

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, MARCH 31, 2011
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE/INVOCATION

Mayor Carolyn L. Floyd called the meeting to order at 7:30 p.m. Councilmembers Patricia B. Branson, Charles E. Davidson, Josefina F. Rosales, Gabriel T. Saravia, and John B. Whiddon were present and constituted a quorum. Councilmember Thomas D. Walters arrived at 7:39 p.m. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Matthew Gandel were also present.

After the Pledge of Allegiance, Salvation Army Sergeant Major Dave Blacketeer gave the invocation.

II. PREVIOUS MINUTES

Councilmember Branson MOVED to approve the minutes of the February 24, 2011, regular meeting and March 3, 2011, special meeting as presented.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, and Whiddon in favor. Councilmember Walters was not present. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Women's History Month

Councilmember Branson read the proclamation, which urges residents to increase their knowledge and appreciation of the valuable role women play in our lives. Mayor Floyd presented the proclamation to Sonya Sorto, Immigrant Community and Outreach Advocate for the Kodiak Women's Resource and Crisis Center, who thanked Mayor Floyd and the Council, and said the theme for the 31st anniversary of National Women's History Month was "Our History is Our Strength."

b. Public Comments

Bonnie McDonald, holder of Taxicab Permit Nos. 1 and 25, said she felt that Kodiak City Code (KCC) section 5.40 had been enforced and interpreted unfairly and inconsistently for the last two years. She said the holder of Taxicab Permit No. 18 had never driven it, and therefore it didn't seem fair that Taxicab Permit No. 15 had lapsed for not reinstating following a voluntary suspension. She said an audit in March 2010 had shown 14 taxicab permits out of compliance with KCC 5.40, and questioned why those permits had not been revoked. She also said that it was unfair and unreasonable that there was no parking allowed for taxicabs on City docks in the draft for-hire vehicle ordinance presented at the March 29, 2011, work session.

Councilmember Walters arrived.

Donna Jones, holder of Taxicab Permit No. 11, urged the Council to postpone the lottery for Taxicab Permit No. 15. She said that 14 other permits had previously been out of compliance and hoped that with the implementation of a new for-hire vehicle ordinance, amnesty would be granted to all taxicab permits. She also said that the lack of proper taxi stands led to an excess of taxis in the downtown area, which was becoming a dangerous situation. She said she would be organizing a meeting with all the taxi dispatch services to come up with ideas to submit to the Council and the Kodiak Police Department.

Patty Holmes, Chairperson of the Kodiak Public Library Association Board of Directors, expressed her appreciation to the Council for their support for the new library project, and said she looked forward to working with the Council representative on the new building committee.

IV. UNFINISHED BUSINESS

a. **Resolution No. 2011-01, Establishing Time Limits and Permit Requirements for Parking in Parking Lots at St. Paul Harbor and St. Herman Harbor**

Mayor Floyd read Resolution No. 2011-01 by title. For over a year City staff and the Port and Harbors Advisory Board (PHAB) have worked on a plan for harbor parking lots that addresses the need for harbor users to have available long term parking adjacent to the harbors and provide staff with the tools to efficiently administer and enforce the program. Numerous variations of the plan have been submitted to the Council for consideration in the past, but none were fully supported by both the PHAB and staff. On March 15, 2011, the PHAB and staff jointly crafted and agreed on a plan designed to accomplish the defined goals and establish a fee structure to cover the cost of implementation and administration of the plan.

The plan designates 30-day parking lots adjacent to the harbors for parking by permit only. The Harbormaster will issue permits to authorized users at no charge in the form of a sticker that will be posted on the vehicle. One 30-day lot adjacent to St Herman Harbor Ramp 1 will be available to the general public, all others will be reserved for slip holders and paid up transient vessel owners only. Permitted users will then pay \$1.00 per day for actual days parked in the 30-day lots, payable at self-pay kiosks.

Clerk's Note: The motion to adopt Resolution No. 2011-01 is already on the floor.

Councilmember Walters moved to amend Resolution No. 2011-01 as follows:

1. Section 3, No. 2, strike the word "sold" and insert the word "issued."
2. Section 3, No. 3, substitute the existing sentence with the following sentence, "The fee for parking in 30-day permit areas is \$1.00 per day, payable at the harbor office or designated self-pay kiosks."
3. Section 3, following No. 5 d, strike the sentence that reads "This Section 3 shall expire on December 31, 2011."
4. Substitute Attachment 1, Current St. Paul Harbor Parking Layout dated 3-23-10 with Attachment 1, Current St. Paul Harbor Parking Layout dated 3-1-11.
5. Substitute Attachment 2, Current St. Herman Harbor Parking Layout dated 3-23-10 with Attachment 2, Current St. Herman Harbor Parking Layout dated 3-1-11.

Councilmember Branson said she was glad that PHAB and City staff had reached a resolution that took into account the concerns of fishermen, and it was a fair way to pay for parking.

Councilmember Whiddon said he commended PHAB, the Harbormaster, and City staff for working through the parking issue. He said the parking program began as a way to clear up the 30-day parking lot and was not intended to be a revenue generating scheme. He said the resolution was fair and equitable.

The roll call vote on the amendment was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The amendment passed.

The roll call vote on the main motion was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

b. Second Reading and Public Hearing, Ordinance No. 1282, Authorizing a Lease Between the City of Kodiak and State of Alaska, Department of Administration for Pillar Mountain Communication Lease Site No. 4, Described as a Parcel of Land Within U.S. Survey 3945

Mayor Floyd read Ordinance No. 1282 by title. The City of Kodiak has leased Communication Site No. 4 on Pillar Mountain to the State of Alaska, Department of Administration (SDOA) since 1988. The most recent lease has expired, and SDOA desires to renew the lease. Due to the terms, the lease must be approved by ordinance.

Councilmember Rosales MOVED to adopt Ordinance No. 1282.

Mayor Floyd closed the special meeting, opened and closed the public hearing when no one came forward to testify, and reopened the special meeting.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

c. Second Reading and Public Hearing, Ordinance No. 1283, Authorizing a Lease Between the City of Kodiak and GCI Communication Corporation for Pillar Mountain Communication Lease Site No. 9, Described as a Portion of Tract B, U.S. Survey 2538-A

Mayor Floyd read Ordinance No. 1283 by title. The City of Kodiak has leased Communication Site No. 9 on Pillar Mountain to GCI Communication Corporation (GCI) and its predecessor Alaska Cablevision since 2000. The most recent lease has expired, and GCI desires to renew the lease. Due to the terms, the lease must be approved by ordinance.

Councilmember Davidson MOVED to adopt Ordinance No. 1283.

Mayor Floyd closed the special meeting, opened and closed the public hearing when no one came forward to testify, and reopened the special meeting.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

d. Second Reading and Public Hearing, Ordinance No. 1284, Authorizing a Lease Between the City of Kodiak and United States Department of Transportation, Federal Aviation Administration, Alaska Region for Pillar Mountain Communication Lease Site No. 12, Described as a Parcel of Land Within U.S. Survey 3945

Mayor Floyd read Ordinance No. 1284 by title. The City of Kodiak has leased Communication Site No. 12 on Pillar Mountain to the Federal Aviation Administration (FAA) since 2004. The most recent lease has expired, and the FAA desires to continue to lease the site. Due to the terms, the lease must be approved by ordinance.

Councilmember Rosales MOVED to adopt Ordinance No. 1284.

Mayor Floyd closed the special meeting, opened and closed the public hearing when no one came forward to testify, and reopened the special meeting.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

V. NEW BUSINESS

a. First Reading, Ordinance No. 1285, Amending Kodiak City Code Section 2.20.020, Petition Required, to Provide for the Filing of Candidate Nominating Petitions From August 1 Through 15

Mayor Floyd read Ordinance No. 1285 by title. City voters approved an amendment to Kodiak City Charter Article X, Section 3 at the October 5, 2010, regular City election that permits the Council to specify via ordinance the candidate filing period for City elections. Ordinance No. 1285 proposes to amend Kodiak City Code (KCC) 2.20.020 by changing the candidate filing period to August 1 through August 15, which will match the Kodiak Island Borough's candidate filing period. This change will enable the Clerk's Office to earlier prepare and distribute election materials to the public.

Councilmember Branson MOVED to pass Ordinance No. 1285 in the first reading and advance to second reading and public hearing at the next regular or special Council meeting.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

b. Resolution No. 2011-05, Accepting a U.S. Environmental Protection Agency Grant for the UV Water Treatment Facility, Project No. 7023/03-14

Mayor Floyd read Resolution No. 2011-05 by title. The City started working to meet U.S. Environmental Protection Agency (EPA) requirements to have secondary treatment of its water supply under the Long Term 2 Enhance Surface Water Treatment Rule (LT2ESWTR) in 2003. The most current project cost estimate for the UV water treatment facility is \$8.8 million. Due to the cost of the project, the City actively began to pursue available funding sources by applying for Alaska Municipal Matching Grants (AMMG), Alaska Drinking Water Fund loans (ADWF),

and Environmental Protection Agency (EPA) grant funding. The City currently has an AMMG for \$2.8 million; up to \$5.9 million available through the ADWF loan program; and has received two EPA appropriations totaling \$768,000 for the project. This resolution would authorize acceptance of the \$768,000 in EPA grant funds.

Councilmember Walters MOVED to adopt Resolution No. 2011-05.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

c. Resolution No. 2011-06, Amending the Schedule of Fees, Charges, and Tariffs

Mayor Floyd read Resolution No. 2011-06 by title. The City sets its fees and charges for various services by a resolution of the Council. It is important to review and adjust the fee schedule on a regular basis to ensure the City is receiving adequate revenues with which to provide services. The City Council identified the importance of an annual review and update of the schedule of fees, charges, and tariffs by including this as a goal in both the FY2011 and FY2012 budget goals. Staff completed the review and submitted a list of proposed changes to fees pertaining to the Harbor, Library, and Public Works departments. The changes are proposed to take effect July 1, 2011.

Councilmember Branson MOVED to adopt Resolution No. 2011-06.

Councilmember Whiddon said the Council needed more time to look at the methodology used to determine the proposed fee increases to make sure they were adequate and explainable. He said there were a wide variety of increases to stakeholders who might not be aware of them.

Councilmember Whiddon MOVED to postpone the vote on Resolution No. 2011-06 to the April 28, 2011, regular meeting.

The roll call vote on the motion to postpone was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

d. Resolution No. 2011-07, Adopting a Vehicle and Equipment Replacement Policy

Mayor Floyd read Resolution No. 2011-07 by title. A group of City staff and two Councilmembers worked on development of a vehicle and equipment policy that would define the best process to manage, evaluate, and replace the City's fleet of vehicles and equipment. As a result, a draft policy was written and reviewed by the City Council at the annual planning session on February 26, 2011. Council agreed to move the policy forward for formal adoption by resolution.

Councilmember Rosales MOVED to adopt Resolution No. 2011-07.

Councilmember Walters said he appreciated all the time and effort that the department heads had put in creating the vehicle and equipment replacement policy and said it would help the Council plan ahead for the budget process.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

e. Authorization of Memorandum of Agreement Establishing the Public Library Building Committee

The Foraker Group and project development team recommend forming a building committee made up of interested local residents to participate in and advise the City during the design and construction of the new library facility. This approach has been beneficial in other Alaskan communities that have or are building new libraries, because it broadens community support through citizen involvement. The Foraker Group is recommending the City approve a Memorandum of Agreement (MOA) between the City and the Kodiak Public Library Association (KPLA) that establishes a building committee and defines members' roles and responsibilities.

Councilmember Davidson MOVED to authorize the City Manager to sign the Memorandum of Agreement between the City of Kodiak and the Kodiak Public Library Association establishing a Kodiak Public Library Building Committee.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

f. Appointment of City Council Representative to the Public Library Building Committee

In the previous New Business agenda item, Council authorized a Memorandum of Agreement (MOA) between the City and the Kodiak Public Library Association (KPLA) to form the Public Library Building Committee. The City Council needs to appoint a Councilmember to serve on the committee.

Councilmember Walters MOVED to appoint John Whiddon as primary member and Pat Branson as alternate member to the Kodiak Public Library Building Committee.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

g. Appointment of City Representative to the Prince William Sound Regional Citizens' Advisory Council

The City of Kodiak has a dedicated seat for a representative on the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC). Jane Eisemann, who has served as the City's representative since 2001, has requested re-appointment. The PWSRCAC has requested notification of the City's appointment no later than April 4, 2011.

Councilmember Davidson MOVED to appoint Jane Eisemann to a two-year term as the City of Kodiak representative on the Prince William Sound Regional Citizens' Advisory Council.

Councilmembers Branson and Davidson expressed their gratitude to Jane Eisemann for her continued service.

The roll call vote was Councilmembers Branson, Davidson, Rosales, Saravia, Walters, and Whiddon in favor. The motion passed.

h. Authorization of Transfer of Taxicab Permit No. 2

Luckida Boatwright, holder of Taxicab Permit No. 2, has requested the permit be transferred to Charito Boatwright.

Councilmember Walters MOVED to authorize the transfer of Taxicab Permit No. 2 to Charito Boatwright.

Councilmember Davidson notified Mayor Floyd that he had a conflict of interest, since he holds a taxicab permit; the Mayor excused him from voting.

The roll call vote was Councilmembers Branson, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Davidson was excused from voting. The motion passed.

i. Lottery Drawing and Issuance of Taxicab Permit No. 15

The Council approved voluntary suspension of Taxicab Permit No. 15 from May 1 through October 31, 2010. Taxicab Permit No. 15 lapsed when it was not renewed at the end of the voluntary suspension period. Kodiak City Code (KCC) 5.40.010(c) stipulates a taxicab permit shall lapse if it is not renewed within twenty-five days following the expiration of any period of suspension. Once a taxicab permit lapses, KCC 5.40.020(c) stipulates the Council shall determine whether the number of permits shall be reduced or if the permit availability shall be publicly advertised. The availability of Taxicab Permit No. 15 was advertised publicly in the local paper and via notices that were mailed to other taxicab permit holders. Five individuals filed the necessary paperwork to enter the lottery drawing for Taxicab Permit No. 15.

Councilmember Rosales MOVED to conduct the lottery drawing for Taxicab Permit No. 15.

Councilmember Whiddon MOVED to postpone the vote on the motion to conduct the lottery drawing for Taxicab Permit No. 15 to the April 28, 2011, regular meeting.

Councilmember Davidson notified Mayor Floyd that he had a conflict of interest, since he holds a taxicab permit; the Mayor excused him from voting.

The roll call vote was Councilmembers Branson, Rosales, Saravia, Walters, and Whiddon in favor. Councilmember Davidson was excused from voting. The motion to postpone passed.

VI. STAFF REPORTS

a. City Manager

City Manager Kniazowski reported on her trip to Juneau to lobby for projects on the City's capital improvements list. She said the capital budget looks healthy this year and was promising for the City's main projects. She said a trip to Washington D.C. to lobby at the federal level had not been quite as beneficial due to the federal government's budget difficulties. She said she would

be travelling to Anchorage for a biannual emergency preparedness conference, which would be helpful as the City prepares to participate in the Alaska Shield 2012 emergency exercise. She reported on the status of the UV water treatment facility, library painting, classification and compensation study, and new library projects. She recommended the Council cancel the May 10 and 12, 2011, and June 7 and 9, 2011, meetings due to staff and Council travel.

b. City Clerk

City Clerk Marlar informed the public that Council work sessions were now being held in the Borough conference room. She also informed the public of the April Council scheduled work sessions and regular meetings.

VII. MAYOR'S COMMENTS

Mayor Floyd said that she had been unable to attend meetings in Juneau and Washington D.C. She reported on the statewide "Choose Respect" marches sponsored by Governor Parnell and said over 75 people in Kodiak had attended a local march in support.

VIII. COUNCIL COMMENTS

Councilmember Branson reported on her trips to Juneau for the legislative reception and Washington D.C. for the National League of Cities (NLC) conference. She said it was important to have public meetings for emergency preparedness and recommended the City hold occasional informational sessions.

Councilmember Saravia reported on his trip to Juneau and said there had been good meetings with Kodiak's state legislators. He said millions of pounds of cod and pollock were currently being delivered in Kodiak.

Councilmember Walters said he was glad to see a resolution on the harbor parking issue. He said that there had been reports of illegal taxicabs operating in the City and called it a public safety issue. He warned people operating illegally that it would catch up to them sooner or later.

Councilmember Rosales agreed with Councilmember Walters about illegal taxicabs and said those people were taking revenues that could be used to provide City services. She also reported on her trip to NLC and said attending training seminars had provided her with a broader perspective on all the issues facing the City.

Councilmember Whiddon said he was pleased to see a resolution to the school crossing guard program and said he was proud of the Kodiak High School Student Council for helping out. He said the North Pacific Fishery Management Council was meeting in Anchorage and were reviewing some bycatch issues that would have implications for local fisheries. He said it was important to fill the fisheries analyst position and have someone provide information on fisheries issues to the Council. He said he was impressed with the level of commitment shown by members of the taxicab industry and said the new for-hire vehicle ordinance would make things more transparent and easier to enforce.

Councilmember Davidson said he was pleased to read about the crossing guard solution. He suggested the City Clerk's office advertise the change in the fee schedule to notify the public.

IX. AUDIENCE COMMENTS

None.

X. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:42 p.m.

CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Delvin Mader
CITY CLERK



Minutes Approved: April 14, 2011