MEETING NO. 2011-26: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Bruce Botelho.

I. ROLL CALL

Assembly Present: Mary Becker, Bruce Botelho, Karen Crane, Ruth Danner, Johan Dybdahl, Jesse Kiehl, Carlton Smith, David Stone and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Kim Kiefer, Deputy Manager; Laurie Sica, Municipal Clerk; Dale Pernula, Community Development Director; Rorie Watt, Engineering Director; Brent Fischer, Parks and Recreation Director; Heather Marlow, Lands and Resources Manager; Beth McKibben, Senior Planner; Jeannie Johnson, Airport Manager; Carl Uchytil, Port Director.

II. SPECIAL ORDER OF BUSINESS

A. Proclamation – Anna Graceman

Mayor Botelho recognized Anna Graceman, an 11-year old girl born and raised in Juneau, Alaska, who has shown herself to be an amazing musician and songwriter with over 35 original compositions. Anna’s talent took her to the semi-finals of the America’s Got Talent competition on NBC, competing against other performers of all ages for a $1 million prize. She has become a legend on YouTube, with over 11 million hits, which led to her 2009 appearance on the Ellen DeGeneres Show.

Mr. and Mrs. Roy Varni, Anna’s Great Grandparents, were present and Mr. Varni spoke about their love of Juneau as their home. Anna was on her way to Colorado to perform at the Adoption Exchange Charity event in Denver. She has a beautiful gift, which she is willing to share with others. She was unable to attend but asked her grandfather to receive this kind acknowledgement and he thanked the Assembly on her behalf. Ms. Graceman asked to credit her teacher, Cory Crossett.

B. Juneau Douglas Museum Award

Brent Fischer, Parks and Recreations Director, thanked Alysia Jones, Curator of Public Programs at the Juneau-Douglas City Museum, for her outstanding work in the creation of a digital archive exhibit, available on touch screens in the Museum’s gallery. At the annual meeting of the American Association for State and Local History in Richmond Virginia, this September, the Juneau-Douglas City Museum was honored to receive the prestigious Leadership in History Award of Merit for its digital stories about the Quest for Statehood and Alaska's Capital.
Alysia Jones worked with 92 middle school students from Floyd Dryden and D’zantiki Heeni Middle School to research, write, interview, and record digital stories. With assistance from teachers and support staff, Alysia scheduled herself and guest presenters to teach students how to conduct primary source research; oral history interview techniques; filming, recording, and editing of digital media. Alysia invited and scheduled community members to be interviewed and filmed by students. Through Ms. Jones’ effort on this project, the Museum achieved its goal of engaging students in its primary function of interpreting and exhibiting Juneau history.

III. APPROVAL OF MINUTES

A. October 17, 2011 – Regular Assembly Meeting 2011-24

Hearing no objection, the minutes of the October 17, 2011 Regular Meeting 2011-24 were approved.

B. October 18, 2011 – Assembly Retreat

Hearing no objection, the minutes of the October 18, 2011 Assembly Retreat were approved.

C. October 31, 2011 – Special Assembly Meeting 2011-25

Hearing no objection, the minutes of the October 31, 2011 Special Meeting 2011-25 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Geny Del Rosario, a member of the 4th of July Committee, introduced Parade Director Jean Stucke.

Jean Stucke asked about the plans for use of the old city shop area as a park and if it would interfere with the parade staging area. There are times when the parade entries need to be staged behind the gate. Mr. Swope said the area would be available to the parade organizers. Mayor Botelho asked her to convey the Assembly’s thanks to all the committee members for their work.

Shane Williams said the taxi industry is not getting the enforcement it requested for over the last decade. The fees the industry pays are to be directed to enforcement, and he said enforcement was insufficient. In discussions with the city manager, the industry has requested a reduction in fees, and was told no, therefore he was present to let the Assembly know that the fees paid were not commensurate with the enforcement outlined in the ordinance.

James Harris, Juneau Taxi and Tours, said he was present to discuss the same issue. They are losing drivers as shuttles are allowed to be “gypsy taxis” and provide anything a customer needs. The taxicabs have asked for a distinction, and he said Mr. Swope has been helpful and is working on this. They have worked with JPD. Any request regarding fees has been turned down. He said they are no longer asking for the enforcement, but they are asking for a fee reduction. People are complaining that there are not enough cabs at the airport and one of the reasons is they have lost drivers due to this issue.
Mr. Dybdahl asked about the airport and the cruise ship dock destination fees that the taxi operators proposed in a letter distributed to the Assembly. Mr. Harris said those refer to these are permits they have to pay for permission to go there to pickup or drop off at those locations. Mr. Dybdahl asked how the taxi operators proposed to charge for a proposed “customer soilage of taxi” fee. Mr. Harris said that would need to be collected civilly for damage. Currently there is no provision for damage done to cabs by customers.

Mr. Smith asked how communities in Alaska compare to the fee structure. Mr. Harris said at this point Juneau’s fees are higher than in all of the other communities he has checked on. Some have dedicated officers for this business regulation. There are officers here that do a good job, but they do not believe it is sufficient. They are asking that the shuttles be stopped from acting as taxis. This activity has run off a lot of their drivers and business.

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. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2011-27

Administrative Report: Attached. The manager recommended Ordinance 2011-27 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2011-11(W)
An Ordinance Appropriating To The Manager The Sum Of $62,714 As Funding To Reimburse Capital City Fire And Rescue For Costs Associated With Emergency Response In The Tongass National Forest. Funding Provided By The Alaska Department Of Commerce, Community And Economic Development, Secure Rural Schools And Community Self-Determination Act Title III Funds.

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

2. Resolutions

a. Resolution 2592
A Resolution Authorizing The Manager To Apply For A Community Development Block Grant From The Alaska Department Of Commerce, Community And Economic Development, With AWARE, Inc., To Be Used For Construction Of Temporary Living Quarters For Women And Children Transitioning From AWARE’s Emergency Shelter.
Administrative Report: Attached. The manager recommended adoption of Resolution 2592.

b. Resolution 2593
**A Resolution Adopting The Juneau Climate Action And Implementation Plan.**

Administrative Report: Attached. The manager recommended adoption of Resolution 2593.

3. Transfer
a. Transfer T-930
**Transferring $2,992,118 From School District Major Maintenance Upgrades Capital Improvement Project (CIP) To Gastineau Elementary School Renovation And Auke Bay Elementary School Renovation CIPs.**

Administrative Report: Attached. The manager recommended this transfer be approved.

**VII. PUBLIC HEARING**

A. Ordinance 2011-26
**An Ordinance Authorizing The Manager To Execute A Lease Of A Fraction Of Lot 1, U.S. Survey 5504, Located Near The Fish Creek Quarry On Douglas Island, To Atlas Tower, LLC, For The Construction, Maintenance, Operation, And Leasing Of A Communications Tower.**


Public Comment:

*Michael Powers*, representing Atlas Towers, thanked Heather Marlow for her work, and said he was present to answer any questions or perhaps provide a rebuttal if there are any issues that arose in this discussion.

Assembly Action:

*MOTION, by Danner, to adopt Ordinance 2011-26.* Hearing no objection, it was so ordered.

B. Ordinance 2011-11(S)
**An Ordinance Appropriating To The Manager The Sum Of $6,615 As Funding For The Purchase of a 3D Crash Reconstruction Software Program and Police Officer Training, Grant Funding Provided By The Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.**


Public Comment: None.

Assembly Action:
MOTION, by Wanamaker, to adopt Ordinance 2011-11(S). Hearing no objection, it was so ordered.

C. Ordinance 2011-11(T)
An Ordinance Appropriating To The Manager The Sum Of $30,583 As Funding For Alaska Shield Training Provided To Members Of The Capital City Fire And Rescue Hazmat Team, Grant Funding Provided By The Alaska Division Of Homeland Security And Emergency Management.


Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2011-11(T). Hearing no objection, it was so ordered.

D. Ordinance 2011-11(U)
An Ordinance Appropriating To The Manager The Sum Of $6,633,082 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Federal Aviation Administration, Alaska Department of Transportation and The Juneau International Airport.


Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2011-11(U). Hearing no objection, it was so ordered.

E. Ordinance 2011-11(V)
An Ordinance Appropriating To The Manager The Sum Of $94,575 As Funding For The First Six Months Of A Three-Year Grant For Two New Police Officers For The Downtown Patrol Community Policing Project, Grant Funding Provided By The United States Department Of Justice, Office Of Community Oriented Policing Services.


Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2011-11(U).

Mr. Kiehl asked if this grant would be for additional officers. Mr. Swope said yes. Mr. Kiehl asked if these officers would need up-front training costs. Mr. Swope said if there are already officers on patrol that would like to do this work, they would be moved into the position, and
two new officers from the academy would be assigned to patrol. It could require training or not depending on who took the job. Mr. Kiehl asked about the hours of coverage. Mr. Swope said the hours vary and will be either 8 – 5 or 10 – 7, the hours are varied prevent the appearance of a pattern of enforcement.

Ms. Danner asked if the grant money revenue and expenses would be shown in the budget. Mr. Swope said yes.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Appeal of USE2011-0010 - Keikkala Accessory Apartments

Mr. Hartle said decisions of various boards may be appealed to the Assembly. In this case, the Planning Commission approved a Conditional Use Permit, which has been timely appealed to the Assembly. Mr. Hartle said he saw no reason why the Assembly should not hear the appeal nor hear the appeal itself.

Mr. Wanamaker asked Mayor Botelho if he would be willing to serve as a presiding officer and Mayor Botelho said he was prepared to do so.

MOTION, by Wanamaker, that the Assembly accept and hear the appeal, and appoint Mayor Botelho as presiding officer. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Mr. Hartle said he attended the Alaska Municipal Attorney’s Association Conference, and congratulated Laurie Sica upon her award as “Clerk of the Year” from the Alaska Association of Municipal Clerks.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Stone said the Committee of the Whole met on October 31, 2011 and reviewed the Climate Action Plan. The next meeting is set for December 12 to review applications for the city manager position.

Human Resources Committee: Chair Danner reported on the October 24, 2011 HRC meeting. Hearing no objections, the Assembly approved the following HRC board appointment recommendations:

Social Services Advisory Board
Reappointment of Joanne Schmidt for a term ending September 30, 2014.

Juneau Economic Development Council
Reappointments of Beverly Schoonover to the Environmental Seat, and Darren Dindinger and Kevin Ritchie to the two public seats all for terms ending October 31, 2014.

Ms. Danner said that at the same meeting, the HRC recommended the Aware Shelter project for Community Development Block Grant funding, as adopted in Resolution 2592.

Ms. Danner said the HRC discussed the practice established for consideration of applicants for the enterprise boards and the Planning Commission. Resolution 2550 outlines the Assembly Rules of Procedure and the process for making such board appointments, and a discussion of amending the rules took place.

Mr. Dybdahl said that it is often difficult to gather all nine members for the HRC meetings at which the interviews for board appointments take place. There was a time when it became the rule that all members need to be present for such appointments, but he would like to go back to the practice of just requiring a quorum of the Assembly to attend. If members feel strongly about the appointments, they should plan to attend. Ms. Danner said this is the recommendation of the HRC.

Hearing no objection, Mayor Botelho said Resolution 2550 would be amended to delete the requirement that all members present to sit on appointments with regard to the enterprise boards and the Planning Commission.

Mayor Botelho asked if it was the intent to proceed in the normal course for next meeting, pending the resolution’s amendment. There was no objection.

Ms. Danner said Gary Miller, a member of the Retired Public Employees Association presented information and a request for support for U. S. Senate Bill 319, a Pharmaceutical Market and Drug Safety Act of 2011. Mr. Miller spoke about the money spent on pharmaceutical drugs and this bill is designed to allow for import of drugs from other developed countries. This is an issue that has bipartisan support in the Senate and may be worthy of support by the Assembly, through a letter to Senators Murkowski and Begich.

Ms. Becker asked for more information prior to making a decision.

Mr. Dybdahl said the request was for a resolution to be considered by the Assembly, drafted by the law department, with more information in a future packet.

Hearing no objection, a resolution would be drafted for consideration at a future meeting.

*Lands and Resources Committee:* Chair Becker said the next meeting is November 21.

*Public Works and Facilities Committee:* Chair Wanamaker said the PWFC met on November 7 and heard an update on biomass as an energy source and discussed various options for Main Street improvements. The next meeting is November 21.

B. Liaison Reports

*Juneau Convention and Visitors Bureau:* Liaison Smith attended the recent JCVB retreat. He said it is a dedicated board. JCVB will be moving its offices from the Sealaska Building to another more affordable location, reducing their costs overall, and they are cognizant of the
reaction of moving from Centennial Hall. JCVB is concerned about the roof at Centennial Hall, which needs attention. JCVB is interested in improving the transportation corridors, particularly by air, and looks forward to working with the Assembly.

Parks and Recreation Advisory Committee: Liaison Kiehl said the PRAC met last Tuesday, working to put together proposals for Assembly consideration regarding the 1% sales tax extension. The list is long and they are aware that there is keen competition. Mr. Kiehl asked Assemblymembers, who may have high priorities for parks, to provide them to him or the PRAC.

Juneau Commission on Sustainability: Liaison Crane thanked the Sustainability Commission for their work in the adoption of the Climate Action Plan at tonight’s meeting.

Eaglecrest Board: Liaison Crane reported on a public meeting held by Eaglecrest at Centennial Hall with over 100 people present to hear a presentation on long range planning for Eaglecrest. There is a survey on-line regarding Eaglecrest long range planning if people were not able to attend.

Docks and Harbors Board: Liaison Becker said that the Board received a letter from the Douglas Advisory Board, requesting a renaming of the Douglas Harbor for Mike Pusich, and the Board is working through the process to do so. The Cruise Ship Dock Project 16b design is proceeding to 65% completion and a Corps Permit has been submitted for the project. The Douglas Harbor breakwater work continues and Docks and Harbors is asking for a regulatory agency gathering in January. Statter Harbor designs for new floats at DeHart’s are 65% complete and there is a Corps of Engineering Permit application in to fill wetlands at the boat ramp launch area. In Aurora Harbor, a permit was received to replace broken piles at the A3 float, and Aurora Harbor leaks are being repaired. Regarding the Mt. Roberts tramway tidelands lease, the survey came in higher than in the past and Goldbelt will get another appraisal. A group from Copenhagen visited and engendered good will. Docks and Harbors approved a commercial use permit for Coeur Alaska to use the Echo Cove launch ramp. The next meeting of Docks and Harbors Board would be Tuesday, Nov. 15, at 5 p.m. at the Harbor office.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker asked the manager for information on the taxi company requests regarding the requested financial relief. Mr. Swope referred to an email he sent to the Assembly about this issue. This is a matter of regulations and a number of changes were made and provided to the Law Department for drafting. He would return those to HRC for review and comment, and then put them out for a 21-day review, at which time the public could comment and those comments will be considered for amending the regulations.

Mr. Smith recognized Karen Crane for taking on a leadership position at the Alaska Municipal League. Ms. Crane was nominated to fill a second vice president position at AML and will serve as president of AML in two terms. The Assembly congratulated Ms. Crane.

Mr. Kiehl said he attended AML and the NEO training. He was intrigued about the training on quasi-judicial matters and glad he will be able to put that training to use. Mr. Kiehl applauded Ms. Becker for wielding Juneau’s vote on the floor of the business meeting. He recognized Mayor Botelho as the recipient of the Vic Fischer Leadership Award, given by Vic Fischer
himself, who had much to say about the quality of leadership Juneau has been provided throughout Mayor Botelho’s terms of office.

Mr. Kiehl presented a draft of the 2011-12 Goals for Assembly consideration. Without objection, the matter was referred to the Committee of the Whole.

Ms. Becker has some questions about the Archipelago property without objection this matter was referred to the Lands Committee.

Ms. Danner reported on her attendance with Yaakoosgé Daakahidi High School in Anchorage at a gathering of representatives from 14 Alternative High Schools. Alaska is #1 in the nation regarding teen suicides. 62 of the 120 students at Yakoos are homeless, and these are brave and determined young people with many challenges. A unique feature is depression. In Anchorage, they worked on a plan as part of a DOE grant, to work with students to tackle depression. They hope to see measurable improvements in attendance and graduation. She applauds the students and teachers for their determination, and hopes and expects great things.

Mr. Stone said he recently attended a successful meeting of the Alaska Miners Association.

Mayor Botelho said a Fairbanks official commented on the good participation by Juneau at AML, this year and at past conferences, in contrast to the Anchorage Assembly. That contrast is apparent and it is important that we continue that type of outreach and it clearly benefits the community as well as those statewide.

Mayor Botelho thanked Tom Matisse for arranging for Homeland Security to do an executive briefing on emergency planning.

Mayor Botelho asked the Assembly about the process of vetting Juneau Economic Development Council board members. It is a bit of an anachronism. The Assembly may want to give JEDC greater independence and he asked the Assembly for permission to draft an appropriate ordinance or resolution to review the Assembly’s relationship with JEDC. Hearing no objection, it was so ordered.

Mayor Botelho referred to communication from the Juneau Arts and Humanities regarding the topic of 1% for art projects for Dock Project 16b and suggested urging the Docks and Harbors Board to proceed with consideration of such art projects.

Ms. Danner said is concerned that Dock Project 16b is going to have visual impacts on the view shed of the waterfront and it is important that money set aside is not spent to quickly without mitigating the impacts.

Ms. Becker agreed and said moving ahead at this time may not be wise, that they need to see how the project proceeds visually and develop the art projects over time.

Ms. Crane said the project design is known and it will take time to realize it. She would like to see some members of the art community become involved now in how the project proceeds. She encouraged the Docks and Harbors Board to include involvement from the arts community.
Mr. Dybdahl said he supports the involvement of the art community and contemplated what 1% of the final project cost would be.

Mr. Hartle has discussed this issue with the Docks and Harbors Board and is preparing a memo regarding the ordinance regarding the 1% for art requirement. The amount would be based on the construction cost.

Mayor Botelho asked the Juneau Arts and Humanities Council to confer directly with the Docks and Harbors Board and there was no objection.

Mr. Wanamaker said that in 2002, the Assembly set aside funds for a Cultural Gateway, and the art task force was never appointed due to a disagreement who would manage the project. This is an opportune time to revive this and consider it as part of the 1% program. He would like to initiate a discussion with the JAHC and Docks and Harbors Board.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT - 8:15 p.m.

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