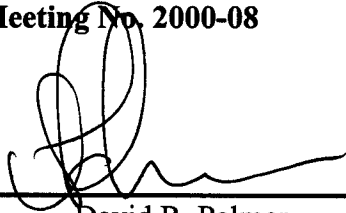


**-AGENDA/MANAGER'S REPORT**  
**THE CITY AND BOROUGH OF JUNEAU, ALASKA**  
Monday, April 17, 2000 7:00 – 11:00 PM  
Assembly Chambers – Municipal Building  
**Meeting No. 2000-08**

Submitted by: \_\_\_\_\_

  
David R. Palmer  
City & Borough Manager

- I. FLAG SALUTE
- II. ROLL CALL
- III. APPROVAL OF MINUTES
- IV. MANAGER'S REQUEST FOR AGENDA CHANGES
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS. (Not to exceed a total of 20 minutes nor more than 5 minutes for any individual).
- VI. CONSENT AGENDA
  - A. Public and Assembly Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
  - B. Assembly Action
    1. Ordinances for Introduction

A. Ordinance No. 2000-10

**An Ordinance Amending the Election Code to Provide for Review by the Election Official of Initiative Affidavits**

The ordinance expands the process used by the Election Official to review local voter initiatives. The new process is similar to the one used by the Lieutenant Governor to review state voter initiatives.

Currently, the Election Official's review is exercised toward the conclusion of the initiative process, when she examines petition booklets for damage or inadequate signatures. This ordinance adds a procedure at the beginning of the process when the petitioner's committee submits its "affidavit". The affidavit identifies the members of the initiative committee, and sets out the measure to be initiated.

This ordinance would require that the Election Official certify the affidavit before issuing petition booklets. Certification would be denied if the affidavit or measure are in the wrong form or the petitioner's committee has fewer than five members. More significantly, certification would be denied if the measure to be initiated violates certain rules for initiatives which are imposed by the Charter, the Alaska Constitution, or common law. Under these rules, the measure would be denied certification if it:

1. Establishes a budget, fixes a mill levy, or appropriates funds,
2. Dedicates revenue, creates courts, defines the jurisdiction of courts or prescribes their rules, or enacts local or special legislation, or
3. Is not limited to one subject

It is important to note that these criteria do not involve the merits of the measure. The Election Official is not empowered to reject a measure because she thinks it is unconstitutional, pre-empted by state law, or generally unwise. These kinds of issues must be resolved by a lawsuit after the measure is adopted.

Your packet includes a memorandum prepared by the Attorney for Mr. Garrett. The same memo, along with court cases, attorney general opinions, and other backup material is on the web at [www.cbjlaw.com](http://www.cbjlaw.com).

**I recommend this ordinance be scheduled for public hearing at the May 1, 2000 Assembly meeting.**

B. Ordinance No. 2000-11

**An Ordinance Appropriating Money Out of the Treasury for FY01 City and Borough Operations**

This ordinance will appropriate the FY01 operating budget for the City and Borough of Juneau. The Charter requires the Assembly to appropriate the FY01 operating budget, by ordinance, no later than June 15, 2000. The Charter also requires at least one public hearing to be held on this ordinance during the month of April 2000 and is currently scheduled for April 26, 2000.

**I recommend that this ordinance be forwarded to the Assembly Finance Committee for review.**

C. Ordinance No. 2000-12

**An Ordinance Appropriating Money Out of the Treasury for FY01 School District Operations**

This ordinance will appropriate the School District FY01 operating budget. The ordinance includes local funding support for education. The Assembly is required, by State Statute, to indicate the minimum amount of funding to be made available for School District operational support no later than 30 days after receipt by the CBJ of the School District's budget request, for this year no later than April 26, 2000. The Assembly must appropriate, by

ordinance, the amount of local support for School District operations no later than May 31, 2000.

**I recommend that this ordinance be forwarded to the Assembly Finance Committee for review.**

D. Ordinance No. 99-17 (Y)

**An Ordinance Appropriating to the Manager the Sum Of \$250,000 as Additional Funding to Complete Bartlett Regional Hospital's Project 98. Such Funds Provided by Bartlett Regional Hospital Retained Earnings.**

This ordinance will appropriate \$250,000 to Bartlett Regional Hospital's (BRH) "Project 98" from the Hospital's retained earnings.

The additional funds will cover change orders and final project costs to complete the Surgery Remodel phase of the project. This appropriation will bring the "Project 98" budget to \$8,085,050.

The Hospital Board approved transfer of \$250,000 from the hospital enhancement restricted funds to the Project 98 capital budget at their regular board meeting of March 28, 2000.

A copy of the meeting minutes is enclosed in the packet.

**I recommend this ordinance be scheduled for public hearing at the May 1, 2000 Assembly meeting.**

2. Bid Awards:

A. Contract No. SD00-285

**School Electrical Upgrades (Auke Bay, Harborview, Mendenhall River)**

Bids were opened on the subject project on March 31, 2000. The bid protest period expired at 4:30pm on April 4, 2000. Results of the bid opening are as follows:

| RESPONSIVE                 | TOTAL BID        |
|----------------------------|------------------|
| <b>Juneau Electric</b>     | <b>\$223,311</b> |
| Ever Electric, Inc.        | 244,100          |
| ALCAN Electric             | 254,837          |
| Chatham Electric, Inc.     | 277,753          |
| <b>Engineer's Estimate</b> | <b>\$243,000</b> |

This project consists of providing additional electrical power for computers, televisions, videocassette recorders, overhead projectors, and printers at the three named elementary schools within the Juneau-Douglas School District.

The funding source for this project is Tech Bonds and total project funds is \$300,000.

**I recommend award of this project to Juneau Electric in the amount bid for a total award of \$223,311.**

**B. Contract No. SD00-286  
School Electrical Upgrades (Gastineau, Glacier Valley, Floyd Dryden)**

Bids were opened on the subject project on March 31, 2000. The bid protest period expired at 4:30pm on April 4, 2000. Results of the bid opening are as follows:

| RESPONSIVE                  | TOTAL BID        |
|-----------------------------|------------------|
| <b>Juneau Electric</b>      | <b>\$219,883</b> |
| Northern Construction, Inc. | 230,500          |
| Ever Electric, Inc.         | 241,075          |
| ALCAN Electric              | 255,525          |
| Chatham Electric, Inc.      | 288,197          |
| Engineer's Estimate         | \$250,000        |

This project consists of providing additional electrical power for computers, televisions, videocassette recorders, overhead projectors, and printers at the three named elementary schools within the Juneau-Douglas School District.

The funding source for this project is from Tech Bonds and total project funds is \$300,000.

**I recommend award of this project Juneau Electric in the amount bid for a total award of \$219,883.**

**C. Contract No. E00-313  
Adair-Kennedy Field Surfacing**

Bids were opened on the subject project on April 5, 2000. Results of the bid opening are as follows:

| RESPONSIVE                            | Base Bid         | Add.Alt.1 | Add.Alt.2 | Add.Alt.3 | Add.Alt.4 | TOTAL BID |
|---------------------------------------|------------------|-----------|-----------|-----------|-----------|-----------|
| <b>Arete Construction Corporation</b> | <b>\$826,980</b> | \$25,000  | \$27,000  | \$17,000  | \$3,425   | \$899,405 |
| Engineer's Estimate                   | \$788,600        | \$35,000  | \$30,000  | \$10,000  | \$2,150   | \$865,750 |

The only other bidder, Channel Construction, Inc., was declared to be non-responsive for failing to provide information required pursuant to Section 00110 in the contract documents.

The project consists of a Base Bid and four Additive Alternates. The Base Bid involves preparation of an existing dirt football/soccer field and placement of an artificial surfacing (turf) on the field. Add. Alternate No. 1 includes permanent football field markings; Add. Alternate No. 2 includes permanent soccer field markings; Add. Alternate No. 3 includes electrical thaw system; Add. Alternate No. 4 includes asphalt paving adjacent to northern edge of running track.

The funding source for this project is Sales Tax and Proposition 3 funding and total project funds is \$1,000,000.

A notice of intent to appeal the award has been filed. More information will be available on April 17<sup>th</sup>.

**I recommend award of this project to Arete Construction Corporation in the amount bid for the Base Bid, making a total award of \$826,980.00.**

**D. Bid No. 00-271  
Self-Propelled Sweeper Truck for CBJ Streets Division**

The 1994 Elgin Whirlwind sweeper is being replaced with noticeably quieter equipment.

Bids were opened on the subject purchase on March 29, 2000. Results of the bid opening are as follows:

| Business Name          | Unit Price       | Less Trade-In Option | Total Bid Less Trade-In |
|------------------------|------------------|----------------------|-------------------------|
| <b>Yukon Equipment</b> | <b>\$144,891</b> | <b>\$30,000</b>      | <b>\$114,891</b>        |
| Construction Machinery | \$159,100        | \$27,500             | \$131,600               |
| North American Crane   | <b>NO BID</b>    |                      |                         |
|                        |                  |                      |                         |

**I recommend award of this purchase to Yukon Equipment in the amount bid a total award of \$114,891.00.**

3. Ordinances for Rescheduling of Hearing Date to May 1, 2000, 7:00 p.m.

*Notice requirements were not met for the following ordinances originally scheduled for public hearing at tonight's meeting, therefore, they must be rescheduled as follows:*

A. Ordinance No. 2000-09

**An Ordinance Amending the Commercial Passenger Vehicle Code to Amend the Definition of Courtesy Vehicle; Amend the Code to Clarify that the Chief of Police Appoints the CPV Administrator; Establish the Offenses of Radar Detectors Prohibited, Excess Number of Passengers Prohibited, Radio Scanners in Taxis Restricted, and Use of Commercial Passenger Vehicle as Courtesy Vehicle, and Establishing Penalties for the Violation Thereof; and Amending the Purpose and Conditions of the Shuttle Endorsement to Include Scheduled Stops and Establishing as an Infraction a Failure to Follow the Schedule.**

This ordinance amends the commercial passenger vehicle code to create three new offenses as requested by the police department, to modify the definition of "courtesy vehicle" as requested by the hotel, tour, and taxi industries, and makes a correction to an inconsistent code section. These changes have been developed by a subcommittee of the Planning & Policy Committee in cooperation with the affected industries and staff.

Three new offenses are created at the request of the police department, all these offenses are infractions punishable by a maximum \$300 fine. The first is to prohibit any commercial passenger vehicle from having a "radar detector" in the vehicle. Such a device is used to detect public safety efforts to prevent speeding. The second offense created is having an excess number of passengers in a commercial passenger vehicle. The third offense created is to prohibit a taxi to have a radio scanner in the vehicle when on duty. The police department requests a change in the language used in the version introduced, this is explained in the attached memo.

The definition of courtesy vehicle is modified to allow commercial lodging facilities, tour or experience providers, and automobile repair businesses to provide free transportation to their patrons in clearly marked courtesy vehicles. The industry has volunteered to limit such courtesy vehicle services so as not to unfairly compete with taxi service. This informal agreement will not be enforced by CBJ, but if followed, satisfies the concerns of the taxi industry.

The appointment of the CPV administrator should be by the chief of police, an inconsistent reference to this appointment being by the manager is corrected. The conditions of a shuttle endorsement are modified to require shuttle service to be provided with designated stops on a time schedule enforced to within a five-minute tolerance.

A memo providing more background and explanation is provided in the packet materials. This memo also contains the changes requested by the police department.

**I recommend this ordinance be rescheduled for public hearing at the May 1, 2000 Regular Assembly meeting.**

**B. Ordinance No. 99-17 (W)**

**An Ordinance Appropriating to the Manager the Sum of \$100,000 for an Acoustic Study of Neighborhoods Affected by Flightseeing Noise and to Conduct Feasibility Studies for Alternate Heliport Sites. Such Funds Provided by the General Fund Unappropriated Fund Balance.**

This ordinance appropriates funds for a baseline acoustic study (phase I). A feasibility study of alternate heliport sites (phase II) is included in the request for proposals, but that work will not be authorized until two things occur:

1. Funding must be increased, and
2. The Assembly must determine that consideration of alternative heliports is an option it wants to investigate.

The acoustic study (phase I) would establish baseline noise levels in neighborhoods affected by flightseeing noise, measure flightseeing noise in those neighborhoods, project future noise levels in the absence of mitigating actions, and prepare a report explaining noise levels in terms of impacts on health and well-being.

This work is appropriately funded by the cruise passenger fee, but because the policies for use of the money is not yet developed, and because it is important to start the baseline noise study now, I recommend use of the general fund balance and ask the Assembly to consider reimbursing the fund with passenger fee money at the appropriate time.

**I recommend this ordinance be rescheduled for public hearing at the May 1, 2000 Regular Assembly meeting.**

**C. Ordinance No. 99-17 (X)**

**An Ordinance Appropriating To The Manager The Sum Of \$100,000 As Additional Funding For The Riverbend Elementary School. Such Funds Provided By Interest Income Earned From Unspent Project Funding.**

This ordinance appropriates \$100,000 in interest earnings from unexpended project bond and grant funds as additional funding for the Riverbend Elementary School construction project. These funds will be used to expand the paved parking lot, fencing, drainage and other safety improvements to the playground, and provide funds for staff to continue to work with consultants to resolve roof problems.

To date, total interest earned for the project is \$386,900. Additional interest will be earned in FY00.

**I recommend this ordinance be rescheduled for public hearing at the May 1, 2000 Regular Assembly meeting.**

VII. ORDINANCES FOR PUBLIC HEARING

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. STAFF REPORTS ON NON-AGENDA ITEMS

A. Waste Management fee to collect junked cars.

XI. ASSEMBLY REPORTS ON NON-AGENDA ITEMS

A. Committee Reports

B. Liaison Reports

C. Presiding Officer Reports

XII. ASSEMBLY COMMENTS AND QUESTIONS

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. ADJOURNMENT

Note: Agenda packets are available for review at the Juneau Municipal Libraries.

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: Laurie\_Sica@ci.juneau.ak.us.