MEETING NO. 2012-13: 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: Mary Becker, Bruce Botelho, Karen Crane, Ruth Danner, Johan Dybdahl (telephonic), Jesse Kiehl, Carlton Smith, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; John Hartle, City Attorney; Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Greg Chaney, Community Development Planning Manager; Bob Bartholomew, Finance Department; Rorie Watt, Engineering Director; Heather Marlow, Lands and Resources Manager; Anne Stadnychenko, Purchasing Officer; Renee Loree, Senior Buyer; Diane Andresen, Buyer; Nadine Trucano, Accounting Tech 1; Berniece Trego, Administrative Assistant 1; Glenn Gelbrich, Superintendent of Schools; David Means; School District Director of Admin. Services.

II. SPECIAL ORDER OF BUSINESS

A. Employee Recognition – Diane Andresen

Craig Duncan recognized Diane Andresen for her service to the City and Borough of Juneau for 16 years as an outstanding employee who always went above and beyond in her service to make the city’s operations move forward and she truly had the city’s best interest at heart. Anne Stadnychenko said that Diane Andresen’s work represented the word, “passion,” to her and read quotes regarding the word passion, and quoted Ms. Andresen’s words, “I love this job!” The Assembly and Managers thanked Ms. Andresen for her work.

III. APPROVAL OF MINUTES

A. April 18, 2012 – Special Assembly Meeting 2012-10

Ms. Danner provided corrections on page 4, changing the words “error action” to “executive session.” On Page 6, she asked to replace the word “mean,” with “say whether the law department misled them.” There were no objections to those changes.

Ms. Danner asked to add the words on page 6, second paragraph from the bottom, to insert, “To the city manager she said …” at the beginning of the second sentence. Mayor Botelho said he recalled that the comment was not directed only to the city manager, he would like to hear the tape, and asked that further action on the minutes be deferred to the next meeting.
Hearing no objection, the action on the minutes of the April 18, 2012 meeting was deferred to the next meeting.

B. April 23, 2012 – Regular Assembly Meeting 2012-11

Ms. Danner said that on page 12, the fourth paragraph, said she would like her comments attached to the record, and become part of the record. Mayor Botelho said his concern was that this could start a practice similar to the Congressional Record, in which members make lengthy statements and have them attached verbatim. He did not want to set a bad precedent regarding lengthy statements appended to the minutes. If this synopsis of Ms. Danner’s comments required further explication, he was prepared to defer them. Ms. Danner suggested appending the statements only if they were lengthy and it would be easier for staff. If not she requested that her comments be paraphrased similar to the rest of the comments. Mayor Botelho said that was a reasonable request.

Mr. Dybdahl asked if anything in this record affected consideration of the appeal later in the agenda. Mayor Botelho said that was a separate issue and asked if there was objection to deferring the minutes for review by the clerk for paraphrasing Ms. Danner’s statements.

Hearing no objection, the action on the minutes of the April 23, 2012 meeting was deferred to the next meeting.

C. May 2, 2012 – Special Assembly Meeting 2012-12

Ms. Danner asked to confirm the attendance. There were no changes.

Hearing no objection, the minutes of the May 2, 2012 Regular Assembly Meeting 2012-12 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Joy Lyon, Executive Director, Association for the Education of Young Children, Southeast (AEYC-SC), urged funding of the HEARTS initiative. Childcare is an urgent need in the community, and she referred to information packets distributed to the Assembly at the meeting which included a petition signed by over 300 community members. She encouraged the Assembly to look at the comments. The HEARTS initiative was a request for Assembly funding. It would increase the number of spaces in licensed childcare, increase teacher qualifications, and decrease the turnover rates in childcare providers. Ms. Lyon said that $6,000 is spent per child to educate children in K-12 programs. The program would cost $60 per child for those not yet school age. They have studied the problem extensively and have strong solutions with proven outcomes from other communities.

Samantha Adams, local childcare provider, business owner and mother, supported the HEARTS initiative. There are some funding opportunities for training now, but the funds are limited and available throughout Southeast. She spoke about her experience in obtaining her degrees and moving to Juneau with her husband and children, purchasing a home, and finding that to afford their mortgage and pay for childcare would be such an expense that they made a decision to open a childcare home. She has since expanded due to the need for childcare in the
community and she needs five full time staff to run her programs. Staff was difficult to find and keep and she needed the incentives the HEARTS program would provide to help her keep her staff.

Mayor Botelho asked how easy it was for her to attract personnel. She said she has had teachers apply, however, she could not afford to pay them an attractive, competitive wage.

Maurice Wangberg, said that Juneau had built a beautiful transit center, however, between the hours of 4 – 6 pm, there had been 15 times when the staff was not in the center to keep it open. The staff went on breaks, closed the center, and the public was left out in the cold. He asked the issue to be reviewed.

Jeff Vogt, a Friends of the Library Board member, said several members were present, and they thanked the Assembly for its support of library programs. The governor had signed the budget, which included $7 million for a new valley library. This, along with a $1.3 million contribution from the Friends of the Library, and a secured site, meant that they needed to raise $4.7 million to complete construction. They requested 1% sales tax funding on the ballot for the valley library.

Brian Holst, Juneau Economic Development Council, said JEDC supports the HEARTS initiative. JEDC investigated and analyzed the childcare problem in Juneau. There was a lack of legal childcare in Juneau, and it was an “unattractive industry,” as there were many issues and few incentives to become licensed. There was a high turnover in staffing and in the businesses themselves. The business was low profit and Juneau had a high cost of living. 70% of families in Juneau have two income earners. There were many consequences of a lack of adequate childcare. It made Juneau a less attractive place to raise families and parents accepted unlicensed facilities. He said there were many benefits to the community for investments in childcare and there were many studies on return on investment. The HEARTS initiative was a wise investment.

Ms. Danner asked what the average wage was for childcare providers. Mr. Holst said of 11 operators interviewed, $11.66 per hour was the average wage.

Lauren Brooks, Family Services Coordinator, AEYC-SE, read from the petition and said she spoke with parents every day who were trying to find childcare. The wait lists are long, and finding childcare for infants was very difficult. Revolving staff was a concern. One parent stated that to attend a pre-school program, they were paying twice as much as it cost for tuition, books and fees at the University of Alaska Southeast. This placed a burden on Juneau’s young families and this program was a great investment.

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 Stone, to adopt the consent agenda as presented. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2011-11(AK)
   An Ordinance Transferring $20,642 To The Sales Tax Fund, Funding Source Is The Juneau Bridge Repair Capital Improvement Project.

   Administrative Report: Attached. The manager recommended Ordinance 2011-11(AK) be introduced and set for public hearing at the next regular meeting.

2. Liquor Licenses

a. Liquor License Transfer and an Application for a Restaurant Designation Permit
   Transfer FROM:  Talisman, LLC d/b/a "245", location 245 Marine Way
   Transfer TO:  Sprazzo, LLC d/b/a Sprazzo, location 112 N. Franklin St.

b. New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit
   Midnight Ninja Ventures Inc. d/b/a The Rookery Café, Location 111 Seward Street

   Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the above liquor license actions.

VII. PUBLIC HEARING

A. Ordinance 2012-23
   An Ordinance Providing For The Issuance And Sale Of A Hospital Revenue Refunding Bond In The Aggregate Principal Amount Of Not To Exceed $28,200,000; Providing For The Form And Terms Of The Bond; Providing A Method Of Payment Therefore; And Reserving The Right To Issue Revenue Bonds On A Parity With The Bond Upon Compliance With Certain Conditions.


   Public Comment: None.

   Assembly Action:

   MOTION, by Danner, to discuss, adopt Ordinance 2012-23.

   Ms. Danner asked if there was any potential downside by approving this action and what had happened seven years ago regarding this bond, since the manager’s report said that “BRH has been meeting its debt service obligations for the past seven years.”

   Craig Duncan said the bonds would only be issued if there was a net savings to the hospital, and the debt service was only seven years old.

   Hearing no objection, it was so ordered.
B. Ordinance 2012-24
An Ordinance Amending The Land Use Code Regarding Zoning Districts.


Public Comment:

Bill Heumann, said he was a builder, developer, landlord, and had constructed over 350 dwellings in the community. He hoped this ordinance would be approved. He said there was more that could be done to make housing available and he encouraged the Assembly to look at further code changes. He owned two acres of commercial waterfront zoned property in Auke Bay and spoke to CDD planners about the possibilities for development. He could build about 34 condo units, and along with those units, could build an unlimited number of hotel rooms and a commercial development, limited only by parking and the site layout. He said this could be a very intensive use, but he did not want to build a hotel or commercial space. He would like to build condos but under the regulations, he could only build 18 condos. He would like the Planning Commission to review density in other zoning districts.

Mayor Botelho called the Assembly’s attention to written testimony on this matter received from Mr. Sivertsen in the red folder.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2012-24. Hearing no objection, it was so ordered.

C. Ordinance 2011-10(A)b
An Ordinance Appropriating And De-Appropriating Funds For FY12 School District Operations

Administrative Report: Attached. The manager recommended Ordinance 2011-10(A)b be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2011-10(A)b. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2012-21b
An Ordinance Appropriating Funds From The Treasury For FY13 School District Operations.

Administrative Report: Attached. The manager recommended Ordinance 2012-21b be adopted.

Public Comment: None.

Assembly Action:
MOTION, by Crane, to adopt Ordinance 2012-21b. Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Appeal – Conditional Use Permit SGE2011-0003, Montana Creek Rock Crusher.

Ms. Danner said that after careful consideration, she had chosen to stand with her neighbors, in their appeal of a Planning Commission decision to allow a rock crusher in a D-3 zoning district. She said it was a difficult decision and it increased the difficulty from five out of nine to five out of eight votes. It was hard for her to give up her right to discuss this matter as she had strong convictions on this subject. As an appellant in the case, she asked to recuse herself from participation.

Mayor Botelho said that Ms. Danner had disclosed that she had a conflict of interest in this matter. He ruled that she did have a conflict of interest and asked for the Assembly’s concurrence. Hearing no objection, Ms. Danner stepped away from the meeting.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

Mayor Botelho said he recommended the Assembly accept the appeal and refer the matter to a hearing officer. Hearing no objection, it was so ordered.

Mr. Hartle said in anticipation of this action, he had contacted Attorney Michael Lessmeier, of Lessmeier/Winters, who indicated a willingness to serve as the hearing officer. Mayor Botelho asked if Mr. Lessmeier had reviewed the list of appellants and concluded that there was no conflict. Mr. Hartle said that was correct, and added that he was a qualified attorney who had served as an arbitrator in a number of cases and would do an excellent job. Hearing no objection, the Assembly approved of Mr. Lessmeier’s appointment.

B. Appeal – International Union of Operating Engineers (IUOE), Local 302 Appeal Of Personnel Board Decision And Order On Petition For Bargaining Unit Filed By Airport Field Maintenance Employees (April 20, 2012).

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to accept the appeal. Hearing no objection, it was so ordered.

MOTION, by Wanamaker, for the Assembly to hear the appeal and for the Mayor to preside.

Ms. Danner objected. She said it was difficult for the Mayor to serve as the hearing officer. The system and process should not be structured in a way that those who are involved in the decision-making are also involved in the appeal itself. If we have a hearing officer from
outside of the city, we will not have the same conflict of interest that our attorney would have in leading us through the process.

Mr. Hartle explained the difference between a hearing officer, who would hold the hearing and return a decision to the Assembly for ratification or not, and a presiding officer, in which case the Assembly hears the appeal and the presiding officer holds the initial pre-hearing conference and guides the case through the Assembly.

Roll call:
Aye: Becker, Crane, Dybdahl, Kiehl, Smith, Stone, Wanamaker, Botelho.
Nay: Danner.
Motion passed, 8 ayes, 1 nay.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Stone said the next meeting was set for Monday, May 21, at 6 p.m.

Human Resources Committee: Chair Danner said the next meeting was set for Monday, June 4, at 5:30 p.m.

Lands and Resources Committee: Chair Becker said at the April 30 meeting, the committee passed a motion of support for a no-cost, fifty-year lease to facilitate redevelopment of the JYS Cornerstone building at the corner of Hurlock Avenue and Mendenhall Loop Road. The new lease would expand the existing lease site by 12,000 square feet. The committee asked the Assembly to direct the Law Department to draft an ordinance and resolution for submittal to the Planning Commission and the Assembly to accomplish this. Hearing no objection, it was so ordered.

Ms. Becker said the committee met in joint session with the Public Works committee and another meeting was set for Wednesday, May 16, at Noon to hear about potential use of municipal land and CIP projects to support affordable housing.

Finance Committee: Chair Crane said the next meeting was set for Wednesday, May 16, at 5:30 p.m.
Public Works and Facilities Committee: Chair Wanamaker noted the upcoming joint meeting with Lands Committee on Wednesday, May 16, at Noon to discuss housing options in CBJ. The next meeting of the PWFC was set for Monday, May 12, at Noon.

B. Liaison Reports

Affordable Housing Commission: Liaison Kiehl said the AHC met and formed a recommendation for the Joint Lands and PWFC meeting this week regarding land suitable for affordable housing. The commission reviewed its task list and had accomplished a great deal in the past few years to remove barriers to and encourage the development of affordable housing.
Parks and Recreation Advisory Committee: Liaison Kiehl said the PRAC held its retreat, set priorities, and would like to work with the Assembly and staff regarding assistance with sales tax funding for projects to improve Juneau’s quality of life.

Juneau Commission on Sustainability: Liaison Becker said the next meeting was set for Wednesday, May 16, and JCOS would meet with the CBJ “Green Team” on June 20.

Alaska Committee: Liaison Becker said Mayor Botelho presented information on the Petersburg Annexation petition to the Committee. The Alaska Committee budget would be presented to the Assembly Finance Committee at its next meeting May 16. Plans continued for attendance at the two state fairs.

Docks and Harbor Board: Liaison Becker said the Assembly approved the re-naming of Mike Pusich Douglas Harbor and the Pusich family had requested permission to privately fund some interpretive signs to be mounted at the harbor. Another simulation was run in the harbor, and Docks and Harbor will go to the Planning Commission for a conditional use permit. Two RFP’s had been let for work in Aurora Harbor. Senator Egan’s office was successful in turning around a survey error in the conveyance of a tidelands lease.

Airport Board: Liaison Danner said that the Airport would host the U.S. Marine Jazz Band Combo for a free concert in the baggage claim area as a part of Juneau Jazz and Classics, Thursday, May 17, at Noon, for the public. The next meeting was set for Wednesday, June 13, at 7 p.m.

Local Emergency Planning Committee: Liaison Danner said at the last meeting the committee discussed emergency training available on-line free of charge and all city officials and staff should have this training. The Emergency Food Subcommittee changed its regular meetings to the last Thursday of each month, from 11 am – Noon at the Bill Ray Center. The next meeting was set for Wednesday, June 13, Noon at Bartlett Regional Hospital.

Hospital Board: Liaison Stone said at the last meeting the BRH Board discussed the FY13 budget and the executive officer search.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker said he was thankful for the support he received during his time away due to his brother’s passing.

Mr. Kiehl said he attended the “Blessing of the Fleet,” which was a wonderful event in less than ideal weather. He noted the Wreath Laying Ceremony at the moving wall of the Vietnam memorial, Wednesday, May 16, at 11 a.m. in Vintage Park. He noted that the bill that would convey the tidelands lease parcel was still awaiting the Governor’s signature.

Ms. Becker asked what the process would be to take up Mr. Heumann’s suggestion for the Planning Commission to look at the density for commercial waterfront and other suggestions for possible changes. Hearing no objection, the city manager was asked to explore the density standards outside of the zoning districts acted upon at this meeting.
MOTION, by Danner, to add and discuss a personnel matter as the first topic of the proposed executive session. She referred to personnel matters involving two individuals, the immediate knowledge of which would tend to defame or prejudice their reputation.

Mr. Hartle said that would be an appropriate topic for executive session.

Hearing no objection, it was so ordered.

Mayor Botelho noted that the Alaska Redistricting Board had taken action to comply with the Supreme Court’s order and had redrawn Southeast Alaska’s districts in a way that the current House District 3 stayed in tact and House District 4 would expand from the valley to take in areas north, including Skagway, Haines, and Gustavus, similar to Option A, proposed earlier by the Assembly. It differed in that the Assembly’s configurations looked at the entire Southeast Alaska with the assumption that any plan had to take in the Voting Rights Act. The Board constrained itself to the Alaska Constitution and not the Voting Rights Act. There would be an opportunity to appeal that decision on an expedited basis to allow candidates and the Division of Elections to make decisions and move forward.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Joyce Thoresen, a teacher from Yakoos, said that six students were present to observe the governmental process and she thanked the Assembly for allowing their participation. Mayor Botelho thanked the students for attending and invited them to continue participation in local government.

XIV. EXECUTIVE SESSION

A. Personnel Matter
B. Waterfront Land Negotiations
C. Petersburg Annexation

Public Comment: None.

Hearing no objection, the Assembly entered into executive session at 8:10 p.m. and returned to regular session at 9:53 p.m.

Upon reconvening, Mayor Botelho said the Assembly considered the three topics and gave direction where appropriate.

XV. ADJOURNMENT – 9:54 p.m.

Signed:_________________________     Signed:_____________________________
Laurie Sica, Municipal Clerk     Bruce Botelho, Mayor