



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer

Action Agenda

City Council Special Meeting

Monday, October 28, 2019 at 3:00 PM

City Hall Cowles Council Chambers

SPECIAL MEETING

Session 19-31 a Special Meeting of the Homer City Council was called to order on October 28, 2019 by Mayor Ken Castner at 3:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COUNCILMEMBERS: ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD (telephonic), SMITH, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY GATTI (telephonic)
ATTORNEY CAULFIELD

Mayor Castner noted for the record Attorney Libby Bakalar was listening telephonically.

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

Supplemental information was noted: Investigation Report to Council and Email Correspondence between City Clerk and Dave Gerard re: Investigation Interview

APPROVED without discussion.

NEW BUSINESS

- a. Consideration of Investigative Report and Determination of Validity of the October 1, 2019 Election Contest submitted by Tom Stroozas contesting the Residency of Storm Hansen-Cavasos

Mayor Castner recused Councilmember Hansen-Cavasos and she left the table.

PASSED with discussion, a motion to sustain Council's certification of Ms. Hansen-Cavasos' election.

COMMENTS OF THE AUDIENCE

Thirteen people commented.

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, November 25, 2019 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 3:51 p.m.

COMMITTEE OF THE WHOLE

CALL TO ORDER, 5:00 P.M.

Councilmember Lord participated telephonically.

Department Heads may be called on to participate.

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)

- Ordinance 19-51, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds. City Manager.

COMMENTS OF THE AUDIENCE

One person commented.

ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, November 25, 2019 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 5:40 p.m.

REGULAR MEETING

Session 19-32 a Regular Meeting of the Homer City Council was called to order on October 28, 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.

Councilmember Lord requests telephonic participation.

PRESENT: COUNCILMEMBERS: ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD (telephonic), SMITH, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
FIRE CHIEF KIRKO
CITY PLANNER ABBOUD

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: **Visitors** Robert Archibald with Prince William Sound RCAC Report (10 minutes) **Ordinances** Emergency Ordinance 19-52, An Ordinance of the City Council of Homer, Alaska Amending the FY 2019 Capital Budget to Fund Emergency Repairs to the Homer Fire Hall Appropriating \$100,000 and Authorizing a Sole Source Contract for Phase 1, Mitigation. City Manager and Memorandum 19-144 from City Manager as backup **Pending Business** Ordinance 19-48, An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. Smith/Stroozas. Notice of withdrawal of HERC proposal.

APPROVED as amended by consensus.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

Mayor Castner expressed his sincere appreciation for the Police and Fire Department personnel and every volunteer who looked for Duffy over the weekend and into the week, those who went up the road posting flyers, and the media for their coverage. Duffy Murnane went missing and she's a person at risk.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

One person 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. Memorandum 19-139 from Deputy City Clerk Re: Liquor License Renewal for Grog Shop East End. Recommend Approval.
- b. Ordinance 19-51, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds. City Manager. Recommended dates Introduction October 28, 2019, Public Hearing November 25 and December 9, 2019 and Second Reading December 9, 2019.
- c. Resolution 19-076, A Resolution of the City Council of Homer, Alaska Supporting Full Funding (\$12,145,312) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2021 State Capital Budget. City Manager/Port Director. Recommend adoption.
- d. Resolution 19-077, A Resolution of the City Council of Homer Alaska Authorizing the City of Homer to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code and Designation the Commission Representative. City Manager. Recommend adoption.
- e. Resolution 19-078, A Resolution of the City of Homer Supporting the Inclusion of Climate Adaptation and Mitigation Measures in the Kenai Peninsula Borough's 2019 Comprehensive Plan. Lord. Recommend adoption.
- f. Resolution 19-080, A Resolution of the City Council of Homer, Alaska Amending the Homer Tariff No. 1 Under Rule 9-Anchoring, Rule 12-Vehicle Parking, Rule 13-Wharfage, Demurrage and Free Time, Rule 26-Fish Dock Rates, and Rule 27-Small Boat Harbor Rules and Regulations. City Manager/Port Director. Follows Ordinance 19-51.
- g. Resolution 19-081, A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees. City Clerk. Follows Ordinance 19-52.

APPROVED without discussion

VISITORS

- a. Robert Archibald with Prince William Sound RCAC Report (10 minutes)

Robert Archibald, President of the Prince William Sound RCAC, reported at their September meeting the Council discussed and acted on new buoys that collect weather data that is now available on line; establishing potential places of refuge for tankers in distress; long term environmental monitoring; invasive species monitoring; terminal contingency planning; and

drills and exercises from 2018. Mr. Archibald also addressed concerns about issues regarding the purchase of BP's assets by Harvest Alaska. Harvest Alaska is a fully owned subsidiary of Hilcorp LLC. The sale is before the RCA with the public comment period ending November 15th. The PWSRCAC will be commenting on Docket P-19-017 on their concerns regarding insurance and that the integrity of the operation, maintenance, and environmental safety of the Valdez Marine Terminal is maintained. He encouraged the City to comment and Mayor Castner noted as the City's representative, it would be appropriate for Mr. Archibald to do so. Councilmembers Aderhold and Venuti expressed their willingness to work with Mr. Archibald on the comments to the RCA.

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

a. Committee of the Whole Report

Councilmember Smith reported Council discussed the budget and he encouraged the public to review the document and provide comments during the public hearings.

b. Special Meeting Report

City Manager Koester reported Council discussed the results of the investigation into the residency of Ms. Hansen-Cavasos. They deliberated for approximately 45 minutes and voted to sustain the certification of Ms. Hansen-Cavasos.

c. Mayor's Report

Mayor Castner commented regarding a request from the Chamber of Commerce for a Councilmember to join their Legislative and Economic Development Committee as an ex officio member. He reported that he, the City Manager, and the Chair of the Port and Harbor Advisory Commission met with Governor Dunleavy to discuss the harbor expansion for large vessels. Prior to that meeting the public had an opportunity to ask questions and posed questions concerning derelict vehicles at the airport, and Baycrest Subdivision and DOT's design of that drainage. Following that meeting, Carl High, AKDOT Maintenance Superintendent, called him and they spoke for about 45 minutes on the issues.

d. Borough Report

Assembly member Kelly Cooper commented she participates on the Chamber Legislative Committee and encouraged Councilmember participation. She reported the Assembly elected her to serve as Assembly President and Hal Smalley as Vice President for the upcoming year. At their next meeting there is an ordinance to appropriate \$100,000 to the Kenai Peninsula Tourism and Marketing Council, and public hearings on the Borough Comprehensive Plan, and an ordinance providing that service area board members be appointed instead of elected. She also reported they will be considering resolutions on the Alaska Remote Seller Sales Tax Commission, urging DOT to keep the Silvertip Maintenance Station open, and requesting an

anadromous streams workgroup. On December 3rd there will be a public hearing on the ordinance regarding private streets and gated subdivisions. Lastly she reported they had a similar event during the Borough election regarding a candidate's residency. The issue was raised during the campaign period and they found their code was silent, so they are developing legislation to address what the Clerk's responsibility is for review of filings and investigating.

There was brief discussion about the importance of the Silvertip Maintenance Station to highway safety, especially in the winter.

e. Library Advisory Board

Marcia Kuzmaul, Library Advisory Board Chair, reported at their next meeting on November 5th the Board will be addressing the Library's Gift Policy, continued consideration of establishing a Library Endowment Fund, and an initiative brought forward by Student Representative Marina Greear about increasing library card registration for high school students. She reported on events over National Friends of the Library Week, and thanked Colin Tolman and Lakeshore Glass for their work on building selves for the Library's collection of rare books.

f. Planning Commission

Roberta Highland, Planning Commissioner, reported the Commission had a worksession with the Economic Development and Parks, Art, Recreation, and Culture Advisory Commissions to discuss the Wayfinding and Streetscapes proposal. The Commission also discussed a recommendation from the EDC on amending the sign code for large commercial buildings for multiple tenants.

g. Economic Development Advisory Commission

h. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks, Art, Recreation, and Culture Advisory Commissioner, reported they met with the Economic Development Advisory Commission to discuss Wayfinding and Streetscapes and believe it will be very beneficial, especially for people who aren't familiar with Homer. They visited the Hickerson Memorial Cemetery with Parks Maintenance Coordinator Steffy who shared that staff is working on a computer program that will allow people to easily find where their loved ones are located in the cemetery. The Commission also discussed the camping areas on the spit and impacts on revenue with the closure of one due to the large vessel haul out, and impacts of erosion on other areas. Lastly he noted they approved the purchase of a plaque to replace one that was taken from Ben Walters Park and mentioned the new playground equipment at Ben Walters Park.

i. Port and Harbor Advisory Commission

j. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Ordinance 19-44, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY2017 State Homeland Security Program Reallocation Award for an Amount no to Exceed \$53,324.58 to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

Memorandum 19-131 from Fire Chief as backup

There were no public comments.

ADOPTED without discussion.

- b. Ordinance 19-45, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY2019 State Homeland Security Program Grant in the Amount of \$255,005 for a Back Generator at the Fire Hall and a Dispatch Console for the Police Department and Appropriating \$24,704 from the Police Station Reserve Account to Purchase a Computer Hardware Integrated Workstation to House the Dispatch Console. City Manager. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

Memorandum 19-132 from Police Chief as backup

There were no public comments.

ADOPTED with discussion.

- c. Ordinance 19-46, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.60, Parks, Art, Recreation, and Culture Advisory Commission, Section 2.60.010(A) Created-Membership, to Reduce the Number of Members from Nine to Seven. Aderhold. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

There were no public comments.

ADOPTED with discussion.

ORDINANCE(S)

- a. Ordinance 19-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.30 Marine Industrial Zoning District Section 21.30.020 Permitted Uses and Structures, to add Boat Sales, Rentals, Service, Repair and Storage, and Boat

Manufacturing as Permitted Uses and Section 21.30.050 Conditional Uses and Structures to Remove Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Conditional Uses. Planning Commission. Recommended dates Introduction October 28, 2019 Public Hearing and Second Reading November 25, 2019.

Memorandum 19-140 from City Planner as backup

INTRODUCED with discussion.

- b. Emergency Ordinance 19-52, An Ordinance of the City Council of Homer, Alaska Amending the FY 2019 Capital Budget to Fund Emergency Repairs to the Homer Fire Hall Appropriating \$100,000 and Authorizing a Sole Source Contract for Phase 1, Mitigation. City Manager.

Memorandum 19-144 from City Manager as backup

ADOPTED with discussion.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Koester commented she will be setting up facility tours with the new councilmembers. If other members would like to attend, please let her know. She will also be setting up a meeting with Altman and Roberts, the firm that is reviewing the HAWSP fund, so Councilmembers can have their questions addressed.

PENDING BUSINESS

- a. Ordinance 19-48, An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. Smith/Stroozas. Introduction October 14, 2019, Postponed to October 28, 2019.

FAILED with discussion.

NEW BUSINESS

- a. Memorandum 19-141 from City Clerk Re: Selection of Mayor-Pro Tempore

APPROVED Councilmember Lord as Mayor Pro Tem without discussion.

- b. Memorandum 19-142 from City Clerk Re: Memorandum to Kenai Peninsula Borough Mayor Pierce and the Borough Assembly regarding KPB Ordinance 2019-24

APPROVED Memorandum to Mayor Pierce and KPB Assembly with discussion.

- c. Memorandum 19-143 from City Clerk Re: Purple Heart Trail/Highway Letter of Support

APPROVED Mayor submitting a letter with discussion.

RESOLUTIONS

- a. Resolution 19-075, A Resolution of the City Council of Homer, Alaska Designating Signatories of City Accounts and Superseding any Previous Resolutions so Designating. City Manager

ADOPTED as amended without discussion.

Amended to add Councilmember Lord as Mayor Pro Tem

- b. Resolution 19-079, A Resolution of the City Council of Homer, Alaska Considering Unacceptable the Reductions to Funding for the Alaska Marine Highway System in FY20 and Changes to the Winter Ferry Schedule, Opposing any Further Reductions to the System's Budget, and Supporting Reform that is Sustainable and Responsive to the Needs of Coastal Communities. Aderhold.

ADOPTED with discussion.

COMMENTS OF THE AUDIENCE

One person commented.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen clarified a mistake she read in the title of Resolution 19-077 that it is the Remote Seller Sales Tax Code.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Castner had no comments.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen-Cavasos thanked everyone for their patience and for having her on the council.

Councilmember Evensen shared a reminder that we are a unicameral body, not one that serves based on political affiliation. We are a body set up to serve the City of Homer and he joined with that in mind. He announced the Empty Bowles event at the Methodist Church coming up a week from Friday

Councilmember Venuti said she missed having Councilmember Lord here tonight and hopes she's enjoying her travels. She thanked all who helped look for Duffy, she echoes the Mayor's earlier comments. It reminds us all that we have to be vigilant in taking care of our vulnerable citizens. She met with the Library Board Chair and Library Director regarding the endowment plan for donations, she got to see the new rare book shelf while she was there. She attended the showing of The Public and said there was good discussion following the movie. Lt. Browning from HPD represented the City well in that discussion. She thanked Dotti for reminding us about the fine Public Works employees. She welcomed the new Councilmembers.

Councilmember Lord appreciated the opportunity to participate telephonically tonight, she's enjoyed visiting family and looks forward to getting home. She welcomed the new Councilmembers and looks forward to working with them.

Councilmember Aderhold commented she participated in a preliminary webinar by the Kachemak Bay Research Reserve on working with ground water, and there were a lot of ideas that could be useful to the City. She hopes to have conversations about that and see how we might be able to use some of the modeling they're doing related to ground water around the City.

Councilmember Smith commented a few months ago a friend's brother, who his friend cares for, went missing and was gone for some time. They were able to find him in Soldotna, but the reality is there are some people out there who don't have good intentions, and they were able to track the brother down through credit card charges. As good neighbors we can keep an eye out, be vigilant and lend a hand. He reflected on community members who passed away recently, Roberta Harris and Glen Bowden.

ADJOURNMENT

Next Regular Meeting is Monday, November 25, 2019 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 7:38 p.m.