MEETING NO. 2009-18: 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, Sara Chambers, Bob Doll, Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: Jeff Bush, Johan Dybdahl.

Staff Present: Kim Kiefer, City Manager; Barbara Ritchie, Deputy City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; John Bohan, Chief CIP Engineer; Marc Matsil, Parks and Recreation Director; Dale Pernula, Community Development Director; Lacey Estus, Centennial Hall Manager; Kirk Duncan, Ski Area Manager; John Stone, Port Director; David Means, Director, JSD Admin Services Director.

II. SPECIAL ORDER OF BUSINESS

A. Mayor Botelho introduced and welcomed Governor Sean Parnell to the Assembly meeting. Governor Parnell said his father served on the Anchorage Assembly and he had a first hand look at local government through his eyes and experiences. He understands clearly how local officials are the front line for democracy and he appreciates the Assembly’s work on the local level. He acknowledged that Assemblymembers get very busy and do not have staff to assist with the daily work. He appreciates that the Assembly took the time to meet with him during his first weeks as Governor. He thanked the people of Juneau on behalf of his administration for the picnic. It was a marvelous event and the community atmosphere and the gracious and warm hospitality extended to him, his wife, Sandy, and his family is deeply appreciated. He looks forward to working with the Assembly in the future. Mayor Botelho said on behalf of the Assembly, it has been overwhelmed by Governor Parnell’s graciousness since assuming office and his support for Juneau as a Capital City. Juneau will do everything it can do to earn his support. Juneau looks forward to working with Governor Parnell and his administration. Mayor Botelho thanked Governor Parnell for his presence, which reflects just one more of his initiatives, and which will be well received in this community and he hopes statewide.

B. Mayor Botelho proclaimed September as National Drug and Alcohol Recovery Month, and presented the proclamation to Jason Burke.

C. Docks & Harbors Board Chair Jim Preston read a resolution of the Board, recognizing the work of Port Director John Stone to revitalize the city's docks and harbor facilities.

III. APPROVAL OF MINUTES

A. August 10, 2009 – Regular Assembly Meeting 2009-17
Hearing no objection, the minutes of the August 10, 2009, Regular Assembly Meeting 2009-17, were approved.

IV.  MANAGER’S REQUEST FOR AGENDA CHANGES – None.

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

VI.  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 Stone, to adopt the consent agenda. Hearing no objection, the following consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2009-16


Administrative Report: Attached. The manager recommended Ordinance 2009-16 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2009-08(J)

An Ordinance Appropriating To The Manager The Sum Of $7,500 As Partial Funding For The Local Emergency Planning Committee Program, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

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

c. Ordinance 2009-08(K)

An Ordinance Appropriating To The Manager The Sum Of $9,600 As Funding For The Purchase Of Equipment To Be Used In Oil And Hazardous Materials Response Activities, Grant Funding Provided By The State Of Alaska, Department Of Environmental Conservation.

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

d. Ordinance 2009-08(L)

An Ordinance Appropriating To The Manager The Sum Of $800,000 As Funding For The Purchase Of Two Buses For Capital Transit And Two Paratransit Vans For Care-A-Van, Grant Funding Provided By The State Of Alaska, Department Of Transportation And Public Facilities.
Administrative Report: Attached. The manager recommended Ordinance 2009-08(L) be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2009-08(M)

An Ordinance Appropriating To The Manager The Sum Of $4,546,000 As Partial Funding For The Downtown Transportation Center Capital Improvement Project, Grant Funding Provided By The State Of Alaska, Department Of Transportation And Public Facilities And The United States Department Of Transportation, Federal Transit Administration.

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

2. Resolutions

a. Resolution 2493

A Resolution Establishing a Fee For Processing and Handling Dishonored Checks and Repealing Resolution Serial No. 1156.

Administrative Report: Attached. The manager recommended Resolution 2493 be adopted.

VII. PUBLIC HEARING

A. Ordinance 2009-17(b)

An Ordinance Proposing An Increase In The Excise Tax On Tobacco Products, To Become Effective Only If Approved By The Voters At The Next Regular Election.

Administrative Report: Attached. The manager recommended Ordinance 2009-17(b) be adopted.

Public Comment:

Joan Cahill, supported the ordinance and asked the Assembly to put this measure on the ballot. She said that there are several teens smoking near the high school and spoke about the lethal statistics of illness and death from cigarette addiction. This ordinance will save the lives of children in this town. The cost of cigarettes has a direct effect on the smoking prevalence of teens and other smokers. This is one of the most effective and easiest youth drug prevention measures.

Wendy Hamilton, thanked the Assembly for passing this ordinance forward this far. She is a certified chemical dependency counselor and cigarettes are often the first drug people try and is often the last drug left for those who get clean and sober. Cigarettes are a very difficult addiction. People can be in denial of the health risks of smoking, but when the cost is a present reality, we do see reductions in smoking. Everyday 5000 children in this country try their first cigarette.

Gail Tharpe-Lucero, a physician assistant at Front Street Clinic, added that smoking and the illnesses that smoking causes one of the most expensive health care costs to the nation, so any means to reduce smoking helps to reduce health care costs.
Assembly Action:

*MOTION, by Wanamaker, to adopt Ordinance 2009-17(b).* Hearing no objection, it was so ordered.

B. Ordinance 2009-18

*An Ordinance Amending the Excise Tax on Tobacco Products Code.*


Public Comment: None.

Assembly Action:

*MOTION, by Doll, to adopt Ordinance 2009-18.*

Mr. Anderson asked why there was a need for clarification of the definition of cigarette on Page 2 of the ordinance.

Ms. Kiefer said there is a distinction regarding the wrapping between a cigarette, wrapped in paper, and a cigar, wrapped in tobacco.

Ms. Ritchie said that National Council on Alcohol and Drug Dependency had its staff in Washington, D.C., review the language and suggested this “industry standard” language to cover any loopholes that the tobacco industry may have found in the past regarding the definition of cigarette.

Hearing no objection, it was so ordered.

C. Ordinance 2009-19

*An Ordinance Authorizing The City And Borough To Issue General Obligation Bonds In The Principal Amount Of Not To Exceed $11,800,000 To Finance Physical And Programmatic Upgrades To Gastineau Elementary School, And Submitting A Proposition To The Voters At The Election To Be Held Therein On October 6, 2009.*


Public Comment: None.

Assembly Action:

*MOTION, by Anderson, to adopt Ordinance 2009-19.* Hearing no objection, it was so ordered.

D. Ordinance 2009-08(F)

*An Ordinance Appropriating To The Manager The Sum Of $3,300,000 As Funding For Auke Bay Seawalk Construction And Cruise Ship Dock Improvements, Grant Funding Provided By Alaska Department Of Commerce, Community And Economic Development.*
Administrative Report: Attached. The manager recommended Ordinance 2009-08(F) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2009-08(F). Hearing no objection, it was so ordered.

E. Ordinance 2009-08(I)
An Ordinance Appropriating To The Manager The Sum Of $10,291 As Partial Funding For The Development Of An Historic Building And Site Survey Report For The Treadwell Mining Complex, Grant Funding Provided By The State Of Alaska, Department Of Natural Resources.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(I) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2009-08(I).

Mr. Doll said he has heard apprehension expressed by some that the ultimate product in this worthwhile effort is capable of being over-engineered. There is affection for the area as it is and there are those who wish to have the area undisturbed. He said it is an area, which preservation of its current character is worthwhile.

Hearing no objection, it was so ordered.

F. Ordinance 2009-08(N)
An Ordinance Appropriating To The Manager The Sum Of $285,000 As Funding For Eaglecrest To Purchase An Over Snow Vehicle, Funding Provided By Lease Financing.


Public Comment: None.

Assembly Action:

MOTION, by Chambers, to adopt Ordinance 2009-08(N). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Export Manufacturing
Administrative Report: Attached. The manager recommended approval of the export manufacturing property tax exemption requests.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly approved the following property manufacturing exemption requests for the 2009 tax year (FY10 budget year):


2. Taku Smokeries filed a manufacturing exemption for machinery, equipment, furniture, fixtures, and a vehicle totaling $30,014.00 ($318.15 in property tax).

3. Alaskan Brewing Company, LLC filed a manufacturing exemption for machinery, equipment and vehicles totaling $2,055,536 ($21,788.68 in property tax).

B. Docks and Harbors Contract Award – Visitor Center Design Services

Administrative Report: Attached. The manager recommended approval of the contract amendment to the current design contract with Jensen, Yorba, Lott (JYL) Architects, in the amount of $182,610, to complete design development and construction documents for the Visitor Center and the uplands portions of the project at the Cruise Terminal and Columbia Lot.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to accept the manager’s recommendation regarding the Docks and Harbors Contract Award for Visitor Center Design Services. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Kim Kiefer said she met with people from the Glory Hole and the Homeless Coalition on Friday, August 21. The Assembly had their proposal before them, which was received Friday afternoon. This is a request for $7200 to provide housing for homeless people for the next two months who have H1N1 or a similar condition in which bed rest and isolation is required. They propose the city fund the hotel costs up to $7200 for two months. The Glory Hole will provide meals, volunteer checks on the ill and transport between the hospital and hotel. The Red Cross would make connections with the doctor and the hotel. She has not been able to confirm this with the Red Cross. A referral system is being developed to use the system efficiently and to assure that people who really need the isolation and rest are appropriately identified and referred by a doctor at Bartlett or another doctor’s office.

Mayor Botelho asked about a funding source. Ms. Kiefer recommended the manager’s contingency fund.
Mr. Anderson thanked Ms. Kiefer and all the people trying to find a solution for this issue. The goal is to avoid turning away sick people onto the streets. He asked if Ms. Kiefer can determine the use of the funds within her parameters since there is no further meeting until September 21.

Ms. Kiefer said she can act within the contingency fund, but would like direction from the Assembly and wanted to make sure there was full agreement, as it says in the proposal that they would be coming back for the long-term proposal, to look to the city to fund the long-term proposal. Not knowing what that long term proposal is, she was a little uncomfortable approving the short-term plan without a bigger understanding.

Mr. Anderson said we need to prepare for contingencies and would like to know the size of the problem – how many people are being turned away from the homeless facilities due to illness. Ms. Kiefer said seven to date.

Mr. Anderson supported the manager evaluating the proposals, certainly for the short term to make a judgment to go ahead and provide for short term care until the group can come to a better medium and longer term plan, provided at the next Assembly meeting.

**MOTION**, by Anderson, to allow the manager to make use of the manager’s contingency funds to provide for a short-term solution for this issue, until a better solution is developed with no further commitment to participation a longer term solution at this time without further detail.

Mr. Doll supported the motion, he discussed the proposal with the various agencies and it appears to be an effective reaction. This infection could go on for some time, so I expect we will need to be prepared for some longer-term financing and further report to the Finance Committee.

Ms. Chambers asked regarding logistics, if the proposed plan for three nights stay is consistent with CDC recommendations. Ms. Kiefer said it is a case-by-case situation, depending on how long the patient waited for treatment and other complications with the patient’s health. Three to seven days is the course of the flu. 24 hours isolation after the fever breaks is recommended.

Ms. Chambers said the medical community needs to know what to expect. She trusted the agencies to know the clientele and triage the sickest. She asked if any of the medical community had been involved with this discussion, to know the paperwork to provide and to understand HIPPA issues.

Ms. Kiefer said the Friday meeting included Front Street Clinic and Bartlett Emergency Room staff. Trying to get information back to them will be easy, but getting the information out to private doctors may be more difficult.

Mr. Sanford asked how much was is in the Manager’s contingency line item. Ms. Kiefer said $35,000, of which $10,000 is committed to helicopter service for avalanche forecasting. $25,000 must last for the rest of the year. Mr. Sanford said the high school will be looking to the Assembly to ask for our involvement with the new drug testing program, regarding how children who test positive will be provided with counseling. This will take money that is not appropriated in any budget. The Assembly will feel more burdens for meeting these worthy
needs, and we are looking at a $4 – 5 million deficit in the next year’s existing budget. We will hit the wall in the next six months and we need to be careful of what we do.

Mr. Doll said he understands that the ticket into the program comes from a provider at Front Street, Bartlett, or SEARHC, the typical recovery period is 3 – 5 days, and we will not achieve anything if we force them out of the program earlier.

Mayor Botelho asked when to expect a longer-term plan to be presented. Ms. Kiefer said she thought the groups would be presenting this in a few weeks.

Mr. Anderson said the Assembly supported the hiring of a person to coordinate Affordable Housing at JEDC, and this is a housing issue, how would this relate? He asked the manager to explore that relationship.

Mayor Botelho clarified that the motion is to authorize the manager to make use of the contingency fund in the amount of up to $3600 for one month for this program. The Assembly will look forward to a report at its next regular meeting on Monday, September 21.

Roll call:
Aye: Anderson, Chambers, Doll, Stone, Wanamaker, Botelho
Nay: Sanford
Motion passed, 6 ayes, 1 nay.

Barbara Ritchie said John Hartle will return to the office on Monday, August 31.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mayor Botelho thanked all who were instrumental in putting the Governor's Picnic together, and recognized Cathie Roemmich, Ginger Johnson, and Paulette Simpson for their event coordination.

B. Committee Reports

Finance Committee: Chair Stone said the committee met July 23 met, acted on two of the topics – the tobacco tax and Gastineau Elementary. They also discussed the outstanding balance due to the city regarding the Fisherman's Memorial. The committee agreed to accept $40,000 from the Fisherman's Memorial fund and agreed that the remaining funds would be designated by the city manager.

Lands and Resources: Chair Anderson said the next meeting is Monday, August 31, at 5 p.m.

Public Works and Facilities Committee: Chair Sanford said the committee met on August 17, and reviewed the Juneau Non-Motorized Transportation Plan, which was referred to the Committee of the Whole for a work session with no recommendation for adoption. Also discussed was the Auke Lake Ramp project, which will go to bid in a few months and have a completion date of next spring. The committee reviewed the art proposals for the Downtown Transportation Center - there are 4-5 different proposals that are very nice. The sprinkler system and elevator additions to the plan have pushed up against the funds available. We
asked the Engineers to try to do everything within budget so they have a challenge. It is an important building for the community and they may require additional $100 - 200,000 for the art.

**Human Resources Committee:**

**MOTION**, by Chambers, that the Assembly adopt the recommendations of the Human Resources committee and make the following appointments to boards:

Juneau Human Rights Commission:

Parks & Recreation Advisory Committee:
- Christopher Mertl for an unexpired term ending February 28, 2011.

Hearing no objection, the appointments were approved.

Chair Chambers said the HRC heard a proposal from Brenda Hewitt of the United Way regarding the idea of UW taking on the administration of CBJ social service grants, presently administered by CBJ staff and the Social Service Advisory Board. Ms. Chambers said the HRC listened and gave feedback, and will await a further proposal.

Ms. Chambers said the HRC also met with Mary Claire Bernstein, Chair of the Juneau Human Rights Commission, regarding its relationship with the Assembly and channels of communication.

**Committee of the Whole:** Mayor Botelho said the COW met and discussed the Animal Control Ordinance, which will be back on the Assembly's September 21 agenda.

C. Liaison Reports

**Planning Commission:** Liaison Doll said the PC will meet Tuesday, August 25 at 7 p.m. with a full agenda, including the Port and Customs building on the waterfront, an ordinance amending the land use code to create a single room occupancy housing type and amend the permitting process, which allows for accessory apartments. The PC will hear a department report on CBJ mitigation options under the new Corps of Engineers compensatory mitigation rule.

**Commission on Sustainability:** Liaison Doll said the Farmers Market will be held this Saturday at the Juneau Arts and Culture Center starting at 9 a.m. and to "be there or be square." Mr. Doll also said the COS will be on KTOO radio on Thursday night at 7 p.m. to discuss the green house gas emissions inventory and follow-up actions.

**Affordable Housing Commission:** Liaison Chamber said the AHC does have a staff liaison now through Juneau Economic Development Council, Scott Ciambor.

**Eaglecrest Board:** Liaison Chambers said the next meeting will be Sept 1 to discuss pricing, and said it will be interesting because the manager is so creative and inventive with solutions.
Airport Board: Liaison Sanford said the board met and reviewed the terminal renovation. Phase I with North Pacific Erectors is almost complete. Phase II with McGraw Construction is underway. The geothermal loops are being completed and the piping should be done in a few weeks. Runway safety area bids were let, it is underbid, and work will start next spring. The Board is working with John Roots, Washington, D.C., CBJ Lobbyist, on the runway lighting needs. The south end MALSAR system is required by FAA, but funding was dropped. He asked people to be patient and careful regarding traffic in the area.

Hospital Board: Liaison Stone said the board meets Tuesday, August 25, at 5:15 p.m.

D. Presiding Officer Reports

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Botelho said there have been many activities this past week and he thanked Mr. Wanamaker and Mr. Sanford for their participation in the Capital City Celebration volunteer recognition, Mr. Anderson for his participation in the Auke Bay loading facility dedication, and all had an opportunity with the Governor's Picnic. He spoke in Whitehorse at the Canadian Capital Cities Organization last week and Mayor Bev Buckway extends her greetings from our sister city, Whitehorse.

Mr. Stone appreciates the community’s participation at the Governor's Picnic - a great event.

Mr. Anderson asked why the Animal Control Ordinance was not on this agenda. Ms. Kiefer said as Mr. Hartle drafted this large document and was out of town, it was scheduled for the next regular meeting to allow his participation.

Mr. Anderson said he spoke with Andy Hughes, of the AK Department of Transportation, regarding the $3 million for dredging and EIS, which was added last year for the North Douglas Road extension, and he said he is waiting for a proposal from the CBJ. Mr. Anderson asked Mr. Hughes about the corridor and his response was that this is something the city would have to lobby its legislative delegation and the ball was in CBJ's court. Future action is waiting on a report from the consultant about the status of 4F lands and Mr. Anderson is hopeful for a quick response. The new Auke Lake trail was heavily used during the warm weather and DOT was unhappy with the parking on the highway. There were meetings with the city's land manager on how to deal with this situation. The last report he heard was an idea of a divided walkway from Brotherhood Bridge over to the University, advocated for by Representative Munoz, was in the STIP, but DOT was not clear on whether the piece of getting a connection to the wayside was included.

Ms. Chambers wished teachers and students well as they head back to school and encouraged the public to keep eyes open for children and be ready for delays at crosswalks. Plan for traffic.

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

XIV. EXECUTIVE SESSION – None.
XV. **ADJOURNMENT** - 8:15 p.m. Ms. Kiefer reminded all that the next Assembly meeting was rescheduled to Monday, September 21 at 7 p.m. in the Assembly Chambers.

Signed: __________________________  Signed: __________________________
Laurie Sica, Municipal Clerk          Bruce Botelho, Mayor