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THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – November 2, 2009

MEETING NO. 2009-22: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Bruce Botelho.

I. ROLL CALL

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

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; Kim Kiefer, Deputy City Manager; Barbara Ritchie, Deputy City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk, Mary Norcross, Controller; Rorie Watt, Engineering Director; Dale Pernula, Community Development Director; Marc Matsil, Parks and Recreation Director; Greg Browning, Police Chief; Kirk Duncan, Eaglecrest Ski Area Manager; Mila Cosgrove, HRRM Director; Heather Marlow, Lands & Resources Manager; Russ Haight, Detective; Ben Lyman, Senior Planner.

II. SPECIAL ORDER OF BUSINESS – None.

III. APPROVAL OF MINUTES

A. October 12, 2009 – Regular Assembly Meeting 2009-20

Hearing no objection, the minutes of the October 12, 2009, Regular Assembly Meeting 2009-20, were approved.

B. October 15, 2009 – Special Assembly Meeting 2009-21

Hearing no objection, the minutes of the October 15, 2009, Special Assembly Meeting 2009-21, were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Sandy Warner, said the Eaglecrest Board is considering allowing use of the ski area for ATV riders, and that this type of use is opposed by all other user groups. She spoke about the need for people to support community facilities whether they use them or not. Eaglecrest provides a good healthy activity to keep kids out of trouble, and a way to keep people moving and active during the winter. The board and manager work hard to keep the cost of activities there manageable. There are many volunteers in service, improving the areas and supervising activities at the ski area. The Ski Patrol and Ski Club host the upcoming ski sale, and the primary goal of this program is to keep skiing affordable. The board should look for ways to

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enhance summer income, but not if it involves motorized use. She asked the assembly to reconsider the requirement for Eaglecrest to turn a profit, which may force the board to accept noisy, industrial tourism uses at the ski area. The noise is the big issue, whether it is vehicles, ATVs or snow machines.

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 Wanamaker, to adopt the consent agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-24

An Ordinance Amending The Solid Fuel-Fired Burning Devices Code, And Amending The Woodsmoke Control Fine Schedule.

Administrative Report: Attached. The manager recommended Ordinance 2009-24 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2009-08(T)

An Ordinance Appropriating To The Manager The Sum Of \$311,585 As Funding For The Metropolitan Medical Response System, Grant Funding Provided By The Alaska Department Of Military And Veterans Affairs.

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

c. Ordinance 2009-08(U)

An Ordinance Appropriating To The Manager The Sum Of \$1,591 As Partial Funding For The Historic Preservation Commission Workshop, Grant Funding Provided By The Alaska Department Of Natural Resources.

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

d. Ordinance 2009-08(V)

An Ordinance Appropriating To The Manager The Sum Of \$43,500 As Partial Funding For The Implementation Of The Juneau Coastal Management Program's FY10 Required Tasks, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

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

2. Resolutions

a. Resolution 2500

A Resolution Adopting Revisions To The Personnel Rules.

Administrative Report: Attached. The manager recommended Resolution 2500 be adopted.

b. Resolution 2501

A Resolution Authorizing The Manager To Submit To The State Of Alaska An Application For A Federal Grant For Phase II Of The City And Borough Of Juneau Historic Preservation Database.

Administrative Report: Attached. The manager recommended Resolution 2501 be adopted.

c. Resolution 2502

A Resolution Adopting Greenhouse Gas Reduction Goals As Recommended By The Juneau Commission On Sustainability.

Administrative Report: Attached. The manager recommended Resolution 2502 be adopted.

d. Resolution 2504

A Resolution Authorizing The Manager To Submit To The Alaska Energy Authority An Application For A Grant For Partial Funding Of The Design And Construction Of A Ground Source Heat Pump System At The Gastineau Elementary School.

Administrative Report: Attached. The manager recommended Resolution 2504 be adopted.

3. Transfer

a. Transfer T-902

Transferring \$1,809,101 from Airport Improvement Program (AIP) Grant Funding (\$1,240,000), State of Alaska Department of Transportation Matching Funds (\$32,632), and Local Passenger Facility Charges (PFC) Matching Funds (\$536,469) From Airport Runway Safety Area Construction Capital Improvement Project (CIP) to the Design Snow Removal Equipment Facility CIP.

Administrative Report: Attached. The manager recommended Transfer T-907 be approved.

VII. PUBLIC HEARING

A. Ordinance 2009-15

An Ordinance Adopting The Juneau Non-Motorized Transportation Plan.

Administrative Report: Attached. The manager recommended Ordinance 2009-15 be adopted.

Public Comment:

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Rocky Plotnick said the Physical Activity and the Built Environment advocacy group newly formed from the Juneau Health Summit in April encouraged the Assembly to adopt this ordinance as part of the comprehensive plan, to encourage creation of a healthier community with priority being given to pedestrians and bikers. She spoke about the benefits of non-motorized travel and the need to make methods including walking, biking and using public transportation safer.

John Lyman said the population of Juneau is aging, as well as himself, and though he can no longer run, he can still ride his bike. He made a plea for creating safe corridors for biking along the streets and recalled Bill Dunn's death while riding his bike along a main roadway due to the unsafe conditions for bikers.

Robert Welton said it has been 12 years since the non-motorized plan was adopted by resolution but it was not used. The plan contains many un-attained goals, including such low-cost, highly effective ideas such as switching storm water grates not to be parallel with bike tires. Putting this plan into ordinance will give it additional weight. We need to work together with a commitment to move forward and one by one tick off the projects.

George Shaff, Executive Director of Trail Mix Inc., commended the Parks and Recreation Advisory Committee and Barb Sheinberg for putting together this plan. There is an economic value to this plan. We are excited about the Treadwell Ditch trail and Under Thunder trail. He has been working on grant applications and all granting agencies require adopted plans from the municipality. These grant funds contribute to supply purchases and salaries in the community, and the finished projects contribute to the quality of life. The comprehensive non-motorized plan is necessary and he encouraged its adoption.

Doug Woodby thanked Barb Sheinberg Associates for the work on the plan and said he has seen improvements in the community. The plan gives high priority to projects that need to be done and speaks to maintenance, which is very important. Walking down Cordova, across the bridge is sometimes impossible in the winter. The sidewalks are often bermed up with snow, so maintenance is as important as building new infrastructure.

Dave Ringle said the policies included in the plan are encouraged by nationwide experts. Many of the projects include improving the weak links in the system, including cross walks and bike links that are missing. He has been part of the discussion regarding complete streets nationally. This is not just a sidewalk issue. We are looking at making connections so people do not have to drive to a place to walk. Transportation is a large part of people's budget and this will go a long way to reducing that cost.

Dan Lesh said biking is a big part of his quality of life. He was driving back and forth from the valley and did not like that routine, so moved to Douglas so he could bike to work. He thought Juneau would be a more attractive community to young professionals if biking and walking were easier. It is very difficult to find a bike rack downtown. He encouraged adoption of the plan.

Assembly Action:

***MOTION**, by Wanamaker, to adopt Ordinance 2009-15.*

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Mr. Anderson said that Anchorage was recently designated as a “Bicycle Friendly City,” the second city in the state after Sitka, and he hoped that Juneau could achieve that designation.

Hearing no objection, it was so ordered.

B. Ordinance 2009-21

An Ordinance Amending The Animal Control Fine Schedule.

Administrative Report: Attached. The manager recommended Ordinance 2009-21 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2009-21. Hearing no objection, it was so ordered.

C. Ordinance 2009-08(R)

An Ordinance Appropriating To The Manager The Sum Of \$35,894 As Funding For The Purchase Of Law Enforcement Services Equipment; Grant Funding Provided By The United States Department Of Justice.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(R) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2009-08(R). Hearing no objection, it was so ordered.

D. Ordinance 2009-08(S)

An Ordinance Transferring \$103,500 To The Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided By Unexpended FY08 And FY09 Marine Passenger Fees.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(S) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2009-08(S).

Mr. Anderson asked about downtown sidewalk maintenance funds not being completely spent – why is this project being closed out. Mr. Swope said these are funds used to pay for the summertime sweepers, and in FY08 CBJ lost one employee, so the funds were not used that summer. He was not sure about the FY09 account. Mr. Anderson asked if the positions would

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be funded in the coming summer. Mr. Swope said yes, both positions were filled this past summer and will be filled during the next summer.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2009-08(Q)

An Ordinance Appropriating To The Manager The Sum Of \$9,885 As Funding For The Purchase And Implementation Of A Crash Data Retrieval System, Grant Funding Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(Q) be adopted.

Assembly Action:

Mayor Botelho invited Chief Browning to answer Assemblymembers' questions. Mr. Wanamaker asked about the access to the information. Chief Browning said the information being retrieved was considered evidence and the same rules of evidence applied to this information the same as for all types of evidence, under the Constitution. The information can be obtained consensually, but in the vast majority of cases, search warrants would be required. The information will be requested in a fatal or near fatal accident and we will request access to the information.

Mr. Dybdahl asked what was meant by "recording driver inputs and vehicle movements" in this crash data device. Chief Browning said this is similar to a "black box" for an airplane. The original intent of the devices were to give manufacturers of automobiles data for when an airbag went off, to know the circumstances. He understood that the device is not activated until the airbag goes off, and it gives the speed of the vehicle, whether or not the seatbelts were being used, whether or not the brake was being applied, for instance. This is critical information for determining what happened in a traffic accident. The devices are accurate and simple, and cannot be subject to misinterpretation, so is a great tool, and we have been fortunate to secure the funds to allow our investigators to know what the facts are in major accidents.

Mr. Wanamaker asked about unreasonable search and seizure, and privacy issues in the constitution. If the driver of a vehicle in an accident is not the owner of the vehicle can they be asked for the information? Chief Browning said JPD could ask for consent to search the vehicle, which would include this information, and if the answer is no, JPD would need to approach a judge with probable cause for a search warrant to search the vehicle, to ensure we do not violate constitutional rights.

Mr. Anderson asked why this equipment has been installed in vehicles and if it is prohibited to remove the system. Officer Haight said the automobile engineers have asked for this system as part of the airbag system to know how the airbags were functioning. He was not familiar with the system's removal.

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Mr. Sanford said this is similar to the black boxes installed in the trucking industry, to ensure compliance with road hours driven, and use of the safety features and compliance with safety requirements. He said it is a useful tool.

Ms. Ritchie said she spoke with the District Attorney about this and his comments were positive, that this would be a good tool and Juneau would be the first community in Alaska to have this tool.

Mr. Wanamaker asked if this needed to be removed from the table. Mayor Botelho said the ordinance was before the body for action.

Hearing no objection, it was so ordered.

IX. NEW BUSINESS

X. STAFF REPORTS

A. Fisherman's Memorial Agreement

Ms. Kiefer said the staff followed up on Assembly direction and has a signed agreement with the Fisherman's Memorial Committee, which issued CBJ a check for \$46,345 and the difference for the Fisherman's Memorial will be made up from the Seawalk Fund. The City Attorney, Finance Director and Engineering Director were consulted and agreed this was an appropriate source of funding. She thanked the members of the Fisherman's Memorial and said this chapter is complete.

Ms. Kiefer also distributed a PRISM Update report. CBJ is on track to complete the installation of this software within budget by December 2010.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Wanamaker reported on the meeting of October 26. The issue regarding the Docks and Harbors proposal regarding downtown cruise ship dock plans was tabled to the next meeting on November 9, at which time proponents of alternative plans will be able to present their comments.

***MOTION**, by Wanamaker, to accept the COW recommendation to support the staff's request to support four recommendations: to prepare a draft agreement with Arrow Refuse for a curbside collection of trash and recyclable materials; to prepare a draft ordinance for universal trash and recycling collection for Assembly consideration and review; to prepare a joint application submittal for CBJ and Arrow Refuse to the Regulatory Commission of Alaska for the transfer of Arrow's certificate of convenience and necessity for solid waste to the city; and the fourth was the development and implementation plan for a pilot project for trash and recycle collection.*

Mr. Wanamaker said that the COW recommended that the staff continue to work on those proposals and the Assembly approve those four proposals without adopting any one of them at this time but bring them back for further Assembly consideration.

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Hearing no objection, it was so ordered.

MOTION, by Wanamaker, that the Assembly approve the COW recommendation to select the glass panel and mountain-scape theme and staff stay within budget for the Downtown Transportation Center art component. Hearing no objection, it was so ordered.

The COW agenda item regarding the recommendations from the Capital City Forum were forwarded to the Assembly Retreat on November 30.

Human Resources Committee: Chair Doll said the HRC met prior to this Assembly meeting and will be forwarding three resolutions to the Assembly for consideration at the November 23, 2009 Assembly meeting:

- Resolution 2506 as amended will reestablish the Juneau Affordable Housing Commission and make it a permanent CBJ commission;
- A resolution to be submitted to the State Department of Community and Economic Development in support of the AWARE application for a Community Development Block Grant; and
- A resolution extending the membership of the Sister Cities Committee from three seats to five seats as requested by the committee.

The HRC also set the following schedule:

Monday, November 23 – Regular HRC Meeting CANCELLED

Wednesday, November 25 – Applications for Airport Board, Hospital Board, and Planning Commission due to Clerk's Office

Monday, December 7 – Full Assembly Sitting as the Human Resources Committee to interview Airport Board, Hospital Board, & Planning Commission Applicants, immediately followed by a Special Assembly Meeting for appointments to these boards (6pm in City Hall Conf. Rm. 224)

Monday, December 14 – Regular HRC Meeting (6pm in the Chambers)

Finance Committee: Chair Stone said the next meeting will be Wednesday, December 2, and the committee will receive an update on the FY11-12 budget forecast.

Public Works and Facilities Committee: Chair Sanford said PWFC met Monday, October 26, and forwarded Resolution 2504 to the Assembly, which was adopted on this agenda (authorizing grant application for ground source heat system for Gastineau Elementary.)

Lands & Resources Committee: Chair Anderson said the committee met Monday, October 26, and discussed the letter from Docks and Harbors regarding land between Aurora and Statter Harbor currently leased by UAS. UAS state lands office representatives came to meeting and held a work session on this issue. At this time, it does not appear a land swap is in the works, but UAS did make it clear they have 12 years left on their lease, with a possible renewal of 30 years following, so the Lands Committee has left the issue with Docks and Harbors.

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Another meeting was held with several parties to discuss transportation projects between Auke Bay Elementary and the Brotherhood Bridge. Mr. Anderson said it was a useful meeting, which identified bottleneck issues in areas such as the wayside, and the walkway connecting the wayside and the Auke Lake trail. Staff understands how to proceed and who to talk with.

B. Liaison Reports

Juneau Economic Development Council: Liaison Danner said the next meeting will be on Tuesday, Nov. 24, at Noon.

Docks and Harbors Board: Liaison Dybdahl said the next meeting will be Thursday, November 5, at 7 pm.

Airport Board: Liaison Sanford said lots of work and tree cutting has taken place on the on Duck Creek and although the area looks like a "war zone," the plan is to relocate Duck Creek, which will ultimately be better in the end.

Planning Commission: Liaison Doll said the PC met and reviewed several projects, including the Seawalk from Taku Smokeries to the Miner's Cove building. The PC expressed disappointment that the downtown parking program is not appearing and needs to be in place by the time the new garage is open. Mr. Sanford asked if the PC was aware that the garage is a year away from opening and staff is at work on this issue. Mr. Doll said the Commission invited anyone interested on this subject to be on hand on November 10 for a meeting with the parking working group.

Parks and Recreation Advisory Committee: Liaison Wanamaker said the next meeting is Tuesday, November 2, at 6 pm.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Doll said he has regularly attended meetings of the Southeast Conference Environment Committee regarding a Southeast Regional Solid Waste Management Authority. Craig, Thorne Bay, Wrangell and Petersburg have adopted enabling resolutions to create such an authority. This SEC Committee has \$66,000 available and will be asking the legislature for additional funds to put a solid waste facility in place.

Mr. Dybdahl welcomed Mr. Swope back and thanked Ms. Kiefer for her good work in the interim.

Mayor Botelho traveled to Washington, DC and said he would provide the Assembly with a full written report of his trip. Representative Don Young continues to support development of a North Douglas crossing. Mayor Botelho said a House version of an Interior appropriations bill will provide \$4.98 million for the first phase of a forest science laboratory at UAS; legislation is now before the president. There are other aspects to the package that affect Juneau, this is the most pertinent. Another highlight from Senator Begich was an admonition to Southeast that we all agree on what the priorities of the energy intertie project should be as there will be substantial funding available in the next few years. There must be a unified voice, and this is an effort Southeast Conference has tried to achieve.

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Mr. Anderson spoke to Representative Munoz and she hopes the legislative delegation can meet regularly with the Assembly and before the session.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 8:10 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Bruce Botelho, Mayor