MEETING NO. 2012-20: 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: 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; Beth McEwen, Deputy Clerk; Jeannie Johnson, Airport Manager; Bob Bartholomew, Finance Director; Heather Marlow, Lands and Resources Manager; Carl Uchytil, Port Director.

II. SPECIAL ORDER OF BUSINESS

III. APPROVAL OF MINUTES

A. June 25, 2012 – Regular Assembly Meeting 2012-17

Hearing no objection, the minutes of the June 25, 2012 Special Assembly Meeting 2012-17 were approved.

B. June 27, 2012 – Special Assembly Meeting 2012-18

Hearing no objection, the minutes of the June 27, 2012 Special Assembly Meeting 2012-18 were approved.

C. July 9, 2012 – Special Assembly Meeting 2012-19

Hearing no objection, the minutes of the July 9, 2012 Special Assembly Meeting 2012-19 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Ms. Kiefer asked that under Ordinances under Public Hearing to replace Ordinance 2012-20(A) with a version 2012-20(A)b contained in the red folder. She also asked that an “Annexation” item be added to the topics for discussion under Executive Session.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Sarah Willson asked to speak about the 1% sales tax extension ordinance on the Consent Agenda. Mayor Botelho said that according to the Assembly Rules of Procedure, no public
testimony is taken at the point of introduction. Upon passage of the consent agenda, that item would be set for public hearing at the next regular meeting, and it would be appropriate to comment at that time.

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

1. Ordinances for Introduction

a. Ordinance 2012-27
   
   Administrative Report: Attached. This ordinance is scheduled for discussion at the July 23, 2012 Assembly Committee of the Whole Meeting. The manager recommended Ordinance 2012-27 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2012-29
   An Ordinance Authorizing The Manager To Execute A Lease Of A Fraction Of Lot 1, U.S. Survey 3853, Located At The West Juneau Reservoir Site On Douglas Island, To DCS Tower Sub, LLC, For The Operation, Maintenance, And Leasing Of An Existing Communications Tower/Facility.
   
   Administrative Report: Attached. The manager recommended Ordinance 2012-29 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2012-30
   An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease To Nowell Avenue Development, Of Alaska Tidelands Survey No. 123, Lot 2, Located At Gastineau Channel, Juneau, Alaska, ADL 1799 At Approximately "0 Douglas Highway."
   
   Administrative Report: Attached. The manager recommended Ordinance 2012-30 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2012-32
   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 Sale 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 Five Years, The Proceeds Of Which Are Intended To Be Appropriated By The Assembly For Certain Purposes As Set Forth Herein; And Calling For An Election On Whether Such Sales Tax Shall Be So Levied.
Administrative Report: Attached. The manager recommended Ordinance 2012-32 be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2012-33
An Ordinance Authorizing The Issuance Of General Obligation Bonds In The Principal Amount Of Not To Exceed $25,000,000 To Finance Capital Improvements To The Facilities Of The City And Borough, And Submitting A Proposition To The Voters At The Election To Be Held Therein On October 2, 2012.

Administrative Report: Attached. The manager recommended Ordinance 2012-33 be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2012-20(B)
An Ordinance Appropriating To The Manager The Sum Of $71,040 As Funding For The Parks And Recreation Department To Design, Manufacture, And Install Kiosks And Interpretive Signs In The Auke Bay Area. Funding Provided By The Alaska Department Of Transportation And Public Facilities National Scenic Byways Grant Program.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(B) be introduced and set for public hearing at the next regular meeting.

g. Ordinance 2012-20(C)
An Ordinance Appropriating To The Manager The Sum Of $16,500 As Funding For Planning, Development, And Installation Of Historical Interpretive Signs And Planning And Design Of An Interpretive Shelter For The 5-Stamp Mill At The Treadwell Mine Historic Park. Grant Funding Provided By The Alaska Department Of Natural Resources, Office Of History And Archaeology.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(C) be introduced and set for public hearing at the next regular meeting.

h. Ordinance 2012-20(D)
An Ordinance Appropriating To The Manager The Sum Of $5,000 As Additional Funding For Review Of The Safe Routes To Schools Plan. Funding Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(D) be introduced and set for public hearing at the next regular meeting.

i. Ordinance 2012-20(E)
An Ordinance Appropriating To The Manager The Sum Of $3,500,000 As Funding For Construction Of The Aurora Small Boat Harbor Re-Build Project. Funding Provided By The Alaska Department Of Transportation And Public Facilities, Municipal Harbor Facility Grant Program And From The Harbors Enterprise Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(E) be introduced and set for public hearing at the next regular meeting.
j. Ordinance 2012-20(F)
An Ordinance Appropriating To The Manager The Sum Of $1,855,000 As Funding For The State Of Alaska’s Designated Legislative Grant Projects, Grant Funding Provided By Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(F) be introduced and set for public hearing at the next regular meeting.

k. Ordinance 2012-20(G)
An Ordinance Appropriating To The Manager The Sum Of $400,000 As Funding For The Replacement Of A Bus Lift And Wash Equipment At The Capital Transit Facility, Grant Funding Provided By Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(G) be introduced and set for public hearing at the next regular meeting.

l. Ordinance 2012-20(H)
An Ordinance Appropriating To The Manager The Sum Of $2,972,785.02 As Funding To Develop The West Douglas Highway Extension, Grant Funding Provided By Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(H) be introduced and set for public hearing at the next regular meeting.

2. Resolutions
a. Resolution 2615
A Resolution Authorizing The Manager To Lease A Fraction Of U.S. Survey 381 And A 12,000 Square Foot Portion Of Lot 4, U.S. Survey 381, Located Near The Intersection Of Hurlock Avenue And Mendenhall Loop Road, To Juneau Youth Services, Inc., At No Cost, In Support Of The Cornerstone Emergency Shelter.

Administrative Report: Attached. The manager recommended Resolution 2615 be adopted.

3. Liquor Licenses
a. Liquor License - Transfer
Southern-Odom Wine and Spirits and Alaska, LLC d/b/a Southern Wine & Spirits of Alaska – Wholesale General Liquor License #4859.

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the liquor license transfer of ownership of the parent company.

VII. PUBLIC HEARING
A. Ordinance 2012-25
An Ordinance Authorizing The Manager To Execute A Lease Of A Fraction Of U.S. Survey 381, Containing 36,122 Square Feet, And A Portion Of Lot 4, U.S. Survey 381, Containing 12,000 Square Feet, Located At The Intersection Of Hurlock Avenue And
Mendenhall Loop Road, To Juneau Youth Services, Inc., For The Construction And Operation Of An Emergency Shelter For Youth.


Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2012-25. Hearing no objection, it was so ordered.

B. Ordinance 2012-20(A)b
An Ordinance Appropriating To The Manager The Sum Of $17,722,761 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Federal Aviation Administration, And The Juneau International Airport.

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

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2012-20(A)b.

Mr. Kiehl asked about the Airport match referenced in this ordinance. He said he understood that the dollars represented by the match were the value of fill and he asked if it was fill already in place or if fill needed to be purchased for this project.

Airport Manager Jeannie Johnson said the fill was from the bottom of the float pond that had already been dredged. She said that it was an in-kind match, so no additional fill would be purchased. It had already been removed from the float pond and placed. This was just the method of payment by FAA.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Appeal to Assembly

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.
Assembly Action:

Mayor Botelho said that if the Assembly decided to hear the appeal, he preferred not to serve as Presiding Officer as the hearing would likely occur after he is no longer in office. He did not want to burden a new mayor with that responsibility.

Mr. Kiehl said that following his review of the city code regarding the standard of review for appeals, he did not feel that the appeal met the standard of review, and did not believe the Assembly should accept the appeal.

Mr. Wanamaker recommended that if the Assembly decided to hear the appeal that Mr. Dybdahl should serve as Presiding Officer based on his tenure on the Planning Commission.

Mr. Dybdahl said he had never served as a Presiding Officer before, but tended to agree with Mr. Kiehl.

Ms. Becker asked what the resolution of the matter would be if the Assembly chose not to accept the appeal. Mayor Botelho said that the petitioner would have the right to appeal the decision not to accept the appeal to the Superior Court.

Mr. Wanamaker asked Mr. Hartle if a layperson on the Assembly were appointed as a Presiding Officer, if the Law Department would advise them on proper procedure. Mr. Hartle said yes.

MOTION, by Mr. Wanamaker to accept the appeal and appoint Mr. Dybdahl to serve as the Presiding Officer.

Mayor Botelho asked to divide the question since there is an objection to the portion of the motion.

MOTION 1. Shall the Assembly accept the appeal?

Roll Call:
  Aye: Becker, Danner, Dybdahl, Stone, Wanamaker, Botelho
  Nay: Crane, Kiehl, Smith
Motion passed: 6 ayes, 3 nays.

MOTION 2. Shall the Assembly hear the matter itself?

Roll Call:
  Aye: Becker, Danner, Dybdahl, Stone, Wanamaker, Crane, Kiehl, Botelho
  Nay: Smith
Motion passed: 8 ayes, 1 nay.

Hearing no objection, Mr. Dybdahl was appointed to serve as the Presiding Officer in this matter.

B. Bid E12-240
  Juneau International Airport (JNU) Runway Safety Area Improvements, Phase 2A – Bid Award.
Administrative Report: Attached. The manager recommended award of this project to SECON for the Base Bid and Additive Alternate No. 1, in the total amount bid, for an award of $12,348,732.50.

Public Comment: None.

Assembly Action:

MOTION, by Danner, that the Assembly award the E12-240 project to SECON for the Base Bid and Additive Alternate No. 1 in the award amount of $12,348,732.50. Hearing no objection, the motion carried.

C. Docks and Harbors

Professional Services Contract for Aurora Harbor Re-Build

Administrative Report: Attached. The Docks and Harbors Board recommended approval of this contract with PND Engineers, Inc. for the Aurora Harbor Re-build in the amount of $360,555.

Public Comment: None.

Assembly Action:

MOTION, by Becker, that the Assembly approve the professional services contract for the Aurora Harbor Re-build and award it to PND Engineers, Inc. for a fee of $360,555 for Phase I.

Mr. Kiehl asked Mr. Uchytil for clarification that this was for professional services for a phase that was already funded at Aurora Harbor and was not design services for anything that would be proposed to be put before the voters for additional funding this fall. Mr. Uchytil said that was correct, $4 million was already secured for phase I of Aurora Harbor.

Hearing no objection, the motion carried.

D. Docks and Harbors

Bid Award for Cruise Ship Terminal Staging Area-Phase I

Administrative Report: Attached. The Docks and Harbors Board recommended award of this bid to Trucano Construction in the amount of $1,955,751.

Public Comment: None.

Assembly Action:

MOTION, by Becker, that the Assembly award the Cruise Ship Terminal Staging Area-Phase I to Trucano Construction for $1,955,751.

Ms. Danner asked where we were with regard to the Fisherman’s Memorial and if this bid award signaled some point at which the Assembly should have heard something back from the Planning Commission on this.
Mr. Uchytil said that this particular phase of the uplands has to do with the deck-over near the former ferry terminal which, upon completion of this project, would have continuous Seawalk availability behind Mt. Roberts Tram on the waterfront, so it did not affect the Fisherman’s Memorial in any manner.

Additional discussion took place regarding this project vs. the current location and/or the possible relocation of the Fisherman’s Memorial due to a letter received from Southeast Alaska Fisherman’s Alliance. Mr. Uchytil explained that when the Planning Commission reviewed the Conditional Use Permit for 16b, the PC recommended the Assembly reconsider its decision to leave the Fisherman’s Memorial in place.

It was clarified that with regard to this particular bid opening, it had nothing to do with the Fishermen’s Memorial as the project site under this phase is north of the memorial and behind the tram.

Mayor Botelho said they could continue the discussion on the Fisherman’s Memorial during Assembly Comments as it was not germane to the current motion.

Hearing no objection, the motion carried.

E. Docks and Harbors
Consultant Contract Amendment – Cruise Ship Terminal Staging Area Improvements – Phase I

Administrative Report: Attached. The Docks and Harbors Board recommended amendment of an existing professional services contract with PND Engineers, Inc. for the Cruise Ship Terminal Staging Area Improvements - Phase I to extend services for construction administration for Phase I of the project on a time and materials fee basis not to exceed $283,350.

Public Comment: None.

Assembly Action:

MOTION, by Becker, that the Assembly approve the consultant contract amendment to existing professional services contract to PND Engineers, Inc. for the Cruise Ship Terminal Staging Area-Phase I. This extension was not to exceed beyond $283,350.

Mayor Botelho said that presuming there would be additional phases, would Docks and Harbors expect to extend additional professional service contracts to PND as opposed to placing out for further competitive solicitation. Mr. Uchytil explained that the award in 2010 provided for exercise of amendments to allow for construction management for various phases of the project. This was the deck-over phase. Next year there would be an uplands/parking lot phase and that would be the last phase that they would exercise the construction management for this particular project. He then said in reference to the 16b project, which was another contract altogether, that contract did not have the amendment which allowed them to exercise from the design services into the construction management side. For the 16b project construction management, they would be going out with another RFP and select, based on merit, a company to exercise those needs through Docks and Harbors.
Mr. Kiehl said that he noticed on the preceding item, that the bid amount came in quite a bit lower than the Engineer’s estimate and if this professional services contract “not to exceed” number could also come in lower. Mr. Uchytil said that would depend on time and materials, but if everything went smoothly, they could expect that number to be reduced.

Hearing no objection, the motion carried.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Stone said the COW heard an update on the West Douglas Development Plan at its last meeting.

Human Resources Committee: Chair Danner said the HRC met and recommended the following board appointments:

Aquatic Facilities Advisory Board – Ms. Danner reported that the Aquatic Facilities Advisory Board is due to sunset as of June 28, 2013. The committee recommended the Assembly appoint Ms. Rosemary Hagevig and Mr. Christopher Krenz, to serve full terms or until the board’s sunset date, whichever was sooner. Hearing no objection, the motion carried.

Fisheries Development Committee – The committee recommended the Assembly appoint Ms. Myrna Gardner to the Fisheries Development Committee to a term which expires December 31, 2015. Hearing no objection, the motion carried.

Board of Equalization – The committee recommended the Assembly appoint Ms. Myrna Gardner to the Board of Equalization to a term which expires December 31, 2013. Hearing no objection, the motion carried.

Sales Tax Board of Appeals – The committee recommended the Assembly appoint Mr. Mark Smith to the Sales Tax Board of Appeals to a term which expires December 31, 2015. Hearing no objection, the motion carried.

Sister Cities Committee – The committee recommended the Assembly appoint Ms. Maria Uchytil on the Sister Cities Committee to a term which expires January 1, 2015. Hearing no objection, the motion carried.

Lands and Resources Committee: Chair Becker said the Lands Committee had one item on its last agenda, the cell tower that was on the consent agenda for this meeting.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting of the Public Works and Facilities Committee was set for Monday, July 23, at Noon and the PWFC would consider some fund transfer requests.

B. Liaison Reports
**School Board:** Liaison Wanamaker said the School Board would have a special meeting Tuesday, July 17 at 6:30 p.m., at Thunder Mountain High School to discuss contract negotiations, likely in executive session.

**Planning Commission:** Liaison Smith said the Planning Commission was devoting a substantial effort to the 2012 Comprehensive Plan update, recently focusing on Chapter 5 - Economic Development Plan. The PC was considering a recommendation that CBJ adopt an Economic Development Plan.

**Juneau Affordable Housing Commission** – Liaison Kiehl said the Affordable Housing Commission had met a couple of times since the last Assembly meeting. They had dedicated significant time to looking at a housing project proposed by St. Vincent DePaul’s society called the “Home Run” project. They had also reviewed the appropriate sections in the Comprehensive Plan regarding housing in order to prepare comments.

**Juneau Commission on Sustainability:** Liaison Becker said the next Worksession of the Commission on Sustainability would be held July 18 at 5:30 p.m. in the downtown library. The discussion would be about a webpage and blog. They were continuing to work with the CBJ Employee Green Team to define sustainability.

**Docks and Harbors Board:** Liaison Becker reported that on June 26, the Planning Commission issued the Conditional Use permit for 16b. She said that the visitor’s center, which was open, was awaiting installation of a “Welcome to Juneau” sign and then Arne Weimer’s artwork would be installed. Lisa Rickie’s artwork was still being developed and would be installed when finished. She said there would be a public meeting after the summer boating season to develop the design criteria for the Aurora Harbor rebuild. She also said that Goldbelt sent a counter proposal about the lease rent for the Mt. Roberts Tram Tideland and their proposal was being evaluated by the Law Department. She said there were many Docks and Harbors requests on tonight’s agenda that were completed. The Docks and Harbors staff moved the Auke Bay Loading Facility Net Float to its permanent position.

**Alaska Committee:** Liaison Becker said the Alaska Committee did not have any meetings in July, but its next meeting was set for August 15.

**Airport Board:** Liaison Danner said the Board met July 11. There were continuing musical presentations in the remodeled area, and artwork as well. The next meeting was set for August 8 at 7 p.m.

**Local Emergency Planning Committee:** Liaison Danner said the Local Emergency Planning Committee met July 11. CBJ Emergency Manager Tom Mattice reported on the glacial outfall from Suicide Basin. He said there was great coordination between the National Weather Service and UAS researchers and they learned a great deal. An unanswered question was how large the size of the drain in the lake was. She said CBJ can expect to see this as an annual event(s) and monitors were being installed to gauge the lake water levels. She spoke about the LEPC planning process and the recent mass casualty exercise in Yakutat. She encouraged people to apply for two open Hazardous-Material Transporter seats on the LEPC. The next meeting of the LEPC was set for August 8 at Noon at BRH Administrative Boardroom.
XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Dybdahl said that in regard to the discussion about Dock Project 16b and the Fisherman’s Memorial, the Assembly had made its decision some time ago to leave the memorial in place and move forward with the dock construction. The Assembly would likely continue to receive questions on how the memorial services will take place as work moves forward on the project. He did not see any stopping or backing up on the decision made by the Assembly.

Mayor Botelho asked if any Assemblymembers wished to revisit the decision with regard to the placement of the Fisherman’s Memorial. Mr. Kiehl and Ms. Danner raised their hands.

Mr. Kiehl said the decision was made before he came to serve on the assembly and he would be willing to delve into it with the other members.

Ms. Danner said that with regard to the Fisherman’s Memorial, she had no interest in making major modifications to Dock Project 16b, but did think there was a lack of consensus in the community on how to handle what many feel is a headstone of their family’s gravesite. The lack of consensus could be substantially diminished if the community could see an artist’s rendition of what it would look like when Project 16b is completed. She encouraged that to happen.

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

XIV. EXECUTIVE SESSION

A. Lands Negotiations
B. Union Contract Negotiations
C. Recycling Contract
D. Annexation

Mr. Hartle went through each of the items, stating which sections of the Open Meetings Act applied to each item regarding discussion in executive session.

Mr. Wanamaker noted a conflict of interest as a member of the Goldbelt Board of Directors regarding the discussion of annexation and asked to be excused at that portion of the meeting. Mayor Botelho agreed and hearing no objection, it was determined to hold the discussion on annexation at the end of the meeting so Mr. Wanamaker could leave the meeting.

MOTION, by Stone, to enter executive session, to discuss land negotiations, union contract negotiations, recycling contract, and annexation, the immediate knowledge of which would clearly have an adverse effect on the finances of the city:

Public Comment: None.

Assembly Action:

Hearing no objection, the assembly entered executive session at 7:54 p.m. and returned to regular session at 10:00 p.m.
Mayor Botelho reported that one of the topics they discussed involved land negotiations, which involved properties that Mr. Smith was involved. He disclosed that fact and recused himself before they deliberated on that matter and left the room for that purpose. Otherwise, Mr. Wanamaker also recused himself and left the room during the discussion regarding Annexation.

Mayor Botelho reported that they received updates on each of the issues and gave instructions to management accordingly. He asked if any of the other members had additional comments, and there were none.

XV. ADJOURNMENT – 10:03 p.m.

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