MEETING NO. 2009-04: 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 Bruce Botelho.

I. ROLL CALL

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

Assembly Absent: David Stone.

Staff Present: Rod Swope, City Manager; Kim Kiefer, Deputy City Manager; John Hartle, City Attorney; Beth McEwen, Deputy Clerk; Craig Duncan, Finance Director; Marc Matsil, Parks and Recreation Director; Rorie Watt, Engineering Director.

II. SPECIAL ORDER OF BUSINESS

Mayor Botelho recognized Mr. Swope for his efforts on behalf of CBJ and provided him with a 5-year employee pin.

III. APPROVAL OF MINUTES

A. January 26, 2009 – Special Meeting 2009-02

Hearing no objection, the minutes of the January 26, 2009, Special Meeting 2009-02, were approved.

B. February 2, 2009 – Regular Meeting 2009-03

Hearing no objection, the minutes of the February 2, 2009, Regular Meeting 2009-03, were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Swope removed Bid Award E09-219 – Dzantik’i Heeni Covered Playground from the agenda (listed under the Consent section), as the protest period had not expired.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Gene Miller, Juneau, member of the Juneau Clean Air Coalition, said they understand the problem of cigarette butt litter. They believe the problem is solvable and want to be part of the solution. They will have two Gastineau Human Services (GHS) workers sweep up cigarette butts one morning a week. We are collaborating with Litter Free and collaborating on a public education campaign about the prevalence and dangers of cigarette butt litter. They are willing to order personal fireproof ashtrays to encourage smokers to use them. We would like to see an increase in the number of cigarette butt containers in the downtown area. They need to be
more visible. We would like to see an increase in surveillance in the downtown area. This is a community problem and we can all cooperate.

Ms. Chambers asked what would be the funding source for those items. Mr. Miller said the GHS workers required a supervisor and the Coalition was willing to provide this. The workers come without cost. Collaboration with Litter Free is low cost and they are willing to order some of the ashtrays. Some businesses might want to order some of the ashtrays, as there is an opportunity to include advertising on them. He was not sure if a funding source for the increased larger ashtrays and increased surveillance would need to come from JPD or some other community policing effort.

Mr. Anderson asked if Mr. Miller had coordinated with city staff about the street cleaning and he said yes.

Wendy Hamilton, Douglas, said the personal ashtrays are made in Canada and the owner of the company sells them all over the world. He said Juneau was following the pattern of other communities which had gone smoke free. At first, the bars are angry with the law and do nothing about it for about 12 months, then the customers start to complain, so they start picking up. She said it was nice to know this was just a stage in growth, and the problems are solvable. CBJ empties the downtown garbage cans and cigarette butt containers on Monday, Wednesday, and Friday in the winter. GHS can work one morning a week until summer when CBJ cleans the streets every morning. We understand there are only four police officers on during a shift, but if one officer can do a sweep of the downtown area during a shift, perhaps one or two tickets would create some statement.

Mary Becker, Douglas, read a statement by the Litter Free, Inc., Board stating they are encouraging people to be personally responsible for their litter, including cigarette butts. To this end, Litter Free will purchase 200 “buttsOut” personal ashtrays for distribution to smokers to assist them in being personally responsible for their cigarette litter. Ms. Becker said she is thrilled with this cooperative attitude and appreciates when people see problems they come out to try to help.

Matt Felix, Douglas, said he works for the National Council on Alcoholism and Drug Dependence (NCADD), and they are aware of the problem. We purchased eight swivel buckets with brooms and have volunteers sweep up the sidewalks periodically. There is a lot of litter downtown of all types. It does not take that much work to keep the streets cleaned. The corner of Seward and 2nd Street is particularly dirty, and the owner of the shop there refused to clean the sidewalk when asked by Mr. Felix. The streets should be cleaned for the locals in the winter as well as the tourists in the summer.

Ms. Chambers thanked Mr. Felix for his work to beautify downtown and asked if he had any conversations with the Downtown Business Association (DBA) on this issue. Mr. Felix said he did speak with Larry Spencer a year ago and that is what led to his group purchasing the brooms. DBA was going to participate with this effort but this has not happened yet.

Mayor Botelho said the Assembly would take up this subject during Wednesday’s Committee of the Whole meeting.
A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

There was a request to remove Resolution 2462 from the agenda.

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action

**MOTION**, by Bush, to adopt the consent agenda with the removal of Bid Award E09-219 - DZ Covered Play Area, Bid Award E09-168 - Radcliffe Road Reconstruction, and Resolution 2462. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-01

An Ordinance Authorizing The Manager To Execute A Lease Of A Portion Of Lot 1, U.S. Survey 3846 Located On North Douglas To Capital Community Broadcasting, Inc., (KTOO), To Relocate Two 60’ Antenna Support Structures And An Equipment Enclosure.

Administrative Report: Attached. The manager recommended Ordinance 2009-01 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2009-04

An Ordinance Amending The Land Use Code Relating To Fees For Land Use Permits.

Administrative Report: Attached. The manager recommended Ordinance 2009-04 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2009-05

An Ordinance Authorizing The Manager To Execute A Lease With The Juneau Arts And Humanities Council (JAHC) For Use Of The Former Armory Building.

Administrative Report: Attached. The manager recommended Ordinance 2009-05 be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2009-06

An Ordinance Amending The Official Zoning Map To Change The Zoning Of Lot C, Juneau Subport, Currently Zoned Waterfront Commercial WC, To Mixed Use 2, MU2.

Administrative Report: Attached. The manager recommended Ordinance 2009-06 be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2008-15(AX)

An Ordinance Appropriating To The Manager The Sum Of $500,000 As Partial Funding For The Dimond Park Swimming Pool Capital Improvement Project, Funding Provided By A Rasmuson Grant.
Administrative Report: Attached. The manager recommended Ordinance 2008-15(AX) be introduced and set for public hearing at the next regular Assembly meeting.

f. Ordinance 2008-15(AY)
An Ordinance Appropriating To The Manager The Sum Of $400,000 As Partial Funding For The Dimond Park Swimming Pool Capital Improvement Project, Funding Provided By Temporary Sales Tax.

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

g. Ordinance 2008-15(AZ)
An Ordinance Appropriating To The Manager The Sum Of $2,197,100 As Partial Funding For The Downtown Transportation Center Capital Improvement Project, Funding Provided By Federal Transportation Administration Grants.

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

h. Ordinance 2008-15(BA)
An Ordinance Appropriating To The Manager The Sum Of $365,985 As Funding For The Capital City Fire/Rescue Staffing Adequate Fire and Emergency Response Recruitment Program, Grant Funding Provided By the United States Department of Homeland Security.

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

i. Ordinance 2008-15(BB)
An Ordinance Appropriating To The Manager The Sum Of $93,000 As Partial Funding For The Taku Harbor Transient Moorage Facility, Grant Funding Provided By The Alaska Department Of Fish And Game.

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

2. Resolutions

a. Resolution 2461
A Resolution Authorizing The Manager To Submit To The State Of Alaska An Application For A Federal Grant To Complete The City And Borough Historic Building And Site Survey Report Of The Treadwell Mining Complex.

Administrative Report: Attached. The manager recommended Resolution 2461 be approved.

3. Transfers

a. Transfer T-892
Transferring $105,000 From The Juneau Douglas Treatment Plan CIP U484-85 To The Mendenhall Wastewater Treatment Plant CIP U484-76.
Administrative Report: Attached. The manager recommended Transfer T-892 be approved.

4. Bid Award

a. Bid Award E09-021

**Juneau Airport Terminal Renovation**

Administrative Report: Attached. The manager recommended award of this project to McGraw Custom Construction for the Base Bid and Additive Alternate Numbers 1 – 5, for a total award of $10,125,000.

b. Bid Award E09-219 – removed from the agenda.

**Dzantik’i Heeni Covered Playground**

c. Bid Award 09-067

**35’ Accessible Low Floor Transit Coaches**

Administrative Report: Attached. The manager recommended award of Bid 09-067 to Gillig, for a total award amount of $1,442,820.

*Removed from the consent agenda:*

Resolution 2462

**A Resolution Expressing Assembly Support For Senate Bill 33 And House Bill 94, Creating A Postsecondary Scholarship Program For Alaska Residents Based On High Achievement And Financial Need, And The Efforts Of The “Coalition Of Student Leaders” At The University Of Alaska.**

Administrative Report: Attached. The manager recommended Resolution 2462 be approved.

**Joseph Blanchard**, Fairbanks, said he was a student of the university system and an Assemblymember of the Fairbanks North Star Borough (FNSB), and thanked the Assembly for placing this resolution on its agenda. FNSB passed a similar resolution, as well as Anchorage. This will assist K-12 students to attend the university and in retaining students in state.

**Stephanie Ashley**, Juneau, said she is the Student Body President of the UAS campus and the Juneau campus representative on the Coalition of Student Leaders. She hoped for Assembly support of this legislation.

**Karl Wing**, Anchorage, is the Student Body President of the UAA campus. He asked all the UA students present to stand up. He distributed the Fairbanks and Anchorage resolutions and said that with this resolution the Assembly would be encouraging keeping Alaska’s best students in Alaska. The quality of education in the UA system is equal to any other prestigious institute outside of the state.

**Bruce Gifford**, Juneau, was present to support the students. 40 – 50 visitors are in Juneau, making visits to the legislature. Many of the sources of student aid have decreased due to the current economy. Most university students today work, some support families, and tuition is expensive. We support this resolution and thank the Assembly for its support.
**Sterling Snyder**, Juneau, said he represented many students that were not able to be present. He said he attended college classes in a dual enrollment situation as a home school student in high school and obtained his Associates Degree in Construction Technology Magna Cum Laude by the time he was 18. He then paid for his education from that point forward, purchased a home and became a foster parent. He received financial support from the University and is thankful for that opportunity to have financial aide available. He is starting a real estate business with his brother in Anchorage and is excited about staying in Alaska.

**John Pugh**, Juneau, UAS Chancellor, said he spent the weekend working with these students working legislation and lobbying, and was impressed by them all. He asked the Assembly to support Resolution 2462. There is the Alaska Scholars program, it is totally paid for by the Natural Resources fund at the university and we have been unable to get the Alaska Legislature to fund part of that program. There was no state aid for merit or needs-based higher education in 2005. In 2007, Alaska Post Secondary Education took some of its income and began to develop a small program with $500,000. Last year, the legislature tried to put in $1 million. Looking at other states, Alaska needs an $8 million needs-based program in order to catch up with what other states are doing for their students. We are talking about developing the Alaska workforce. This is just a start and is a strictly needs-based program. He thanked the students and the Assembly.

Mr. Wanamaker asked if this would assist people pursuing vocational career programs. Chancellor Pugh said yes, the student would need to take at least six credits, and encompassed all programs.

**MOTION**, by Anderson, to adopt Resolution 2462, and he asked for unanimous consent. Hearing no objection, Resolution 2462 was adopted.

Bid Award E09-168  
**Radcliffe Road Reconstruction**

**Administrative Report**: Attached. The manager recommended award of Bid E09-168 to Miller Construction Co., Ltd., for the Base Bid and Additive Alternate for a total award of $1,684,689.

**MOTION**, by Bush, to award Bid #09-168 – Radcliffe Road Reconstruction, to Miller Construction Co., Ltd., for the Base Bid and Additive Alternate for a total award of $1,684,689 and he asked for unanimous consent. Hearing no objection, it was so ordered.

**VII. PUBLIC HEARING**

A. Ordinance 2008-15(AU)  
**An Ordinance Appropriating To The Manager The Sum Of $149,582 As Partial Funding For Firefighter Training And Fire Station Exhaust System Upgrades For The Capital City Fire/Rescue Department, Grant Funding Provided By The U.S. Department Of Homeland Security And Federal Emergency Management Agency.**

**Administrative Report**: Attached. The manager recommended that Ordinance 2008-15(AU) be adopted.
Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-15(AU) and he asked for unanimous consent. Hearing no objection, Ordinance 2008-15(AU) was adopted.

B. Ordinance 2008-15(AV)
An Ordinance Appropriating To The Manager The Sum Of $135,000 As Partial Funding For The Amalga Harbor Ramp Rehabilitation Capital Improvement Project, Grant Funding Provided By The Alaska Department Of Fish And Game.


Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2008-15(AV) and he asked for unanimous consent. Hearing no objection, Ordinance 2008-15(AV) was adopted.

C. Ordinance 2008-15(AW)
An Ordinance Appropriating To The Manager The Sum Of $1,400,000 As Partial Funding For Six Wastewater Utility And One Water Utility Capital Improvement Projects, Funding Provided By Temporary 1% Sales Tax.


Public Comment: None.

Assembly Action:


Mr. Anderson asked about the $110,000 for pre-design on incinerator repair and replacement, when the project would happen, and how long would it take to complete.

Mr. Swope discussed the replacement of the JD Plant incinerator. The useful life left in the incinerator is five years or less and this will be a significant project. A new incinerator costs $12 to $15 million, which will be a huge capital cost. We need to set this money aside.

Hearing no objection, Ordinance 2008-15(AW) was adopted.

VIII. UNFINISHED BUSINESS – None.
IX. NEW BUSINESS

A. Liquor License
Restaurant Designation Permit Application
Jovany’s Italian Restaurant, 9121 Glacier Hwy.


Public Comment: None.

Assembly Action:

MOTION, by Chambers, to accept the recommendation of the Human Resources Committee and waive the Assembly’s right to protest the issuance of a restaurant designation permit to Jovany’s Italian Restaurant. Hearing no objection, it was so ordered.

B. Notice of Appeal
Conditional Use Permit USE2008-00026 – Placement of a 150-foot Telecommunication Tower at 3921 Mendenhall Loop Road.

Administrative Report: Attached. The manager had no recommendation. Mr. Hartle said that the appeal was filed in a timely manner, and reviewed the decision that needed to be made by the Assembly. He reviewed the matter and saw no reason for the Assembly not to hear the appeal. It would be one the Assembly could hear directly without the use of a hearing officer.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to accept the appeal, for the Assembly to hear the appeal, and to appoint the Mayor as presiding officer. Hearing no objection, it was so ordered.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Bush said the COW met on February 9 and discussed the recycling program. The Assembly is committed to retaining this program as it is currently in operation. The COW then visited the Juneau Arts and Cultural Center for a tour and met with the board, staff, and persons interested in the JAHC programs. The next meeting will be February 25, at 6 p.m., in the Assembly Chambers, and the agenda includes downtown smoking issues, snow removal issues, and a report from the Alaska Committee. Mr. Sanford said that the STIP discussion was moved from the PWFC meeting today to the COW meeting on Wednesday for an Assembly update.

Finance Committee: Mayor Botelho said the next meeting will be held on March 11, at 5 p.m., in the Assembly Chambers.
**Lands & Resource Committee:** Chair Anderson said the Lands Committee met and discussed the Lemon Creek Second Access. Proposals for this project were put on hold earlier due to a lack of transportation and congestion issues. Ms. Marlow and Mr. Watt reported that for a long-term solution, the approach that was a bench road proposal was the most likely to be appropriate, with the caveat that the route would be moved upland from the Vanderbilt Creek area. It is anticipated that SEAL Trust, with the Airport mitigation money, will be looking at the Vanderbilt Creek area as a focus.

There was some discussion about the area above Fred Meyers, known as the Golden Heights Subdivision, which was sold to Hugh Grant a number of years ago. The three-year repurchase option time is coming up. The agreement said that if the land was not developed within three years, the Assembly would have the option to repurchase the property at the purchase price plus interest. The Lands Committee does not recommend taking action on this at this time.

**Public Works and Facilities Committee:** Mr. Sanford said PWFC met today and reviewed the STIP list of projects but did not have the description information. This will be provided to the COW on Wednesday. We discussed the Downtown Transportation Center and we did not recommend changing the sprinkler code. That building will be sprinkled. We discussed the elevator and it will need to be a solid, enclosed elevator for operation and this will cost more. We recommended a transfer request for money between two projects within the sewer treatment plant area for Assembly consideration at the next meeting.

**Human Resources Committee:** Chair Chambers said the HRC met this evening and made several recommendations for committee appointments.

*MOTION,* by Chambers, to appoint the following persons to Assembly advisory committees:

**Glacier Valley Elementary School Renovation Project 1% for Art Selection Panel:** Annie Caulkins, Janet Schempf, Ted Wilson, Deb Morse, Susan Sielbach, and Tammy Malloy.

**Juneau Commission on Sustainability:** Susan Ely and Bob Bella for two open seats expiring June 30, 2010.

**Parks and Recreation Advisory Committee:** Melissa Goldstein, Jeff Sloss, and Jeff Wilson for seats expiring February 28, 2012.

**Sister Cities Committee:** Jeremy Frank for a seat expiring January 1, 2010.

**Youth Activities Board:** Jason Troupin to fill the Juneau Sports Association seat, which will expire upon his expiration of service on the JSA.

Hearing no objection, all of the recommended appointments were approved.

B. Liaison Reports

**Planning Commission:** Liaison Doll said the PC met on February 10 and approved a zone change re-designating land owned by the Mental Health Trust Authority from Waterfront Commercial to Mixed Use 2. The PC will meet February 24, at 7:30 p.m. in the Chambers.
**Docks and Harbors:** Liaison Dybdahl said the next meeting would be February 26 at 7 p.m.

**Airport Board:** Liaison Sanford said the Airport Board met on February 11 and is working on its budget, also working on the terminal renovation, which was let for bid this past week. The terminal project came in under bid and they were able to allow five alternatives to be added and still be under the project estimated cost. There are two or three big projects coming up and we have a good construction season ahead of us.

**Chamber of Commerce:** Liaison Anderson said the JCoC Board met last week and sent a letter to the Assembly regarding its concerns about the city manager search process. Mr. Anderson asked for a report from the City Manager and HR Director with a ten-year history of jobs in city services and he presented the report to the Chamber of Commerce, along with information on the assessment center process.

Mayor Botelho said there are two exercises during the City Manager assessment center to which the public is invited to attend. The first is a presentation to the Assembly by the candidates from 9:15 – 11:15 in Chambers, and a second public presentation opportunity from 11:30 – 1:30 Tuesday, and an open reception from 5 p.m. to 7 p.m. in the Chambers.

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Wanamaker said that on the STIP memo, the language should reflect North Douglas Crossing, rather than Second Channel Crossing.

Mr. Doll said he is a participant in the Southeast Conference Regional Solid Waste Working Group, which has selected a contractor to work on the project. Among other things, the contractor will want to come to Juneau and speak with the city manager. The Southeast Conference is meeting here March 16 and 17 and Mr. Doll invited the Working Group Chair John Boling to come and visit with the Assembly about the project.

Mayor Botelho suggested adding this to the March 16 Assembly agenda as a special order of business to allow Mr. Boling to make a presentation.

Mr. Anderson reported on the meeting of the University of Alaska Southeast Board of Regents. He thanked the Mayor for speaking to the Board. Mr. Anderson said the Board of Regents approved a remodel of the Anderson Building and a pedestrian overpass to cross over Egan Highway at the dangerous curve, despite the lack of a guarantee from DOT that they would not need the project or re-route the road in the future. The project is funded and will move forward.

Mr. Bush said there will be a 20th Anniversary Celebration on March 21 for the Downtown Library. An Assemblymember is needed for this function and Mr. Bush and Mayor Botelho were not available, Mr. Wanamaker volunteered.

Mr. Bush proposed a town hall type meeting, with the Mayor as host, to seek ideas on how to make Juneau a better capital city. This would be a good opportunity for people to come forward and get some media coverage. Mr. Anderson said he enthusiastically supported this idea. Mayor Botelho said he would make contact with the Alaska Committee and coordinate a meeting.
XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT - 8:04 p.m.


Signed:___________________________ Signed:_______________________________

Laurie Sica, Municipal Clerk          Bruce Botelho, Mayor