

# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## Meeting Minutes - Draft

Tuesday, February 5, 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 7:00 p.m. in City Council Chambers.

**II. PLEDGE OF ALLEGIANCE**

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

**II. ROLL CALL**

Present: 5 - Mayor Jeremy O'Neil  
Council Member Ron Ruff  
Council Member Christopher Moulton  
Council Member Lon Needles  
Council Member Jim Shirrell

Excused: 2 - Council Member Dennis Fleming  
Council Member Darren Reese

Also Present: 4 - City Manager Elke Doom  
Deputy City Clerk Allie Ferko  
Assistant City Manager Roxanne Murphy  
City Attorney Jake Staser

**IV. APPROVAL OF MINUTES****1. City Council Regular Meeting Minutes of May 15, 2018**

The City Council regular meeting minutes of May 15, 2018 were approved as presented.

**2. City Council Regular Meeting Minutes of September 18, 2018**

The City Council regular meeting minutes of September 18, 2018 were approved as presented

**V. PUBLIC APPEARANCES****1. Public Appearance: Lanette Oliver, Valdez Adventure Alliance**

Ms. Oliver provided a brief update of the upcoming Ice Festival. Valdez Adventure Alliance Board Members including Andy Shidner, Eric Christensen, and Nick Farline introduced themselves.

**Vla. CONSENT AGENDA**

MOTION: Council Member Ruff moved, seconded by Council Member Reese to approve the Consent Agenda.

**1. Approval of 2019 Community Purpose Property Tax Exemption Program Applications**

2. **Approval to Go Into Executive Session: 1. Litigation - Cummings vs. City of Valdez and 2. City Manager Annual Evaluation**
3. **Acceptance of Resignation from City Economic Diversification Commission (Lee Hart)**
4. **Proclamation: Teen Dating Violence Awareness and Prevention Month - February 2019**

Rowena Palomar – Advocates for Victims of Violence (AVV)

Ms. Palomar discussed the effects of teen dating violence on the community and the importance of bringing awareness to the issue. She explained how AVV was working with the school system in response to House Bill 214. She requested everyone wear orange on Tuesday to bring awareness to teen dating violence.

Ms. Palomar informed Council of leadership training provided to three high school students and the grant award received by the students.

Ms. Palomar explained, through the prevention program, AVV was able to create the first Prevention Coalition in Valdez composed of the Police Department, community members, school counselors, employees of Alyeska Pipeline Service Company, church leaders, and members of the AVV staff.

Ms. Palomar outlined the new Girls on the Run empowerment program offered by AVV.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese  
**MOTION CARRIED.**

**Vib. PUBLIC BUSINESS FROM THE FLOOR**

No members of the public appeared to provide testimony.

**VII. UNFINISHED BUSINESS**

1. **Approval of Settlement with Alyeska Pipeline Company Regarding C-Plan Administrative Appeal (Postponed from January 15, 2019 Regular City Council Meeting)**

**MOTION ALREADY ON THE FLOOR**

Mr. Staser explained how issues had been resolved among all parties and detailed portions of the plan which had changed. City Attorney Robin Brena encouraged Council to adopt the settlement as a pilot process and move forward

to find the most efficient way to protect environmentally sensitive areas.

Mr. Brena encouraged the city to look into creating an ordinance which better protected Prince William Sound. Council Member Shirrell asked if the existing plan would stay in place over the next five years. Mr. Staser outlined the process of assigning an intermediary to assist with proposed changes to the decision matrix moving forward. He stated he did not know at this point if the plan would change at the end of the initial collaborative process or if an agreement to put the plan in place would occur. He explained, ultimately, it was the State's decision.

Mr. Brena stated if a change was made the City did not agree with, an appeal process was available. Council Member Shirrell asked how, from the City's standpoint, the collaborative process was laid out. Mr. Staser outlined the general guidelines. Council Member Shirrell expressed his desire to see the formal framework of the process moving forward. Mr. Staser explained Council would be tasked with choosing a representative to be involved. He stated attorneys would not attend the meetings. Mr. Brena stated it was a facilitated process and outlined how a facilitator would be selected.

RCAC Executive Director Donna Schantz shared her hope to reach consensus through collaborative efforts. She clarified the administrative appeal process occurring was not litigation.

Council Member Moulton asked what the timeframe was for representative suggestions. Mr. Staser agreed to provide it as an agenda item on the next upcoming regular Council Meeting.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**VIII. NEW BUSINESS**

**1. Approval of Amendment #1 to Physician Recruitment & Retention Agreement for Dr. Parin Seakit**

MOTION: Council Member Moulton moved, seconded by Council Member Shirrell to approve amendment #1 to physician recruitment and retention agreement for Dr. Parin Seakit.

Council Member Shirrell asked for clarification on how the twenty six percent had

been calculated. Dr. Kathy Todd, Valdez Medical Clinic, explained the calculations included consideration for time spent for conferences and vacations.

**VOTE ON THE MOTION:**

Yays: 4 - Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

Abstain: 1 - Mayor O'Neil

**MOTION CARRIED.**

**2. Approval to Purchase a 2019 Labrie/Leach 2R III Refuse Truck on a 2019 Peterbilt 520 Chassis from Yukon Equipment Inc., in the Amount of \$258,539.00**

**MOTION:** Council Member Shirrell moved, seconded by Council Member Moulton, to approve the purchase of a 2019 Labrie/Leach 2R III Refuse Truck on a 2019 Peterbilt 520 Chassis from Yukon Equipment Inc., in the amount of \$258,539.00.

Council Member Needles asked, in regard to a previous purchase of an identical truck, if Public Works was satisfied with its performance. Public Works Director Rob Comstock stated the quality had met expectations and had been reliable.

Council Member Shirrell asked if the purchase was in the replacement schedule and if the one being replaced was being sold. Mr. Comstock confirmed its inclusion within the replacement schedule. He stated the sale of the old chassis was scheduled.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**3. Approval of Professional Services Contract with PND Inc. for Comprehensive Waterfront Master Plan in the Amount of \$396,670**

**MOTION:** Council Member Moulton moved, seconded by Council Member Shirrell, to approve professional services contract with PND Inc. for Comprehensive Master Plan in the amount of \$396,670.

Council Member Shirrell asked if each of the review points were subject to public process. Ports & Harbor Director Jeremy Talbott explained a stakeholders group would be presented to Council for approval, similar to the Kimley-Horn process and how Council could be actively involved.

Council Member Ruff asked if the process would work in conjunction with the Ports & Harbor Commission. Mr. Talbott explained how the stakeholders group would work parallel to the commission and would include additional stakeholders than those represented on the commission.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**4. Approval of Professional Services Contract with PND Engineering, Inc. for Kelsey Dock and Valdez Container Terminal Load Capacity Analysis in the Amount of \$104,860**

**MOTION:** Council Member Moulton moved, seconded by Council Member Shirrell, to approve the professional services contract with PND Engineering, Inc. for Kelsey Dock and Valdez Container Terminal load capacity analysis in the amount of \$104,860.

Council Member Shirrell asked if the analysis would serve as the initial stage to identify necessary maintenance and repair for the aging infrastructure. Mr. Talbott outlined the expected outcome of the analysis, including risk mitigation and safe operating parameters. He explained the customer driven need for a current load capacity evaluation. He stated if the analysis brought forth anything new he would return to Council with the information. Mr. Doug Kenley, Vice President of PND Engineering, Inc., stated his team would report back to Mr. Talbott with any items needing to be addressed.

Mayor O'Neil asked if the maintenance would affect load capacity. Mr. Talbott stated it would not.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**5. Approval of Contract Award to Orion Construction, Inc. for the Valdez Swimming Pool Renovation in the Amount of \$3,115,000.00**

**MOTION:** Council Member Moulton moved, seconded by Council Member Needles, to approve the contract with Orion Construction, Inc. for the Valdez Swimming Pool Renovation in the amount of \$3,115,000.00.

Council Member Needles expressed his appreciation for moving forward with the project.

Council Member Shirrell asked if there were penalties associated with the contractor's failure to perform if the situation arose. Capital Facilities Director Nate Duval stated there were liquidated damage processes established.

Council Member Moulton encouraged community patience through the pool closure.

Mr. Carl Young, Gilson Middle School & Valdez High School Aquatics Instructor and swim coach, shared his enthusiasm for the project. He explained he was in favor of the early start date in an effort to not sacrifice the upcoming swim season. He requested Council hold the contractor accountable for maintaining the agreed upon timeline. Council Member Shirrell requested Mr. Young come to Council if he had concerns as the project moved forward.

Valdez Resident Erica Shirk requested clarification on the start date. Mr. Duval explained the issued addendum altered the start date from April 1<sup>st</sup> to March 11<sup>th</sup>.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**6. Approval of 2019 Legislative Priorities**

**MOTION:** Council Member Moulton moved, seconded by Council Member Ruff, to approve 2019 legislative priorities with any amendments approved by City Council.

Mr. Sean Arnold, Valdez City Schools superintendent, stated an updated priority list had not been provided to Council the prior year and he outlined the school's priorities including the TRS/PERS retirement system, the extension for reserves beyond ten percent, predictable funding in early childhood education, and additionally support for the Timber Receipts program.

Council Member Shirrell asked what the impact of the presented state budget cuts on the Valdez School System would be and if it should be a council legislative priority. Mr. Arnold outlined how funding would be affected and described the worst case scenario. Council Member Shirrell requested Mr. Arnold provide talking points for the upcoming Council legislative fly-in to Juneau.

Mayor O'Neil requested work sessions prior to approval of legislative priorities in the future to provide opportunities for groups such as the School Board to bring issues forward.

**MOTION TO AMEND:** Council Member Shirrell moved, seconded by Council Member Moulton to amend the 2019 legislative priorities to include support for the SHARP III Program, support for the value of Medicare expansion in Alaska, support for the Safe & Secure Rural Schools Act, and support for predictable education funding.

Mayor O'Neil expressed interest to include Medicare expansion in the legislative priorities as well.

Dr. Todd requested clarification on which school priorities would be included. Ms. Ferko explained all priorities Mr. Arnold addressed were included in either the original document or the amendment.

**VOTE ON THE MOTION TO AMEND:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION TO AMEND CARRIED.**

**VOTE ON THE MAIN MOTION AS AMENDED:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MAIN MOTION AS AMENDED CARRIED.**

**IX. ORDINANCES**

**1. #19-01 - Repealing and Reenacting Chapter 15.30 Relating to Flood Hazard Protection Regulations. Second Reading. Adoption.**

MOTION: Council Member Shirrell moved, seconded by Council Member Moulton, to approve Ordinance #19-01.

Council Member Shirrell requested verification on the accuracy of the map. Ms. Doom stated the Planning Department had stated if discrepancies were identified in the future, the department could request an amendment. Ms. Ferko informed Council the city floodplain manager had been in contact with the citizen who had concerns at a prior meeting and communication was occurring on the subject.

**VOTE ON THE MOTION:**

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,  
Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

**MOTION CARRIED.**

**X. RESOLUTIONS**

**1. #19-06 - Amending the 2019 City Budget by Transferring \$105,000 from Unencumbered Port Fund Balance to Port Department for Dock Load Capacity Study, and Transferring \$396,670 from Harbor**



**Maintenance Reserve to Harbor Department for Waterfront Master Plan Costs**

MOTION: Council Member Moulton moved, seconded by Council Member Ruff to approve Resolution #19-06.

VOTE ON THE MOTION:

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

MOTION CARRIED.

**2. #19-07 - Authorizing City Administration to Defer Payments Due from Individual Federal Employees for City Services and to Waive Related Interest Charges for the Duration of any Federal Government "Shut-Down" Furlough Period in 2019**

MOTION: Council Member Needles moved, seconded by Council Member Shirrell, to approve Resolution #19-07.

Council Member Shirrell asked if the resolution would apply to a second shut-down within 2019. Ms. Doom stated it would.

Council Member Shirrell asked if there was opportunity for the resolution to be used in a way incongruent with Council's intent. Finance Director Brian Carlson explained accounts would be settled at the end of furlough periods.

Valdez Resident Alan Sorum encouraged the City to pursue becoming a Coast Guard City.

VOTE ON THE MOTION:

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton, Council Member Needles and Council Member Shirrell

Excused: 2 - Council Member Fleming and Council Member Reese

MOTION CARRIED.

**XI. REPORTS**

- 1. Change Order Report: Change Orders #4 & #5 with Rain Proof Roofing for the Seven Building Roof Replacement Contract.**
- 2. Report: Tasks and Timeline for 2019 Bond Issue**

**XII. CITY MANAGER / CITY CLERK / CITY ATTORNEY / MAYOR REPORTS****1. City Manager Report**

Ms. Doom stated a Health Advisory Board would be meeting to discuss how to

improve health in the community. She updated Council on the dark fiber upgrades through the IT Department.

Ms. Doom thanked Mr. Duval and his team for efforts to bundle different pool projects to put forth a single complete pool project which could be done in a timely manner.

Ms. Doom outlined training opportunities being provided to City staff including conflict management and leadership & management.

Ms. Doom reminded Council of the upcoming presentation of the City Employee Personnel Regulation revision draft at the next regular Council meeting. She provided a brief review of changes being made to the Personnel Regulations and the goal of clarity. Council Member Shirrell asked if the third party review concept was being addressed. Ms. Doom explained she had been in contact with a group who provides conflict resolution and Mr. Staser would be reviewing it as well. She stated she would schedule work sessions on the Personnel Regulations prior to finalization.

Ms. Doom thanked Human Resources Director Tim James for his work with the City and wished him well in his future endeavors as he departed City service.

Council Member Shirrell requested adding the term "planning" to the Health Advisory Board name to differentiate between it and the hospital's established Health Advisory Council.

## **2. City Clerk Report**

Ms. Ferko updated Council on the upcoming municipal election and an opening on the Economic Diversification Commission.

## **3. City Attorney Report**

Mr. Staser provided updates on projects and cases his firm is working on behalf of the City, including the school bond reimbursement, borough formation, Barton vs. City of Valdez, Boulder Bay, C-Plan adjudication, and Title 8 updates.

## **4. City Mayor Report**

Mayor O'Neil congratulated the winner of the Valdez City Schools Spelling Bee as well as the Valdez Buccaneers' team on their recent victory. He reminded the community of the Healthier Valdez program currently underway.

Mayor O'Neil expressed condolences for those affected by the Guardian Flight crash.

## **XIII. COUNCIL BUSINESS FROM THE FLOOR**

Several Council members thanked Mr. Duval for his efforts with the pool project. They wished Mr. James luck in his future endeavors.

Council Member Moulton thanked those who volunteer at the Salmonberry Ski Hill. He encouraged anyone interested in volunteering to reach out to himself or Bridget Irish.

Council Member Ruff echoed the Mayor's condolences expressed for the Guardian Flight family.

**XIV. EXECUTIVE SESSION**

City Council transitioned into executive session at 9:12 p.m.

**XV. RETURN FROM EXECUTIVE SESSION**

City Council transitioned out of executive session at 10:17 p.m.

**XVI. ADJOURNMENT**

There being no further business, Mayor O'Neil adjourned the meeting at 10:17 p.m.

DRAFT