



# AGENDA ITEM REPORT

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## **Appropriation Reduction related to Ordinance 23-11 and Veto of Resolution 23-017 in accordance with HCC 2.08.070 Mayor's veto. Mayor.**

**Item Type:** Action Memorandum  
**Prepared For:** City Council  
**Meeting Date:** 13 Mar 2023  
**From:** Melissa Jacobsen, MMC, City Clerk

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In accordance with Homer City Code 02.08.070 Mayor Castner has reduced of an appropriation related to Ordinance 23-11, An Ordinance appropriating \$650,000 to update the Comprehensive Plan and Title 21 Zoning and Planning. He has reduced the appropriation to \$250,000.

Mayor Castner has also vetoed Resolution 23-017 awarding a contract to Agnew::Beck for their services to update the Comprehensive Plan and Title 21 Zoning and Planning.

A veto may be overridden by vote of two-thirds of the authorized membership of the City Council within 21 days following exercise of the veto, or at the next regular meeting, whichever is later. The City Council shall first consider a veto override at the first regular or special Council meeting, not including worksessions, that occurs following the veto, but the City Council may postpone taking action from time to time until the expiration of the time for override specified in the preceding sentence

### **Attachments:**

Reduction of appropriation and vetoed resolution signed by Mayor Castner and Memorandums from Mayor Castner Re: Reduction of and Appropriation (Ordinance 23-11) and Veto of Resolution 23-017.  
HCC 2.08.070 Mayor's veto



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 23-11**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING AN AMOUNT NOT TO EXCEED ~~\$650,000~~ FROM THE GENERAL FUND CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR THE PURPOSE OF DEVELOPING A NEW COMPREHENSIVE PLAN AND A COMPLETE UPDATE OF THE TITLE 21 ZONING AND PLANNING CODE FOR THE CITY OF HOMER.

REDUCED TO  
\$250,000  
K. Caston

WHEREAS, An update of the Comprehensive Plan and modernization of the Zoning Code was identified as a Council priority during the 2022 Visioning work session held in March 2022 at the Pratt Museum; and

WHEREAS, The Comprehensive Plan establishes, at a high level, a vision, goals, and objectives for the future development of the City and underwent a technical update in 2018; and

WHEREAS, The City's Title 21 Zoning and Planning Code defines the processes, establishes zoning districts, and associated development standards for land use development in the City and is the regulatory framework that implements the vision, goals, and objectives established in the Comprehensive Plan; and

WHEREAS, The City's Title 21 Zoning and Planning Code was established in the 1980's; and

WHEREAS, In 2008 the Planning Commission drafted a substantial re-write of Title 21 that was adopted by Council in Ordinance 08-29; and

WHEREAS, A comprehensive update to Title 21 Zoning and Planning Code is necessary to modernize the code, improve efficiency and user friendliness, and align with and implement the vision of the Comprehensive Plan; and

WHEREAS, On September 27, 2022 a Memorandum was provided to the City Council where City staff proposed a two-phase project, starting with a new Comprehensive Plan and ending with a complete update of the Title 21 Zoning and Planning Code; and



41 WHEREAS, The Request for Qualifications developing a new Comprehensive Plan and a  
42 complete update of the Title 21 Zoning and Planning Code closed on December 9, 2022; and  
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44 WHEREAS, The Request for Proposals developing a new Comprehensive Plan and a  
45 complete update of the Title 21 Zoning and Planning Code closed on January 20, 2023; and  
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47 WHEREAS, A resolution providing a recommendation on selecting a consultant firm and  
48 awarding a contract will be provided at the February 27, 2023 Council Meeting; and  
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50 WHEREAS, A new Comprehensive Plan will guide the future development of the City  
51 over the next 20 years and address the unique planning challenges of the community, such as  
52 limited developable land, a strong demand for housing, and consideration of our unique  
53 geographical and topographical conditions; and  
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55 WHEREAS, An updated Title 21 Zoning and Planning Code will allow the City to realize  
56 the vision and goals defined in the Comprehensive Plan with updated processes and  
57 development standards, with greater efficiency, clarity, and user friendliness built into the  
58 code; and  
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60 WHEREAS, Upon project completion, the City of Homer Planning Commission will  
61 consider a resolution providing their recommendation for adoption of a new Comprehensive  
62 Plan and a complete update of the Title 21 Zoning and Planning Code; and  
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64 WHEREAS, Upon project completion, the City Council will consider an ordinance for  
65 adoption of a new Comprehensive Plan and a complete update of the Title 21 Zoning and  
66 Planning Code; and  
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68 WHEREAS, The City of Homer supports developing a new Comprehensive Plan and a  
69 complete update of the Title 21 Zoning and Planning Code proposal.  
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71 NOW THEREFORE, THE CITY OF HOMER ORDAINS:  
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73 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by  
74 appropriating no more than ~~\$650,000~~ to secure the services of a professional consultant to  
75 facilitate the development of a new Comprehensive Plan and a complete update of the Title 21  
76 Zoning and Planning Code through a competitive bidding process as follows:  
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<u>Fund</u>	<u>Description</u>	<u>Amount</u>
156	Comprehensive Plan & Title 21 Updates	<del>\$650,000</del>

REDUCED to  
\$ 250,000  
K. Carter

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82            Section 2. This budget amendment ordinance is temporary in nature and shall not be  
83 codified.

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85            ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27<sup>th</sup> day of February, 2023.

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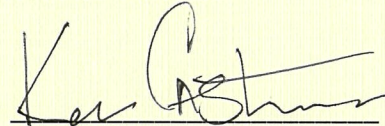
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CITY OF HOMER

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KEN CASTNER, MAYOR

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93 ATTEST:

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RACHEL TUSSEY, CMC, ACTING CITY CLERK

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99 YES:

100 NO:

101 ABSTAIN:

102 ABSENT:

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104 First Reading:

105 Public Hearing:

106 Second Reading:

107 Effective Date:



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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## Memorandum

TO: The Homer City Council

THROUGH: Melissa Jacobsen, City Clerk

FROM: Ken Castner, Mayor

DATE: March 9, 2023

SUBJECT: Reduction of an Appropriation (Ordinance 23-11)

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Under the authority granted to me by AS 29.20.270 and HCC 02.08.070, I am reducing the amount authorized for the expenditures identified in Ordinance 23-11 from \$650,000.00 to \$250,000.00.

This reduction is targeted at the section of the Ordinance authorizing an expenditure for “A New Comprehensive Plan”. The remainder is appropriated for code revisions, which can be done in compliance with the current comprehensive plan.

I’m fairly certain that the Commissions and the City Council would have liked to have discussed the parameters, milestones, priorities and sequencing of the various elements found in this expenditure. I know that there are some sections of the City’s Comprehensive Plan that need attention in the near term, but the current plan is only 5 years old and a complete rewrite does not seem warranted at this time.

Moreover, absent the guideposts of a comprehensive fiscal plan, off-cycle capital budget expenditures, where there is no emergency, should be met with firm resistance from the City Council. In this case, a new budget cycle begins in 4 months and this request can be measured against all the other capital requests.



CITY OF HOMER  
HOMER, ALASKA

City Manager

RESOLUTION 23-017

~~A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING A CONTRACT WITH AGNEW BECK CONSULTING OF ANCHORAGE, ALASKA, FOR AN AMOUNT NOT TO EXCEED \$650,000 FOR THE PURPOSE OF DEVELOPING A NEW COMPREHENSIVE PLAN AND A COMPLETE UPDATE OF THE TITLE 21 ZONING AND PLANNING CODE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.~~

VETO BY  
MAYOR  
K. Castan

WHEREAS, At the October 10, 2022, City Council Meeting, staff provided a memorandum recommending a two-stage process, a Request for Qualifications and a Request for Proposals, for soliciting professional planning services to develop a new Comprehensive Plan and a complete update of the Title 21 Zoning and Planning Code; and

WHEREAS, The Request for Qualifications was advertised in the Homer News October 27, 2022 and November 3, 2022, and sent to two plans rooms in the state and three plans rooms out of state, and posted on the city website; and

WHEREAS, Qualifications were due by 4:30 p.m. Friday December 9, 2022 and four statements of qualifications were received by the City Clerk's Office; and

WHEREAS, A committee reviewed statements of qualifications on December 13, 2022, selecting three of the four firms for the second stage Request for Proposals process; and

WHEREAS, Proposals were due by 4:30 p.m. Friday January 20, 2023 and three proposals were received by the City Clerk's Office; and

WHEREAS, A committee reviewed proposals on February 1, 2023, selecting the firm of Agnew Beck Consulting of Anchorage, Alaska as the most responsive fitting the requirements of the City; and

WHEREAS, This award is not final until notice is received by Agnew Beck Consulting from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the contract for developing a new Comprehensive Plan and a complete update of the Title 21 Zoning and Planning Code to Agnew Beck of Anchorage, Alaska in an amount not to exceed \$650,000 and authorizes the City Manager to negotiate and execute the appropriate documents.

VETO BY MAYOR  
K. Castan



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PASSED AND ADOPTED by the Homer City Council this 27<sup>th</sup> day of February, 2023.

CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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RACHEL TUSSEY, CMC, ACTING CITY CLERK

Fiscal note: Ordinance 23-11



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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## Memorandum

TO: The Homer City Council

THROUGH: Melissa Jacobsen, City Clerk

FROM: Ken Castner, Mayor

DATE: March 9, 2023

SUBJECT: Veto of Resolution 23-17 (Award of a Contract for Services)

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Under the authority granted to me by AS 29.20.270 and HCC 02.08.070, I am vetoing Resolution 23-17, which awards a contract in the amount of \$650,000 to Agnew Beck.

The appropriation supporting the contract award has been significantly reduced and the City Manager does not believe the contract amount can be reduced under the terms of the solicitation. The appropriation must precede the contract award.



**2.08.070 Mayor's veto.**

a. Except as provided in this section, the Mayor may veto an ordinance, resolution, motion, or other action of the City Council and may strike or reduce appropriation items.

b. A veto must be exercised before the next regular meeting of the City Council. A veto must be signed by the Mayor and be accompanied by a written explanation of the reasons for the veto. A veto that is not signed or that fails to include a written explanation of the reasons for the veto is ineffective. A veto may be overridden by vote of two-thirds of the authorized membership of the City Council within 21 days following exercise of the veto, or at the next regular meeting, whichever is later. The City Council shall first consider a veto override at the first regular or special Council meeting, not including worksessions, that occurs following the veto, but the City Council may postpone taking action from time to time until the expiration of the time for override specified in the preceding sentence.

c. The veto does not extend to:

1. Actions of the City Council sitting as the Board of Adjustment;
2. Adoption or repeal of a Manager plan of government;
3. The veto does not extend to an ordinance adopted under AS 04.11.501. [Ord. 96-01, 1996; Ord. 90-22, 1990. Code 1981 § 1.24.070].