MEETING NO. 2008-33: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Dale Pernula, Community Development Director; Rorie Watt, Engineering Director; Mike Branum, Emergency Program Coordinator.

III. SPECIAL ORDER OF BUSINESS – None.

IV. APPROVAL OF MINUTES

A. October 20, 2008 – Regular Meeting 2008-31

Hearing no objection, the minutes of the October 20, 2008 Regular Meeting 2008-31 were approved.

B. October 27, 2008 – Special Meeting 2008-32

Hearing no objection, the minutes of the October 27, 2008 Regular Meeting 2008-32 were approved.

V. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Swope asked that Transfer T-887 be removed from the consent agenda for correction.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action

MOTION, by Bush, to adopt the consent agenda as amended with the removal of Transfer T-887. Hearing no objection, the amended consent agenda was adopted.
1. Ordinances for Introduction

a. Ordinance 2008-36
   An Ordinance Amending The Public Finance Code To Adopt The State's Revised Name For The Community Revenue Sharing Program.

Administrative Report: Attached. The manager recommended Ordinance 2008-36 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2008-15(AB)
   An Ordinance Appropriating To The Manager The Sum Of $43,900 As Funding For Implementation Of The Juneau Coastal Management Program FY09 Required Tasks, Grant Funding Provided By The State Of Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(AB) be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2008-15(AC)
   An Ordinance Appropriating To The Manager The Sum Of $147,000 As Funding For The Juneau School District Safety Upgrades Capital Improvement Project, Grant Funding Provided By The FY 08 Designated Legislative Grants (Municipality).

Administrative Report: Attached. The manager recommended Ordinance 2008-15(AC) be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2008-15(AE)
   An Ordinance Appropriating To The Manager The Sum Of $1,763,158 As Partial Funding For The Airport Terminal Expansion Project, Funding Provided By The Passenger Facility Charge.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(AE) be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2008-15(AF)
   An Ordinance Appropriating To The Manager The Sum Of $276,476 As Partial Funding For The Juneau International Airport Runway Safety Area Construction Capital Improvement Project, Grant Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2008-18(AF) be introduced and set for public hearing at the next regular Assembly meeting.

f. Ordinance 2008-15(AG)
   An Ordinance Appropriating to the Manager the Sum of $2,000,000 as Partial Funding for the Thunder Mountain High School Capital Improvement Project, Funding Provided by 2006 General Obligation Bond Interest Income.
Administrative Report: Attached. The manager recommended Ordinance 2008-15(AG) be introduced and set for public hearing at the next regular Assembly meeting.

Removed from the Consent Agenda:

2. Transfer

a. Transfer T-887

Transferring $158,240 From The Casey Shattuck Subdivision Phase I Capital Improvement Project (CIP) To Linda Avenue And Sidewalk CIP ($9,100) And The Casey Shattuck Subdivision Phase III And IV CIP ($149,140).

Administrative Report: Attached. The manager recommended Transfer T-887 be amended and approved as follows: the funds to the Linda Avenue and Sidewalk CIP should be $9,796 and the funds to the Casey Shattuck Subdivision, Phase III and IV CIP should be $148,444.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to approve Transfer T-887, as amended by the Manager. Hearing no objection, it was so ordered.

VIII. PUBLIC HEARING

A. Ordinance 2008-33


Administrative Report: Attached. The manager recommended that Ordinance 2008-33 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2008-33 and he asked for unanimous consent. Hearing no objection, it was so ordered.

B. Ordinance 2008-34

An Ordinance Amending The General Penalty Code On Ignition Interlock Devices And Amending The Traffic Code To Add Ignition Interlock Device Requirements To The Minimum Penalties For Driving While Under Influence And Refusal To Submit To Chemical Test.

Administrative Report: Attached. The manager recommended that Ordinance 2008-34 be adopted.

Public Comment: None.

Assembly Action:
MOTION, by Sanford, to adopt Ordinance 2008-34 and he asked for unanimous consent.

Mayor Botelho asked if Ordinance 2008-34 was not adopted, what would be the consequence of having JPD charge under the corresponding state statute and enforce it as a state law as opposed to a municipal ordinance. Mr. Hartle said that could be done. CBJ could repeal its ordinance on this. The city would lose the revenue and the control over the prosecutions. CBJ prosecutes misdemeanor Driving Under the Influence (DUI) charges and the state prosecutes felony DUI charges. DUI cases are high priority with the city law staff, and they might not be as high as a priority with the state.

Mr. Bush asked the cost of these devices and how would they be borne.

Mr. Hartle said it is part of the sentence; it must be under the new state law. The device costs about $1000 for six months and is installed by a private firm. It is paid in monthly installments, the charge for installation is $280, and has to be calibrated periodically to make sure it works.

Mayor Botelho asked who would pay for the cost if there was an indigent defendant. Mr. Hartle was unsure. He said typically the court will assess the costs, such as the cost of incarceration, as part of the sentence and frequently the city has to take it from a person’s Permanent Fund Dividend check. This is for car owners only.

Mr. Doll asked if the court could choose to dispense with this requirement. Mr. Hartle said the court did not have to impose this, but it must be available as part of CBJ ordinance. The state legislature passed a new law, effective January 1, which says a court may not enforce a municipal ordinance which doesn’t include provisions for this device. It becomes part of the sentence. Mr. Doll said he hoped that the court still had some discretion to impose this or not. Mr. Hartle said the court did have discretion. In Ordinance 2008-34, subsection B, page 2, there was a finding that the court could make.

Ms. Chambers asked if there was a significant personnel cost to install and calibrate the device. Mr. Hartle said the cost was not borne by CBJ; it was done by a private contractor, which currently is Gastineau Human Services. They charge the fee to install and calibrate the device.

Mr. Hartle said this had been in the CBJ statutes for years, but it was now, based on the state’s direction, going to be an increased part of sentences.

Hearing no objection, it was so ordered.

C. Ordinance 2008-15(V)
An Ordinance Appropriating To The Manager The Sum Of $17,481 As Partial Funding For The Purchase Of A Hi-Lift Air Bag Extrication Unit, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.


Public Comment: None.
Assembly Action:

MOTION, by Bush, to adopt Ordinance 2008-15(V) and he asked for unanimous consent. Hearing no objection, it was so ordered.

D. Ordinance 2008-15(W)
An Ordinance Appropriating To The Manager The Sum Of $7,000 As Partial Funding For The Juneau Teen Health Center, Grant Funding Provided By The State Of Alaska, Department Of Health And Social Services.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2008-15(W) and he asked for unanimous consent. Hearing no objection, it was so ordered.

E. Ordinance 2008-15(Y)
An Ordinance Appropriating To The Manager The Sum Of $5,781 As Partial Reimbursement Of Travel Costs For Staff And Historic Resource Advisory Committee Volunteer Attendance At The National Alliance Of Preservation Commission Annual Conference, Grant Funding Provided By The State Of Alaska, Department Of Natural Resources.


Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2008-15(Y) and he asked for unanimous consent. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. STAFF REPORTS

Mr. Swope said an email was sent to Borough Assembly regarding a request for parking to be allowed at the steamship wharf. He asked for the assembly’s direction. This has been done in the past, and it provides parking when snow limits parking. The Harbor Board discussed this and has no objection.

The Harbor staff will plow and maintain the parking area and push the snow to the parking garage; the Street Division crews will remove the snow.
Mr. Wanamaker asked if the deck-over project at Steamship Wharf was built using bond revenue. Mr. Swope said it was a revenue bond for construction, paid by income from the cruise ships, and it had been paid. Mr. Wanamaker said he did not like this area being used for parking. When the project was built, the Assembly assured the public the area would be used for activities to attract families to spend time in the downtown area, and it would be kept clean. Mr. Wanamaker was concerned that using the area for parking might violate some of the bond requirements, and did violate the promises made to the public.

Mr. Sanford said the use of the area for parking needed to be reviewed. If the area was not being used for events, it should be considered for use to meet parking needs in the downtown area.

Mr. Dybdahl said that the Harbor Department had not been aware in the past of its responsibility for clearing the snow, but were now aware.

Mr. Swope said the city was not in violation of any bond requirement, and the bond was paid in full. By allowing parking there, no public use would be restricted or prohibited. If there was a use that arose, staff could block it off for use at such an event. Staff has looked to the Downtown Business Association to plan and recommend uses, and these have not materialized. Based on this, it does not make sense to leave open space unused. The concern about oil is legitimate but the snow offers some protection. The main concern is plowing and pulling up pavers, but there has not been a problem with this to date.

Mr. Doll agreed with Mr. Wanamaker’s remarks and hoped that after the new parking garage was open the issue could be revisited.

Mayor Botelho asked if there were further objections beyond those of Mr. Wanamaker and Mr. Doll. Hearing none, Mayor Botelho said the Manager had the authorization to move ahead and make parking available at the site subject to any other events that might be scheduled and take priority.

XII. ASSEMBLY REPORTS

A. Committee Reports

Finance Committee: Chair Stone said the next meeting was set for November 19, 2008 at 5 p.m.

Public Works and Facilities Committee: Chair Sanford said PWFC met last week and discussed a $486,000 matching grant for Jordan Creek Rehabilitation, which will come before the Assembly at the next meeting. PWFC discussed the Public Works maintenance shop property under the Douglas Bridge and agreed to appropriate from the Seawalk CIP $25,000 to get the land surveyed and to identify possible public and private uses for the property and provide cost estimates for various concepts. This will also come before the Assembly.

Lands Committee: Chair Anderson met Monday, October 27, and discussed a renewable lease of the Mayflower Building to the Montessori School. He distributed a draft letter following up on a proposal given to the Lands Committee by the Summit Housing Group, which is based in Montana, and would like a letter of endorsement from the Assembly to build subsidized, low-
cost housing in the West Juneau area near Lawson Creek. This letter is a requirement of theirs in order to get the grants and tax credits they use to fund their proposal.

**MOTION, by Anderson, that the Assembly signs the letter in support of the Summit Housing Groups proposal to build subsidized low cost housing.**

Mr. Sanford asked why this was being proposed by an outside firm and not a local firm. Mr. Anderson said this was a private transaction on private land, and Summit Housing Group would collaborate with others to purchase the tax credits, build, and manage the housing. Any other group could do this, and others have in the past, this is just one particular proposal.

Mr. Dybdahl said this issue came to light to them because the affordable housing needs and the size of Juneau met their criteria. Mr. Anderson said this group had done most of their projects in Montana and Wyoming. They said they had been out looking for places where they might do the same type of projects and they contacted Juneau – no one locally had contacted them.

Mayor Botelho asked if the Community Development Department had reviewed this proposal in any way. His reservation was that the project may come back to the Planning Commission in some form, and the Commission may feel they have been compromised in some respect as there has already been an endorsement. Mr. Anderson said the project had not gone before CDD and the Planning Commission because the purchase of the land had not happened. The project was predicated on their receipt of tax credits through a program which would facilitate the purchase of the land, and then they would go through design and application to the Planning Commission.

Hearing no objection, it was so ordered.

B. Liaison Reports

*Planning Commission:* Liaison Doll said the PC met on October 27 and approved a city project to replace the platter pole surface lift with a new beginner chair lift at Eaglecrest. It also approved a Conditional Use Permit for a park-and-ride parking lot for Kensington Mine workers near the Industrial Boulevar area. Mr. Pernula made a report of ongoing projects, including a Title 49 update, which is extensive.

*Docks and Harbors Board:* Liaison Dybdahl said the Board met last Thursday, and prior to the full meeting, met with the Parks and Recreation Advisory Committee. The Board and the PRAC found they had many interesting things to share and have decided to meet more frequently.

*Chamber of Commerce:* Liaison Anderson said the Chamber of Commerce had their annual banquet and announced Mr. Bob Martin of Goldbelt, Inc. as Juneau’s Citizen of the Year. He offered congratulations to Mr. Martin.

C. Presiding Officer Reports

Mayor Botelho said the Assembly held its annual retreat immediately preceding this Assembly meeting, approved the 2009 meeting calendar, and identified objectives for the coming year.
XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford distributed a draft motion regarding his interest in obtaining a five-year outlook of the financial condition of CBJ. He said at this time it was for Assembly and staff review. He will wait for more information to be presented at the upcoming Finance Committee meeting.

Mr. Sanford said he did a walk-through of the Kensington Mine project. The mill building and tunnel are ready to go. We are losing out on $18 million in direct annual payroll for 220 full-time jobs, $7 million in indirect payroll, $1.5 million in annual property taxes, $450,000 in direct sales tax payments, $200,000 in employee property tax payments, and $450,000 employee sales tax payments. CBJ is estimated to lose $2.5 million annually because this project can’t get moving.

Ms. Chambers thanked the League of Women Voters and their volunteers for a successful Youth Vote experience. She thanked the manager for his support and individual Assembly members for financial and volunteer support.

Mr. Doll said the Southeast Conference Regional Solid Waste Management Authority steering committee has prepared a draft of a project development plan which will be approved at the project steering committee’s meeting of November 18. He continues to be a liaison with that group with the idea that it is one option for the long term that may be available to CBJ.

Mr. Wanamaker said he had the opportunity to represent CBJ on October 30 at the decommissioning ceremony for the USS Juneau in San Diego, California. It was a very nice affair, with a great speech by the admiral who commanded the USS Juneau, with special recognition to Mrs. Harry Lucas, Mrs. B.L. Bartlett, Mrs. William Egan, and to the Southeast Native Veterans for their ceremony for the USS Juneau while it was in Juneau this past summer. The guest of honor was Len Cecil, the last surviving member of the original USS Juneau. Mr. Cecil said he had been ill and was not able to attend the dedication of the USS Juneau Memorial but he was better now and wanted to come to Juneau and visit the memorial.

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

XV. EXECUTIVE SESSION – None.

XVI. ADJOURNMENT – 7:39 p.m.

Signed:__________________________________  Signed:_______________________________

Laurie Sica, Municipal Clerk  Bruce Botelho, Mayor