

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, NOVEMBER 17, 2011
IN THE BOROUGH CONFERENCE ROOM**

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

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Randall C. Bishop, Terry J. Haines, Gabriel T. Saravia, and John B. Whiddon were present and constituted a quorum. Councilmembers Charles E. Davidson and Josefina F. Rosales were absent. City Manager Aimée Kniazowski, City Clerk Debra L. Marlal, and Deputy Clerk Matthew Gandel were also present.

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

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the October 27, 2011, regular meeting as presented.

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

III. PERSONS TO BE HEARD

a. Public Comments

None.

IV. UNFINISHED BUSINESS

a. Second Reading and Public Hearing, Ordinance No. 1291, Amending KCC 1.12.040, Disposition of Scheduled Offenses—Fine Schedule; Amending KCC 5.04.010, Businesses on City Property Prohibited; Amending KCC 10.08.030, Additional Parking Regulations; Enacting KCC 12.08.030, Obstructions Prohibited; and Enacting KCC Chapter 12.10, Signs in Public Rights-of-Way Regarding the Commercial Use of City Property, the Obstruction of Sidewalks and the Placement of Signs in Public Rights-of-Way

Mayor Branson read Ordinance No. 1291 by title. During the summer of 2011, the Kodiak Police Department responded to several complaints that a local business was displaying merchandise on a City sidewalk in contradiction of City Code. Reoccurring violations resulted in the business owner being cited for the violation. The business owner contested the citation in the District Court at Kodiak. The presiding Magistrate ruled that the City Code was defective and found in favor of the business owner, and the citation was dismissed. Additionally, the City seeks a local remedy to prevent the placement or erection of non-governmental signs in Rights-of-Way. Ordinance No. 1291 proposes amendments that will toughen the City's ability to enforce

regulations, and also provide a remedy for responding to the placement and erection of non-governmental signs in Rights-of-Way.

Councilmember Whiddon MOVED to adopt Ordinance No. 1291.

Mayor Branson 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 Bishop, Haines, Saravia, and Whiddon in favor. Councilmembers Davidson and Rosales were absent. The motion passed.

b. Second Reading and Public Hearing, Ordinance No. 1292, Authorizing a Lease Between the City of Kodiak and Brother Francis Shelter Kodiak, Inc. for Lot 2, Block 15, Kodiak Townsite Subdivision

Mayor Branson read Ordinance No. 1292 by title. The Brother Francis Shelter Kodiak, Inc., a non-profit organization, operates a homeless shelter on property leased from the City for an annual fee of \$1.00. The Foraker Pre-Development group is providing technical assistance to the organization on a plan to expand the existing building by adding a full kitchen and food service area. They have asked the City to amend or change the existing land lease to allow the full use of the lot and to expand the term from a five-year to a 25-year lease to demonstrate site control to meet donor and grantor needs and requirements. Council expressed support for the request during discussions at the September 20, 2011, work session. Staff worked with the City Attorney to develop a new lease that reflects the identified requirements. Due to the value and length of the lease, the City Charter requires the lease to be approved by ordinance.

Councilmember Saravia MOVED to adopt Ordinance No. 1292.

Mayor Branson 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 Bishop, Haines, Saravia, and Whiddon in favor. Councilmembers Davidson and Rosales were absent. The motion passed.

V. NEW BUSINESS

a. Resolution No. 2011-37, Accepting a State of Alaska Legislative Grant for Pathway Design From Pier II to the Kodiak City Boundary

Mayor Branson read Resolution No. 2011-37 by title. The City and the Kodiak Island Borough have been working to develop a contiguous pathway system to complement the road system. At the request of the Island Trails Network, the City identified the City's portion of this pathway system as a priority for FY2012 and requested cruise ship excise tax funds from the state for design and engineering for its portion of the project. The request for funding was accepted by the legislature during the session. The State Department of Commerce, Community, and Economic Development provided an award notice to the City of a designated legislative grant award for \$384,000.

Councilmember Whiddon MOVED to adopt Resolution No. 2011–37.

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

b. Resolution No. 2011–38, Accepting a 2009 State Homeland Security Program Grant, Grant No. 09SHSP-GR34057

Mayor Branson read Resolution No. 2011–38 by title. The City has been awarded a State Homeland Security Program Grant to provide funding assistance to the City and, through the City, to Providence Kodiak Island Medical Center to participate in the state’s Alaska Shield 2012 exercise. The exercise is one of many being conducted statewide as required every three years by the Homeland Security Exercise and Evaluation Plan. This grant in the amount of \$31,700.16, will offset costs associated with City and hospital participation in this exercise.

Councilmember Haines MOVED to adopt Resolution No. 2011–38.

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

c. Resolution No. 2011–39, Adopting the FY2013 Prioritized State Capital Improvements Program List

Mayor Branson read Resolution No. 2011–39 by title. Each year the City Council adopts a resolution identifying the City’s top funding priorities for capital improvement projects important to the maintenance or improvement of the City’s infrastructure. The proposed project list is shorter for FY2013 than it was for FY2012, with three projects identified. One new project has been added as the City’s top priority – funding for initial planning and design for Pier III replacement. The next phases of two ongoing City projects are listed for FY2013; Phase 3 pedestrian improvements from Pier II to downtown, and Phase 2 Baranof Park improvements.

Councilmember Saravia MOVED to adopt Resolution No. 2011–39.

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

d. Resolution No. 2011–40, Adopting the Federal Fiscal Year 2012 Prioritized Federal Capital Improvements Program List

Mayor Branson read Resolution No. 2011–40 by title. Each year the City identifies capital improvement projects that are important to the maintenance and/or improvement of the City’s infrastructure. The Council reviewed and discussed a list of proposed federal requests at the October 25, 2011, work session and indicated support for the projects as identified.

Councilmember Bishop MOVED to adopt Resolution No. 2011–40.

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

e. Authorization of a Professional Services Contract With PND for a Wave and Current Measurements Study for Pier III, Project No. 8013

The City is working to replace Pier III, a critical component of its harbor infrastructure, within the next few years. Wave and current data, part of an overall wave motion study, are needed before the best replacement design can be selected. Staff requested PND Engineers to provide a proposal to conduct field measurements of wave and current data this winter to support the full wave modeling study, and PND submitted a proposal to conduct these tests in the amount of \$39,290.

Councilmember Whiddon MOVED to authorize a professional services contract with PND Engineers, Inc. in the amount of \$39,290 to conduct wave and current measurement tests at Pier III, with funds coming from the Cargo Capital Development Fund, Pier III Design, Project No. 8013.

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

f. Authorization of a Fisheries Analyst Contract

At the time this agenda was finalized and published, staff expected the Council to be ready to make a decision to authorize a joint contract with the Kodiak Island Borough and consultant for the fisheries analyst position. Contract elements are still under review and the contract will not be ready for final Council action until later this month or in December.

Councilmember Haines MOVED to authorize the City Manager to execute a contract with Alaska Resource Consultancy for fisheries analyst services.

Councilmember Whiddon MOVED to postpone the vote on the fisheries analyst contract until staff has finalized contract details.

The roll call vote on the motion to postpone was Councilmembers Bishop, Haines, Saravia, and Whiddon in favor. Councilmembers Davidson and Rosales were absent. The motion to postpone passed.

g. Potential Cancellation of December Regular Meetings and Scheduling of a Special Meeting

During the October 25, 2011, work session, Council and staff discussed the possible cancellation of the regular City Council meetings scheduled for December 8 and December 22, 2011 due to Council travel and staff availability. There was agreement that the regular meetings would be cancelled with a work session to be held on December 13 and a special meeting scheduled for December 15 to accommodate schedules. Mayor Branson was not at the October work session and was unable to participate in the discussions. As a result, she planned her December travel around attending the regular December meetings.

When staff finalized this agenda, it was not certain which meetings might be cancelled and whether or not there would be a special meeting in December to make up for a cancellation. Staff felt that, given the typical December scheduling issues and the need to hold at least one meeting (regular or special) in December, the discussion needed to be held once again and the issue of dates revisited.

Councilmember Saravia MOVED to cancel the December 22, 2011, meeting.

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

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski welcomed Mayor Branson and Councilmembers Bishop and Haines. She said she appreciated the new Councilmembers taking time to meet with staff and tour various departments and the efforts of staff to show them around. She reported on recent Incident Command training, and said she was now a certified Incident Commander. She updated the Council on the progress of the Classification and Compensation Study and the Asset Management Plan, and said she hoped to be able to present both to the Council in January 2012. She said Finance Director Mary Munk had been working to complete the audit for FY2011. She said the Boatyard Business Plan was being reviewed and updated, and that she would schedule a future work session so Council could provide their comments.

b. City Clerk

City Clerk Marlar informed the public of a special meeting on November 18, 2011, to interview applicants for state lobbyist. She reported on her recent attendance at the Alaska Association of Municipal Clerks annual conference. She informed the Council that she would be on leave for most of December 2011, and said Deputy Clerk Gandel would serve as Clerk in her absence. She also welcomed the new members of the Council.

VII. MAYOR'S COMMENTS

Mayor Branson welcomed Councilmembers Haines and Bishop and said she looked forward to working with the Council to make Kodiak a better place to live. She said she hoped Kodiak would still be involved with the Alaska Municipal League (AML) and Southwest Alaska Municipal Conference. She said she was happy to hear the City Manager's report on updates to the Classification and Compensation Study, the Asset Management Plan, and the Boatyard Business Plan, calling them good foundations for the next several years. She reported on her attendance at the AML annual conference and the Alaska Conference of Mayors and noted their support of the Coastal Zone Management Program.

VIII. COUNCIL COMMENTS

Councilmember Haines thanked staff for providing Councilmembers with tours of City departments and said they were all worthwhile and informative. He reported on his attendance at

the AML annual conference, and said it was always interesting to talk to representatives from other communities. He said he felt it was important for the City and the Council to participate in the Coastal Zone Management Program process, and said he was glad to be back on the Council.

Councilmember Bishop thanked City staff for taking the time to show Councilmembers around their departments, and said he learned a lot at each department. He said he was honored to be part of the legislative process and to work with the other Councilmembers.

Councilmember Whiddon welcomed Councilmembers Haines and Bishop. He congratulated Mayor Branson and said he was looking forward to her leadership. He said that in his opinion, Kodiak was the finest Coast Guard city in the country.

Councilmember Saravia congratulated Mayor Branson and said her passion to serve would be good for the City. He welcomed Councilmembers Haines and Bishop, and said all the Councilmembers wanted what was best for Kodiak. He complimented City Clerk Marlara for being excellent at her job and providing a good service to the City.

IX. AUDIENCE COMMENTS

Rich Walker, Kodiak Families for Outdoor Recreation, said he appreciated Councilmembers taking the time to talk about the Baranof Park project and thanked the Council for its consideration.

X. EXECUTIVE SESSION

a. Clerk's Annual Evaluation

Annually, the City Council reviews the performance of the City Clerk. In accordance with the Open Meetings Act, the City Clerk does not object to the evaluation being done in executive session.

Councilmember Whiddon MOVED to enter into executive session, as authorized by Kodiak City Code Section 2.04.100(b)(2), to conduct the City Clerk's annual performance evaluation.

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

The Council entered into executive session at 8:30 p.m. The special meeting reconvened at 9:20 p.m. The Council took no action.

XI. ADJOURNMENT

Councilmember Whiddon MOVED to adjourn the meeting.

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

The meeting adjourned at 9:22 p.m.



CITY OF KODIAK

MAYOR

ATTEST:

DEPUTY CITY CLERK

Minutes Approved: December 8, 2011