MEETING NO. 2008-24: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl (telephonic), Merrill Sanford, David Stone and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; John Stone, Port Director; Rorie Watt, Engineering Director; Heather Marlow, Lands and Resources Manager; Maria Gladziszewski, Special Projects.

III. SPECIAL ORDER OF BUSINESS – None.

IV. APPROVAL OF MINUTES

A. July 14, 2008 – Regular Meeting 2008-21

Hearing no objection, the minutes of the July 14, 2008 Regular Meeting 2008-21 were approved.

B. July 25, 2008 – Special Meeting 2008-22

Hearing no objection, the minutes of the July 25, 2008 Special Meeting 2008-22 were approved.

C. August 4, 2008 – Special Meeting 2008-23

Hearing no objection, the minutes of the August 4, 2008 Special Meeting 2008-23 were approved as corrected, by reflecting that no flag salute took place.

V. MANAGER’S REQUEST FOR AGENDA CHANGES – None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS. – None.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes

David Stone requested that Ordinance 2008-15(M) be removed from the consent agenda.

C. Assembly Action

*MOTION*, by Stone, to adopt the consent agenda, as amended, with the removal of Ordinance 2008-15(M).

Hearing no objection, the consent agenda was adopted as amended.
1. Ordinances for Introduction

a. Ordinance 2008-23

An Ordinance Authorizing The City And Borough To Issue General Obligation Bonds In The Principal Amount Of Not To Exceed $1,680,000 To Finance Construction Of A Covered Play Area At Dzantik’i Heeni Middle School, And Submitting A Proposition To The Voters At The Election To Be Held Therein On October 7, 2008.

Administrative Report: Attached. The manager recommended Ordinance 2008-23 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2008-24

An Ordinance Providing For The Issuance And Sale Of Short Term Notes Of The City And Borough In The Aggregate Principal Amount Of Not To Exceed $5,300,000 For The Purpose Of Providing Interim Financing For The Public Works Combined Shop Project.

Administrative Report: Attached. The manager recommended Ordinance 2008-24 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2008-15(E)

An Ordinance Appropriating To The Manager The Sum Of $2,800,000 As Partial Funding For The Airport Terminal Expansion Capital Improvement Project, And For Replacement Of The Commercial Passenger Vessel Dock Retaining Wall, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(E) be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2008-15(H)

An Ordinance Appropriating To The Manager The Sum Of $50,000 As Partial Funding For Development And Implementation Of Stormwater Management Standards And Guidelines, Grant Funding Provided By The United States Fish And Wildlife Service.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(H) be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2008-15(I)

An Ordinance Appropriating To The Manager The Sum Of $7,500 As Partial Funding For The Local Emergency Planning Committee Program, Grant Funding Provided By State Of Alaska Department Of Military And Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(I) be introduced and set for public hearing at the next regular Assembly meeting.

f. Ordinance 2008-15(K)

An Ordinance Appropriating To The Manager The Sum Of $33,900 As Partial Funding For The Eaglecrest Beginner Chairlift Capital Improvement Project, Funding Provided By Private Donations.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(K) be introduced and set for public hearing at the next regular Assembly meeting.
g. Ordinance 2008-15(L)
An Ordinance Appropriating To The Manager The Sum Of $60,000 As Funding For The Repair Of Fuel Tank Plumbing At The Mendenhall Wastewater Treatment Plant, Funding Provided By Sewer Funds In The Fuel Tank Replacement And Site Cleanup Capital Improvement Project.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(L) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions
a. Resolution 2448
A Resolution Regarding The Alaska Department Of Environmental Conservation's Mendenhall Valley Ambient Air Quality Standards.

Administrative Report: Attached. The manager recommended this resolution be adopted.

3. Transfers
a. Transfer T-884
Transferring $764,772 In School General Obligation Bond Funds To The Thunder Mountain High School Capital Improvement Project (454-83).

Administrative Report: Attached. The manager recommended Transfer T-884 be approved.

b. Transfer T-885
Transferring $150,000 In Areawide Street Sales Tax From The Downtown Side Street Improvements Phase 3 Capital Improvement Project To A New CIP Replacing Jordan Creek Bridge.

Administrative Report: Attached. The manager recommended Transfer T-885 be approved.

Removed from Consent Agenda:

Ordinance 2008-15(M)
An Ordinance Appropriating To The Manager The Sum Of $500,000 As Funding For The Sculpture Of A Bronze Whale At The Downtown Waterfront, Funding Provided By The Sales Tax Budget Reserve.

Administrative Report: Attached. The manager had no recommendation.

MOTION, by Stone, to introduce Ordinance 2008-15 (M) and set it for public hearing at the next regular meeting:

Mr. Anderson said his understanding was that past direction by the Assembly was to contribute to the site location and site preparation for the statue but not the statue itself.

Mayor Botelho said his recollection was that the Assembly expressed in principle its willingness to support the site preparation costs which were estimated at $1.3 million initially to be located in Marine Park, and then subject to the appropriation process.

Mr. Bush said the Lands Committee reviewed this and the intent of this proposal is to provide start up capital for matching fund contributions to get the fundraising efforts started and there needs to be some movement on the sculpture itself, the actual location can be dealt with secondarily, but it will take significant amount of time to get the sculpture done. Since were essentially committed to having the
sculpture somewhere, it seems worth it to get going on it. When speaking with the Whale Committee, we indicated Lands Committee support for this as pre-funding for the amount the Assembly had essentially committed to in the first place. This would not be in addition to the $1.3 million site preparation, it would redirect the funds from that purpose to this purpose.

Mr. Doll said that in addition to the proposed objective and the amount, he was most concerned with the source of funds. This will be the second time in a year we have dipped into sales tax reserves for a particular project. The precedent set is that anytime we don’t have enough money, the sales tax reserves is a vulnerable source. We have several expensive public ventures facing us and he asked what consideration would be given to the sales tax budget reserve in light of other projects. He would like to hear justification.

Mr. Anderson asked if the site prep costs are $1.3 million, and this $500,000 is to go towards the sculpture, would other funding sources pay for the site work? Will CBJ not have to pay for all of the site work costs?

Mr. Bush said this money will be used as seed money for other significant contributions. The Whale Committee is seeking private funds and is looking at donated land from private landowners. These are issues that the Assembly will be addressing in the future. There are different site preparation costs for different locations and they can cost from $0 to several million in terms of the site. As far as the whale sculpture goes, it is estimated at $800,000 to $1 million, and there will be additional private funding to offset these costs.

Mr. Anderson asked if there was any stated policy that CBJ would provide no more than $X for this project.

Mayor Botelho said that the subject of the motion was to introduce this ordinance and more rigorous debate will take place at a future date.

Mr. Wanamaker said that he was willing to allow this ordinance to be introduced.

Mr. Sanford agreed.

Ms. Chambers agreed, but said there was no information in the packet on this project and she would like more information.

Hearing no objection, Ordinance 2008-15(M) was introduced and set for public hearing at the next regular meeting of August 25, 2008.

VIII. PUBLIC HEARING

A. Ordinance 2007-21(BD)
An Ordinance Appropriating To The Manager The Sum Of $3,813,750 To Fund The City And Borough Of Juneau's Fiscal Year 2008 Public Employee Retirement System Contribution, Funding Provided By The Alaska Department Of Administration.


Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2007-21(BD). Hearing no objection, it was so ordered.
B. Ordinance 2008-22

An Ordinance Providing For The Issuance And Sale Of General Obligation Bonds In The Principal Amount Of Not To Exceed $4,000,000; Providing For The Form And Terms Of The Bonds And For Unlimited Tax Levies To Pay The Bonds; Providing For The Appointment Of A Bond Registrar; and Authorizing a Preliminary Official Statement.


Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-22. Hearing no objection, it was so ordered.

C. Ordinance 2008-15(A)

An Ordinance Appropriating To The Manager The Sum Of $90,000 As Partial Funding For Development And Implementation Of Stormwater Management Standards And Guidelines, Grant Funding Provided By The Alaska Department Of Environmental Conservation.


Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-15(A). Hearing no objection, it was so ordered.

D. Ordinance 2008-15(B)(b)

An Ordinance Appropriating To The Manager The Sum Of $2,215,607 As Partial Funding For The Bartlett 2005 Capital Improvement Project, Funding Provided By 2004 Revenue Bond Interest Income.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2008-15(B)(b). Hearing no objection, it was so ordered.

E. Ordinance 2008-15(C)

An Ordinance Appropriating To The Manager The Sum Of $10,506,094 As Partial Funding For The Runway Safety Area Construction Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration.


Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2008-15(C). Hearing no objection, it was so ordered.
F. Ordinance 2008-15(D)

An Ordinance Transferring $609,551 To The Cruise Ship Berth Enhancement And Open Spaces Waterfront Land Acquisition Capital Improvement Projects, Funding Provided By The Marine Passenger Fee Fund.


Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2008-15(D).

Mr. Anderson asked for a quick review of each of the projects being closed.

Mr. Swope reviewed each project, and indicated which projects had either been completed and/or come in under the estimated budget, in which case the project accounts were being closed and the remaining funds in those accounts were being re-routed. In some projects, such as the “Accessible Gangway” and “Construction of the JCVB Visitor Center,” some design work had been done, however, the lack of resolution on the status of downtown dock improvements had postponed further action on those projects. In the case of the Port Security Improvements, work with the Coast Guard and Homeland Security resulted in improvements at a reduced cost, so these funds were being returned. Mr. Swope said all of these projects did not consist of 100% Marine Passenger Fee money. There were other funding sources, so the Marine Passenger Fee portion unspent would be transferred to the Open Space Waterfront Land Acquisition Fund and the remainder would be transferred to the Cruise Ship Berth Enhancement project.

Mr. Anderson asked for unanimous consent for the adoption of Ordinance 2008-15(D). Hearing no objection, it was so ordered.

G. Ordinance 2008-15(F)

An Ordinance Appropriating To The Manager The Sum Of $31,652 As Partial Funding For The Thunder Mountain High School Capital Improvement Project, Funding Provided By 2004 A&B General Obligation Bond Interest Income.


Public Comment: None.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2008-15(F). Hearing no objection, it was so ordered.

H. Ordinance 2008-15(G)

An Ordinance Appropriating To The Manager The Sum Of $52,000 As Funding For Promotion Of The Alaska Statehood 50th Anniversary Celebration, Grant Funding Provided By The State Of Alaska, Office Of The Governor.


Public Comment: None.

Assembly Action:
MOTION, by Sanford, to adopt Ordinance 2008-15(G). Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS – None.

X. NEW BUSINESS

A. Regulation Amending Commercial Passenger Vehicle (Taxicab) Fare.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Stone, for orders of the day, to allow the manager to enact the regulations.

Mr. Anderson asked if it was true that any time a cab proceeded below 25 miles per hour, the wait time rate was charged, and when the speed reached 25 miles per hour and above that the mileage rate was charged. Maria Gladziszewski said this was correct. Mr. Anderson asked if this was recorded automatically, or if the cab driver had to make adjustments for this. Ms. Gladziszewski said that this was an automatic calculation and that this was a typical industry wide standard way to calculate rates. a

Mr. Doll said he received two favorable endorsements for this regulation from members of the taxi industry.

Hearing no objection, the regulations were allowed to take affect.

XI. STAFF REPORTS

A. Update on Negotiations with the State of Alaska Regarding Property for the Transit Center and Parking Garage.

Mr. Swope referred to a letter from the state regarding its proposal to the Assembly, distributed to the Assembly by e-mail and in the red folder. Mayor Botelho asked and was told that this issue was appropriate for discussion in executive session, and referred the matter to the end of the meeting.

XII. ASSEMBLY REPORTS

A. Committee Reports

Human Resources Committee: Chair Chambers gave a report of the preceding meeting of the HRC.

MOTION, by Chambers, to accept the recommendation of the HRC and appoint Diane Pearson to the Bidding Review Board for a term expiring June 1, 2011. Hearing no objection, it was so ordered.

MOTION, by Chambers, to accept the recommendation of the HRC and appoint Jesse Kiehl to the Board of Equalization for a term expiring December 31, 2011. Hearing no objection, it was so ordered.

MOTION, by Chambers, to accept the recommendation of the HRC and appoint Jesse Kiehl to the Human Rights Commission for a term expiring May 31, 2011. Hearing no objection, it was so ordered.

Ms. Chambers noted a draft Resolution 2420(b) in the packet and asked for Assembly input regarding the topic of reestablishing the Sister Cities Committee and disestablishing the Juneau International
Relations Advisory Committee. She said this Resolution would be back before the Assembly at the next regular meeting.

Public Works and Facilities Committee: Chair Doll said the PWFC met August 4, heard a staff presentation regarding the Streets Division shop site under the Douglas Bridge and the future disposition of land. The PWFC forwarded the subject to the Lands Committee. The PWFC also heard a report on Statter Harbor reconstruction, snow removal for upcoming season, Jordan Creek bridge replacement and Franklin Street sidewalks. The next meeting is August 18.

B. Liaison Reports

Sustainability Commission: Liaison Doll said the commission was looking more closely into a proposed “5% for Sustainability” presentation made by Roger Healy. This idea is similar to the “1% for Art” requirement on public construction projects. The Sustainability CIP committee will meet Tuesday, August 12, to discuss this idea.

Planning Commission: Liaison Anderson said the Planning Commission next meets Tuesday, August 12, and will do a final review of CBJ Comprehensive Plan. Also on the consent agenda are the ACS radio towers on Taku and Auke Mountain.

Parks and Recreation Advisory Committee: Liaison Anderson said the PRAC met August 5, heard report from Trail Mix regarding trash at Montana Creek. This will be taken up as an action item at next meeting. There are proposals of closing the road past rifle range, putting in a swing gate, and other options to control dumping. There have been reports of trash dumping at the top of the Mendenhall Peninsula on Blueberry Trail. Mr. Matsil has been working with the FAA and this area will be cleaned up.

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker said that during a recent visit of USS Juneau, the ship presented the City with a large picture of the ship and he would like to see the city find a good location for the public to be able to see this on a regular basis. He recommended Centennial Hall.

Mr. Anderson asked about a request made some time ago about the status of sales tax collections and how projections are matching up to reality.

Mr. Anderson said he was hearing comments about overcrowding on the buses and said that Joe Buck confirmed that rider-ship is up. Mr. Buck will be coming back to Assembly with options. Mr. Anderson said all solutions will take an investment, but when people are trying to use mass transit it should be encouraged.

Mr. Anderson referred to a comment he heard was made by the State of Alaska Commissioner of Administration that if a job in Juneau is open for 90 days and is not filled, the job will be moved to Anchorage. Mr. Anderson asked for a letter from the Mayor on this expressing the city’s concern, and perhaps offering to assist with recruitment. Hearing no objection, Mayor Botelho asked Mr. Anderson to write a draft letter for his review.

Mr. Doll encouraged the public to attend and participate in a Farmers Market being coordinated by the Sustainability Commission and held on Saturday, August 30 at the Juneau Arts and Humanities Center. The Sustainability Commission was looking for farmers – to market or to show products grown or created in Juneau.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.
XV. EXECUTIVE SESSION

MOTION, by Doll, to enter executive session, to discuss matters, the knowledge of which might adversely affect the finances of the city, with particularity to the parking garage property negotiations.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly entered into executive session at 7:52 p.m., and returned to regular session at 8:30 p.m.

Mayor Botelho said the Assembly received a report on negotiations with the State of Alaska over the site of the parking garage and the underlying land on Telephone Hill. The state made an offer to the city; the Assembly reviewed the offer, and has given instructions to the City Manager, which he will act upon. The issue will ultimately come before the Assembly in the form of an ordinance that will allow the public to fully know the terms of agreement and at which time the public will be able to comment.

The Assembly reviewed the calendar and set the following meeting schedule:

Tuesday, September 2, 6 p.m., Chambers, Assembly Committee of the Whole, to review the CBJ Comprehensive Plan

Monday, September 8, 5 p.m., Chambers, Assembly Committee of the Whole, to review the CBJ Transit Plan (the September 8, 2008 meeting of the Human Resources Committee will be rescheduled.)

An ordinance for introduction for the CBJ Comprehensive Plan will be scheduled for the Regular Meeting on Monday, September 8, with the potential for additional committee work to be scheduled at a future date, and possible Assembly action at the Regular Meeting of the Assembly on Monday, September 29. The Transit Plan is enacted through Assembly resolution, and Mayor Botelho said that a goal was to complete work on both the Comprehensive Plan and the Transit plan by September 29, which would be the last regularly scheduled meeting of this sitting Assembly prior to the election on October 7.

XVI. ADJOURNMENT – 8:35 p.m.

Signed:_______________________________   Signed:_______________________________

Laurie Sica, Municipal Clerk     Bruce Botelho, Mayor