MEETING NO. 2010-28: 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, Mary Becker, Karen Crane, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone and Bruce Botelho.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; John Stone, Port Director; Heather Marlow, Lands and Resources Manager; Dan Bleidorn, Lands and Resources Specialist; Beth McEwen, Deputy Clerk; Brice Habeger, Print Shop Operator.

II. SPECIAL ORDER OF BUSINESS

A. Employee Recognition – Dan Bleidorn

Heather Marlow recognized Dan Bleidorn, Lands and Resources Specialist, for taking on a new duty as Thane Campground Director. On short notice this spring, there were several issues at the campground and Dan took this project on and turned this situation around. This summer there was a better sense of community, a safer situation, a cleaner campground, more sharing among campers, people assisting one another, group meals, and group projects by the campers. She assigns the changes to Dan's personality and his approach to the position. Mr. Swope added that Mr. Bleidorn had put significant effort into preparing exhibits for the Alaska Municipal League (AML) event.

B. Employee Recognition – Brice Habeger

Mr. Swope said that Brice Habeger, Print Shop Operator, has a great attitude towards his work and has helped tremendously on many projects, including the work done on displays for the Host City Reception for the AML Conference. He did the work on very short notice, assisted many departments, put in additional time, and did an excellent job.

C. Employee Recognition – Beth McEwen

Mr. Swope said that Deputy Clerk Beth McEwen brings the same great attitude to her work and has done more than a full time job with Boards and Commissions and he thanked her for her work on the AML Conference. He asked for assistance and Beth volunteered to coordinate the Host City Reception. The event was very successful and was well received by all the guests.
D. Employee Recognition – Laurie Sica

Mr. Swope read from a letter nominating Municipal Clerk Laurie Sica for the Alaska Association of Municipal Clerk's recognition as Clerk of the Year, 2010. He said that even though she was not selected, she is "Juneau's Clerk of the Year" and thanked her for her work.

III. APPROVAL OF MINUTES

A. November 8, 2010 – Regular Assembly Meeting 2010-27

Hearing no objection, the minutes of the November 8, 2010 - Regular Assembly Meeting 2010-27 were approved.

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

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

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

The Human Resources Committee requested removal of Resolution 2550 regarding the Assembly Rules of Procedure.

C. Assembly Action

MOTION, by Anderson, to adopt the Consent Agenda as amended with the removal of Resolution 2550. Hearing no objection, the Consent Agenda was adopted as amended.

1. Ordinances for Introduction

a. Ordinance 2010-38

   Administrative Report: Attached. The manager recommended Ordinance 2010-38 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2010-37
   An Ordinance Creating Local Improvement District No. 91 To Construct A Sanitary Sewer System Along Portions Of North Douglas Highway.

   Administrative Report: Attached. The manager recommended Ordinance 2010-37 be introduced and set for public hearing at the next regular meeting.
c. Ordinance 2010-11(Y)
An Ordinance Appropriating To The Manager The Sum Of $34,500 As Funding for a
Mt. Juneau Avalanche Study, Grant Funding Provided by the State of Alaska
Department of Military and Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(Y) be
introduced and set for public hearing at the next regular meeting.

d. Ordinance 2010-11(Z)
An Ordinance Appropriating To The Manager The Sum Of $301,549 As Funding For
The Metropolitan Medical Response Systems, Grant Funding Provided By The State Of
Alaska Department Of Military And Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(Z) be
introduced and set for public hearing at the next regular meeting.

e. Ordinance 2010-11(AA)
An Ordinance Appropriating To The Manager The Sum Of $141,800 As Funding For
The State Homeland Security Program, Grant Funding Provided By The State Of Alaska
Department Of Military And Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(AA) be
introduced and set for public hearing at the next regular meeting.

f. Ordinance 2010-11(AB)
An Ordinance Appropriating To The Manager The Sum Of $500,000 As Partial Funding
For The Bartlett Regional Hospital Roofing Capital Improvement Project, Funding
Provided By Bartlett Regional Hospital Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(AB) be
introduced and set for public hearing at the next regular meeting.

2. Resolutions

A. Resolution 2547
A Resolution Authorizing The Manager To Apply For A Community Development Block
Grant From The Alaska Department Of Commerce, Community And Economic
Development For REACH, Inc., To Be Used For Renovation And Remodeling Of An
Assisted Living Home At 1814 Mark Alan Street.

Administrative Report: Attached. The manager recommended Resolution 2547 be adopted.

B. Resolution 2548
A Resolution De-Appropriating $609,067 From The Bartlett 2005 Capital Improvement
Project.

Administrative Report: Attached. The manager recommended Resolution 2548 be adopted.
C. Resolution 2549  

Administrative Report: Attached. The manager recommended Resolution 2549 be adopted.

D. Resolution 2552  
A Resolution Repealing The Sunset Date On The Port Development Fee On Vessels Carrying Passengers For Compensation, And Repealing Resolution 2423(b)am.

Administrative Report: Attached. The manager recommended Resolution 2552 be adopted.

Removed from the Consent Agenda:

Resolution 2550  
A Resolution Reestablishing The Assembly Rules Of Procedure, And Repealing Resolution No. 2427(B).

Administrative Report: Attached. The manager recommended Resolution 2550 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Resolution 2550.

MOTION, by Danner, to amend Resolution 2550 on page 3, Rule 2, Item D., to insert the words "or before" so the sentence reads, "Meetings will adjourn at or before 11:00 p.m. unless extended by a vote of at least six members." Hearing no objection, it was so ordered.

MOTION, by Danner, to amend Resolution 2550 on page 9, Rule 6, Item A., to insert the words "may also appoint," so the sentence reads, "The Mayor shall nominate one member of the Assembly to serve as the liaison, and may also appoint one member of the Assembly to serve as the alternate liaison, to each of the following City and Borough boards and commissions ...” Hearing no objection, it was so ordered.

Hearing no objection, Resolution 2550 was adopted as amended.

VII. PUBLIC HEARING

A. Ordinance 2010-34  
An Ordinance Amending The Sales Tax Code Regarding The Senior Citizen Sales Tax Exemption To Provide The Spousal Exemption For Same-Sex Domestic Partners.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2010-34.

Public Comment:

Willie Anderson commended the Assembly as a member of "Parents and Friends of Lesbians
and Gays" (PFLAG) for its leadership in this arena and urged passage to fully implement the U.S. Supreme Court decision of 2005. They are honored to be part of this community due to the Assembly's support of this matter.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2010-34. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Liquor Licenses

   1. Liquor License Ownership Transfer #4493
      Restaurant Eating Place License
      Transfer FROM: Dong Joon Yi & Kwang Su Yoon d/b/a Tarentino's
      Transfer TO: Kwang LLC d/b/a Tarentino's
      Located at 140 Seward Street, Juneau, AK 99801

      MOTION, by Danner, that the Assembly accept the Human Resource Committee’s recommendation to waive the Assembly's right to protest the transfer of ownership of Liquor License #4493. Hearing no objection, it was so ordered.

B. Docks and Harbors - PND Contract Amendment

   Administrative Report: Attached. The manager made no recommendation.

   Public Comment: None.

   Assembly Action:

   MOTION, by Doll, to approve the PND Engineers contract amendment submitted by Docks and Harbors, in an amount not to exceed $912,805.

Ms. Danner, Docks and Harbors liaison, said this issue has been discussed in meetings and she is concerned that this may not be enough money. This proposal recommends 24-hour running of the equipment and she understands community members concerns about noise. She would like to ensure that the lowest possible project price is not achieved at the expense of the comfort of the community. She asked for reassurance that noise will not be an issue with this project.

Mr. John Stone, Port Director, said the drilling was small scale and would not necessarily be noisy, similar to pile driving. He will communicate to the work crew about the noise sensitivity of the community. They will proceed with a 24-hour work schedule and if this becomes problematic, they will make adjustments. There are two activities involved. One is using sonar equipment from a small boat, and no noise should be associated with this activity. The other is bore hole drilling, putting a 1.5" diameter bit into bedrock, and part of that project uses a standard penetration test with a 140 lb. hammer, which drives the drill rod. This has the
most noise potential, and we will do everything we can to do this activity during the day. The rest of the activity is fairly low noise, similar to drilling a water well with a 100 hp drill rig.

Hearing no objection, the contract amendment was approved.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Sanford said the COW met on November 1 to discuss waste management issues and gave direction to staff to issue two Requests for Proposals. The next meeting is Monday, December 13.

Finance Committee: Mayor Botelho said the next meeting is Wednesday, December 1, and the subject matter is the current financial picture with a view to FY2012.

Public Works and Finance Committee: Chair Doll said the PWFC met November 22 and approved a variety of issues that were adopted on the consent agenda. Mr. Doll said that the PWFC heard a presentation from the LAM project directors. One of the issues before the designers is that the existing state museum may have some historical value. The HRAC met and reviewed the issue. The suggestion being discussed is that the exterior panels of the building representing the historical value may be reused in the new building. This may solve some of the concerns. CBJ needs to communicate to the State that we can accept the demolition of the building with the preservation of the panels to allow the design work to continue. Mayor Botelho asked about the action required. Mr. Doll said communication via a letter would be best. Ms. Crane said that the PWFC was told that the Department of Education will be the one to make the final decision so they should be copied on any communication. Hearing no objection, the CBJ will send a communication regarding the Assembly’s approval of demolition of the building with retention of the panels. The next meeting is Monday, December 13.

Lands and Resources Committee: Chair Anderson said the committee met tonight and reviewed and approved Resolution 2549 adopted by the Assembly at this meeting on the consent agenda. The committee also reviewed a small land donation on West Juneau above the State Highway “round about.” Cynthia Johnson presented a section of Title 53 for review and committee approval regarding the acquisition of land. The committee is doing an ongoing review of Title 53. The committee received an update on the overall planning for the land in the Willoughby Avenue area. He commended Ms. Marlow for the efforts she has made to bring state, city, the Alaska Mental Health Trust, and other property owners together to coordinate efforts systematically. This should result in good planning for the area. The committee received an update on the West Douglas Road corridor. The committee will be looking at three different road alignments and we expect a final report next summer to allow selection of a final alignment.
Human Resources Committee:

MOTION, by Danner, to accept the recommendation of the HRC and appoint Kyle Mosely to an open seat on the Fisheries Development Committee, which expires January 31, 2012. Hearing no objection, it was so ordered.

Ms. Danner said the committee reviewed an ordinance brought forward by the Docks and Harbors Board requesting modifications to its vacancy policy to allow for the Board to excuse absences greater than three consecutive meetings.

MOTION, by Danner, to accept the HRC recommendation for adoption of the proposed ordinance change request. Hearing no objection, the issue was forwarded to the Law Department.

The HRC heard a presentation on Homeless Respite Care, which was forwarded to the Finance Committee for consideration.

The next meeting is Monday, December 6, at 5:15 p.m., in City Hall Conference Room 224 for the full Assembly to meet as the HRC to conduct interviews for the Planning Commission and Bartlett Regional Hospital Board vacancies. The HRC will also hold a special meeting on Saturday, December 18, from Noon – 3 p.m. in Chambers, with the full Assembly sitting as the HRC to review changes to the Personnel Management Code.

B. Liaison Reports

Affordable Housing Committee: Liaison Crane said the AHC met, and found that as a result of Juneau now having a Veteran’s Medical Center, Juneau now becomes eligible for a Veteran’s rental subsidy program. The total extent and requirements are still under review.

Airport: Liaison Sanford said that the terminal is near completion with many finishing touches being put on and the spaces opening up – the project looks nice. The airport crew has switched over to their winter maintenance vehicles and routines. The runway extension project is still going on and will be busy until freeze up.

XII. ASSEMBLY COMMENTS AND QUESTIONS

MOTION, by Sanford, to reconsider Ordinance 2010-32, Amending the Sales Tax Code to Remove the Single-Item Cap on Jewelry Purchases, and requested that this ordinance be forwarded to the Finance Committee.

MOTION, by Anderson, to split the motion. Hearing no objection, it was so ordered.

Hearing no objection, Ordinance 2010-32 was returned to the Assembly for further consideration.

Regarding the motion to refer to the Finance Committee, Mr. Anderson said this ordinance was reviewed in the Finance Committee and discussed and voted on by the Assembly. He asked what new or additional information was available that might assist the Assembly with another review.
Mr. Sanford said that he would like an open and informal discussion on whom this will affect, whether it be outside or local jewelers, or which big items would be considered under this exemption.

Ms. Danner asked if it was referred, could it be further modified. Mayor Botelho said yes.

Mr. Anderson said in the ordinance that was previously not approved, it does not have a provision for local jewelry stores and he wondered if that was constitutionally possible to make such a distinction, such as a residency requirement on a sales tax exemption.

Mayor Botelho said this is a discussion on referral only and not on the merits of the ordinance.

Mr. Dybdahl objected to referral. The information from some of the local businesses in Juneau that the Assembly received after this ordinance was defeated was compelling.

Mr. Anderson also objected and said he was uncomfortable for singling out any industry for discriminatory treatment. The pragmatic issue is that Sitka and Ketchikan have $1,000 sales tax caps. He thought that this action by the Assembly could force some businesses out of town and he had heard no public purpose in this other than to punish a successful business plan.

Mr. Sanford said the motion before the body was to refer the ordinance to the Finance Committee. Mayor Botelho concurred.

Roll call:
Aye: Becker, Crane, Danner, Doll, Sanford, Botelho
Nay: Anderson, Dybdahl
The motion to refer to the Finance Committee passed 6 ayes, 2 nays.

Mr. Sanford asked Mr. Swope if he could provide the Assembly with some information on bed bugs and if there is anything CBJ can do through BRH or the School District to inform and assist the community on this public health issue. Mr. Swope said he would look into this.

Mr. Anderson asked if the Assembly was willing to consider directing the manager to get more information about the use of Marine Passenger Fees (MPF) to support a downtown circulator bus.

Mr. Botelho asked if there was any objection to asking the manager to investigate this. Mr. Sanford said he did not have a specific objection, but said that the MPF had already been used to increase summer bus service and asked if this activity would cut into those funds for that service, and if this service met the criteria for use of the funds.

Mr. Swope said MPF was used to supplement bus service because many visitors use the local buses to go to the glacier and local shopping centers. The usage was calculated in order to allocate MPF money. This would be above and beyond the existing calculation. The Downtown Business Association has done some study and he said he would need to do more work on the cost and any objections to the proposal. Mr. Swope said he thought the activity would clearly meet the intent of the law regarding the use of MFP. To do this, CBJ would need to acquire buses, pay drivers, and find a way to afford other costs. He thought that a percentage each year could be allocated to this project until the necessary funds were available to afford a specific program.
Mayor Botelho asked if there were objections to the manager exploring the cost of the issue. Mr. Dybdahl asked that Tourism Management Best Practices (TMBP) be consulted on the idea, as there has been some efforts to keep buses from circulating in the downtown area. Without objection, the Assembly directed Mr. Swope to do some preliminary work.

Mr. Doll asked the public and the Assembly to draw its attention to a letter addressed to Senator Murkowski and Begich, regarding the Strategic Arms Reduction Treaty and recommending their concurrence in that Treaty, signed by Senator Egan, Representatives Munoz and Kerttula, and Mayor Botelho. He complimented all the signers and the drafter of the letter and added his support.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 7:48 p.m.

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