MEETING NO. 2000-13: 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 Dennis Egan.

I. FLAG SALUTE was led by Mayor Egan.

II. ROLL CALL

Assembly Present: Garrett, Etheridge, MacKinnon, Powell (arrived 7:05), Egan, Pillifant, Muñoz, and Koelsch
Assembly Absent: Perkins

A quorum was present.

Staff Present: Laurie Sica, Municipal Clerk; Dave Palmer, City Manager; Donna Pierce, Deputy City Manager; John Corso, City Attorney; Christine Blackgoat, H&SS Director; Al Heese, Airport Manager; Joe Graham, Port Director; Sylvia Kree, CDD Planner; Heather Marlow, CDD Planner; Mike Doyle, Fire Chief; Cheryl Easterwood, CDD Director; Greg Chaney, CDD Planner; Chris Roust, CDD Building Codes Official; Carol McCabe, Library Director; John Stone, Engineering Director; Caryl McConkie, Tourism Coordinator

III. SPECIAL ORDER OF BUSINESS

1. Alaska Department of Environmental Conservation cruise ship air and water quality presentation by Mike Conway, Director of the Statewide Public Service Division of DEC.

Mr. Conway was a member of a steering committee established last December composed of EPA, Coast Guard, DEC, communities of Alaska represented by SE Conference and the Cruise ship Industry. The working group looked at recorded cruise ship problems in the environmental area. He referred to the flier in the packet for the Environmental Awareness Days, July 12-14 and said activities include guided tours of the cruise ships’ environmental management systems and panel discussions with the steering committee and a world-renowned expert in third party audits from Lloyd’s Register. He then referred to the Alaska Cruise Ship Initiative 2000 Season Summary, also included in the packet, which included improvements launched, agreements for the 2000 season and other work in progress. He noted the web-site address and said everything would be posted on this site. He encouraged everyone to look at it and use it for any communications and or updates.

Mr. Powell said he sits on the air working group as the representative from the Assembly and also the SE Conference. He clarified that RFPs had been sent out for monitoring and he asked for an update. Mr. Conway said for the water sampling project, a third party contractor has visited 20 of the 22 ships to do preliminary sampling. Two ships have not been in town yet. The samplings were unannounced visits, which started this week. The project plan is to sample all ships twice, on an unannounced basis, sending those samples to a lab to determine what is in the discharge. They would be looking at gray water, water that goes down the sink and is an unregulated wastewaster stream, and black water, which is basically sewage or any other substance considered hazardous. Those are regulated on
cruise ships through international agreements and U.S. laws, and enforced by the Coast Guard. Any discharges that occur in U.S. waters, within three miles of shore are to be treated by marine sanitation devises. They would be sampling to see what kind of effluent quality comes out of those discharges and how it compares with other regulated wastewater. He felt they would get a lot of good information from voluntary compliance by the end of the summer and then they would report back to the public. There were several different aspects of air quality going on and the opacity monitoring, visually looking at the smoke stacks, is a method used by the EPA and the State to determine if ships are in violation with what comes out of the stack, specific to each vessel. EPA has done some readings in SE Alaska and they are processing some violations out of that. The Royal Caribbean Cruise Line settlement agreement with the state requires that the state perform opacity monitoring. The RFP is out and the contractor is beginning to do those readings as of this week. The third piece of the puzzle is the ambient air quality monitoring. The purpose is to find out, in addition to the ship by ship problems, overall, is there an air quality problem in Juneau by looking at scientific technical data from a multiple of sources. There is a lot of other transportation systems that could be contributing.

Mr. Conway said their intention was to take all the information gathered this summer, take a look at it and make it available to the public. The agencies would analyze the data, identify specific problem areas and look for solutions. He hoped for an annual report in December. The Part One Report was public noticed and put out for a public meeting on May 17th and he received a number of comments. He hoped to have the report on-line in the next couple days. Now they are dealing with Part Two.

Ms. Muñoz asked if the initiative was being funded through settlement monies or was it coming through a different source. Mr. Conway said it was a combination. The settlement monies were paying for the opacity monitoring by DEC of all the cruise ships this summer. The ambient air monitoring is being paid for by the industry itself, hiring a contractor to use DEC equipment. The water quality monitoring project is being paid for by the cruise ship industry. The contractor is reporting to the Coast Guard, the agency with jurisdiction on the ships. The Coast Guard will be sharing that information with everybody.

Ms. Muñoz asked if there was a commitment in the future to continue to fund this type of initiative. Mr. Conway said that to date it has all been a voluntary process. There is no funding commitment beyond getting this work done, but the agencies will need to figure out whether they need to go to the Legislature or to the Coast Guard or Congress to get continued funding to pursue the strategies they discover and think are needed. He felt there was a lot they could do through a voluntary effort of improving management practices. Ms. Muñoz said already a lot of positive things were coming out of the effort and she thanked him on behalf of the City. She asked him to announce the dates of the tours and he explained what was planned and when.

Mr. Powell asked if he could see a need for funding to get the air monitoring done. Mr. Conway said DEC had submit a budget with increased funding for air quality monitoring but they had not been successful getting it through the legislature. He thought once they had specific information as a result of the work done this summer, they may be more successful in getting funding.

IV. APPROVAL OF MINUTES
   1. 06/19/00 - Regular Meeting No. 2000-12
MOTION – by Koelsch, to approve the minutes of Regular Meeting No. 2000-12, held June 19, 2000, and he asked unanimous consent. There being no objection, it was so ordered.

V. MANAGER’S REQUEST FOR AGENDA CHANGES - None

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Bill Leighty, he asked for a sense of the Assembly regarding the Areawide Transportation Plan. He urged the Assembly many years ago to do some long range transportation planning and Mr. Garrett may have been the architect in introducing the Areawide Transportation Plan which has now cost a lot of money, a lot of staff and a lot of volunteer time and is beginning to produce some results. He was very interested in long range transportation planning and the energy implications thereof. He asked Mr. Garrett to comment and then referred to Ms. Easterwood’s memo inviting comment and said he had presented his comments in writing to her.

Mr. Garrett said he would comment at the end of the meeting as this was the portion of the meeting to hear from the public.

Russ Senkovich, 18610 Trails End Drive. He addressed the lack of city services on Pt. Stephens. He received his tax bill in the mail and was appalled to look at the high percentage of the money that was being spent for road and services even though they do not have a road. Part is for police and fire protection and ironically, parks and rec. He urged the Assembly to pursue extending city services to the Pt. Stephens area, or look at a special mill rate for those residents.

Joyce Levine, P.O. Box 21705, Juneau. She said the Dept. of Labor’s 1990 Census figures showed there were 700 families in Juneau with households under $20,000. Things have changed in 10 years, but she did not think they had changed significantly. The per capita income by race of blacks in Juneau is $14,000; Native Americans, $10,530; Asians, $12,850; and whites the average is $21,937. She asked the city if the $5 per head cruise ship money, along with the other information she presented about how to have ½ hour service from 10-6, Monday through Saturday, at a cost of $80,000, could be funded. She was amazed at the money available to clean the downtown streets everyday so they look nice and clean for the tourists, but the people in the valley have to watch out for glass on the shoulders while riding their bikes. She suggested reducing the fire works show by five minutes and putting that money toward ½ hour bus service. She had previously testified about putting cash boxes that registers the fare paid on the buses. According to Capital Transit, there was probably a loss of at least 5% income to Capital Transit from not having those cash boxes. She asked the Assembly to imaging being a women at he AWARE shelter with three kids, or a disabled person shopping at the Nugget mall. If you are using a wheel chair, it could be a two hour wait for the next bus. She thought 16 years was way to long to spend talking about the issue and not doing anything about it. The bus schedule is the same now as it was 16 years ago. She suggested they stop driving and start taking the bus and put themselves in the public’s place and wait for the bus.

John Jensen, 1012 Second Street, Douglas. He understood that fairly soon they would be selecting a replacement for Mr. Garrett and he put in a word for the contribution of Patty Zimmerman. He has known her for three or four years and they live near each other in Douglas. In discussions he has found her to be consistently concerned about the welfare of the community and the people in the community. The topics they have discussed include Parks and Rec. issues, transportation issues, conflict of interest, land use, and general ongoing current events. Patty has always struck him as having a unique kind of mind, is possibility thinking, and has ideas that teach him. She has been named in Who’s Who in American Women at the time that she was
working for a large company on the East Coast in sales and promotion and research design. She has worked in this community in the tourism industry for three years and has a very precise and investigative mind that has led her to seeking a patent for energy production from the movement of seawater. She is one of the hardest workers he has found and someone willing to dig up information and advance a viewpoint. She would be very stimulating for the Assembly and whether they agree with her or not, she would bring something to the table that others may not.

VII. CONSENT AGENDA
Mayor Egan announced he had pulled Resolution 2040, item 2B, and item 2C, Resolution 2041, from the Consent Agenda.

MOTION - by Garrett, to adopt the Consent Agenda deleting items 2B and 2C, and he asked unanimous consent. There being no objection, it was so ordered.

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

B. Assembly Action
1. Ordinances for Introduction
   a. Ordinance No. 2000-11 (A)
   AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $378,254 FOR CONSTRUCTION OF PHASE I OF THE RUNWAY SAFETY AREAS AND FOR ENVIRONMENTAL WORK FOR FUTURE RUNWAY SAFETY AREA CONSTRUCTION AFFECTING WETLAND AREAS AT THE JUNEAU INTERNATIONAL AIRPORT. SUCH FUNDS $367,623, PROVIDED BY THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

   Administrative Report: Attached. The Manager recommended that this ordinance be introduced and set for public hearing at the next regular meeting.

   b. Ordinance No. 2000-11 (B)
   AN ORDINANCE AUTHORIZING THE MANAGER TO TRANSFER THE SUM OF $100,000 FROM HARBOR OPERATIONS TO THE STATTER HARBOR IMPROVEMENTS CAPITAL PROJECT.

   Administrative Report: Attached. The Manager recommended that this ordinance be introduced and set for public hearing at the next regular meeting.

   c. Ordinance No. 2000-11 (C)
   AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $39,895 FOR DELINQUENCY PREVENTION. SUCH FUNDS PROVIDED BY THE ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

   Administrative Report: Attached. The Manager recommended that this ordinance be introduced and set for public hearing at the next regular meeting.

   d. Ordinance No. 2000-11 (D)
   AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $3,174,400 TO FUND $2,615,000 OF CAPITAL PROJECT AND $559,400 IN
OPERATIONAL SUPPORT TO CRUISE SHIP TOURISM. SUCH FUNDS PROVIDED FROM MARINE PASSENGER FEES.

Administrative Report: Attached. The Manager recommended that this ordinance be introduced and set for public hearing at the next regular meeting.

e. Ordinance No. 2000-28
AN ORDINANCE AMENDING THE PENAL CODE TO ALLOW THE DISCHARGE OF FIREARMS WITHIN THE MENDENHALL WETLANDS STATE GAME REFUGE.

Administrative Report: Attached. The Manager recommended that this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions
a. Resolution No. 2039
A RESOLUTION OPPOSING STATE LIMITATIONS ON LOCAL REVENUES.

Administrative Report: Attached. The Manager recommended that the Assembly adopt this Resolution.

C. Transfer Request
1. Transfer No. T-690
Transfers $404,954 in 1991 GO Bonds and interest from four School District Capital Projects to the Undesignated Construction/Major Repair – DOE Restricted Account.

Administrative Report: Attached. The Manager recommended approval of this transfer.

2. Transfer Request T-691
Transfers $345,288 Comprised of 1991 GO Bonds, $15,524, DOA Matching Grants, $229,438 and the Required Local Match of $100,326 from 3 completed School Districts to a new project which will upgrade the Marie Drake Elementary School for ADA compliance.

Administrative Report: Attached. The Manager recommended approval of this transfer.

3. Transfer Request No. T-692
Transfers $100,000 from Unallocated FY01 Areawide Street Sales Tax to the Calhoun Avenue Overlay Project.

Administrative Report: Attached. The Manager recommended approval of this transfer.

4. Transfer Request No. T-693
Transfers $230,000 From The Runway 8-26 Rehabilitation Project to the Airport Revolving Capital Reserve Account.
Administrative Report: Attached. The Manager recommended approval of this transfer.

D. Bid Awards
1. Contract No. SD00-401 Gastineau School Re-Roof.

   Administrative Report: Attached. The Manager recommended award of this project to Coogan Construction in the amount bid for the Base Bid only, for a total award of $243,573.00.

E. Liquor Licenses:
Withdrawal of Protest
1. Beverage Dispensary
   Louie's Douglas Inn

   Administrative Report: Attached. The Manager recommended the Assembly withdraw the protest of the license renewal for Louie’s Douglas Inn.

2b. Resolution No. 2040

A RESOLUTION AUTHORIZING THE MANAGER TO DONATE SURPLUS DIVE RESCUE AND RECOVERY EQUIPMENT TO SOUTHEAST AQUATIC SAFETY, INC.

   Administrative Report: Attached. The Manager recommended that the Assembly adopt this Resolution. He listed off the equipment that would be included and said that the non-profit group would be responsible for training, records keeping, the policies that dictate when and where they go and how they train. That relieves that scope from under Capital City Fire Rescue but expands the scope to allow any member of the public to join the team.

Public Participation:
Chris Cunningham, 10005 Frank Maier Drive. As an employee of Capital City Fire Rescue, he has been with the dive team since its inceptions in the early ‘80s. He has been involved in 14 rescue recovery incidents during this time, using his personal gear and then later, the Fire Department gear. His concerns about the resolution was that this was not just surplus gear, but good gear, including five full sets of gear that, as of this spring, were actively used in dive rescue and recovery operations. He felt it was a good collection of gear in excess of $10,000. He and others on the team wanted the opportunity to bid on some of the gear, not to mention other dive businesses in town. This would be a good way of recouping some of the $20,000 grant that was set up in 1983. With regards to S.E.A.S., the city has been offering dive rescue and recovery operations for the past 17 years and he asked if they would be providing a quick response rescue recovery team or just a recovery service. The need for both exists to some degree. Also, does S.E.A.S. have a duty to respond to call and how long will they offer this service. Will the taxpayers be paying for this service and will the gear be used for this service or in a similar capacity. He asked if they would be allowed to sell this gear. He was concerned that the citizens might end up with less service and that the gear may just disappear.

Ms. Pillifant clarified that a grant was used for the original purchase of the equipment. She asked if there were any restrictions on the grant. Mr. Cunningham would have to research that but said initially it was set up with a Dive Board who had set in place dive rescue practices. Ms. Pillifant asked if he was a member of the S.E.A.S. group and he said he was a member of Capital City Rescue and an inactive dive member. Currently there are four active people on that team. Ms. Pillifant asked him to describe what he meant by quick recovery or just recovery. Mr.
Cunningham said they break down rescue into some sort of reasonable response. There is a lot of debate about dive rescue as you have to be fairly close to the person if they fall in the water. There is a difference between an attempt at life resuscitation or at just a simple recovery. Cold water survival studies show it is possible to survive an hour and a half with no deficit.

Gerry Luckhaurt, he said he was an attorney for the Alaska State Legislature Division of Legal Services and an 11-year resident of Juneau. His job is to write bills and to observe the process that occurs in the legislature with an impartial eye. He was not appearing in that hat nor in the guise as a volunteer fire fighter with Capital City Fire and Rescue. He was appearing because the resolution was not clear and he wanted to make sure the Assemblymembers and the public were aware of what the transfer of this equipment does. It effectively removes the CBJ and Capital City Fire and Rescue from the dive rescue and recovery business. CBJ and Capital City Fire Rescue will still have a duty to respond and provide medical care, and provide water rescue for people that are on the surface of the water, or are trapped by a body of water, but they will no longer have an ability to perform any dive rescue for someone below the surface of the water. That would be a decision for the Assembly considering that the dive rescue team was basically created by a specific appropriation from this Assembly of some $20,000 back in the early ‘80s. Additionally, the amount and value of the property being given is substantial and there are no restrictions placed on how that property can be used or requiring some exchange for this equipment. There is no duty for this new group to respond and he was concerned with what the City would be getting in return. He was concerned with what would happen if the group did not survive or if they did not respond to certain incidents. Would there be any way for the CBJ to recover the property? That could be remedied by placing conditions on the grant of equipment, developing certain standard operating procedures that are coordinated with the City, and requiring that if they do not continue to operate, they return the equipment, or comparable equipment, to the City. People would be concerned when there is an incident if the Fire Department were on scene but unable to attempt any rescue measures for someone who has gone below the surface. He wanted to point out that the resolution was lacking in providing notice to the Assembly and public that what was occurring was an actual change in what the Assembly directed the Fire Dept. to do some 17 years ago.

Assembly Action:

**MOTION** - by Powell, for the purpose of discussion.

Mr. Powell wondered about the budget implications and thought it looked like a policy decision was being made to move away from this type of rescue and service to the community. Mr. Palmer said the equipment was on hand when the budget was adopted and the budget that was adopted does not relate to this equipment. There is no money in the budget to sustain the dive rescue team as it has been in existence and the City wants to get out of the dive recovery business. Currently the team is staffed by paid fire fighters with dive certificates who elected on their own to provide additional services at their own expense. He felt if they were going to offer a service, they should do it the best they could. They should either have a professional dive rescue team and pay, train, and equip them for that, or don’t do it. In this case, a non-profit group of interested folks with significant experience in the business are willing to take it on. This is a donation to a non-profit, not unlike city donations to the Youth Activities programs, to day cares, and a to variety of other non-profits. Those donations do not come with conditions. Having paid fire fighters working side by side with volunteers raises liability issues, union issues, and call out issues. If a private non-profit does it, they have a lot more latitude to gear up and train. He hoped there would be some tax money going to support them.
John Lachelt, 8511 Rainbow Row, came forward as a representative of S.E.A.S. He started the program to provide a service to the community and help deal with aquatic recoveries. The Fire Department, since the mid-‘80s, has always had a rescue team of some type related to diving. Unfortunately, most of the folks are not really well qualified, nor do they keep their diving abilities sharp. Diving rescue and recovery require a great deal of skill and commitment. Having been a part of the Alaska State Troopers tactical dive unit for a number of years, he has done many recoveries and it is not the most pleasant thing in the world to deal with. The Fire Dept. has some equipment that meets OSHA standards for dealing with HazMat that would be a benefit to a private non-profit organization and would help them meet the minimum OSHA standards and minimize risk for people doing this. He is a master instructor and one of 25 qualified commercial diving instructors in the U.S., as well as fully rescue-qualified, and search and recovery qualified on a master instructor’s level. Right now the S.E.A.S. team has 24 volunteer members who have already undertaken drills with Sea Dogs and have been actively engaged in beginning to map locations to determine hazards. This enterprise requires a great deal of skill and there is a group of very dedicated folks in the community who are willing to undertake that at no small risk or expense to themselves. He urged the Assembly to authorize the resolution.

Ms. Muñoz asked if the organization would have a responsibility and duty to respond to a call. Mr. Lachelt said they do have a responsibility to respond which is included in the bylaws. They also have a duty to do things to the best of their abilities and to work with the limits of training and experience of the team. A number of folks on the team are search and recovery certified and then some are qualified dive masters; all of the team members are qualified professional divers. To have someone that has a basic open water certification card wanting to be a rescue diver is a dichotomy because it requires more skill to do that type of work, it is hard. The community needs and deserves to have this organization to bring some closure to families. They gladly accept their responsibility to respond.

Ms. Muñoz asked what would happen to the equipment if the organization were to dissolve or discontinue. Mr. Lachelt said they could give it back to the City if they wanted it back. The dry suits would be valuable in dealing with HazMat biological contaminants but the other equipment was purchased in the early ‘80s so it may not be state of the art today. The group has been training in, and using their own equipment but a lot of that equipment may not meet OSHA standards for diving in hazardous materials. S.E.A.S. standards are high and they require a minimum of 3 hours dive time per month and attendance of at least 80% of the drills.

Ms. Muñoz said the responsibility to respond includes both rescue and recovery. Mr. Lachelt said the Fire Dept. and the Police Dept. have more of a responsibility. Rescues are a relative term. Cold water near drowning means that someone has not died yet, unfortunately with these waters, the chance of survival past 15 minutes is really pretty minimal. While resuscitation can be accomplished, they would not be providing medical care for anybody, they would be predominately recovery because 99.8% of the responses that dive team go out to are not rescues, they are recovery.

Mr. Powell asked if there was a formal agreement between the City and the organization and what was the connection or formal agreement for response. Mr. Lachelt the call out procedures needed to be worked out but basically it would just mean a phone call and members would respond. Mr. Powell clarified this was a new relationship. Mr. Palmer noted it was not unlike the Sea Dogs. There is no formal written agreement, but when an event happens, they get called. Mr. Powell asked if there were any downsides. Mr. Palmer said it strengthens the assets available to the community as the experts who specialize in this area will be involved, it allows our EMTs and Fire Fighters to be available and specialized in areas that we have for them, and it relieves the
City of any of the liability issues associated with this type of operation. The liability get smaller with the more time and money you spend on training and equipment. He felt it was a cost-effective move for the City.

Ms. Pillifant was hung up on the timing and when S.E.A.S. would go out on a call and how they would coordinate with CCF. Mr. Lachelt said the rescue part falls outside of S.E.A.S.’s realm but if needed they would be able to undertake it as they are all rescue qualified. 98.8% of the call outs that dive teams receive nationwide are not rescues, they are recoveries. Because there is a very high mortality rate in SE Alaska, someone has to go get them and provide closure to the families. He did not think the tax payers necessarily had to foot the bill and a group of volunteers could do it with a great deal of skill and expertise with the compassion and necessary feeling that goes into it. Ms. Pillifant still said if she was out on the water and one of her kids slipped into the water, time would be of the essence and she would be desperate for someone to be there. She did not feel a confidence in the timing of when S.E.A.S. would come out on a call to assist, whether it is a recovery or a rescue. Mr. Lachelt said all the volunteers are trained in first aid and CPR as first responders. The Fire Department still has a swift water rescue team that has the ability to enter the water in terms of rescue. They would be the first lines of defense and the S.E.A.S. team would be called after 15 minutes. They are not an emergency agency so they would not have the ability to respond as quickly as the Fire Department or the Police Dept.

Ms. Pillifant referred to Mr. Cunningham’s comment that others would like to bid on the equipment and she asked what restrictions might have been on the grant dollars and could the City just donate to any non-profit without any kind of public notice. Mr. Palmer said it was being donated to a non-profit organization that would provide a service to the community. He did not know if the equipment in question was in fact purchased in 1983 or not, and he seriously doubted there were grant conditions that were 17 years old.

Mr. Garrett asked how many people were on the dive rescue team currently. Chief Doyle came forward and said four active members. Mr. Garrett said if he were to fall in the water right now, how long would it take them to get to him. Chief Doyle said a couple minutes with the water rescue team. The Fire Dept. has a very active membership in swift water recovery and they are training regularly; they are increasing the participation of all the career staff in that endeavor because they can respond quit quickly. There is a bit of a difference between rescue and recovery and they will be involved in the initial stages of the rescue and can then notify S.E.A.S. if it looks like it will escalate to a recovery situation. Mr. Garrett asked how much it would cost the City to do the job right. Chief Doyle said $20,000 to get it going with new equipment, maybe eight full sets. That just speaks to the equipment and not to the participation of the members which they have not been able to get. Mr. Garrett said if it was going to be done that way, they would make it a requirement that people hired would meet those qualifications. Chief Doyle said none of the job descriptions would require any current members to engage in scuba diving. The descriptions would have to be re-written and as openings occurred, they would only hire individuals that were trained in that. Mr. Garrett asked if he had any idea of how much that would cost for training. Chief Doyle did not know what that would do when added to the mix of hiring qualified fire fighters and EMTs. He thought you could only do so many things well with a staff of 30 career people. He added that a lot of the rescues are driven by the Troopers; they are very involved and have jurisdiction over many of the rescues so they would be in the mix as well.

Mr. MacKinnon clarified that $20,000 would just buy the equipment. It would not get the people going. Chief Doyle said he met with the core group of individuals in September, 1998 and encouraged them to put together SOPs and to train twice a month with water dives. He got very little response as the interest was not there. A little bit of interest arose about two to three months
ago when the subject came up of possibly changing our direction. Mr. MacKinnon referred to the very tragic event a couple months ago which the dive rescue team was involved with. Chief Doyle said there were several CBJ personnel that went out and he and one of the division chiefs would not allow the personnel to dive simply because of the meeting in 1998 and the understanding that they needed to train.

Mr. Koelsch said he appreciated what was being done with S.E.A.S. and with Sea Dogs, but the resolution raised more questions than it answered in a lot of ways. He wanted to have a better written description on the call procedure to make sure that what was being done was set in stone.

**Assembly Action**

*MOTION – by Garrett to postpone this to the July 24th meeting.*

Mr. Palmer said they did not have to donate the equipment tonight, but he did not want the Assembly to think that by not donating the equipment they would be able to respond faster today than they could tomorrow. The team is not in place, it is volunteers within the Fire Dept. that do the work. S.E.A.S. has about 25 people, and the City has about four. This resolution transfers some equipment over to help S.E.A.S. There is two aspects, we have the EMTs and the swift water rescue folks and they will respond right away. The dive component of that is still volunteers, actually paid fire fighters who volunteer to do this type of rescue; it is not in their job description. The recovery team would probably end up being S.E.A.S., using their own gear.

Ms. Pillifant thought they all understood that but they wanted to see more information in terms of interaction between the different groups. Mr. Powell agreed with Mr. Koelsch that there needed to be a procedure; a process for this new situation. This seemed to be making policy through resolution. He suggested identifying the process, the implications, and the down sides.

Mr. Lachelt said there was an SOP manual in existence. They are all ready to go, they just need a little more gear that meets HazMat. If they were to get a call tomorrow, they’d have the qualified personnel but not the equipment.

Ms. Pillifant said it was a chain of command issue for her. She was not clear on what comes into play when. She wanted to know what would happen when a call goes out, who would come and when. Mr. MacKinnon asked for it to be contrasted to what is done with Mountain Rescue, the Sea Dogs, and other private non-profits that are operating.

There being no objection to postponing this item to the July 24th meeting, it was so ordered.

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**2c. Resolution No. 2041**

*Resolution No. 2041*

*A RESOLUTION DISESTABLISHING THE TOURISM ADVISORY COMMITTEE.*

**Administrative Report:** Attached. The Manager recommended that the Assembly adopt this Resolution.

**Public Participation:**

Betty Lout Hart, P.O. Box 21890, Juneau. She encouraged the Assembly to take an overall look and not just an industrial sided look at the effects of the cruise ships on Juneau. A number of years ago she was one of the people encouraging the mayor to appoint an advisory group made up
of a cross section of the community to look at and define boundaries we could all live with. Even back then, she saw the impact of the cruise ship industry was going to go unchecked by the industry. Finally Byron Mallott appointed an advisory group but unfortunately one that was loaded with cruise ship industry proponents. It did not have the direction she would have liked. Even the fact that they have capacity at this time for a maximum of five large ships is not a deterrent to the industry. They are building ships that will carry many more times the amount of passengers than the present ones do. If we want Juneau to continue being a prime cruise ship destination, we must put some limits on the number of passengers coming in each summer. The rhetoric that the industrial tourism people put out saying that we are destroying their livelihood by putting limits on how much they can impact the community is unfounded. There is a limit to everything, fish, trees, fresh water, number of seats in a plane, number of people allowed to see the bears at Pak Creek each day, etc. She felt the residents of Juneau have as much right to a reasonable environment to live in as the bears at Pak Creek. The people who come to this community should have an expectation that they will be welcome here and will see something of the real Juneau and not a sea of people elbowing their way through the streets. Tourism, both industrial and independent, is an important asset to the community. We just need to put some controls on the cruise ship volume. The independent tourist is limited by the number of beds available for them each day. The cruise ship industry just keeps bringing more beds in with them when they come. This is something we can control, we just need to do it.

**Kim Metcalf-Helmar**, 730 Gold Street. As a member of the TAC, she admits they have had problems doing business over the last several months. As a body they have not seen eye to eye. Establishment of the Policy and Planning Committee (PPC) undermined what the TAC was set up to do, staff was taken away to serve the PPC, and the chair of the TAC was away quite often doing business. Few committees could operate under those types of conditions. Now they will be disbanded because of all the problems involved. The PPC will take over the responsibility of the TAC and maybe that is a good thing because responsibility for tourism decision will rest squarely on your shoulders. Regardless of who deals with tourism issues, the move to disband the TAC is shabby public policy. The TAC had recently changed directions politically and was no longer a committee that could be counted on to advise the Assembly in a manner it wished to be advised. Several members of the TAC could not be counted on to support cruise ship tourism 100%. Disbanding an advisory committee because you do not like its advise is certainly within the Assembly’s power. While the Assembly is a non-partisan body, she thought there should be room for minority voices, even if you do not agree with them. Debate is healthy and she felt that was lacking in this community. She has seen too much stacking of committees and that happened on the TAC. She believes the TAC should be reconfigured in an attempt to solve the problems relating to tourism. The Trails Working Group would be a good model to use because that has agency folks and that sort of balances the committee and neutralizes the voices that are in disagreement. She urged the Assembly to vote against the resolution.

Mr. Garrett asked a list of all the advice that the TAC had given the PPC in the past four months that had been ignored. Ms. Metcalf-Helmar could not think of something off hand. At issue was the fact that the committee was stacked and the fact that that got out of hand. Taking away this committee is no way to deal with this.

**Mary Irvine**, P.O. Box 21224, Juneau. She is a downtown resident who works as a security assistant at one of the museums and runs the interpreter program there. She also is a freelance naturalist for one of the tour companies that goes down to Tracy Arm. She testified in her capacity as a citizen member of the TAC and said that not everyone on the committee was burnt out and unwilling to continue. She was not burnt out and would have come to the meeting of the COW to express this but she was out of town. Although she had only been on the TAC for 11
months, she felt like she finally got to serve the community. The PPC did come in and take it out from under them and she was disappointed by that. She enjoyed the people she worked with and she enjoyed the issues. She was now up to speed on helicopter flight seeing noise and fixed wing noise. Extinguishing the committee will extinguish a valid and useful forum. Many people who came to testify in front of the TAC said they were afraid to come before this committee. The TAC often met as a working committee and allowed people to sit at the table, tour operators as well as private citizens. A less threatening committee forum is a very useful one in this contentious community. The TAC still had a lot of work to do that some still felt was worthwhile and challenging. The issue that she thought they would be working on when she joined was downtown congestion. She worked as a Boston public park ranger in the ‘80s and they dealt with congestion. She also thought that Seattle had a couple ways of dealing with downtown congestion that Juneau should look at. Mr. Koelsch had brought up at a joint meeting between the Assembly and the TAC and that he was hoping the committee could serve as more of a clearing house or review process. The only issue that the TAC worked on and was allowed to work on this past year was noise impacts from flight seeing. This was a horribly overwhelming issue that rightfully should sit with the PPC. She referred to a metaphor that Mr. Garrett had been quoted as saying in the Empire and offered her own. She said for her, and the other three members who were there for less than one year, it was like when parents promise that you can have a puppy but you have to have a gold fish first, but when you go to the store to buy the gold fish, the clerk makes you buy a giant squid. She felt that they could work as a committee even though they were contentious on some issues. Finally, she thought there were still dozens of issues that a citizen’s advisory group like the TAC, comprised half of citizens, should be working on. She did not mind sitting on it with tourism industry people as they were well informed and they helped bring herself and others up to speed. She would be willing and very interested in serving on such a committee in the future. The industry seems to be wearing the button “Ask me, I live here”. She would like to serve on a committee in the future that deals with these kinds of issues but she would not be wearing one of those buttons, hers would say “You can ask me, but I just live here”.

Becky Carls, Fritz Cove Road. She said she was not anti-tourism. Just because she has a problem with helicopters and fixed wing aircraft generating large volumes of noise over her house does not mean she is against having the tourism industry in our town, nor that she wanted an end to the flight seeing industry. She frequently speaks with and assists tourist and they are usually a lot of fun to interact with. 99% of the tourist she has met have been very fine folks. We just all need to work together to figure out how to manage the abundance of tourist so that all residents and the tourists can enjoy being here. One step the Assembly took toward this goal was creating the TAC. She encouraged the Assembly to continue the TAC – she was antidisestablishment. While the PPC has taken over some of the functions of the TAC, the TAC can still remain a valuable tool for their use. The TAC takes public testimony at their meetings which she has not seen listed on the PPC agenda. She has only attended one PPC meeting and she had to take annual leave to attend that meeting since she does not work in town and they meet at noon. There was no public testimony taken and the only public input appeared to be in the form of notes passed from folks in the audience to their buddies on the PPC. It does not seem to be worth her leave time to attend the PPC meetings. Folks in this town need and deserve a forum to discuss the effects of tourism more than once or twice a year at some large public gathering. The TAC meetings she attended encouraged public comment. While they were a functioning group, they did a lot to bring together folks from around town to try to find solutions to the impacts caused by our tourism industry. All sides deserve to be heard and have their concerns acted upon. It is a great frustration many folks are experiencing in not having their concerns successfully dealt with that has led to much recent controversy. She encouraged the PPC to create an opportunity for the public to address their meetings. If the meetings are going to be
open for public comment, it would be nice if the meetings were not always at noon and downtown.

Rod Swope, 219 South Franklin. Member and vice-chair of the TAC. He complimented and commended the Assembly for making this move to take on tourism issues directly. He felt it was appropriate and it was time. Tourism and the issues related to it are complex and he thought they had evolved and matured to a point where it really was time that the Assembly members and PPC members deal with them directly. Assembly members ran for office, they campaigned and were elected to make policy decisions. A lot of the tourism issues now have come to the point where there are policy issues involved, they affect the entire community and it is appropriate that a decision making body and members that are empowered with that decision, make those decisions. It has outgrown an advisory committee. The TAC has done very good things in its existence. It has made good progress and good recommendations but he felt it had served its purpose and was time to be sunned. Kathleen Morris, the chair of the TAC, provided some excellent recommendations, some very good justification and rational for her recommendations, and of all the members, she was the most fair, evenhanded and neutral member of that entire committee. She had a very difficult job but he felt the Assembly could feel comfortable that her recommendation to sunset was unbiased, fair, and non-political. The issues were beyond the TAC’s ability to deal with and provide recommendations to. He urged the Assembly to adopt the resolution. They had a number of citizens come before them as a TAC and in fact recommend that the group dissolve as it was dysfunctional and not doing a service to the community; they resented having to spend their time listening to us spin our wheels. As a member of that committee he was embarrassed by that. He thanked Mr. Garrett for all the time and long hours he had spent on the Assembly and wished him good luck in the future.

Margo Waring, 1215 5th Street, Douglas. She thought the function that the TAC could have accomplished were functions that aren’t performed best by committees of the Assembly. There are some extremely difficult questions facing this community without easy answers. They are questions that take lots of research, creativity, and lots of community discussion. There needs to be a forum for those things to happen and flourish, whether these issues are taken up by CDD or by some successor organization to the TAC, there needs to be a way to have community discussion on them, they don’t happen at lunch hour meetings. The impacts of tourism and our ability as a community to handle tourism in ever increasing numbers, requires a lot of cooperation in the community and a lot of creativity.

Bob Engelbreck, 1602 Lori Lane. He has been a member of the TAC for almost three years and he said it was with some regret that he sees the TAC go but he did feel it was time. The TAC has done a lot of good work and many people have put a lot of time in. He agrees with the resolution that tourism is an important enough part of the economy and the community that it deserves the attention that the PPC can give it. He encouraged the Assembly to continue. He would endorse the comments about making the process more accessible to the public, but it needs the kind of high profile that the Assembly can give it and that a volunteer committee with limited time and very limited staff just cannot provide. He endorsed the resolution.

Ms. Muñoz asked if he supported the idea of having a multi-agency group, including representatives of the tourism industry and members of the public, on a tri-agency group that would look at the issue of flight seeing noise. Mr. Engelbreck said his understanding was that as a part of the noise study that was being done, there would be some broader look at the issue and it certainly involves other agencies like the Forest Service, the FAA, the CBJ, the industry and the community. If the group could be brought together specifically to look at that issue that would be a good thing. It could be expanded as a way to involve people in other specific issues that the
PPC or Assembly may be looking at in terms of tourism to have a very specific focus and very specific task to take on. One of the things that frustrated the TAC in the end is that there was so much out there to look out and to deal with, it was just beyond the TACs resources, it was too broad a subject and list of things to accomplish.

Assembly Action:
*MOTION* - by Powell, for the purpose of discussion.

Mr. Powell said the PPC considers these issues to be very important and the issues brought up tonight were very good and the committee would do well by incorporating those things. He thought that using the past members and experts in the public for sub groups, task forces for specific issues was a good idea. The PPC does meet at noon and he thought it would be good to have those meetings at more convenient times, possibly in the valley. It was clear the need to continue to engage the public through public process and testimony. Above all, he was convinced that this resolution was ripe because it was time to give the issue more attention. He thanked all the members that served on the TAC over the years and put in all the time. They accomplished a lot and the voluntary compliance measures in place now are one part of the equation. Another part is that there is not a program in government without a regulatory and non-regulatory program, we need measures, we need both. He said if the Assembly was going to take this on they needed to be ready to put the time in and he was ready.

Mr. MacKinnon said there was a COW on this issue and there were five members present at that meeting. They heard a lot of testimony and one thing that was clear from a number of people who testified was that if a lot of the role of the TAC was going to be assumed by the PPC, it was important that the PPC provide a forum for public input. He also thought it was important as a policy making body and as the city continues to manage tourism in this community.

There being no objection to the motion, it was so ordered.

VIII. **ORDINANCES FOR PUBLIC HEARING**

a. **Ordinance No. 2000-22**

*AN ORDINANCE AMENDING THE LAND USE CODE TO REMOVE A REQUIREMENT FOR PEDESTRIAN EASEMENTS CONNECTING BEACH LOTS AT THE EXTREME HIGH TIDE LINE IN REMOTE SUBDIVISION AREAS.*

Administrative Report: Attached. The Manager recommended the Ordinance be adopted.

Public Participation:
Mary Lou King, Sunny Point. She recommended that the ordinance not be amended. The situation at the end of Fritz Cove Road was a good example of not having this kind of ordinance. The trail that goes around the tip of the Mendenhall Peninsula goes along the beach and now there is a wall in front of somebody’s private home and in high tide, you are stuck. If it is high and you need to get somewhere, you have to climb up in their yard. Do private people want people in their yards? Then the trail to Marmian Island used to be above the tide line in the woods but it could not be redone because of the private property along the line. If this ordinance would make it possible for other people to cut off the access to Marmian Island during a high tide, that would be a real sad thing for the public. At some point it would be really great to have a trail all the way around
Douglas Island so lets not cut the options off by letting private property people cut off access in high tide.

**Nancy Waterman**, 227 Gastineau Avenue. She agreed with Ms. King and said she felt that public access was a very important aspect of our coasts. She has been on many lakes and coastlines where the private landowners were not required to improve the easement, but the easement existed. It made it very comfortable. In some situations where land ownership changes, peoples ability to cooperate changes. It is a very important aspect of public and private land ownership that there be easements all the way around the perimeter of islands and shorelines of lakes. She encouraged the Assembly not to adopt the amendment but rather leave it in the reverse order that the CDD Director could grant a variance for a special situation where maybe a public easement didn’t apply.

**Greg Chaney**, 715 6th Street, Juneau. Testified as a property owner on Shelter Island and member of the Shelter Island Neighborhood Assoc. He works for CDD but was not speaking on behalf of either the Neighborhood Assoc. or the CDD, just as a private citizen. He went to the Neighborhood Assoc. meeting this weekend and everyone who got there pretty much walked the beach. It is the way people get to their neighbor’s places and it works very well. People who subdivide are getting great financial benefit by doing so and normally in town, when people subdivide, they are required to provide public improvements for the purposes of access. This ordinance removes every requirement for that. Requiring someone to have an unimproved easement along high tide line, something that requires little or no effort on their part, is a very small requirement to ask, compared to what developers in town are requested to do. This is surprising to him that it has come before the Assembly in this fashion to remove this amendment to the ordinance when it was approved unanimously last time. The Manager’s report did not give any specific reasons why this should be removed. If a developer or a property owner wants to keep their property private, they should not subdivide it and sell it to other people; they should just keep it the way it is. He could not see any real advantage to it and was curious why it was before the Assembly. He wanted to hear specifically what items had changed so that he could comment on them.

Mr. Garrett said if a person had land and they were to get a fill permit and fill it, thereby significantly altering the line of the high tide line, and then construct on top of fill, what would the requirement be under the ordinance if this section was not taken out. Mr. Chaney said from what he understood of the ordinance, if you have an easement for pedestrian access, you can not block that easement. If you were to fill that area, you would have to provide for that transportation somehow. Mr. Garrett said the other thing that seemed to be missing from the discussion of the ordinance was that there were pedestrian easements on every other property line in these remote subdivisions. Mr. Chaney said if there are, then why shouldn’t ones that don’t have it not be required to have them. It is like a chain, if each one does not have it you lose the effectiveness; it is like having a roadblock. Mr. Garrett said the Lands Committee felt this would say to people that have docks that they cannot improve their beachfront. Mr. Chaney said it only says you cannot block pedestrian access. You can build a dock and allow pedestrian access, you can put fill and allow for pedestrian access. It is just that you cannot block people from walking the high tide line, which is the way the remote subdivisions function. One of the most basic tenants of subdivisions is that you provide for public access. It is a very modest requirement. Mr. Garrett said that all this does is deal with the extreme high tide line. The mean high water mark is still public property below that. Mr. Chaney said that then during an extreme high tide you have to swim.
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Assembly Action:
MOTION - by Powell, for the purpose of discussion.

Mr. Powell said this came out of the Lands Committee with A, D, and C and then it was brought before the Assembly and the discussion of C started. He asked if the body wanted to assure access above 15 feet, to extreme high tide, or not. If this version passed tonight, as it is, deleting C, the director of CDD would still have the authority to deal with easements along the shoreline because of B. Mr. Corso said there were two section Cs, one dealing with staff approvals and the other with Commission approvals. Neither subsection Cs require an easement and removing them would not prohibit them. This language encourages easements and it doesn’t make a lot of difference. Mr. Powell said that by passing this tonight, it would be less specific because section B would remain. If you decide to leave C in, then we are being specific in saying that if it goes up to the extreme high tide, you have to talk to CDD before you can do that. He said he has heard from staff that there is a subdivision right next to the Kibby property where they have had to use what is in the law right now with C and it has helped because it has put the developer and the City on notice and has helped to clarify. There is no requirement, it only gets more specific about the distance between mean high tide and the extreme high tide. He spoke against the resolution as presented and suggested lifting the deletions in C so that there’s a clear consistent message that you are granted public access whether you’re at mean high tide or extreme high tide.

Mr. MacKinnon asked if there is a public easement across an individual’s property between the mean high tide elevation and extreme high tide elevation, and someone walks across that and injures themselves, who would be liable. He could understand the concern, and said if there was a public easement across your property, that becomes public property but the easement is still private property. Mr. Powell said current practice allows the Director for CDD to do her job. There is not a requirement and there is still flexibility and he likes the consistency. Mr. Corso said the key to the flexibility is on page 1, line 18, the last word on that line “may”. Same is true on page 2, line 8, “the Commission may”. He thought it had started out as “shall”.

Ms. Muñoz said a year ago the remote subdivision standards were adopted. She clarified that an easement is required by virtue of the adoption of those regulations. Mr. Corso said he thought it was not required, it was just discretionary as this ordinance suggests. He recalled some discussion about State easements that were commonly found at higher tide lines as one reason why municipal easements would or would not work. There is no requirement for a city easement at this point. Ms. Muñoz says that the language in the Manager’s report states that the Assembly added a provision to the proposed ordinance which provided that the CDD Director, or the Commission as appropriate, should require that coastal lots in remote areas include pedestrian easements between lots at extreme high tide. Mr. Corso said it was a complicated ordinance and possibly the Manager lost his way between subsection E2 and E3. Ms. Muñoz clarified that currently it was discretionary. Mr. Palmer agreed that Mr. Corso was right. He had thought there was a mandatory requirement and it was being made permissive. If it is already permissive, he was not sure why they were even looking at the ordinance again.

Ms. Pillifant said as someone who owns no coastal property but likes to go out and walk around the coastline, she could get out on it and enjoy it. By keeping this section C in she can have safety of passage across property when needed, even if it’s at extreme high tide.
tide. Leaving C in provides great flexibility for reasonable access and circulation and she thought it should be left in there.

ROLL CALL
Ayes: Garrett, Koelsch, and MacKinnon
Nays: Etheridge, Muñoz, Pillifant, Powell, and Mayor Egan

Motion fails 3:5

b. **Ordinance 2000-26**
AN ORDINANCE AMENDING THE BUILDING CODE TO INCREASE PERMIT, PLAN REVIEW, AND INSPECTION FEES.

**Administrative Report:** Attached. The Manager recommended the Ordinance be adopted.

**Public Participation:** None at this time.

**Assembly Action:**
*MOTION* - by MacKinnon, for the purpose of a question.

Mr. MacKinnon asked when was the last time the cost of a building permit was increased. Mr. Roust came forward and said the last time the department effectively increased the cost of building permits was about one year ago. At that time, they increased the valuation of buildings and that effectively increased the cost of building permits. It was less than 10% at that time and they were trying to bring the valuation up to a more realistic level than what had been used in the past. One advantage was that we have to report to federal and state agencies and they were giving them valuations which were much lower than the actual cost of building. Mr. MacKinnon pointed out that the fees had not been raised this way for quite a few years, not since adopting the ‘91 code.

There being no objection to adoption of Ordinance 2000-26, it was so ordered.

B R E A K
9:30 p.m. – 9:40 p.m.

c. **Ordinance No. 99-17 (AK)**
AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $325,144 AS PARTIAL FUNDING FOR THE GASTINEAU AVENUE RECONSTRUCTION PROJECT. SUCH FUNDS PROVIDED BY THE WATER FUND RETAINED EARNINGS.

**Administrative Report:** Attached. The Manager recommended the Ordinance be adopted.

**Public Participation:**
*Page Bridges*, 334 Carol Way, off of Gastineau Avenue at the end. She handed out a paper listing options she would like to support. It is not in the resolution but it was to reconstruct the street section only in a limited area and to leave the dirt road the way it is. There are two things that give Gastineau Ave. it’s character: the board walk and the dirt road section. She spoke with Mr. Heumann, who told her she should look at the
Eaglecrest road and see how it was chip sealed. She didn’t go but she knew that it would not be the same because Eaglecrest is a road in the middle of the wilderness and you can go off on the side and there is wilderness all around you and it would not detract to have one black road. Gastineau Ave. is just a little bit of wilderness in our downtown. To have a black road would detract severely from our experience of it. She described the beauty and peace you feel when you come onto the dirt road. It is easy on the feet, beautiful, and it has always been that way. The people who live there and the people who walk through the area just love it. Many people have told her it is getting depressing to live in Juneau because things keep changing. She could testify about living with black space as she has to see the black wall of the Garrison Stone building in front of her. The tourists need a chance to escape and they run up the stairs looking for a place to escape the crowd. Gastineau Ave. is just like a park. It is very noisy and difficult to live in that area and once again, Gastineau Ave. is our refuge. She has talked to the neighbors and 99% of them feel the same way. One person did not like the potholes and one did not like the dust but everyone else thought potholes and dust were worth it to have a dirt road. Mr. Mueller said in his memo that this project was important because of the safety aspect. She agreed with where it has already built up but where they still have the dirt road, the opposite is true. People will go faster on pavement. There are no barriers and on a paved road your car can skid more easily. Mr. Landvik excavated the hillside and now it goes straight down to the Alaska Fur Gallery without any trees. It is a long area that is unprotected. If your car should slide off in the winter you’d go all the way down. She recommended keeping a dirt road or else there would be the need to build a long barrier and that would add to the expense. The black surface will make it darker and there are no streetlights in this proposal. She personally likes it to be dark there and is happy there are no streetlights. There is a problem with bears and vandalism and cars and so if there is a black road absorbing the light at night, it will be a little scarier there. Mr. Heumann also told her that maintenance would be easier if it was chip sealed but maintenance is really not that hard. All that needs to be done is to fill in some potholes and grade it once in awhile. It is worth maintaining a community treasure, which Gastineau Ave. is. If this is not paved, it will be easier on the residents because they will suffer through hell next summer. If you take this one part off it will make it a little bit easier for them to bear. The road is important to the residents and the tourists and it would break her heart if it were paved.

Mr. Koelsch asked if this was every brought up for discussion at the series of neighborhood meetings. Ms. Bridges said yes, and the residents agreed that they would prefer not to have it paved. Two persons mentioned the dust but they both agreed that dust was minor compared to the lack of beauty.

Chris Joy, 412 Gastineau. She agreed with many things Ms. Bridge’s said. Some believe in having less impact in that area. It seems that there is going to be development at the bottom of Franklin Street and there may be other projects coming up that interfere with the area. She did not know the vision of this area but said there were many of them who would like to protect the neighborhood and the landscape there. Paving, sewage and gutters, all that development in this area, seems more burdensome for the people living there, to the neighborhood and to the hillside.

Mr. Koelsch supported transferring the money out of the water fund, but asked that staff be present at Wednesday’s PW&F meeting so they can talk about the pave vs. unpave vs. chip seal portion of the project.
Assembly Action:

*MOTION* - by Muñoz, for the purpose of discussion.

Ms. Muñoz asked if any portion of the money would go toward that section of roadway that was just discussed. Mr. Palmer said this was one part of the project but a bid would not be awarded until they get all the money lined up. This transfers some of the money from the water fund into the Gastineau Ave. project, contributing to the expenses to replace the water lines. Ms. Muñoz supported Mr. Koelsch’s recommendation to have further discussion on that section of roadway that Ms. Bridges’ addressed.

Mr. Etheridge said at the PW&F meeting, it had been explained that the plumbing was necessary to be done in order to protect that area from the failing pipe system and to stop any possibility of washout that might take out one of the retaining walls and cause further damage to the entire area. The paving can be further discussed, but he felt the water and sewer portion needed to be addressed.

Mr. Garrett said there was an experience like this on the 5th Street reconstruction in Douglas where some neighbors came to PW&F and said don’t pave our part of the street. We made a requirement that there be some notice attached to their property stating they were out and that it was not going to be the City’s responsibility to come and pave it later when there was a new owner. He reminded his colleagues of the amount of money the City just spent at Lawson Creek and Crow Hill, undoing something that we granted. He said it would be okay to decide not to pave that portion of Gastineau, but he said it comes at a price for the people who own the property and the people they might sell it to in the future.

There being no objection to the ordinance with the notion that PW&F would take up the items brought up by Ms. Bridges and Ms. Joy at their Wednesday meeting, it was so ordered.

d. **Ordinance No. 99-17 (AL)**

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $4,414 TO ADJUST FISCAL YEAR 2000 BUDGETED LIBRARY GRANTS TO THE actual GRANT AMOUNTS RECEIVED. SUCH FUNDS PROVIDED BY THE ALASKA DEPARTMENT OF EDUCATION.

Administrative Report: Attached. The Manager recommended this ordinance be adopted.

Public Participation: None at this time.

Assembly Action:

*MOTION* - by Muñoz, to adopt Ordinance 99-17 (AL), and she asked for unanimous consent. There being no objection, it was so ordered.

e. **Ordinance No. 99-17 (AM)**

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $45,000 AS PARTIAL FUNDING FOR DEVELOPMENT OF A WETLANDS MITIGATION PROGRAM. SUCH FUNDS PROVIDED BY THE ENVIRONMENTAL PROTECTION AGENCY.
Administrative Report: Attached. The Manager recommended this Ordinance be adopted.

Public Participation: None at this time.

Assembly Action:
MOTION - by MacKinnon, to adopt Ordinance 99-17 (AM), and he asked unanimous consent. There being no objection, it was so ordered.

f. Ordinance No. 99-17 (AN)
AN ORDINANCE AUTHORIZING THE MANAGER TO TRANSFER THE SUM OF $182,000 FROM HARBOR OPERATIONS TO THE NORWAY POINT FLOAT CAPITAL PROJECT.

Administrative Report: Attached. The Manager recommended this Ordinance be adopted.

Public Participation: None at this time.

Assembly Action:
MOTION - by Garrett, to adopt Ordinance 99-17 (AN), and he asked unanimous consent. There being no objection, it was so ordered.

IX. UNFINISHED BUSINESS - None

X. NEW BUSINESS - None

XI. STAFF REPORTS ON NON-AGENDA ITEMS
1. A-J Mine Closure – Presented by the City Manager

Administrative Report: Mr. Palmer reviewed the memo in the packet and gave a brief synopsis of the activities which have taken place with the closure of the A-J Mine.

2. Storage Facility at the rock dump – Presented by the City Manager

Administrative Report: Mr. Palmer noted that he received a letter from the JEDC. They have inherited a building, down at the rock dump, which was constructed by IHH as part of their project to build prefab housing in town. They defaulted on the loan, the building has been on the market for quite some time, the listing has expired, and JEDC has reserved a fair amount of money in their revolving loan fund because they are not sure what to do with the building. It sits on property owned by the landlord and JEDC is offering the building to the city at a nominal cost of $142,000 to cover lease costs and administrative costs they have into the foreclosure. Mr. Palmer asked for authority to negotiate with Reed Stoops and Company about acquisition of the land and with JEDC for the building. The building is 11,200 sq. feet and is a fairly new building. They talked about building a storage facility for city records and equipment and for School District records and equipment. He inspected this building and felt with some money to seal up the doors and finish the heating system, it would serve both the City and the School District. The School District stands to gain a fair amount of revenue based on cleaning out all the storage area they have that is presently counted as usable school space, but it is
really parking area. If they clean out the parking area, they see an increase in their foundation revenue. Any deal would be brought back to the Lands Committee.

Assembly Action

**MOTION** – by MacKinnon to authorize the Manager to enter into negotiations and bring it back to the Lands Committee. There being no objection, it was so ordered.

Mr. MacKinnon said there had been discussion about storage areas around town and this may fit the need very well. Ms. Pillifant also wanted clarification of what the yearly cost of keeping that facility would be.

3. Flightseeing Initiative – Presented by the City Attorney.

**Administrative Report:** Mr. Corso reviewed his memorandum which was included in the packet. He noted a couple corrections: endnote 12 attributes a Judicial Court to Justice Frankfurter when it fact it was Justice Jackson who was talking about federal jurisdiction. Note 35 says that Mr. Robert Reges is a member of the Peace and Quiet Coalition but in fact he is not. He is counsel for Cruise Control and played no role in the drafting of the tourist flight initiative. Also, Part 3, which like Part 1 does not raise a lot of legal issue, did for some reason lead him to note that it is hard to see how the construction and operation of a remote heliport could possibly result in less noise, in fact it is not so much the heliport as it is the routes associated with the heliport that would give someone the case to argue that the remote heliport created more or less noise. He would leave it to the noise studies and Assemblymembers to decide how noisy something is.

Mr. Powell asked what the legal requirements were as far as the initiative itself. Mr. Corso said the Assembly had 45 days from the date the initiative was certified by the Clerk to adopt it without substantive change, or not. If the Assembly adopts it, then it becomes law and cannot be changed for one year. If the Assembly does not, it goes to the voters and if the voters adopt it, it cannot be changed by the Assembly for one year. What “it” is a little unclear. If the Assembly was to decide as a matter of policy to implement the Tourist Flight Initiative, it would require some further drafting because in its present state, it is not codified and it lacks some legal terms trimmings so if the Assembly wanted to adopt this policy, probably the best thing would be to direct himself to put it into shape for adoption. Much the same thing will happen if the voters approve it. In its present state, it certainly provides a clear statement of policy.

Mr. Powell said there were two options before the Assembly, one was to clean it up a bit, or do nothing and it goes to the voters. Mr. Corso concurred but said if the voters adopted it, even then it could be cleared up by the Assembly similarly to the passenger fee initiative. Mr. Powell asked the legal scenario should the voters pass the initiative. Mr. Corso said it would depend whether someone was motivated by adoption of the initiative to file a lawsuit, the most likely way that restrictions, outside the airport would be fought would be with a lawsuit seeking an injunction against enforcement of the ordinance. The most likely way that restrictions at the airport would be challenged would be by the FAA in the form of a grant action. Mr. Powell asked if he had a chance to talk with the other attorneys working on the issue about their legal analysis on what would happen if this passed. Mr. Corso said yes, there has been a number of discussions. They are generally supportive of the concept and have come up with ways to work around the problems and to implement it in one way or another.
Ms. Muñoz said in the memo it states that any type of restriction in air traffic at the airport would have to be supported by a federal study. We are considering a portion of the passenger fee to go toward a noise study. She asked if it was staff's intention to make that study consistent with what FAA would be looking for. Mr. Corso was not sure that was possible. The study would need to be FAA approved and they are very complicated. He was not sure the helicopter noise study would suffice, maybe some of the measurements and factual inquiries might, but the analytical approach would be something the FAA would have to approve in some detail. Ms. Muñoz thought it would be logical then to hold off on issuing the RFP for that proposal until they have a better idea of whether or not that could be used to satisfy the FAA requirements. Mr. Garrett said the RFP has been initiated and closed, the vendor has been selected, and they were in the final stages of the contract negotiations; sampling will start very soon. The study that the FAA is talking about was done at the Juneau International Airport two years ago.

Ms. Pillifant was still not clear on the concept of substantive change in the initiative. She asked if there was any way to work with what was before the body as an initiative. Mr. Corso said the Charter does not define what it means by substantial change. In the case of the Passenger Fee Ordinance, it was to fill in gaps and provide nuts and bolts information. In the case of this initiative, there are fewer gaps to fill in because there is more detail. Wherever you find something missing, it would be possible for the Assembly to fill in; if you see something you want to change, you probably can not. She asked if this would be an appropriate time for the Assembly to decide whether it would try and adopt something substantial like the initiative or leave it to the voters.

Mr. Garrett asked about the suggestion brought forward by Mr. Epperly that this infringes on state corporate code and the right of the state to regulate corporations. Mr. Corso said he had not studied that in detail, the general thesis seemed to be that because it’s a corporation it cannot be regulated, and if that is the case, many CBJ laws would not be enforceable, including giving tickets to bus companies.

Assembly Action:

**MOTION - by Pillifant, that the Assembly adopt the initiative as submitted to the CBJ.**

**FRIENDLY AMENDMENT – by Powell, to clarify parts of the initiative where it is legally possible.**

Objection was noted.

ROLL CALL

Ayes: Pillifant
Nays: Garrett, Koelsch, MacKinnon, Muñoz, Powell, Eagan, and Etheridge

Motion fails 7:1

XII. **MAYOR AND COMMITTEE REPORTS ON NON-AGENDA ITEMS**

A. **Committee Reports**

1. Standing Committees:

   a) **Committee of the Whole** – Mr. MacKinnon said there was a COW scheduled for Monday the 17th to talk about the City’s new insurance carrier.
b) Finance Committee – No report

c) Human Resources Committee – Ms. Muñoz said the Assembly had met earlier as the HRC and interviewed candidates for the two vacancies on the Planning Commission. They would forward the names of two individuals: Maria Gladziszewski for the term ending November 20, 2002, and Roger Allington for the term ending November 30, 2001.

d) Lands and Resources Committee – Mr. Powell said they would be meeting on Wednesday at noon to discuss the State Museum expansion proposal, disposal of property above Fred Meyers, open burning ordinance, geophysical hazards, and non-code ordinance.

e) Public Works and Facilities Committee – Mr. Koelsch said they would meet on Wednesday at noon in the Chambers. Action items include Cope Park slope stabilization, street permit fee changes, North Douglas sewer LID, and information items are Docks and Harbors waterfront acquisition policy, Calhoun Avenue paving project and the Gastineau Avenue dirt street vs. chip seal street.

f) Planning and Policy Committee – Mr. Garrett announced there would be a meeting next Monday at noon.

B. Liaison Reports
Mayor Egan said the Alaska Committee would meet on Wednesday at 7:00 a.m. at JEDC.

C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS
Mr. Koelsch appreciated the work being done on Calhoun Avenue. He told Mr. Garrett that he had been the “lightning rod” on the Assembly and they would miss him.

Mr. Etheridge thanked Mr. Garrett for his help and guidance and wished him good luck. Ms. Muñoz also thanked Mr. Garrett and wished him good luck in his new endeavors. She said she valued his eloquence and truthfulness and that he always does what he says he will do and that is very important in public service. Ms. Pillifant, Mr. Powell, and Mr. MacKinnon also express their best wishes to Mr. Garrett. Mayor Egan told Mr. Garrett he would be missed and he appreciated his work on the recently formed, very tough committee and all the work he did on Public Works.

Mayor Egan asked if any Assemblymember would like to entertain a motion to appoint an Assemblymember for the remaining two months or have people file by the filing deadline and go through the regular election on the first Tuesday of October. The Assembly was silent.

Mr. Garrett thanked the Assemblymembers and said that serving on the Assembly that, for some insane reason, all had thought it would be a good idea. We rope our friends and family into it and we ask people we don’t know to give us money and we put ourselves out there and throw out our ideas because we thought our ideas were better. Everyone has experienced the reality of getting in here and finding out that 98% of what you deal with on the Assembly has nothing to do with anything you campaigned about. It is the business of keeping a city of 30,000 moving along from day to day. One thing that makes the hair on the back of his neck stand up is when there is repeated assertions that those guys down at the City never do anything. Nothing could be further
from the truth. People on the Assembly do a lot, people who work for the City do a lot, its just that most people never see it and it never impacts their lives so their never aware of it to say gee, thanks for doing all that hard work. There is a tremendous amount of activity and dedication both in the City staff and the Assembly to make this a better place. Everyone he has worked with for the past seven years has been absolutely dedicated to the best of this community. It is an unbelievably unfair thing to look at people in public service and say they are not doing anything when what you mean is you’re not doing what I wanted you to do. You can’t always get what you want, but if you try, sometimes you can get what you need. He said it has been a real pleasure to have worked with all the community to make this a better city and he truly believed it was a better city today than it was seven years ago.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Chip Thoma, Box 21884, Juneau. He thanked Mr. Corso for his memo which was easy to read and understand. There was a lot of hope there for the passage of the noise ordinance. He said he had the opportunity to compare the recent Voice of the Time editorial of July 3rd with a Times column from March 9th written by Lou Williams, Jr., the former editor and publisher of the Ketchikan Daily News. It came as no surprise that the organization writing style were identical. Declaring our isolation, inexcussability and then launching right into a capital move threat if Juneau either now votes for a noise ordinance or as in March, builds fast ferries instead of a road to Skagway. Mr. Williams was working with the Alaska Committee members who are lobbying the legislature to put out his March diatribe on fast ferries and against the State administration. He even acknowledged that at the end of his column. The recent July 3rd editorial is identical. Do anything besides increase flight seeing and the capital is off to Wasilla. He brought this forward because the local Empire chose to reprint the editorial, even run a story about it. The former head of the Chamber of Commerce has now endorsed it with a letter to the editor. He believes it is part of a clear pattern by the Alaska Committee and the Chamber to clued with Mr. Williams to stir up the capital move issue on any issue that displeases them. These groups are doing this community a disservice by working with the Juneau haters of the so call Voice of the Times. It is the same local group of sore losers that lobby legislature against fast ferries, the same group that sits on the local advisory board of one of the major cruise ship lines that cut local non-profit donations, and it’s the same group of industry apologists who publicly oppose the cruise ship passenger fee and now of course oppose the proposed noise ordinance. The community is disservice by their activities, they are stirring up a false sentiment, the red herring of a capital move which is contrary to their own professed goal, the Alaska Committee, to persuade our friends and neighbors and all the rest of the state to keep the capital here. They and their publicist are the only people that are talking and writing about it.

Mr. Garrett said because of the late hour, he would talk about the Transportation Plan at the beginning of the PW&F meeting on Wednesday.

XV. ADJOURNMENT - There being no further business to come before the Assembly, and no objection, the meeting adjourned at 10:35 p.m.

Signed: ________________________________

Laurie Sica, Clerk

Signed: ________________________________

Mayor Egan