

THE CITY AND BOROUGH OF JUNEAU, ALASKA

April 3, 2006

MEETING NO. 2006-07: 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, Dan Peterson, Merrill Sanford, David Stone, Randy Wanamaker, Mayor Botelho, Jeff Bush, Johan Dybdahl,

Assembly Absent: Bob Doll

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Beth McEwen, Deputy Municipal Clerk; Craig Duncan, Finance Director; Dale Pernula, Community Development Director; Greg Browning, Police Chief

III. SPECIAL ORDER OF BUSINESS

A. Proclamation – Pat Murphy

Mr. Pat Murphy was recognized for many years of work with JAMHI and those in need in the community. Mr. Murphy thanked the Assembly for their support of the social services in the community and praised the high level of services offered in this community compared to in other communities.

IV. APPROVAL OF MINUTES

A. March 13, 2006 – Regular Meeting 2006-05

MOTION, by Mr. Wanamaker, to approve the minutes of the March 13, 2006 Regular Assembly Meeting 2006-05 and asked for unanimous consent. Hearing no objections, the minutes were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Jeffry Herman, 401 A Street. Mr. Herman was speaking as the producing director of Perseverance Theatre. He asked the Assembly to reconsider its decision regarding the grant application process for arts programs. They would like to continue to request funding directly through the Assembly. He said Perseverance Theatre is different than other arts organizations in the community. This change would affect its ability to leverage funds from outside sources for the \$1 million endowment campaign and they currently had a new building going up in Lemon Creek. The direct relationship with Assembly was a direct correlation to the outside funding available. Smaller arts groups would invariably receive more money and Perseverance less, which would be bad for theater and bad for the community. He referred to a letter he distributed to the Assembly.

Pam Johansen, Juneau Jazz & Classics Executive Director, said 2006 would be the 20th year of the organization. She distributed a CD made by KTOO to the Assemblymembers. She referred to a letter she sent to the Assembly asking it to reconsider its decision to have grant funds for arts organizations be channeled through the Juneau Arts and Humanities Council. She suggested staying with the previous funding mechanism permanently or doing so for one year to allow more time to work out equitable distribution. She spoke about the benefits of the music festival to Juneau.

VII. 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. Wanamaker, to adopt the consent agenda. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2006-09

An Ordinance Authorizing The Port Director To Negotiate And Execute A Tidelands Lease Within Lot 9B, Block 83, Alaska Tidelands Survey No. 3, For Construction Of A Private Seawalk Or Retail Commercial Building.

Administrative Report: Attached. The manager recommended Ordinance 2006-09 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2006-10

An Ordinance Amending The Disorderly Conduct Code.

Administrative Report: Attached. The manager recommended Ordinance 2006-10 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2005-11(AE)

An Ordinance Transferring To The Manager The Sum Of \$28,000 As Funding For The Norway Point Boat Moorage Float Capital Improvement Project, Funding Provided By Harbor Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AE) be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2005-11(AH)

An Ordinance Appropriating To The Manager The Sum Of \$171,750 As Partial Funding For The Nancy Street Pond/Wetlands Enhancement, Funding Provided By United States Fish And Wildlife Service And United States Department Of Agriculture.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AH) be introduced and set for public hearing at the next regular Assembly meeting.

- e. Ordinance 2005-11(AI)
An Ordinance Transferring To The Manager The Sum Of \$24,000 For The Purchase And Modification Of A Police Emergency Response Vehicle, Funding Provided By The Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AI) be introduced and set for public hearing at the next regular Assembly meeting.

- f. Ordinance 2005-11(AK)
An Ordinance Appropriating To The Manager The Sum Of \$320,000 As Partial Funding For The Construction Of A Heliport As Part Of The Bartlett Regional Hospital Project 2005 Capital Improvement Project, Funding Provided By The National Forest Receipts.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AK) be introduced and set for public hearing at the next regular Assembly meeting.

- g. Ordinance 2005-11(AL)
An Ordinance Appropriating To The Manager The Sum Of \$170,000 As Funding For A Junked Vehicle Event, Funding Provided By The Waste Management Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AL) be introduced and set for public hearing at the next regular Assembly meeting.

- h. Ordinance 2005-11(AM)
An Ordinance Appropriating To The Manager The Sum Of \$50,000 As Funding For The Purchase Of Equipment Identified In The Buffer Zone Protection Plan For The Juneau Cruise Ship Dock, Funding Provided By The Department Of Military And Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AM) be introduced and set for public hearing at the next regular Assembly meeting.

- i. Ordinance 2005-11(AN)
An Ordinance Appropriating To The Manager The Sum Of \$16,700 As Funding For The Acquisition Of A Total Station Electronic Measuring Device, Funding Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AN) be introduced and set for public hearing at the next regular Assembly meeting.

- j. Ordinance 2005-11(AO)
An Ordinance Appropriating To The Manager The Sum Of \$96,900 As Partial Funding For Capital Transit's Fiscal Year 2006 Operating Budget, Funding Provided By User Fees.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AO) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

- a. Resolution 2349
A Resolution Expressing Assembly Support For Expanding The United States Department Of Housing And Urban Development's Definition Of Homelessness.

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

VIII. PUBLIC HEARING

A. Ordinance 2006-06

An Ordinance Creating A Division Of Personnel Within The Administration Department.

Administrative Report: Attached. The manager recommended Ordinance 2006-06 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2006-06, and he asked for unanimous consent. Hearing no objection, Ordinance 2006-06 was adopted.

B. Ordinance 2006-07

An Ordinance Amending The Table Of Permissible Uses To Add Public Works Facilities And Adding A Definition For Public Works Facility To The Land Use Code.

Administrative Report: Attached. The manager recommended Ordinance 2006-07 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Mr. Sanford, to adopt Ordinance 2006-07, and he asked for unanimous consent. Hearing no objection, Ordinance 2006-07 was adopted.

C. Ordinance 2006-08

An Ordinance Relating To Terms Of Office Of Planning Commission Members.

Administrative Report: Attached. The manager recommended Ordinance 2006-08 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Peterson, to adopt Ordinance 2006-08, and he asked for unanimous consent. Hearing no objection, Ordinance 2006-08 was adopted.

D. Ordinance 2005-11(AD)

An Ordinance Appropriating To The Manager The Sum Of \$3,900 As Funding For The Purchase Of Artworks For The Juneau-Douglas City Museum, Funding Provided By Museums Alaska, Incorporated.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AD) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2005-11(AD), and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(AD) was adopted.

E. Ordinance 2005-11(AF)

An Ordinance Transferring To The Manager The Sum Of \$500,000 As Funding For The Replacement Of The City And Borough Of Juneau's Core Financial System, Funding Provided By The General Fund.

Administrative Report: Attached. The manager recommended Ordinance 2005-11(AF) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2005-11(AF), and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(AF) was adopted.

F. Ordinance 2005-12(B)

An Ordinance Appropriating To The School District The Sum Of \$285,900 As Partial Funding For District's General Operations And De-appropriating \$9,900 For District Food Service, Funding Provided By The School District General Fund And User Fees.

Administrative Report: Attached. The manager recommended Ordinance 2005-12(B) be adopted.

Public Comment:

Peggy Cowan, Superintendent of Schools, 18005 Pt. Stephens Road, said this was an adjustment based upon student enrollment numbers, and appreciated the Assembly's support of education.

Mr. Bush asked for Ms. Cowan to further explain the adjustment. She said this was a clean up in terms of readjustment of funds, the bottom line that the Assembly would be appropriating was same as amount as approved last year, but it changed the account due to the student number. Even though there was a decrease in student number, the decrease was distributed across the district. There was not enough at any one school to cause a decrease in the need for staff. Because of increased need for special education and teachers for Yakoos, the board has taken money out of various district funds, but since the Assembly approved this budget last summer, this was an adjustment of that approval. This cleaned out the balance in the school's home construction program. The decrease in the state foundation formula was that. User fees were from Medicaid and they hoped for an increase with that funding. The pupil transportation was an adjustment. The food service money was using some fund balance so they were not transferring any general fund into the food service budget.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2005-12(B), and he asked for unanimous consent. Hearing no objection, Ordinance 2005-12(B) was adopted.

IX. UNFINISHED BUSINESS

A. Ordinance 2006-05(c)

An Ordinance Amending Competitive Bid Procedures for Certain Public Improvement Projects.

Administrative Report: Attached. The manager recommended version (c) of Ordinance 2006-05 be adopted.

Assembly Action:

Mayor Botelho stated that public testimony had already been taken on this item and a motion to remove the item from the table was necessary.

MOTION, by Wanamaker, to remove Ordinance 2006-05(c) from table, and he requested unanimous consent.

Mr. Swope said the ordinance proscribed the maximum dollar amount, the criteria utilized and the methodology that would be implemented for supplemental agreements. This ordinance would allow the city manager to approve supplemental agreements to a contract in the amount of up to \$250,000, or 25% of the original contract amount, whichever is less, if sufficient funds had been appropriated. Mr. Hartle provided a memorandum recommending two amendments in version (c), which clarified that Assembly approval must be acquired before expenditure of funds and this in no way limits Assembly power.

Mayor Botelho said the motion at the last meeting was to table an ordinance with a pending motion to reduce the amount from \$500,000 to \$250,000, and he asked for a motion to suspend the rules to substitute Ordinance 2005-06(c), which incorporates that change.

MOTION, by Anderson, to suspend the rules to discuss Ordinance 2006-05(c). Hearing no objection, it was so ordered.

Mr. Anderson thanked Mr. Hartle for his memo, the amendments and the careful examination. There is a delicate balance between managerial efficiencies and transparency for process to be in the public and he supported the ordinance and requested unanimous consent.

Hearing no objection, it was so ordered.

X. NEW BUSINESS

A. Liquor Licenses

- a. Liquor License Transfer-Beverage Dispensary License
Transfer From: SeaDawgs, Inc. d/b/a Doc Waters to BCM, Inc. d/b/a Doc Waters then transfer back from BCM, Inc. d/b/a Doc Waters to SeaDawgs, Inc. d/b/a Doc Waters – this is a securities transfer only.
Location: 2 Marine Way #125

MOTION, by Peterson, to waive the right to protest the transfer above. Hearing no objection, it was so ordered.

- b. Restaurant/Eating Place
Valley Restaurant LLC d/b/a The Valley Restaurant
Location: 9320 Glacier Hwy.

MOTION, by Peterson, to waive the right to protest the renewal above. Hearing no objection, it was so ordered.

Mr. Wanamaker asked to be excused due to conflict of interest as a Goldbelt shareholder, and the chair ruled a conflict existed. Mr. Wanamaker stepped away from the dias.

- c. Beverage Dispensary – Tourism
Goldbelt Enterprises Inc. d/b/a Goldbelt Juneau Hotel
Location: 51 W. Egan Drive

MOTION, by Peterson, to protest the license renewal for reasons stated by the Finance and Community Development Departments, and asked for unanimous consent. Hearing no objection, it was so ordered.

Mr. Wanamaker rejoined the meeting.

- d. Beverage Dispensary Licenses
Rendezvous Inc. d/b/a Rendezvous
Location: 184 S. Franklin Street

MOTION, by Peterson, to protest the license renewal for reasons stated by the Finance and Community Development Departments, and asked for unanimous consent. Hearing no objection, it was so ordered.

- e. Dragon Inn d/b/a Dragon Inn
Location: 5000 Glacier Hwy.

MOTION, by Peterson, to protest the license renewal for reasons stated by the Community Development Departments, and asked for unanimous consent. Hearing no objection, it was so ordered.

XI. STAFF REPORTS

Mr. Swope said there was a pre-bid conference held for the High School during the last week. Initially there were four companies interested in bidding. Two, Coogan and McGraw, were left and bids would open in two weeks.

XII. ASSEMBLY REPORTS

A. Committee Reports

Human Resources Committee: Chair Peterson said the HRC met prior to the Assembly meeting and formally forwarded neighborhood association ordinance to the Committee of the Whole for consideration.

Finance Committee: Chair Stone said the Finance Committee would meet Wednesday, April 5, at 5pm. He asked the members to hold their packets until the meeting, giving each person a binder to keep track of them.

Lands and Resources Committee: Chair Bush met on March 20 and had extensive agenda. The committee spent most of its time on the Mendenhall Game Refuge and the discharge of firearms. The committee recommended no action, to allow State Fish & Game and Fish & Wildlife protection agencies to go through their exercises this next year. The committee also had a request from the Alaska Brewing Company and authorized direct negotiations with CBJ to purchase land behind Costco to relocate the brewery. Tlingit and Haida provided an update on housing.

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford said he would make a motion that the Assembly show full support of the Kensington Mine regarding its corps permits by filing an amicus brief. Mayor Botelho said the Assembly previously authorized Mr. Hartle to file an amicus brief at the appropriate time.

Mr. Wanamaker said the Economic and Employment Diversification Task Force had met sporadically. Several members had moved out of the community. The work was intended to be done by March 2006 but it would be the end of May instead, as work was ongoing.

Mayor Botelho said he was contacted by the Chair of Performing Arts Center Commission, which would sunset in April unless extended. He wanted to see the commission continue its work. Mr. Wanamaker said he preferred to extend the commission by Mayoral decree. Mr. Sanford suggested leaving the commission in place until a real project is in sight. Mayor Botelho extended the commission for one year.

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

XV. EXECUTIVE SESSION

A. City Manager evaluation.

MOTION, by Wanamaker, to recess into Executive Session for the purposes of evaluating the City Manager.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly recessed into executive session at 7:48 p.m. and returned to open session at 8:58 p.m.

Mayor Botelho said the Assembly evaluated Mr. Swope’s performance as city manager and the Assembly is supportive of the work that Mr. Swope is doing. The Mayor will appoint an Assembly committee to look at compensation, and any corresponding action would be taken at a later time.

XVI. ADJOURNMENT – 8:59 p.m.

Signed: _____
Elizabeth J. McEwen, Deputy Clerk

Signed: _____
Bruce Botelho, Mayor