

Session 19-37 a Special Meeting of the Homer City Council was called to order on November 25, 2019 by Mayor Ken Castner at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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

LORD/EVENSEN MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

Robert Archibald, city resident, commented in support of Resolution 19-091 and addressed the resolution he provided as a laydown that was approved by the Kachemak Bay State Parks Citizens Advisory Board on the issue. He noted Resolution 19-091 should address rescinding regulation 5AAC95.310 which deals with rescinding the prohibition of personal watercraft in Kachemak Bay.

Roberta Highland, city resident, commented in support of Resolution 19-091. There are so many people who appreciate not having jet skis in Kachemak Bay.

Patricia Cue, borough resident, commented in support of 19-091. She believes Governor Dunleavy's actions ignore or democratic processes and favor special interests. She reviewed steps that have been taken since 1999 favoring the ban of personal watercraft in the Kachemak Bay Critical Habitat Area. She'd like to know why he's decided to overturn the decision and what lead to the decision, and why he failed to reach out to people in this community who've worked to protect this vital eco-system.

Dorle Harness, resident in Little Tutka Bay, commented in support of Resolution 19-091. She supports keeping the personal watercraft ban in place. Kachemak Bay is the only marine environment habitat in Alaska that has this ban and it's important to maintain the ban for the marine life and the people who live in the bay.

Rick Harness, resident in Little Tutka Bay, commented in support of Resolution 19-091. We worked hard to get the ban in place and maintain it. There is plenty of information why we shouldn't let this ban be repealed and the public comment time is too short. He has an eco-tourism business that, along with others, will be negatively impacted.

Bob Shavelson, Advocacy Director for Cook Inletkeeper, commented in support of Resolution 19-091. He provided copies of and addressed an internal ADF&G staff memo from November 19, 2019, an ADF&G memo dated May 9, 2019, and his correspondence with Rick Green of ADF&G and addressed the lack of process for the preconceived outcome of repealing the prohibition of personal watercraft in Kachemak Bay.

Penelope Haas, borough resident, commented in support of Resolution of 19-091, and also shared her concerns that appropriate process is not being followed regarding the repeal of the prohibition. She also provided information from meetings she's attended regarding the issue.

Dick Dunn, Little Tutka Bay resident, commented in support of Resolution 19-091 and shared some personal experience with hearing jet skis in the bay, and the economic benefit of maintaining the prohibition for local business.

Josh Wisniewski, Kachemak Bay resident, commented in support of Resolution 19-091 to extend the public comment period to 90 days. As one who set nets across the bay and has worked at many communities on subsistence fisheries and ecological knowledge issues, he along with other set net fishermen are opposed to this proposed change and attempt to circumvent our existing critical habitat management plan process.

Leanna Stern, city resident, commented in support of Resolution 19-091

Dave Lyon, water taxi operator, commented in support of an extension of comment period, it's incredibly important. He added jet ski's themselves are a straw-man in the issue. The issue at stake is the potential of overturning a critical habitat area. The forces behind this are interested in overturning other critical habitat areas, using this as a precedent, and that's what concerns him.

Megan Pacer noted Resolution 19-091 refers to the proposed rule change to the Kachemak Bay Critical Habitat Area Management Plan revision, and this proposed repeal is being done separately of the management plan.

Kate Finn, city resident, commented in support of Resolution 19-091 and protecting the Kachemak Bay critical habitat area. She also noted an element of human concern in the danger of personal watercraft.

Steve Gibson, city resident, commented in support of Resolution 19-091 and extending the comment period to 90 days. He encouraged the Council themselves as interested participants open to coming to conclusions about this on the basis of received testimony. He thinks that will answer a lot of questions.

David Lewis, city resident, commented in support of Resolution 19-091.

PENDING BUSINESS

NEW BUSINESS

- a. Resolution 19-091, A Resolution of the City Council of Homer, Alaska Requesting the Alaska Department of Fish & Game Extend the Comment Period for Proposed Rule Change to the Kachemak Bay Critical Habitat Area Management Plan Revision to 90 Days; and that they Provide Information Supporting the Change and why it's not being Considered as Part of the Ongoing Revision Process for the Kachemak Bay Critical Habitat Area Management Plan. Lord.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-091 BY READING OF TITLE ONLY.

LORD/HANSEN-CAVASOS MOVED TO AMEND LINE 9 OF THE TITLE TO READ TO 5AAC95.310 OF THE ALASKA ADMINISTRATIVE CODE DEALING WITH THE PROHIBITION OF PERSONAL WATERCRAFT USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS AND STRIKE THE KACHEMAK BAY CRITICAL HABITAT AREA MANAGEMENT PLAN REVISION FROM LINES 9 AND 10.

Councilmember Lord noted this clarifies the intent and pointed out the resolution requests information on the process of the management plan revision that we've had City staff engaged in for several years, but haven't seen much come out of that.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was further discussion that the intent is to get to the concerns that have been addressed with regards to the process being used for proposed regulation change. It requests scientific and technical change in a timely manner, so the City and community can participate, extend the public input period to 90 days, and explanation why it isn't being considered through the habitat management revision process. It doesn't appear any kind of process is being followed.

LORD/SMITH MOVED TO AMEND LINE 29 TO SAY WHEREAS THE ALASKA DEPARTMENT OF FISH AND GAME RECENTLY OPENED A 30 DAY PUBLIC NOTICE PERIOD TO CHANGE RULES ADOPTED, THEN STRIKE RULES, AND INSERT TO CHANGE REGULATION 5AAC95.310 OF THE ALASKA

ADMINISTRATIVE CODE DEALING WITH THE PROHIBITION OF PERSONAL WATERCRAFT USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS,

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The resolution from the Kachemak Bay State Parks Citizens Advisory Board provided as a laydown was addressed and it was suggested adding some of their language to the City resolution, but no action was taken. There was also brief comment regarding prior Resolution 18-059 regarding the Board of Fish holding a special meeting to consider salmon enhancement that failed and the need to be consistent with these types of actions.

VOTE (main motion as amended): YES: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI, SMITH, EVENSEN

Motion carried.

- b. Memorandum 19-164 from City Manager re: Next Steps for City Manager Search

ADERHOLD/LORD MOVED TO PROCEED WITH ADVERTISING FOR THE CITY MANAGER POSITION.

Councilmember Aderhold commented there's a lot up in the air right now with our upcoming retreat and it's outcome, and number of other things like implementing the two year budget, addressing HAWSP, that it would be valuable to continue to work with City Manager Koester hopefully through the transition to a new city manager, with the schedule outlined in the memorandum.

Councilmembers agreed with those points, commented in support of the more aggressive timeline, and it was noted that bringing in an interim at this point would be more disruptive.

Mayor Castner explained he suggested the option to bring in an interim because he's concerned that there can't be a point where we have a void with no manager or interim. Regarding a review committee, he hopes Human Resources (HR) can handle the first part of the process and winnow out people who are clearly not qualified.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner opened the floor to suggested motions about process.

In response to questions, City Manager Koester explained regardless of whether a firm is hired to help with advertising, the position will be noticed nationally through different channels than a recruitment firm. A recruitment firm reaches out in other ways.

Mayor Castner said he would like motions.

LORD/ADERHOLD MOVED TO THAT WE DO THE ADVERTISING FOR THE POSITION IN HOUSE.

Councilmember Lord noted we have strong industry networks for City Managers in state and across the country so she supports advertising in house rather than spending a few thousand dollars to have someone else do it.

Upon further questioning, City Manager Koester added that our HR Department could handle all the interviewing and hiring process. The recruitment process would bring a different network of applicants through distributing faxes and emails advertising positions. If the preference is an Alaskan Manager it would probably be sufficient with in-house advertising and the wide net that would cast through ICMA (International City Managers Association).

There was discussion recognizing there are good Alaskan managers who may apply and also the potential benefits to using a recruitment firm to cast a wider net to hear from others who are well qualified and could bring their talents to Homer.

VOTE: YES: EVENSEN, ADERHOLD
NO: VENUTI, LORD, HANSEN-CAVASOS, SMITH

Motion failed.

SMITH/LORD MOVED TO HIRE A RECRUITMENT FIRM TO ADVERTISE AT A COST NOT TO EXCEED \$2,500.

There was discussion to confirm that this will be in addition to the in-house advertising.

VOTE: NO OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/EVENSEN MOVED TO DISCUSS THE QUESTIONS HR DIRECTOR BROWNING HAS RECOMMENDED IN HER MEMO AND MAKE ANY CHANGES.

There was no discussion on the motion to discuss and it passed by consensus.

Motion carried.

Councilmember Aderhold referenced HR Director Browning's memo on page 19 of the packet and suggested proposing a list of questions, some based on what's in the memo and some that are not.

ADERHOLD/HANSEN-CAVASOS MOVED TO INCLUDE THE QUESTION "WHAT DO YOU THINK ARE THE MOST IMPORTANT ELEMENTS OF THE CITY MANAGER POSITION"

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE QUESTION "DESCRIBE A PROFESSIONAL ACCOMPLISHMENT THAT YOU FEEL BEST DEMONSTRATES YOUR SKILL AS A CITY MANAGER.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/SMITH MOVED TO ADD A TWO PART QUESTION "A NEW POLICY IS INTRODUCED AT A CITY COUNCIL MEETING THAT YOU BELIEVE IS NOT IN THE BEST INTEREST OF THE CITY, HOW DO YOU PROCEED?" AND "A NEW POLICY IS TO BE IMPLEMENTED ORGANIZATION WIDE, YOU DO NOT AGREE WITH THIS NEW POLICY, HOW DO YOU DISCUSS THIS POLICY WITH YOUR STAFF?"

It was suggested this would be more appropriate as an interview question, not an application question. Councilmember Aderhold didn't oppose this an interview question instead. She thinks it will help identify how a City Manager would work with the Council and how they would work with staff. Council discussed the benefit of the questions and considered one on the application and one in the interview.

ADERHOLD/LORD MOVED TO AMEND TO REMOVE THE SECOND QUESTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO ADD THE QUESTION “WHAT IS YOUR PHILOSOPHY OF LEADERSHIP?”

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/ADERHOLD MOVED TO ASK A QUESTION “PLEASE DESCRIBE YOUR EXPERIENCE OR TRAINING IN RELATIONSHIP TO NATURAL DISASTER RESPONSE.”

There was discussion that the job description doesn’t refer to emergency management so it may be worthwhile to add it and ask applicants for their statement of qualifications relative to the job description, similar to the City Attorney RFP.

Councilmember Smith concurred that if it’s included in the job description and as long as they understand and can speak to it.

The motion was withdrawn with the understanding it will be addressed in the job description.

LORD/ADERHOLD MOVED TO ADD THE QUESTION “IN REVIEWING THE JOB DESCRIPTION FOR THIS POSITION PLEASE HIGHLIGHT AREAS YOU BRING PARTICULAR EXPERIENCE.”

It was suggested this is encompassed in other questions. Councilmember Lord commented in her mind, this ties it back to the job description and that the applicant and they themselves have read it.

The motion was withdrawn upon the suggestion of rewording an existing question.

ADERHOLD/LORD MOVED TO AMEND A CURRENT QUESTION TO READ “DESCRIBE A PROFESSIONAL ACCOMPLISHMENT YOU FEEL BEST DEMONSTRATES YOUR SKILL TO BE THE CITY MANAGER OF HOMER, ALASKA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold noted the application only asks for education and not training and certifications.

ADERHOLD/ LORD MOVED TO ADD TRAINING AND CERTIFICATIONS TO THE APPLICATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Staff interjected in an effort to direct Council's discussion back to the questions in the City Manager's memorandum. There was discussion on process. Mayor Castner explained his understanding the first motion was a divided motion and they worked through the sub-motions and were now back to the main motion to examine the questions. He asked for a roll call vote.

YES: EVENSEN, HANSEN-CAVASOS, SMITH, LORD, VENUTI, ADERHOLD

Motion passes.

Mayor Castner noted Councilmember Smith's earlier comments about emergency management and asked for a motion.

SMITH/VENUTI MOVED THAT THE JOB DESCRIPTION ENCOMPASS EXACTLY WHAT WE JUST TALKED ABOUT.

Councilmember Smith reiterated it needs to be very clear to any applicant that natural disasters occur here so they can have an opportunity to respond to that.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LORD/VENUTI MOVED TO AMEND WORKING CONDITION SECTION TO CLARIFY THAT ATTENDANCE IS REQUIRE AT CITY COUNCIL MEETINGS.

Mayor Castner asked if she intended to delete and other meetings. Councilmember Lord noted she liked what Councilmember Smith did in giving direction to staff without actually wordsmith it. That's what she'd like to do.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold suggested supplementing the knowledge section of the job description beyond just water and wastewater utility and port and harbor operations with police department and volunteer fire department. After discussion Council concurred to expand the section to include the volunteer fire department.

Council concurred that the HR department could do the initial review and first cut of applicants. In discussion of a four part process with HR doing the first cut and Council as a body do the second round of cuts in confidential mode, narrowing down to six to eight to interview telephonically and at that point the names become public, then narrow to the in person interviews. Some felt that releasing the names at the telephonic interviews was too soon, and they should wait until the final in person interviews. It was noted that telephonic interviews were done in public last time. Mayor Castner felt there was general consensus on a process and they could further fine tune it once they have a better idea of the candidate pool.

Councilmember Aderhold proposed supporting HR's aggressive timeline on page 18 of the packet, and the rest of the group concurred.

COMMENTS OF THE AUDIENCE

Wayne Aderhold, city resident, commented he thinks Council made the right move with not going to an interim manager, unless they need to.

Larry Slone, city resident, following the guideline established before for selection of the previous City Manager worked out successfully so you can't go wrong with that. He supports the notion of bringing on an Interim Manager because you can't control how events will turn out with potential applicants and unexpected barriers.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:09 p.m. The next Regular Meeting is Monday, January 13, 2019 at 6:00 p.m., Worksession at 4:00 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.

Melissa Jacobsen, MMC, City Clerk

Approved:_____