

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - September 8, 2014

MEETING NO. 2014-24: 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, Loren Jones (teleconference), Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, Kate Troll and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Robert Barr, Library Director.

II. SPECIAL ORDER OF BUSINESS

III. APPROVAL OF MINUTES

A. August 11, 2014 Regular Assembly Meeting 2014-22 Minutes

Hearing no objection, the minutes of the August 11, 2014 Regular Assembly Meeting 2014-22 were approved as corrected.

B. August 25, 2014 Regular Assembly Meeting 2014-23 Minutes

Hearing no objection, the minutes of the August 25, 2014 Regular Assembly Meeting 2014-23 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

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 - 2013-11(BF) An Ordinance Appropriating to the Manager the Sum of \$4,881,535 to Fund the City and Borough of Juneau's Fiscal Year 2014 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$4,881,535, which is the State's FY14 13.68% on-behalf PERS benefit paid for CBJ. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB65 during the 2013 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

- b. Ordinance 2014-24(I) An Ordinance Appropriating to the Manager the Sum of \$2,792 as Funding for Travel, Training, and Technology for the Juneau Public Library; Grant Funding Provided by the Alaska State Library.

This ordinance would appropriate an additional \$2,792 in grant funds from the Alaska State Library for employee travel, training, and technology funding.

The current Public Library Assistance grant operating budget for FY15 is \$17,158, this ordinance will increase the grant budget to \$19,950.

There is no CBJ match requirement for this grant.

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

- c. Ordinance 2014-24(J) An Ordinance Appropriating to the Manager the Sum of \$3,228 as Funding for the Reimbursement of Bullet Proof Vests for JPD Officers, Funding Provided by the U.S. Department of Justice.

This ordinance would appropriate \$3,228 as partial reimbursement for Bullet Proof Vests for JPD Officers.

This funding is provided by the U.S. Department of Justice. The Department of Justice offers a Bulletproof Vest Partnership program to law enforcement agencies across the nation. JPD has a mandatory vest wear-policy which makes our agency eligible for this partial reimbursement. JPD's estimated total cost for FY15 is \$6,744.

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

- d. Ordinance 2014-24(K) An Ordinance Appropriating to the Manager the Sum of \$67,812 as Funding for the Purchase of Used Equipment to Facilitate the Wheelchair Boarding of Passengers at the Juneau International Airport, Grant Funding Provided by Federal Aviation Administration and Match by Alaska Department of Transportation.

This ordinance would appropriate \$67,812 to the Terminal Expansion Capital

Project. Funding is provided as follows:

Federal Aviation Administration grant:	\$65,625
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Alaska Department of Transportation match:	\$ 2,187
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These funds will be used to purchase used equipment to facilitate the wheelchair boarding of passengers from the two gates that have no boarding bridge to the terminal.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport. Existing local funds in the project will be used for the Airport match.

The Airport Board reviewed this request at its August 13, 2014 meeting, and recommended forwarding to the full Assembly for approval.

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

- e. Ordinance 2014-40 An Ordinance Amending the Public Ways and Property Code Relating to Right-of-Way Encroachment Permits.

This ordinance would amend CBJ 62.55 with respect to right-of-way encroachment permits. The proposed amendments would expand the availability of such permits, especially when the street vacation requirements (CBJ 49.15.450) cannot be satisfied.

The current purpose of CBJ 62.55 is to make a parcel that had an encroachment into the right-of-way prior to 1960 a marketable parcel, thus enabling prospective buyers the opportunity to obtain a traditional 30-year loan.

The proposed amendments would expand the availability of an encroachment permit in two ways. First, it makes the permits available to parcels that encroached into the right-of-way prior to 1990, instead of 1960. Second, it removes the 30 year permit duration. Once obtained, an encroachment permit would be perpetual unless the structure is substantially damaged.

The Public Works and Facilities Committee reviewed this ordinance on August 18, 2014 and recommended forwarding it to the Assembly for approval.

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

- f. Ordinance 2014-43 An Ordinance Amending the Penal Code Relating to Offenses Against Property.

This ordinance would make the CBJ penal code with respect to certain property crimes consistent with State law. The ordinance would make the CBJ code sections directed at larceny and related offenses (specifically: larceny of money or property; concealment of merchandise; issuing a bad check; theft of services; and criminal mischief) consistent with newly enacted State law (SB 64). Additionally, this ordinance makes certain housekeeping changes to correct inconsistencies both

internally in the code, as well as with State law.

This ordinance would:

1. Amend the threshold levels for larceny and related crimes and impose a cap for A misdemeanors in order to be consistent with State law. The threshold level for an A misdemeanor would be more than \$250 but less than \$750, and for a B misdemeanor, would be less than \$250.
2. Provide that if the value of the item or service stolen or concealed is less than \$250, but the person being charged has been convicted and sentenced with two or more convictions for larceny or a related offense in the preceding five years, the offense would be charged as an A misdemeanor.
3. Amends CBJ 42.15.025 to be an A misdemeanor rather than a B, in order to be consistent with State law.
4. Amends certain code sections to remove the distinction between A and B misdemeanor charges based on dollar amount thresholds. The purpose of this amendment is to make these code sections (retention of lost property and theft by deception) consistent with State law.

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

2. Resolutions

- a. Resolution 2695 A Resolution Providing For Interest Rates For The General Obligation Bond Being Issued Through The Alaska Municipal Bond Bank.

This resolution sets the maximum amount for interest rates for the sale of approximately \$13.05 million (principal maturities plus premium) in general obligation (GO) bonds. This bond sale is a portion of the \$25 million authorized by the voters in October 2012 and by Ordinance 2012-44 in December 2012. The proceeds will be used to fund portions of 4 capital projects. The sale consists of 20-year bonds. This resolution delegate's authority to the City Manager or designee to adopt interest rates at or below amounts listed in Schedule A of the resolution. The bonds are scheduled to be sold in the financial markets Wednesday September 24, 2014. These bonds are being sold through the Alaska Municipal Bond Bank Authority.

The estimated total debt service, including interest at an average rate of 3.77%, for these bonds is \$17.4 million. The first 5 years of debt service funding for these bonds will be funding from the 1% sales tax extension authorized by the voters and the remaining 15 years will be included in the debt service component of the property tax mill rate.

The Finance Committee reviewed the resolution at its August 20, 2014 meeting, and recommending forwarding to the full assembly for approval.

Subsequent to that meeting the resolution was revised to lower the overall interest rate by .18% and the rates in Schedule A were adjusted accordingly.

The Manager recommends this resolution be adopted.

3. Liquor License

- a. Liquor License Transfer of Beverage Dispensary -Tourism License #586 From: Yang Sing, LLC d/b/a Zen To: Coho's Bar & Grill, LLC d/b/a Coho's Bar & Grill and Application for a Restaurant Designation Permit

The following liquor license application is before the Assembly to either protest or waive its right to protest this ownership transfer. They have also submitted an application for a Restaurant Designation Permit which is subject to approval by the Assembly.

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 below business and found it 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.

Beverage Dispensary - Tourism License #586
Transfer FROM: Yang Sing, LLC d/b/a Zen,
Transfer TO: Coho's Bar & Grill, LLC d/b/a Coho's Bar & Grill
Location: 51 Egan Drive, Juneau (Goldbelt Hotel)

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

VII. PUBLIC HEARING

- A. Ordinance 2014-24(D) An Ordinance Appropriating to the Manager the Sum of \$495,000 as Additional Funding for the Mendenhall Valley Public Library Capital Improvement Project; Grant Funding Provided by the Rasmuson Foundation.

This ordinance would appropriate an additional \$495,000 for the furniture, fixtures, and equipment for the Mendenhall Valley Public Library, currently under construction.

Grant funding is provided by the Rasmuson Foundation. There is no CBJ match requirement for this grant.

At its April 7, 2014 meeting the Assembly approved Resolution 2684, authorizing the application for this grant.

The Public Works and Facilities Committee reviewed this ordinance at its August 18, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this be adopted.

Public Comment:

Assembly Action:

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

- B. Ordinance 2014-24(H) An Ordinance Appropriating to the Manager the Sum of \$1,574,466 as Funding for the Evaluation and Construction of Joint City, State, and Federal Parking Improvements in the Willoughby District, Grant Funding Provided by Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate \$1,574,465.52 of an Alaska Department of Commerce, Community and Economic Development legislative grant to the new Willoughby District Parking Capital Improvement Project (CIP). CBJ received this grant to evaluate, and partially fund CBJ, State of Alaska, and Federal employee parking improvements in the Willoughby District.

The Public Works and Facilities Committee reviewed this ordinance at its August 18, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

Assembly Action:

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

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. STAFF REPORTS

Ms. Mead said she sent the Assembly an email updating the members on a number of attorney/client privileged issues.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford noted a handout provided by Deputy Clerk Beth McEwen with an update of Assemblymember committee and liaison assignments, along with a blank worksheet for the Assemblymembers to provide him with their interests for service during the next term.

B. Committee Reports

Committee of the Whole: Chair Becker said the next meeting was set for Monday, September 22 and topics would include and update on the Economic Development Plan, Ordinance 2014-14 regarding Rezoning Procedures and Ordinance 2014-32 regarding Wireless Communication Facilities.

Finance Committee: Chair Crane said the meeting on Wednesday, Sept. 10 was cancelled and the next meeting was set for Wednesday, October 22.

Human Resources Committee: Chair Kiehl said the neext meeting was set for Monday, September 29.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was set for Monday, September 22.

Lands and Resources Committee: Chair Smith said the next meeting was set for Monday, October 6.

Treadwell Ice Arena Task Force: Chair Jones said the first meeting took place September 5 and the next meeting was set for October 2. The plans were to meet every Thursday in October.

Tax Exemption Review Committee: Chair Becker said the next meeting was set for September 11 and public meetings would be held October 23 and 30.

NOAA Task Force: Chair Wanamaker reported that Co-Chair Greg Fisk was finalizing a report to the Assembly.

C. Liaison Reports

Juneau Convention and Visitors Bureau: Liaison Smith said JCVB and the Tourism Best Management Practices joined to host a end of the season "Lumberjack Night" at Eaglecrest for seasonal tourism workers.

Tongass Advisory Committee: Ms. Troll said she was not an official member but was an alternate to the committee, which was meeting Sept 10 - 12 in Juneau, and substantive discussions would take place on the second growth timber industry.

Planning Commission: Liaison Nankervis said the next meeting was set for September 9.

Airport Board: Liaison Nankervis said the next meeting was set for September 10 and the agenda included discussion on plans for replacement of the north west terminal design by Jensen/Yorba/Lott. A table top exercise to review the Emergency Operations Plan was scheduled for September 26. The FAA would be visiting Juneau in September and would discuss plans for the heavy equipment shelter to be constructed on airport property.

Docks and Harbors Board: Liaison Jones said that two additional members were appointed to the 1% for art panel for waterfront projects. The plans for Douglas Harbor would be discussed at an operations committee meeting on September 18. The next bid opening for Statter Harbor improvements would be held October 5. The issue of land and tidelands leases at the Thane Ore House was under review by the Law Department.

UAS Campus Council: Liaison Becker said 95 freshmen moved in to the new dorm which could house 120 students. 150 students attended campus orientation, which included good outreach from many community groups. The Board of Regents would meet in Juneau September 18 and 19.

Body and Mind Afterschool Program (BAM): Liaison Becker said BAM was seeking community sponsors and also a part time activities coordinator.

Southeast Conference: Liaison Becker said the annual conference would be held in Wrangell during the week of September 15 - 19.

Chamber of Commerce: Liaison Becker said the Chamber would conduct a candidate forum for

Assemblymembers on September 18.

Juneau Economic Development Council: Liaison Wanamaker said the council was busy reviewing the economic indicators in the economic development study.

Parks and Recreations Advisory Committee: Liaison Wanamaker said PRAC was interested in any Assembly response to its recommendation to the Assembly regarding Off Highway Vehicle use in Juneau.

School Board: Liaison Kiehl said the next meeting was set for September 9.

Bartlett Regional Hospital: Liaison Crane said the Board met on August 28 and planned for an upcoming retreat, heard a report from the new C.E.O., discussed the Medi-Tech conversion, and reviewed the successful training program that had reduced falls at the hospital.

D. Presiding Officer Reports

Zenk v. Planning Commission: Presiding Officer Jones said that the Law Department would be distributing a draft decision for review in the near future.

Bicknell v Planning Commission: Municipal Attorney Amy Mead said that the appeal continued to move forward in the direction given by the Assembly in executive session.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Several Assemblymembers spoke about their attendance and participation in meetings and events held by the Downtown Improvement Group (DIG).

Ms. Becker said the group discussed the sack lunch program offered by the Glory Hole and was planning another cleanup day. Ms. Becker said merchants were concerned with panhandling and asked the Law Department to distribute the ordinances regarding panhandling to the Assemblymembers.

Mr. Kiehl said the group requested an opportunity to meet with CBJ staff to review loading zones and was interested in converting some to additional on-street parking. DIG is interested in the Willoughby parking structure. DIG is looking into a temporary ice skating facility in the downtown area. DIG is interested in enforcement of the litter code.

Ms. Troll asked if DIG had a timeframe for making recommendations to the Assembly. Mayor Sanford said that the group was still meeting with several groups within the community and that was not the plan at this time.

Mr. Nankervis suggested that a solution to the litter would be to have the street sweeper make rounds of downtown beginning at 4 am when the cars were off the street. Mr. Steedle said that was presently occurring and the Assembly asked for a report on that activity. Mr. Nankervis said he would like to investigate ways to address graffiti and hearing no objection from the Assembly, he would work with the Law Department on some ideas.

Mr. Smith said he suggested to DIG that it look into the Downtown Partnership in Anchorage, which was formed as a coalition group and became a 501c3 to collect resources to address the problems. He said the issue was not assigning blame for problems but finding resources to address problems, which were not solely municipal issues, but required industry support.

Mr. Nankervis reminded people of the 9/11 memorial services to be held on September 11 at 9:40 a.m. in Rotary Park.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 7:40 p.m.

Signed:_____

Laurie Sica, Municipal Clerk

Signed:_____

Merrill Sanford, Mayor