MEETING NO. 2009-23: 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, Ruth Danner, Bob Doll (telephonic), Johan Dybdahl, Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: Jeff Bush.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering Director; Greg Chaney, Planning Manager; Beth McKibben, Senior Planner; Daniel Sexton, Planner II; Marc Matsil, Parks and Recreation Director; Heather Marlow, Lands & Resources Manager; John Stone, Port Director; Tom Mattice, Emergency Program Manager.

II. SPECIAL ORDER OF BUSINESS

A. Capital City Celebrations Board - Acknowledgement

Mayor Botelho invited Kathy Hildre to speak on behalf of the Capital City Celebrations Board. Ms. Hildre acknowledged the members of the board, who had worked diligently to provide activities throughout the year in Juneau to acknowledge the 50th anniversary of Alaskan statehood. Mayor Botelho and the Assembly presented certificates of appreciation to board members present: Kathy Hildre, Cathie Roemmich, Kathy Ruddy, Romer Derr, Jackie Honeywell and Kirby Day; and requested certificates be forwarded to board members Jane Lindsey, Kaysa Korpela and Bob Hale. Ms. Hildre presented the City Manager and Assemblymembers with 50th Statehood Celebration bronze medallions.

III. APPROVAL OF MINUTES

A. November 2, 2009 – Regular Assembly Meeting 2009-22

MOTION, by Wanamaker, to approve the minutes of the November 2, 2009, Regular Assembly Meeting 2009-22, with a correction that the next Parks and Recreation Advisory Committee (PRAC) meeting was to be held on November 3, not on November 2. Hearing no objection, the minutes were approved as corrected.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Patrick Owen said the sidewalks are covered with snow and it is difficult for people to get around town. People are walking in the road. The life we save is valuable and people can easily be hit when walking in the street. Please do a better job with the sidewalks. He
suggested that Gastineau Human Services could provide temporary help. He would like to be contacted with a follow up on any action taken. The area by Egan Drive and Whittier Street, by the Arts and Humanities building, is very built up with snow.

Paul “Chief” Shangin said he is a homeless vet and there are many people who disrespect homeless vets. He said he does not disrespect anyone but he is a human being. It hurts when people disrespect the homeless. He has served his country, he respects his country and he will not forget it. He asked people to have respect for the homeless.

Veronica Milton, said she has been homeless. The people at the Glory Hole treat us as if we are nothing. They have a place and we are outside. She spoke about the difficulties of being homeless. She works when she can and does her best to survive.

Jackson Lee West, said he wants to create a paradigm shift. A map, a constitution, a system of laws can be a paradigm. Most people do not understand that everyone in this room is homeless. People with homes are only living in homes owned by banks. The banks are the people who create the money. Money, at this moment in time, is fear, fear of not having enough to provide for self, family and for tomorrow. There is no gold backing up this money. He would like everyone to understand that we are all in the same boat, and if the name homeless is put upon people, then people are vilified. This same thing happened in World War II in Germany, when the Jews were ostracized.

Rick Willard, spoke on behalf of the homeless, those in the Glory Hole, the Polaris House. He was told that the state would use $4.2 million for an addition to the AWARE shelter. That money should be used for an additional space for the Glory Hole and Polaris House (which close at 9pm and 5pm, respectively). That money should be used to help the homeless. Put yourself in our position. We go through hell on the street. After those two buildings close we have to wander the streets, find places to sleep, under the bridges, that is what we go through. He spoke to Sen. Albert Kookesh to get additional funds for Glory Hole and Polaris to have a place to stay off the street. The homeless help each other. He moved here in February, he has helped the homeless in that time as he did when he lived in Bellingham and Sitka.

Dianne Slater, said it is time to get things done. The homeless want to have a gathering. They want jobs and housing. If you are homeless for three years you have no rental history, you do not get housing. If you have convictions, you do not get housing. We are the homeless and we come from many walks of life. She was called the other night to the wharf, and the homeless were ready to riot. There are 300 homeless children in the community. She protested the use of the CDBG funds for an addition to the AWARE shelter that would help only a small percentage of the community. Many veterans have nightmares and medicate with the use of alcohol. “Chief” almost died the other night and he was resuscitated by Jackson Lee West.

Ms. Danner thanked all the people who came forward to speak. She said it takes courage to speak and understands the frustration. She, as a member of the Affordable Housing Commission, is aware of the issues and will bring the concerns forward.

Mayor Botelho explained the rules of public testimony, which prohibited discussion at this point in the meeting.

Kirby Day, said regarding snow removal, he understands there are lot of sidewalks that need attention, and some are state, some are city sidewalks. He thanked the city for the response to
his concern about clearing the sidewalks leading to the visiting Coast Guard ship, to ease their route into town.

VI. CONSENT AGENDA

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

Dixie Hood requested that Resolution 2510 be removed from the consent agenda for public comment.

B. Assembly Requests for Consent Agenda Changes

Mr. Anderson requested that Resolution 2509 be removed from the consent agenda for discussion.

C. Assembly Action

MOTION, by Anderson, to adopt the consent agenda, as amended with the removal of Resolution 2509 and Resolution 2510. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-25

An Ordinance Amending The Official Zoning Map Of The City And Borough Land Use Code To Change The Zoning Of Lot 4, Seven Mile, Glacier Highway, Currently Zoned D-5, To D-18.

Administrative Report: Attached. The manager recommended Ordinance 2009-25 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2503

A Resolution Approving The Nomination Of The X'unáxi (Auke Cape - Indian Point) Located In The Auke Bay Area Of Juneau To The National Register Of Historic Places And Authorizing The Alaska State Office Of History And Archaeology To Submit The Nomination To The National Park Service.

Administrative Report: Attached. The manager recommended Resolution 2503 be adopted.

b. Resolution 2505

A Resolution Authorizing The Manager To Apply For A Community Development Block Grant From The Alaska Department Of Commerce, Community And Economic Development, In Cooperation With Aiding Women In Abuse And Rape Emergencies, To Be Used For Construction Of A New Building Adjacent To The Existing AWARE Shelter.

Administrative Report: Attached. The manager recommended Resolution 2505 be adopted.
c. Resolution 2506
A Resolution Reestablishing The Juneau Affordable Housing Commission For The Purpose Of Removing The Sunset Date, And Repealing Resolution 2390.

Administrative Report: Attached. The manager recommended Resolution 2506 be adopted.

d. Resolution 2507
A Resolution Supporting Redevelopment Of The Subport Area In A Comprehensive Manner.

Administrative Report: Attached. The manager recommended Resolution 2507 be adopted.

e. Resolution 2508
A Resolution Increasing The Membership Of The Sister Cities Committee And Repealing Resolution 2420(c).

Administrative Report: Attached. The manager recommended Resolution 2508 be adopted.

3. Bid Awards

a. E09-062, North Douglas Sewer Phase IV – LID 95

Administrative Report: Attached. The manager recommended award of this project to Southeast Earthmovers, Inc., for a total award of $1,781,598.

 Removed from the Consent Agenda:

Resolution 2509
A Resolution Adopting The All-Hazards Mitigation Plan For The City And Borough.

Administrative Report: Attached. The manager recommended Resolution 2509 be adopted.

MOTION, by Anderson, to adopt Resolution 2509.

Mr. Anderson said this plan does not include the issue of traffic constriction at the Douglas Bridge, with regard to the possibility of traffic on Egan Highway being cut off, and the mitigation measure that could be provided by the installation of a second Gastineau Channel crossing. He understood from Mr. Swope that this resolution does need to be adopted, to meet time frames to apply for grants.

MOTION, by Anderson, to amend Resolution 2509, to include the following:

“WHEREAS the Assembly acknowledges that the All Hazard Mitigation report does not address potential damage and/or blockage of the Juneau-Douglas Bridge, or the mitigation that would be provided by a North Douglas Crossing,”

And,

“Section 2. The City and Borough of Juneau All-Hazards Mitigation Plan 2009, dated November 1, 2009, will be amended as soon as practicable to include the risks of damage to
the Juneau-Douglas bridge and the mitigation provided by a North Douglas Crossing to both such damage and also to the potential closure of the Egan Expressway from natural or man-made disasters.”

Hearing no objection, the amendment was approved.

Hearing no objection, Resolution 2509, as amended, was adopted.

Resolution 2510
A Resolution Authorizing The Docks And Harbors Board To Prepare And Proceed With A Request To The Alaska Legislature For Funding For Construction Of Juneau Cruise Ship Dock Improvements (Alternative 16B) Or Refurbishment Of Existing Juneau Cruise Ship Docks.

Mr. Stone stated that he had a conflict of interest due to a financial interest he had with Franklin Enterprises and the Gold Creek Fuel Dock. This conflict of interest was upheld by Mayor Botelho and Mr. Stone stepped away from the dais.

Administrative Report: Attached. The manager recommended Resolution 2510 be adopted.

Public Comment:

Dixie Hood, spoke as an advocate for public process and transparency. The wording in the resolution for cruise ship dock improvements – Alternative 16b, is designed to conceal a project that is in opposition to the waterfront plan, which opposed any new docks downtown. Alternative 16b is two new floating docks in the downtown harbor. These large panamax ships are larger than ships docking now. The cruise ship industry opposes this project. The City of Sitka has prohibited panamax ships in their harbor. The city has long tried to keep the people in the dark on many waterfront projects. These ships and the resolution are in defiance of the citizens of Juneau. The resolution should only request funding for the refurbishment of the existing cruise ship docks, which is the only thing acceptable to the public.

Chip Thoma, said he did not think the reference to a McDowell poll that said there was to be no new docks in the Downtown area was accurate. He thought it was only referencing a Gold Creek dock. He did not agree that these ships will overwhelm Marine Park. The projects outlined in Resolution 2510 were exactly the types of projects, which the legislature will look for to fund.

Assembly Action:

MOTION, by Dybdahl, to adopt Resolution 2510.

Mr. Anderson apologized for his absence at the last meeting when this topic was discussed. He intended to vote against this resolution. One of the issues that concerned him was that the city must engage in a negotiated dance with the cruise ship industry on how to spend the cruise ship head tax, which is restricted to the health and safety of cruise ship passengers. This project may fall into this category, and perhaps a few other things we have used the funds for have skirted the lines. The cruise ship industry has opposed this resolution and we should seek to find consensus in how we use the head tax fees to forgo any future difficulties.
Mr. Sanford said he supported the resolution. The Assembly needs to make a decision to move forward. This project has been reviewed by the Docks and Harbors board at great length and there is no other proposal as a private or a public-private partnership. If in a year or two, the funds do not come through, we can do a simple refurbishment, as we left the door open for this in the resolution.

Mr. Wanamaker asked Mr. Swope to allow the Assembly to review any presentation materials prior to submission to the legislature, if this resolution is adopted. Mr. Swope agreed.

Roll call:
Aye: Danner, Doll, Dybdahl, Sanford, Botelho
Nay: Anderson, Wanamaker
Motion passed, 5 ayes, 2 nays.

Mr. Stone rejoined the Assembly at 7:53 p.m.

VII. PUBLIC HEARING

A. Ordinance 2009-24


Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2009-24.

Mr. Wanamaker said he had heard reports of people burning open barrels in the valley and asked if this was enforced by a separate code. Mr. Swope said it was part of the Fire Code and was enforced by the Fire Department. Burn barrel use violations should be reported to the JFD.

Hearing no objection, it was so ordered.

b. Ordinance 2009-08(T)
An Ordinance Appropriating To The Manager The Sum Of $311,585 As Funding For The Metropolitan Medical Response System, Grant Funding Provided By The Alaska Department Of Military And Veterans Affairs.

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

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2009-08(T). Hearing no objection, it was so ordered.
c. Ordinance 2009-08(U)
An Ordinance Appropriating To The Manager The Sum Of $1,591 As Partial Funding For The Historic Preservation Commission Workshop, Grant Funding Provided By The Alaska Department Of Natural Resources.

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

Public Comment: None.

Assembly Action:

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

d. Ordinance 2009-08(V)
An Ordinance Appropriating To The Manager The Sum Of $43,500 As Partial Funding For The Implementation Of The Juneau Coastal Management Program’s FY10 Required Tasks, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

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

Public Comment: None.

Assembly Action:

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

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS – None.

X. STAFF REPORTS

Mr. Swope referred to a memo in the red folder regarding the supplemental agreement he entered into with Arete Construction for construction work needed due to the landslide effects on Gastineau Avenue. He generally avoids this type of supplemental agreement and he outlined the reasons why this type of agreement was appropriate to use in this case. Arete had done extensive work in this area, was very familiar with the drainage structures, retaining walls, etc. and were available to do the work. Arete had already established working relationships with the people in the area. CBJ staff worked with them quickly to get the road open and to clear the way for emergency vehicles if necessary. He wanted to notify the Assembly of his actions.

XI. ASSEMBLY REPORTS

A. Mayor’s Report
Mayor Botelho distributed a draft retreat agenda for Assembly comment. He planned to start the meeting at 5:15 p.m. and not go beyond 9:30 p.m. If there were still matters for discussion, it could call for a follow-up meeting.

B. Committee Reports

*Committee of the Whole*: Chair Wanamaker reported that the last meeting discussions included review of the cruise ship dock issues acted upon tonight.

*Finance Committee*: Chair Stone said the next meeting was set for Wed., Dec. 2, 2009.

*Public Works and Facilities Committee*: Chair Sanford said the PWFC met on Nov. 9 and reviewed sales tax projects funded through 2014. Each project will be close to $.5 or $1 million short and the Assembly will need to look for ways to address this.

*Lands and Resources Committee*: Chair Dybdahl said the committee met on Nov. 9, and the items reviewed and advanced to Assembly and addressed tonight included the All-Hazard Mitigation Plan Update, the Subport pre-development resolution, the nomination of Auke Cape to the National Register of Historic Places, and the resolution regarding the docks. Separate and independent from the plan for the docks was an analysis of upland planning in the downtown waterfront area.

*Human Resources Committee*: Chair Doll said the next meeting was set for Monday, Dec. 7, when the full Assembly would meet to interview applicants for the Hospital and Airport Boards and the Planning Commission. This would be immediately followed by a Special Assembly Meeting to make those appointments.

C. Liaison Reports

*Juneau Economic Development Council*: Liaison Danner said the next meeting was set for Tuesday, Nov. 24, at Noon, and the agenda included the Storis Project, recommendations for new board members, and changes to the JEDC 401K plan.

*Eaglecrest Board*: Liaison Anderson said the Board had considered a summer use “4-wheel” tour to the top of the road to the weather station at the ski area, but had rejected the plan at this time and is still looking for new and innovative ways to supplement the income of the ski area.

*Airport Board*: Liaison Sanford said the many airport jobs are moving along and the Duck Creek northwest corridor area was cleared and grubbed. The dike trail has been kept open with few exceptions. He said that sometime in the future the trail will need to be closed for the work to be done. The runway safety area work has been started and two different contracts are in progress inside the terminal.

*Bartlett Regional Hospital Board*: Liaison Stone said the next meeting was set for Tuesday, Nov. 24, at 5:15 p.m.

*Planning Commission*: Liaison Doll said the PC met on November 10 and reviewed a report on the downtown parking management process. The next meeting is set for Tuesday, Nov. 24, at 7 p.m.
Commission on Sustainability:  Liaison Doll said the next meeting was set for Wed., Dec. 2, at 5:15 p.m. in the Downtown Library.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Stone said that Southeast Conference is looking for support for establishing the Energy Coordinator position, to be funded by the State of Alaska. This is very important for Southeast Alaska and he requested that the Assembly send a letter to the State Administration in support of that funding. Mr. Sanford produced a draft letter to that effect for the Mayor to review. Hearing no objections, Mayor Botelho agreed to send such a letter.

Mr. Sanford said that Care-A-Van Supervisor Dale Morris was recently honored with the Max Lyon Award at the Alaska Community Transportation/Transit Conference in October. Mr. Sanford requested Assembly recognition of this achievement and without objection, such direction was provided to the manager.

Mr. Dybdahl referred to public testimony about sidewalk clearing. Many citizens have volunteered to keep fire hydrants clear, and he acknowledged the State’s “Adopt a Highway” program. He suggested CBJ investigate a way to establish an “Adopt a Sidewalk” program to keep the sidewalks clear of snow.

Mr. Anderson reminded members that between the Assembly Retreat on Monday, Nov. 30, and the Assembly Finance Committee meeting on Wednesday, Dec. 2, there was a Special Assembly Meeting – a joint meeting with the West Douglas Development Working Group and Goldbelt Board to talk about issues surrounding the West Douglas road extension, on Tuesday, Dec. 1.

Mr. Anderson mentioned Assembly travel to the Alaska Municipal League Conference in Anchorage during the past week and acknowledged that Mayor Botelho will be president of the Alaska Conference of Mayors in the coming year.

Mr. Anderson said there is a serious homeless problem in Juneau and there are a number of things that the city and groups, including the Glory Hole, St. Vincents, Aware, have done in the community to address this. He commended those efforts and those of the City Manager and his recent action on the homeless camp on Thane Road. This is an ongoing problem, which we will continue to address.

Ms. Danner said that the AML was a great opportunity to share ideas and have diplomatic relations with people across the state. She attended the Newly Elected Officials training and she was impressed with how well Juneau conforms to good principles. She found out that the Open Meetings Act was established to allow citizens advance notice of issues the Assembly will consider, and she appreciated that CBJ does this. There is always room for improvement and to the extent we can make people feel heard we should continue to do so.

Mayor Botelho acknowledged Mr. Swope and Ms. Marlow for their efforts to address the homeless issues and the homeless camp situation.

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

XV. ADJOURNMENT – 8:23 p.m.

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