MEETING NO. 2009-26: 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, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Dale Pernula, Community Development Director; Jane Lindsey, Museum Director; John Stone, Port Director; Greg Browning, Police Chief; Page Decker, Assistant Police Chief; Jerry Nankervis, Police Captain; Administrative Assistant II; Ed Mercer, Lieutenant, Patrol; Troy Wilson, Lieutenant, Special Operations; Kris Sell, Lieutenant, Communications; Dave Campbell, Sergeant, Special Operations; JPD Officer Tracy Murphy; JPD Officer Sarah Hieb.

II. SPECIAL ORDER OF BUSINESS

A. Juneau Police Department Accreditation

Thomas Clemmons, Police Chief, Seward; Greg Russell, retired Police Chief, Kotzebue, Lt. Gary McCreary, Sitka Police Department are three members of the accreditation team of the Alaska Chief of Police Association (ACOP), were present and spoke to the Assembly. They awarded JPD with a large plaque commemorating that the Juneau Police Department is the first department in the state to meet and exceed the 151 standards that are part of this rigorous assessment program. Chief Browning received a certification plaque and said it was a team effort. This has increased morale in the department and is a source of pride. Mayor Botelho thanked JPD for their work, day in and day out, and for the service and protection they provide to the community and he thanked the presenters of the award for ACOP's support of this program.

III. APPROVAL OF MINUTES

A. November 23, 2009 – Regular Assembly Meeting 2009-23

Hearing no objection, the minutes of the November 23, 2009 Regular Assembly Meeting 2009-23 were approved.

B. December 2, 2009 – Special Assembly Meeting 2009-24

Hearing no objection, the minutes of the December 2, 2009 Regular Assembly Meeting 2009-24 were approved.
C. December 7, 2009 – Special Assembly Meeting 2009-25

Hearing no objection, the minutes of the December 7, 2009 Regular Assembly Meeting 2009-25 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Ernie Mueller, Disaster Response Specialist for Red Cross of Southeast Alaska, reported on the response to the November 14 landslide on Gastineau Avenue. The power was out, and the city evacuated the area. He got a call from the Fire Chaplin early in the morning. He arrived at Centennial Hall and stayed there for 35 hours. About a week later, the disaster action team reviewed the event. The collaborative effort to make this work for the residents of Gastineau Avenue were very good. Ron King was the disaster action leader that weekend for the Red Cross. He is a city employee. Roger Calloway of Reliable Transfer provided a truck. Ivan Hazelton and Boy Scouts moved equipment from the warehouse to Centennial Hall and helped set up the shelter. There were many spontaneous volunteers; one was Richard Warren, who helped with the cats. Roberta Hubbard went and got supplies as needed. Greg Van Kirk brought bottled water. Many residents left their animals behind in the rush; the Humane Society came, got the names of the animals and descriptions, got the keys and did the recovery. Many dogs and one rat spent the night at the GHS shelter; the cats were at Centennial Hall. Lacey Estus of Centennial Hall did a terrific job. Tom Mattice was on his way to Mexico, so he gave assistance and took off. Capital Transit provided transportation. The Fire Department was communicative with the residents, and helped retrieve several residents’ medications, which they left behind, even a set of dentures. JPD patrolled the area due to residents’ concerns about their possessions. City Manager Swope, Mayor Botelho, and Assemblymember Danner showed up, demonstrating good leadership. It is important for people to know their leaders are present. The Housing First - Strasburg Apartment managers, Powell Realty, were there. St. Vincent manages the other apartments and their manager was there. Thirty people spent the night in Centennial Hall. They fed more people who were staying elsewhere and the workers. The shelter was closed by Sunday afternoon and the Red Cross provided housing for 15 people in hotels for the following three days. The Baranof, the Juneau Hotel, and the Driftwood Hotel provided special rates. The Polaris House is a “clubhouse model” assisting people with disabilities and helped their clients and provided transportation. JAMHI came with mental health assistance. The Glory Hole provided clothing and food for people. The Salvation Army provided clothes, with vouchers. The media was present to report. It was amazing to see diverse organizations pull together to assist 80 residents who were displaced by this natural disaster.

Rod Swope said the Red Cross did a tremendous job – 24/7 for two and a half days. They handled difficult problems. There were special needs and elderly who needed extra attention. Mr. Mueller said all the people were volunteers with the Red Cross. All volunteers had a great time. The next training will be in the spring.

Mayor Botelho said it was an amazing job and he joined the manager in saying the work was done professionally, courteously, and in a caring manner.

Mr. Sanford asked how long the area was without power. Mr. Mueller said one hour, and immediately after Centennial Hall had hot coffee. Mr. Sanford said the CIP has had an
emergency generator on the list for many years, so he asked Mr. Mueller to write a letter with a reminder that this is still a need.

Mr. Doll asked if there were any shortcomings. Mr. Mueller said they were not tuned into providing services to people with special needs. We need disaster health services – our volunteer nurse was in Seattle. The other need is for adequately trained mental health personnel to work in the shelter. It is very challenging to be the victim of a disaster and have special needs and be out of a normal routine.

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 Anderson, to adopt the consent agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-08(W)
An Ordinance Appropriating To The Manager The Sum Of $409,918 As Partial Funding For The Juneau International Airport Runway Safety Area Construction Capital Improvement Project, Grant Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities.

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

b. Ordinance 2009-08(X)
An Ordinance Appropriating To The Manager The Sum Of $150,000 As Additional Funding For An Environmental Assessment Of Statter Harbor Loading Facility Capital Improvement Project, Funding Provided By The State Of Alaska Department Of Fish And Game.

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

2. Resolutions

a. Resolution 2470
A Resolution Authorizing The Airport Manager To Enter Into A Grant Agreement Between The City And Borough And The State Of Alaska, Department Of Transportation And Public Facilities, Regarding The Runway Safety Area.

Administrative Report: Attached. The manager recommended Resolution 2470 be adopted.
b. Resolution 2512


Administrative Report: Attached. The manager recommended Resolution 2512 be adopted.

VII. PUBLIC HEARING

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.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2009-25. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors Regulations

Amendment To Title 05, Chapter 20, Small Boat Harbor Fees and Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.

B. Docks and Harbors Regulations

Amendment To Title 05, Chapter 45, Small Boat And Port Facilities Use Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.
C. Liquor Licenses

MOTION, by Doll, that the Assembly support the recommendation of the Human Resources Committee to waive its right to protest and approve the following license actions:

1. New Wholesale-General License #4943 Specialty Imports Inc.

2. Transfer of Ownership/Name Change & Restaurant Designation Permit Restaurant/Eating Place License #4731
   Transfer FROM: Yoon Corp. d/b/a Tokyo Japanese Steakhouse
   Transfer TO: DJ LLC d/b/a Asiana Gardens

2010-2011 License Renewals:

1. License #1166 License #1166 Triangle Club Inc. d/b/a Triangle Club

2. License #2541 MGO Inc. d/b/a Juneau Airport Travel Lodge

3. License #3824 Hospitality Group LLC d/b/a Frontier Suites Hotel

4. License #848 Olivia Castaneda d/b/a Olivia’s De Mexico

5. License #2976 No Creek Jack Inc. d/b/a Duck Creek Market

Hearing no objection, it was so ordered.

In addition, based on a report from the HRC, the Assembly removed its protest of the Mad Greek Restaurant/Eating Place license 2812 as the business had paid outstanding sales tax delinquencies.

X. STAFF REPORTS

A. City Attorney – Law Department Update

Mr. Hartle said that the Assembly does not see the criminal enforcement work of the law department routinely, but CBJ has two full-time prosecutors and two assistants. Criminal prosecution is a major function. The focus is on domestic violence (DV) and driving under the influence (DUI). CBJ prosecuted 278 DV cases and 154 DUI cases in the last year. 531 other cases were prosecuted in that time. He provided a sample of jury trial cases and said since the city has the burden of proof beyond a reasonable doubt; the cases entail a lot of work. The “civil” side drafts ordinances, resolutions, reviews contracts, advises the manager and other staff, including HR-Risk Management on damage claims, and supports tax collection. We assign a law department staff member to attend the ABC board meetings to follow up protests. This has been helpful and has assisted in collection of back taxes. We review leases, easements, and land management issues. We worked with the state to obtain claim to the land for the transit center. The runway safety area bid had issues, which needed immediate attention. Public records requests, Open Meetings Act, and conflict of interest issues arise. We have a log of advice provided to assist with consistency. Mr. Hartle has provided training to various boards. Mr. Hartle was re-elected as president of the AMAA and will host the annual conference. The Eagles club challenged the smoking ban and CBJ went to the Superior Court
and won on all points. A case CBJ lost was the property tax designation of the Shrine of St. Therese outbuildings. CBJ won a CSO case, the AK Division of Retirement and Benefits had withdrawn the designation of CSO's as peace officers retroactively from 20-year retirement to a 30-year retirement, we defended the employees and won. We exchanged a settlement for further prosecution to grandfather all existing and presently retired employees. The Cottage Housing appeal decision was successfully upheld in court. He worked with the "4F" consultant, and participated on the Solid Waste team with Joe Buck, Cynthia Johnson, and Jim Penor. He has worked on several issues needing legal advice; including the extension of the seawalk past Taku Fisheries and the Indian Roads program.

Mr. Doll asked about the 4F consultant. Mr. Hartle said the consultant is giving CBJ a map of how to permit a project that may be located within a wildlife refuge.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mayor Botelho welcomed Boy Scouts Troops 6 and 11, in the audience, working on their "Citizens in the Community" merit badge.

B. Committee Reports

Committee of the Whole: Chair Wanamaker said the next meeting is December 28, 5:15 pm, regarding Solid Waste issues.

Human Resources Committee: Chair Doll forwarded the JEDC/HRC board appointment recommendations and, without objection, the Assembly appointed Mark Mickelson, Kurt Fredricksson, and Dru Garson to the Juneau Economic Development Council, all for three-year terms expiring October 31, 2012.

Finance Committee: Chair Stone said the committee met on December 2, heard about the Glacier Seafoods Icehouse proposal and asked for more information. The committee heard from United Way about taking on social service grants and passed this topic back to HRC. The committee heard a Budget overview and the next meeting was scheduled for January 13.

Public Works and Facilities: Chair Sanford said the city museum is working on a grant application which will return to the Assembly in the near future. He said the committee reviewed a missing piece of the Transportation plan called the Coordinated Human Service Plan and will be recommending the Assembly amend its adopted plan at a future meeting.

Lands Committee: Chair Anderson said the committee met and reviewed its goals, received an update on the parking management process, Subport planning and West Douglas development. At this time, the committee is waiting for word back on a renewed or revised MOU with Goldbelt, Inc. on cooperation regarding West Douglas development.

C. Liaison Reports

Affordable Housing: Liaison Danner said AHC met to do goal setting and is very enthusiastic about an affordable housing grant from the federal government. It will bring more information to the Assembly in the near future.
Eaglecrest Ski Area: Liaison Anderson reported on the Hilary Lindh scholarship awards.

Airport Board: Liaison Sanford said Beth McEwen facilitated a retreat for the board at the University of Alaska, at which time the board set goals and objectives. The board passed on thanks to her for her work.

Hospital Board: Liaison Stone said the next meeting is Tuesday, December 15 at 5:15 p.m.

Planning Commission: Liaison Doll said the PC met and considered rezoning of property uphill of the newly installed sewer system on North Douglas Highway.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker wished everyone a Merry Christmas.

Mr. Doll said the Southeast Conference has established its board of directors regarding the solid waste project and will meet in Craig on January 12. It is preparing a request to the legislature for $120,000 for their initial efforts. Regarding the rezoning of the property on North Douglas, about 20 who commented, almost all had objections, most regarding landslides and erosion. Traffic concerns were major. He said he did not see a lot of concern from DOT about the bottleneck in the roundabout. The people who live there were concerned with the traffic analysis done for the rezone – mostly about the roundabout.

Mr. Stone had a citizen stop him to talk about the professionalism of the EMTs in Capital City Fire and Rescue.

Mr. Sanford said he has attended two events recently at TMHS and is very proud how things have turned out with the new high school.

Mr. Anderson said it is nice to see so many things that are going well. He gave kudos to the University. The McDowell Group surveys university graduates each year and UAS has the highest satisfaction rates among students out of all the campuses.

Ms. Danner attended a Juneau meeting on biomass hosted by Senator Begich's office and representatives from Sealaska and the U.S. Coast Guard discussed projects they are researching. Sealaska is going to do a demo project to use biomass. She met with two members of USDA, Danny Constantine and Jim Nordland, who were promoting federal programs that would fund these projects. She attended a presentation on prevention strategies sponsored by the Advisory Board an Alcohol and Drug Abuse. The idea behind this program is there will be fewer problems of dropouts, drug abuse, teen pregnancy, etc., if the community can focus on the attributes that make young people more resilient when handling whatever life problems they face. There are 40 assets outlined and we are trying to figure out how to encourage those in our homes and schools. She attended a naturalization ceremony and said it was a moving experience. She thanked the staff for spreading holiday cheer.

Mr. Bush said it had been a positive meeting.

Mr. Anderson added Happy Hanukah.
Mayor Botelho said he is concerned about the plans for reconstruction of 12th Street, which may include narrowing the street. Mr. Swope said he was also concerned and would find out more information from the staff. Mr. Sanford said PWFC looked at the project. It is a tight corridor. The sidewalk will be increased as much as possible without having cars hit each other. All the power poles are in the middle of the sidewalk and they are trying to address this for ADA accessibility. Engineering can give us a report. Mr. Bush said he had not heard of this but as a regular user he could not imagine the corridor being any smaller. Mayor Botelho said one solution might be to eliminate parking, which could also create other problems.

Mayor Botelho said in reference to the budget briefings, he asked if there was objection to sending a letter to agencies which were routinely funded in the city budget, notifying them that there should be no expectation of additional funding and agencies should be ready for potential cuts.

Mr. Stone said he supported sending such a letter and everyone will need to share the burden. Mr. Anderson said he also supported sending a letter. He has had citizens say that every year they are told that money is tight, and they may not be sensing this is truly a different situation.

Mr. Wanamaker said he would make up his mind during final budget sessions. Some agencies may have compelling cases and he wants to hear them with an open mind.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 8:13 p.m.

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