MEETING NO. 2012-15: 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: Mary Becker, Bruce Botelho, Karen Crane, Ruth Danner, Johan Dybdahl (telephonic), Jesse Kiehl, Carlton Smith, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; John Hartle, City Attorney; Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Kirk Duncan, Public Works Director; Bob Bartholomew, Finance Director; Bonnie Chaney, Budget Analyst; Greg Chaney, Community Development Planning Manager; Rorie Watt, Engineering Director; Heather Marlow, Lands and Resources Manager; Carl Uchytil, Port Director; David Means; School District Director of Admin. Services.

II. SPECIAL ORDER OF BUSINESS

A. Employee Recognition – Craig Duncan

Ms. Kiefer recognized Craig Duncan upon his retirement from CBJ. She said Mr. Duncan started his employment in 1982 as the CBJ Treasurer and was promoted in 1992 to the position of Finance Director. He worked through good and not so good financial times with seven different supervisors, educating them with his numbers and graphs. Mr. Duncan had been involved with creating close to 5 billion dollars in CBJ budgets over the past 20 years. He was one of the few people that have been through a CBJ core finance software replacement, twice. Ms. Kiefer thanked Mr. Duncan for his years of dedication to the CBJ and the residents of the Capital City and wished him a happy retirement.

III. APPROVAL OF MINUTES

A. April 18, 2012 – Special Assembly Meeting 2012-10

Hearing no objection, the minutes of the April 18, 2012 Special Assembly Meeting 2012-10 were approved.

B. April 23, 2012 – Regular Assembly Meeting 2012-11

Hearing no objection, the minutes of the April 23, 2012 Regular Assembly Meeting 2012-11 were approved.

C. May 14, 2012 – Regular Assembly Meeting 2012-13
Hearing no objection, the minutes of the May 14, 2012 Regular Assembly Meeting 2012-13 were approved.

D. May 21, 2012 – Special Assembly Meeting 2012-14

Hearing no objection, the minutes of the May 21, 2012 Special Assembly Meeting 2012-14 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Ms. Kiefer removed “Union Negotiations Update” from the topics for discussion in executive session.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

*Lorraine Murray* spoke about her concern regarding the growing use of explosive fireworks in neighborhoods. She lives in Mendenhaven and her neighbor set them off next door to her home during the New Year holiday. When she spoke with the neighbors, she observed them placing explosives in a pipe and consuming alcohol in the presence of children. She said the neighbors told her they were within legal limits, that others did it, and they showed a lack of regard for the effect on her family and pets. She spoke to JPD and was told that the activity was legal and they could not enforce the fireworks unless they were pointed at her. Ms. Murray suggested the Assembly should require a permit to use fireworks similar to obtaining a permit for open burning. The density of the neighborhood and neighbor objections should be a consideration in the permitting process. The public has a right to feel safe, to be safe in our neighborhoods, and to know when these activities will happen. She said her mother was hit by a firework in the eye while sitting on a balcony outside in Florida. She said many others in Juneau shared her concerns.

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 Stone, *to adopt the consent agenda as presented.* Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2012-26

*An Ordinance Amending The Official Zoning Map Of The City And Borough To Remove The Restriction On Berners Avenue Access To And From Professional Plaza.*

*Administrative Report:* Attached. The manager recommended Ordinance 2012-26 be introduced and set for public hearing at the next regular meeting.
b. Ordinance 2011-11(AL)
An Ordinance Appropriating To The Manager The Sum Of $260,000 As Additional Funding For The Juneau International Airport Fiscal Year 2012 Operating Budget, Funding Provided By Airport Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(AL) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2011-11(AM)
An Ordinance Appropriating To The Manager The Sum Of $250,000 As Additional Funding For The Public Works Streets Division Fiscal Year 2012 Operating Budget, Funding Provided By The Roaded Service Area Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(AM) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2011-11(AN)
An Ordinance Appropriating To The Manager The Sum Of $600,000 As Additional Funding For The Bartlett Regional Hospital Fiscal Year 2012 Operating Budget, Funding Provided By The Bartlett Regional Hospital Fund Balance.
Administrative Report: Attached. The manager recommended Ordinance 2011-11(AN) be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2011-11(AO)
An Ordinance Appropriating To The Manager The Sum Of $100,000 As Additional Funding For The Public Works Fleet Maintenance Division Fiscal Year 2012 Operating Budget, Funding Provided By The Fleet Maintenance Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(AO) be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2011-11 (AP)
An Ordinance Appropriating To The Manager The Sum Of $207,397 As Funding For The Capital City Fire/Rescue Staffing Adequate Fire And Emergency Response Recruitment Program, Grant Funding Provided By The United States Department Of Homeland Security, Federal Emergency Management Administration.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(AP) be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2614
A Resolution Amending The Rate And Fare Structure For The Capital Transit System, And Repealing Resolution Serial No. 2293am.

Administrative Report: Attached. The manager recommended Resolution 2614 be adopted.
b. Resolution 2616
A Resolution Authorizing The Manager To Apply For An Edward Byrne Memorial Justice Assistance Grant, From The U.S. Department Of Justice, For The Purchase Of Police Equipment.

Administrative Report: Attached. The manager recommended Resolution 2616 be adopted.

3. Transfers

a. Transfer T-935
Transferring $165,000 From The N. Douglas Sewer Areas D, E, & F Capital Improvement Project (CIP) To The West Juneau Sewer CIP.

Administrative Report: Attached. The manager recommended approval of Transfer T-935.

VII. PUBLIC HEARING

A. Ordinance 2011-11(AK)
An Ordinance Returning $20,642 To The Sales Tax Fund, Funding Source Is The Juneau Bridge Repair Capital Improvement Project.


Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2011-11(AK). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2012-20b
An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2013 City And Borough Operations.

Administrative Report: Attached. The manager recommended Ordinance 2012-20b be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2012-20b. Hearing no objection, it was so ordered.

B. Ordinance 2012-22c
An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2012 For The Budget For Fiscal Year 2013.

Public Comment: None.

Assembly Action:

**MOTION**, by Crane, to adopt Ordinance 2012-22c. Hearing no objection, it was so ordered.

C. Ordinance 2011-11(AG)

**An Ordinance Transferring $21,877 To The Open Space Waterfront Land Acquisition Capital Improvement Project, From FY 11 Marine Passenger Fees Budgeted To The General, Visitor Services, And Roaded Service Area Funds.**


Public Comment: None.

Assembly Action:

**MOTION**, by Becker, to adopt Ordinance 2011-11(AG). Hearing no objection, it was so ordered.

D. Resolution 2610

**A Resolution Adopting The City And Borough Capital Improvement Program For Fiscal Years 2013 Through 2018, And Establishing The Capital Improvement Project Priorities For Fiscal Year 2013.**

Administrative Report: Attached. The manager recommended Resolution 2610 be adopted.

Public Comment: None.

Assembly Action:

**MOTION**, by Wanamaker, to adopt Resolution 2610. Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Docks and Harbors – Amendment to PND Contract for Statter Harbor Moorage Improvements Project.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

**MOTION**, by Becker, to approve a contract amendment with PND Engineers, Inc. for the Statter Harbor Moorage Improvements Project, for construction administration for a time and materials fee of not to exceed $397,015.00.
Mr. Kiehl asked if the funds were additional to the contract’s original scope of the project, or were an additive alternate of the project. Was this more money or the same money? Mr. Uchytil said it was an additive item of the original contract. After the design was completed, there was a task order to oversee the contract management and inspections. This was an option for the next phase of the contract, which had been awarded to Pacific Pile and Marine. Mr. Kiehl asked if this was part of the original scope of the project and the original cost estimates for the total project. Mayor Botelho asked if Mr. Kiehl was referring to cost estimate with respect to the contract with PND or the overall project. Mr. Kiehl said the overall project. Mr. Uchytil said it was envisioned that the Board would option this aspect of the contract with PND for this service. Two years ago, when the original contract was begun, it was envisioned this option coming to fruition, so it was wound into the $8.3 million for construction plus all the overhead involved in the design and now the construction inspection services. Mr. Kiehl asked if this was an anticipated service being procured by contract amendment and this was not the first cost over-run. Mr. Uchytil said it was not a cost over-run, it was part of the progression of a design/construction/oversight task order, and this option had always been envisioned to be exercised.

Mr. Dybdahl asked when a new bidded contract would ever be let for these types of services. These amendments just became multiple add-ons. Mr. Uchytil said in the RFP process, they were looking at the life of the construction project, so there was a design aspect, there was an award of the contract to a contractor, and there was a contractual oversight task order that allowed them to have a full time inspector on site to evaluate all the submittals required and to fulfill the responsibility to get the project constructed in a professional manner. The original contract with PND had design services and an option for construction management of the project. It was not an add-on or project over-run. Mr. Dybdahl asked, if by contract, PND had the option, but CBJ did not have the option? Mr. Uchytil said that CBJ had the option to go out with another RFP for contractual services, but they elected to roll that into the original design services and that was standard throughout CBJ. Mr. Dybdahl said his point was that it seemed as if these amendments went on and on with continuing amendments, and at some point, if they were lumped together, it would be a substantial contract for any other bidder.

Hearing no objection, it was so ordered.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mayor Botelho added the topic of Annexation to the next Special Assembly meeting on Monday, June 11, to discuss the issue in more depth and possibly define a strategy.

B. Committee Reports

Committee of the Whole: Chair Stone said the next meeting was set for Monday, June 11, at 6 p.m. and included the following topics: West Douglas Highway Road Extension Project and the AJ Mine Related Water Study.

Human Resources Committee: Chair Danner said the HRC met and recommended the following board appointments, which were approved without objection by the Assembly:
Americans with Disabilities Committee
Nancy Murphy to a public seat with a term expiring August 31, 2015.

Historic Resources Advisory Committee
Reappointment of Marie Darlin and Gary Gillette, and appointment of Donald Harris, to public seats with terms expiring June 30, 2015.

Jensen-Olson Arboretum Advisory Board
Barbara Murray to a public seat with a term expiring January 31, 2015.

Juneau Commission on Sustainability
Reappointment of Darrell Wetherall and Steve Behnke to public seats for terms expiring June 30, 2015.

Local Emergency Planning Committee
Nomination to the State of Kenny Gardner to Seat #7 – Red Cross, for a term expiring December 31, 2012.

Utility Advisory Board
Reappointment of George Porter (Civil Engineer Seat), Dick Behrends (Contractor Seat) and Geoff Larson (Chemical Engineer Seat) for terms expiring May 31, 2015.

Chair Danner said the Full Assembly would meet as the Human Resources Committee on Wednesday, June 27, to consider applications for the Eaglecrest, Airport, and Docks and Harbors Boards. She asked Assemblymembers to respond to the Clerk’s office with any changes to the interview questions by Friday, June 8, and encouraged the public to apply by the deadline of June 11.

Lands and Resources Committee: Chair Becker said the next meeting was set for Monday, June 11.

Finance Committee: Chair Crane said the next meeting was set for Wednesday, June 6, to discuss the projects seeking 1% sales tax funding.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was set for Monday, June 11, and one topic could be Glacierwood, Riverwood and Sharon street repair. The PWFC met in joint session with the Lands Committee to review the potential for CBJ lands as future housing sites.

C. Liaison Reports

School Board: Liaison Wanamaker said the next meeting was Tuesday, June 5, and one item would be a report on positive behavior support services.

Juneau Convention and Visitors Bureau: Liaison Smith said a Centennial Hall Users Group (CHUGs) was formed and has discussed the future management of Centennial Hall and deferred maintenance and improvements needed for the hall.
**Juneau Commission on Sustainability:** Liaison Becker said the JCOS would review the CBJ CIP projects for energy efficiency and conservation. The next meeting was set for Wednesday, June 6.

**Docks and Harbors Board:** Liaison Becker reported on Board activity, including selecting PND Engineers to do the design work for Aurora replacement. The City Attorney and Port Director were drafting a letter to the U.S. Attorney regarding the issues of concern to the International Longshore and Warehouse Union (ILWU). Two projects would be presented for consideration of funding by the 1% sales tax, including the Aurora Harbor Re-Build and Statter Harbor Haul-Out Facility. Governor Parnell signed a bill, which conveyed tideland property to CBJ. The movement of the DeHarts patrons to Statter Harbor was scheduled for May, 2013. The Conditional Use Permit for the Dock Project 16b was scheduled before the Planning Commission on June 26, and the anticipated completion date was extended from 2015 to 2016 due to the schedule of the manufacturers, who were building a floating bridge in Seattle.

**Alaska Committee:** Liaison Becker said the Alaska Committee was cooperating with KTOO on ten public television programs on Alaska Statehood Pioneers.

**Airport Board:** Liaison Danner said the next meeting was set for June 13, 7 p.m., at the Airport.

**Local Emergency Planning Committee:** Liaison Danner said the next meeting was set for June 13, Noon, at the BRH Boardroom.

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Ms. Danner expressed concern about the fireworks issue brought forth by Ms. Murray. The idea of issuing a permit resonated with her. She was interested to know how many complaints JPD received and how many visits to the emergency room there were regarding the issue.

Mayor Botelho said the Assembly addressed the sale of fireworks in 2011, but it would be helpful for the Police and Fire Chiefs to provide their thoughts to the Assembly at some point. Action would not likely be taken by the Fourth of July but it was a perennial issue.

Mr. Stone shared his appreciation for the work of Craig Duncan as a former Finance Chair. He and his staff were excellent to work with. Mr. Stone welcomed Mr. Bartholomew to the position.

**XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Sally Burnham, owner of Custom Cuts and the landlord of three other Auke Bay businesses, said she had moved her business once before due to the road revisions in Auke Bay. She felt strongly that the plans should be revised for the area, and presented a petition with 1,000 signatures collected from businesses in the area and their customers, neighbors, and suppliers from the Juneau area. They want to protect and enhance the Auke Bay neighborhood as a safe and walkable place to work, live, dine, shop, recreate, and transit. There was an elementary school less than a block from a main highway, but there was no crosswalk as in other school zones. DeHarts was a historic, locally-owned grocery store and many patrons crossed the highway at the intersections without a crosswalk. Just adding two crosswalks would slow the traffic in this area. She spoke about the turn lanes and needed improvements, and said a
turnaround was not necessary and would take more land than needed. She also provided state statutes for determining speed limits and zones. Auke Bay had four out of five of the cited procedures, the fifth one being enforcement. She said a speed camera could be put in, similar to a litter camera. It would only take a few tickets being issued to get people to slow down for the less than two miles it took to get through the neighborhood.

Mayor Botelho asked if she would provide a copy of the petition to the state as the state controlled the highway and traffic in the area. She said she would do so, and distributed a copy of the petition to each member. Mayor Botelho said that CBJ would make sure that the state was provided with a copy.

XIV. EXECUTIVE SESSION

A. Waterfront Land Negotiations

Mayor Botelho asked Ms. Kiefer to specify the waterfront land to be discussed. Ms. Kiefer said it was the area by the Douglas Bridge. Mayor Botelho said that no member had a conflict regarding this area.

Mr. Hartle said this discussion was a classic use of the open meetings act, to hold an executive session to provide the manager with instruction on negotiations between two parties regarding property.

*MOTION by Wanamaker, to enter executive session, to discuss waterfront land negotiations, the immediate knowledge of which would clearly have an adverse effect on the finances of the city.*

Public Comment: None.

Hearing no objection, the assembly entered executive session at 7:50 p.m. and returned to regular session at 8:40 p.m.

Upon reconvening the meeting, Mayor Botelho said that the Assembly gave instructions to the manager about waterfront property acquisition.

Ms. Becker asked about another piece of property that had been discussed by the Assembly. Ms. Kiefer said the matter would be returned to the Assembly when it was ready for Assembly discussion.

B. Union Negotiations Update – removed from agenda.

XV. ADJOURNMENT – 8:41 p.m.

Signed: ________________________  Signed: ________________________________
Laurie Sica, Municipal Clerk  Bruce Botelho, Mayor