

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, APRIL 28, 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 Josefina F. Rosales, Gabriel T. Saravia, Thomas D. Walters, and John B. Whiddon were present and constituted a quorum. Councilmember Patricia B. Branson and Charles E. Davidson were absent. 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 Walters MOVED to approve the minutes of the April 14, 2011, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Proclamation: Municipal Clerks Week

Councilmember Rosales read the proclamation, which urges residents to extend appreciation to our Municipal Clerk and her staff for the vital services they perform and their dedication to our community. Mayor Floyd presented the proclamation to City Clerk Marlar, who thanked the Mayor and Council for recognizing the Office of the City Clerk and said it was a pleasure to serve the Council and the public.

b. Proclamation: Peace Officers' Memorial Day and Police Week

Councilmember Whiddon read the proclamation, which encourages all citizens to honor those law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty and urges all to recognize police officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community. Mayor Floyd presented the proclamation to Chief of Police T.C. Kamai, who thanked the Council on behalf of the Kodiak Police Department for its continued support.

c. Proclamation: Emergency Medical Services Week

Councilmember Saravia read the proclamation, which urges residents to recognize the value and the accomplishments of emergency medical services providers. Mayor Floyd presented the pro-

lamation to Firefighter Dan Farmer, who thanked the Council for its continued support of emergency service providers.

d. Public Hearing, Resolution No. 2011–09, Amending Section 5 of the Schedule of Fees, Charges, and Tariffs *[Clerk's Note: This resolution number was corrected after the meeting. The correct Number is 2011–11.]*

The City sets its fees and charges for various services by a resolution of the Council. Once the new for-hire vehicle ordinance (Ordinance No. 1286) is adopted and effected, changes will be required to Section 5 of the Schedule of Fees, Charges, and Tariffs. Ordinance No. 1286 will change taxicab and limousine permit issuance from one year to up to three years and will provide for the issuance of a tour operator permit for a period not to exceed three years. Proposed amendments to the fee schedule include consolidation of for-hire vehicle permits into one fee category, elimination of the transfer fee, and changing the annual \$100 permit fee to a \$200 fee for a permit not to exceed three years. These changes will save permit holders money in the long term and will reduce City administrative costs.

At a recent work session, the Council expressed a desire to hold a public hearing prior to adopting amendments to the fee schedule. Taxicab permit holders, the Kodiak Island Convention and Visitors Bureau, and known tour operators were notified of this public hearing.

Mayor Floyd opened the meeting to public comments.

Mary Stephenson said she was confused about the limousine permit and tour vehicle permit fees.

City Manager Kniazowski said the permit cost would only be \$200 for a permit either as limousine, taxicab, or tour operator, for a period up to three years.

City Clerk Marlar clarified that applicants would have different permitting requirements depending on the type of for-hire vehicle, but the permit cost would only be \$200.

e. Public Comments

Natasha Hayden, Chairman of the Parks and Recreation Advisory Board, encouraged the Council to request funds from the Rasmuson Foundation for the Baranof Park project and to allow citizens who live outside the City limits to serve on the Parks and Recreation Advisory Board.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1286 (SUB), Enacting Kodiak City Code 1.12.040, Disposition of Scheduled Offenses – Fine Schedule; Enacting Kodiak City Code 5.04.015, Parking for Vehicles for Hire; Repealing Kodiak City Code Chapter 5.40, Taxicabs and For-Hire Vehicles; and Enacting Kodiak City Code Chapter 5.40, Vehicles for Hire

Mayor Floyd read Ordinance No. 1286 (SUB) by title. The current section of Kodiak City Code (KCC) Title 5 pertaining to for-hire vehicles was adopted in the 1970s. Staff began a review of

KCC 5.40 in 2007, with the aim of updating and simplifying the language, removing unenforceable provisions, and focusing on safety. They also worked with stakeholders to get their input into the proposed changes, many of which are included in this most recent version of the ordinance. A recommended draft was presented to Council at the March 29, 2011, work session. The substituted ordinance currently before the Council contains revisions based on feedback at the March 29, 2011, work session and Council discussions at the April 12, 2011, work session.

Councilmember Walters MOVED to adopt Ordinance No. 1286 (SUB).

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

Councilmember Walters MOVED to amend Ordinance No. 1286 (SUB), Section 5.40.330(b)(1) by striking the words "taximeter number" and the words "and the times between which the license is scheduled to operate the taxicab."

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

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

b. Resolution No. 2011-06, Amending Sections 9, 10, and 11 of the Schedule of Fees, Charges, and Tariffs

Mayor Floyd read Resolution No. 2011-06 by title. The City sets 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. 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. At the March 31, 2011, special meeting, the Council postponed the vote on this resolution until the April 28, 2011, regular meeting and held a public hearing at the April 14, 2011, regular meeting to give the public an opportunity to review and respond to the proposed changes.

[Clerk's Note: The motion to adopt Resolution No. 2011-06 is already on the floor.]

Councilmember Rosales MOVED to amend Resolution No. 2011-06, Section 9.9.1.2 (monthly trailer parking) by striking \$150.00 and inserting \$75.00.

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

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

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

The Council approved voluntary suspension of Taxicab Permit No. 15 requested by permit holder George Gatter 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, the Council shall determine whether the number of permits shall be reduced or if the permit availability shall be publicly advertised. The Council may proceed differently than the Code prescribes by enacting an ordinance authorizing it to do so.

Approximately half of the taxi permits audited during a three-month period in 2009 and 2010 were found to be in noncompliance with KCC 5.40.110(g), which requires a taxicab permittee to provide service for at least 120 hours during each month that a suspension of the permit is not in effect. At the March 31, 2010, special meeting, the Council directed staff to postpone revocation action of these permits until the revised for-hire vehicle ordinance moved forward.

At the March 29, 2011, work session the Council again discussed taxicab permittee noncompliance of the 120 hour rule. It was noted that if Mr. Gatter had not obtained voluntary suspension, his status would be similar to others in noncompliance for violation of the 120 hour rule. The Council voiced a consensus to return Taxicab Permit No. 15 to Mr. Gatter and directed that Ordinance No. 1286 be amended to accommodate this and to also provide a provision in the ordinance to pardon the other permittees who were determined to be in noncompliance with KCC 5.40.110(g).

[Clerk's Note: The motion to conduct the lottery drawing for Taxicab Permit No. 15 is already on the floor.]

The roll call vote was Councilmembers Rosales, Saravia, Walters, and Whiddon opposed. Councilmembers Branson and Davidson were absent. The motion failed.

V. NEW BUSINESS

a. **Resolution No. 2011-08, Rescinding Resolution No. 05-20 and Establishing Funding Criteria for Nonprofit Grants** *[Clerk's Note: This resolution number was corrected after the meeting. The correct Number is 2011-10.]*

Mayor Floyd read Resolution No. 2011-08 by title. Staff prepared Resolution No. 2011-08, which amends the funding criteria for nonprofit grant awards, based on direction received from Council at the April 12 and April 26, 2011, work sessions.

Councilmember Whiddon MOVED to adopt Resolution No. 2011-08.

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

b. **Authorization of FY2011 Vehicle Purchase for KPD**

This authorization would enable the Kodiak Police Department to replace a 2003 Ford Expedition Police Patrol Vehicle, which has been recommended for replacement in FY2011, with a new

or current model year full size 4-wheel drive sport utility vehicle that meets police department specifications.

Councilmember Rosales MOVED to authorize purchase of a Ford Expedition Police Patrol Vehicle in the amount of \$27,123, with funds coming from the General Fund, Police, Community Services, Machinery and Equipment account.

Councilmember Walters said he appreciated the City Manager and Department Heads saving the City money by attaching to state contracts for new equipment.

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

c. Authorization of Bid Award for Spill Prevention Control and Counter Measure (SPCC) Compliance, Project No. 5024/03-01

Both the Public Works and Harbor used oil facilities were inspected by the U.S. Environmental Protection Agency (EPA) in September 2009 for compliance with the City's existing Spill Prevention Control and Countermeasure plan. The Public Works facility had numerous deficiencies identified. On March 15, 2010, the City received a Notice of Violation letter. This letter required the City to respond to the deficiencies identified in the letter within 30 days. The City responded to the EPA with a letter identifying a timeline for corrections within the EPA's 30 day timeframe.

The City contracted with USKH Inc. to update the City's SPCC plans for full compliances and design correction for deficiencies at the Public Works facility. The last remaining deficiency is the correction of the maintenance shop floor drainage system. The City advertised for the installation of an oil/water separator and drainage correction project on February 28, 2011, with bids opened on April 8, 2011.

Councilmember Whiddon MOVED to award a contract for the Spill Prevention Control and Countermeasure (SPCC) project to Brechan Enterprises Inc. in the amount of \$65,000 with funds coming from Street Improvement Fund, Project No. 5024/03-01.

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

d. Authorization of Professional Services Contract for Design of Mandated Spillway Repairs, Project No. 7028

Periodic safety inspections were completed on all City dams in May 2010. The report was submitted to Alaska Department of Natural Resources (ADNR) Dam Safety and Construction Unit in October 2010, and ADNR issued the Certificate of Approval to Operate a Dam on March 16, 2011. The City was also issued a correction directive from ADNR as part of the Certificate to Operate, Special Conditions for Pillar Creek Dams. The City is required to repair erosion damage to the downstream embankment of Pillar Creek Dam 2B and to conduct a thorough investigation into the condition of the spillway for Dam 3. This work must be completed in 2011.

Councilmember Walters MOVED to authorize a professional services contract for design and engineering services for the Pillar Creek Dam spillway repair work to Golder Associates Inc. in the amount of \$38,738, with the funds coming from General Fund, Engineering, Professional Services account.

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

VI. STAFF REPORTS

a. City Manager

City Manager Kniaziowski said City staff were focusing on final preparations for the FY2012 budget and reminded the Council that a budget work session was scheduled for May 7, 2011. She said a blasting operation on Pillar Mountain for the UV Disinfection Facility project was scheduled for April 29, 2011. She said an off-duty Kodiak Police Department (KPD) officer had played an important role in apprehending an alleged criminal, which showed that KPD officers were always on duty and always available.

b. City Clerk

City Clerk Marlar informed the public of the next scheduled Council work session and regular meeting. She said that the new for hire vehicle ordinance would go into effect on June 4, 2011, and said the Clerk's Office would be happy to assist anyone affected by the ordinance.

VII. MAYOR'S COMMENTS

Mayor Floyd said the Rotary Club was currently hosting students from around the state and Canada at a retreat on Woody Island. She expressed sympathy to the victims of tornados in the Southeastern states.

VIII. COUNCIL COMMENTS

Councilmember Whiddon complimented the City Clerk's Office for their hard work on the new for hire vehicle ordinance and said the public input helped make the ordinance fair and equitable.

Councilmember Rosales commended the City Clerk's Office, Kodiak Police Department and emergency medical services providers for making the community a safe and good place to live.

Councilmember Walters thanked the Kodiak Police Department, emergency medical services providers, and City Clerk's Office for all their hard work.

Councilmember Saravia thanked the Clerk's Office for their work with the for hire vehicle ordinance. He said that there had been a good herring season, and everyone was looking forward to the start of salmon season. He thanked the City's emergency medical services providers and the Kodiak Police Department for protecting Kodiak's citizens.

IX. AUDIENCE COMMENTS

Dake Schimdt said he appreciated the work of the City Clerk on the new for hire vehicle ordinance, and said he was grateful for the opportunity to provide public input.

Chief of Police Kamai reminded the community about the Law Enforcement Torch Run on May 21, 2011, which benefits Special Olympics Alaska.

Councilmember Saravia said he appreciated member of the public expressing their appreciation for the efforts of City employees.

X. ADJOURNMENT

Mayor Floyd adjourned the meeting at 8:20 p.m.



CITY OF KODIAK

Carolyn Floyd
MAYOR

ATTEST:

Debra Marden
CITY CLERK

Minutes Approved: May 26, 2011