I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Aurora Strings Presentation
B. Employee Recognition
   Eileen Coté, Capital Transit
   Penny Kohler, Community Development Department
   Peter Freer, Community Development Department

IV. APPROVAL OF MINUTES

A. August 20, 2007 – Regular Assembly Meeting 2007-23
B. September 4, 2007 – Special Assembly Meeting 2007-24

V. MANAGER’S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.
(Not to exceed a total of 20 minutes nor more than 5 minutes for any individual).

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

   1. Ordinances for Introduction

      a. Ordinance 2007-60
         An Ordinance Creating Local Improvement District No. 95 Consisting Of A Sanitary Sewer System Along Portions Of North Douglas Highway.

         This ordinance would create Local Improvement District (LID) No. 95 for the purpose of providing sewer services along the North Douglas Highway, as shown
on the enclosed map. The proposed assessment to be borne by the property owners is $1,500,000.

An informal poll was conducted of the property owners in this LID area. Out of 106 sent out, 47 responses were received - 24 in favor, 22 opposed, and 1 undecided.

A public hearing is scheduled for October 29, 2007; notices will be published in the newspaper and have been sent to the residents in the LID area so they will be aware that they would have this opportunity to make their views known to the Assembly.

At the public hearing, the Assembly may hear objections from any owner affected by the formation of the district and may make changes in the proposed boundaries or in the plans for the proposed improvements.

I recommend this ordinance be introduced and set for public hearing at the October 29, 2007 regular Assembly meeting.

b. Ordinance 2007-61

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

The Planning Commission approved the development of Phase I of a mobile home park adjacent to the existing Lemon Manor Mobile Home Park, on June 13, 2006. At the time of approval, 26 lots were within a D-15 Residential zone, while four lots in the 30-unit Phase I project were within a Rural Reserve (RR) zone. The Planning Commission placed a condition on the mobile home park approval providing that the four lots within the RR zone could not be occupied until the RR property was rezoned to D-15.

The Planning Commission, at its September 11, 2007 meeting, recommended Assembly approval of this rezone. Adoption of this ordinance would represent the final approval necessary for completion and occupation of the park. The park will result in 30 units of affordable housing becoming available in the community. A map and metes and bounds description of the area proposed for rezoning are included in the packet.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2007-21(K)

**An Ordinance Appropriating To The Manager The Sum Of $150,000 As Funding For The Dzantik’i Heeni Covered Multi-Use Play Area Capital Improvement Project, Funding Provided By The Sales Tax Budget Reserve.**

This ordinance would appropriate $150,000 from the Sales Tax Budget Reserve to the Dzantik’i Heeni Middle School Covered Multi-Use Play Area Capital Improvement Project (CIP). These monies will be used for site planning and
contracting with a design consultant to update the existing covered play area design to current codes.

It is our intent to qualify this project for State reimbursement under the State’s School Bond Debt Reimbursement Program. To meet the State’s reimbursement requirements, it will be necessary to fund this project with general obligation (GO) school bonds. To issue bonds it will be necessary to place, at some point in the future, a project GO bonding question before the voters. It is our intent that once the bonds are approved, the Sales Tax Budget Reserve would be reimbursed from the bond proceeds.

I recommend this ordinance be introduced and referred to the School Board for consideration.

d. Ordinance 2007-21(L)  
**An Ordinance Appropriating To The Manager The Sum Of $1,720,200 As Funding For The Replacement Of Buses And Vans For Capital Transit And Care-A-Van, Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities.**

This ordinance would appropriate a $1,720,200 grant for the replacement of buses and vans for Capital Transit and Care-A-Van. The projects were included in the Statewide Transportation Improvement Program and funds were appropriated by the 2006 Alaska State Legislature. The funds will replace five 1992 buses with modern, low-floor, ADA-accessible buses similar to those purchased in recent years. It will complete this fleet replacement cycle; the fleet will be all new since 2001. The funds for vans will meet current year replacement needs and those for 2009. A local match of 10% is required. These local funds have been set aside in the Vehicle Replacement Fund.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2007-21(M)  
**An Ordinance Appropriating To The Manager The Sum Of $275,000 As Partial Funding For The Direct Construction Costs Of A Covered Play Area For The Zach Gordon Youth Center, Funding Provided By The Rasmuson Foundation.**

This ordinance would appropriate a $275,000 grant from the Rasmuson Foundation to partially fund construction of a covered outdoor play area for the Zach Gordon Youth Center.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2007-21(N)  
**An Ordinance Appropriating To The Manager The Sum Of $250,000 As Funding For An Environmental Assessment Of Statter Harbor Loading**
Facility Capital Improvement Project, Funding Provided By The State Of Alaska Department Of Fish And Game.

This ordinance would appropriate a $250,000 grant from the Alaska Department of Fish and Game to the Statter Harbor Loading Facility Project. This project includes the improvements set forth in the Statter Harbor Master Plan that was adopted by the Docks and Harbors Board in 2005. The Master Plan calls for a new two-lane recreational boat launch ramp, a passenger-for-hire boarding float, expanded parking facilities, additional boat moorage, and a new marine service yard.

The grant will be used to obtain permits for the project. CBJ will match the grant with $250,000 of marine passenger fees already appropriated into the project. At its August 30, 2007 meeting, the Docks and Harbors Board requested the Assembly appropriate the grant.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

g. Ordinance 2007-21(P)
   An Ordinance Appropriating To The Manager The Sum Of $360,078 As Funding For Homeless Shelter Upgrades, Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

The City and Borough of Juneau was recently awarded a Community Development Block Grant in the amount of $360,078 to provide safety and livability upgrades at Gastineau Human Services, the AWARE Shelter, St. Vincent de Paul, and the Glory Hole. These organizations provide homeless shelter services. The Assembly previously approved receipt of these funds in Resolution 2374, adopted on October 9, 2006. The resolution referenced funding in the amount of $275,000; however, the amount has increased upon a clearer determination of needs identified in the scope of work. Match for the grant is being provided by the benefiting non-profit organizations.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

h. Ordinance 2007-21(Q)
   An Ordinance Appropriating to the Manager the Sum of $120,000 as Partial Funding for Zach Gordon Youth Center Covered Play Area Capital Improvement Project, Funding Provided by the Sales Tax Budget Reserve.

This ordinance would appropriate $120,000 from Sales Tax Budget Reserve for the Zach Gordon Covered Play Area. This project's initial funding ($400,000) was approved by voters as part of Proposition Three in the 1998 regular election. In 2001, additional Proposition Three monies ($100,000) were added to the project budget. The design is complete, and ready to bid. Recent price escalations have driven the total project estimate to approximately $900,000. The Rasmussen Foundation has provided a grant of $275,000 for the construction of this covered facility (Ordinance 2007-21(M)). This appropriation would provide sufficient funding to allow the project to move forward to bidding and award. Construction
would take place in summer of 2008. CBJ has applied for additional grant monies to bridge the $120,000 difference. If those grant applications are successful, the remainder of this appropriation will be returned to the Budget Sales Tax reserve.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2417  
   **A Resolution Authorizing the Manager to Lease a Parking Easement on the Ralph's Way Right-of-Way.**

   This resolution would authorize the Manager to enter into a lease of an easement of 1,030 square feet of the right-of-way on Ralph's Way, to Crossco ("Play it Again Sports") at market value.

   The purpose of the easement would be for parking, giving the retail business additional spaces. Public Works and Engineering departments report that they have no conflicting use for the right-of-way at this time, and the lease is terminable by CBJ on 60-days’ notice. The easement provisions are standard. The draft lease was reviewed by the Planning Commission at its August 28, 2007 meeting, pursuant to CBJ Title 53, and unanimously approved the lease. In addition, at its September 10, 2007 meeting the Lands Committee also recommended Assembly approval.

   I recommend this resolution be adopted.

b. Resolution 2418  
   **A Resolution Reestablishing The Fisheries Development Committee, And Repealing Resolution 1399.**

   Resolution 2418 would repeal Resolution 1399 and reestablish the Fisheries Development Committee with seven instead of nine members. The last time the Fisheries Development Committee had all nine seats filled was January, 2005. Since that time, there have been between two and seven vacant seats on the committee; presently there are only four members on the committee which prevents them from establishing a quorum and holding meetings.

   At its August 20, 2007 meeting, the Assembly Human Resource Committee moved to forward Resolution 2418 to the Assembly for adoption in order to assist the Fisheries Development Committee in achieving a quorum for its meetings.

   I recommend this resolution be adopted.

c. Resolution 2421  
   **A Resolution Authorizing The Manager To Accept A Gift Of Land Consisting Of Lots 13 And 14, Block L, Highlands Subdivision, Juneau, Alaska.**

   With the adoption of Resolution 2421, the Manager would be authorized to accept the donation of two lots offered as a gift to the CBJ by owners Ron and Kathy
Maas. The proposed donation consists of Lots 13 and 14, Block L, Highlands Subdivision, located along Gruening Avenue. Together, the two lots encompass approximately 0.22 acre. The parcels lie within a designated avalanche and mass wasting area. The Assessor’s Office has established a value of $10,000 for each lot.

There is precedent for this type of donation. Over the last three decades, the CBJ has accepted donations of several parcels of land located in hazard areas, including three lots in the White Subdivision and a 25-acre parcel in the Behrends avalanche path. These donated properties have been left undeveloped due to the avalanche and mass wasting hazards and have been managed by CBJ as open space.

Mr. and Ms. Maas are proposing to donate the subject property to the CBJ at no cost other than closing costs. The Lands and Resources Office will pay for the closing costs out of its existing budget.

The Assembly Lands Committee reviewed the proposed donation at its meeting August 13, 2007 and recommended a resolution be drafted for the Assembly’s review, authorizing the CBJ’s acceptance of the donated lots.

**I recommend this resolution be adopted.**

d. Resolution 2422

A Resolution Making Revisions To The Personnel Rules.

This resolution would modify the Personnel Rules that govern the employment conditions of CBJ employees. Last year, the Human Resources Division undertook a major revision of the Personnel Rules. The revisions presented in this resolution are primarily housekeeping changes or clarifications resulting from the 2006 changes. Substantive changes include: provisions that exclude position classification from the grievance procedure; set forth pay provisions for individuals who are reassigned under the American’s with Disability’s Act; assurance that overtime for employees who are working out of class are consistent with the Fair Labor Standards Act; modify the pay administration for employees of Eaglecrest; and limit the ability of employees who separate from service under unfavorable conditions from seeking other employment with CBJ.

**I recommend this resolution be adopted.**

3. Transfers

   a. Transfer T-861

   **Transferring $4,560 From The Waterfront Seawalk Capital Improvement Project (CIP) To The Seawalk Interpretive Signs CIP, Funding Provided By Port Development Fees.**

   This request would authorize the transfer of $4,650 in Port Development Fees from the Waterfront Seawalk CIP to the Seawalk Interpretive Signs CIP.
The signs have been completed and installed as planned. Due to cost increases of the mounting brackets and sign production the project exceeded the budgeted amount. The transfer of $4,650 will allow this project to be closed.

I recommend this transfer be approved.

b. Transfer T-862

Transferring $35,000 From The Davis Avenue Capital Improvement Project (CIP) To The Douglas/ West Juneau Drainage CIP, Funding Provided By FY06 Areawide Street Sales Tax.

This request would authorize the transfer of $35,000 in FY06 Areawide Street Sales Tax from the Davis Avenue CIP to the Douglas/ West Juneau Drainage CIP. The West Juneau Drainage CIP is nearing completion and has encountered a couple of significant changes that need to be addressed for successful completion. Two of the major items include stabilizing the downstream channel from scour and slope protection and overrun from the deep excavation needed to install the new culvert.

The Davis Avenue CIP is completed and in final stages of closeout. The project will still have an adequate balance of $47,000 available to cover any final costs after the transfer of $35,000 to the Douglas/West Juneau Drainage CIP.

I recommend this transfer be approved.

c. Transfer T-863

Transferring $25,000 From The Seward Street Reconstruction Capital Improvement Project (CIP) To A New CIP, Environmental Cleanup Reporting, Funding Provided By FY05 Areawide Street Sales Tax.

This request would authorize the transfer of $25,000 in FY05 Areawide Street Sales Tax from the Seward Street Reconstruction CIP to a new CIP, Environmental Cleanup Reporting.

The Alaska Department of Environmental Conservation has requested that CBJ provide reporting and soil/water sampling for a variety of sites as a follow-up to the underground fuel storage tank closure projects conducted in the mid- to late 90s. Staff recommends a $25,000 transfer to this new CIP from the Seward Street project, which is complete and is ready to be closed.

I recommend this transfer be approved.

4. Bid Awards – None.

VIII. PUBLIC HEARING

A. Ordinance 2007-47(d)

An Ordinance Relating To “Panhandling,” And Providing For A Penalty.

This ordinance would repeal CBJ 42.20.200, the ordinance prohibiting panhandling, and enact a new panhandling ordinance. The new ordinance is intended to bring CBJ’s law into
compliance with court decisions protecting freedom of speech. The new ordinance prohibits aggressive panhandling at all times of the day; prohibits other panhandling at night; specifically prohibits panhandling of drivers of cars; and panhandling at bus stops, on buses, at sidewalk cafes, and near ATMs.

Version (d), in your packet, attempts to accommodate the concerns of both the downtown businesses and the arts community. It strikes the prohibition on panhandling people in a line or at a sidewalk café.

I recommend this ordinance be adopted.

B. Ordinance 2007-54

An Ordinance Authorizing The Port Director To Negotiate And Execute A Tidelands Lease Within, Alaska Tidelands Survey No. 1251, For Construction, Operation, And Maintenance Of A Dock At Statter Harbor.

This ordinance would authorize the Port Director to negotiate and enter into a lease with Aniakchak, Inc., for a portion of the tidelands on ATS 1251 along the shoreline of Auke Bay between the Statter Harbor Office and the NOAA dock. Aniakchak, Inc. owns the adjacent uplands and tidelands, and plans to use the lease for the construction and operation of a dock as part of a redevelopment of its property.

The Docks and Harbors Board, at its August 25, 2005 meeting, approved the lease application. At its meeting of August 13, 2007, the Assembly Lands Committee reviewed a draft ordinance and recommended the Assembly introduce the ordinance and set it for public hearing.

I recommend this ordinance be adopted.

C. Ordinance 2007-55

An Ordinance Amending The Land Use Code Regarding The Net Floor Area Of Cottage Housing.

This ordinance would change the limit on the size of residences built under the Cottage Housing ordinance to be based on net floor area instead of on gross floor area. This change will allow more efficient use of building materials and will allow cottages to be insulated for improved energy efficiency.

This change was reviewed and approved by the Planning Commission at its August 14, 2007 meeting.

I recommend this ordinance be adopted.

D. Ordinance 2007-56


This ordinance would amend the Sales Tax Code section on publication of delinquent merchants. This change is intended to assist in the collection of delinquent sales tax.
Under the present Code, CBJ is limited to publishing the “names of sellers” that are delinquent. Merchants are required to register using their legal business name, but many of them operate under more commonly known or “doing business as” names. This code change would expand the allowable published information to include the common business names used by the merchants.

A memo from the Sales Tax Administrator containing additional information is included in the packet materials.

I recommend this ordinance be adopted.

E. Ordinance 2007-58
An Ordinance Amending The Waters And Harbors Code Relating To Boat Launch Ramp Fees, And Providing For A Penalty.

The current ordinance was developed before the Echo Cove, Amalga Harbor, and North Douglas Boat Launch Ramps were constructed. This ordinance makes it clear the Docks and Harbors Board has enforcement authority at these launch ramps. It also makes it clear that people using the boat launch ramps for access by off-highway or other vehicles must pay the boat launch ramp fee and display the permit, the same as people using the ramps for vessels. In addition, this ordinance increases the fine for failure to obtain a permit from $50 to $75. The current infraction amount was established when launch ramp permits were $35 per year. Permits are now $90 per year.

I recommend this ordinance be adopted.

F. Ordinance 2007-21(G)
An Ordinance Appropriating To The Manager The Sum Of $26,500 As Funding For Water Quality Monitoring At Sandy Beach, Funding Provided By The Alaska Department Of Environmental Conservation.

This ordinance would appropriate a $26,500 grant from the Alaska Department of Environmental Conservation (ADEC) to fund a water monitoring program for Sandy Beach, coordinated with the ADEC Beach Grant Program Manager.

I recommend this ordinance be adopted.

G. Ordinance 2007-21(H)
An Ordinance Appropriating To The Manager The Sum Of $50,000 As Funding To Complete The Design Of A New Auke Lake Launch Ramp, Including Permitting Costs And Generation Of A Construction Estimate, Funding Provided By The Lands Fund Balance.

This ordinance would appropriate $50,000 from the Lands Fund Balance, to be used for permitting and design of a new Auke Lake Launch Ramp. The proposed Auke Lake Launch Ramp is located on the east side of the wayside parking lot, and is accessed from Glacier Highway. The Assembly and the Lands Committee have expressed an interest in relocating and improving the current access location in Auke Creek.
A conceptual design for a new launch ramp has been drafted. After all permits have been obtained and a final construction estimate is generated, a separate appropriation request will be submitted to fund construction of the ramp.

At its August 13, 2007 meeting, the Lands Committee adopted a motion to support and forward this matter to the Assembly for consideration, and requested staff to provide a line item budget for the appropriation and a project scope. A memo from the Engineering Department is in the packet to address the information requested by the Lands Committee.

I recommend this ordinance be adopted.

H. Ordinance 2007-21(I)
An Ordinance Appropriating To The Manager The Sum Of $219,000 As Funding For The Acquisition Of A Landing Craft And Closed Circuit Surveillance System For Security At The Cruise Ship Docks, Funding Provided By The Department Of Homeland Security.

This ordinance would appropriate a $219,000 grant from the Preparedness Office of Grants and Training of the U.S. Department of Homeland Security to the Docks and Harbors Board. Approximately $144,000 of the grant will be used to purchase a landing craft vessel. The vessel will be used to patrol the cruise ship docks and will also be equipped for search and rescue and firefighting operations. The remaining $75,000 will be used to purchase a closed circuit surveillance system for the new cruise ship docks.

The Docks and Harbors Board reviewed the grant application at its February 13, 2007 meeting. The application was developed with the assistance of the Marine Exchange of Alaska and in conjunction with the U.S. Coast Guard Captain of the Port’s Office. The Board approved the grant award on July 26, 2007 and forwarded its request to the Assembly for appropriation of the grant.

I recommend this ordinance be adopted.

I. Ordinance 2007-21(J)
An Ordinance Appropriating To The Manager The Sum Of $15,086,842 As Partial Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Federal Aviation Administration, And The Alaska Department Of Transportation.

This ordinance appropriates a $14,700,000 Federal Aviation Administration Airport Improvement Program grant and a $386,842 matching grant from the Alaska Department of Transportation and Public Facilities to fund the first phase of construction of the Runway Safety Area at the Juneau International Airport.

The Airport Board approved this action at its August 8, 2007 meeting.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS
X. NEW BUSINESS

A. Liquor Licenses

1. **Involuntary Retransfer** – Restaurant Eating Place License #3956 From Barry & Carlene Shaw d/b/a Bacar’s back to Seward Street Restaurant Corporation d/b/a Café Myriad (No premises).

2. Restaurant Eating Place License #3956 transfer from Seward Street Restaurant Corporation d/b/a Café Myriad (No premises), to Yoon Corp. d/b/a Tokyo Japanese Steak House – Location: 9116 Mendenhall Mall Road (new license number upon transfer #4731).

3. Restaurant Eating Place License #2812 Transfer from Nikolao Manaolakakis d/b/a Pizza Verona, to Patricia McGivney d/b/a Pizza Verona & Application for Restaurant Designation Permit – Location: 256 S. Franklin Street.

4. Beverage Dispensary Tourism License #313 Transfer from Prospector Hotel LLC d/b/a Prospector Hotel/TK Maguires, to Juneau Hospitality LLC d/b/a TK Maguires & Prospector Hotel & Application for Restaurant Designation Permit – Location: 375 Whittier Street.


6. Application for a Restaurant Designation Permit for JD Entertainment, Inc. d/b/a The Island Pub – Beverage Dispensary License #728 - Location: 1102 2nd Street, Douglas.

The above listed liquor licenses are before the Assembly to either protest or waive its right to protest the license action noted above.

The Finance, Police, Fire, and Community Development Departments have reviewed the above businesses for compliance with CBJ Code. Enclosed in your Human Resources Committee packets is a copy of the application documents from the Alcohol Beverage Control Board (ABC) staff.

The Human Resources Committee met earlier this evening, Monday, September 24, 2007, and will report on its action.

I recommend the Assembly adopt the Human Resources Committee's recommendations for action from tonight’s meeting.

B. Regulations – Airport Rates and Fees

**Airport Rates and Fees Regulation Title 7, Chapter 10**

In response to budgeted expenses increases for FY 08, the Airport re-assessed and proposed adjustment of its rates and fees regulation. The Airport’s financial model uses negotiated allocations to determine which revenues (rates) in particular cost centers need to
be adjusted to balance the budget; in this case the Airfield revenues needed to be adjusted to cover the increases in Airfield expenses.

Rate increases are proposed for the land lease rents, aircraft parking fees, fuel flowage fees for small aircraft and landing fees for large (jet) aircraft. The anticipated increase to annual revenues for FY 08 is $360,900. However, the Airport agreed to delay implementation of the fees until October 1, 2007. The three-month abatement means that only $243,400 in additional revenue would be collected from the rate changes for FY 08 and the balance would be covered through the Airport’s Retained Earnings.

The updated regulation also discontinues the prorated monthly ground transportation permits; however the additional revenue for this change is negligible. Additional language changes are proposed for the various land lease types. This is only a consolidation and has no financial impact. A detailed description of the rates and fees regulation changes is addressed in the fiscal note accompanying the regulation.

The Airport Board received one comment during the public comment period from July 20, 2007, through August 10, 2007. The Finance Committee reconvened on August 30, 2007, to consider the comment, however there were no changes to the proposed Rates and Fees Regulation at the meeting. The Airport Board approved the proposed Rates and Fees Regulation (as presented) at its September 12, 2007, Airport Board meeting. The Regulation changes are budgeted to take effect October 1, 2007.

If the Assembly has no objection to these regulations, no action is required. Unless the Assembly directs otherwise, the Airport will issue the regulations to be effective seven days after filing with the Clerk.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor’s Report
B. Committee Reports
C. Liaison Reports
D. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

Note: Agenda packets are available for review at the Juneau Municipal Libraries and online at www.juneau.org. ADA accommodations available upon request: Please contact the Clerk’s office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly’s agenda made available. The Clerk’s office telephone number is 586-5278, TDD 586-5351, e-mail: city_clerk@ci.juneau.ak.us