THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 27, 2015

MEETING NO. 2015-13: 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 Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rich Etheridge, Fire Chief, and many employees, volunteers and family members of Capital City Fire and Rescue; Bob Bartholomew, Finance Director; Rorie Watt, Engineering and Public Works Director; Hal Hart, Community Development Department; Kirk Duncan, Parks and Recreation Director; Greg Chaney, Lands and Resources Manager; Myiia Wahto, Recreation Superintendent; Eric Feldt, Planner II; Patricia DeLaBruere, Airport Manager; Matt Lillard, Eaglecrest Ski Area Manager; Carl Uchytil, Port Director.

II. SPECIAL ORDER OF BUSINESS

A. JDHS Honorary Mayors - Sophia Kaelke, Martina Worden

Mayor Sanford welcomed Sophia Kaelke and Martina Worden as student representatives of the Juneau Douglas High School in the Honorary Mayor Program.

B. Public Service Recognition Week

Mayor Sanford read a proclamation, proclaiming April 27 - May 1 as Public Service Recognition Week.

C. Medal of Honor - Todd Cameron and Jesse Echave

Fire Chief Etheridge related the heroism of Fire Captain Todd Cameron and Paramedic Jesse Echave, for a cold water rescue of a person in Gastineau Channel in February 2015. Both entered the water to rescue, then get the person to safety, and performed CPR successfully. He awarded both with the CCFR Medal of Honor. Mayor Sanford offered the community's thanks and appreciation for their service.

III. APPROVAL OF MINUTES

A. March 10, 2015 Special Assembly Meeting No. 2015-06

Hearing no objection, the minutes of the March 10, 2015 Special Assembly Meeting 2015-06 were approved as corrected.

B. March 16, 2015 Regular Assembly Meeting No. 2015-07

Hearing no objection, the minutes of the March 16, 2015 Regular Assembly Meeting 2015-07 were approved.

C. March 25, 2015 Special Assembly Meeting No. 2015-08

Hearing no objection, the minutes of the April 1, 2015 Special Assembly Meeting 2015-09 were approved.

D. April 1, 2015 Special Assembly Meeting No. 2015-09

Hearing no objection, the minutes of the April 1, 2015 Special Assembly Meeting 2015-09 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Ms. Kiefer suggested moving Ordinance 2015-21 regarding adoption of the FY16 School Budget to the first item under public hearing due to the number of people present to testify. Hearing no objection it was so ordered.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Marc Wheeler said he was happy to see the meeting being televised and had supported that idea when he was on the Assembly.

Jim Scholl, representing the Senior Citizens Support Services, Inc. was present to speak on behalf of Board President Sioux Douglas. They were working on a plan for assisted living, and said that no ideas should go unexplored on achieving their goal. They had been focusing their efforts on a "campus" plan but would like the opportunity to work with the Assembly to consider the use of the Gastineau Apartments property as a possible location for an assisted living facility. He spoke about possible project elements such as parking off of Gastineau Avenue, and that this use could be a public purpose identified by the Assembly for the property. This could shorten their timeline to bringing a project to fruition. He spoke to a letter distributed to the Assembly. There was a profound economic advantage to keeping seniors in Juneau. This could be a win-win and they hoped the Assembly would consider this collaboration.

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 Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2015-24 An Ordinance Authorizing the Manager to Lease a .50 Acre Parcel of Land Located at Approximately 100520 Crazy Horse Drive to the Southeast Alaska Food Bank.

In 2001, Resolution 2098 authorized the Manager to lease a 0.25-acre parcel of land at the end Crazy Horse Drive to the Southeast Alaska Food Bank for $1 per year for $25 years, for the purpose of operating a charitable food distribution warehouse. Over the past 14 years, the Food Bank has provided a food distribution system for service groups assisting those in need throughout Southeast. The Food Bank now seeks to expand their leased area in order to meet increasing demand.

The Planning Commission reviewed this new lease request at its March 10, 2015 meeting, and recommended forwarding to the full Assembly for approval.

At its March 23, 2015 meeting, the Lands Committee unanimously supported adopting an ordinance authorizing the conveyance of a 25-year lease to the Southeast Alaska Food Bank.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2014-24(AM) An Ordinance Appropriating to the Manager the Sum of $100,000 as Partial Funding for the Statter Harbor Launch Ramp Capital Improvement Project, Funding Provided by the Alaska Department Of Transportation and Public Facilities.

The CBJ granted Alaska Department of Transportation and Public Facilities an access easement across Docks and Harbors managed property slated for the new Statter Harbor Launch Ramp project.

ADOT/PF construction in the easement caused alteration to the design of the necessitating construction of a retaining wall where a vegetated slope was planned. To mitigate this impact to the project, ADOT/PF agreed to compensate D&H up to $100,000 for costs related to the retaining wall feature. The total cost related to the retaining wall was $112,182.

In accordance with the agreement, ADOT/PF has made payment to CBJ of $100,000 for costs associated with the retaining wall. This appropriation ordinance would accept those funds into the Statter Harbor Launch Ramp CIP account. Docks and Harbors will cover the remaining $12,182.

The Public Works and Facilities Committee reviewed this item at its April 13, 2015 meeting, and recommended forwarding to the full Assembly for approval. The Docks and Harbors Board will consider this item at its April 30, 2015 meeting.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2014-24(AO) An Ordinance Appropriating to the Manager the Sum of $161,179 as Funding to Pay Bond Debt, Funding Provided by General Obligation Bond Proceeds.

This ordinance would appropriate $161,178.55 in 2009 GO School Bond income to pay down school related bond debt.

Funding provided by unexpended 2009 GO School Bond income from the completed school district capital improvement project (CIP) DZ Covered Play Area (S02-091). This ordinance would close the CIP.

Transfer T-952 was approved on February 24, 2014 by the Assembly, but the State of Alaska Department of Education and Early Development (ADEED) only approved the transfer of $38K and $88.8K, leaving the remainder of $161K to go to debt service.

The Public Works and Facilities Committee approved this action at its February 9, 2015 meeting. The Juneau School Board approved this action at its February 10, 2015 meeting.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2014-24(AP) An Ordinance Appropriating to the Manager the Sum of $110,000 as Funding for the Dunn Street Capital Improvement Project (R72-115), Funding Provided by the Water Fund's Fund Balance.

This Ordinance would appropriate $110,000 of Water Fund's Fund Balance to fund the water system replacement during the paving of Dunn Street.

The resident requested Dunn Street Paving Project was approved by the Public Works and Facilities Committee on March 23, 2015.

The water system is in poor condition requiring replacement prior to paving the roadway, the Public Works and Facilities Committee reviewed and approved this request for appropriation of water revenues at its April 13, 2015 meeting.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2709 A Resolution Providing for Interest Rates for the Port Revenue Bond Being Issued Through the Alaska Municipal Bond Bank.

On May 13 & 14, 2015 CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately $23 million in year port revenue bonds, with maturities up to 19 years. Approximately $1.7 million of the proceeds will be transferred into a required bond reserve fund.

The issuance of the bonds was authorized by the Assembly in Ordinance 2014-01, as amended by Ordinance 2015-11. The final Assembly action, per CBJ

Charter, related to these bonds is to “prescribe” (set/accept) by resolution the interest rates and annual principal maturity dollar amounts.

CBJ legal counsel, K&L Gates, has prepared Resolution 2709 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution list the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for the all bonds cannot exceed 4.5%.

The Finance Committee reviewed this resolution at its April 15, 2015 meeting. At its April 22, 2015 meeting, the Assembly Finance Committee approved a revised Schedule A.

The Manager recommends this resolution be adopted.

b. Resolution 2719 A Resolution Providing For Interest Rates For The General Obligation School Refunding Bond Being Issued Through The Alaska Municipal Bond Bank.

On May 13 & 14, 2015 CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately $3.4 million in year general obligation bonds in order to refund/refinance bonds originally issued March 1, 2005.

The issuance of the bonds was authorized by the Assembly in Ordinance 2015-16. The final Assembly action, per CBJ Charter, related to these bonds is to “prescribe” (set/accept) by resolution the interest rates and annual principal maturity dollar amounts.

CBJ legal counsel, K&L Gates, has prepared Resolution 2719 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution list the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for the all bonds is estimated to be 1.3% and result in a net present value savings of $225,000.

The Finance Committee reviewed the resolution at its April 15, 2015 meeting. At its April 22, 2015 meeting, the Assembly Finance Committee approved a revised Schedule A.

The Manager recommends this resolution be adopted.

c. Resolution 2720 A Resolution Providing For Interest Rates For The Harbor Revenue Refunding Bond Being Issued Through The Alaska Municipal Bond Bank.

On May 13 & 14, 2015 CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately $8.8 million in year Harbor revenue bonds in order to refund/refinance bonds originally issued June 25, 2007.

The issuance of the bonds was authorized by the Assembly in Ordinance 2015-15. The final Assembly action, per CBJ Charter, related to these bonds is to "prescribe" (set/accept) by resolution the interest rates and annual principal maturity dollar amounts.

CBJ legal counsel, K&L Gates, has prepared Resolution 2720 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution list the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for the all bonds is estimated to be 3.2% and result in a net present value savings of $527,000.

The Finance Committee reviewed the resolution at its April 15, 2015 meeting. At its April 22, 2015 meeting, the Assembly Finance Committee approved a revised Schedule A.

The Manager recommends this resolution be adopted.

d. Resolution 2723 A Resolution Authorizing the Manager to Convey Two Drainage Easements Across a Fraction of Lot 2 USS 3819 and a Portion of Lot 2 Kirkevold Subdivision.

The Alaska Department of Transportation (ADOT) has requested two permanent drainage easements across CBJ property in order to complete the Glacier Highway Reconstruction project from Fritz Cove Road to Seaview Ave.

The CBJ owns parcels adjacent to the right-of-way in front of the Auke Bay Wastewater Treatment Plant, Auke Bay Elementary School, and in front of the Auke Bay Fire Department. Granting these easements and allowing the associated construction will in no way obstruct access to, or daily functions of, the CBJ facilities. The value of these easements located on CBJ property is $35,396. In addition to the two easements and as part of the same project, the Manager, pursuant to CBJ 53.09.310, will grant to DOT two temporary construction use permits, valued at $9,604.

The Planning Commission reviewed the reconstruction project in its entirety and recommended approval at its May 13, 2014 meeting.

The Assembly Lands Committee reviewed these easements and its January 26, 2015 meeting, and forwarded a motion of support to the Assembly to adopt a resolution authorizing the Manager to convey easements across CBJ property.

The Manager recommends this resolution be adopted.

3. Bid Award

a. Bid DH15-004 Old Douglas Harbor Rebuild-Phase I

Work on this phase of the project would remove the existing infrastructure at the south end of Old Douglas Harbor in preparation for Phase II to dredge the harbor basin and Phase III to replace the floats and utilities.

The engineer's estimate was $475,000. A public bid opening was held on March 19, 2015. The only bid was submitted by Trucano Construction in the amount of $329,870.

The Docks and Harbors Board reviewed the bid at its March 26, 2015 meeting, and recommended forwarding to the full Assembly for approval. The Public Works and Facilities Committee reviewed the bid at its April 13, 2015 meeting.

The Manager recommends award of bid DH15-004 to Trucano Construction for the total bid amount of $329,870.

4. Liquor License

a. Liquor License Transfer - From: Russian Alaska, LLC d/b/a The Taqueria (formerly Samovars) TO: Midnight Ninja Ventures, Inc. d/b/a The Taqueria

The following liquor license transfer of ownership and application for a Restaurant Designation Permit (RDP) is before the Assembly to either protest or waive its right to protest and approve or deny the RDP.

Restaurant Eating Place License #5279
Transfer FROM: Russian Alaska, LLC d/b/a The Taqueria (previously Samovars)
Transfer TO: Midnight Ninja Ventures, Inc. d/b/a The Taqueria
Location: 245 Marine Way, Juneau

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the Restaurant Designation Permit.

VII. PUBLIC HEARING

A. Ordinance 2015-21 An Ordinance Appropriating Funds from the Treasury for FY16 School District Operations

This ordinance would appropriate to the School District an FY16 operating budget of $86,260,100. The School District's operating budget is.

· General Operations	$71,044,600
· Special Revenue (pupil transportation, food service, etc)	6,491,600
· Other Operations (student activities, grants, etc)	8,723,900
Total Budget	$86,260,100

The FY16 school budget is supported with a combination of funding sources that includes local funding of $25,752,600. This consists of $24,982,600 for general operations, and $770,000 for student activities funding. Student activities funding includes $565,000 for student activities ($200,000 comes from sales tax), $70,000 for pupil transportation and $135,000 for Community Schools. The $24,982,600 in general operations support is an increase of $455,700 over FY15. The $770,000 for student activities funding is an increase of $392,500 over FY15.

State statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission.

On April 22, 2015, the Assembly approved funding the School District under the FY15 State Education Foundation Funding Formula at $24,526,900.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

Public Comment:

Sierra Lloyd, 7th grade, DZMS, asked the Assembly to please fund the Juneau School District to the cap. Budget cuts would hurt other students more than her, as her family could afford to send her to activities, but some other students couldn't participate due to a lack of funding. Some parents needed to work multiple jobs which prevented them from having time to assist their children with homework.

Annika Schwartz, Gastineau School, said that she was looking forward to going to DZMS. She participated in extended learning, and her teacher for that program was split between schools, and there were so many students in the program. She spoke in favor of smaller class sizes. When she was in 2nd grade they did not have enough desks and chairs. Education should be the last thing to cut despite many needs.

Adara Allen, said she was a ten-year-old home schooled 5th grade student. She said everyone needed a good education and she supported full funding of the Juneau School District.

Bronwen Byfort, said she was in sixth grade in Charter School and asked the assembly to fund the budget to the max, so programs such as art and music could be funded. Many students did not have time or funds for private lessons.

Steve Sue Wing thanked the Assembly for any efforts to fund education to the cap. His son was a first grade student at Montessori Borealis. Adding three additional students this year in his class was a challenge, but there was another class that had 32 students and he said that was a greater challenge.

Eva Sturm said she was in the 5th grade at Harborview School and had 32 students in her class. Putting more students in a class is not a short cut to budget savings and it was difficult on the teacher and the students.

Joan Pardes thanked the Assembly for their service and understood that the Assembly had many tough decisions. She said her daughter was in a class with 32 students and this had impacted her education. She knew five families that had left the community due to the current state of education and the lack of support from the state. Funding schools not only helped the families in the school district, but it helped the entire community. Retroactive funding would help as well.

Martin Stepetin spoke about his work in the schools. Everyone's heart was in the right place and he was hoping that the Assembly would fund to the cap. We have a tough time ahead and we will need to keep our hearts and heads in the right place for education. He came from St. Paul Island, a small community, and when they had good times they funded the school fully, but those times are more difficult now.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2015-21, and asked for unanimous consent.

MOTION, by Kiehl, to refer Ordinance 2015-21 to the Finance Committee. Hearing no objection, it was so ordered.

B. Ordinance 2015-17 An Ordinance Amending the Uniform Sales Tax Code Relating to the Single Item and Service Tax Exemption and the Senior Citizen Tax Exemption.

Ordinance 2015-17 would amend the CBJ Sales Tax Code in two ways. First, it would change that portion of a single item or service eligible for an exemption by increasing the threshold value, which must be met before the exemption is granted, from $7,500 to $12,000, and would allow the threshold value to be adjusted every two years in accordance with Anchorage CPI. Second, it would require seniors who receive the sales tax exemption to be residents of the CBJ.

The Finance Committee considered this ordinance at its March 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

Mary Lou Spartz, said even though she was a member of the Juneau Commission on Aging, she was speaking on her own behalf. She said the community had a long discussion on tax exemptions. Those with fixed income had to be judicious about how and when they spent their money as the cost of living continued to rise. She understood the Assembly was considering exemptions on food, utilities, water/sewer and heating. There were other expenses that would now be taxed and for some seniors that would be a considerable burden. She said she was concerned about a means test for qualifying seniors. This would be awkward, tedious and expensive and she hoped the Assembly would consider a simpler way to approach this, for the seniors and for those in business. She thanked the Assembly for the long process.

Mayor Sanford explained that the matter before the Assembly on this agenda was a public hearing on removing the exemption from non-CBJ senior citizens. Ms. Spartz said she had no quarrel with that.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2015-17.

Mayor Sanford objected to the adjustment every two years based on the Anchorage CPI. He said he felt the Assembly should consider the increase on its merits locally.

<u>MOTION</u>, by Becker, to amend Ordinance 2015-17 to delete the section that says "and would allow the ordinance to be adjusted every two years in accordance with the Anchorage CPI."

Mr. Jones objected and said that Anchorage was the only place in Alaska that the Federal CPI was done. The Assembly always had the opportunity to review the code and make adjustments, but this allowed for an automatic increase if this review was missed.

Roll call on amendment:
Aye: Nankervis, White, Sanford
Nay: Becker, Crane, Jones, Gladziszewski, Kiehl, Troll.
Roll call failed 3 aye, 6 nay.

Roll call on main motion:
Aye: Becker, Crane, Jones, Gladzeszewski, Kiehl, Nankervis, Troll, White
Nay: Sanford.
Motion passed 8 aye, 1 nay.

C. Ordinance 2015-19 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2015 Based Upon the Proposed Budget for Fiscal Year 2016.

This ordinance would establish the mill rates for property taxes for 2015, which funds the CBJ's FY16 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15, 2015.

The mill levies presented in this ordinance support the Manager's FY16 Revised Budget that is currently being reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15, 2015.

This ordinance proposes a total mill levy of 10.76 (which is unchanged from the FY15 total levy); the components of which are:

Area	**Millage**
Roaded Service Area	2.20
Fire Service Area	0.36
Areawide -	
Operational	6.70
Debt Service	1.50
Total	**10.76**

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

<u>Public Comment</u>:

None.

Assembly Action:

MOTION, by Jones, to refer Ordinance 2015-19 to the Finance Committee for further review. Hearing no objection, it was so ordered.

D. Ordinance 2015-20 An Ordinance Appropriating Funds from the Treasury for FY16 City and Borough Operations.

This ordinance appropriates $319,537,700 for the CBJ's FY16 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditure within the funds themselves. These transfers account for $87,779,800 of the FY16 operating budget. Excluding the transfers and School District, the CBJ FY16 budget for operations, debt service and capital projects is $228,996,200.

The Charter requires that a public hearing be held on the FY16 operating budget by May 1, 2015, and adoption by June 15, 2015.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to refer Ordinance 2015-20 to the Finance Committee for further review. Hearing no objection, it was so ordered.

E. Ordinance 2015-22 An Ordinance Amending the Traffic Code Relating to the Minimum Sentence for Driving While Under the Influence and Refusal to Submit to a Chemical Test.

This ordinance would amend CBJ 72.10.010, Driving While Under the Influence, and 72.10.012, Refusal to Submit to Chemical Test, with respect to the requirement that the court require convicted persons to use an ignition interlock device as part of the minimum sentence imposed. The purpose of the amendment is to make CBJ code consistent with State law. The table below illustrates the difference between the sentence requirements currently specified in CBJ code versus State law:

	CBJ code	State law
Refusal to Submit (1st conviction)	12 months	6 months
Refusal to Submit (2nd conviction)	24 months	12 months
Refusal to submit (3rd conviction)	36 months	18 months
D.U.I. (1st conviction)	12 months	6 months
D.U.I. (2nd conviction)	24 months	12 months
D.U.I. (3rd conviction)	36 months	18 months

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-22.

Mr. Jones said there were penalties for people who were previously convicted more than four times and under state law, the third time was a felony. He asked under what conditions would a person be at four convictions and not meet the felony provision. Ms. Mead said it would be rare and would be the case if the it was outside of the time frame for state conviction - ten years.

Ms. Troll said she understood the need for compatability - but the CBJ proposal was twice as stringent as state law and asked why. Ms. Mead said state law required CBJ to be consistent with respect to DUI with the exception of vehicle forfeiture. As far as sentencing, incarceration, fines to be imposed, etc., those must be consistent with Title 28.

Mr. Kiehl asked if there were any remaining places to have stronger sentences for DUI than the state. Ms. Mead said with vehicle forfeitures. Mr. Kiehl asked about that law and Ms. Mead said she did not believe CBJ had a law regarding vehicle forfeitures. Mr. Kiehl said he would reluctantly reduce the vehicle interlock provisions as it was a state requirement.

Hearing no objection, Ordinance 2015-22 was adopted.

F. Ordinance 2015-23(b) An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.

The Juneau voters approved a proposition in October 2014 that read: "The Assembly may establish a board of directors for the municipally-owned and operated aquatics facilities, and appoint members to the board.

Notwithstanding the provisions of Section 3.16 of this Charter, the board shall derive its authority and power from the Assembly by ordinance." On February 23, 2015, the Assembly Human Resource Committee directed staff to develop an ordinance creating an Aquatic Empowered Board and directed the City Manager to create a committee to answer a list of questions from the committee.

The Human Resources Committee reviewed the responses and the ordinance at its March 16, 2015 meeting, and recommended forwarding it to the Assembly.

At its April 13, 2015, meeting, the Committee of the Whole approved moving the ordinance, with amendments, to the Assembly for public hearing. Version (b) of the ordinance establishes the Parks and Recreation Director as the aquatics facilities manager and imposes a three year sunset clause.

If the ordinance is approved, a resolution abolishing the Aquatics Facilities Advisory Board will be brought forward at the next regularly scheduled Assembly meeting.

The Manager has no recommendation as this is an Assembly policy decision.

Public Comment:

Jim Carroll said he would like to see the Empowered Board given a try. He regularly used the pool facilities.

Ms. Troll said the proposal before the Assembly was a hybrid with the director having two bosses and she asked him if he had an opinion on this scenario. He said he spoke with Bob Storer in the sauna about this and Mr. Carroll stressed that the Assembly should just give this a try for three years.

Teri Cramer said she was a pool user and was a member of regular water exercise groups. She voted for the ballot measure to allow the Assembly to consider an empowered board and she asked the Assembly to use its best judgment. Her main concern was to keep the downtown pool open as much as possible.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2015-23(b).

Ms. Becker said she had a few corrections. On page 5, she said that 67.10.070 was taking away some of the empowerment characteristics of the board.

MOTION, by Becker, to amend 67.10.070 to keep the deleted sections but add, "Personnel actions regarding the Parks and Recreation Department Director, including hiring, evaluation, discipline and termination, shall be after consultation with the aquatics board."

Mr. Jones objected. He said he assumed the city manager would consult with the Aquatics Board, the PRAC,and the Treadwell Advisory Board, in an review of the Parks and Recreation Director and this change seems to give undue deference to one group within the purview of the P&R director over the other groups that could be consulted. He would like to maintain the strike-out language in the ordinance before the Assembly.

Ms. Crane said she would also offer an amendment - she would keep all of the deleted language and add a sentence that the empowered board would submit a performance evaluation to the manager, so there would be two evaluations. She would vote against the primary amendment.

Ms. White said that the goal was an empowered board and not an advisory board and shouldn't the empowered boards be standardized for all empowered boards. If each board got its own special set of rules this got confusing. Ms. Mead said that was a policy call for the Assembly to make. She asked the Assembly to keep in mind that personnel actions were confidential as a matter of law. The City Manager could not discuss personnel actions with the aquatics board at all. The Parks and Recreation Director had a bigger scope of duties overall, so the piece that the Aquatics board had would need to be limited to the aquatics facilities. There was no impediment to a one way discussion, but not a two way discussion, as the board in this ordinance had no ability to hire / fire the Parks and Recreation Director.

Ms. White asked, if this ordinance was revised and placed side by side the ordinance for Eaglecrest, would they be similar. Ms. Mead said this was completely new, and the only difference was the role of the staff person / CEO / director. There was no other enterprise in which the director was an employee of the city manager. They were employees of the boards, so this was a new approach.

Ms. Becker said that when she read about Eaglecrest, the hiring / firing was the authority of the board and asked why should this be different. Ms. Mead said because this was proposed by the Assembly in committee as a hybrid and that the Parks and Recreation Director had other duties than to just the aquatics board. Ms. Mead said the boards only had the ability to hire / fire their direct report, the manager. In this ordinance, the Parks and Rec director was an employee of the city manager. There couldn't be two entities that dictated what happened to an employee.

Mayor Sanford said that the motion was therefor illegal. Ms. Mead agreed. Mayor Sanford said that this was then not an empowered board.

Mr. Jones agreed that this was different than how the other empowered boards operate, but by ordinance, the Assembly was empowering the board by establishing the powers and duties of the Board, and delegating those powers, so in his mind, it was an empowered board and got direction, like all empowered boards, from the Assembly.

Mr. Kiehl said this was an empowered board, but it was different than the other boards and that did not bother him that it was different. This board would manage and operate the pools, market the pools, set the terms of use of the pools and set the budget submitted to the Assembly. It did not have to be a board to hire / fire its own director and buy its own supplies, and the Assembly could learn from past weaknesses. He said Ms. Mead pointed out some problems with the amendment, and gave an example of a P&R director that couldn't be fired by the city manager if he burned down Mt. Jumbo without checking with the pool board.

Ms. Crane said based on Ms. Mead's comments she would drop her interest in making an amendment. There was a lot she liked and didn't like in the ordinance but saw compromise in this draft, there was a sunset clause, and the Assembly could adjust if problems arose. The ordinance met the needs of those who wanted an empowered board and addressed the concerns of those who had some problems with the issue.

Ms. Becker asked for clarification of Ms. Mead's statement about her amendment. Ms. Mead said the whole of the amendment was not legal and the hiring piece was potentially ok, it would be up to Ms. Becker to amend or withdraw.

Ms. Becker withdrew her motion.

<u>MOTION</u>, by Becker, to reinsert deleted language in 67.10.080 (4) and add "not otherwise conflicting the duties of the Parks and Recreation Director." Ms. Gladziszewski said the item "except as otherwise directed by the board" should stay and Ms. Becker agreed.

Mr. Jones said this tried to legislate common sense and the P&R director would attend meetings, and he did not think this was necessary in the ordinance.

Roll call on the amendment:
Aye: Becker, Crane, Kiehl, Nankervis, Troll, White, Sanford

Nay: Jones, Gladziszewski
Motion passed 7 ayes, 2 nays.

MOTION, by Jones, to call for the question and pass the ordinance as amended.

Mayor Sanford objected.

Ms. Troll said carrying out policy established by the aquatics board that may be in conflict with the policy of the city manager would be difficult to sort out and asked how would this happen. Would the Assembly get involved? Ms. Mead said if specific laws overruled, the manager could not over rule those areas that the board was given the authority to proceed. If the manager were to set a policy applicable city wide that the Parks and Recreation Director had to comply with, the board could not over rule that policy and direct the P&R director to violate that policy.

Mr. Jones said in page three, lines 9 & 10, like all of the departments, enterprises carried special insurance or were part of the risk pool. If the board wanted to operate with fewer lifeguards and they wanted a special insurance policy, the board could not override a risk that had been identified. The boards were still ruled by the rules of the city, and the existing boards would not allow empowered boards to make choices that were not legal to be made.

Ms. White asked if there were empowered boards that were allowed to go against what the city manager directed and Ms. Kiefer said yes. Ms. White said she understood that everyone wanted to compromise but the voters wanted an empowered board and this ordinance pulled the teeth from the empowered board.

Ms. Mead said the difference between this ordinance and other empowered boards was how the employee of the board operated and we have taken out those items that would cause conflict in direction from the board and the city manager. We need to avoid codifying potential employee liability issues.

Mayor Sanford gave the gavel to Ms. Becker. He objected to this ordinance. He was concerned about "two masters." This was NOT an empowered board. There was no compromise here. If a person believed in what an empowered board could do for the facility, this veered away from that and made a lame duck board. The lines of authority were not clear. The Assembly was putting the Director of Parks and Recreation in a terrible spot. With our current employees they could talk an issue out, but we need to focus on the position and not the person.

Roll call on main motion:
Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White
Nay: Sanford
Motion passed, 8 ayes, 1 nay.

Mayor Sanford said that a resolution would be brought before the Assembly to abolish the Aquatics Facilities Advisory Board.

G. Ordinance 2015-25 An Ordinance Authorizing a Capital Improvement by Agreement Related to the Construction and Maintenance of Improvements on Dunn Street.

This non-code ordinance would authorize the Manager to enter into a capital improvements by agreement contract with the Dunn Street property owners, pursuant to CBJ 15.10.290. Per the agreement, the Dunn Street property owners would pay a $50,000 contribution towards the overall cost of paving and related improvements to the currently unimproved, privately maintained gravel road. The agreement provides that the owners would be responsible for winter maintenance of the road. The agreement allows the owners' contribution to be financed over a period of ten years, at an annual interest rate of 3.09 percent.

The property owners of Dunn Street first approached the CBJ with a request to form a paving Local Improvement District in 2013 for their non-CBJ maintained road. The Assembly Public Works and Facilities Committee (PWFC) approved a 50% cost split for the road paving improvements in June of 2014. A portion of the total cost was appropriated in the FY 2015 CIP ($250,000). The Dunn Street property owners disputed the 50% cost split for the project.

The issue was revisited at the March 23, 2015, Public Works and Facilities Committee meeting where the following concept was agreed approved by the Public Works and Facilities Committee:

- Dunn Street property owners will contribute a total of $50,000 for the paving improvements to the Dunn Street.
- The CBJ complete the roadway improvements, including pavement, road base, curb, gutter, storm drainage, and water system.
- The CBJ agrees to maintain the asphalt pavement and underground storm drain system within the Dunn Street ROW.
- The Dunn Street property owners will continue to be responsible for snow removal and winter maintenance of the Dunn Street ROW.

CBJ 15.10.290 provides that the Assembly may authorize a contract for provision of improvements. This ordinance would authorize the Manager to enter the proposed agreement, consistent with the recommendation from PWFC, attached as Exhibit A to the ordinance. The owners have voiced their opposition to portions of the draft agreement:

- They object to the recitals in general;
- They want a deadline for the compeletion of the CBJ's work;
- They object to the provision of a lien for failure to pay owner's share of the work and winter maintenance obligations;
- They object to providing full winter maintenance, as stated in the Whereas section of the ordinance (specifically, the requirement that they sand or salt the roadway in addition to snow plowing);
- They object to the requirement that an Owners Association be created prior to the conveyance of any property;
- They request the CBJ indemnify them for use of the roadway;
- They object to the severability clause.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2015-25.

Mr. Nankervis objected. He said this ordinance was passed out of PWFC after hearing testimony from the public. This project was about a $400,000 project of which originally the property owners would pay for just under $100,000 or about 25%. This is a little different than the usual LID. This was not going to be a city street in which a normal LID would be about a 70/30 split of costs. This was a $400,000 project for basically $50,000 now, and this is a little too generous and the property owners were not happy with the contract drafted to date.

Ms. Crane asked why CBJ was proposing a contract. Ms. Mead said this was not an LID but was a capital improvement by agreement which was allowed by charter and ordinance. It was a contractual agreement between CBJ and the owners to do specific work. Ms. Crane said that it seemed there was room for negotiation and some of the items were not discussed in public works. She asked if a requirement was needed to form an owners association before property was sold. Ms. Mead said the association was to ensure the winter maintenance. Ms. Crane said she would prefer to table this rather than vote against it, in order to get discussion and compromise. She said she understood the work was considered for this season.

Ms. Mead said that this was not something that staff could negotiate without specific direction from the PWFC committee or another body of the Assembly. Mr. Watt was reluctant to specify a completion date and had a reason and Ms. Mead would not be in a position to negotiate one.

Mr. Jones said he was trying to determine the property owners objections and asked if the agreement was in the ordinance. Ms. Mead said the agreement was in attachment A.

Mayor Sanford said that "full winter maintenance" was outlined by the work of CBJ departments and that was where the definition came from.

Ms. Becker asked if the property owners had refused to sign a contract. Ms. Mead said yes, with certain provisions they disagreed.

Ms. Crane said PWFC never discussed salt or sand, they agreed to do winter maintenance. She reiterated that there was room for negotiation.

Mr. Kiehl asked if there was anything in writing from the property owners outlining their objections. Ms. Mead said there was an email to the public works department and those objections were outlined in the manager's report, but there was nothing more formal.

Mr. Watt said that since the Assembly was part of the negotiation it was tricky with staff to negotiate without understanding sidebars from the Assembly. The property owners don't like the recitals - which explained to future property owners why they needed to plow the road. Regarding a deadline for the city's work, if this agreement was signed, CBJ could not sit on it forever, so if there were room to state intentions and completion dates and we could come to terms with that, that was fair. With regard to a lien, unless they want to pay their portion with cash up front, there needed to be a lien or some other financing mechanism. With regard to full winter maintenance, the property owner was responsible. Ms. Mead cautioned the Assembly and said that the decision to the extent of the interpretation of "full winter maintenance" would set a precedent for the forth coming ordinance on subdivisions and privately maintained access roads.

Ms. Gladziszewski asked why this ordinance was before the Assembly when the property owners did not like the agreement. Mr. Watt said that staff was implementing the will of the PWFC, and if it went back to committee it would take more time. He thought the idea was to make a decision, move on, and make progress. He asked to work through the details if the agreement with the Assembly at this meeting.

Mr. Watt said the property owners would be responsible for winter maintenance and the city would do summer maintenance. As long as they were clearly responsible and had insurance against their efforts, the city should not specify the details. Regarding the owner association - there needed to be an enduring vehicle to carry out their side of the agreement and if they had a substitute plan, he would listen, but CBJ did not want a property owner in the future to say they were not aware of the situation. He said that indemnification and severability were terms attorneys liked, so he would leave those in.

Mr. Jones spoke about the situation regarding financing for condos that was brought before the Assembly and we were told that some condos had disbanded their associations and it made it very difficult to sell condos. Since, in this situation, there were seven properties, two owners and one owner owns most of them, what is the obligation of the owners to inform a third owner in the future of the agreement. Ms. Mead said it would be recorded so a title search would outline the issue. Mr. Jones asked if this would be the way to alert the future owner. Ms. Mead said the title would record the maintenance agreement.

Mr. Kiehl said water and sewer maintenance should be referenced. He said he had only seen one similar situation and people commented that the split was fairly rich at that time. He asked about the rationale for the costs. Mr. Watt said CBJ assumed that all of the water and sewer were city costs and that the water may need some repair, the sewer was good, and the curb, storm drain, sub base and asphalt were still required. CBJ assumed another $100,000 and the remaining was split 50/50. The owners said they couldn't afford that agreement, it was a $400,000 project with the owners paying $50,000, that was the proposal.

Mr. Kiehl said there was no requirement for proof of insurance in the agreement - only the words indemnification. He was not ready to approve this at this meeting.

Mr. Jones explained the costs and that was the motion that was made at PWFC. He was not sure about all of the details. He supported Ms. Crane and Mr. Kiehl and said there needed to be more negotiation with the owners before he could support it.

Ms. Becker agreed.

<u>MOTION</u>*, by Crane, to table this until there was further agreement with the parties.* Hearing no objection, it was so ordered.

H. Ordinance 2014-24(AH) An Ordinance Appropriating to the Manager the Sum of $10,935 as Partial Funding for the Juneau School District Facilities Renovation and Repair Capital Improvement Project (CIP S02-101), Funding Provided by 2009 and 2012 General Obligation Bond Interest Income.

This ordinance would authorize the appropriation of $10,724.17 in interest income from the DZ Covered Play Area CIP (S02-091) and $210.56 in interest income from the Adair-Kennedy Synthetic Turf Replacement CIP (S02-097) to the Juneau School District Facilities Renovation and Repair CIP (S02-101). This action would appropriate all remaining interest funds from the two CIPs, a total amount of $10,934.73.

Funds provided by the following:

1) Unbudgeted 2009 GO CIP Bond Interest Income of $10,724.17
2) Unbudgeted 2012 Series III GO Bond Interest Income of $210.56

The Public Works and Facilities Committee approved these appropriations at its February 9, 2015 meeting. The Juneau School Board approved these appropriations at its February 10, 2015 meeting.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2014-24(AH). Hearing no objection, it was so ordered.

I. Ordinance 2014-24(AI) An Ordinance Appropriating to the Manager the Sum of $23,400 as Partial Funding for the Auke Lake LID Sewer Project (U76-006), Loan Funding Provided by the State of Alaska Department of Environmental Conservation (ADEC), Alaska Clean Water Fund (ACWF).

The ADEC loan funding would provide low interest financing (1.5% for ten years) for the property owners' repayment of the LID assessments.

Resolution 2412 authorized the City Manager to apply for and enter into the agreement for this loan.

The Public Works and Facilities Committee reviewed and approved this action at its March 23, 2015, meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2014-24(AI). Hearing no objection, it was so ordered.

J. Ordinance 2014-24(AJ) An Ordinance Appropriating to the Manager the Sum of $4,000,000 as Partial Funding for the Salmon Creek Secondary Disinfection (Filtration) Project (W75-044), Loan Funding Provided by the State of Alaska Department of Environmental Conservation (ADEC), Alaska Drinking Water Fund (ADWF).

The Salmon Creek Secondary Disinfection Project involves the assessment of levels of disinfection required, facility permitting, and the design and construction of a secondary disinfection process at the Salmon Creek Water Treatment Facility. This project is necessary to comply with the newly mandated U.S. Environmental Protection Agency Surface Water Treatment Rule requirement to provide secondary disinfection of surface water sources, which became effective in 2013 (CBJ applied for and received an extension from ADEC to have an approved secondary disinfection system in place by no later than October 1, 2015). This loan increase would enable the CBJ to bid the project within the next month and complete the project by the October deadline.

Resolutions 2679 and 2705 have authorized the Manager to apply for and enter into agreements for these loan monies.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are 20-year repayment at a 1.5% interest rate. The project loans will be re-paid with Water Utility customer revenues.

In the event that CBJ receives the grant funding from DEC as is listed in the Governor's FY16 budget, and depending on contractor bidding prices, some or all of this loan would not be used and the funds would be de-appropriated from the project budget.

The Public Works and Facilities Committee reviewed and approved this action at its March 23, 2015 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2014-24(AJ). Hearing no objection, it was so ordered.

K. Ordinance 2014-24(AK) An Ordinance Appropriating to the Manager the Sum of $5,000 as Partial Funding for the Contractual Services of a Licensed Architectural Firm for the Auke Bay Area Plan, Funding Provided by Donations.

A group of private Auke Bay stakeholders have expressed a desire to contribute to the Auke Bay Area Plan implementation effort through monetary donations. The Community Development Department would make up the difference with budgeted funds in the amount of $22,000, for a total project cost of $27,000.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2014-24(AK).

Mr. Jones understood where the $5,000 was coming from but asked where the $22,000 was coming from and asked about a memo in the packet information and the usefulness of what the end product would be.

Mr. Hart said the CDD had unspent funds in FY16 and could invest those in the community of Auke Bay. The zoning needed to be unified in the area and the community went through a planning process and this effort would look at the regulations. How the regulations were applied would determine the heights allowed in the area and would impact views. Having a 3-D model for the area will help show the public what changes would look like. This would be a modern explanation of future zone changes. Mr. Jones asked if the product would be static or if it could be manipulated and if it was software. Mr. Hart said it would be dynamic in construction of the model, taking all existing buildings and those people would like to build in the future into the model. LIDAR imagry would be used as a base map, and they could add another components to show people how proposals will impact views.

Mayor Sanford asked when the information would come to the PC and the Assembly to change the zoning - it seemed the decision makers were being left out until an end product was designed. Mr. Hart said there would be a number of products from this process, including what the zones would be, would the zones be unified, implementing the plan, and staff proposed zone changes would be one product. Another would be the overlay of heights of buildings. There was a proposal for housing in the area and there was a concern about viewsheds.

Ms. Gladziszewski asked if this was a purchase of software or of an architectural service. Mr. Hart said the service would help accomplish the modeling and staff would work hand in hand with an architect to learn the modeling techniques.

Mr. Nankervis said he had gotten hundreds of emails about funding the school to the cap, but following on the heals of that he heard CBJ had $22,000 of unspent funds. I understand what you are trying to do, but that is the battle we have to fight. If you spend money just because you have it, help me explain to the public.

Mr. Hart said that through 3- 4 developments alone you can tax that investment and receive tax income. We are in this development process for the long term. If you create a mixed use area there, you create jobs in an area where we need jobs, you have new investments, and this effort would encourage this to happen faster. Mr. Nankervis said the first argument for the project should have been that there was a potential return on investment.

Ms. White said she could not figure out what this money would buy. She would rather see this money spent on making permits move faster at the counter. Mr. Hart said that many people are vision focused and could learn faster by seeing this type of modeling.

Mayor Sanford asked if Juneau could get this type of investment without taking this action? Mr. Hart said this helped communicate points to people who had not thought of Auke Bay area as an investment opportunity. In this process you could tell a lot of stories through a vision that you could not do sitting at a microphone. He could show instantly that each entry point into Auke Bay would have a gateway. It would show an investor the desired end result. It could tell an economic development story - that of spending a day at Auke Bay.

Ms. Troll asked if it was common to have a group of stakeholders invest in a community plan. Ms. Kiefer said CBJ had not done an area plan in a long time and it showed the private citizens were supportive of this effort. Mr. Hart said that some investors were in attendance and they saw the value.

Hearing no objection, Ordinance 2014-24(AK) was adopted.

L. Ordinance 2014-24(AL) An Ordinance Appropriating to the Manager the sum of $17,186 as Partial Funding for Phase I of the Historic Preservation Plan Update, Grant Funding Provided by the State of Alaska, Department of Natural Resources.

   Phase I of the update to the Historic Preservation Plan would include hiring a consultant for public education regarding historic preservation and outreach, scoping meetings and public meetings, and to solicit input regarding historic preservation. The consultant would also evaluate the existing plan and provide a report with findings.

   The work performed under this project would be a combined effort of a historic preservation consultant, the CBJ Historic Resources Advisory Committee, Juneau-Douglas City Museum, Community Development Department, and the Project Manager. Total project costs are estimated to be $28,644.00 In accordance with using Certified Local Government Funds the CBJ is required to provide a 40% match, which would be fulfilled through staff wages from the varied CBJ Departments' operating budget. Total project costs include an 8.5% State administrative surcharge.

   The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2014-24(AL).

Mr. Jones said he participated in a public meeting with the Downtown Improvement Group and DOWL and asked if the engineering project was connected to this and if all of the organized groups were involved with this.

Mr. Hart agreed there were connections, he has worked with DIG each week to bring them up to speed, and the time frame for this project was a little later in the year. We need to get that same community to turn out for historic district, as well as the larger community.

Mr. Jones asked about the scope of work. Mr. Steedle said the scope of this work in the ordinance was borough wide, and Phase I hired a community outreach consultant to learn what the community wanted in preserving historic structures of the area. If there was a Phase II, this would be writing the plan. In 1997, work was completed on this plan but it was still in draft status.

Ms. Crane said she thought the work of the Historic Resources Advisory Committee was confined to the downtown area. Did this increase their area of oversight? Mr. Steedle said that could be an outcome - the historic district could grow, shrink, or a new historic district could be established in other areas of the community, such as Auke Bay.

Hearing no objection, Ordinance 2014-24(AL) was adopted.

M. Ordinance 2014-24(AN) An Ordinance Appropriating to the Manager the Sum Of $1,018,329 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project (CIP A50-079), Funding Provided by The Federal Aviation Administration and The State of Alaska Department of Transportation.

This ordinance would appropriate $1,018,328.97 for the Runway Rehabilitation capital project (CIP A50-079). Funding is provided as follows:

Federal Aviation Administration grant:	$ 985,479.65
Alaska Department of Transportation match:	$ 32,849.32

This airport capital project will resurface the runway, and install new drainage.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport. Airport matching funds, Transfer Request T-969, were approved by the Assembly at its April 7, 2015 meeting.

The Airport Board approved this action at its March 11, 2015 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2014-24(AN).

Mr. Kiehl asked if this ordinance brought the project to full funding. Ms.DeLaBruere said no, this added to the $20 million and there would be additional funds from FAA forthcoming as they closed out some grants. This did get the project to construction.

Hearing no objection, Ordinance 2014-24(AN) was adopted.

N. Resolution 2713(b) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2016 Through 2021, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2016.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2016 through 2021, as required by Charter Section 9.4, and lists the capital projects that will be undertaken in FY16.

The Public Works and Facilities Committee (PWFC) reviewed the CIP at its meeting on February 9, 2015, and forwarded the plan to the Assembly.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to refer Resolution 2713(b) to the Finance Committee. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Liquor License Ownership Transfer - Goldbelt Aerial Tramway to Goldbelt Incorporated

The below liquor license transfer was originally on the April 6, 2015 Assembly agenda with an initial recommendation from the Finance Department to protest the license transfer due to unpaid liquor taxes by the entity operating the license on behalf of Goldbelt, Inc. during the Summer 2014 season. The delinquent taxes were paid by Goldbelt, Inc. to the satisfaction of the Sales Tax office and they withdrew the recommendation to protest the license. During the review of the license, it came to light that there may have been a Title 4 violation per AS04.11.450 due to the leasing of the restaurant and liquor license to another entity.

Beverage Dispensary-Seasonal License #3720
Stock Transfer From: Goldbelt Aerial Tramway, LLC d/b/a Timberline Bar & Grill
TO: Goldbelt Incorporated, Location: 490 S. Franklin Street - 1800 Foot Level, Juneau

In the event the Assembly does protest the transfer of the above mentioned liquor license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. The letter found in your packet meets that requirement and this would be the time for the licensee to address their issues to the Assembly.

The Assembly Human Resources Committee considered the additional question as to the Title 4 violation that was raised at the April 6 Assembly meeting and will forward its recommendation to the Assembly.

The Manager recommends the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

Mr. Jones said the HRC met prior to the Assembly meeting and reviewed both licenses. There were issues about leasing this business and HRC reviewed all of the material, spoke with Goldbelt representatives and the committee voted to waive the right to protest the transfer.

MOTION, by Jones, to waive the right to protest the transfer of ownership of the liquor license from Goldbelt Aerial Tramway to Goldbelt Incorporated. Hearing no objection, it was so ordered.

B. CBJ Protest - License #4192, Seong's Sushi Bar and Chinese Takeout

On February 12, 2015, the Alcoholic Beverage Control Board upheld a protest lodged by the CBJ against continued operations of Seong's liquor license #4192 due to unpaid sales tax debt. On April 16, 2015, CBJ was paid in full in certified funds for Seong's balance due. The CBJ Sales Tax office is removing its protest of Seong's liquor license. Pending no further protests, the Assembly may consider removal of the protest at this time.

The Alcoholic Beverage Control Board meets on April 29 and will review the suspension of license #4192.

The Manager recommends the Assembly consider the recommendations from the Assembly Human Resources Committee on April 27, 2015, and take any appropriate action.

Mr. Jones said the HRC reviewed this license situation at its meeting and the ABC Board did suspend the license due to unpaid sales tax. The tax was recently paid in full and the ABC Board would meet on Wednesday, April 29 to review pending licenses.

MOTION, to withdraw the protest of License #4192, Seong's Sushi Bar and Chinese Takeout, as the taxes owing were paid in full. Hearing no objection, it was so ordered.

IX. NEW BUSINESS

None.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

None.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW met on April 13, authorized a letter to be sent to the legislature regarding marijuana regulations and asking to be granted local authority. The COW also heard about mitigation for avalanche and flooding, and discussed the Aquatic Board. The next meeting was set for Monday, May 4.

Finance Committee: Chair Crane said the next meeting was Wednesday, April 29, at 4:30 p.m. and that packet was distributed.

Human Resources Committee: Chair Jones said board met, had brief discussion on the Social Services Advisory Board, and was waiting for comments from the Juneau Community Foundation before further discussion. There were four seats on the Juneau Commission on Aging up for appointment and many projects in the Juneau Economic Development Plan for the JCOA, so he asked people to consider applying. He noted that June 10 and June 15 were scheduled as full Assembly sitting as the HRC for interviews for a number of empowered board positions.

Lands and Resources Committee: Chair Kiehl said the next meeting was set for May 4.

Public Works and Facilities Committee: Chair Nankervis said the PWFC met on April 13 and reviewed a number of projects. The next meeting was set for Monday, May 4.

Marijuana Committee: Chair Kiehl said the next meeting was set for May 7. The Legislature passed a bill creating a Marijuana Control Board but it did not pass any other marijuana related legislation.

C. Liaison Reports

Bartlett Regional Hospital Board: Liaison Crane said the next meeting was set for Tuesday, April 28. There may be an amendment to the BRH budget forthcoming.

Docks and Harbors Board: Liaison Nankervis said the next meeting was set for Thursday, April 30.

Downtown Business Association: Liaison Jones said the DBA has discussed the JEDP and is trying to recruit new board members.

Downtown Improvement Group: Ms. Becker said at a recent meeting the group discussed the interest in enforcement of the city's sign ordinance, and an increase in the fine for non-compliant signs. DIG performed another clean-up of the downtown area.

Eaglecrest Board: Liaison Nankervis said the next meeting was set for Thursday, May 7.

Affordable Housing Commission: Liaison Troll said at the last meeting the AHC discussed the Housing Action Plan, set to be complete in June, and the strategy was to get a good sense of the housing mix needed for the community. The AHC was disappointed by the action of the Assembly on the accessory apartment program but would continue to work on this and they were working on a mobile home down payment assistance loan program.

Alaska Committee: Liaison Becker said the committee met and discussed daylight savings time, downtown parking, and the circulator bus. The visitor satisfaction survey and statewide polling was finishing up.

Chamber of Commerce: Liaison Becker said John Binkley from the Alaska Cruise Industry was a speaker and there were a number of concerns about Juneau expressed.

Juneau Commission on Sustainability: Liaison Troll said at the last meeting the JCOS was focused on working with consultants and moving ahead on the energy plan.

Juneau Convention and Visitors Bureau: Liaison White said everyone was gearing up for a very busy tourism season.

Juneau Economic Development Council: Liaison Jones said the next meeting was set for May 6 and JEDC was discussing the JEDP. There was information presented on the STEM program. The Maritime Festival would be held May 9 and it was also Juneau Appreciation Day at the Goldbelt Tram.

Local Emergency Planning Committee: Liaison Gladziszewski said that the next meeting was set for Wednesday, May 13.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC held a retreat recently with several new members and the group was invigorated by their work and would next meet on Tuesday, May 5.

Planning Commission: Liaison Jones said the next meeting was April 28. The last meeting was lengthy and covered several rezone requests and because of some zoning issues they denied all of the proposals for rezoning.

School Board: Liaison Kiehl said the Assembly received a letter from the School Board requesting a special election on school bonds to renovate Marie Drake. The Alaska Department of Education today sent out an email that foreclosed any possibility of hitting the 90-day window and qualifying for the last round of school bond debt reimbursement from the State of Alaska. He said the School Board would likely bring forward a more developed plan for Marie Drake for consideration by the Assembly. Ms. Mead said she spent significant time on the question of the school bonding and a special election approval and the action by the DOE precluded further action on this matter.

Southeast Conference: Liaison Becker said SEC has met and discussed farmed fishing, transportation, timber, and sent a resolution to the Legislature in support of public radio and one supporting the medicaid bill.

D. Presiding Officer Reports

Tall Timbers v Planning Commission re Haven House Appeal: Presiding Officer Nankervis said the decision was still being drafted and would be before the Assembly for review soon.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Troll reported about her work with the Tongass Advisory Committee and said she would be out of town for a week starting on April 29 to attend the final meetings, at which the group would make its final recommendations.

Mayor Sanford set a special Assembly meeting for Tuesday, May 19, to conduct the City Manager evaluation, at 5 pm in City Hall Conference Room 224.

Ms. Becker said the Empty Bowls event was very well attended and was a successful fundraiser for the Glory Hole Shelter.

Ms. White said she and Kate Troll met with a few people in the public about ideas for daycare. She would like an update from staff on electronic payments and Mr. Steedle said no progress had been made on that issue.

Ms. Crane said that several Assemblymembers were interested in seeing progress made on the electronic payment issue.

Mr. Kiehl said he attended a Pioneers of Alaska meeting and received good feedback about many issues, including the senior sales tax exemptions. He said the Legislature would convene in special session on April 28 and encouraged Juneau citizens to assist legislative members while they were still here in town.

Mr. Nankervis asked about the efficacy of having the appropriating ordinance regarding Dunn Street improvements on the next agenda if there was no agreement between the parties. Mayor Sanford said the Assembly would have more information by the next meeting and could proceed from there.

Mr. Jones said he had followed the subdivision ordinance changes under review and said it was a complex issue. He said he was surprised to find that CBJ owned the SAGA building near Amalga Harbor and he was going to make a trip out there. He was taking tours of CBJ facilities and recently got to see the Juneau Douglas Treatment Plant. He was impressed with the work of the city employees at the facilities he had seen.

Ms. Mead said the subdivision ordinance would be before the Assembly at the next Committee of the Whole meeting on May 4.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Sica reminded the public about the Litter Free, Inc. community clean-up day on May 9.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:40 p.m.

Signed:__________________________ Laurie Sica, Municipal Clerk

Signed:______________________________ Merrill Sanford, Mayor