

**CITY COUNCIL REGULAR MEETING
FEBRUARY 05, 2014 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Regular Meeting to order at 7:30 pm on February 05, 2014, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor James Kacsh led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Mayor James Kacsh* and Council members *Kristin Carpenter, Tim Joyce, Bret Bradford, EJ Cheshier* and *Dave Reggiani*. Council Member *David Allison* was present via teleconference. Council Member *James Burton* was absent. Also present were City Manager *Randy Robertson*, City Clerk *Susan Bourgeois* and Student Council Representative *Gabrielle Brown*.

D. APPROVAL OF REGULAR AGENDA

M/Reggiani S/Bradford to approve the Regular Agenda.

Mayor Kacsh asked Council if they would agree that we should handle items 22 & 23 after the executive session where we would be getting pertinent information from the attorney. Council agreed.

Vote on motion: 6 yeas, 0 nays, 1 absent (Burton). Motion passes.

E. DISCLOSURES OF CONFLICTS OF INTEREST - none

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speaker

a. Steven Rothchild, PWSRCAC, update on dispersants

He mentioned that the ARRT (Alaska Regional Response Team) has proposed changes to how dispersants are authorized for use during an oil spill. If the City is interested in commenting they will have to do so by Friday, February 14. PWSRCAC does not support the use of dispersants; *Rothchild* went on to explain that science has shown that dispersants are especially ineffective in cool, less salty water – which is just what we have in PWS. *Carpenter* asked *Rothchild* who sits on the ARRT. *Rothchild* said it is comprised of 13 people from different state and federal agencies such as EPA, USCG, ADEC, USFS, NOAA, ALCOM, Department of Energy, DHHS, DoJ, OSHA, FAA, etc.

b. Donald Kurz, regarding live video streaming of Council meetings – he said he would be hoping to start doing the meetings on February 19. He is the owner-operator of ASLN (Alaska Sports Live Network) which is a 24 hour/day internet radio station – also a website (www.asln.net) and asln tv on the Roku streaming device. His plans include live-video streams of Council meetings. He would need only a small 4 ft table in the back corner with a computer setup and a few small devices. He envisions a camera in the back of the room and maybe one in the front as well, possibly mounted, to capture the audience and those addressing Council.

c. Joanie Behrends, regarding Alaska Shield exercise, 2014. She said the event is on the anniversary of the 1964 magnitude 9.2 great Alaska earthquake, on March 27-28. She said the military will be very involved and it's linked with a nationwide exercise called Capstone. She went on to name all the municipalities involved, the state agencies and NGOs, as well as military and private sector entities. March 28 at 9am there will be an earthquake, which will be an actual aftershock, because this is a recreation of 1964. Cordova will have no communications. The aftershock will cause one-third of Hawkins Island to slip into the ocean causing a tsunami. She encouraged Council to get involved and to play with them in this exercise. *Bradford* asked how many people would be coming to town that will be involved in this exercise.

Joanie Behrends said 50 National Guard and with others, about 70 total.

2. Audience comments regarding agenda items

Bob Smith 702 Lake Avenue said he wanted to thank the Council for considering supporting a crab fishery. He said the comment deadline date is March 3. He said the Advisory Committee has decided to support proposal #331 and he left a copy for the Clerk to give to Council of the Advisory Committee's recommendation.

Nancy Bird 101 Lake Avenue said that regarding dispersants she spent a great deal of time working on this and it has been happening for 20 years and she thinks it's really time to have very specific guidelines as to when to use dispersants – she believes that dispersants should not ever be used in Alaskan waters. She offered to assist whomever the City Council designates to write such a letter.

Joanie Behrends mile 4.5 CRH, Homeland Security and NOAA would like to come on March 19 to present an award to Cordova because we are now a Tsunami-ready City. At that time they would also like to plan a commemorative night where we can hear full stories of the tsunami survivors from 1964.

3. Chairpersons and Representatives of Boards and Commissions

HSB – Allison said they would have a special meeting before the next Council Meeting on February 19 to go over the audit and to do an evaluation of the contract and the administrator.

Planning and Zoning – Reggiani said P&Z had a meeting last night, February 4. They discussed 1) land disposal maps – this was referred to staff looking for Harbormaster and Harbor Commission to weigh-in on some North Fill lots; 2) consideration of a one-way proposal for Saw Mill Avenue – also referred to staff asking Police Chief to look at it to see if there was anything that could be done regarding safety – street lights, traffic lights, etc.; 3) reviewed the comp plan planning process – also referred this asked the Planner to get new bids to try to match up the project to what was budgeted (\$35K).

School Board – Bradford stated they meet next week.

4. Student Council Representative Report – **Gabrielle Brown** stated that homecoming will be on March 1 – the theme is “time warp”. Student Council met and had elections to positions and *she* and **Sarah Hoepfner** kept the same roles and will continue to be the City Council reps for 2014. They also had a program of work and they planned all the events for second semester.

G. APPROVAL OF CONSENT CALENDAR

Mayor Kacsh informed Council that the consent calendar was before them.

Item 8 was called out and placed as item 21a.

5. Ordinance 1113 An ordinance of the City Council of the City of Cordova, Alaska, authorizing a lease for a portion of Lot 2, Block 7A, Tidewater Development Park, Plat 93-2, specifically a building known as the Prince William Sound Science Center and the south west 50 feet of the dock to the Prince William Sound Science and Technology Institute, an Alaska nonprofit corporation, doing business as Prince William Sound Science Center for the operation of the Prince William Sound Science Center – 2nd reading

6. Resolution 02-14-05 A resolution of the City Council of the City of Cordova, Alaska, authorizing the appropriation from the general fund in the amount of \$42,000 to the Cordova Community Medical Center (CCMC) to fund the cost of Task 200 (final documents) phase of the CT scanner project at Cordova Community Medical Center

7. Resolution 02-14-06 A resolution of the City Council of the City of Cordova, Alaska, authorizing the appropriation from the general fund in the amount of \$225,000 to the Cordova Community Medical Center (CCMC) to fund the cost of a CT scanner purchase and installation at Cordova Community Medical Center

~~8. Resolution 02-14-07 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a sole source contract with Arctic Information Technology in accordance with the attached statement of work to provide network management through the TotalCare program for the City of Cordova for FY2014~~

9. Resolution 02-14-08 A resolution of the City Council of the City of Cordova, Alaska, directing the City Clerk to prepare and publish a certified copy of the foreclosure list of delinquent real property taxes for the year 2013

10. Resolution 02-14-09 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a 10 year lease of property legally described as Lot 5, Block 1, South Fill Development Park Plat 85-9 with the North West Company (International) Inc.

11. Council concurrence of Mayor's appointment of the 2014 Election Board

12. Record unexcused absences for Mayor Kacsh and Bradford from the January 15, 2014 Regular Meeting
Vote on Consent Calendar: 6 yeas, 0 nays, 1 absent (Burton). Bradford –yes; Reggiani-yes Cheshier-yes; Carpenter-yes; Joyce-yes and Allison-yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES

M/Reggiani S/Cheshier to approve the Minutes.

13. Regular Meeting Minutes 1-15-14

Vote on motion: 6 yeas, 0 nays, 1 absent (Burton). Motion passes.

I. CONSIDERATION OF BIDS

J. REPORTS OF OFFICERS

14. Mayor's Report – *Mayor Kacsh* said he is getting ready to stay on top of the legislative session.

15. Manager's Report – *Robertson* reported that: 1) we've had good interest on LT2 process – will put the RFP in paper next week; we have had at least 4 major firms visit us. 2) He and Council member *Allison* had a good meeting in Anchorage last week with the leadership at Providence. He said they were very appreciative of our resolution thanking them for the \$150K. 3) He handed out a picture of Bidarki showing how it has been fixed up (after the roof leaked onto basketball court) and all of the other improvements, paint, posters, etc. He encouraged Council to go up there and look around and give kudos to *Mrs. Herschleb* and her staff for their hard work. 4) *Attorney Holly Wells* will be here on February 19 for an executive session regarding movement with the Cordova Center issues which may be followed up with a March 5 executive session as well. 5) He introduced *Sue Cogswell* Executive Director of the PWSEDD. She introduced a vista volunteer who was with her who will be working on surveys of businesses in town to determine their needs. *Carpenter* wanted to clarify Council direction to the Manager regarding a letter from the City to the ARRT about the use of dispersants. *Bradford* agreed that he wanted a letter written and that Council could get together to approve such a letter this week or next week so as to have the letter timely submitted. Council concurred and *Robertson* said he would get with *Bird* and they could have a letter ready by Friday at noon for a special meeting. Council said let's solidify at the pending agenda item later tonight.

a. City Lobbyist, *John Bitney*, Juneau Legislative update – The Governor's proposal for State to enter into an ownership agreement with the major producers on the North Slope for a natural gas pipeline will dominate this legislative session and *Bitney* says he cannot overstate how complicated of a deal this has become. He also believes education funding will be one of the major adjournment issues. Governor needs two-thirds vote in each house to get his constitutional amendment on vouchers on the ballot – *Bitney* says that will be a tough task. There is an omnibus education bill out there which increases the BSA by \$85/student. Roughly that comes to an increase in state aid of \$70K to Cordova. There is a lot on the table as far as education and something needs to be done (there is a general consensus on this), but not sure what it will be yet. Capital budget wise – lowering of expectations on what will be available - \$430M that the Governor has put on the table – he says this can be increased but given that the general fund budget is a \$200M deficit, it's not a welcoming sign for capital projects. *Bitney* said that this Friday (Feb. 7) is the deadline for communities to get their CAPSIS requests in so all the legislators will be bombarded with projects from their districts. Cordova has in the Cordova Center as our #1 and we are requesting \$6.5M. Our #2 is the harbor G float and our request is \$8M (which is actually G & H float at a request of \$4M each). *Austerman* had given us a hint of a possibility of harbor project funding this session so that is why we came up with that increased ask in the harbor realm. *Bradford* asked *Bitney* if he would stick around regarding a later agenda item about letter-writing. *Bradford* asked *Bitney* his opinion on this letter writing and *Bitney* said that as long as it is a consensus of the community and it is a positive message then it could work. He

said the timing would be the first two weeks in March. **Cheshier** asked how we arrived at the \$8M for the harbor floats. **Bitney** and **Robertson** both answered that there was an engineer involved – Harbormaster called in DHi and R&M and that is where the numbers came from.

16. City Clerk's Report – **Bourgeois** said that the declaration of candidacy period is open for the General Election on March 4, 2014 and it closes February 4. So far she said **Tom Bailer** has declared for Council seat C, and **Tim Joyce** has declared for Council seat B and **David Allison** and **Sheryl Glasen** have declared for the one open School Board seat.

17. Staff Reports - 4Q 2013 Reports

- a. **Miriam Dunbar**, Library Director
- b. **Paul Trumblee**, Fire Marshal, CVFD
- c. **Tony Schinella**, Harbormaster
- d. **Susie Herschleb**, Park & Recreation Director
- e. **George Wintle**, Chief of Police
- f. **Laura Cloward**, Information Services Director
- g. **Cathy Sherman**, Museum Director
- h. **Jon Stavig**, Finance Director
- i. **Samantha Greenwood**, City Planner

K. CORRESPONDENCE

18. Letter 01-15-14 from State DCCED in re Cordova Population determination 2013

19. Letter from 3rd grade of Ashford Academy to Mayor Kacsh

20. Letter from Ketchikan Mayor in re lawsuit concerning school funding 01-22-14

As far as item 20, **Mayor Kacsh** opined it would probably not be in our best interest to join in the lawsuit with Ketchikan. **Reggiani** thought it might be fun for the **Mayor** to put our third grade class in touch with the third grade class that wrote the **Mayor**. **Mayor Kacsh** said he had responded to their request but he would do that as well; good idea.

L. ORDINANCES AND RESOLUTIONS

21. Resolution 02-14-10 A resolution of the City Council of the City of Cordova, Alaska, supporting NVE's proposal #333 to the Board of Fish to be heard at the statewide King and Tanner Crab Board of Fish meeting in Anchorage March 17-21, 2014 regarding a commercial Tanner Crab fishery in PWS

M/Cheshier S/Reggiani to approve Resolution 02-14-10 a resolution of the City Council of the City of Cordova, Alaska, supporting NVE's proposal #333 to the Board of Fish to be heard at the statewide King and Tanner Crab Board of Fish meeting in Anchorage March 17-21, 2014 regarding a commercial Tanner Crab fishery in PWS.

Joyce said he thinks that our resolution should go along with what the AC (Fish & Game Advisory Committee) is sending as well. **Bradford** and **Reggiani** agreed. **Reggiani** also asked if this was an appropriate thing that the City Fisheries Advisory Committee should look at this. **Joyce** said this is exactly what that committee was created for and they could ensure that the City's resolution of support is also in line with the AC's opinions. **Cheshier** agreed and said he wouldn't support this in this form because this specific resolution precludes boats of his size from participating in a crab fishery in PWS.

M/Joyce S/Cheshier to refer to the City Fisheries Advisory Committee.

Vote on motion: 6 yeas, 0 nays, 1 absent (Burton). Motion passes.

21a. Resolution 02-14-07 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a sole source contract with Arctic Information Technology in accordance with the attached statement of work to provide network management through the TotalCare program for the City of Cordova for FY2014

M/Carpenter S/Joyce to approve Resolution 02-14-07 a resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a sole source contract with Arctic Information

Technology in accordance with the attached statement of work to provide network management through the TotalCare program for the City of Cordova for FY2014.

Carpenter said she is prepared to vote for this and last time the holdup was that we were not following Code per a sole source resolution, which is why staff has brought us this tonight. **Bradford** said he would like to see us shorten this contract to three months and go right out for an RFP. **Carpenter** said she is fine with 12 months. **Reggiani** spoke against the resolution and was of the opinion that the reason stated in the memo and resolution was not a strong enough reason to warrant a sole source contract. He thinks that findings should be stated for the record – i.e. why does Council feel like it's in our best interest to go about this with a sole source contract. **Joyce** said he can understand **Mr. Reggiani's** point if you read the small portion of the memo that he read from. However, the resolution has several whereas' that provide additional information. Also, AIT's amendment to the contract is actually at a reduced rate – almost for that reason alone its worth having this – a money savings. Finally, we will be doing another RFP very soon, 4, 5, 6 months down the road. **Joyce** continued that doing this twice in a very short time would be a waste of staff's time and of our time. **Cheshier** said he is seeing that this could be a split vote of Council which is a bummer. He just wants to ensure that we are following process. **Reggiani** reiterated that he believes it's about process and competition – unless we go out and see what the competition can offer we just assume that we are getting a good deal. **Joyce** said we are absolutely following process. This is a recommendation from staff, they have done the research, and they work on a daily basis with Arctic IT, they expect them to be there, they depend on their knowledge and expertise. **Joyce** said there is a Code provision, we are absolutely allowed to do this – by resolution we can determine to procure this without formal competition, we saw this at the budget work session, we approved the budget with this in it. To not follow through now would be blindsiding staff. **Allison** said he fully supports everything that **Mr. Joyce** has said. He doesn't think all of us are aware of not only how much it takes to write and solicit an RFP but how time consuming and difficult it is also for those who choose to respond. He doesn't think it could happen more quickly than at the end of this year anyway. He thinks it's prudent to approve this contract knowing that staff is fully aware that they will go out with an RFP before year-end.

Vote on motion: 4 yeas, 2 nays (Bradford, Reggiani), 1 absent (Burton). Motion passes.

M. UNFINISHED BUSINESS – these 2 items were moved during approval of agenda to after the executive session

~~22. **Brian Wildrick** request for extension of Performance Deed of Trust on Lot 8 Block 2 South Fill Development Park~~

~~23. **Joel Azure**, NVE performance deed of trust proposal~~

N. NEW & MISCELLANEOUS BUSINESS

24. Bulk mailer re letter writing to legislators about Cordova Center funding – after some Council discussion including the input of Lobbyist **John Bitney**, Council opted to just try to solicit known supporters of the Cordova Center and other City projects to write letters to the appropriate legislators during this session. In the end, Council was mostly against the idea of a bulk mailer to PO Boxes in Cordova. **Bitney** would be getting a list of the other important legislators to encourage such letters be sent to and get that list to **Robertson**.

25. Pending Agenda and Calendar

Council opted for a noon special meeting on Friday February 7 to approve the letter that **Robertson** will be writing with the assistance of **Nancy Bird** regarding dispersants as comments to the ARRT. HSB will be meeting on Feb. 19 before the Council Regular Meeting and it will be an hour or so.

O. AUDIENCE PARTICIPATION

Tom Bailer of 304 Orca Inlet Drive agreed with the decision they came to regarding the bulk mailer; targeting the user groups to ensure the positive letters is the best approach.

P. COUNCIL COMMENTS

26. Council Comments

Bradford said Happy Ice Worm to everyone.

Carpenter – echoes *Bradford's* comments regarding Ice Worm.

Joyce said he hasn't found the tail yet.

Mayor Kacsh called for a short recess before entering executive session. With no objection, the meeting was recessed at 9:55 pm. At 10:00pm Council was back in regular session.

Q. EXECUTIVE SESSION

27. Attorney advice regarding City Performance Deeds of Trust

M/Bradford S/Joyce to enter into an executive session to discuss a matter the immediate knowledge of which would clearly have an adverse effect on the finances of the government, specifically attorney advice regarding performance deeds of trust.

With no objection, Council entered the executive session at 10:02 pm. The regular session was reconvened at 10:57 pm.

23. Joel Azure, NVE performance deed of trust proposal

M/Joyce S/Carpenter to direct the City Manager to enter into negotiations with NVE to resolve the issue of the Performance Deed of Trust.

Vote on motion: 6 yeas, 0 nays, 1 absent (Burton). Motion passes.

22. Brian Wildrick request for extension of Performance Deed of Trust on Lot 8 Block 2 South Fill Development Park

The time was 11:00 pm. Per City Code, business items not considered by 11:00 pm may be taken up at a reconvened meeting or added to the next regular or special meeting agenda.

M/Joyce S/Reggiani to recess the regular meeting until Friday February 7, 2014 at noon. Hearing no objection, the meeting was recessed at 11:00 pm.

The Council meeting was reconvened at 12:00 pm on February 7, 2014 in the City Hall Conference Room. A roll call was taken to establish a quorum. Present for roll call were *Mayor James Kacsh* and Council members *Kristin Carpenter, Tim Joyce, Bret Bradford, EJ Cheshier* and *Dave Reggiani*. Council member *James Burton* was present via teleconference. Council member *David Allison* was absent. Also present were City Manager *Randy Robertson* and City Clerk *Susan Bourgeois*.

27. Attorney advice regarding City Performance Deeds of Trust

M/Reggiani S/Bradford to enter into an executive session to discuss a matter the immediate knowledge of which would clearly have an adverse effect on the finances of the government, specifically attorney advice regarding performance deed of trust on Lot 8, Block 2 South Fill Development Park.

Vote on motion: 6 yeas, 0 nays, 1 absent (Allison). Motion passes. Council entered executive session at 12:14 pm and the regular session was reconvened at 12:55 pm.

M/Joyce S/Reggiani to direct the City Manager to enter into negotiations with Harborside Pizza for a conditional extension on their performance deed of trust ensuring that Council would hear from them within 60 days on their plans to proceed with their development.

Vote on motion: 6 yeas, 0 nays, 1 absent (Allison). Motion passes.

R. ADJOURNMENT

M/Bradford S/Joyce to adjourn. Hearing no objections the meeting was adjourned at 12:56 pm.

Approved: February 19, 2014

Attest: 
Susan Bourgeois, CMC, City Clerk

