MEETING NO. 2010-20: 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 7:00 p.m. by Mayor Bruce Botelho.

I. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Ruth Danner, Bob Doll (telephonic), Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: Johan Dybdahl.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Joe Buck, Public Works Director; John Bohan, Chief CIP Engineer; Dale Pernula, Community Development Director; John Stone, Port Director; Gary Gillette, Port Engineer, Garth Hamblin, CFO, Bartlett Regional Hospital; Glen Gelbrich, Superintendent of Schools; Deb Morse, Supervisor, Maintenance and Facilities, JSD.

II. SPECIAL ORDER OF BUSINESS

A. Employee Recognition – Ed Grant, Public Works

Joe Buck congratulated Ed Grant on his retirement following eight years of service to CBJ Public Works Department. He holds a Level 2 Waste Water Treatment License and a Level 3 Water Treatment License from the Alaska Department of Environmental Conservation. The majority of his service was at the JDWW Treatment plant, where he ran the lab testing operations and monitored treatment processes. He took exceptional care of the facilities with high levels of maintenance and cleanliness at the plant. Mr. Buck thanked Mr. Grant for his dedicated service. Mr. Grant said he started his career at age 40. After working three jobs at one time and not getting ahead, he decided to go back to school. He said that if he could do it anyone could, and it was the best move he ever made. He is happy to serve the community. He considers himself a professional. He has operated nine treatment plants. A successful operator requires a unique dedication and high set of standards, which he strives for in every job he performs. He worked to go beyond the minimum qualifications of the job. He thanked God for the strength he needed. He encouraged people to go to work as if they are going to work for God and never mind the gossips. Just do your work and come home safely.

III. APPROVAL OF MINUTES

A. July 19, 2010 – Regular Assembly Meeting 2010-19

Hearing no objection, the minutes of the July 19, 2010 - Regular Assembly Meeting 2010-19 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES
Mr. Swope requested removal of Resolution 2541, as he has been asked several questions about it and he thought it would be beneficial to discuss the issues in the Lands Committee. Hearing no objection from the Assembly, Resolution 2541 was referred to the Lands Committee.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Debra Johnson asked for equitable enforcement of the land use code. She reported on her frustration living next to a church at 8493 Forest Lane that was issued a Temporary Conditional Use Permit in 1990 to operate a church at the location for one year only, however, the church is very active today and impacts her family’s ability to enjoy its property due to the high level of activity. She spoke about drainage issues, inadequate parking, inadequate signage, use of an RV as a temporary residence, the lack of privacy, and her ongoing attempts to gain compliance through contact with the Community Development Department. She provided her contact information to Mr. Swope.

VI. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action

MOTION, by Bush, to adopt the consent agenda, as amended with the referral of Resolution 2451 to the Lands and Resources Committee. Hearing no objection, the Consent Agenda was adopted as amended.

1. Ordinances for Introduction

a. Ordinance 2010-24

An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of A Portion Of Lot 3, Block 51, Of The Alaska Tidelands Addition To The City Of Juneau, Located Near The Douglas Bridge Along Harbor Way, For An Existing Building Housing Retail Businesses And Marine Related Businesses And Uses.

Administrative Report: Attached. The manager recommended Ordinance 2010-24 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2010-26

An Ordinance Authorizing The Issuance Of General Obligation Bonds In The Principal Amount Of Not To Exceed $18,700,000, To Finance Renovations To Auke Bay Elementary School, And Submitting A Proposition To The Voters At The Election To Be Held On October 5, 2010.

Administrative Report: Attached. The manager recommended Ordinance 2010-26 be introduced and set for public hearing at the next regular meeting.
c. Ordinance 2010-27
An Ordinance Placing On The Next Regular Municipal Election Ballot The Question Of Whether To Extend The Existing Levy And Collection Of A Temporary 1% Areawide Sales Tax On The Sales Price Of Retail Sales, Rentals, And Services Performed Within The City And Borough. Such Tax Extension To Be Effective On October 1, 2013, For A Period Of Ten Years, The Proceeds Of Which Are Intended To Be Appropriated By The Assembly For The Purpose Of Design, Permitting, And Construction Of A North Douglas Transportation Crossing; And Calling For An Election On Whether Such Sales Tax Shall Be So Levied.

Administrative Report: Attached. The manager recommended Ordinance 2010-27 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2010-28
An Ordinance Increasing The Rates For Water And Wastewater Utility Services.

Administrative Report: Attached. The manager recommended Ordinance 2010-28 be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2009-08(AQ)
An Ordinance Appropriating To The Manager The Sum Of $1,654,200 As Partial Funding For Bartlett Regional Hospital Fiscal Year 2010 Operating Budget, Funding Provided By Bartlett Regional Hospital FY10 User Fees.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(AQ) be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2010-11(C)
An Ordinance Appropriating To The Manager The Sum Of $10,000 As Funding To Purchase Hazardous Material Response Equipment, Grant Funding Provided By The Alaska Department Of Environmental Conservation.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(C) be introduced and set for public hearing at the next regular meeting.

g. Ordinance 2010-11(O)
An Ordinance Appropriating To The Manager The Sum Of $500,000 As Additional Funding For An Environmental Assessment Of Statter Harbor Loading Facility Capital Improvement Project, Funding Provided By The State Of Alaska Department Of Fish And Game.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(O) be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2541 – pulled and referred to the Lands and Resources Committee.
A Resolution De-Appropriating $500,000 From The Lemon Creek Subdivision Capital Improvement Project To The Lands Fund.
3. Bid Award

a. Bid 11-028

Roadway Deicing Chemicals.

Administrative Report: Attached. The manager recommended award of Bid 11-028 to Univar USA, Inc., as the only responsive bidder, for a total award of $192,360.

VII. PUBLIC HEARING

A. Ordinance 2010-23


Administrative Report: Attached. The manager recommended adoption of Ordinance 2010-23

Public Comment:

Wendy Hamilton referred to this ordinance as a housekeeping measure to fix the frustrating and recurring occurrence of smoking in cabs. Second-hand smoke is a health hazard and cabs are a business. It has been against the law for nine years to smoke in cabs, but it is almost impossible to get into a cab that is smoke free. The fines are not high enough; multiple citations are issued but none at higher than a $50 fine. Instituting a graduated fine for this offense would be in line with other violations. The fines in CBJ are low in comparison to many communities. In Anchorage, a cab driver risks losing a license for continued violations. She asked the Assembly to consider putting the fine in both the smoke control code and the CPV regulations. People should be able to get and expect smoke free cabs.

Joan Cahill said it is important to resolve this situation promptly. Most people in Juneau use cabs and this can become a liability to the city after a while if this second-hand smoke issue is not addressed. She said she was not so concerned with the method used but the outcome to get people to refrain from smoking in taxis.

Gene Miller strongly supports the ordinance.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2010-23.

Mr. Anderson asked Mr. Hartle how prosecution of the existing law works and if fines were being paid. Mr. Hartle said the Law Department had not taken any violators to court on this issue, and JPD would have more information on enforcement.

Mr. Anderson said he is concerned this ordinance establishes higher fines for smoking in taxis than smoking in other places and he does not feel this is equal treatment of the law. He said the current ordinance provides sufficient disincentives for smoking in taxis if the law is enforced. CBJ 36.60.045 regarding failure to maintain a smoke-free premises provides a $200 minimum fine with a graduated schedule for repeat violations. The person who controls the use of the taxis is already subject to a higher fine if a taxi can be considered a premise. We
prohibit smoking in vehicles and in enclosed places of employment. CBJ 36.60.020 states an employer shall adopt a written policy prohibiting smoking in the business and CBJ can ask for a copy. He asked if this has been required of any of the taxi companies. Mr. Hartle said he was not sure. Mr. Anderson said CBJ 36.60.035 says signs shall be prominently located in buildings or other areas in which smoking is prohibited in this chapter, including taxis. He said his point is, the ordinance already has pieces that can be applied. This ordinance changing the fine structure for a higher fine for taxis than other places is not the way to deal with this issue. He urged a no vote and requested that Mr. Hartle clarify the definition of “premises.”

Mayor Botelho asked Mr. Hartle if there is a commonly accepted legal definition of “premises.” Mr. Hartle said the Alaska Supreme Court, when facing an undefined term, looks to generally accepted usage, which is Webster’s Dictionary. The definition of “premises” in the dictionary is land or buildings. Mr. Anderson’s approach is reasonable. We are trying to make this clearer. In any statute with a penalty, it is incumbent upon the government to make the law clear and if there is ambiguity, the court has to rule in favor of the defendant. If the same conduct is prohibited in two places in the law - the court goes to lower penalty. This needs work; we need to review in committee perhaps, since we have had new information come in even up to today.

Mr. Stone supported moving the ordinance to committee.

Mr. Sanford said the issue is not a big enough issue to go to a committee. Mr. Hartle could draft suggestions for changes for Assembly review.

Mayor Botelho noted there was no objection to tabling Ordinance 2010-23 and returning it to the next regular Assembly agenda of August 23.

B. Ordinance 2010-11(H)
An Ordinance Appropriating To The Manager The Sum Of $505,000 As Funding For The Four Wastewater Capital Improvement Projects Identified In The FY11 Capital Improvement Program, Funding Provided By The Wastewater Fund Balance.


Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2010-11(H). Hearing no objection, it was so ordered.

C. Ordinance 2010-11(I)
An Ordinance Appropriating To The Manager The Sum Of $11,279 As Partial Funding For The Local Emergency Planning Committee, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.


Public Comment: None.
Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2010-11(I). Hearing no objection, it was so ordered.

D. Ordinance 2010-11(J)
An Ordinance Appropriating To The Manager The Sum Of $5,000 As Partial Funding For The Treadwell Historic Plan And Construction Capital Improvement Project, Grant Funding Provided By The National Trust For Historic Preservation.


Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2010-11(J).

Mr. Stone said that he and the Mayor were part of forming this non-profit organization, the Treadwell Historical Society, many years ago and it is very good to see this project moving forward.

Hearing no objection, it was so ordered.

E. Ordinance 2010-11(K)
An Ordinance Appropriating To The Manager The Sum Of $9,000,000 As Funding For The Cruise Ship Berth Enhancements Capital Improvement Project, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2010-11(K).

Public Comment:

Mr. Stone said if the discussion on this issue strayed into dock configuration and Option Project 16b, Mr. Hartle had advised that he has a conflict on that matter and would need to step away from the meeting. Mayor Botelho said that he understood, but there was no issue with hearing public testimony.

Chip Thoma said he represented the group “Responsible Cruising in Alaska.” The Legislature recognized that improvements are needed to provide for Panamax ships. Along with this $9 million, the Legislature authorized $5 per passenger in FY12 to add on to the present $8 passenger fee, so there will be $13 passenger fee in Juneau, which will bring in $10 – 12 million per year. This is an excellent opportunity to pay for this project out of pocket over the next few years. Project 16b is scheduled for completion in 2013-14 if approved and all goes according to plan. He urged the Assembly to accept the money, approve Project 16b, and allow Docks and Harbors to move forward with this plan for the seawalk and the two floating docks. This will allow passengers to walk right into town and not have to walk long distances.
or take shuttles. The seawalk will run all the way from Marine Park to the Rock Dump. The point of congestion is not an issue with the exception of docking ships in winds exceeding 40 knots. This has happened once this summer for a few hours and if this does occur, there is adequate money from the passenger fees to pay for any tug assists. This is only for the Franklin Dock on rare occasions and should not hold up the project. The RFP should include the potential for electrical, water, and sewage hook ups. If Juneau can expand its sewage treatment plant, it will solve many problems the ships have. This is the time to do it and it should be a “pay-as-they-use” basis, as they are paying for the services at the Franklin Dock.

Mr. Sanford said he was not aware the Seawalk was closed. Mr. Thoma said the yellow barriers have to go and the entire dock will be open to the public.

Mayor Botelho said the vote tonight is not a decision on any particular port design. The decision on Project 16b will await a future Assembly meeting.

Kirby Day, Director of Operations for Princess Cruises, said he wanted assurance that the passing of this ordinance did not commit the funds to a specific project and that it could be used for dock improvements, repair, and maintenance. Princess has done navigational studies this summer and built the model of the new dock into the study. They believe there is a navigational hazard associated with Project 16b, not to say it is not solvable, and it is more in the 25-knot wind range. If the city moves forward on Project 16b, that needs to be considered. Using tug assists at $5-10,000 a call is onerous to a business.

Josh Adams, representing the Alaskan Hotel, a family business, would benefit from the dock improvements. Juneau has not maximized the potential of the downtown harbor. Project 16b is a marvelous idea, opens up the seawalk, and this is forward thinking for the Assembly. The improvements are needed. He encouraged passage of the ordinance.

Joe Geldhof said thanks go to the Assembly for getting the project to this point. He urged passage of the ordinance and said it was not project specific. We are on the verge of a future project that will address security, open up access and create a vibrant economic future for the next 50 years for the downtown waterfront.

Paul Thomas, a member of the Board of Directors of the Downtown Business Association (DBA), and Chair of the DBA’s Physical Development Committee said this is an appropriate expenditure for Docks and Harbors and he supported Project 16b. DBA has supported this project, the expansion of Marine Park, bus parking, and has always done this in anticipation of accommodating the newer and larger ships. DBA, by resolution, supports this ordinance and asks that the Assembly move quickly to implement Project 16b.

Reed Stoops of Franklin Dock Enterprises said he was under the assumption that the cruise ship berth enhancement capital improvement project referred to in the Ordinance was specific to Project 16b. He asked for a definition of the project encompassed by this ordinance.

Mayor Botelho said the Assembly was not acting on Project 16b, but was voting on whether to receive $9 million that will be used for cruise ship berth enhancements. This could mean renovation or upgrading of the current facilities, it could also mean Project 16b. The Assembly has not made the decision yet. The information will not formally be before the Assembly until September.
Mr. Stoops said he then did not have any objection to the ordinance. Before such a decision is made in September, and the engineering is done, the main issue Franklin Dock Enterprises has is the hazard to navigation to the Franklin Dock. They have not had any discussion with Docks and Harbors on this. There will be wind issues when tug assist is necessary. Issues such as whose decision it is to use the tug and who should pay for the tug - those issues will need to be addressed in an agreement and resolved before the project moves forward. They are open to discussion. Other issues of concern are a little more complicated, such as the way the head tax money or port dues collected from the private docks can be used to construct city docks. It depends on how the financing package is put together. There are issues with the $13 fees being high enough that it makes it difficult for the private docks to charge enough to pay for the normal maintenance of the facilities. Last year there was a precedent to begin to use some head tax money to pay for capital improvements at the private dock, then it evolved into maintenance, which raises a policy issue that needs resolution. We are in the process of getting legal opinions and we can discuss this with CBJ over the next few months.

Larry Spencer, President of the DBA, said Mr. Thomas reflected the board’s position. It has been 10-15 years that DBA has worked with CBJ and Docks and Harbors to meet the growing demand of cruise industry. Improvement of those docks is consistent with the waterfront plan and the community plan for a compact and cohesive downtown area. We started two years ago at the legislature to promote getting funds contributed to the city, so it helped to have the city ask for those funds. It is important to keep two ships docked in that area. Remote ships do not an upland development make. Approve the ordinance and slate Project 16b as quickly as possible.

Drew Green, Port Manager for Cruise Line Agencies of Alaska, said he supported Mr. Stoop’s comments and wants to encourage engagement with the industry on plans for future development. The fiscal note shows the fund is growing. The Assembly should accept the money from the state and put it in the “pot.”

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2010-11(K).

Ms. Danner asked about the fiscal note and by approving this ordinance are the funds passed directly to the Docks and Harbors Board or do they remain with CBJ for later authorization. Mr. Swope said this is a grant to Docks and Harbors and they have spending authority.

Ms. Danner said she does not see a financial impact, but a growing of the fund. Are these funds in the CBJ budget under its control now?

Mr. Duncan said this CIP sits in the CBJ CIP Budget accounting. Docks and Harbors has its own authority to a certain level. There have already been funds set aside by the Assembly for this particular project and the funds are being added to that. The Docks are self-funded through user fees and there are no general operating charges that would be included in any future maintenance and operations. Mr. Duncan said at this time, the project has not been identified, so the funds have been set aside in this “pot,” this ordinance just adds to that.

Ms. Danner said the narrative of the ordinance stated the funds would be appropriated to the “downtown cruise ship berth enhancement CIP and used as partial funding to replace the city’s two aging cruise ships docks. This seems to be an endorsement of replacement over
maintenance. Mayor Botelho said that Docks and Harbors have made it clear that major replacement is required, whether it is Project 16b or the current configuration. He did not see the ordinance language indicating a preference for either.

Ms. Danner asked if by passing the ordinance and accepting the funds, would the Docks and Harbors Board be able to go forward with their plans as they see fit or will it come back to the Assembly for approval before funds are spent. Mayor Botelho said it was the latter.

Mr. Wanamaker said when the Assembly gave the Docks and Harbors Board authorization to seek funds from the Legislature, we made it clear that we wanted a timetable on when key decisions would have to be made on the project and the decision point where choices would be made in which there was no turning back. The Assembly also wanted to see the list of the maintenance and repair projects, a new cruise ship dock or a combination of both. We want to be able to make those choices but to date he does not have that information in front of him. When do we commit ourselves irretrievably one way or the other? Without that information he will not vote to support the ordinance and said he would not be fulfilling his fiduciary obligation to the city if he did. We do not know what the project is that we are appropriating $9 million toward.

Mr. Bush said this ordinance does not appropriate the funds, but accepts the funds from the state, and the decisions will be made later. The Assembly would violate its trust to the city by not accepting the funds. Turning down $9 million in state funding would be inappropriate.

Roll call:
Nay: Wanamaker.
Motion passed, 7 ayes, 1 nay.

F. Ordinance 2010-11(L)
An Ordinance Appropriating To The Manager The Sum Of $25,213 As Funding For The Treadwell Historic Plan And Construction Capital Improvement Project Phase III, Grant Funding Provided By The State Of Alaska, Office Of History And Archaeology.


Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2010-11(L). Hearing no objection, it was so ordered.

G. Ordinance 2010-11(M)
An Ordinance Appropriating To The Manager The Sum Of $50,000 As Funding For An Arctic Winter Games Bid, Planning And Submission, Grant Funding Provided By Alaska Department Of Commerce, Community And Economic Development.

MOTION, by Bush, to adopt Ordinance 2010-11(M).

Mr. Sanford said he wants to reiterate that the cost to host the Games will need to be identified and explained, as well as the revenues. He also wants assurance that this event will not affect Gold Medal, as it is a yearly event that gives all of us a shot in the arm.

Ms. Danner agreed and wants to consider the costs and the benefits to CBJ if we choose to take it beyond this step.

Mr. Anderson said that he has heard the best we can hope for is that it will only cost CBJ $1 – 2 million, and possibly up to $10 million if no state or federal funding was received. He did not think CBJ was in that type of financial position to host the Games. He did not support submission of a bid, so could not support this process.

Mr. Bush said that this ordinance is accepting funds to prepare the bid. This is not the decision to submit the bid. When the bid is prepared and presented to the Assembly, the Assembly will need to address all the concerns. The City of Kenai actually came out ahead monetarily when it was done. They did receive state and federal assistance, and that is not guaranteed. Kenai was ahead not only in funds, but also in remaining infrastructure. If the Assembly does not accept these funds, the Eaglecrest Foundation will be out money as they have already expended some funds with the understanding that the state has provided this funding. Those funds would need to be reimbursed somehow. He encouraged support of the ordinance.

Roll call:
Aye: Bush, Danner, Doll, Sanford, Stone, Wanamaker, Botelho
Nay: Anderson
Motion passed, 7 ayes, 1 nay.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Liquor Licenses.

1. Beverage Dispensary License #644 – Transfer of Ownership
   Transfer From: Ethan Billings, dba “Marlintini’s”
   Transfer To: Erik Emert and Deborah Barry, dba “Hoochies, LLC”.

   Administrative Report: Attached. The manager recommended the Assembly waive the right to protest this transfer of ownership, as there was no objection from CBJ Finance, Fire, CDD and JPD offices.

   Public Comment: None.

   Assembly Action:
MOTION, by Danner, to waive the Assembly’s right to protest the Transfer of Ownership of License #644 from Ethan Billings, DBA “Marlintinis” to Erik Emert and Deborah Barry, DBA “Hoochies, LLC.” Hearing no objection, it was so ordered.

B. Docks and Harbors – Contract Amendment – Statter Harbor Launch Ramp

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to approve the contract amendment for the consultant fee with PND Engineers, Inc. by $365,000 to allow for the continuation of planning and environmental work for the proposed new launch ramp at Statter Harbor. Hearing no objection, it was so ordered.

C. Docks and Harbors – Contract Amendment – Port Customs and Visitor Center

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to approve the contract amendment for Jensen Yorba Lott, Inc. in an amount not to exceed $408,950 for construction administration and observation services for the Port Customs and Visitor Center project. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Mr. Swope said he had a number of conversations with Parks and Recreation staff and Carol Coyle about her concerns regarding noise generated by performances in the Savikko Park Amphitheatre. A new policy was established and there will be no amplified sound allowed with private rentals, and amplification will be kept at a minimum with the exception of events during the 4th of July, Gold Rush Days, and other special public events as approved by the Parks and Recreation Director. Mr. Swope said Ms. Coyle seemed to approve of these changes.

Mr. Anderson asked if Parks and Recreation staff will monitor compliance with the rules. Mr. Swope said yes.

Mr. Swope reported on an article he read on http://www.msnbc.com regarding the steps many cities in the “Lower 48” are taking to manage their financial situations, including turning off all street lights, ripping up pavement as it is easier to maintain gravel roads, reducing school hours to four days a week, cutting back on fire and police service and eliminating bus service. The times are hard and it is good to remember that due to the Assembly’s fiscal restraint, Juneau is managing relatively well.

XI. ASSEMBLY REPORTS

A. Committee Reports
**Finance Committee:** Chair Stone said the Committee met on August 4 and three ordinances stemming from that meeting were introduced tonight. He will schedule a meeting in September, to be announced.

**Human Resources Committee:** Chair Doll said the next meeting is August 23.

**Public Works and Facilities Committee:** Chair Sanford said that all agenda items from the meeting of July 19 were forwarded to this meeting and completed.

**Lands and Resources Committee:** Chair Anderson said the meeting of Monday, August 16 was rescheduled to take place at 4:30 p.m. on Monday, August 30, immediately preceding the Special Assembly joint meeting with the Hospital Board.

B. Liaison Reports

**Affordable Housing Commission:** Liaison Danner asked for clarification of the role of the AHC in regards to the expenditure of the Affordable Housing Fund and in seeking, lobbying, and applying for funding from private and public sources.

Mr. Sanford said the group was advisory to the Assembly and did not “go it alone.” Mr. Anderson agreed that advisory boards were not to contact legislators or apply for grants without coming through the Assembly first for approval.

Mr. Swope said the appropriation of funds to the Affordable Housing Fund was to allow the AHC to bring forward projects to the Assembly and the Assembly could, by motion, at one meeting, move them forward. This would not require a two meeting ordinance. He said Kim Kiefer and Ms. Danner sit on the board and are appropriate persons to bring potential funding opportunities forward to the Assembly from the AHC. The Assembly should authorize any grant application or request for funding.

**Hospital Board:** Liaison Stone commended Linda Thomas and the Organizational Culture Subcommittee of BRH for their work. The Assembly will receive their report on August 30, at 5:30 p.m.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Danner said she would be meeting Deb Morse on Wednesday, August 11 at 5:30 p.m. at Auke Bay Elementary to take a tour, and all Assemblymembers are invited. Ms. Morse was willing to meet with individuals at their convenience. Mayor Botelho said the Assembly was limited in participation to three members at a time due to the Open Meetings Act. Any more would require public notice of a meeting and there was not sufficient time to do so. No other Assemblymembers indicated they would attend Wednesday.

Mr. Anderson said the Assembly had discussed balancing the need to increase permitting fees with the concern that this increases the cost of housing and hinders economic development. He suggested adding the topic of development and building fees being shifted from a cost to the applicant to a cost to property taxes as a subject for a future Finance Committee agenda.
Mr. Sanford asked about Ms. Johnson’s concerns expressed about the church in a residential zone on Forest Lane. Mr. Swope said this was the first time he has heard of this and he will follow up with Ms. Johnson and CDD staff.

Mr. Doll said in the next Assembly meeting packet, he would like an authoritative statement from the City Manager with verification from the Engineering Department of the estimated cost of the North Douglas Crossing project. There was no objection to asking the manager to look independently at the costs.

Mr. Doll said he would like to explain to the voters how the diversion of sales tax money to one project will affect other projects. Mayor Botelho said that any ordinance before the Assembly is subject to amendment and the Assembly members could contact Mr. Hartle for assistance.

Mr. Wanamaker encouraged the City Manager and JPD to take note of the recent assault in the Fosbee Apartments and to look into what can be done to bring some peace and stability to that neighborhood and environment. The location near the Governor’s House needs to be considered.

Mr. Wanamaker asked the Manager to request that Docks and Harbors provide, at the September 20 Assembly meeting, a descriptive list of what is meant by maintenance and repair what is meant by cruise ship alternatives, and what is meant by a combination of the two. This is what the Assembly requested when it approved seeking funding from the legislature. He would also like to see a timeline for Assembly decision points and when decisions become irreversible. At that time the Assembly can decide if a work session is necessary to discuss the project further.

Mayor Botelho recommended that a resolution be drafted to put Project 16b before the Assembly to give a “go” or a “no-go” on that particular project. The information Mr. Wanamaker was requesting would be the backup. This will allow the public to comment on the matter.

Mr. Wanamaker said a resolution on the September 20 Assembly meeting would be premature. He wanted the information first before directing a resolution to be drafted.

Ms. Danner said a contract was approved at the last meeting for PND to do research and she asked about the timeline for their information.

Mayor Botelho said John Stone had told him the information would be available by mid-September.

Mr. Bush said he thought it was worth it to put the decision on the table at that time. Having a discussion on whether to move forward on repair of existing docks or construction of new docks is valid.

Mr. Anderson supported drafting a resolution, which could be referred to committee. A resolution would encourage a decision to be made.

Mayor Botelho asked Mr. Hartle to prepare such a resolution.
Mr. Wanamaker said the Mayor has the power and the right to place such a resolution on the agenda. He wanted it to be clear that he needs substantive information on the full scope of projects and timelines to be made and when those decisions are irreversible. Mayor Botelho agreed.

Mr. Swope said that the Docks and Harbors Board has provided a critical path a number of times as to when the project deadlines would need to be met – that is available. A decision needs to be made soon due to the limited windows of time that the project requires for the work to be completed. Factors include lead-time, noise issues, a limited work season, prefabrication, weather, and the cruise season.

Mr. Wanamaker said that Docks and Harbors have used different numbers for the same project over time. Once it was at $60 million, now it is at $40 million for the Panamax docks. Repair options have varied and are not firm.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIV. EXECUTIVE SESSION

A. City Attorney Evaluation

MOTION, by Bush, to enter in to executive session to conduct City Attorney John Hartle’s performance evaluation.

Hearing no objection, the Assembly entered into executive session at 9 p.m. and returned to regular session at 9:50 p.m.

Upon returning to regular session, Mayor Botelho said that the Assembly met with Mr. Hartle and conducted his annual performance evaluation.

XV. ADJOURNMENT: 9:50 p.m.

Signed: _______________________________  Signed: _______________________________
Laurie Sica, Municipal Clerk  Bruce Botelho, Mayor