THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - February 13, 2017

MEETING NO. 2017-04: 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 Ken Koelsch.

I. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Bryce Johnson, Police Chief; Ed Mercer, Deputy Police Chief; Roger Healy, Engineering-Public Works Director; Carl Uchytil, Port Director; Matt Lillard, Eaglecrest Ski Area Manager.

II. SPECIAL ORDER OF BUSINESS

A. Proclamation - Engineers Week

Mr. Watt, an engineer and city manager, read a proclamation declaring the Week of February 19 - 25, 2017 as "Engineer's Week," in Juneau, Alaska.

III. APPROVAL OF MINUTES

A. January 19, 2017 Special Assembly Meeting 2017-02

Hearing no objection, the minutes of the January 19, 2017 Special Assembly Meeting 2017-02 were approved with minor grammatical correction and an explanation of a reference to a $1.6 Million revenue shortfall.

B. January 23, 2017 Regular Assembly Meeting 2017-03

Hearing no objection, the minutes of the January 23, 2017 Regular Assembly Meeting 2017-03 were approved with minor grammatical corrections.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle spoke about his interest in getting a regulation change regarding pedicabs. The regulation now asks for auto insurance and that is not possible to obtain. The regulation limits activities to downtown and he felt the service area should be expanded. Sitka only charges $400 for a license and CBJ charges $1500, which is too much. He spoke about lights at night and said that he would be the second company operating in town. He said the Docks and Harbors has determined their loading fees and he would like those fees to be set at $200 instead of $300.

Shawn Summerall said he heard about an exemption regarding sales tax on cruise ships and said that the visitors are paying a lot to get here but was concerned about the need for funds to keep the community clean. He said that many people need jobs and some are not able to work regular jobs but can work to

keep the community clean.

Kathy Tran said she is a junior at TMHS and Vice President of the student government. The Alaska Association of Student Governments (AASG) holds a bi-annual conference for student leadership training and this year's conference will be held at Thunder Mountain High School. She explained the activities of the association and asked the Assembly to consider a donation to support the event in the range of $500 - $1000.

VI. CONSENT AGENDA

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

Representative Jonathan Kreiss-Tompkins asked to remove Resolution 2790b from consent.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Nankervis, to adopt the consent agenda, with the removal of Resolution 2790b.
Hearing no objections, the consent agenda was adopted as amended.

1. Ordinances for Introduction

a. Ordinance 2016-46 An Ordinance Amending the Land Use Code Relating to Parking Waivers.

This ordinance would amend CBJ Title 49, the Land Use Code, to provide for reductions in parking requirements by means of a new waiver process. A waiver allowing a particular use at a particular location could be granted by the Planning Commission (in the case of major development) or the Director (in the case of minor development) upon finding that it would benefit the community as a whole and the proposed use is located outside of the downtown special parking districts.

On January 24, 2017, the Planning Commission considered the ordinance and recommended it be forwarded to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2017-02 An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling of Food and Beverages and Related Uses.

The CBJ has received requests to use portions of right-of-way for outside seating associated with adjacent restaurants. As written, existing code sections do not explicitly anticipate this type of use. Use of these relatively small portions of land could enhance commercial activity, enliven our public spaces and generate revenue for CBJ. Commercial use of unneeded sections of ROW would be appropriate, provided that the conditions outlined in the attached ordinance are met.

The Lands and Resources Committee considered this issue at its December 12, 2016, meeting and unanimously asked staff to draft an ordinance to forward to the Assembly.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2017-03 An Ordinance Amending the Uniform Sales Tax Code to Establish a Tax Exemption for the Sale of Goods Aboard Cruise Ships.

The City and Borough of Juneau levies a sales tax for goods and services. Although called for under the tax code, the CBJ historically has not required cruise lines to collect sales tax from its passengers for sales made aboard the ship when the ship is within CBJ boundaries. In April 2016, the Cruise Line International Association (CLIA) sought a sales tax determination on the applicability of CBJ's sales tax code. CBJ's Sales Tax Administrator determined in October 2016 that sales onboard cruise ships are subject to CBJ's sales tax code. Based on this final position the current informal arrangement needs to be adopted in code as a tax exemption or we need to begin requiring the collection and payment of sales tax.

The CBJ sales tax office estimates that between $50,000 and $100,000 could be collected in total, per season from sales aboard cruise ships. CBJ currently receives about $8 million in sales tax from cruise passenger who get off the ships and make purchases of goods, services and tours. CBJ also collects about $12.5 million a year in fee revenue from local and state passenger fee programs.

The Finance Committee discussed this issue at its March 2016 and January 2017 meetings. At the January meeting staff was directed to prepare an ordinance, for assembly consideration, to exempt onboard sales.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2016-09(AE) An Ordinance Appropriating to the Manager the Sum of $10,000,000 as Funding for CBJ Biosolids Treatment and Disposal Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Clean Water Fund State Revolving Fund.

This appropriating ordinance provides $10 million for the Biosolids Treatment and Disposal Project.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are 20-year repayment at a 1.5-percent interest rate. The project loans will be re-paid with Waste Water Utility customer revenues.

The Public Works and Facilities Committee heard this issue and reviewed project timelines at its January 30, 2017, meeting, and forwarded this ordinance to the full Assembly for approval.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2016-09(AF) An Ordinance Appropriating to the Manager the Sum of $250,000 as Funding for the Teacher Excellence Fund, a University of Alaska Southeast School of Education Endowment Through the Juneau Community Foundation; Funding Provided by the City and Borough of Juneau's Fund Balance.

As a part of the University of Alaska's Strategic Pathways process a preliminary

decision was made to consolidate program leadership and administration of all education schools at the University of Fairbanks campus. The UAS School of Education has a track record of excellence in preparing educators and many in the community believed that removing the program from UAS would undermine the school's standing in the UA system as a credible four year university. A strong University adds to the diversity, quality of life, and economic viability of our community.

During the consideration phase, the City Manager, with the knowledge of the Assembly, committed to helping to fund a $1 million endowment for the School of Education to be available to the University in support of the School of Education as long as that degree program remains centered at UAS.

At the December 14, 2016, Board of Regents meeting, after considering testimony from many informed individuals about the quality and success of the UAS program and understanding the degree to which the community supports having the program remain in Juneau, UA President Johnsen changed his position and recommended to the Board of Regents that the UA School of Education be centered at UAS. The Board of Regents voted unanimously to do so.

Proceeds of the Endowment Fund will be used to further the UAS School of Education mission of creating innovative, Alaskan grown educators to help improve the quality of K-12 education within the State of Alaska. A committee has been formed that is working on fundraising strategies for the endowment fund. Participants on this committee include representatives from public, private, and non-profit agencies in the community.

This ordinance would provide $250,000 of initial funding to the Teacher Excellence fund during FY2017. The Assembly Finance Committee discussed this issue at its January 11, 2017, meeting. The AFC directed that an ordinance allocating funds for this purpose be introduced and set for public hearing.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2788 A Resolution De-Appropriating $4,370,300 in FY17 Funds from the Treasury for the FY17 City and Borough Operations.

This housekeeping measure would de-appropriate $4,370,300 from the FY17 budget, to address revenue reductions from the State of Alaska and local sales tax due to the Governor's veto and Senate Bill 210.

The Assembly recently adopted Ordinances 2016-09(V), 2016-09(W), and 2016-09(X) on December 19, 2016, to replace the lost revenue.

The Assembly Finance Committee (AFC) forwarded this request to the Assembly at its January 11, 2017, regular meeting.

The City Manager recommends this resolution be adopted.

b. Resolution 2789 A Resolution De-Appropriating $111,125 from the Juneau International Airport Construct Runway Safety Area Phase IIB Capital Improvement Project, Funding was Provided by Juneau International Airport Fund's Fund Balance.

This resolution would de-appropriate $111,125 from the Runway Safety Area Phase IIB capital improvement project. Funding is provided as follows:

Juneau International Airport Fund Balance: $ 111,125

This amount was appropriated into the project from Airport Fund Balance (Ord. 2016-09(K)) at the September 26, 2016, Assembly meeting, as temporary funding while the State matching grant was being requested from the Alaska Department of Transportation (ADOT). The ADOT grant has subsequently been awarded and appropriated (Ord. 2016-09(O)).

This measure will remove the commitment of funds from the Airport Fund Balance.

The Airport Board approved this action at its January 10, 2017, meeting.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License Renewals for 2017

The following 2017/2018 Liquor License Renewals are before the Assembly for action:
Beverage Dispensary Licenses:
License # 2766 Alaska Red Dog Saloon LLC d/b/a Red Dog Saloon, 278 S. Franklin Street

Beverage Dispensary Tourism Licenses:
License # 313 Juneau Hospitality, LLC d/b/a Prospector Hotel/TK Maguires, 375 Whittier Street

Package Store Licenses:
License # 176 Breeze-In Corporation d/b/a Breeze-In Liquor, 8 Mile Old Glacier Hwy.
License # 662 Breeze-In Corporation d/b/a Douglas Island Breeze-In, 3370 Douglas Hwy.
License # 4543 Breeze-In Corporation d/b/a Breeze-In, 5711 Concrete Way

Recreational Site License:
License # 4881 Alaska Travel Adventures Inc. d/b/a Alaska Travel Adventures, 9999 Glacier Hwy. (banks of Mendenhall River)
License # 3409 Alaska Travel Adventures Inc. d/b/a Gold Creek Salmon Bake, 1061 Salmon Creek Lane
License # 4700 Alaska Zipline Adventures, LLC d/b/a Alaska Zipline Adventures, 3000 Fish Creek Road

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above list of renewals and recommend the Assembly waive its right to protest these renewals.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2017/2018 renewal period.

b. Liquor License #2812 Location Transfer and Restaurant Designation Permit Application

Genuine Ventures LLC d/b/a Tracy's King Crab Shack is applying for a location transfer for its Liquor License #2812 and an application for a Restaurant Designation Permit. The premises location is transferring from 406 S. Franklin Street to 432 S. Franklin Street. Copies of the applications and the premises diagrams are included in your packet.

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed this liquor license transfer and recommend the Assembly waive its right to protest this transfer.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license transfer and approve the Restaurant Designation permit.

4. Transfers

a. Transfer T-984 Transfers $800,000 from Juneau Harbor Deferred Maintenance to Aurora Harbor Rebuild Phase II.

The request is to move $800,000 to the existing Aurora Harbor Re-Build CIP for planned improvements of Aurora Harbor Re-Build-Phase II, specifically the removal and reconstruction of a portion of the Headwalk; Mainwalks E, F, and G; electrical and lighting; domestic water lines; and fire suppression system. The project includes moving the existing boat shelters to access the work; and to return the boat shelters to the new facility upon completion.

The Docks and Harbors Board forwarded this recommendation to the Assembly for approval at its meeting on January 19, 2017.

The City Manager recommends this transfer be approved.

b. Transfer T-985 Transfers $150,000 from Whittier Street CIP to Aspen Avenue - Pinewood CIP.

This action will transfer $150,000 of Water Utility revenues from the Whittier Street CIP (R72-124) to the Aspen Avenue – Pinewood CIP (R72-125). The Aspen and Pinewood projects were combined to efficiently construct in this very flat area of the valley and take advantage of the cost savings of constructing the two projects together. These funds are the Water Utility's contribution for the water improvements needed during the reconstruction project.

Whittier is almost complete. A couple of punch list items and the final change order remain to complete the project, at which time the remaining funds will be transferred and the CIP closed.

The Public Works and Facilities Committee reviewed this request and forwarded it to the full Assembly for approval at its meeting on January 30, 2017.

The City Manager recommends this transfer be approved.

Removed from the Consent Agenda:

c. Resolution 2790(b) A Resolution Endorsing Passage of House Bill 85 and Senate Bill 28, "An Act Relating to the General Grant Land Entitlement for the Petersburg Borough."

If passed, Senate Bill 28 would allow the new Petersburg Borough to select state lands for their borough. All Alaskan boroughs share the same goal of having as much local control as possible over their jurisdictions. This resolution is a formality that is meant as a gesture of support to our neighbors to the south.

The City Manager recommends this resolution be adopted.

Public Comment:

Representative Jonathan Kreiss-Tompkins said he was sponsoring the legislation cited in the resolution and thanked the Assembly for considering the resolution. He said this is a gracious and thoughtful gesture on behalf of Juneau and we hope that this legislation will pass this session. This sends a message of good-will and neighborly relations.

Assembly Action:

Hearing no objection, the Assembly adopted Resolution 2790(b).

VII. PUBLIC HEARING

A. Ordinance 2016-09(AC) An Ordinance Appropriating to the Manager the Sum of $700,000 as Partial Funding for the Construction of Aurora Harbor Phase II; Funding Provided by the Harbors Enterprise Fund's Fund Balance.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would transfer funds from the Harbors Fund to the Aurora Harbor Re-Build CIP account for the Phase II project.

The request is to move $700,000 to the existing Aurora Harbor Re-Build CIP for planned improvements of Aurora Harbor Re-Build-Phase II, specifically the removal and reconstruction of a portion of the Headwalk; Mainwalks E, F, and G; electrical and lighting; domestic water lines; and fire suppression system. The project includes moving the existing boat shelters to access the work and returning the boat shelters to the new facility upon completion. The funds would come from the Harbor Fund which has a current balance of $3,874,900.

The Public Works and Facilities Committee reviewed this ordinance at its January 30, 2017, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2016-09(AC). Hearing no objection, it was so ordered.

B. Ordinance 2016-09(AD) An Ordinance Appropriating to the Manager the Sum of $250,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project; Funding Provided by the General Government Fund's Fund Balance.

This ordinance would appropriate $250,000 to the Juneau School District for JSD deferred maintenance and minor improvements including carpet replacement, water heaters, etc.

Funding is provided from the General Government Fund's Fund Balance.

The Assembly Finance Committee approved this action at its January 11, 2017, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2016-09(AD).

Mr. Nankervis objected. He did not object to deferred maintenance but said this should be calculated into the budget annually and not added at mid-year.

Mr. Jones said he objected and said that this action was based on additional funding received by the school due to increased school enrollment. We should have funded the activity as part of funding to the cap, and not outside of the cap.

Roll call:
Aye: Becker, Gladziszewski, Gregory, Kiehl, Weldon, White, Koelsch
Nay: Jones, Nankervis
Motion passed, 7 ayes, 2 nays.

C. Ordinance 2016-10(A) An Ordinance Appropriating Funds for FY17 School District Operations.

This ordinance would make the following FY17 School District budget changes:

General Operations	$ 2,034,200
Contributions to Fund Balance	786,000
Total Budget Changes	**$2,820,200**

Funding for the changes is provided from the following:

State Foundation Funding	$ 2,820,200
Total Funding Source Changes	**$2,820,200**

These adjustments are requested by the School District due to student enrollment increasing above projections, which increases the State Foundation Funding support to education.

The Assembly Finance Committee (AFC) forwarded this request to the Assembly at its January 11, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by White, to adopt Ordinance 2016-10(A). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. OLMO, LLC v Board of Adjustment - Decision on Appeal - VAR2015 0030

The proposed decision in this appeal was provided to the parties on January 30, 2017. Neither party filed written objections. In accordance with CBJ 01.50.140, the decision is now before you

for adoption.

Assembly Action:

MOTION, by Gladziszewski, to adopt the draft decision in OLMO, LLC v Board of Adjustment. Hearing no objection, it was so ordered.

B. Meek v Planning Commission and Miller Construction - Decision on Appeal - USE2016 0016

The proposed decision in this appeal was provided to the parties on January 30, 2017. Written objection was received on February 6, 2017, and is included in your packet. In accordance with CBJ 01.50.140, the decision is now before you for adoption.

Assembly Action:

MOTION, by Jones, to adopt the draft decision in Meek v. Planning Commission and Miller Construction. Hearing no objection, it was so ordered.

C. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

This ordinance would amend the CBJ's existing camping ordinance by adding a provision designed to prohibit camping on private property in a narrowly defined geographic area in downtown Juneau. The purpose of this amendment is to partially address the issue raised by business owners in the downtown area who are experiencing a noticeable increase of unauthorized people camping on their property, resulting in a significant increase in refuse, litter, waste and harm to private businesses. This ordinance is not an outright bar as it allows private property owners to grant permission to campers to use their property.

I recommend that you consider this ordinance in the context of other services and management measures that are already being provided or are being considered for our homeless population. This ordinance is one small piece of a larger puzzle; to be effective it must be accompanied by other measures. Absent other measures, this ordinance would likely only serve to move the problem camping to different areas. Measures that should be considered include the provision of a year round campground and a heated sheltering opportunity that is available during specified weather conditions.

The idea for this ordinance was born during work sessions on homelessness, and was drafted to provide JPD with a tool for responding to private property owners' requests and as a means to engage homeless people and help direct them towards available services. Other complementary ideas, including a year round campground, were also proposed.

The Committee of the Whole considered this ordinance at its January 9, 2016, meeting and approved moving the ordinance forward to public hearing without a final recommendation by the Committee. Public hearing on the ordinance was heard during the Assembly's regular meeting on January 23, 2017.

I recommend that you approve this ordinance with an effective date of April 15, which is the date that the Thane Campground opens for the summer. I have explored the possibility of opening a year-round campground that is near downtown and not at risk of avalanche hazard, but do not believe it is feasible to permit and open such a campground much faster than the regular opening of the Thane Campground.

The City Manager recommends this ordinance be adopted.

Public Comment:

Catherine Duncan said she is homeless and has been so for three months. Homelessness is hard on people with businesses and it is hard on the homeless too. She said the homeless were not welcome wherever they went. She said she is disabled and it is difficult to find places to sit. She looks out for others. Not one homeless person has purposely chosen this life. She said she is the victim of violence and feels like a ghost in her own home town. She has worked since she was 14. She used to be an alcoholic, and she doesn't want to take medication. It is a hard choice to wake up every day and not know what you are going to do. She asked for mercy. She said she has lost her family due to being homeless.

Paula Rohrbacher asked the Assembly to delay the vote on this issue until there is a warming shelter in place with a roof and four walls where people can get out of the cold. She asked the Assembly to see what effect that had on the situation before adopting the ordinance.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2016-44.

Mr. Kiehl objected. He said the Assembly has not had a discussion about costs incurred based on the potential adoption of this ordinance, particularly in regards to enforcement. Chief Johnson, JPD said he did not anticipate an increase in staffing based on this ordinance and he felt there would be no request for additional funds. Mr. Kiehl said some people felt that this measure would be a nightly enforcement tool. Chief Johnson said that officers are already routinely checking on people. JPD's efforts are to contact people and ask if they have family and connect people with service providers. Enforcement is part of a bigger plan which includes cleaning of areas that have been damaged. We would notify people who are out now to give them a head's up before doing any enforcement - there will be a period of time to do connection with people. The local service providers have been doing this work and have made some progress. There would be a proactive effort for two evenings before the ordinance is in effect, and then the officers can do enforcement. Enforcement is part of a bigger solution, but it is an important part and we are now unable to do that. He could not say that an officer would be available every night - there are other activities that take JPD's time at any given point. If we can connect people to homeless services, this may free up some of our time.

Mr. Kiehl asked how JPD would deal with a person's property if they are taken into custody. Chief Johnson said JPD attempts voluntary compliance, but if they don't go voluntarily, they could write a disorderly conduct ticket. If the person went to jail, JPD would have to take their property and keep it for them. We have this enforcement effort in place as we were doing this action under the trespassing law in the past. Mr. Kiehl asked if all the property was claimed or if there was a need to dispose of the property. Chief Johnson did not have that information.

Ms. Weldon asked if this was a tool to move people off of private property. Chief Johnson said that both the service and the enforcement approach can't work alone - we need both options. JPD is a service organization, people are asking for service to enforce trespassing. This is just one tool to address this problem and it will help people get to services they need. Ms. Weldon asked what would happen if a person moved from private to public property. Chief Johnson said it is problematic to enforce the camping ordinance on public property.

Ms. Becker is interested in getting services to the homeless and she would like to see the campground open. We also need to keep private property safe. She asked Chief Johnson if JPD has places to take people. Chief Johnson said that he did not want to speak for all of the service organizations but they do a good job in going above and beyond to find places for people. The Glory Hole and JAMHI are doing

good work getting people connected to services. JPD still has no enforcement tool. There is a bad element that we need to address with this tool.

Ms. Gladziszewski asked how it is not harder to check on people nightly if they are not under lighted eaves, rather than in the woods or under bridges. How is this better for them, and easier for you to check on people. Chief Johnson said the goal is not to take them into the woods but sleeping in doorways was not a good solution. Ms. Gladziszewski said there were many reasons that were complicated that people could not stay in the Glory Hole and were not using services. Chief Johnson said that a year ago we would have been making this effort and he asked if the current situation was progress. It appears we have additional problems arising and sleeping in doorways is causing more problems. We spent less time addressing this a year ago than we do now. He said JPD's core mission is to help people live without fear and they were struggling with this effort.

Ms. Gladziszewski said there has been conflicting information about trespass and she asked Ms. Mead about this. Ms. Mead said there are two separate issues. One is enforcement of the current camping ordinance and the other regards enforceability of the trespassing ordinance. Regarding trespassing, when the camping ordinance was first brought to light, we did not have any cases in which JPD and tried to "trespass" a person through use of a sign and found it to be sufficient notice by a property owner. One of the elements of the crime of trespassing to prove is that the person in charge of the property has directed someone not to be on the property. Since then there have been three cases arraigned in the District Court where the judge has found probable cause to arraign someone on those facts. The trespassing piece is enforceable and the Chief and I discussed that today. The enforceability of the camping ordinance on public property and rights-of-way has some challenges in certain cases. When it is applied to certain individuals in certain circumstances she did not think it was enforceable. It suffers from some of the problems that the case from the 9th Circuit Court discusses.

Ms. Gladziszewski said this ordinance is about camping on private property only and Ms. Mead said yes. She asked Ms. Mead if it was true that a property owner erecting a sign of "No Trespassing" is now enforceable and has been found to be sufficient notice of a property owners will. If that is the case, JPD has the same tool he had a year ago. Ms. Mead said "kind of," a year ago was when the discussion of the difficulties of the existing camping ordinance first came up. The trespassing ordinance has not been used for prosecution until recently, and a year ago, JPD was enforcing no camping anywhere on public property. Ms. Gladziszewski said this ordinance did not cure that deficiency and asked what impact "trespass" had on this question tonight. Ms. Mead said the only difference between camping and trespassing is what the officers can assume when coming upon a property. Under the camping ordinance, the officers can assume that the private property owner doesn't want people camping there unless there is a consent sign posted. The flip side is that under the trespassing ordinance, if officers come upon someone sleeping in a private property threshold, they have to assume the private property owner is fine with that unless there is a "no trespassing" sign prohibiting it. The other big difference is the penalty.

Chief Johnson said if the direction was to pursue the "no trespassing" approach, JPD would need to work with the businesses proactively to make sure they understood where the signs needed to be placed. It would take some time and a partnership.

Mr. Jones referred to enforceability between Midnight and 7 am. What would it take to have more officers on the street when businesses are closing and opening instead of 8 hours a day. Is it better to look at passing this ordinance instead of having an increased police presence that doesn't get pulled off duty for another issue.

Chief Johnson said that JPD can not be a single issue department. There are issues with crime, drugs and pulling officers for other duties has consequences. I have talked in the past about geographic

policing, i.e., "beat officers," which we have tried in a small way this year. In March, if this goes into effect, two officers will be permanently assigned as "beat officers" working four ten hour shifts, and if there is a shooting in the valley they will go, but this, along with the walking officers, will provide greater coverage. Two officers for 12 hours a day every day is not possible, given that we have airport duty. We can do a more targeted approach. 20-30 hours a week directed patrol for one officer we can do and he estimated this to be a $20,000 cost. He has added the line item into our budget for next year starting in July. That said, JPD needs an enforcement tool for those officers.

Ms. White said this is not a new problem, she appreciates the Chief's holistic approach, and she is concerned about law and the constitutionality that people are talking about. She asked Ms. Mead about the constitutional question. Ms. Mead said she has analyzed the cases she can find on this issue and most notably the 9th Circuit Court case for a camping ordinance in Los Angeles. Ordinance 2016-44 is very different. It is limited to private property. No one has a constitutional right to be on someone else's private property, this is a significant difference between this ordinance and other cases. The 9th Circuit case cited with favor to other communities whose camping ordinance were limited to geographic area, time, conduct, and the availability of alternatives. One of the reason the Los Angeles ordinance was struck down was that it was being applied to people who had no alternatives. It is important to tie this decision to making other places available. If this ordinance passes, it is her advice that without making changes to the current existing camping ordinances, CBJ should not attempt to enforce this ordinance on public property.

Ms. White asked if this ordinance was deferred for and effective date to April 15 would that give time to make additional amendments to the code. Ms. Mead said yes.

MOTION, by White, to change the effective date to April 15.

Mr. Kiehl said that this ordinance amended only a portion of code and once adopted, the entire section of code could be read together. Ms. Mead said yes, and said that pieces can be severable from the ordinance as unconstitutional and other portions can survive due to the severability doctrine.

Mr. Kiehl asked the significance of the April 15 date and if it was based on the opening of the Thane Campground. Mr. Watt said yes, the Thane Campground opens April 15. Ms. White said she would like to see some of the other pieces put together during the delay - to get the campground open, for Law to draft other legislation - we need to do this in a holistic approach. We need to make sure this works for the entire community. Mr. Kiehl asked if the ordinance would be unconstitutional when the Thane campground closed again. Ms. Mead said no, it would not make the private property piece unconstitutional but it would make the public property piece difficult to enforce.

Roll call on the amendment:
Aye: Becker, Gladziszewski, Gregory, Jones, Koelsch, Nankervis, Weldon, White
Nay: Kiehl
Motion passed, 8 aye, 1 nay.

Ms. Weldon asked if a downtown business wished to allow people to camp in their doorway, if this amendment would provide for this better or worse than a "No Trespassing" sign. Ms. Mead said depending on what was intended, both required the posting of a sign. If this ordinance passed and a property owner posted a "camping allowed" sign and if the enforcement was through the "No Trespassing" method, then a "No Trespassing" sign would be needed if a person did not want a person a person camping on their property.

Mr. Kiehl asked Mr. Watt about his ideas on a timeframe for his ideas for a year round campground or warming station. Mr. Watt said a year-round campground could be ready by next winter but we need to

be mindful of the management based on the "Lane Case" in the Supreme Court. The Salvation Army has expressed some interest in using their facility as a cold weather warming shelter and they are looking for partner agency support. It is unlikely this will be in place until the end of this winter. We all anticipate Housing First will help 32 people in the community, it may not be enough. Support for additional funding for rapid re-housing and outreach with services is something that the Assembly can consider in its budget - they are labor-intensive activities. Long term facility solutions contain many ideas but we need to be mindful of the time frame that the Housing First project has taken - it seems like five years so far. There are many ideas and all of them are complicated.

Ms. Gladziszewski said that some activities get conflated with sleeping downtown - such as assault and harassment. She welcomes any increased enforcement regarding those activities, such as selling certain kinds of alcohol downtown. Chief Johnson said criminal justice reform has removed many tools from the police, in particular, the ability to jail people. If someone breaks a window, we can't take them to jail. We are working within new rules and how to enforce laws. We can still do enforcement, we can make arrests, but the sanctions on the back end are not there. There is no perfect solution yet.

Mr. Gregory said he had some concerns regarding the ordinance. He feels it is an impediment to the solution. We have heard that the "No Trespassing" ordinance with a sign will work to aid enforcement. He has a concern about the funding the community stands to lose for housing solutions and that an ordinance of this type will result in a penalty of 2 points on funding applications such as that for Housing First. The Housing First grant had a margin of 3 points. St. Vincent De Paul annually receives $135,000 to help people who are homeless and which stands to lose grant money should we pass the ordinance. He understood business owners have concerns for their property. He spoke about a fight outside of City Hall after an meeting that he and Mr. Nankervis intervened in and said that this event happened on public property - this ordinance would not have addressed the situation. Increased police presence was the true answer to these situations. The comments we have received indicate about 75% of the people do not want us to pass this ordinance. He is a property manager and is concerned about moving this problem to areas outside of the map designated area in the ordinance. The trespassing ordinance we have now cures this solution without any new ordinance. He spoke about Bartlett Regional Hospital incurring $1.8 million in unpaid expenses on 32 homeless individuals in 2016. We can better use that money to create better solutions. If we pass this ordinance we put funding for Phase II of Housing First in jeopardy. I would like to be having discussions on how to address mental illness and crime against the homeless. He spoke about the comments from people who were homeless who had testified fearing for their safety. Increased police presence will help to solve the problems of downtown crime and safety. He spoke about Cynthia Dau bringing food to people at the downtown transit center and said this is the type of effort he supported.

Ms. White spoke about the current burden on private property owners, the damage that has been done, the concern for safety and said this ordinance addresses private property rights. This is not about people on the sidewalk or Marine Park, but private property owners employing our neighbors. The police chief and city manager say this is one piece of a solution. This may sound cruel, but it is a tool to get people to services, the ultimate goal. The entire burden does not need to be supported by the business community.

Ms. Weldon said this ordinance is an amendment and she appreciated the Mayor bringing this forward and bringing attention to the issue of homelessness and the need for their support. The concerns of the business community are real and she appreciated all of the comments provided by the community. She supported the ordinance but yes or no, there were many issues that still need to be addressed and she listed them, including the cold weather housing solution, the street clean up, the winter campground, Housing First and rapid-rehousing and an outreach team. She spoke about the beginning of Family Promise to house families. She was torn about which way to vote to keep the issue of the homeless moving forward and said the ordinance would continue to be a thorn in the side to keep the homeless

issue on the forefront.

Ms. Gladziszewski spoke about a spreadsheet she made of comments receive by the Assembly and said many passionate and thoughtful, well considered comments made on both sides of the issue. The overwhelming majority asked the Assembly to craft a thoughtful solution. The business community is at the end of its rope and have reached the end of their patience and they should not bear the brunt of this community issue. There is broad agreement on many things other than whether this ordinance will help address the issue. If the issue is people being un-neighborly, we should enforce the laws we have. She has gone to people and asked them why they are not at the Glory Hole. A "move-along" ticket will not push them over the edge to get services. She appreciated this issue being brought forward by the Mayor and the business community's efforts to help address the issue. She appreciated the installation of the porta-potty. She said the large majority of comments received opposed adoption of the ordinance.

Mr. Jones said he worked in the social service field when public intoxication was determined to no longer be a crime and spoke about the Worlds Fair in Spokane pushing people out of downtown to other places as being an ineffective way to address the issues. He spoke about his experience as a drug and alcohol counselor and his experiences on the streets of downtown Juneau. He sees this as another ordinance that will be enforceable for a brief period of time and then it will get dropped. Keeping the homeless out of the hospital only reduces bad debt, it doesn't provide funds to use. He did not support this ordinance and was supportive of other solutions, and would be looking closely at the budget for JPD and CCFR and funding for solutions. He feared the Assembly would not be as supportive of other solutions if this ordinance was passed.

Ms. Becker said we have an administration that is going to take action and a supportive assembly. The manager has plans that we want to accomplish and we are committed to solving this problem. We have a supportive downtown community and businesses that want to do the right thing. She supported the ordinance.

Mr. Kiehl said he hoped he could convince someone change their mind and he supported Mr. Gregory's comments. He believes this ordinance will make things worse and not better. He admires and supports JPD in the way they carry out their duties. He could not see this as a public safety measure. People are in brightly lit doorways for their own safety because they fear being attacked. It is the safest place to be if you are not in a shelter, and it is difficult to sleep with lights on. The people in lit doorways are better off than those in abandoned mine buildings on the hillside. It is not fair that people who own property and run businesses downtown are shouldering an unfair share of the burden. He has talked with the Glory Hole about hiring their patrons every morning to do cleanup downtown. Yes, there are more crimes downtown, and at a higher rate during the daytime than at night. He lives and works downtown and it is concerning. This ordinance takes us backwards with less resources to get people into housing. He said that Catherine Duncan interned in his office a few years ago and he did not know she was homeless until tonight, so people need help.

Mr. Nankervis appreciated all of the public comments submitted. He said that this ordinance would address a small portion of the homeless that were consistently causing a problem. This ordinance more narrowly defines an existing ordinance and the City Attorney spoke to its constitutionality in that it would be harder to defend the portions of the ordinance that are not being amended. Criminal trespass is a crime, and this ordinance is an infraction, not a crime, which is much more charitable. The federal grants referred to were obtained with the ordinances currently on the books and which is less defensible than this ordinance, and it is better that we are moving away from a criminal trespass. He cited comments from Mr. Watt in that the ordinance is a small piece of a larger solution and absent other measures it would only move the problem along. Mr. Nankervis agreed that this ordinance was one tool and it was a private property rights issue. We are trying to re-enforce that people have private property rights and just because a person is homeless does not supercede the private property rights. If the ability to get grant

federal grant money to help our citizens was tied to diminishing private property rights, he did not want the funds.

Mayor Koelsch said the pathway to the vote began in the beginning of December when downtown businesses and families came to the Mayor's office with concerns of safety for themselves and for their employees and businesses and frustration with daily litter and damage to their property. The first meeting verified the parameters of a serious situation. At a second brainstorming session we discussed how to address the safety for downtown business families and damage to private property in the downtown corridor. We discussed options for those in the doorways who can not or will not use the almost 180 emergency beds available nightly and we focused on the need for warming shelters when weather conditions worsened. He spoke about the difficulty of providing quick solutions and the passion generated for the issue in the form of written and oral testimony. He supported the ordinance as no camping on private property is less onerous than the "No Trespassing" ordinance on the books and an infraction vs. a criminal violation. He spoke in favor of vibrant, year round businesses. He said he spoke with the local federal delegation which is not aware of penalties for funding and will monitor the situation. He asked for the ordinance to be drafted and accepted full responsibility. He spoke about the need to take further action on solutions to homelessness.

Roll call on Ordinance 2016-44 as amended:
Aye: Becker, Nankervis, Weldon, White, Koeslch
Nay: Glaziszewski, Gregory, Jones, Kiehl
Motion passed.

IX. NEW BUSINESS

A. Foreclosed Property

In December 2016, the City finalized the property tax foreclosure of property located at 15860 Glacier Highway, located between Glacier Highway and Point Louisa Road. The property consists of a single family residence located on an approximately 63,000 square foot lot. It is currently assessed at just over $391,000.

Once property is foreclosed upon and the redemption period provided for by law expires, the foreclosing municipality must decide whether the property should be retained for a public purpose or sold.

Staff asks that the Assembly direct the attorney to prepare an ordinance providing for the sale of the property. Alternatively, the Assembly may direct the attorney to prepare an ordinance providing that the property be retained for a public purpose.

The City Manager recommends that the Assembly direct the attorney to draft an ordinance providing for the sale of the property.

Assembly Action:

MOTION, by Nankervis, to direct the city manager to have the attorney draft an ordinance for the sale of property.

Mr. Kiehl asked if this property was suitable for additional housing units and if the high school home build program could utilize the property.

Mr. Watt said likely not, it is a single family home in a residential neighborhood.

Mr. Jones asked about the condition of the property, if anyone was living there and how the city obtained

the property.

Mr. Watt said the CBJ received the property through foreclosure on unpaid property taxes. It may be occupied by people that may not have a right to live there, at times the power has been on, we don't think things have fallen into disrepair, we have not been inside the building, there have been many attempts to contact the owner. Ms. Mead explained the foreclosure and sale process.

Mr. Nankervis asked if CBJ was required to do anything with the property before it was sold, and Ms. Mead said no.

Ms. White asked about the redemption period and Ms. Mead said the redemption period is over and CBJ had the clerk's deed.

Mr. Jones wanted more answers about the condition of the property.

Mr. Kiehl asked staff to reach out to the high school home build program to see if they had interest in this lot.

Ms. Mead said the Assembly needed to determine if there was a public purpose for the property, or if it should be sold.

Hearing no further motion, it passed unanimously.

X. STAFF REPORTS

Mr. Watt gave Ms. Sica her "20 years of service" pin and the Assembly thanked her for her work on behalf of the City and Borough of Juneau.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koeslch said he appreciated the Valentines of thanks for the Assembly's support of the "Hearts Program" for pre-school students delivered by young people to his office.

Friday, Feb. 17 celebrates 100 years of the Red Cross in Juneau and he announced a ceremony to be held at Elizabeth Peratrovich Hall.

The Assembly goals for 2017 were distributed by email and he asked for feedback by Thursday and if there were no changes they will stand as 2017 actionable goals.

B. Committee and Liaison Reports

Committee of the Whole: Chair Nankervis said the COW met January 30 in joint session with the Planning Commission. The COW met on February 6 in joint session with the Docks and Harbors Board. The next meeting was set as a joint work session with the Eaglecrest Board and the School Board on February 27. He set a new meeting for March 13 due to the work load of the committee.

Public Works and Facilities Committee: Chair Becker said the committee met and discussed an alternative, emergency route to the hospital. The next meeting was set for February 27.

Joint Assembly - School Board Facilities Committee: Chair Becker said the next meeting is set for March 1 at Noon in the Assembly Chambers.

Alaska Committee: Liaison Becker said Mal Menzies has resigned and the nominating committee will seek volunteers. The committee voted to support the UAS School of Education and the camping ordinance. The following incumbents were re-instated as officers: Wayne Jensen, President; Rosemary Hagevig, Vice President; Max Mertz, Treasurer and Win Gruening, Secretary.

Southeast Conference: Liaison Becker said Mid-Session Summit would be held in Juneau March 14-15.

Docks and Harbors Board: Liaison Becker said the Board has met with the COW and discussed the potential of joint use of the NOAA facility with UAS.

Chamber of Commerce: Liaison Becker said that UA President Johnson would speak to the Chamber on Thursday and reservations were required for attendance.

Finance Committee: Chair Kiehl said the committee met February 8 and received a report from the auditors, heard about enterprise fund reporting, received an initial look from the Finance Director for budget projections FY18-20, reviewed a schedule of manager recommended cuts to the current fiscal year by .5 million and also reviewed the Marine Passenger Fee recommendations from the manager which are open for public review. The committee will consider proposals for the 1% sales tax renewal following adoption of the FY18 budget.

Alaska Municipal League: Liaison Kiehl said the AML Board and members would be meeting in Juneau during the following week and interested Assemblymembers should sign up through the clerk.

UAS Campus Council: Liaison Kiehl said the council met February 6 and heard updates on University investments, efforts to boost enrollment, proposals regarding strategic pathways and an effort to build a joint fisheries program with UAF. The federal DOE is doing a nationwide audit on the Title IX program and sexual harassment and assault on university campuses.

Human Resources Committee: Chair Jones said the HRC met prior to this meeting and heard committee reports from the Juneau Library Endowment Baord, the Sister City Committee and the Fisheries Development Committee, and reviewed applications for board service. Hearing no objection, the Assembly accepted the recommendation of the HRC and made the following appointments:

Sister City Committee:

Reappointment of Susan Baxter and Miranda McCarty to terms expiring January 1, 2020.

Mr. Jones spoke about the conversation with the Fisheries Development Committee and the difficulty of the group to obtain a quorum. Docks and Harbors will consider making this group a subcommittee of the Docks and Harbors Board. HRC requested an ordinance to consider repeal of the Fisheries Development Committee.

Mr. Jones spoke about HRC efforts to review and improve the recruitment of empowered board members and the results of the discussion will be returned to the Assembly.

The HRC discussed a memo from the Eaglecrest Board regarding alcohol sales and the possession of alcohol at Eaglecrest Ski Area. The HRC requested the Municipal Attorney to draft an amendment to Resolution 477 to allow vendors that rent the facility to be enabled to have alcohol sales and consumption. Regarding the sale of alcohol at Eaglecrest, the HRC asked to place this matter on the COW agenda.

Mr. Jones said that Mal Menzies resigned from the Airport Board and April 24 was set as an HRC meeting of the full Assembly to interview candidates for appointments to the Airport Board. The HRC set a meeting as the Full Assembly on June 7 for Eaglecrest, Aquatics Board and Docks and Harbors appointments.

Airport Board: Liaison Jones said the Board met and discussed the economic impact report released and forwarded a layout plan to the FAA. The next meeting is set for February 14.

Downtown Business Association: Liaison Jones said the DBA met and discussed marketing, the camping ordinance, and police coverage downtown.

Downtown Improvement Group: Liaison Jones said the DIG met and discussed the parking management structures downtown. There would be a meeting on Franklin Street reconstruction on February 14.

Bartlett Regional Hospital: Liaison Gladziszewski said the Board met and welcomed its new members Lance Stevens and Dr. Bob Urata, heard an audit report, and discussed a new compliance program and met their new compliance officer. Officers were elected: Brenda Knapp, President; Marshal Kendziorek, Vice President; and Mark Johnson, Secretary. The governance committee is working on by-law revisions and BRH has hired a general surgeon to start in August.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC met on February 8, discussed the master planning effort, Gunakadeit Park being used as a staging for the Franklin Street remode, and operation of the Eagle Valley Center.

Juneau Commission on Sustainability: Liaison Gladziszewski said the JCOS met on February 8 and the energy plan is moving forward.

Travel Juneau: Liaison White said the Travel Juneau Board Retreat would be held February 27 and was working on its budget.

Aquatics Board: Liaison White said the Aquatics Board is working on its budget and some new marketing ideas.

Lands and Resources Committee: Chair White said the next meeting is set for February 27.

Planning Commission: Liaison White said the next meeting was set for February 27 and would review the Pederson Hill subdivision, putting a potential of 86 lots for residential use and five for preservation before the commission.

Juneau Economic Development Council: Liaison Weldon reminded the Assembly about the Innovation Summit is set for this week. The members of the council will be reaching out to the Assembly.

School Board: Liaison Weldon said the next meeting is set for February 14.

Affordable Housing Commission: Liaison Gregory said the AHC met on February 10 and will be sending an annual report to the HRC. The Chief Housing Officer reported on a draft CIP for housing through FY22. Barb Worley from Neighborhworks Anchorage visited the meeting to discuss getting families into homes through financial assistance and informational programs and they will be operating in Juneau soon. The CBJ mobile home assistance program has assisted two families into homes.

Eaglecrest Board: Liaison Gregory said the Board met on February 2 and Nate Abbott will be the

interim manager as Matt Lillard has resigned. They are doing a manager search and hope to have someone on board by July 1. The Board also discussed alcohol sales at the ski area.

C. Presiding Officer Reports

Southeast Alaska Land Trust v. CBJ Assessor: Presiding Officer Kiehl said the Assembly would meet again Tuesday, February 14 at Noon to continue its deliberative process on the appeal decision.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Gregory said this meeting held a deep discussion on housing and homelessness and he hoped to continue to make progress and rally to support Phase II for Housing First. The Assembly should work for getting additional mental health care treatment in the community and substance abuse treatment, and provide long term housing.

Ms. Gladziszewski said she looks forward to working with the many people who were supportive of the homeless in the community.

Mr. Kiehl thanked the Docks and Harbor Board and the Manager for the work with UAS on the Auke Bay NOAA facility. He gave kudos to the CDD staff for the Lemon Creek design charette.

Mr. Kiehl asked, and hearing no objection, the Assembly directed the Municipal Attorney to draft an ordinance to "fix" the Mendenhall State Game Refuge Boundaries in light of recent addition of conservation parcels to make them available for duck hunting.

Mr. Kiehl asked, and hearing no objection, the Assembly directed the manager to provide a donation of Assembly Hosting funds to the AASG program for student government for its statewide conference to be hosted at the Thunder Mountain High School at a level of $1000.

Mr. Nankervis said he appreciated the input from the public to shine light on issues. He spoke about the Wearable Art program and the Juneau Symphony, which recently played with all 5th grade musicians in Juneau. There would be an international hockey tournament at the end of the month. He displayed a photo of a bumper sticker that vandalized his "Build the Road" bumper sticker on his truck and said that people in the community should be able to politely disagree with each other and this was a poor example of that.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. CLIAA Update

MOTION, by Kiehl, to enter into executive session to discuss the "CLIAA" Lawsuit with the municipal attorney. Hearing no objection, the Assembly entered into executive session at 10:30 and returned to regular session at 10:48 p.m.

Upon returning to regular session, Mr. Kiehl noted that the Assembly received information and provided direction to the municipal attorney.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:50 p.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

XVI. SUPPLEMENTAL MATERIALS