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THE CITY AND BOROUGH OF JUNEAU, ALASKA

October 15, 2007

MEETING NO. 2007-26: 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, Merrill Sanford, David Stone, Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Kim Kiefer, Deputy City Manager; Laurie Sica, Municipal Clerk; John Stone, Port Director; Marc Matsil, Parks and Recreation Director; Craig Duncan, Finance Director; Rorie Watt, City Engineer; Dale Pernula, Community Development Director; Heather Marlow, Lands and Resources Manager; Paul Wescott, Airport Engineer; Kristi West and Crandall Mark, Zach Gordon Youth Center; John Kern, Capital Transit.

III. SPECIAL ORDER OF BUSINESS

Mr. Sanford presented thanks and flowers to Clerk Laurie Sica and Deputy Clerk Beth McEwen for their work on two elections for the city.

Mr. Botelho noted that the three recently elected Assemblymembers returning to their offices, Jeff Bush, Johan Dybdahl, and Randy Wanamaker, would not be re-sworn into office. They continued to follow their oath of office.

MOTION, by Wanamaker, to appoint Merrill Sanford as Deputy Mayor. Hearing no objection, it was so ordered.

MOTION, by Sanford, to adopt the list of committee assignments as outlined at the retreat on Saturday, including Jeff Bush, Chair of Lands Committee, Bob Doll, Chair of Public Works and Facilities Committee, Sara Chambers, Chair of Human Resources Committee, Merrill Sanford, Chair of Committee of the Whole, and David Stone, Chair of the Finance Committee. Hearing no objection, it was so ordered.

IV. APPROVAL OF MINUTES

A. September 24, 2007 – Regular Assembly Meeting 2007-25

Hearing no objections, the minutes of the September 24, 2007 Regular Assembly Meeting 2007-25 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Swope noted that a revised Ordinance 2007-63(b) was included in the red folder, and requested the Assembly trade this version out for introduction, as there was a minor title change. Hearing no objection, it was so ordered.

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VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Ken Fisher, Bayview Subdivision resident, licensed civil engineer, requested that the code regarding sewers be revised regarding connecting existing houses to sewer systems. He referred to his written request to the Assembly that homeowners would be allowed to maintain current septic systems and discharge into the current city system. The ordinance provided a significant burden to the homeowner and no benefit to the city in decommissioning existing holding tanks and lift stations. This will not benefit him, but he felt it would benefit other homeowners. He understood the PWFC would consider this next Monday.

Mr. Doll asked if he would be present for the Monday meeting and if he had seen Mr. Healy's response. He said he would attend and had seen Mr. Healy's comments, and would be happy to discuss the issue with any Assemblymember.

Steve Zimmerman, Bayview Subdivision resident, referred to a letter written in support of Ken Fisher's testimony. Routine pumping was done. People should be told through the code to maintain their systems and they were willing to do this. The public process failed. Many indicated they were willing to continue to pump their systems, and they didn't want to see their systems degrade. The ordinance was pointed toward Bayview Subdivision, however, none of us knew anything about the adoption of Ordinance 2007-12, nor was my original letter on this subject answered by staff. This ordinance should be reconsidered.

Karla Hart, Wren Drive, spoke about the dock extension into the channel, which would result in more cruise ship passengers. Juneau residents had said that they don't want more cruise visitors in Juneau. She asked the Assembly to act in response to the public, not the cruise industry. The helicopter issue had not gone away and it had not been addressed, it was not even on the assembly goals list regarding quality of life. The ships created a haze over the town and Juneau needed to regulate this. The Assembly should use the passenger fee money to improve some of the quality of life issues. We have asked for Saturdays with no ships. Panamax ships might be allowed Sunday through Friday. She asked the Assembly to show the community it is not just about corporations owning our community.

Aaron Brakel, Douglas, spoke about the cruise ship dock proposal, and was concerned with the two Panamax ship dock plan. Juneau had a tremendous treasure with the current dock, and it enhanced the quality of life, as the public used the current dock. The dock proposed would screen the current view, and there would be substantial visual impacts. He didn't want to see this plan for the waterfront passed on to the next generation. He had heard the industry was pushing for a dock at Gold Creek and those issues should be separated. He was concerned the Harbor Board was working on geotechnical design now for this project and it was the cart ahead of the horse. Public planning needed to take place, and he did not think the community was behind the Assembly's decision on this issue. Chip Thoma said that Princess Cruises announced plans to bring ships into Valdez and Kodiak, so they still have plans to use the smaller ships in Alaska.

VII. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action

MOTION, by Doll, to remove Resolutions 2423 and 2425 from the consent agenda. Hearing no objection, it was so ordered.

MOTION, by Stone, to adopt the consent agenda as amended. Hearing no objection, it was so ordered. Exhibit CM

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1. Ordinances for Introduction

a. Ordinance 2007-63 (b)

An Ordinance Amending The Official Zoning Map To Change The Zoning Of 0.82 Acres Of ATS 104 at Auke Nu Cove From D-3 (T) D-5 To Waterfront Commercial.

Administrative Report: Attached. The manager recommended Ordinance 2007-63(b) be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2007-64

An Ordinance Amending The Parking District Map Adopted By The Land Use Code.

Administrative Report: Attached. The manager recommended Ordinance 2007-64 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2007-21(O)

An Ordinance Appropriating To The Manager The Sum Of \$70,000 As Funding For An Analysis Of Sediment Remediation And Flood Control Options For A Portion Of Jordan Creek, Funding Provided By The United States Fish And Wildlife Service And The Water Fund.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(O) be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2007-21(R)

An Ordinance Appropriating To The Manager The Sum Of \$1,000,000 As Partial Funding For Construction Of The New Auke Bay Loading Facility, Funding Provided By The Denali Commission.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(R) be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2007-21(T)

An Ordinance Appropriating To The Manager The Sum Of \$20,000 As Funding For Repairs To The Jensen-Olson Arboretum Residence, Funding Provided By The Jensen-Olson Arboretum Endowment Fund.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(T) be introduced and set for public hearing at the next regular Assembly meeting.

f. Ordinance 2007-21(U)

An Ordinance Appropriating To The Manager The Sum Of \$40,000 As Funding For The Acquisition Of The Parker Property, Identified As USS 667, Funding Provided By The Lands Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(U) be introduced and set for public hearing at the next regular Assembly meeting.

g. Ordinance 2007-21(V)

An Ordinance Appropriating To The Manager The Sum Of \$73,000 As Funding For The Installation Of A Sewer Pump-Out Station In Douglas Harbor, Funding Provided By The National Forest Foundation.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(V) be introduced and set for public hearing at the next regular Assembly meeting.

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h. Ordinance 2007-21(W)

An Ordinance Appropriating To The Manager The Sum Of \$11,613 As Funding For The Restoration And Refitting Of The Four-Story Totem Pole, Funding Provided By The State Museum Grant-In-Aid And The Juneau Rotary Club.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(W) be introduced and set for public hearing at the next regular Assembly meeting.

i. Ordinance 2007-21(X)

An Ordinance Appropriating To The Manager The Sum Of \$385,000 As Partial Funding For Three Public Works Capital Improvement Projects, Funding Provided By Water Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(X) be introduced and set for public hearing at the next regular Assembly meeting.

j. Ordinance 2007-21(Y)

An Ordinance Appropriating To The Manager The Sum Of \$8,098 As Funding For The Juneau-Douglas City Museum's Interactive Digital Storytelling Project And Exhibit, Funding Provided By The Rasmuson Foundation.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(Y) be introduced and set for public hearing at the next regular Assembly meeting.

k. Ordinance 2007-21(Z)

An Ordinance Appropriating To The Manager The Sum Of \$2,828 As Funding For Staff To Attend Two Training Sessions On Digital Storytelling, Funding Provided By The Rasmuson Foundation.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(Z) be introduced and set for public hearing at the next regular Assembly meeting.

l. Ordinance 2007-21(AA)

An Ordinance Appropriating To The Manager The Sum Of \$4,030 For Staff To Participate In The Performance Management Program, Funding Provided By The Rasmuson Foundation.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(AA) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

b. Resolution 2424

A Resolution Authorizing The Manager To Submit To The State Of Alaska An Application For A Federal Grant For The City And Borough Of Juneau Historic Preservation Database.

Administrative Report: Attached. The manager recommended Resolution 2424 be approved.

3. Transfers

a. Transfer T-864

Transferring \$130,000 From The South Ferry Terminal Wharf Extension Capital Improvement Project To The Intermediate Vessel Float (IVF) Stabilization Capital Improvement Project.

Administrative Report: Attached. The manager recommended Transfer T-864 be approved.

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4. Bid Awards

a. Docks and Harbors - DH7-110 - Intermediate Vessel Float (IVF) Repairs

Administrative Report: Attached. The manager recommended award of this contract to Trucano Construction in the amount of \$479,460.

Removed from consent agenda:

a. Resolution 2423 – removed from consent.

A Resolution Extending Port Development Fees On Vessels Carrying Passengers For Compensation, And Repealing Resolution 2294b am.

Administrative Report: Attached. The manager recommended Resolution 2423 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Resolution 2423, and requested a discussion.

Mr. Doll asked if the port development fee was originally intended to fund the waterfront development plan. Mr. Swope said yes, and to build the steamship dock.

Mr. Doll said he had seen comments from Cruise West and asked for a reaction to their arguments. Mr. Swope said some consideration had been given to the smaller vessels in the tonnage fees, but had not considered their situation in this light.

Mr. Doll said we have some obeisance to the independent traveler market, and this deserves the assembly's attention, however, he did not propose to hold this resolution up at this point.

Mayor Botelho said the recommendation was to forward this to the Finance Committee.

Mr. Dybdahl asked if public testimony would be taken at the finance committee. Mayor Botelho said testimony would be taken at the Assembly meeting, and the Finance Committee could chose to make an exception to take public testimony.

Hearing no objection, Resolution 2423 was referred to the Finance Committee.

b. Resolution 2425

A Resolution Adopting The Juneau Parks And Recreation Comprehensive Plan, Revised Chapter 8

Administrative Report: Attached. The manager recommended Resolution 2425 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Resolution 2425, and requested a discussion.

Mr. Doll referred to language on Page 8-9, regarding the master plan for Auke Lake area. He said the language noted recreational conflicts between motorized uses and land owners, however, it did not

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discuss pollution concerns, or any implementing actions to address those concerns, which was an issue that had been discussed and ongoing data gathering was being performed. The statement in the plan seemed to be “leap-frogging” the issue.

Mayor Botelho requested an at-ease to review the language in the plan with Mr. Doll.

MOTION, by Doll, to amend the language on page 8-9, by adding after the words “private land owners,” “there is also concern about water quality in the lake.” Hearing no objection, it was so ordered.

MOTION, by Doll, to add an implementing action, after “Implement trail master plan,” “Implement water quality monitoring in Auke Lake.”

Mr. Sanford asked if monitoring water quality in Auke Lake was a duty of Parks and Recreation or was it a Lands staff issue.

Mr. Doll said this was moving this was moving the issue from Lands to Parks and Recreation, and this makes Auke Lake a responsibility of Parks and Recreation.

Mr. Bush asked for clarification. Mr. Swope said this was still the State of Alaska’s lake, that Parks and Recreation would manage the activities around the lake, and it was a matter of efficiencies in staffing to ask Lands staff to take the lead on the water quality issues. Heather Marlow had worked with the Auke Bay lab and that relationship would continue.

Mr. Wanamaker said it was important to craft thoughtful language and he recommended tabling this in order for staff to allow it to address the implications. We appear to be putting the city into the requirement for setting up and maintaining an ongoing water quality monitoring program.

MOTION, by Wanamaker, to table Resolution 2425.

Roll call:

Aye: Chambers, Doll, Dybdahl, Sanford, Stone, Wanamaker.

Nay: Anderson, Bush, Botelho

Motion passed: 5 aye, 3 nay.

VIII. PUBLIC HEARING

A. Ordinance 2007-61

An Ordinance Amending The Official Zoning Map To Change The Zoning Of A Fraction Of USS 204 TR F, In The Vicinity Of Lemon Creek, From Rural Reserve To D-15 Residential.

Administrative Report: Attached. The manager recommended Ordinance 2007-61 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2007-61 and he asked for unanimous consent. Hearing no objection, it was so ordered.

B. Ordinance 2007-21(L)

An Ordinance Appropriating To The Manager The Sum Of \$1,720,200 As Funding For The Replacement Of Buses And Vans For Capital Transit And Care-A-Van, Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities.

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Administrative Report: Attached. The manager recommended Ordinance 2007-21(L) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2007-21(L).

Mr. Doll asked how many buses were being purchased. Mr. Swope said five. Mr. Doll asked if any alternative fuel options had been considered for these buses. John Kern, Transit Superintendent, said that the five 1992 vehicles being replaced were past their useful life, and the approach was to replace them with clean-burning diesel engines.

Mr. Doll asked when the next purchase would happen. Mr. Swope said the federal government would be asked for funding each year. He was very interested in grant funding to allow electric buses, and in that regard they would try to use them in downtown, with the smaller buses, switching out with two buses to allow battery charging time. We will ask for a specific request for alternative energy buses in future requests.

Hearing no objection, Ordinance 2007-21(L) was adopted.

C. Ordinance 2007-21(M)

An Ordinance Appropriating To The Manager The Sum Of \$275,000 As Partial Funding For The Direct Construction Costs Of A Covered Play Area For The Zach Gordon Youth Center, Funding Provided By The Rasmuson Foundation.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(M) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2007-221(M) and he asked for unanimous consent. Hearing no objection, it was so ordered.

D. Ordinance 2007-21(Q)

An Ordinance Appropriating to the Manager the Sum of \$120,000 as Partial Funding for Zach Gordon Youth Center Covered Play Area Capital Improvement Project, Funding Provided by the Sales Tax Budget Reserve.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(Q) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2007-221(Q) and he asked for unanimous consent. Hearing no objection, it was so ordered.

E. Ordinance 2007-21(N)

An Ordinance Appropriating To The Manager The Sum Of \$250,000 As 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.

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Administrative Report: Attached. The manager recommended Ordinance 2007-21(N) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2007-21(N) and he asked for unanimous consent. Hearing no objection, it was so ordered.

F. Ordinance 2007-21(P)

An Ordinance Appropriating To The Manager The Sum Of \$360,078 As Funding For Homeless Shelter Upgrades, Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(P) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Chambers, to adopt Ordinance 2007-21(P) and he asked for unanimous consent. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

A. Ordinance 2007-21(I)

An Ordinance Appropriating To The Manager The Sum Of \$219,000 As Funding For The Acquisition Of A Landing Craft And Closed Circuit Surveillance System For Security At The Cruise Ship Docks, Funding Provided By The Department Of Homeland Security.

MOTION, by Wanamaker, to return Ordinance 2007-21(I) to the table for discussion. Hearing no objection, it was so ordered.

Ms. Chambers said the Coast Guard said that video may be protected, and Ms. Ritchie said that the video will not be available. Who will determine release of the video and maintain the criteria listed? Mr. Hartle asked for Mr. Stone to answer, but said it would be the Harbor Department capturing and monitoring the video. Mr. Stone said that the Harbor Dept. would not release the video, unless allowed to do so by the Coast Guard. Mayor Botelho asked if there was a federal law which would prohibit the public from accessing the video, and was there anything in CBJ law. Mr. Stone said that the sensitive security regulation was promulgated in 2002, and it was probably still being challenged in court. Harbor Dept. policy was not to release unless it is approved by the Coast Guard. We have allowed the Coast Guard and the JPD to look at the data in the past.

Mr. Dybdahl asked about retention of the video. Mr. Stone said the system allowed 7 days of data storage.

Hearing no objection, it was so ordered.

X. NEW BUSINESS

A. Regulations - Auke Bay Loading Facility Use Regulations

Administrative Report: Attached.

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Public Comment: None.

Assembly Action:

MOTION, by Stone, for orders of the day. Hearing no objection, it was so ordered.

XI. STAFF REPORTS – None.

XII. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: The next meeting will be Monday, Oct. 22, 2007.

Public Works and Facilities Committee: Chair Doll said the committee met on October 1, heard a report on utility proposals, also heard Mr. Fischers' interests regarding the Bayview system decommissioning, and Lemon Flats second access reconnaissance report, which indicated a second access route was not needed immediately, and the report of a bench road at \$15 million for the project. The next meeting will be Monday, Oct. 22, 2007.

Human Resources Committee: Chair Chambers welcomed Mr. Bush to the committee and said the next meeting will be Monday, Oct. 29, 2007, at 6 p.m.

B. Liaison Reports

Planning Commission: Liaison Doll said the Planning Commission met on October 9 and approved conditional use permits for Office Depot and Shucks retail businesses. The Planning Commission also reviewed residential data for CBJ and he found it interesting that in 1991, 21% of residents were employed by the State of Alaska, and in 2007, only 17% were so employed.

Affordable Housing Commission: Liaison Chambers thanked the Assembly for its attention at the Committee of the Whole meeting, and looked forward to continuing discussion on the topic in November. She said that Juneau was now benefiting from the employment of a "Housing Advocate" who was working out of St. Vincent De Paul, to assist people with housing issues.

Docks and Harbors Board: Liaison Dybdahl looked forward to working with the board again.

Airport Board: Mr. Anderson said the Airport Board Retreat would be held at the Scheible House on Thursday, October 25.

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford attended a meeting on second access with Lemon Creek residents. He said dirt/mud tracking in the area is still a problem. He saw a street sweeper there, but it doesn't seem to be enough, and this needs to be resolved. Mr. Swope said he had acted through JPD on securing vehicle loads and had spoken with DOT about the mud tracking issue. It was a contract requirement of the Sunny Point job to keep the streets clean and swept. Mr. Swope had contacted DOT twice about this issue, but would call them again.

Mr. Sanford said that Lemon Creek residents are disappointed that the trail system in the area is not maintained and that motorized vehicles and bikes have been riding on and damaging the trails. The rocks blocking the paths from motorized use have been moved. He asked staff to post trails and place obstructions to vehicles.

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Mr. Bush talked about view planes regarding cruise ships. He suggested that modeling could be done fairly simply to obtain photos to show what the project would look like, and provide people with an idea of how the views would look.

Mr. Anderson referred to an Assembly goal about a land transfer between Docks and Harbors and the UAS marine facility. On May 31, the Docks and Harbors drafted a letter asking the CBJ Assembly to immediately enter into discussions on this matter with a view to entering into a land trade.

Ms. Chambers invited all to the Eaglecrest Board Retreat at the ski area on Saturday, October 20, 2007.

Mr. Doll referred to the ongoing discussion regarding a Southeast Solid Waste Authority through meetings with the working group at Southeast Conference. Juneau was asked to participate by contributing \$5,000 towards the goal of \$21,000, for SE Conference to issue an RFP for a firm to establish a Solid Waste Authority. Juneau and Sitka's participation was fixed at \$5,000. This does not include Ketchikan, but almost every other community in Southeast is participating. He encouraged the assembly to support this project for many reasons.

Mr. Stone said he did not object, however, CBJ has a solid waste working group, and a report is imminent, so support would be funding only at this time. Mr. Wanamaker agreed.

Hearing no objection, staff was directed to draft a funding ordinance for a \$5,000 contribution to the Southeast Conference for the Solid Waste Authority project.

Mayor Botelho reported that the second meeting of Coeur Alaska and three plaintiff conservation groups met today and agreed to have consultations between experts over the course of the next few weeks, and that was the extent to which he was allowed to comment.

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

XV. EXECUTIVE SESSION – None.

XVI. ADJOURNMENT – 8:15 p.m.

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

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