MEETING NO. 2010-01: 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, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, and Randy Wanamaker.

Assembly Absent: David Stone.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Beth McEwen, Deputy Clerk; John Stone, Port Director; Kirk Duncan, Eaglecrest Ski Area Manager; Jeannie Johnson, Airport Manager; Marc Matsil, Parks and Recreation Director; Sheila Fisher, Recreation Superintendent; David Lewis, Swimming Pool Manager.

II. SPECIAL ORDER OF BUSINESS

A. Lego League Presentation

Johnny Elliott, Katherine Kane, Forest Kobayashi, Duncan Smith, Tim Staley, and Finn Sinclair (not present), representing the “LOL – Lots of Legos” team, a group of fifth, sixth, and seventh graders competing at the January Alaska State Robotics Tournament in Anchorage, made their team competition presentation to the Assembly. “LOL” recommended that the Assembly consider converting the 16 Capital Transit diesel buses to hybrid electric vehicles with lithium ion batteries over the next 16 years, replacing one diesel bus per year. The team estimated the cost of each hybrid electric bus is up to $400,000, which is 60% more expensive than a standard diesel bus, and that the cost of running the 16-bus fleet would be $143,220 per year, instead of the $500,000 per year with the diesel alone, a 70% savings. The team also presented a humorous skit promoting the idea.

B. David Lewis – Retiree

Marc Matsil said Dave Lewis has been involved with the pool since high school and was appointed the pool manager in 1980. He has worked for CBJ for 30 years and is retiring. Mr. Lewis said it has been a positive experience working for the CBJ and the community is in good hands with the current CBJ administration. He will try to get used to retirement, enjoy it, and spend time with his son and daughter. Mr. Matsil presented a certificate of appreciation and a plaque acknowledging Mr. Lewis’ three decades of service.

III. APPROVAL OF MINUTES

A. November 30, 2009 – Assembly Retreat Minutes

Hearing no objection, the minutes of the November 30, 2009 Assembly Retreat were approved.
B. December 14, 2009 – Regular Assembly Meeting 2009-26

Hearing no objection, the minutes of the December 14, 2009 Regular Assembly Meeting 2009-26 were approved.

C. December 28, 2009 – Special Assembly Meeting 2009-27

Hearing no objection, the minutes of the December 28, 2009 Special Assembly Meeting 2009-27 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Susan Christianson asked the Assembly to revisit what she called a “ten-year failed experiment” to have Bartlett manage the alcohol and drug rehabilitation facility, by going out to bid for a new contractor. The community needed a better solution for alcohol and drug treatment. She testified at Rainforest Recovery Center (RRC) and Bartlett Hospital meetings and was concerned that Bartlett had awarded a contract for these services to the National Council on Alcohol and Drug Dependency (NCADD) without using a competitive bid process. She discussed the history of the dissolution of the CBJ Health and Social Services Department, the management of the rehabilitation services by Bartlett, and the costs of treatment in comparison to other programs nationally, stating that RRC is one of the most expensive programs. She said RRC is not providing cost effective treatment. She distributed a packet of information to the Assembly, which included Diamond Healthcare Corporation’s report on the Operational Assessment of RRC to the Bartlett Regional Hospital.

Mr. Doll asked what Ms. Christianson’s current association to this issue was. Ms. Christianson said she is a member of the community and has worked with many women with a need for recovery.

Howard Scaman said Rainforest Recovery Center, as operated by Bartlett Hospital, is the single most expensive rehabilitation program in the State of Alaska and it is totally ineffective. In December, an organization called Pyramid was called in to evaluate the program. Pyramid is part of Quorum Corporation, which operates Bartlett and is part of Hospital Corporation of America. The report distributed to the Assembly was prepared by a companion company of Quorum and it states that Bartlett does not know what it is doing with the program. The response to this was to consider a management contract with Pyramid and NCADD. Mr. Scaman attempted to meet with Shawn Morrow and met with Garth Hamblin. He thought Bartlett had been before the Assembly to say that it did not have sufficient funds to run the program. He offered to help Bartlett with this and the response was for them to issue a $240,000 management contract to NCADD with no competitive bid process. He spoke with Loren Jones, Board Chair, who said that Bartlett did have the authority to do small professional services contracts without a competitive bid, but this contract is for a quarter-of-a-million-dollar project. He said people are dying because of what is going on out there and the people do not know what they are doing. He asked that a hearing be scheduled so he could make charges and Bartlett could respond. He did not want the contract, though he could manage this program. He thought the program could be managed for $10,000 a year as a non-profit.
corporation. He asked the Assembly to read the report and said he was making a formal complaint about the contract, which he did not believe was legal.

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

  1. Ordinances for Introduction – None.

  2. Resolutions

     a. Resolution 2511

        **A Resolution Expressing Assembly Support For The Juneau Coordinated Transportation Coalition's 2009 Addendum To The 2008 Transit Development Plan, Coordinated Human Services Element, To Be Submitted To The State Of Alaska Department Of Transportation.**

        Administrative Report: Attached. The manager recommended Resolution 2511 be adopted.

VII. PUBLIC HEARING

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 adopted.

   Public Comment: None.

   Assembly Action:

   **MOTION, by Doll, to adopt Ordinance 2009-08(W).** Hearing no objection, it was so ordered.

     a. 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 adopted.

Public Comment: None.

Assembly Action:

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

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors

Consultant Fee Amendment

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to approve the consultant fee amendment, as proposed by the Docks and Harbors Board, to increase the consultant fee for PND Engineers, Inc. by $120,000, in order to allow the continuation of planning and environmental work for the proposed new launch ramp at Statter Harbor. Hearing no objection, it was so ordered.

B. Notice of Appeal

International Union of Operating Engineers, Local 302 vs. CBJ Human Resources - Appeal of November 24, 2009 Personnel Board Decision.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to accept the appeal, and that the assembly hear the appeal and appoint the mayor to serve as the presiding officer. Hearing no objection, it was so ordered.

Mr. Hartle reminded the Assembly and public that the matter was “quasi-judicial,” and any discussion about the matter on appeal should take place only in the formal setting of a meeting or the hearing.

C. Liquor Licenses:

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

**Transfer of Ownership/Name Change & Restaurant Designation Permit Application**

1. Restaurant/Eating Place License #2175
   FROM: Jilneth LLC d/b/a Silverbow Inn
   TO: The Silverbow LLC d/b/a Silverbow Bakery and Catering

**2010-2011 Liquor License Renewals:**

2. License #3049 Valley Restaurant LLC d/b/a The Valley Restaurant
3. License #3643 Clay Kent & Cisco Ramos d/b/a Douglas Café
4. License #550 Imperial Bar Inc. d/b/a Imperial Bar

Hearing no objection, it was so ordered.

X. **STAFF REPORTS**

A. Eaglecrest Update

Kirk Duncan gave an update on completed projects at the ski area including the Black Bear chairlift, the road to the top of the mountain, electrical conversion of the Ptarmigan lift, and the lower Nordic loop improvements. The next project will be the Porcupine lift for beginners, a lift that Aspen Ski Area will give to Eaglecrest. The board agreed to increase prices for season passes and tickets, and in addition, there was a 6.1% increase in sales, for an overall increase in revenue of 16.6% in FY10. This will allow the Board to deposit additional funds in the fund balance in response to the Assembly’s request. The Board will be focusing on long-term planning now that electricity is available to the mountain, as this opens the area for a variety of uses and development. Mr. Duncan explained the organization of the Eaglecrest Foundation, a 501(c)(3) non-profit foundation of which Mr. Duncan is the Executive Director. The Foundation has done fundraising and sponsors 50 middle school students in its “Books to Boards” program with equipment and access to the ski area at no cost. Mr. Duncan invited the Assembly and the public to an event at Eaglecrest on January 16 at 3 p.m. for the Black Bear Chair dedication and at 4:30 p.m. at the lodge for a reception to thank sponsors, introduce the foundation, and announce the fundraising goal for installation of the Porcupine lift.

Mr. Doll asked how the students were selected for the Books to Boards program and Mr. Duncan said selection was based on income (participation in school lunch programs) and upon teachers’ recommendations.

Mr. Sanford asked how an Assembly directive to hire locally would affect Eaglecrest.

Mr. Duncan said Eaglecrest has brought in six to nine students from Peru each year to work at the area. It was difficult to find people to stand in the snow for 8 hours a day at $9.00 per hour. These are college students on summer vacation, who want to improve their English. Eaglecrest likes this program and does not have a lot of competition for the work, but they would understand such a decision if the Assembly were to make it.
Mr. Wanamaker asked if the summer patrons are new or past customers. Mr. Duncan said the new trails were being used for summer hiking by regular patrons and new users alike and a goal was to improve the Treadwell Ditch Trail from Douglas to Eaglecrest.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Wanamaker said the COW would next meet on Monday, January 11, at 6 p.m. and agenda items included an update regarding the U.S. Census and a discussion about swimming pool management.

Human Resources Committee:

MOTION, by Doll, to withdraw the Assembly’s protest of the Sandbar liquor license based on payment in full of delinquent taxes. Hearing no objection, it was so ordered.

MOTION, by Doll, to accept the Human Resources Committee recommendation that the Assembly make the following appointments:

Juneau Affordable Housing Commission:
- Norton Gregory to a term expiring January 31, 2011
- Shari Partin to a term expiring January 31, 2011
- Honey Bee Anderson to a term expiring January 31, 2011
- Robert Banghart to a term expiring January 31, 2012
- Rosemary Hagevig to a term expiring January 31, 2012
- Tamara Rowcroft to a term expiring January 31, 2012
- Justin Shearer to a term expiring January 31, 2013
- Stephen Sorensen to a term expiring January 31, 2013
- Alan Wilson to a term expiring January 31, 2013

Sister Cities Committee:
- Emily Gaffney to a term expiring January 1, 2012
- Jeremy Frank to a term expiring January 1, 2013

Wetlands Review Board:
- Dr. K. Koski to a term expiring December 31, 2012
- Ronald Berg to a term expiring December 31, 2012
- Dr. Hal Geiger to a term expiring December 31, 2012

Hearing no objection, it was so ordered.

Mr. Doll said the Human Resources Committee received testimony and discussed the renewal of the Beverage Dispensary License #175 Q Enterprise Inc. d/b/a Breakwater Inn Restaurant & Lounge and the basis for a potential protest of the renewal of this license. The HRC tabled action on this license recommendation to the next HRC meeting on January 25.

Mr. Doll said the HRC had additional items on its agenda related to the United Way Proposal regarding the Social Services Block Grant Program and CBJ Boards and Commissions. Due to
limited time, these items were postponed to the next HRC meeting, which will begin at 5:15 p.m. on January 25, to provide additional time to take up these matters.

**Public Works and Facilities Committee:** Chair Sanford said the PWFC met on December 28 to review updates to the sewer regulations. Draft changes were adopted by the committee and will move forward to the Assembly. The committee reviewed the 1% sales tax projects and ways to make up a shortfall of $3.6 million in revenues for those projects. The committee also reviewed the STIP program and any public comment may be directed to Mr. Watt or the PWFC. Discussion took place on how to incorporate energy efficiency projects into the current CIP.

**Lands and Resources Committee:** Chair Anderson said the next meeting would be held Monday, January 11, at 5:00 p.m.

**Finance Committee:** Mayor Botelho reported on behalf of Chair Stone that the next meeting was scheduled for Wednesday, January 13, at 5:30 p.m. with discussion about the biennial budget and the League of Women Voters (LOWV) Budget Survey. Mayor Botelho asked Marianne Mills to comment on behalf of the LOWV. Ms. Mills said the LOWV had performed the budget survey for the Assembly for the past three decades. Representative surveys are increasingly more difficult to obtain by phone due to the proliferation of cell phones and the LOWV recommended a mailed survey. A written proposal was provided by the LOWV and $8,000 was budgeted for the survey in the FY10 budget. The cost of mailing would be an additional cost, and the Assembly may want to consider adding an internet survey component. The Finance Director requested that the report be completed by March. She was concerned about the tight timeline.

B. Liaison Reports

**Affordable Housing Commission:** Liaison Danner said the next meeting of the AHC would be on Tuesday, January 12, at 5:15 p.m.

**Planning Commission:** Liaison Doll said the next meeting would be on Tuesday, January 12, at 7 p.m.

**Juneau Commission on Sustainability:** Liaison Doll said the next meeting would be on Wednesday, January 6 at 5:15 p.m.

**Parks and Recreation Advisory Committee:** Liaison Wanamaker said the next meeting would be on Tuesday, January 5, at 6 p.m.

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Wanamaker thanked the public for comments sent to him on how to balance the city budget.

Mr. Doll supported Mr. Davidson’s letter regarding the need for a new “Welcome to Juneau” sign at the airport.
Mr. Sanford thanked the city employees for the welcome sign they made a number of years ago and said there were plans to replace the sign and move it to another location as part of the terminal addition project.

Mr. Anderson said he was concerned about the comments in public testimony from Ms. Christianson and Mr. Scaman. He asked if there is some way to have staff or an appropriate person brief the Assembly on the situation.

Mr. Bush agreed and said there should be some explanation. The Assembly could not ignore the comments made and he would like a report back. Bartlett and RRC should have an opportunity to report.

Mr. Swope said he would normally suggest asking the Assembly Liaison to Bartlett Hospital, David Stone, but Mr. Stone was not in attendance. Mr. Swope was willing to look into the matter.

Mayor Botelho said he thought it would take some digging. Mr. Bush said Mr. Swope should start with the basics and if there appeared to be serious concerns, it could lead to an independent audit and the need for additional expertise.

Mr. Anderson said he concurred with Mr. Bush, there needed to be some sense of the extent to which the Assembly would need to dedicate resources.

Mr. Doll said Mr. Scaman’s letter questioned the legality of the bid process. Mayor Botelho said this would be part of the manager’s review.

Ms. Danner thanked the dive community for the Dive Park developed under Parks and Recreation. She said $5,000 remains unspent in the budget and it offered to return those to the general fund.

Mayor Botelho said there would be an Assembly meeting with the Juneau Legislative Delegation on Wednesday, January 13, at 7:30 a.m. in Chambers.

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

Mr. Swope said staff was trying to arrange for a report from the auditor at the upcoming Finance Committee meeting. There would be a discussion of the Assembly’s ideas for addressing the budget shortfalls. Mr. Stone requested those ideas be forwarded to the chair and Mr. Swope asked that the ideas also be forwarded to the manager so he may respond at the meeting.

Mr. Swope said he thought there might be a conflict regarding the proposed improvements for 12th Street between the desires of the Assembly as expressed at the last Assembly meeting and the action taken at the last Public Works and Facilities Committee meeting.

Mr. Sanford said the Public Works Committee reviewed the Engineer’s proposal and agreed to try to re-build 12th Street with as little narrowing as possible, with no more than 12 -13 inches narrower. The Engineering staff understood the concern regarding narrowing the street, but was attempting to address the needs for ADA access on the sidewalks (power poles are currently located in the walkway) and parking.
Mr. Bush was concerned about any narrowing of the street and referred to a specific bottleneck at the intersection of 12th and Irwin Streets with cars parking there, creating a dangerous situation.

Ms. Danner said this was a complex issue, and residents do not want the street too narrow to bottleneck traffic, or too wide so as to speed up traffic. There was discussion about narrowing the street for speed concerns and the possible removal of the stop sign at B Street.

Mayor Botelho said that direction was needed.

*MOTION*, by Sanford, to narrow 12th Street no more than 10-15” and to make the sidewalks ADA accessible on both sides.

Mr. Swope said he thought the engineers would be able to widen the sidewalks without narrowing the street by eliminating existing encroachments into the sidewalk.

Mr. Doll said this was an issue of automobile vs. pedestrian access. He supported widening the sidewalk.

Mr. Bush said he was not comfortable with coming to a final decision at this meeting because he would like to see specific drawings of difficult areas that are still being worked on before taking final action on 12th Street, which is a main arterial access to downtown.

Mr. Anderson was opposed to narrowing the streets and was uncomfortable with the removal of the stop sign.

Mr. Wanamaker said there is a need to accommodate pedestrians and the ADA concerns are real. The assembly should not be put into the role of making the decision on this matter and thought further discussion was needed at the staff level.

Mr. Dybdahl said he did not have the information to decide the matter at this meeting. He said there had been discussion about creating some one-way streets in the area.

Mr. Sanford said Engineering staff did not have a preference but was trying to improve vehicle traffic and pedestrian traffic. The staff thought the 10 -15” reduction would not stop traffic, or create a loss of parking and they are the experts.

Ms. Danner said the plan, as she recalled, had 8 feet for parking width, which was more than the average car required and created more space. The width of the street as narrowed with two lanes was 20.5 feet and the Old Douglas Bridge was 19.5 feet.

Roll call:
Aye: Danner, Doll, Sanford, Wanamaker
Nay: Anderson, Bush, Dybdahl, Botelho

The motion failed, 4 ayes, 4 nays.

**XIV. EXECUTIVE SESSION** – None.
XV. ADJOURNMENT – 8:26 p.m.

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