MEETING NO. 2010-14: 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 Deputy Mayor Randy Wanamaker.

I. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho (telephonic), Jeff Bush, Ruth Danner, Bob Doll, Johan Dybdahl (telephonic), Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Kim Kiefer, Deputy City Manager; Laurie Sica, Municipal Clerk; Bonnie Chaney, Budget Analyst; Mila Cosgrove, HRRM Director; Dale Pernula, Director, CDD; Rorie Watt, Engineering Director; Angela Hull, Executive Assistant; Beth McEwen, Deputy City Clerk; John Stone, Port Director; Glen Gelbrich, JSD Superintendent; David Means, Director, Administrative Services, JSD.

II. SPECIAL ORDER OF BUSINESS

A. Juneau Alaska Youth for Environmental Action

Jim Penor recognized the local Juneau Alaska Youth for Environmental Action, which has saved 400 tons of plastic from going to the landfill annually by changing over the school cafeteria to metal silverware. He thanked Hanna Wilson, Elena Dolitsky, Iris Neary, Grayson Carlisle, Lia Domke, Laurel Stark, Marlena Sloss, Maggie Ross, and Shelby Tersteg for their efforts.

B. Employee Recognition – Pat McGonegal

Mr. Swope recognized CBJ Webmaster Pat McGonegal for his work on CBJ’s website and awarded him with the Sunshine Review’s “Sunny Award,” for government transparency. http://sunshinereview.org/index.php/Sunny_Awards The Sunshine Review is a non-profit organization dedicated to state and local government transparency. The Sunshine Review wiki collects and shares transparency information and uses a "10-point Transparency Checklist" to evaluate the content of every state and more than 5,000 local government websites. CBJ’s website ranks among the highest of local government websites in providing complete information to its citizens.

C. Capital City Youth Forum – Grayson Carlisle – unable to attend.

III. APPROVAL OF MINUTES

A. April 14, 2010 – Special Assembly Meeting 2010-11

Hearing no objection, the minutes of the April 14, 2010 - Special Assembly Meeting 2010-11 were approved.
B. April 21, 2010 – Special Assembly Meeting 2010-12

Hearing no objection, the minutes of the April 21, 2010 - Special Assembly Meeting 2010-12 were approved.

C. April 26, 2010 – Regular Assembly Meeting 2010-13

Hearing no objection, the minutes of the April 26, 2010 - Regular Assembly Meeting 2010-13 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Swope removed Ordinance 2009-08(AK) from the agenda because CBJ has not received grant authority officially at this time, this also necessitated pulling off the contract amendment for PND Engineering/Docks and Harbors for the work covered by the grant. A substitute Resolution 2529 regarding the bonding authority was provided to the Assembly at the meeting.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Patrick Owen spoke about the AEL&P rate increase, which will be a big issue for some people in this community based on current unemployment and concerns about their existing bills. Fuel and food prices increase, and the ends do not meet. He asked the Assembly to ask the Regulatory Commission of Alaska (RCA) to hold hearings in Juneau to be able to address the concerns.

Bill Burk spoke against the requested rate increases by AEL&P and asked the Assembly to request a hearing by RCA in Juneau. RCA held a hearing in Juneau during the avalanche issue. The Juneau Legislative Delegation sent a letter to the RCA requesting a public hearing. He asked the Assembly to do the same.

Thea Howard spoke about the reconstruction of 12th street, and said the Assembly’s decision-making process was flawed. The Assembly took action on the matter when it should not have. She asked the Assembly to place the project on the assembly agenda and allow for public testimony, as decisions were made without public input.

Brian Howard asked for the same thing.

Alex Andrews agreed with previous speakers about 12th Street reconstruction. He said there was a good meeting two weeks ago with Rorie Watt, Michele Elfers, and the neighborhood. They reached a good compromise, half the houses were represented and the consensus was against what the Assembly had decided. The neighborhood supported the Engineering Department’s plan, which is to comply with ADA requirements and slow traffic. They support narrowing the street by one foot. He asked the Assembly to revisit its vote and or allow for more public comment, or to support the Engineering Department’s recommendation.

Ben Goldrich agreed with previous speakers and asked the Assembly to reconsider the Engineering Department’s recommendations.
Colleen Goldrich supported the comments of the neighbors and supported slowing traffic on 12th Street. The proximity to the schools and high number of pedestrians warrant traffic calming.

Dennis Harris said the stop sign on 12th Street has been partially effective at slowing the traffic, but enforcement is difficult as one-third of the people go through the sign without stopping. Everything to slow the traffic is needed and encouraging people to use Egan is preferred. The process was faulty and it was discussed by the Assembly at two meetings without public notice. He asked why the public process was not allowed to be completed before the Assembly weighed in and micromanaged the Engineering Department. Please reduce the width of the street. An additional stop sign at A Street and near the Governor’s House would be helpful. 12th Street should not be an arterial.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes

Mr. Doll removed Resolution 2528, Mr. Anderson removed Transfer T-914 and Resolution 2529, and Mayor Botelho removed Ordinance 2010-17.

C. Assembly Action

MOTION, by Botelho, to adopt the Consent Agenda, as amended with the removal of Resolution 2528 and 2529, Transfer T-914 and Ordinance 2010-17. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2010-06

An Ordinance Amending the Sewer Code Relating to the Multi-Family Dwelling Exception Within the Single-Family Units Definition.

Administrative Report: Attached. The manager recommended Ordinance 2010-06 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2009-08(AL)

An Ordinance Appropriating To The Manager The Sum Of $133,180 As Funding For The Development Of The Juneau Nordic Ski Trails, Funding Provided By The Alaska Department Of Natural Resources.

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

c. Ordinance 2009-08(AM)

An Ordinance Appropriating To The Manager The Sum Of $5,009,000 As Funding For The Bartlett Regional Hospital Medical Surgical East Wing Renovation Capital Improvement Project, Funding Provided By The Bartlett Regional Hospital Operating Budget.
Administrative Report: Attached. The manager recommended Ordinance 2009-08(AM) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2009-08(AN)
An Ordinance Appropriating To The Manager The Sum Of $150,000 As Partial Funding For The Public Works Department - Fleet Maintenance Division’s Fiscal Year 2010 Operating Budget, Funding Provided By Interdepartmental User Fees.

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

2. Resolutions

a. Resolution 2527
A Resolution Authorizing The Manager To Accept A Grant From The State Of Alaska Department Of Environmental Conservation For The West Mendenhall Valley, Pederson Hill, Sewer Expansion Project.

Administrative Report: Attached. The manager recommended Resolution 2527 be adopted.

3. Bid Awards

a. Bid 10-254
Purchase and Delivery of Locksets for Juneau School District

Administrative Report: Attached. The manager recommended award of this project to Stanley Security Solutions, in the total amount bid, for an award of $101,592.42

Removed from the Consent Agenda:

Ordinance 2010-17
An Ordinance Proposing To Amend The Charter Of The City And Borough Authorizing The Creation Of A Board To Operate And Manage The Municipally Owned Pools, To Become Effective Only If Approved By The Voters At The Next Regular Election.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Botelho, to postpone Ordinance 2010-17 indefinitely.

Mayor Botelho said the purpose of the motion is to recognize that there is not the requisite support based upon previous discussion to move the issue to the ballot. We are working on drafting an ordinance establishing a pool advisory board for Assembly review. If this motion is successful, we will move forward with an ordinance to create a pool advisory board. He clarified that the ordinance would not be one required to be forwarded to the voters.
Mr. Anderson said he opposed the ordinance during discussion in committee but said it should have a public hearing.

Mr. Bush supported the motion and said he did not want to see the issue tabled indefinitely, just the ordinance requiring a charter amendment. Going forward without six votes would be a waste of time. He asked when the Assembly could expect to see a draft ordinance. Mr. Hartle said it could be prepared by the next meeting.

Roll call:
Aye: Bush, Danner, Doll, Dybdahl, Wanamaker, Botelho.
Nay: Anderson, Sanford, Stone.
Motion passed, 6 ayes, 3 nays.

Resolution 2528
A Resolution Re-establishing The Juneau Commission On Sustainability, For The Purpose Of Removing The Sunset Date.

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, to adopt Resolution 2528.

Mr. Anderson said many people have discussed the rate increases by AEL&P. The Assembly folded the former Energy Advisory Board into this committee. He would look to this committee for advice on this power rate issue. Mr. Doll said the next Commission meeting would be early June and the power rate issue may be on the agenda, however he did not set the agenda nor did he know what the Commission’s comments would be. Mr. Anderson said not having the advice of the JCOS on this matter was disappointing.

Roll call:
Aye: Bush, Danner, Doll, Dybdahl, Sanford, Stone, Wanamaker, Botelho.
Nay: Anderson.
Motion passed, 8 ayes, 1 nay.

b. Resolution 2529
A Resolution Accepting Interest Rates For The Dimond Park Aquatic Center And Gastineau Elementary School Bonds Being Issued Through The Alaska Municipal Bond Bank.

Administrative Report: Attached. The manager recommended Resolution 2529, as presented to the Assembly in the Red Folder at the meeting, be adopted.

Public Comment: None.

Assembly Action:
MOTION, by Botelho, to adopt Resolution 2529, and asked for unanimous consent. Hearing no objection, it was so ordered.

a. Transfer T-914  
Transfer $22,237 From The Harbors Areawide Restroom Construction Capital Improvement Project (CIP) To The Juneau Harbors Deferred Maintenance CIP.

Administrative Report: Attached. The manager recommended Transfer T-914 be approved.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to approve Transfer T-914.

Mr. Anderson asked about the current balance in the deferred maintenance account. Mr. John Stone said approximately $4 million.

Mr. Anderson asked if there was an intent to use that for some particular project or was it an account to always be used for emergency needs. Mr. J. Stone said the majority of the funds were intended to be used for the Douglas Harbor Reconstruction Project, which is on hold waiting for permits.

Ms. Danner asked if all restroom construction was finished in the harbors. Mr. J. Stone said money from this project would be used for a key card system at Statter Harbor and there is a potential issue at Amalga Harbor to be addressed at the end of the summer. Any remaining funds would go towards the Douglas Harbor reconstruction project. Ms. Danner said these funds were from the temporary sales tax, voted on by the public, to go toward restrooms. There could never be a time when there would be enough restrooms at the harbors. $22,000 does not seem like a lot of money, and asked if there were any other reason for transferring the funds. Mr. J. Stone said the funds included some income from sales tax and some from harbor fees. The accounting division was closing small project accounts to assist with the move towards the new accounting system software.

Ms. Kiefer said it is a standard practice every year to clean out old CIPs so we do not keep increasing old ones out there, and we are trying to limit carrying forward small, older CIP accounts that move forward in the new system.

Mr. Sanford said that the PWFC encouraged closeout of small accounts, which did not have sufficient funds for a project, and to close them as soon as possible as projects are finished. This is the Assembly’s policy.

Ms. Danner said if transparency was important to the Assembly, she would prefer to see the account stay open until the work is completed. Mr. Sanford said this is not an issue of transparency. Funds are moved between projects often to make projects whole, in order to do like projects, and nothing is being hidden.

Mr. Anderson asked if restroom construction is still pending why the project is being closed. Mr. J. Stone said he only thought this was for consolidation, the work is essentially complete.
and we can complete the remaining work within the deferred maintenance accounts, since it will be minor capital work, not a new facility.

Roll call:
Nay: Danner.
Motion passed, 8 ayes, 1 nay.

VII. PUBLIC HEARING

A. Ordinance 2010-14


Administrative Report: Attached. The manager recommended Ordinance 2010-14 be adopted.

Public Comment:

Murray Walsh, representing the owner of one of the parcels, asked the assembly to remove the 50’ setback as a condition within the rezoning ordinance by the Planning Commission. He felt it was inconsistent with the Comprehensive Plan. Any development on the property will require a permit and a buffer can be reviewed at that time, and such conditions could be placed on the development permit. The 50’ no development setback takes a lot of land. He suggested that the Planning Commission could have considered rezoning all the lots with transitional zoning to the higher density status upon the installation of the sewer system, rather than just the lots, which have requested a zoning upgrade, and then the adjacent lots would not be at a lower density.

Mr. Anderson asked Mr. Walsh’s comment about internal inconsistency with the Comprehensive Plan. Mr. Walsh said the Comprehensive Plan called for reducing the number of driveways entering the high speeds of North Douglas Highway, and “down-zoning” the property closer to the highway to make it consistent with current development perpetuates the multiple driveway environment.

Mr. Doll asked if the buffer could be achieved through the building permit process. Mr. Walsh said through the planning process, with the conditional use permit, the layout of the development would be subject to review and conditions. This rezone is to develop multi-family housing, which the Comprehensive Plan calls for, and is why the sewer was installed. This housing will not be unpleasant to look at and he did not see the need for a buffer to hide housing the community is requesting.

Mr. Doll said he understood the buffer was for the concern of the neighboring property owners. Mr. Walsh said there is a highway between the neighbors and there are already existing setbacks and design requirements in place to address developments. For the relatively dense housing on the waterside, with their views toward the water, and backs to the road, he asked how removal of a condition for a 50’ buffer would be deleterious to those landowners.
Mr. Dybdahl said he did not recall ever placing a buffer like this on a rezone during his time on the Planning Commission.

Assembly Action:

**MOTION, by Sanford, to adopt Ordinance 2010-14.**

Mr. Sanford asked Mr. Pernula what a standard setback would be on a D-18 lot and why this decision was made. Mr. Pernula said he thought it was 20’, and in this case, the setback would be 50’ – not 50’ plus 20’. Mr. Pernula said there was a long public process, with a public hearing regarding this issue. The Comprehensive Plan designation had the front 200’ of this property, as well as this part of North Douglas, as Urban Low Density Residential, which would be D-5 max, and the back part of the property was ULDR, transition to MDR when sewer was available, up to D-18. The parcels that have split Comprehensive Plan Designations are difficult to address. There were different scenarios reviewed by staff, the subdivision review committee, and this ordinance reflects the most acceptable option, which moved through the public hearing process and was adopted by the Planning Commission.

Mr. Sanford asked about the process for amendment. Mr. Hartle said the Assembly could take any action, as the rezone was a recommendation from the Planning Commission for a legislative matter for Assembly action. Mr. Hartle referred the Assembly to the specific lines in the ordinance where the ordinance was discussed.

Mr. Bush said it appears from the packet that the choice made by the Planning Commission was more preferable to the developer than the Comprehensive Plan model, which would have split the zoning, and more development is allowed with this proposal. Mr. Pernula said yes, more density would be allowed with this proposal, as the developer could build to D-18 zoning for the entire lot, rather than being required to develop at D-5 for the front portion.

**MOTION, by Dybdahl, to strike all language in the ordinance referring to the establishment of a 50’ “no-development” buffer.**

Mr. Dybdahl said the Assembly should not legislate unknown issues at this time. The permit process would allow for the buffer to be considered when more information was known about the development.

Mr. Anderson said this logic is based on a project review system, and asked if projects would be subject to public review or staff review only. Mr. Pernula said the Planning Commission is reviewing the Table of Permissible Uses now with the goal of having more staff review than Planning Commission review of individual projects. The proposal is to lift the threshold on higher-density development so more would be done by staff and there would not be a public hearing on some of the projects. Mr. Anderson asked if he could guess if this type of development for higher density housing would go before the Planning Commission. Mr. Pernula said only if it exceeded the new thresholds set for the number of units allowed on a parcel.

Mr. Dybdahl said the 20’ buffer was clarified by questioning at this meeting and not through the ordinance, so this type of issue will be resolved through permitting, and he urged adoption of the amendment.
Ms. Danner said she was concerned by the existing ordinance and the amendment intensified her concern. Why did the Planning Commission not rezone all the property in the area and not the “odd cut-out” as shown in the exhibit? Why is this rezoning being done parcel by parcel? It appears to be spot zoning.

Mr. Wananaker said the discussion should be about the amendment.

Mr. Doll asked what could be done in a 50-foot buffer. Mr. Pernula said no development allows for tree removal and landscaping, but cannot be graded for a parking lot or any construction.

Mr. Sanford said the city has spent $15 million in new sewer development in North Douglas, which the state has matched, and this is a big commitment to the Affordable Housing Commission’s request to provide areas for higher density development. Taking away 50 feet will not help this. The permitting process will not allow ugly development and these will be nice looking units that will help to solve one of our most important problems.

In response to a question by Mr. Anderson about the adjacent parcels being zoned D-5, Mr. Pernula said the entire area was not being rezoned. When the Comprehensive Plan was adopted there were many areas that could be rezoned to a higher density once the sewer line was installed. They could all be done but there would be huge public hearings and we had to address those parcels first of owners who applied for the zoning change. Mr. Pernula was not sure about the specific zoning on the “cut-out” portion.

Roll call on the amendment:
Nay: Bush, Danner.
Motion passed, 7 ayes, 2 nays.

Hearing no further objection, Ordinance 2010-14 was adopted as amended.

B. Ordinance 2010-15(c)
An Ordinance Amending The Land Use Code Relating To Fees For Land Use Actions.

Administrative Report: Attached. The manager recommended Ordinance 2010-15(c) be adopted, with an effective date of January 1, 2011 (per the amendment made in the Finance Committee).

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2010-15(c).

Mr. Sanford said this is a small increase, but everyday there is a small increase that all adds up and he had to vote no to these increases.

Mr. Anderson said that the cost to the city to provide the service must be paid somehow and said this was an opportunity for a user fee rather than a property tax increase.
Mr. Sanford said it still will increase the cost to obtain a permit, which increases the cost of living in the community.

Roll call:
Nay: Dybdahl, Sanford, Stone, Wanamaker.
Motion passed, 5 ayes, 4 nays.

C. Ordinance 2010-16
A Non-Code Ordinance Exempting Certain Property Of The Southeast Alaska Regional Health Consortium And The City And Borough, Adjacent To The Gold Creek Salmon Bake, From Compliance With Certain Sections Of The Land Use Code; Authorizing The Manager To Issue A Subdivision Permit For The Dedication Of A Portion Of The Salmon Creek Lane Right-Of-Way; And Authorizing Salmon Creek Lane To Be Constructed To Lesser Standards.

Administrative Report: Attached. The manager recommended Ordinance 2010-16 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, adopt Ordinance 2010-16.

Mr. Sanford asked whether or not this would be the last action needed to clear up issues on Salmon Creek Lane. Mr. Swope said he believed so.

Hearing no objection, Ordinance 2010-16 was adopted.

D. Ordinance 2009-08(AJ)
An Ordinance Appropriating To The Manager The Sum Of $1,827,000 As Partial Funding For The North Douglas Sewer Expansion, Areas D, E, And F, Jordan Creek East Valley Reservoir And The Lower West Mendenhall Pederson Hill Sewer Expansion Capital Improvement Projects, Grant Funding Provided By The State Of Alaska, Department Of Environmental Conservation.


Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2009-08(AJ).

Ms. Danner asked questions about the timing of the ordinance and how it related to the FY10 budget. Mr. Watt said it took some time between the PWFC meeting and this Assembly meeting to get the final grant paperwork from ADEC. Mr. Swope said this grant money was anticipated in the FY10 budget, it was not additional money and required a CBJ match.
Mr. Sanford explained that each appropriating ordinance had an attachment showing the breakdown of the funds and the current status of the project.

Hearing no objection, Ordinance 2009-08(AJ) was adopted.

E. Ordinance 2009-08(AK)
An Ordinance Appropriating To The Manager The Sum Of $3,640,000 As Partial Funding For The Auke Bay Loading Facility, Phase II, Capital Improvement Project, Grant Funding Provided By The Transportation Investments Generating Economic Recovery (TIGER) Grant Program.

Administrative Report: Attached. The manager recommended removing Ordinance 2009-08(AK) from the agenda as the grant paperwork had not been received. Hearing no objection, Ordinance 2009-08(AK) was removed from the agenda.

VIII. UNFINISHED BUSINESS

A. Ordinance 2010-11am
An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2011 City And Borough Operations.

Administrative Report: Attached. The manager recommended Ordinance 2010-11am be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2010-11am.

Mr. Stone said this was a tough process. We are tapping the rainy day fund and this path is not sustainable. There is hope for the future, but the lack of oil in the pipeline plays a big part in municipal budgets. He is concerned about passing on issues to future Assemblies. The manager has made significant cuts to balance this budget and he supported the work to date.

Ms. Danner asked and Ms. Chaney clarified the changes from the budget adopted by the Finance Committee to the ordinance presented in the packet.

Mr. Sanford thanked the staff for the hard work on the budget. There were many cuts to get us to this point. In the end, we are still taking more out of our pockets to meet this budget. Our grandchildren will have to pay for the decisions we make today. I foresee problems with the budget in the next five years and we should be saving instead of increasing the cost of doing business with our city.

Roll call:
Nay: Sanford, Wanamaker.
Motion passed: 7 ayes, 2 nays.

B. Ordinance 2010-12am
An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2011 School District Operations.

Administrative Report: Attached. The manager recommended Ordinance 2010-12am be adopted.

Public Comment: None.

Assembly Action:

*MOTION*, by Bush, to adopt Ordinance 2010-12am, and he asked for unanimous consent. Hearing no objection, it was so ordered.

C. Ordinance 2010-13
An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2010 For The Budget For Fiscal Year 2011.


Public Comment: None.

Assembly Action:

*MOTION*, by Stone, adopt Ordinance 2010-13, and he asked for unanimous consent. Hearing no objection, it was so ordered.

D. Resolution 2519
A Resolution Adopting The City And Borough Capital Improvements Program For Fiscal Years 2011 Through 2016, And Establishing The Capital Improvement Project Priorities For Fiscal Year 2011.

Administrative Report: Attached. The manager recommended Resolution 2519 be adopted.

Public Comment: None.

Assembly Action:

*MOTION*, by Anderson, adopt Resolution 2519, and he asked for unanimous consent. Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Docks and Harbors
TIGER Grant – Professional Services Contract Amendment

Administrative Report: Attached. The manager recommended removing this item from the agenda as the funding source was not available. Hearing no objection, it was so ordered.

B. Regulations
Docks and Harbors Amending Small Boat Harbor Fees and Charges - Storage Fees
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.

1. NEW Recreational Site Seasonal License #4982

*Alaska Rainforest Sanctuary, LLC d/b/a Alaska Canopy Adventures, location Treadwell Mine*

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, to waive the Assembly’s right to protest License #4982.* Hearing no objection, it was so ordered.

**X. STAFF REPORTS**

Angela Hull provided an update on the Alaska Communication Systems (ACS) Company removal of public telephones in city facilities. Ms. Hull said payphones have disappeared over the past nine years across the nation, over the past two years in Alaska. In March, CBJ found out that the CBJ payphones would be removed and she has worked with ACS and GCI to retain as many pay phones as possible for public access. There will be dial tone in the public phones outside of city hall tomorrow. There are about a dozen phones left on the downtown docks. Each harbor has at least one public access phone. The phones will work with credit cards, calling cards, and provide free local calls. There will be no more coin-operated phones. GCI is operating the phones without charge to the city until FY12. Ms. Hull will meet with them in September to discuss the long-term plan. Each phone will cost approximately $500 per year to have dial tone. She has not reviewed the situation in the rest of the community. There was very little notice provided about this change. ACS stated that it did not believe that RCA regulated decommissioning of pay phones, only the regulation of providing payphones. RCA opened a docket (a complaint process) in April and accepted public comment until May 16.

The Assembly discussed the matter, and thanked Ms. Hull for her work.

*MOTION, by Danner, to request that staff draft a letter for Mayor’s signature to the RCA expressing its concern about the removal of public telephones in the community and in the state.* Hearing no objection, it was so ordered.

**XI. ASSEMBLY REPORTS**
A. Mayor’s Report

Mayor Botelho reported on his and Deputy Wanamaker’s attendance at Governor Hickel’s funeral service. It was a moving experience and many people expressed appreciation that Juneau was represented at the service and that the Capital City wished to honor Governor Hickel.

B. Committee Reports

Committee of the Whole: Chair Wanamaker said there were no issues for the tentative meeting of May 24, so would notify the Assembly of the next meeting.

Human Resources Committee: Chair Doll provided a report of the HRC meeting immediately proceeding this assembly meeting.

Hearing no objection, the Assembly re-appointed Sarah Lewis and Gayle Wood to the Juneau Commission on Sustainability, terms expiring on June 30, 2013.

Hearing no objection, the Assembly re-appointed Scott Willis and Leon Vance to the Utility Advisory Board, terms expiring on May 31, 2013.

The clerk’s office is currently advertising for applicants for the Eaglecrest Ski Area Board, the Airport Board, and the Docks & Harbors Board. The Full Assembly sitting as the HRC will conduct interviews of applicants for these boards on June 7 for the Eaglecrest Board and on June 28 for the Airport and Docks & Harbors Boards. Applications for the Eaglecrest Board are due May 26 and for the Airport and Docks & Harbors Boards are due June 16.

Finance Committee: Chair Stone said the Assembly acted on all issues before the Finance Committee previously in the meeting. The Finance Committee deferred action on placing Auke Bay School on the fall ballot, pending a review of the condition report.

Public Works and Facilities Committee: Chair Sanford said the committee is requesting staff to continue to try to facilitate a meeting with the Utility Advisory Board regarding potential utility rate increases.

Lands Committee: Chair Anderson said Lands staff and the committee will be working to revise the Land Management Plan, as it is 15 years old. There is interest in separating the land disposal schedule from the Lands Management Plan review. Lands staff is working to purchase a lot in Lemon Creek to facilitate the next High School Home Building project. When the house is sold the money for the land is returned to CBJ. The Lands Committee meeting scheduled for June 7 was postponed to June 14.

C. Liaison Reports

Juneau Chamber of Commerce: Liaison Anderson said the Chamber supports a native cultural center in downtown Juneau and is also running a campaign for residents to “look local” before spending and making purchasing choices outside of Juneau.

Airport Board: Liaison Sanford reported on the progress of several projects on going at the Airport.
Hospital Board: Liaison Stone said the next Hospital Board meeting is Tuesday, May 25, at 5:15 p.m.

Juneau Commission on Sustainability: Liaison Doll said the next meeting would be on June 2 at the Mendenhall Library.

D. Presiding Officer Reports – None.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford asked to discuss the comments made by the 12th Street residents and for an update on the project. Mr. Watt reported that there was a good neighborhood meeting two weeks ago and Mr. Sanford attended. Sidewalk allocation was discussed, consensus of splitting the available area to equal sidewalks on the two sides of the road was agreed. Thirty residents attended and there was significant discussion about the process. Given the Assembly’s prior direction to leave the lane widths the same, we are at a point with the best solution available, but there is still sentiment that this is not what the neighbors prefer. There are some ideas to pursue regarding traffic calming. With the Assembly direction to leave the lane width alone, we are limited in our ability to make further changes. Mr. Sanford recommended that staff continue to meet with the neighborhood to work out a few new ideas on how to slow traffic and to leave the Assembly direction on the road lane width in place.

Ms. Danner said she is concerned about the perception that there was a violation of the open meetings act and asked for follow-up. Mr. Hartle said he did not believe the open meetings act had been violated and he would return an opinion at the next meeting.

MOTION, by Danner, to direct staff to draft a letter for Mayor Botelho’s signature to request a public hearing in Juneau to discuss the electrical rate increases requested by AELP.

Hearing no objection, Assemblymember Stone removed himself from the meeting due to a conflict of interest as stockholder of AEL&P.

Roll call:
Nay: Dybdahl, Sanford.
Motion passed, 6 ayes, 2 nays and 1 abstention.

Assemblymember Stone returned to the meeting.

MOTION, by Anderson, to direct the law department to draft an ordinance requesting a change to the Litter Code 36.30.220, removing the words defining litter as, “which when aggregated constitutes one square foot or more of...” Hearing no objection, it was so ordered.

Mr. D. Stone thanked Craig Duncan, Bonnie Chaney, and the entire staff for the difficult work on the budget in a timely manner.

Mr. Wanamaker also expressed his thanks for staff’s work on the budget. He only wished that there had been more areas of budget reduction.
XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIV. EXECUTIVE SESSION

A. Update on Labor Negotiations – IAFF and PSEA

*MOTION*, by Bush, to enter executive session to discuss a matter, which by law, is required to be confidential, specifically to hear an update from the Manager and Ms. Mila Cosgrove on contract negotiations with labor representatives.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly entered into executive session at 9:50 p.m. and returned to regular session at 10:11 p.m.

Upon returning to regular session, Mr. Wanamaker said the Assembly heard updates regarding discussion with the unions and provided direction to staff. He noted that Mayor Botelho’s cell phone battery died during the discussion and was not able to participate in the full executive session.

XV. ADJOURNMENT – 10:15 p.m.

Signed:___________________________ Signed:_______________________________

Laurie Sica, Municipal Clerk    Bruce Botelho, Mayor