MEETING NO. 2009-12: 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 (Telephonic), Bruce Botelho, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl (Telephonic), Merrill Sanford, and Randy Wanamaker.

Assembly Absent: David Stone.

Staff Present: Kim Kiefer, City Manager; Jane Sebens, Assistant City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Marc Matsil, Parks and Recreation Director; Rorie Watt, Engineering Director; John Stone, Port Director; Heather Marlow, Lands and Resources Manager; Eric Mohrmann, Fire Chief and numerous employees and volunteers of the Juneau Fire Department.

II. SPECIAL ORDER OF BUSINESS

A. Daniel Glidman – Appreciation

Mayor Botelho thanked Daniel Glidman for his service to the community in maintaining the sidewalks and areas around the Wharf Building snow free and for setting an excellent example for other residents to follow.

B. Employee Recognition - Retirement - Dave Boddy, CCF/R

Chief Mohrmann honored Captain Dave Boddy for over 30 years of service to the Juneau Fire Department. Mr. Boddy started as a volunteer in 1974, and in 1980, he became a full time firefighter and a medic, a fire lieutenant, a training officer and captain. Chief Mohrmann said returned to the line and took on significant task to increase effectiveness. He has been the premier ice trainer and swift water boat trainer. He was involved with the fire rescue team and has kept JFD on task with FAA standards for airline safety. He is professional, thorough, and has put his heart and soul into the protection of the citizens of this community. Mr. Boddy was presented a plaque from the fire department and a certificate of appreciation from the Assembly and City Manager.

III. APPROVAL OF MINUTES

A. May 18, 2009 – Regular Assembly Meeting 2009-11

Hearing no objection, the minutes of the May 18, 2009, Regular Meeting 2009-11, were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES – None.
V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Neil Atkinson spoke about his concerns regarding the Hazardous Waste Collection event the past Saturday, the long lines and the frustration from residents who left without disposing of their material. He hoped that something will be changed so that people will not dump their materials in the landfill or stockpile the materials in their homes because the line is too long. His wait was over 2.5 hours and he finally got frustrated and left.

Dixie Hood spoke about the proposed government office building (Mental Health Trust proposal) and said she supported the new office complex, but did not support the location on the waterfront. She asked the city to explore the possibility of a land swap in the area of the AK Public Safety, AK DEC, Zach Gordon, the Juneau Arts and Culture Center and Centennial Hall to determine if that area could be used for the offices. The waterfront should be used for more appropriate uses, such as a performing arts center, native arts center, or a visitor center. Juneau is an arts and cultural center and a university town as well as a state government town, so funds can be sought. For Sitka, a town of 8000 people to pull off a $17 million performing arts center is a tremendous feat. Juneau should be able to do the same, in cooperation with UAS. She stressed her request for CBJ to look for other locations for this office project.

VI. CONSENT AGENDA

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

Dixie Hood requested discussion of Resolution 2480.

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Bush, to adopt the consent agenda as amended with the removal of Resolution 2480. Hearing no objection, the following consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2009-13

      An Ordinance Providing For The Issuance And Sale Of General Obligation Bonds In The Aggregate Principal Amount Of Not To Exceed $20,338,000; Providing The Form And Terms Of The Bonds And For Unlimited Tax Levies To Pay The Bonds; Providing For The Appointment Of A Bond Registrar; And Authorizing A Preliminary Official Statement, Proceeds To Be Used For The Dimond Park Aquatic Center And The Covered Playground At Dzantik’I Heeni Middle School.

      Administrative Report: Attached. The manager recommended Ordinance 2009-13 be introduced and set for public hearing at the next regular meeting.

   b. Ordinance 2009-14
An Ordinance Amending The Land Use Code To Exempt Conservation Lots Adjacent To, Or Within, The Mendenhall Wetlands State Game Refuge From Certain Subdivision Requirements.

Administrative Report: Attached. The manager recommended Ordinance 2009-14 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2008-15(BL)
An Ordinance Appropriating To The Manager The Sum Of $144,200 As Partial Funding For The Airport’s Fiscal Year 2009 Operating Budget, Funding Provided By Airport Fund Balance.

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

d. Ordinance 2008-15(BM)
An Ordinance Appropriating To The Manager The Sum Of $4,577,698 To Fund The City And Borough Of Juneau’s Fiscal Year 2009 Public Employee Retirement System Contribution, Funding Provided By The Alaska Department Of Administration.

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

e. Ordinance 2009-08(A)
An Ordinance Appropriating To The Manager The Sum Of $92,500 As Funding For The Low-Income Housing Coordinator, Funding Provided By The Low-Income Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(A) be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2479
A Resolution Supporting A 2009 Application For Funding Through The State Of Alaska, Department Of Transportation And Public Facilities, Municipal Harbor Facility Grant Program, In The Amount Of $5,000,000 For The Project Entitled “Statter Harbor Improvements.”

Administrative Report: Attached. The manager recommended Resolution 2479 be adopted.

3. Transfer

a. Transfer T-897
Transferring $368,600 From The Open Space Waterfront Land Acquisition Capital Improvement Project To The Juneau Arts And Culture Center Improvements Project.

Administrative Report: Attached. The manager recommended approval of Transfer T-897.
4. Bid Award

   a. Bid No. E09-214
      CCF/R Fire Tanker

      Administrative Report: Attached. The manager recommended award of this contract to
      Pierce Manufacturing, Inc., as the sole bidder, for a total award of $303,410.

   Removed from the Consent Agenda:

   Resolution 2480
      A Resolution Authorizing The Manager To Negotiate And Enter Into A Revocable
      License For The Use Of 1.65 Acres Of Lot A Of Trust Land Survey 2007-01 And Lot 7,
      Block 68, Alaska Tidelands Survey No. 3, For Parking By State Employees In The
      Juneau Arts And Cultural Center Parking Lot.

      Administrative Report: Attached. The manager recommended the Assembly adopt the
      Assembly Lands Committee's recommendations.

      Public Comment:

      Dixie Hood asked the Assembly to authorize a shorter period for this lease. The parking area
      that has been used by state employees is CBJ property and is land that could be better used for
      the proposals for the new state office complex. She asked why there is so little question about
      providing this valuable property for state employee parking use.

      Assembly Action:

      MOTION, by Bush, to adopt Resolution 2480.

      Mr. Bush said the Lands Committee heard this resolution and recommended adoption of
      Resolution 2480. He defined the area of the parking as outlined in the packet material.

      Mr. Doll asked for clarification of the terms of the lease. If the license expires in one year, and
      can be renewed for an additional year, is that at the discretion of the manager. Ms. Kiefer said
      the current license expires at the end of this June, and we recommend a two year agreement to
      give the state time to figure out a plan for where they are going. To replace that much parking
      they would need a plan. Mr. Doll asked if the agreement expires in a year and has to be
      renewed. Ms. Kiefer said yes.

   VII. PUBLIC HEARING

   A. Ordinance 2008-15(BI)
      An Ordinance Appropriating To The Manager The Sum Of $162,221 As Partial Funding
      For The Juneau-Douglas High School Renovation Capital Improvement Project, Funding
      Provided By General Obligation Bond Interest Income.

      Administrative Report: Attached. The manager recommended this ordinance be adopted.

      Public Comment: None.
DRAFT

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-15(BI). Hearing no objection, it was so ordered.

B. Ordinance 2008-15(BJ)

An Ordinance Appropriating to the Manager the Sum of $181,940 As Partial Funding For The Downtown Transportation Center Capital Improvement Project, Grant Funding To Be Provided by The State of Alaska Department of Transportation and Public Facilities.

Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2008-15(BI). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2009-04

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

Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment:

Dixie Hood said that doubled land use permit fees as a penalty for doing unauthorized work might be considered a cost of doing business for some contractors. She said such a small fee had little impact on making people more responsible with their permit applications.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2009-04.

Mr. Anderson asked for the city attorney’s comments regarding what were appropriate means for enforcement if double fines were not appropriate.

Ms. Sebens referred to Title 49 provisions for citing people for infractions, civil action for damages and criminal charges. Administrative fees should have some connection to the extra cost to the city for dealing with an after the fact permit. She did not see a need for a code change. The existing laws allow for enforcement and the issue is one of allocation of resources, which is left to management.

Mr. Anderson said he was concerned that we are sending a message to people who know the law that they need to abide by the laws, and I hope management will use appropriate enforcement mechanisms when there are occasions like this when an experienced developer encroaches on an anadromous stream. We need to communicate that people should comply
and not seek forgiveness after the act. He encouraged the manager to use the civil and criminal remedies available through the law.

Mr. Doll said this authorizes the CDD director, in certain circumstances, to show there is a consequence to doing work without a permit. The punitive alternative would be a citation. He asked how it would be determined when a fee or a penalty was charged. Ms. Sebens said both remedies could be used. A double fee could be charged for the work when the permit was applied for, and there is a variety of other remedies, such as an injunction, or a citation with fines. The type of violation would dictate the response by law. The citation is the initial minimal remedy and is what is primarily used. There are also civil remedies.

Mr. Doll said that this ordinance would not minimize what the manager can do regarding enforcement. Ms. Sebens said that was correct.

Mayor Botelho said this is not providing a way for someone to factor in work without a permit as a cost of doing business and ignoring the application process simply to pay a double fee, but there could well be, and nothing is prohibiting any other consequences that are currently provided in code.

Ms. Sebens said that the choices of methods for enforcement are generally dictated upon the level of knowledge of the violator.

Mr. Dybdahl said the other major consequence is that any such violation is that a permit might be denied and the correction could come at a great expense to the violator.

Hearing no objection, Ordinance 2009-04 was adopted.

B. Liquor Licenses

1. Lic. #2533 Jack D. & Arlene D. Tripp d/b/a Viking Restaurant & Lounge, 216 Front St.
2. Lic. #4543 Breeze In Corporation d/b/a Breeze-In, 5711 Concrete Way (Lemon Creek location)
3. Lic. #662 Breeze In Corporation d/b/a Douglas Island Breeze-In, 3370 Douglas Hwy.
4. Lic. #816 El Sombrero Inc. d/b/a El Sombrero Mexican & American Food, 157 S. Franklin Street

Administrative Report: Attached. The manager recommended the Assembly adopt the Human Resources Committee's recommendations for action from tonight's meeting.

Public Comment: None.

Assembly Action:

Ms. Chambers said that all of these establishments had been set over from the past meeting in order to allow the businesses more time to comply with code requirements.

MOTION, by Chambers, that the Assembly accept the HRC recommendation to waive the right to protest License 2533- Viking Restaurant and Lounge, based on completed inspections. Hearing no objection, so ordered.
MOTION, by Chambers, that the Assembly accept the HRC recommendation to protest the renewal of License 816 with the condition that the protest be removed upon satisfactory completion of a Fire Inspection.

Ms. Chambers said that there has been no response to staff’s requests for inspection. Considering the businesses history of compliance, she recommended that if this motion is approved, the Clerk’s office and Fire Inspector work with the business the next day to complete the required inspections in a timely manner.

Hearing no objection, so ordered.

MOTION, by Chambers, that the Assembly accept the HRC recommendation to waive the right to protest License 4543-Breeze In Lemon Creek and 662- Breeze In Douglas. Hearing no objection, so ordered.

IX. NEW BUSINESS

A. Supplemental Agreement – Dimond Park Aquatic Center

Administrative Report: Ms. Kiefer said the cost to construct Dimond Park Pool came in substantially under bid. There has been interest in two projects, which include adding two additional lanes to make a total of eight, and a therapy pool. There are not enough funds for both projects. Management recommends adding the two extra lanes to the pool now, as a practical matter, as it would be very difficult and expensive to add them in the future. Bidding the two extra lanes out to another contractor is not recommended, as it is almost impossible to delineate the work out for what is necessary to construct the two additional lanes separate from the other six. Therefore, this supplemental agreement for the additional work by the currently awarded contractor was before the Assembly for review and approval.

Public Comment:

Dixie Hood, a member of the Parks and Recreation Advisory Committee said the PRAC is supportive of additional two lanes to allow statewide competition, which is not possible with the six lanes.

Assembly Action:

MOTION, by Bush, to approve the supplemental agreement.

Mr. Bush asked if this project is eligible for state matching funds. Mr. Mertz said 26.4%. Was the supplemental also allowed? Ms. Kiefer said the reimbursement is based on the cost to build the approve six lane pool only, so the reimbursement will be even less from the state.

Roll call:
Nay: Chambers.
Motion passed, 7 ayes, 1 nay.

B. Liquor Licenses

1. Liquor License – Restaurant Designation Permit Application

Westmark Baranof Hotel - Gold Room

Administrative Report: Attached. The manager recommended the Assembly adopt the Human Resources Committee's recommendations for action from tonight's meeting.

Public Comment: None.

Assembly Action:

MOTION, by Chambers, that the Assembly accept the HRC recommendation to approve this application for a restaurant designation at the Westmark Baranof Hotel – Gold Room. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Ms. Kiefer said that paving on Main Street will begin Thursday morning to repair the potholes, and people should be aware of the traffic rerouting.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

1. Discussion – MOU Alaska Coastal Rainforest Center

Mayor Botelho presented a draft Memorandum of Understanding between CBJ, the US Forest Service and the University of Alaska for the establishment of an "Alaska Coastal Rainforest Center" to facilitate education and research coordinated activities between the cooperating agencies. The goal is to have a final document by the end of this month. He asked for any comments or for the blessing of the Assembly.

Mr. Wanamaker said he did not understand the origin of this, was not sure if this is what is needed at this time, and he will continue to review and will forward his questions to the mayor.

Mr. Sanford asked about the reference to “lands North of Tee Harbor.”

Ms. Marlow said the original draft specified a study area at the Bessie Creek Drainage above Echo Cove, however, she thought there might be other areas already established that might be provide good study areas, so requested broader language to widen the options.

Mr. Sanford asked about the potential cost of CBJ staff support and other funding. Mayor Botelho said this is a non-fund obligating document by all parties. Staff will do what it can where there is agreement.
Mr. Sanford asked about the use of the word conservation, which he said means abate, keep the same, and to not change. He does not want to go down that road automatically and lock up any acre of the CBJ property. He would look at each individual acre of land CBJ owns before it is dedicated to conservation. He wanted more information than was contained in this document.

Mayor Botelho said the city is committing no land to this project, it is only stating that the CBJ land will be available for research. The research center will be at UAS. Our interest is to see more research taking place.

Mr. Doll said there are many ways to look at this document. We are continually looking for ways to diversify and expand our economy. Anything we do to attract a core of people to this community that is contemplated by this agreement will make the community more attractive and has the potential to help us achieve our goals.

Mr. Anderson said he looked forward with any opportunity to cooperate with UAS. He said there is funding for research that can potentially come here to study the Tongass Forest. This MOU does discuss conservation, but is meant to outline a collaborative environment to enhance research with USFS and UAS. He was in support of the draft MOU.

**MOTION** by Bush, to support further investigation with all the parties and to proceed to a finalization of a MOU.

Roll call:

Nay: Sanford, Wanamaker.

Motion passed 6 aye, 2 nay.

B. Committee Reports

**Committee of the Whole (COW):** Mr. Bush said the next meeting is Monday, June 15, at 7pm in the Chambers and the topics will be:

Community Development Department (CDD) Update, regarding the League of Women Voters Survey and a 2009 Update of Zucker Report, a Waste Management Recommendation with follow up from May 11, 2009 COW Meeting, and School District – Future Bonding Projects Related to the October Ballot and an Affordable Housing Proposal with Juneau Economic Development Council

**Lands and Resources:** Mr. Bush said the committee met prior to the Assembly meeting and forwarded the land use code amendment regarding conservation lots to the full Assembly for introduction and public hearing on June 29, reviewed the affordable housing proposal with JEDC, which will be discussed at the 6/15 COW, and up for public hearing on 6/29 Assembly agenda. The committee reviewed and recommended Resolution 2480 regarding the parking lease, and reviewed and recommended introduction of an ordinance to allow Bartlett Regional Hospital to purchase a Jordan Creek condominium from the Bartlett Foundation. The committee discussed, recommended, and hearing no objection, the Assembly moved to allow the manager to negotiate a sale of a city lot in the Greenwood subdivision to the school district for a student building project. The committee heard information about an airport mitigation
Assembly Meeting No. 2009-12 10 June 8, 2009

**DRAFT**

project proposed by Seal Trust for conservation lands at Hilda Creek in West Douglas - an ordinance of introduction will come before the Assembly on June 29.

*Public Works and Facilities:* Mr. Sanford said the PWFC held a joint meeting with the school district and discussed $40 million worth of school maintenance projects the JSD would like to bond for at the October 6 municipal election. This subject will be further discussed at the 6/15 COW. Also discussed school hour changes and the potential affect on snow removal costs. PWFC discussed the appropriations to Juneau for runway safety area improvements, and that the money for mitigation was issued to Seal Trust in the amount of $6 million, to purchase conservation lands. Floyd Dryden students presented information and recommendations to the Assembly on Jordan Creek's habitat. PWFC discussed the 1% for art projects that will be forthcoming at the Downtown Transportation Center.

*Human Resources Committee:* Ms. Chambers gave the report of the HRC and made motions to appoint new committee members. The following appointments were approved by the assembly without objection:

Fisheries Advisory Committee:

Michael Peterson for a term expiring January 31, 2012;
James Becker for a term expiring January 31, 2011;
Glenn Haight for a term expiring January 31, 2011;
Brian Holst for a term expiring January 31, 2012; and
Two remaining seats are open for terms expiring January 31, 2010 for anyone interested in applying to serve on the committee.

Utility Advisory Committee:

Geoff Larson, Irvin George Porter, and Dick Behrends for three-year terms each expiring on May 31, 2012.

Ms. Chambers said the Full Assembly will meet on Thursday, June 11, at 5 p.m. as the HRC to interview and recommend appointments to the Bartlett Board and Eaglecrest Board.

C. Liaison Reports

*Parks and Recreation Advisory Committee:* Mr. Wanamaker said there is a vacancy on this committee in August. The PRAC reviewed and recommended the Assembly adopt a resolution on the recommendation of the Veterans for Peace to name the "pocket park" at 3rd and Seward Street to “Bishop Michael H. Kenny Memorial Peace Park”.

*Planning Commission:* Mr. Doll said the PC reviewed three different drafts of a noise ordinance and gave comment to staff to produce another version more oriented towards land use. The PC heard a presentation from the League of Women Voters on their survey of CDD services, also a topic for the 6/15 COW. The PC approved the Non-Motorized Transportation Plan and recommended its adoption by ordinance. The next meeting is Tuesday, June 9 at 7 pm.
**DRAFT**

**Sustainability Commission:** Mr. Doll reported on the completed green house gas audit recommendations. He encouraged people to participate in the upcoming Farmers Market in August.

**Eaglecrest:** Ms. Chambers said the construction of the mid-mountain chairlift is in progress and for safety the area will be closed temporarily.

**Affordable Housing Commission:** Ms. Chambers said AHC meets tomorrow, will review the JEDC proposal and discuss at the 6/15 COW.

**Airport Board:** Mr. Sanford reported on a number of projects that are ongoing at the airport, including the terminal work and drilling for a ground source heat pump is ongoing. Jeannie Johnson was hired as the new airport manager. The next meeting will be Wed June 10th.

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Doll said he toured the ground source heat pump installation at the airport, is impressed by the technology. He hopes that it will be considered for future projects in the community where applicable.

Ms. Chambers followed up on Mr. Atkinson’s comments on the hazardous waste collection event. If the lines are too long and the word gets out that people should not bother, then we will see exactly what we are trying to avoid, which is dumping in the landfill or stockpiling. She suggested Mr. Doll discuss this with the Sustainability Commission. She also asked the manager to look at the contract and future bid awards. Mayor Botelho asked for a report at the next meeting for options to explore. Ms. Kiefer said Mr. Buck is reviewing the situation and will provide a report on June 29. Mr. Sanford restated his concerns about the hazardous waste event.

Mayor Botelho proclaimed June 30 as Juneau School District Superintendent Peggy Cowan Appreciation Day and hoped the public would thank her and wish her well.

Mayor Botelho asked for staff assistance to arrange a meeting with the Juneau Legislative Delegation, CBJ Lobbyists and the Assembly sometime in July.

Mr. Sanford asked about a matrix generated from discussion on ideas from the Capital City Forum. Mayor Botelho said he has it, will distribute it, and will be discussing it with the Alaska Committee.

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

**Dixie Hood,** a member of PRAC and its liaison to the Docks and Harbors Board, said the Board has been dealing with the issue of mercury testing in the Douglas Harbor. This has been an expensive testing process. At the last meeting, it was reported that DEC and EPA had given their approvals, but the Corps of Engineers had asked for continued testing – she understood at a cost of $6 million. It is extremely expensive for a small area of concern.

**XIV. EXECUTIVE SESSION**
Mayor Botelho asked to enter into executive session to discuss the extension of John Roots and his firm’s Washington, D.C. lobbying contract.

Public Comment: None.

Assembly Action:

MOTION, by Bush, to enter into an executive session to discuss the lobbyist contract, a matter, the immediate knowledge of which could have a detrimental effect on the finances of the City and Borough of Juneau. Hearing no objection, the Assembly entered executive session at 8:25 p.m. and returned to regular session at 8:30 p.m.

Mayor Botelho said the Assembly reviewed the contractual relationship with John Roots and his firm, and it is the pleasure of the Assembly to extend the relationship for one additional year.

XV. ADJOURNMENT - 8:33 pm.

Signed: ___________________________ Signed: ________________________________
Laurie Sica, Municipal Clerk    Bruce Botelho, Mayor