 2019, Public Hearing and Second Reading March 26, 2019.

Memorandum 19-029 from Public Works Director as back up

- F. **Resolution 19-014**, A Resolution of the City Council of Homer, Alaska, Issuing a Lease for Proposal (RFP) to Manage, Lease, and Renovate the Homer Education and Recreation Complex (HERC 1). Erickson/Aderhold. Recommend Adoption.
- G. **Resolution 19-015**, A Resolution of the City Council of Homer, Alaska, Amending the Port and Harbor Advisory Commission Bylaws by Renaming Articles in a Manner that more Efficiently Outlines the Commission's Internal Operations that Govern the Orderly Discharge of its Responsibilities; and Amending Articles Titled Purpose, Members, Meetings, Committees, Bylaw Amendments, and Teleconferencing. City Clerk/Port & Harbor Advisory Commission. Recommend Adoption.

Memorandum 19-030 from Port & Harbor Advisory Commission as backup

- H. **Resolution 19-016**, A Resolution of the City Council of Homer, Alaska, Amending the Library Advisory Board Bylaws by Renaming Articles in a Manner that more Efficiently Outlines the Board's Internal Operations that Govern the Orderly Discharge of its Responsibilities; and Amending Articles Titled Members, Meetings, Committees, Bylaw Amendments, and Teleconferencing. City Clerk/Library Advisory Board. Recommend Adoption.

Memorandum 19-031 from Library Advisory Board as backup

- I. **Resolution 19-017**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment from Snug Harbor Seafoods Inc. to Copper River Seafoods Inc. and Authorizing the City Manager to Execute the Appropriate Documents for a New Twenty Year Lease with Options for Two Consecutive Five Year Lease Renewals for a Portion of Lot 13B, City of Homer Port Industrial Subdivision No. 2, According to Plat No. 80-92, at an Initial Annual Rate of \$12,996.12. City Manager. Recommend Adoption.

Memorandum 19-032 from Port & Harbor Advisory Commission as backup

Moved to Resolutions Item B. Mayor.

- J. **Resolution 19-018**, A Resolution of the City Council of Homer, Alaska, Authorizing the Acceptance of an Alaska Clean Water Actions (AWCA) Grant for Low-Impact Development Planning in the Amount of \$59,784.50 and Authorizing the City Manager to Execute the Grant Agreement. City Manager/Public Works Director. Recommend Adoption.

Item C. moved to New Business Item A. Lord.

Moved I. moved to Resolutions Item B. Mayor.

APPROVED without discussion

7. VISITORS

A. Alaska Command Northern Edge 2019 Training Update (10 minutes)

Lt. Colonel Vaughn Brazil, Captain Bryant Davis, and John Mosher Program Manager US Pacific Fleet presented regarding 2019 Northern Edge Joint Training Exercise.

Lt Col Brazil provided an overview of the biennial exercise scheduled for May 13-24. The US Pacific Air Force is the organization conducting the event which will be an air focused exercise this year. It will be similar in size and scope to the 2017 exercise with approximately 6000 personnel, 175 fixed wing aircrafts, 3 Navy ships, two destroyers and one replenishment ship, and may include an aircraft carrier. He reviewed the Joint Pacific Alaska Range Complex and the Gulf of Alaska Temporary Maritime Activities Area (TMAA). All at-sea Navy events will occur within the TMAA, it's a large area consisting of 42,146 of nm² sea space, there are no restrictions on civilian navigation, most at-sea activities occur far offshore toward the center of the TMAA, and activities involve protective measures to minimize effects to marine environment. One change this year is that the exercise in addition to the three ships.

Mr. Mosher identified protective measures including extensive mitigation measures developed with National Marine Fisheries Service, implementing mitigation zones for sonar and weapons activities, minimum use of live explosives during weapons training and an area where no explosives will be used, posting marine mammal lookouts, reporting monitoring results and training activities, coordinating with regulatory agencies for adaptive management, and conducting offshore population surveys and other marine species monitoring projects.

B. Prince William Sound Regional Citizens Advisory Council – Robert Archibald (10 minutes)

Robert Archibald, Homer representative on the Prince William Sound Regional Citizens Advisory Council (PWSRCAC), provided the history of the establishment of the Citizens Advisory Councils for Prince William Sound and Cook Inlet (CIRCAC) following the 1989 Exxon Valdez oil spill which triggered implementation of Federal laws governing US oil tanker fleets, oil terminals, and oil exploration and production facilities. He also noted the 1968 Union Oil's Platform blowout oil spill near Santa Barbara California which was the catalyst for Federal acts that brought into existence the Environmental Protection Agency, National Environmental Policy Act, Clean Water Act, the public effort Get Oil Out, and the first of many Earth Days. He cited statistics of the spills, and the significance of Oil Pollution Act 1990 which changed the way industry had to do business, tightening up rules for merchant mariners, US Coast Guard vessel traffic system, mandated oil spill contingency plans be developed and submitted to Federal and State Agencies, and tanker escort systems were improved. OPA 90 is what brought

in to existence our PWSRCAC and CIRCAC. These are the only two in the United States. He noted the two councils have different missions and funding, and identified those for PWSRCAC. There has not been a major spill since 1989 due to complacency. PWSRCAC task is to make sure as long as the state develops oil fields and transports oil on ships through Prince William Sound, strong vigilance must be maintained so regulations don't backslide.

He reported the group traveled to Juneau to meet with Legislators on their issues and encourage strong funding for DEC and Spill Prevision Response Division, and will be headed to DC on March 24th to continue the effort.

Mayor Castner expressed his appreciation for Mr. Archibald's work with the PWSRCAC.

8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/ COMMISSION/COMMITTEE REPORTS

A. Mayor Pro Tem Report on Committee of the Whole Discussion

Councilmember Smith reported the Council discussed right-of-way clearing by Public Works and how to mitigate complications, and the Resolution 19-019 on the \$5 million bond for the police station.

B. Councilmember Report on Special Meeting

Mayor Castner reported their special meeting for a briefing on current Griswold litigation. He noted their efforts to promote transparency regarding the affairs of the City.

C. Councilmember Travel Reports – AML Winter Conference February 19-21 in Juneau

Councilmember Smith noted the comprehensive reports from the City Manager in the last packet and Councilmember Aderhold in this packet.

D. Borough Report

E. Commissions/Board/Committee Reports (5 minute limit per report)

1. Library Advisory Board

Mark Massion, Library Advisory Board member, reported they met Tuesday and discussed the bylaw amendments that were included on the Council agenda, also an orientation packet for future members, and finalized their goals for 2019. He said the Library Director reported on a

visitor from the American Library Association whose interest in rural libraries. The lightbulbs all being replaced with LED's at the library, and Children's Librarian Claudia Haines received an Education Award from the Nation Center for Women and Information Technology, and two Homer High School Students received awards for their interest in mentoring in computer science.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Americans with Disabilities Act Compliance Committee

9. PUBLIC HEARING(S)

- A. **Ordinance 19-07(S-3)(A)**, An Ordinance of the City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Appropriating FY2019 Community Assistance in the Amount of \$177,172.05 from the Police Station Fund **and \$7,827.95 from the General Fund** to **Homer Foundation for City of Homer Grants Related to Addiction Prevention, Treatment, Harm Reduction, and Recovery; and** Set Free Alaska for the Purpose of **to aid the Construction of a Residential and Out-Patient** Addiction Treatment Center in the **City of Homer. Aderhold/Venuti-Smith/Erickson** Introduction January 28, 2019, Public Hearing February 11, February 25, and March 11, 2019, Second Reading March 11, 2019.

There were twelve who commented.

Amended: Line 114, delete "General Fund," insert "**General Fund Fund Balance**" and Line 131, delete "of a grant," insert "**of the Residential Substance Use Disorder (SUD) Treatment Services grant**"

FAILED as amended with discussion.

- B. **Ordinance 19-10**, An Ordinance of the City Council of Homer, Alaska, Amending the Operating Budget in the Amount of \$19,700.00 from the Port and Harbor Reserves for the Purpose of Purchasing and Installing Fencing to Divide Lot 12, Homer Spit Subdivision No. 5 Secured Storage into Regulated and Unregulated Cargo Areas. City Manager/Port Director. Introduction February 25, 2019, Public Hearing and Second Reading March 11, 2019.

There were no public comments.

ADOPTED with discussion.

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester added to her report that Senator Stevens will be having an open house at Islands and Ocean from noon to 2:00 p.m. on March 15th, and confirmed Council's legislative worksession scheduled for Tuesday, March 19th at 4:00 p.m.

B. Bid Report – Informational Only

12. PENDING BUSINESS

A. **Ordinance 19-09**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a \$100,000 Service Extension Fees and Authorizing the Extension of City of Homer Water Services to Lot 2B, Puffin Acres Milepost 3, East End Road in Kachemak City. Mayor. Introduction February 11, 2019, Public Hearing and Second Reading February 25, 2019.

POSTPONED 19-09(S) to March 26th with discussion.

B. **Resolution 19-012**, A Resolution of the City Council of Homer, Alaska, Amending the Council's Operating Manual Regarding Telephonic Participation, Re-Organizing Sections, Clarifying Language, and Adding Appendices for Homer City Code Excerpts. City Clerk.

Memorandum 19-033 from City Clerk as backup

POSTPONED to March 26th with discussion.

C. **Resolution 19-013**, A Resolution of the City Council of Homer, Alaska, Supporting the University of Alaska Underscoring the Key Role the Kachemak Bay Brand of the Kenai Peninsula College has in Homer and Encouraging Full Funding of the University at Existing Levels. Venuti.

Resolution 19-013(S), A Resolution of the City Council of Homer, Alaska, Supporting the University of Alaska Underscoring the Key Role the Kachemak Bay Brand of the

Kenai Peninsula College has in Homer and Encouraging Full Funding of the University at Existing Levels. Venuti.

ADOPTED Substitute with discussion.

13. NEW BUSINESS

- A. **Memorandum 19-034** from City Clerk Re: City of Homer Municipal Impact Statement. Recommend Approval.

APPROVED amended letter without discussion.

14. RESOLUTIONS

- A. **Resolution 19-019**, A Resolution of the City Council of Homer, Alaska, Authorizing the Issuance of General Obligation Bonds in the Principal Amount of not to Exceed \$5,000,000 to Finance Part of the Cost of Planning, Design, and Construction of Police Station and Related Capital Improvements in the City; Fixing Certain Details of Such Bonds, Authorizing Their Sale, and Providing for Related Matters. City Manager.

Amended: Line 11 to add “A” between “of” and “Police Station”; Line 452 to add “and deliver” between “execute” and “loan agreement”; Line 457 to add “Loan Agreement, the” between “under” and “the and bonds”

ADOPTED as amended with discussion.

- B **Resolution 19-017**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment from Snug Harbor Seafoods Inc. to Copper River Seafoods Inc. and Authorizing the City Manager to Execute the Appropriate Documents for a New Twenty Year Lease with Options for Two Consecutive Five Year Lease Renewals for a Portion of Lot 13B, City of Homer Port Industrial Subdivision No. 2, According to Plat No. 80-92, at an Initial Annual Rate of \$12,996.12. City Manager. Recommend Adoption.

Memorandum 19-032 from Port & Harbor Advisory Commission as backup

ADOPTED with discussion.

15. COMMENTS OF THE AUDIENCE

There were three who commented.

16. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

17. COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment

18. COMMENTS OF THE CITY MANAGER

City Manager Koester reminded Council of the Open Meetings Act Brown Bag Lunch tomorrow at noon.

19. COMMENTS OF THE MAYOR

Mayor Castner commented regarding his recent trip and traveling along the Rio Grande from the Colorado border to El Paso where water is a big issue. El Paso is a dry riverbed and 30 miles north it's very narrow and about 4 inches deep. Water rights are big deal as is the right to have water. He spent time working on the Enstar effort and the City of Homer and Kachemak City have jointly filed comments. He attended a meeting with Senator Dan Sullivan, along with the Mayors of Seldovia and Kachemak City, City Manager and staff members. It was a good meeting and the four points addressed were the Coast Guard and our need for harbor expansion, opioids and available State and Federal funds, Federal Transportation bill including the Marine Highway System, and disaster relief and planning. He acknowledged the importance of our local churches and the work and expressed his appreciation for all that they do.

20. COMMENTS OF THE CITY COUNCIL

Councilmember Venuti thanked everyone who stayed at the meeting tonight. Homer High School has won the Silver Award by the US News and Report as one of the top 100 schools in our nation. She thought that was important as we have some issue with our State and funding education. She recalled where she was on March 24, 1989 when the Exxon Valdes oil spill occurred and March 27, 1964 when the earthquake happened, and shared briefly about those experiences. She commented about the importance of having a family plan in place for emergencies to help relieve the stress of an event.

Councilmember Stroozas reminded people about the 26th Winter King Tournament on the 23rd of March and last year's local winner took home over \$56,000. He encouraged people to sign up because you can't win if you don't enter.

Councilmember Smith had no comment.

Councilmember Erickson shared that her mom was cleaning out files and found Resolution 80-22 acknowledging the Homer Public Library Board, Inc, its incorporators, members and supporters, and she read the Resolution.

Councilmember Lord apologized for coughing into her shirt tonight, her family has had influenza and it hit her pretty hard. She had time to reflect on being blessed to be able to be in sick in bed and not be afraid of losing her job, pay her rent, or care for her kids over the last two weeks. She recognizes that as resilience within her family and understands that's not across the board throughout our community. She segued that into her struggles in considering her vote on 19-07. She reiterated her full support of Set Free's project and effort in the community, and anything we're doing as a community to support people and build resilience as a community and also within families and individual people in the community. Her heart is there, she has family history and personal connection to the struggles and pains of addiction, mental health issues, and etcetera. She believes she can't make decisions at this table from a place of emotion, that what we do is precedent setting, and she wishes it was so simple that when good projects came before them that benefit the community, that it was a no brainer. But there is no end to that list of needs and she looks forward to engaging in a conversation with the Homer Foundation and to continue a conversation at this table about it means, looks like, and what they want to do, in a more holistic way that we can hang our hats on and will last. She also commented about the significant impacts to our schools based on the proposed education cuts in the State budget, and the work the School District has done to identify what the cuts would look like, including closing McNeil and Chapman schools, pools, theaters, and sports, elimination of the breakfast program, and significant teacher cuts, to name a few, and also the Board work on developing a contingency. She's hopeful we'll get something from the legislature we can work with.

21. ADJOURNMENT

Next Regular Meeting is Tuesday, March 26, 2019 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 8:49 p.m.