

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Final

Tuesday, December 17, 2019

7:00 PM

Regular Meeting

Council Chambers

City Council

REGULAR AGENDA - 7:00 PM**I. CALL TO ORDER**

Mayor O'Neil called the meeting to order at 7:08 p.m. in Valdez City Council Chambers.

II. PLEDGE OF ALLEGIANCE

The Valdez City Council led in the Pledge of Allegiance to the American flag.

III. ROLL CALL

Present: 7 - Mayor Jeremy O'Neil
Council Member Ron Ruff
Council Member Christopher Moulton
Council Member Sharon Scheidt
Council Member Darren Reese
Council Member Dennis Fleming
Council Member Alan Sorum

Also Present: 6 - City Manager Mark Detter
Assistant City Manager Nathan Duval
Assistant City Manager Roxanne Murphy
City Clerk Sheri Pierce
Deputy City Clerk Allie Ferko
City Attorney Jake Staser

IV. APPROVAL OF MINUTES**1. City Council Regular Meeting Minutes of November 26, 2019**

The City Council regular meeting minutes of November 26, 2019 were approved as presented.

V. PUBLIC BUSINESS FROM THE FLOOR

Mr. Christian McGee read the definitions of several types of crimes from state statues, including coercion. He then read excerpts from a police report from several years ago, which had been provided to him after he was accused of domestic violence. He stated he believed the Valdez Police Department took a drunk, combative woman home to her children. He believed this should have been considered child endangerment. He stated a phone was taken from his hand and he believes he was assaulted. He said he was then arrested in the middle of the street for domestic violence. He stated his son was turned over to OCS and he has been refused custody. He stated he had nothing to do with and was not even involved in the situation to which VPD was responding.

Mayor O'Neil asked Mr. McGee if he had been through the court system with his concerns and grievances. Mr. McGee stated he has been charged with domestic violence and has had restraining orders placed against him due to what he feels are false accusations. He stated he tried to fight against the charges, but lost. He stated he felt this is due to corruption in the Valdez Police Department. He stated he believes VPD officers tampered with the witness in his case. He stated he believes VPD's criminal actions have hurt both himself and his son.

Mr. McGee stated he has tried to work through other avenues before addressing

Council, including speaking with Police Chief Bart Hinkle. He stated he believed the VPD has problems with coercion and corruption, which needed to be looked into.

Mayor O'Neil asked if Mr. McGee had attempted to speak with the city manager about his concerns. Mr. McGee stated he had not yet attempted to meet with the city manager. Mr. Detter stated, in order to best address Mr. McGee's concerns, he should set up an appointment with the city manager's office. Mr. McGee stated the situation has been very stressful for him and he just wanted to make sure his side of the story had been presented. Mr. Detter explained he would be happy to meet with Mr. McGee to discuss further. Mr. McGee stated he would like to have back what he felt was taken from him. Mr. Detter explained a Council meeting is not the forum to properly address Mr. McGee's concerns. He stated he would be happy to meet with Mr. McGee the following day.

VI. CONSENT AGENDA

MOTION: Council Member Moulton moved, seconded by Council Member Reese, to approve the Consent Agenda. The motion carried by the following vote:

VOTE ON THE MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

1. ~~Appointments to Valdez Museum & Historical Archive Board of Directors (Two-Year, One-Month Term) (Moved to New Business #4 for Discussion)~~
2. **Appointment to Providence Valdez Medical Center Health Advisory Council (One-Year, Ten-Month Term)**
3. **Appointment to City Planning & Zoning Commission (Three-Year Term)**
4. **Approval of Professional Services Agreement with Trust Consultants for 2020 State Lobbyist Services in an Amount Not to Exceed \$50,000**
5. ~~Approval of Professional Services Agreement with Capitol Hill Consulting Group for 2020 Federal Lobbyist Services in an Amount Not to Exceed \$36,750 (Moved to New Business #5 for Discussion)~~

VII. NEW BUSINESS**1. Approval of 1-Year Contract Extension to Gulf Coast, Inc. DBA Clean Alaska in the Amount of \$130,300.00 for Janitorial Services**

MOTION: Council Member Moulton moved, seconded by Council Member Fleming, to approve the one-year contract extension to Gulf Coast, Inc. DBA Clean Alaska in the amount of \$130,300 for janitorial services. The motion carried by the following vote.

VOTE ON THE MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

2. Approval of 1-Year Contract Extension to X-DLX Investments, Inc. in the Amount of \$158,900.60 for Janitorial Services

MOTION: Council Member Moulton moved, seconded by Council Member Fleming, to approve the one-year contract extension to X-DLX Investments, Inc. in the amount of \$158,900.60 for janitorial services. The motion carried by the following vote after the following discussion occurred.

Council Member Moulton asked if the parks restrooms could be kept open longer due to warmer weather. Mr. Nate Duval, city capital facilities director, explained it is not uncommon to have restrooms opened earlier in the spring due to nicer weather. It is a more difficult to leave the facilities open longer later in the year due to required winterization.

VOTE ON THE MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

3. Approval of Amendment #2 to the Hospital Management and Operating Agreement Between the City of Valdez and Providence Health Services

Mayor O'Neil recused himself from discussion and vote on this agenda item due to a conflict of interest, as he is employed as administrator of Providence Valdez Medical Center.

MOTION: Council Member Moulton moved, seconded by Council Member Reese, to approve the second amendment to Management and Operating Agreement between City of Valdez and Providence Health Services. The motion carried by the following vote after the following discussion occurred.

Mr. Jeremy O'Neil, PVMC administrator, stated the current extension and amendments were reviewed and approved by Providence leadership and

Providence legal. He provided brief remarks on Providence's relationships with multiple communities, including the three critical access hospitals in Kodiak, Sitka, and Valdez. He explained Providence takes tremendous pride in working for the best interest of the communities they serve.

Mr. O'Neil stated the caregivers at PVMC and the Providence Valdez Counseling Center take their jobs extremely seriously and provide amazing service to their community.

VOTE ON THE MOTION:

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Recused: 1 - Mayor O'Neil

4. Appointments to Valdez Museum & Historical Archive Board of Directors (Two-Year, One-Month Term) (*Moved from Consent Agenda*)

MAIN MOTION: Council Member Moulton moved, seconded by Council Member Fleming to approve appointments to the Valdez Museum & Historical Archive Board of Directors (two-year, one-month term).

Mayor O'Neil explained there were two applicants (Keenan Britt and Juleen Johnson) for two vacancies. Juleen Johnson is not a current resident of Valdez.

Mr. Detter stated the Valdez Museum By-Laws do not appear to prohibit appointing a non-resident to the board, however it is unusual. He explained the board positions have been difficult to fill.

Council Member Moulton stated he appreciates Ms. Johnson taking the time and effort to apply for the open position. However, with the upcoming work of the Museum Board it seemed important to have buy-in from an actual Valdez resident. He challenged Valdez residents to apply for a position on the board, especially those who valued building a new museum facility.

Ms. Patty Relay, executive director of the Valdez Museum & Historical Archive, explained she wants to ensure the board is comprised of the right people who are invested in making good decisions for the board. She explained Ms. Johnson is a previous Valdez resident, a former Valdez museum employee, and also had art exhibited at the museum. Ms. Johnson has a master's degree in fine arts, photography, and writing. Ms. Relay stated technology and the board's by-laws allow members to participate in meetings by teleconference or video chat. She stated she is more than willing to support the Council postponing the appointment until a future meeting to allow for a more detailed review of policy.

Following a brief review of Valdez municipal code and charter, Mr. Staser stated residency is not explicitly required for appointment to the museum board. He explained it is a Council decision. Mr. Detter suggested case law should be explored to ensure the legality of such an appointment.

Mayor O'Neil stated, even if the law allowed a non-resident to be appointed, he

still would be hesitant to support the concept. Ms. Pierce stated it is always up to the Council to decide if they want to appoint someone to a board or commission. She explained even if only one person applies for a vacancy, the Council is not obligated to make the appointment.

Council Member Scheidt asked if the museum board discussed Ms. Johnson's application. Ms. Relay stated the board discussed her application during the last two board meetings. She explained the board supported Ms. Johnson submitting an application, but felt the appointment was a Council decision. Council Member Sorum stated a better recommendation would have been how the candidate benefitted the museum board. He stated the museum board is advisory and he did not have an objection to the applicant's residency if they were a good candidate.

Council Member Reese expressed concerns with Ms. Johnson's ability to participate in board activities due to the time difference between Alaska and the east coast.

Mayor O'Neil stated Ms. Johnson's qualifications for the position were not in question. The concern related to her residency.

MOTION TO DIVIDE THE QUESTION: Council Member Reese moved, seconded by Council Member Scheidt to divide the question. The motion to divide the question carried by the following vote.

VOTE ON THE MOTION TO DIVIDE THE QUESTION:

Yays: 6 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Fleming and Council Member Reese

Nays: 1 - Council Member Sorum

MOTION #1: Council Member Moulton moved, seconded by Council Member Fleming to appoint Keenan Britt to a two-year, one-month term on the Valdez Museum & Historical Archive Board of Directors. The motion carried by the following vote.

VOTE ON MOTION #1:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

MOTION #2: Council Member Moulton moved, seconded by Council Member Fleming to appoint Juleen Johnson to a two-year, one-month term on the Valdez Museum & Historical Archive Board of Directors. The motion **failed** by the following vote after the following discussion occurred.

VOTE ON MOTION #2:

Nays: 6 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Fleming and Council Member Reese

Yays: 1 - Council Member Sorum

Council provided consensus that further research on the legality of a non-resident appointment would not be necessary.

Ms. Pierce provided verbal clarification on the process for appointment of candidates when there are multiple applicants for one vacancy.

5. Approval of Professional Services Agreement with Capitol Hill Consulting Group for 2020 Federal Lobbyist Services in an Amount Not to Exceed \$36,750 (*Moved from Consent Agenda*)

MOTION: Council Member Sorum moved, seconded by Council Member Moulton to approve professional services agreement with Capitol Hill Consulting Group for 2020 federal lobbyist services in an amount not to exceed \$36,750. The motion carried by the following vote after the following discussion occurred.

Council Member Sorum stated he is involved with the National Forest Counties & Schools Coalition which has been lobbying Congress for approximately 15 years regarding the Secure Rural Schools Act. He explained the Secure Rural Schools (SRS) program provides approximately \$800,000 annually to Valdez for funding schools and/or roads. He stated Senator Lisa Murkowski is chair of the Senate Energy and Resources Committee and recently ran an extension of SRS through the committee. It appears SRS funding has been extended for the next two years.

Council Member Sorum explained, with the issues surrounding SRS, FERC, Coast Guard funding, and other federal topics, he believes we should be spending more money and providing better direction to a federal lobbyist service. He stated he also wanted the same high level of service and coordination from the federal lobbyist that the city currently receives from the state lobbyist. He recommended federal lobbyist services should go out for an RFP in 2021.

Council briefly discussed whether an RFP should wait until 2021. Council agreed by consensus to retain Capitol Hill Consulting for 2020 to allow time for Mr. Detter to work with the firm and provide opportunity for improvement in the services they provide. Mr. Detter stated he also recommends a Valdez delegation travel to Washington, D.C. in 2020 to meet with our federal representatives and lobbyist. Mayor O'Neil stated ensuring city administration and Council remained engaged with the federal lobbyist could potentially help improve satisfaction with their performance.

Council provided direction to the city manager to publish an RFP for 2021 lobbyist services. Mr. Detter added the city will need to ensure the right lobbyists are solicited who best understand the federal issues important to Valdez.

Ms. Ruth E. Knight, Valdez resident, provided a brief overview of online research she conducted regarding Capitol Hill Consulting's client list.

VOTE ON THE MOTION:

Yays: 6 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,
Council Member Scheidt, Council Member Fleming and Council
Member Sorum

Nays: 1 - Council Member Reese

VIII. ORDINANCES

- 1. #19-07 - Amending Title 4 of the Valdez Municipal Code by Creating Chapter 4.10, Titled Acquisition of Real Property. First Reading. Public Hearing.**

MOTION: Council Member Ruff moved, seconded by Council Member Fleming, to approve Ordinance # 19-07 at first reading, public hearing. The motion carried by the following vote.

VOTE ON MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,
Council Member Scheidt, Council Member Reese, Council Member
Fleming and Council Member Sorum

- 2. #19-08 - Amending Title 4 of the Valdez Municipal Code by Creating Chapter 4.09, Titled Lease of City Buildings. First Reading. Public Hearing.**

MOTION: Council Member Ruff moved, seconded by Council Member Reese, to approve Ordinance # 19-08 at first reading, public hearing. The motion carried by the following vote.

VOTE ON MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,
Council Member Scheidt, Council Member Reese, Council Member
Fleming and Council Member Sorum

IX. RESOLUTIONS

- 1. #19-62 - Adopting Terminal Tariff No. 100-20 and Terminal Rules & Regulations for the Port of Valdez and Repealing Resolution No. 18-46**

MOTION: Council Member Moulton moved, seconded by Council Member Fleming, to approve Resolution # 19-62. The motion carried by the following vote after the following discussion occurred.

Council Member Fleming requested future resolutions include redline revisions so it is clear the items being changed.

VOTE ON MOTION:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

X. REPORTS

1. GreenPlay LLC. Master Plan Update December 2019

XI. CITY MANAGER / CITY CLERK / CITY ATTORNEY / MAYOR REPORTS

1. City Manager Report

Mr. Detter provided a verbal briefing on the upcoming Flood Mitigation Task Force meeting, interviews for city planning director position, reviewing comprehensive plan proposals in conjunction with several members of the Comprehensive Plan Action Committee, and work on the employee salary study. He explained staff are working with the consultant to complete the Valdez housing study. Results from the study will complement and demonstrate housing needs for the submitted Woodside development projects proposal. He stated staff hope to have both documents to Council for review by early February 2020.

Council Member Fleming asked how the recent surprise OSHA inspection went on the police and fire departments. Mr. Detter stated the police and fire chiefs plus executive staff are working through the OSHA inspection process. He stated it was not ideal for a surprise inspection the day after response to a major house fire.

Council Member Scheidt asked when the firm would be selected to continue to the city comprehensive plan process. Mr. Detter stated he hoped to complete interviews and have a recommendation to bring to Council by early February 2020.

2. City Clerk Report

Ms. Pierce reviewed dates for upcoming Council meetings and work sessions. She announced an ordinance related to bear proof trash cans would be presented to Council in January.

Ms. Pierce explained she is overdue for her annual evaluation and hoped to work through that process with Council after the first of the year. She stated her normally evaluation occurs around October each year.

3. City Attorney Report

Mr. Staser provided updates on projects and cases his firm is working on behalf of the City, including escaped property, the AKLNG project, municipal code updates, C-Plan adjudication, Meals Hill replat and rezone to a conservation district, the Barton case, the PPM case, comments on the Hilcorp acquisition of BP assets in Alaska, and the population determination for Valdez.

Mr. Staser reported the legal department will be approximately 20% below budget for the 2019 fiscal year.

Council Member Moulton requested a future legal executive session regarding strategy related to TAPS valuation. He also requested a Council legal priorities work session with Mr. Staser's firm to ensure the legal department is working on items as directed by the Council. Mr. Staser agreed to both these requests.

Mayor O'Neil stated the boundary and borough formation line item within the legal department's 2019 billing summary is one of the largest expenditures listed. However, Council has yet to meet with the legal department about the topic or provide concrete direction to legal on how to proceed. Mr. Staser said Mr. Brena is working on finalizing his presentation to Council on this issue. He apologized for Mr. Brena's delay in providing strategy information to Council related to boundary and borough formation issues.

4. City Mayor Report

Mayor O'Neil provided a verbal briefing of his recent activities including the community Christmas program at the Civic Center and City employee holiday party. He recognized Ms. Sheri Pierce and Ms. Debbie Roberts for thirty years of service with the City.

Mayor O'Neil explained he and Mr. Detter recently had lunch with Mr. Tom Barrett, President of Alyeska Pipeline Service. Mr. Barrett who will be retiring soon. Mayor O'Neil thanked Mr. Barrett for his service to the pipeline and stated he looked forward to meeting Mr. Barrett's successor. He requested a thank you letter to Mr. Barrett from the City Council be drafted. Several Council members supported the idea.

XII. COUNCIL BUSINESS FROM THE FLOOR

Council Member Reese asked why fire engine sirens were turned off when entering the Robe River subdivision during a recent fire call. Fire Chief Tracy Raynor explained the department prefers to be a good neighbor and turned off their sirens when transiting through residential areas at night.

Several Council members thanked the Police Department for their hard work on the employee holiday party. Council wished the community a Merry Christmas and Happy New Year.

Council Member Moulton stated he would like to see the history of both the state and federal lobbying contracts.

XIII. ADJOURNMENT

There being no further business, Mayor O'Neil adjourned the meeting at 8:24 p.m.