

ACTION AGENDA

Monday, June 13, 2011

Special Meeting

Committee of the Whole

Regular Meeting

SPECIAL MEETING AGENDA

Session 11-19 a Special Meeting of the Homer City Council was called to order on June 13, 2011 at 4:01 p.m. by Mayor James C. Hornaday, 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON

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. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

4. NEW BUSINESS

- A. **Memorandum 11-075**, From City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1&2), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Subjects That Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Attorney Contract)

APPROVED with discussion.

Council adjourned to Executive Session at 4:05 p.m. and reconvened the meeting at 4:41 p.m.

Mayor Pro Tempore Wythe stated Council met and discussed legal services of the current attorney and provided direction to the staff.

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

7. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

8. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

9. COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

10. COMMENTS OF THE CITY COUNCIL

There were no comments of the Council.

11. ADJOURNMENT NO LATER THAN 4:50 p.m.

Mayor Hornaday adjourned the meeting at 4:42 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Mayor Hornaday 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. 5)

The agenda was approved by consensus of the Council.

3. Michelle Drew, Mikunda, Cottrell, & Co., Auditor Report (15 minutes)

Michelle Drew provided a report on the audit.

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There was one who commented.

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

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

REGULAR MEETING AGENDA

Session 11-20 a Regular Meeting of the Homer City Council was called to order on June 13, 2011 at 6:02 p.m. by Mayor James C. Hornaday, 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABOUD
LIBRARY DIRECTOR DIXON
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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 agenda was amended to add: CITY MANAGER’S REPORT - **Supreme Court Opinion**, Griswold vs. City of Homer, City Clerk Jo Johnson, and Kachemak Shellfish Mariculture 3HO-08-137CI/S-13734 and COMMITTEE REPORTS - Memorandum 11-085, Email from Committee Member John Velsko as backup.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were six 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 May 24, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-076**, from Mayor, Re: Appointment of Jennifer Sonneborn to the Advisory Planning Commission and Reappointment of Tom Bos and James Dolma to the Advisory Planning Commission.

AMENDED to move Memorandum 11-076 to New Business.

6. VISITORS

- A. Michelle Drew, Mikunda, Cottrell Auditor's Report, 10 minutes.

Michelle Drew, Mikunda, Cottrell, provided a report of the 2010 audit.

- B. Roland Maw, Executive Director, United Cook Inlet Drift Association, 10 minutes.

Mr. Maw cancelled his presentation and will reschedule.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Prince William Sound Regional Citizen's Advisory Council Report, by John Velsko
- C. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission

Bob Howard, Port and Harbor Advisory Commissioner, complimented staff on their job of preparing for the meetings and the day to day management of the harbor. The new parking program is in place and is working. As we go through the summer we will learn more about what we can do to improve the program. Corrections can be made in the fall. The commission

discussed the merits of using revenue bonds to finance future harbor improvements. The harbor needs a lot of work as it is the primary economic engine of the community. Commissioner Howard urged Council to support Resolution 11-060.

D. Matt Montavon, 1,100 Mile Run Across Alaska for the Wounded Warrior Project

8. PUBLIC HEARING(S)

A. **Ordinance 11-21**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.010, Definitions; and Amending Homer City Code 2.08.010, Management of Public Records; Regarding the Management of City Records. City Attorney/City Manager. Introduction May 24, 2011, Public Hearing and Second Reading June 13, 2011.

Memorandum 11-077 from City Attorney as backup.

There was no public testimony.

AMENDED and ADOPTED with discussion.

B. **Ordinance 11-22**, An Ordinance of the City Council of Homer, Alaska, Establishing a Preliminary Project Budget and Authorizing Expenditures for Phase I Improvements to Karen Hornaday Park. City Manager/Parks & Recreation Advisory Commission. Introduction May 24, 2011, Public Hearing and Second Reading June 13, 2011.

There was no public testimony.

ADOPTED with discussion.

9. ORDINANCE(S)

A. **Ordinance 11-23**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 21.12.020; 21.14.020; 21.16.020; 21.18.020; 21.20.020; 21.22.020; 21.24.020; 21.26.020; Addressing Permitted Uses and Structures; and Homer City Code 21.28.030 Conditional Uses and Structures; to Add Hostel as a Permitted Use in the Rural Residential, Urban Residential, Residential Office, Central Business, Town Center, Gateway Business, General Commercial 1, and General Commercial 2 Zoning Districts, and to Add Hostel as a Conditional Use in the Marine Commercial Zoning District. Wythe. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

REFERRED to Planning Commission for review.

B. **Ordinance 11-24**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.74.040 Duties and Responsibilities of Commission, to Authorize the Parks and Recreation Advisory Commission to Solicit Donations of Money and Property

for the Benefit of Parks and Recreation Facilities in the City. City Clerk/Parks and Recreation Advisory Commission. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

AMENDED and ADOPTED with discussion.

- C. **Ordinance 11-25**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 18.08.120, Sublease, Regarding the Charging of Additional Rent for Subleases of City Property. City Manager. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Memorandum 11-079 from City Clerk as backup.

ADOPTED without discussion.

- D. **Ordinance 11-26**, An Ordinance of the City Council of Homer, Alaska, Repealing Subsection (c) of Homer City Code 14.08.035, Water Connection and Extension Permit Fee; and Enacting Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. Roberts/Wythe. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

ADOPTED with discussion.

- E. **Ordinance 11-27**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$5,000 from the Parks and Recreation Reserves to the Homer Foundation to Support Community Efforts to Create a New Improved Playground at Karen Hornaday Park. City Manager. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Memorandum 11-084 from Special Projects Coordinator as backup.

AMENDED and ADOPTED with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 11-080 from Police Chief, re: Withdrawal from CAD Program
2. **Supreme Court Opinion**, Griswold vs. City of Homer, City Clerk Jo Johnson, and Kachemak Shellfish Mariculture 3HO-08-137CI/S-13734

B. Bid Report

City Manager Wrede referenced Memorandum 11-080, the City's withdrawal from the CAD program. At an earlier meeting the Borough made a presentation and Council authorized

participation in the program at level 6. The Police Chief recommends we do not participate in CAD any further.

In response to Councilmember Hogan's request for a report on the crane accident at the fuel dock, Port and Harbor Director Hawkins reported there were 27 man hours involved. Those hours included the initial response, traffic control, and oversight by the Harbormaster. It was critical to stay involved as the incident was of a delicate nature that could have turned south at any time. A harbor officer was always on duty.

Councilmember Hogan asked if the party had a terminal use permit (TUP) and the proper insurance. Port and Harbor Director Hawkins answered he had the proper insurance, but no TUP. He was working on Petro's property. There are no ramifications or exposure for the City.

Councilmember Lewis referenced the Supreme Court case and asked if the City was entitled to reimbursement for legal fees. City Attorney Wells answered costs and attorney fees were successful at the lower level. There is a process to go through to collect and recover fees.

11. CITY ATTORNEY REPORT

City Attorney Wells offered to answer questions on the Supreme Court case and Council had none.

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

1. Memorandum 11-085 from Transportation Advisory Committee re:
Recommending Right Turns Only off Streets Between Pioneer Avenue and Lake Street

Transportation Advisory Committee Member Francie Roberts reported the committee has the idea of right turns only on the streets from Pioneer to Lake on their August agenda for more discussion. The committee wanted Council to think about it.

Councilmember Wythe asked staff to develop a resolution recommending and identifying the specific intersections and showing what the indicators would be.

C. Lease Committee

D. City Hall Renovation and Expansion Task Force

City Manager Wrede reported the contractors for the City Hall renovation and expansion are moving fast and doing a good job. Planning is now temporarily located at the old intermediate

school. Administration will move there on Wednesday. Vacating the offices will help the contractors and speed up the process. It will be noisy and dusty during the construction.

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 11-076**, from Mayor, Re: Appointment of Jennifer Sonneborn to the Advisory Planning Commission and Reappointment of Tom Bos and James Dolma to the Advisory Planning Commission.

AMENDED to remove the appointment of Jennifer Sonneborn (will be continued to the June 27th meeting) and APPROVED with discussion.

15. RESOLUTIONS

- A. **Resolution 11-054**, A Resolution of the City Council of Homer, Alaska, Accepting the 2010 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City/s Independent Auditor, Mikunda, Cottrell, & Co. and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance.

ADOPTED without discussion.

- B. **Resolution 11-055**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Jail Service Contract for FY 2012 with the State of Alaska in the Amount of \$611,099.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief.

Memorandum 11-081 from Police Chief as backup.

ADOPTED with discussion.

- C. **Resolution 11-056**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Special Services Contract for FY 2012 with the Alaska Department of Public Safety in the Amount of \$36,000.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief.

Memorandum 11-082 from Chief of Police as backup.

ADOPTED without discussion.

- D. **Resolution 11-057**, A Resolution of the City Council of Homer, Alaska, Awarding Contracts for the Public Works Gravel Supply 2011, 2012, and 2013 to the Firms of R/C Land Improvements of Anchor Point, Alaska, in the Amount of \$37,514.00 and

Brown Construction Company, Inc. of Homer, Alaska, in the Amount of \$950.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-083 from Public Works Superintendent as backup.

ADOPTED without discussion.

- E. **Resolution 11-058**, A Resolution of the City Council of Homer, Alaska, Awarding Contracts for the City Owned Dredge Spoils to the Firms of Herndon Construction LLC in the Amount of \$1,050.00 and Homer Boat Yard of Homer, Alaska, in the Amount of \$1,050.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

ADOPTED with discussion.

- F. **Resolution 11-059**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Arno Construction, of Homer, Alaska, in the Amount of \$6,720 for the Construction of the West Elementary Trail and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-086 from Public Works Director as backup.

ADOPTED without discussion.

- G. **Resolution 11-060**, A Resolution of the City Council of Homer, Alaska, Establishing a Committee to Develop a Port and Harbor Improvement Revenue Bonding Plan and Provide Committee Review and Oversight Throughout the Implementation and Completion of any Approved Plan. Wythe.

ADOPTED with discussion.

- H. **Resolution 11-061**, A Resolution of the City Council of Homer, Alaska, Setting Water/Sewer Depreciation Reserve Transfers to the Net Change in Fund Balance Annually. Roberts.

AMENDED and POSTPONED to June 27, 2011.

- I. **Resolution 11-062**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Water and Sewer Fees. City Clerk. Recommended date: Public Hearing June 27, 2011.

Memorandum 11-087 from City Clerk as backup.

PUBLIC HEARING scheduled for June 27, 2011.

- J. **Resolution 11-063**, A Resolution of the Homer City Council Encouraging the Kenai Peninsula Borough Assembly to Designate 80 Acres, Kenai Peninsula Borough Parcel Number 179-010-26 Northwest of the Homer Airport as Wildlife Habitat. Roberts.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede clarified Council's request to have ordinances showing changes with backup memorandums and a clean copy of the ordinance.

20. COMMENTS OF THE MAYOR

Mayor Hornaday hopes the City Attorney will look into the comments of Mr. Cordes and come up with some suggestions. He remembers VJ Day as a 6-year old in Des Moines, Iowa driving around and honking their horn in favor. We now have a Sister City in Japan and we welcome the Japanese defense ships in the bay. It is a big improvement.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe congratulated staff on the audit and identifying cost cutting measures resulting in increased revenue reserves. We are within the six month reserve window. She requested a dead end sign for Bunnell Street in response to Charlie Young's comments. In the Mayor's absence she had the opportunity to welcome the General Federation of Women's Club. The Alaska chapter was founded in Nome. They have been involved in improving child labor laws, promoting the pure food and drug acts, improving education and health on reservations, working with the equal rights amendment in 1944, a buy a bomber campaign during World War II, participated in the conference to form the United Nations, and worked with the cooperative for American relief everywhere after the Korean war. Kathy Wilmeth is the lone member in Homer. They will be considering a group here and she encouraged women who are interested to become involved. It was the most fun thing she has done as mayor pro tempore.

Councilmember Lewis commented a dead end sign should be pretty simple. He echoed the Mayor's comments for a solution to the property. He hopes the sailors had a fun time this weekend.

Councilmember Hogan echoed the comments regarding both of the visitors. He expressed regrets and apologies for Dr. Maw for not being able to appear. He invited him to appear after the meeting with Fish and Game regarding the management of the Upper Cook Inlet fishery. The changes the board of fish made on the management plan will make drastic changes on the amounts of deliveries, boats that moor here, and amount of money that is spent here. Unless the run prediction exceeds 4.6M, everything will be moved up the inlet and delivered to Kasilof and Kenai. It has enormous impacts to the community. He requested Dr. Maw be moved to the June 27th meeting. Council needs to hear what the fish board did in response to the political pressure from the Matsu Borough.

Councilmember Roberts likes the new newsletter format with the team. She welcomed Library Director Ann Dixon.

Councilmember Zak thanked the group here earlier for the Karen Hornaday Park equipment replacements. The Navy was in this weekend and he knows at least ten sailors took the Boss Hogz challenge on the Spit. An old retired guy owns the record and if anyone wants to beat Councilmember Zak's record, have at it. It is a tough challenge. He went to the Homer Chamber meeting immediately afterword and didn't eat any wings or drink any beer but made it through the meeting.

Councilmember Howard had no comment.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:30 p.m. The next Regular Meeting is scheduled for Monday, June 27, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, June 27, 2011 at 5:00 p.m. A Worksession is scheduled for Monday, June 27, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.