

# **Homer City Hall**

491 E. Pioneer Avenue Homer, Alaska 99603 www.cityofhomer-ak.gov

# City of Homer Action Agenda

City Council Meetings
Monday, January 13, 2020 at 6:00 PM
City Hall Cowles Council Chambers

#### WORKSESSION

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

Mayor Castner called the meeting to order at 4:00 p.m.

Councilmember Hansen-Cavasos was excused (timely notice was given)

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

APPROVED by consensus.

## **DISCUSSION TOPIC(S)**

- a. Memorandum 20-011 from Deputy City Planner Engebretsen re: 2020 Land Allocation Plan (15 minutes)
- b. Library Endowment Fund Proposal by the Library Advisory Board (30 minutes)

### **COMMENTS OF THE AUDIENCE** (3 minutes)

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

Next Regular Meeting is Monday, January 27, 2020 at 6:00 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 4:33 p.m.

#### **COMMITTEE OF THE WHOLE**

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

Mayor Castner called the meeting to order at 5:00 p.m.

Councilmember Hansen-Cavasos was excused (timely notice was given)

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

APPROVED by consensus.

#### **CONSENT AGENDA**

#### **REGULAR MEETING AGENDA**

# **DISCUSSION TOPIC(S)**

- a. Seawall Update
  - Ordinance 20-01 with attachments
  - Memorandum 20-008 with attachments

#### **COMMENTS OF THE AUDIENCE**

One person commented.

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

Next Regular Meeting is Monday, January 27, 2020 at 6:00 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 5:50 p.m.

#### **REGULAR MEETING**

Session 19-35 a Regular Meeting of the Homer City Council was called to order on December 9, 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: ADERHOLD, EVENSEN, LORD, SMITH, VENUTI

**ABSENT:** HANSEN-CAVASOS (excused)

**STAFF:** CITY MANAGER KOESTER

CITY CLERK JACOBSEN CITY ATTORNEY GATTI

**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: <u>ANNOUNCEMENTS / PRESENTATIONS / REPORTS Mayor's Report</u> Letter from AKDOT Commissioner John MacKinnon Re: Silvertip Station\_City Council Travel Report\_Travel Report from Councilmember Venuti re: AML Conference November 2019 <u>PUBLIC HEARINGS Ordinance 19-57</u>, An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor. **Ordinance 19-57(S-2)**, Same title. Mayor.; <u>RESOLUTIONS Resolution 20-007</u>, A Resolution of the City Council of Homer, Alaska Opposing the State's Repeal of Alaska Administrative Code 5 AAC 95.310 which

would Remove the Prohibition on Personal Watercraft Use in the Fox River Flats and Kachemak Bay Critical Habitat Areas and Affirming the Deleterious Consequences for Community and Economy if Personal Watercraft are Allowed in Kachemak Bay. Evensen. Resolution 20-**007(S),** A Resolution of the City Council of Homer, Alaska Urging the State of Alaska to Retain the Ban on Personal Watercraft in the Kachemak Bay and Fox River Flats Critical Habitat Areas under 5 AAC 95.310 until the Department of Fish & Game Provides Responses to The City's Previous Concerns, an Analysis Detailing the City's Potential Legal Liability Exposure, and Adequate Funding for the City to Adopt and Enforce new Rules if 5 AAC 95.310 is Repealed. Evensen/Aderhold, with Backup Information from ADF&F and Written Public Comments; **Resolution 20-008**, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos, Resolution 20-008(S), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

APPROVED as amended without discussion.

#### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

#### PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

22 people commented.

### **RECONSIDERATION**

**CONSENT AGENDA** (Items listed below will be enacted by one motion. If a 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 December 9, 2019 and Special Meetings of December 16, 2019. City Clerk. Recommend adoption.
- b. Memorandum 20-001 from Deputy City Clerk Re: Liquor License Renewals for Oaken Keg#1832, The Alibi, Kharacters, and Grace Ridge Brewing. Recommend approval.
- c. Memorandum 20-002 from City Clerk Re: Travel Authorization for Councilmembers Smith and Lord to Attend the Alaska Municipal League Winter Legislative Conference held February 18-20, 2020 in Juneau, Alaska. Recommend approval.
- d. Memorandum 20-003 from Councilmember Lord Re: Request for PARCAC to Evaluate Parking Barrier Solutions at Karen Hornaday Park. Recommend approval.
- e. Ordinance 20-01, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2020 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2020 Budget for Emergency Repairs to the Seawall. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020.

f. Ordinance 20-02, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Lot 9 Tract A, Nils O Svedlund Subdivision Amended Excluding any Portion within Lot 9A Thomas Shelford Subdivision '68 Addition a Portion of the Residential Office (RO) Zoning District to Central Business (CBD) Zoning District. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-006 from City Planner as backup

g. Ordinance 20-03, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.70.040, Permit Terms to Require an As-Built Survey be Submitted to the City Planner After Completion of any Building or Structure. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-007 from City Planner as backup

h. Ordinance 20-04, An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing \$20,825 Additional Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project. City Manager/Public Works Director. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-005 from Public Works Director as backup

- Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- j. Resolution 20-001, A Resolution of the City Council of Homer, Alaska Confirming the Appointment of Elizabeth Walton as Treasurer and Jenna De Lumeau as Deputy Treasurer for the Calendar Year 2020. City Manager. Recommend adoption.
- k. Resolution 20-002, A Resolution of the City Council of Homer, Alaska Confirming the City Manager's Appointment of Rick Abboud as the Acting City Manager for the Calendar Year 2020. City Manager. Recommend adoption.
- l. Resolution 20-003, A Resolution of the City Council of Homer, Alaska Adopting an Alternative Allocation Method for the FY 2020 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- m. Resolution 20-004, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager.

Moved to Resolutions. Aderhold.

- n. Resolution 20-005, A Resolution of the Homer City Council Adopting the Commercial Waste Disposal Permit and Water Filling Station Permit as Part of the Public Utility System Application Process. City Manager. Recommend adoption.
- o. Resolution 20-006, A Resolution of the City Council of Homer, Alaska Authorizing the City Accept a Land Transfer from the Nature Conservancy for a 2.62 Acre Parcel on the Western Side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID Number 18103007, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 20-004 from PARCAC as backup

Moved to Resolutions. Aderhold.

Items m. and n. were moved to Resolutions d. and e. Aderhold.

ADOPTED without discussion.

### **VISITORS**

a. Homer Foundation - Mike Miller, Executive Director (10 minutes)

Mike Miller, Homer Foundation Executive Director, gave an overview of the Homer Foundation, explaining what a Community Foundation is, how the Homer Foundation was started, opportunities to make contributions, and the categories of community grants that were provided over the last year. Ways to stay connected include signing up for their newsletter, liking them on Facebook, and following on Instagram.

# **ANNOUNCEMENTS / PRESENTATIONS / REPORTS** (5 Minute limit per report)

a. Worksession Report

City Manager Koester reported that Council reviewed the Land Allocation Plan with Deputy City Planner Engebretsen and the Library Advisory Board presented information on a Library Endowment Fund.

b. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolutions 20-004 and the Chamber Marketing Agreement, 20-006 and liability regarding erosion and the Nature Conservancy property, and 20-009 and the Automatic Aid Agreement. They also discussed Ordinances 20-04 and pass through funds for the ADOT work on Lake Street, 20-03 and as-built survey requirement noting potential burden on property owners, 19-57 and project close also recognizing Acting Finance Director De Lumeau for her work on this along with the rest of the Finance Department. They had a brief seawall update, touching on Ordinance 20-01 and Memorandum 20-007, both related to the seawall.

c. Mayor's Report

Mayor Castner reported on Council's retreat where they set their priorities for the next 6 months. He'll work with the City Manager and City Clerk on putting together a calendar to help track items.

# d. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, reported the Borough Administration introduced an ordinance to appropriate \$220,000 for an RFP for a Facilities Management Strategic Plan for Borough Facilities; Administration has asked for additional appropriations for outside Counsel to represent them with their application filed with Federal Energy Regulatory Commission (FERC) for the Alaska LNG project; they introduced the junk and abandoned vehicle ordinance; and Assembly member Johnson introduced an ordinance to correct efficiencies in their code regarding candidate qualifications in their elections, and will introduce an ordinance addressing election contests.

# e. Library Advisory Board

Marcia Kuszmaul, Library Advisory Board Chair, thanked Council for the worksession this evening to discuss the Library Endowment Fund. She commented about Lunch with a Councilmember today. She shared some 2019 year end statistics, information about the 2020 Lit Lineup event, and about the upcoming Library Facility tour.

# f. Planning Commission

Jason Davis, Planning Commissioner, reported at their last meeting they held a worksession to discuss the creation of a medical zoning district. At their regular meeting they approved their decision and findings for CUP 19-07 a parking lot expansion adjacent to the Seafarer's Memorial. They held public hearings and approved CUP 20-02 an amendment to CUP 18-04 for multiple buildings at 680 Sterling Highway, extending end dates for work to be done on the site; and CUP 20-01 to allow a second story addition to the Nomar building and a new 4-plex on the same property at 104 Pioneer Avenue. They concluded the meeting with a discussion of the Borough's draft substitute Ordinance on gated communities and will have their recommendations to Council at their next meeting.

- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, reported the Commission doesn't meet in December and January, and will meet again in February. He also commented regarding the Community Recreation and recognized Mike Illg for the work he puts into the programs.

- i. Port and Harbor Advisory Commission
- j. Americans with Disabilities Act Compliance Committee
- k. Right of Way Policy Evaluation Team

Councilmember Lord briefly recapped the organization of the group in Resolution 19-073(S). It's made up of herself and Councilmember Evensen, along with City Manager Koester, Public Works Director Meyer, and Public Works Superintendent Gardner. They've met once to lay out the groundwork to understand terminology and concerns expressed to date, in trying to establish what they're looking for in terms of their product to come to Council as a result of their efforts. They'll meet again soon.

Mayor Castner called for a break at 7:37 p.m. and reconvened the meeting at 7:45 p.m.

# **PUBLIC HEARING(S)**

a. Ordinance 19-55, An Ordinance of the City Council of Homer, Amending Homer City Code 2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos. Introduction November 25, 2019 Postponed. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

Ordinance 19-55(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election 2.08.030 Composition of Governing Body-Terms of Office to Clarify the Time for Election Certification of a Regular and Special Election. Evensen/Hansen-Cavasos.

### FAILED with discussion.

b. Ordinance 19-58, An Ordinance of the City Council of Homer, Alaska, Transferring \$3,101,082 from the Utility Operations Fund (200) to the HAWSP Fund (205) to Correct the Misallocation of Beginning Fund Balance for the Utility Fund when Converting from an Enterprise Fund to a Special Revenue Fund. Mayor. Recommended dates Introduction December 9, 2019, Public Hearing and Second Reading January 13, 2020

### ADOPTED with discussion.

c. Ordinance 19-57, An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor. Introduction December 9, 2019 Public Hearing and Second Reading January 13, 2020.

Ordinance 19-57(S), An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor.

Memorandum 20-011 from Acting Finance Director as backup

Ordinance 19-57(S-2), An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor.

ADOPTED Ordinance 19-57(S-2) with discussion.

d. Ordinance 19-59, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Venuti. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

FAILED with discussion.

# ORDINANCE(S)

#### **CITY MANAGER'S REPORT**

- a. City Manager's Report
- b. Bid Report (informational only)

#### **PENDING BUSINESS**

### **NEW BUSINESS**

a. Memorandum 20-008 from Councilmember Aderhold re: Request for a Legal Opinion Concerning the Seawall

APPROVED with discussion.

b. Memorandum 20-009 from City Manager re: Travel to Juneau to Advocate for Alaska Marine Highway System.

APPROVED Mayor's travel with discussion.

c. Memorandum 20-010 from City Manager re: Next Steps for City Manager Search

APPROVED a Special Meeting and City Manager Hiring Advisory Committee with discussion.

### **RESOLUTIONS**

a. Resolution 20-007, A Resolution of the City Council of Homer, Alaska Opposing the State's Repeal of Alaska Administrative Code 5 AAC 95.310 which would Remove the Prohibition on Personal Watercraft Use in the Fox River Flats and Kachemak Bay Critical Habitat Areas and Affirming the Deleterious Consequences for Community and Economy if Personal Watercraft are Allowed in Kachemak Bay. Evensen.

Resolution 20-007(S), A Resolution of the City Council of Homer, Alaska Urging the State of Alaska to Retain the Ban on Personal Watercraft in the Kachemak Bay and Fox River Flats Critical Habitat Areas under 5 AAC 95.310 until the Department of Fish & Game

Provides Responses to The City's Previous Concerns, an Analysis Detailing the City's Potential Legal Liability Exposure, and Adequate Funding for the City to Adopt and Enforce new Rules if 5 AAC 95.310 is Repealed. Evensen/Aderhold.

# ADOPTED Substitute with discussion.

b. Resolution 20-008, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

Resolution 20-008(S), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

#### ADOPTED Substitute with discussion.

c. Resolution 20-009, A Resolution of the Homer City Council Approving an Automatic Aid Agreement and Operational Plan between Anchor Point Fire and Emergency Medical Service Area and the City of Homer Volunteer Fire Department for Fire Response Services and Authorizing the City Manager to Execute the Appropriate Documents. Smith.

# ADOPTED Substitute with discussion.

d. Resolution 20-004, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager.

# ADOPTED Substitute with discussion.

e. Resolution 20-006, A Resolution of the City Council of Homer, Alaska Authorizing the City Accept a Land Transfer from the Nature Conservancy for a 2.62 Acre Parcel on the Western Side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID Number 18103007, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

ADOPTED Substitute with discussion.

#### **COMMENTS OF THE AUDIENCE**

Four people commented.

#### **COMMENTS OF THE CITY ATTORNEY**

Attorney Gatti wished everyone Happy New Year.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen commented in her almost 16 years working in the City Clerk's office there has a residency contest in 2005, an election contest was filed in or around 2014, we had a member who wanted to launch a write in campaign but was unable to because of their voter registration didn't meet the requirements in code, and this most recent election contest. Both election contests resulted in upholding the results as certified by the Election Canvass Board. She explained the city's election process is very similar to other municipalities in within the borough and throughout the state. She agrees there are areas that could use clarification and looks forward to seeing what the borough brings forward in the next month, but doesn't feel that the city's process is broken or is in need of a big overhaul in response to this last election experience. She also commented there are openings on the ADA Compliance Committee, Port and Harbor Advisory Commission, and Library Advisory Board. She thanked Council for a good meeting and looks forward to working with them in to 2020.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Koester recalled the Special Meeting was scheduled for February 3<sup>rd</sup> because the City Manager job posting closes January 30<sup>th</sup> and they wanted to allow Council time to review applications before meeting.

#### **COMMENTS OF THE MAYOR**

Mayor Castner thanked everyone who came out and commented tonight. He isn't looking forward to having a big February fight going on when we're interviewing City Manager candidates, it's not the side of the City he wants to show. He hopes some calmer heads look at this thing its totality because he thinks it's a process that is extremely broken. He hopes cooler heads prevail and don't want to turn it into a local fight where there shouldn't be one. At the next meeting he'll probably bring a Resolution to lift the Moratorium for LID's¹ for the HAWSP fund and anticipates it will be forwarded to the Planning Commission for review and actions.

#### **COMMENTS OF THE CITY COUNCIL**

Councilmember Aderhold expressed her appreciation for public comments because the voices in the community help them have better legislation, city code, and city actions. She also appreciates they had a good retreat on Saturday, everyone at the table tonight participated, and she looks forward to working on their outcomes. She reminded the group and Commissioners that we provide guidance to the Commission's as a body and if it hasn't been voted on by the body, then it needs to be clear each person is speaking or writing for themselves and not on behalf of the body. She reminded everyone listening that Homer shares the road and encouraged drivers to watch out for pedestrians and bicyclists who get pushed out onto the road because of unmaintained sidewalks, and also the pedestrians and bicyclists to make themselves visible to motorists. She noted that they've been talking about going above and beyond, and she's though about how our city staff goes above and beyond. She highlighted the Finance Department for going above and beyond over the last few months with

<sup>&</sup>lt;sup>1</sup> LID is an old acronym for Local Improvement District, which has been renamed Special Assessment District or SAD

the HAWSP fund and the project close out, and also the Public Works equipment operators who arrange their personal schedules around the weather to be available when additional staff need to be called in. She really appreciates that the staff thinks about the city and care about our residents. She thanked staff for going above and beyond.

Councilmember Smith commented it was a pleasure to go to the library today for Lunch with a Councilmember, it was a packed house today and they had good conversation on a lot of topics. He thanked those who came to the library and also to comment tonight. He reminded everyone his contact information is on the City website and encourage them to reach out to him. He shared about his snuggle time with his son.

Councilmember Evensen thanked Council for a productive meeting, and thanked the public for their comments tonight.

Councilmember Venuti commented the plastic bag ban went into effect on January 1<sup>st</sup> and thanked everyone for their efforts in making this happen. She thanked Special Projects and Communications Coordinator Carroll for her work to make sure people are aware of the changes. She shared about a scholarship opportunity for students interested the tourism industry, more information is available at the Chamber of Commerce or at Kachemak Bay Campus.

Councilmember Lord echoed the thanks to the public who wrote, called, or came to testify. At their retreat the facilitator addressed what makes a group effective, and predictors of group effectiveness. One thing that came up was "Psychological Safety" which is the lack of fear of retribution. That makes sense for a particular group of people, but she's thought about it in regards to community. She commented about trying to work toward giving each other grace, benefit of the doubt, and space to say things we may not agree with, but at the end of the day we'll help each other out when needed because that's what this community is about. The Alaska Association of Harbormasters and Port Administrators has three scholarships available statewide for students entering marine related studies.

### **ADJOURNMENT**

Next Regular Meeting is Monday, January 27, 2020 at 6:00 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 9:55 p.m.