THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - February 8, 2016

MEETING NO. 2016-08: 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 Mary Becker.

I. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Barbara Sheinberg, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering and Public Works Director;

II. SPECIAL ORDER OF BUSINESS

A. Introduction of Dallas Hargrave

Ms. Mead introduced Trinidad Contreras, a new municipal attorney.

Ms. Kiefer introduced Dallas Hargrave, the new Human Resources Risk Management Director.

B. Proclamation - National Engineers Week

Mayor Becker read a proclamation designating February 21-27, 2016 National Engineer's Week, and presented the proclamation to Representative Sam Kito, P.E., and Darrell Weatherall, P.E.

III. APPROVAL OF MINUTES

A. December 21, 2015 Regular Assembly Meeting 2015-32

Mr. Kiehl and Mr. Nankervis noted that the minutes of the December 21, 2015 Regular Assembly Meeting 2015-32 had a repetition of the Committee Reports in the "New Business" Section of the minutes. With that correction, the minutes were approved.

B. January 11, 2016 Special Assembly Meeting 2016-02

Hearing no objection, the minutes of the January 11, 2016 Special Assembly Meeting 2016-02 were approved.

C. January 11, 2016 Regular Assembly Meeting 2016-03

Hearing no objection, the minutes of the January 11, 2016 Regular Assembly Meeting 2016-03 were approved.

D. January 12, 2016 Special Assembly Meeting 2016-04

Hearing no objection, the minutes of the January 12, 2016 Special Assembly Meeting 2016-04 were approved.

E. January 19, 2016 Special Assembly Meeting 2016-05

Hearing no objection, the minutes of the January 19, 2016 Special Assembly Meeting 2016-05 were approved.

F. January 25, 2016 Special Assembly Meeting 2016-06

Hearing no objection, the minutes of the January 25, 2016 Special Assembly Meeting 2016-06 were approved.

G. February 1, 2016 Special Assembly Meeting 2016-07

Hearing no objection, the minutes of the February 1, 2016 Special Assembly Meeting 2016-07 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ron Sommerville spoke about what his family was doing to make up for the increase in sales tax due to the loss of exemptions to seniors.

David Lendrum spoke about the conditional use permit he obtained to operate his business, Landscape Alaska. He said the permit was upheld by the Planning Commission, the Assembly, the Superior Court, and now the matter was before the Supreme Court. He said that neighbors had said recently a truck at his property violated his permit, but it was a delivery of a Christmas present to his family. He has followed all of the criteria and laws that apply to his situation and welcomed the Assembly to visit his business.

Larry Jackson, a resident of Ketchikan, manufactures wood products and wood pellets for heating, does bulk manufacturing and delivery and has made a prototype of pellets made of part biosolids/part wood. He said Ketchikan ships biosolids south in the same manner as Juneau and his pellet product may be a possible solution to the problems. He will be doing a demonstration project at a boiler in his manufacturing site. He was in town for the Innovation Summit. In response to Assembly questions he said he has a mill that generates wood by-products and they have a dryer and make wood pellets. He has made a composite pellet from biosolids and waste wood and they have done some testing. Ms. Sheinberg asked if his pellet could use the product from a biosolids dryer. He said they take partially dewatered biosolids, put it through a drum dryer and that product goes into a press. They were taking the biosolids as is from Ketchikan now. Ms. Troll said she heard his proposal at the Innovation Summit and said it had promise for the future. He said they have done a wood pellet fuel analysis test and it met premium pellet heating fuel but they have not tested emissions.

VI. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

Mr. Jones asked that Resolution 2740 be removed from the consent agenda.

C. Assembly Action

MOTION, by Kiehl, to adopt the consent agenda, with the exception of Resolution 2740. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2016-01 An Ordinance Amending the Traffic Code Relating to Driving a Motor Vehicle with a Canceled, Suspended, or Revoked License, and Providing for a Penalty.

      AS 28.01.010 provides that the provisions of Title 28, Motor Vehicles, are applicable within all municipalities, and that municipalities may not enact an ordinance inconsistent with Title 28. State law provides that municipalities may adopt all or part of Title 28 by reference.

      This ordinance would amend the CBJ Traffic Code to adopt by reference AS 28.15.291, Driving while license canceled, suspended, revoked or in violation of a limitation, an A misdemeanor. By this reference, the CBJ would also be adopting minimum penalties upon conviction, consistent with, and as required by, State law. A copy of AS 28.15.291 and the CBJ code being repealed and reenacted (72.10.028) are included in the packet for reference.

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

   b. Ordinance 2016-03 An Ordinance Amending the Public Ways and Property Code Relating to Street Vending.

      This ordinance would amend the Street and Sidewalk Obstructions code to allow the Manager to waive any applicable parking limitations by permit in order to allow vending from a parked vehicle in the downtown area.

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

   c. Ordinance 2015-20(AC) An Ordinance Appropriating to the Manager the Sum of $47,708 as Funding for the Juneau International Airport Part 121 Ramp Capital Improvement Project; Funding Provided by Alaska Airlines.

      This ordinance would appropriate $47,707.69 (rounded to $47,708) to the Juneau International Airport Part 121 Ramp capital improvement project (CIP A50-068). Funding is provided as follows:

      Alaska Airlines: $47,707.69

This is a reimbursement from Alaska Airlines for re-paving the air cargo hardstand, which was done by SECON through a Supplemental Agreement to their runway rehabilitation contract. The re-paving expense was forward funded in the Part 121 Ramp CIP.

The Airport Board approved this action at its January 12, 2016 meeting.

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

d. Ordinance 2015-20(AD) An Ordinance Appropriating to the Manager the Sum of $2,450 as Funding for the Local Emergency Planning Committee (LEPC) 2015 Preparedness Expo; Funding Provided by Local Donations.

   This ordinance appropriates $2,450 donated by local businesses to help fund the 2015 Preparedness Expo event held on September 11 and 12, 2015, sponsored by the Local Emergency Planning Committee (LEPC).

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

e. Ordinance 2015-20(AE) An Ordinance Appropriating to the Manager the Sum of $2,550 as Funding for a JPD Officer to attend the Lifesavers Conference, Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.

   This ordinance would appropriate $2,550 as funding for a JPD officer to attend the Lifesavers Conference in Long Beach, California in April. The Lifesavers Conference brings together professionals from around the country who are dedicated to reducing the number of deaths and injuries on the nation's roadways. Sending an officer to the conference allows JPD to stay current with topics related to highway safety. The conference includes 80+ workshops with topics such as driving while intoxicated, vehicle technologies and officer safety issues. The officer we plan to send to the conference is a DWI standardized field sobriety instructor and also teaches winter driving classes. Having the current knowledge from the conference will benefit him when he teaches law enforcement agencies, attends community events and for other job-related tasks.

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

f. Ordinance 2015-20(AF) An Ordinance Appropriating to the Manager the Sum of $4,000,000 as Additional Funding for the Cruise Ship Berth Improvements Capital Improvement Project; Funding Provided by Port Development Fees in the amount of $2,500,000 and the Dock Fund's Fund Balance of $1,500,000.

   This ordinance would transfer $4,000,000 to the Cruise Berth Improvements Capital Improvement Project to support the project as originally budgeted in 2012. This additional funding reduces the amount of revenue bonds that would need to be sold to fully fund the project. This funding would support construction contingency, additional funding for construction administration and inspection, and CBJ project overhead costs.

Funding provided by:

Port Development Fees	$2,500,000
Dock Fund's Fund Balance	$1,500,000

The Docks and Harbors Board recommended approval at its regular meeting on January 28, 2016. The Public Works and Facilities Committee also recommended approval at its regular meeting on February 1, 2016.

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

g. Ordinance 2015-20(AG) An Ordinance Appropriating to the Manager the Sum of $3,344,230 as Additional Funding for the Douglas Harbor Renovation Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation & Public Facilities for $2,044,230 and the Harbor Fund's Fund Balance of $1,300,000.

CBJ Docks and Harbors received notice of award of a Municipal Harbor Facility Grant for reconstruction of the south end of Douglas Harbor. The funding would be used to demolish and remove the failing infrastructure and replace with new infrastructure including; new piling, floats, electrical wiring, pedestals, water lines, and hydrants. Phase one (demolition) is complete. Phase two (funded by the Army Corps of Engineers) is scheduled for completion by March 1, 2016. Phase three would begin in May 2016 and be complete in March 2017.

The total cost estimate of phase three is $6.1 million. This ordinance would appropriate the $2 million state grant into the overall budget of the project. The grant requires a $2 million match which is already on the Douglas Harbor Renovation CIP along with the $1.3 million from the Harbor Fund's Fund Balance.

The Harbor Fund's Fund has a current balance of $3,439,607. Subsequent to this ordinance there would remain $2,139,607 in the Harbor Fund's Fund Balance.

The Docks and Harbors Board recommended approval at its regular meeting on January 28, 2016. The Public Works and Facilities Committee also recommended approval at its regular meeting on February 1, 2016.

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

2. Resolutions

a. Resolution 2741 A Resolution Urging the Alaska Legislature to Adopt a Balanced, Sustainable, and Predictable State Budget Plan for FY2017 and Future Years.

This resolution urges the Alaska Legislature to take affirmative and immediate action this year to enact a package of initiatives that will provide for a sustainable and predictable balanced state budget. The Assembly asked the resolution be developed at the January 12 Assembly meeting. The Assembly Committee of the Whole reviewed this resolution on February 1, and forwarded it to the Assembly for approval.

The Manager recommends this resolution be adopted.

b. Resolution 2743 A Resolution Supporting the Alaska Department of Fish and Game Fisheries Representatives Serving on the Pacific Salmon Commission.

The Alaska Department of Fish and Game and representatives of the Pacific Salmon Commission seek support from Southeast coastal communities with respect to their efforts in negotiating the 2019 renewal of the Pacific Salmon Treaty. This resolution, forwarded to the City and Borough by the commission members, asks the Governor, the Alaska Legislature and Alaska Congressional delegation to use all means available to provide assistance and help assure a successful outcome to the current negotiating efforts, in order to provide Alaskan citizens fair and reasonable access to coast-wide salmon stocks.

The Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License Renewals 2016-2017

The following is a list of 2016/2017 liquor license renewal applications that were received from the Alcohol and Marijuana Control Office during the last month. Staff from the Finance, Police, Fire, and Community Development departments have reviewed the below licensees and recommend the Assembly waive its right to protest the below renewals for the 2016/2017 calendar years. The Assembly recently considered the below marked * liquor licenses for transfers or other actions and waived its right to protest those actions. The underlying license applications still need to be considered for renewal in addition to the transfers that have already been reviewed.

Beverage Dispensary Licenses:
License #550 Imperial Bar, Inc. d/b/a Imperial Bar; Location: 241 Front Street, Juneau
License #772 NYT, Inc. d/b/a Rendezvous; Location: 184 S. Franklin St., Juneau
*License #648 YC Baranoff, LLC d/b/a Bubble Room – Westmark Baranoff; Location: 127 N. Franklin St., Juneau
License #3695 South of the Bridge, LLC d/b/a Louie’s Douglas Inn; Location: 915 3rd Street, Douglas
License #4349 Fishbone, LLC d/b/a Rockwell; Location: 117 Franklin Street, Juneau

Beverage Dispensary - Tourism License:
License #175 CNH Holding, LLC d/b/a Breakwater Inn Restaurant & Lounge; Location: 1711 Glacier Ave., Juneau

Brewery License:
*License #2534 Alaskan Brewing, LLC d/b/a Alaskan Brewing Co.; Location: 5429 Shaune Drive

Club License:
License #3313 Fraternal Order of Eagles Aerie #4200 d/b/a Fraternal Order of Eagles #4200; Location: 2055 Jordan Ave. #1

Package Store License:
License #3507 Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820; Location: 3011 Vintage Road, Juneau

Restaurant/Eating Place Licenses:
License #3049 Valley Restaurant, LLC d/b/a The Valley Restaurant; Location: 9320 Glacier Hwy., Juneau
License #4192 Jeong Hee Kim d/b/a Seongs Sushi Bar; Location: 740 W. 9th Street, Juneau
*License #5278 Joan Deering d/b/a Paradise Café & Bakery; Location: 9351 Glacier Hwy.
License #5153 Midnight Ninja Ventures Incorporated d/b/a The Rookery Café; Location: 111 Seward Street, Juneau
License #5279 Midnight Ninja Ventures Incorporated d/b/a The Taqueria; Location: 245 Marine Way

Restaurant/Eating Place – Public Convenience License:
License #3643 Clay Kent & Cisco Ramos d/b/a Douglas Café; Location: 916 3rd Street, Douglas

Wholesale-General Licenses:
License #4943 Specialty Imports Inc. d/b/a Specialty Imports; Location: 540 W. 8th Street, Juneau
License #3166 The Odom Corporation d/b/a The Odom Corporation; Location: 5452 Shaune Drive–Bay 1

Wholesale-Malt Beverage & Wine License:
License #4715 The Odom Corporation d/b/a The Odom Corporation; Location: 3143 Channel Drive

The Manager recommends the Assembly waive its right to protest the above listed liquor license renewals for the 2016/2017 renewal period.

4. Transfers

a. Transfer T-974 Transfers $200,000 of Water Utility Revenues from W75-047 JD-Bridge Waterline to W75-052 Crow Hill Reservoir Improvements

This transfer would move $200,000 of Water Utility Revenues from the JD Bridge Waterline CIP (W75-047) to the Crow Hill Reservoir Fill Line Improvements CIP (W75-052). These funds are necessary to allow the entire project to be completed. Additional work and some unforeseen items have been discovered during the project design that has increased the cost. All of the work on the JD Bridge Waterline Project has been completed.

The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its January 4, 2016 meeting.

The Manager recommends approval of this transfer.

b. Transfer T-975 Transfers $1.3M of Sales Tax from West Juneau/Douglas Highway CIP to Whittier Street CIP

This transfer would move $1,300,000 of sales tax funds from the West Juneau/Douglas Highway Access Study (R72-041) to the Whittier Street CIP (R72-124). The CBJ has prioritized the reconstruction of Whittier Street for spring 2016 so that project completion coincides with the opening of the State Library, Archives and Museum this summer. Staff proposes borrowing (transferring) funds, from the West Juneau/Douglas Highway Access Study, until the FY17 CIP is appropriated on July 1, to allow for the construction of Whittier Street this spring.

The FY17 CIP includes $1,300,000 of areawide sales tax for the Whittier Street CIP. In FY17, a transfer request to return the $1,300,000 from the Whittier Street project to the West Juneau/Douglas Highway Access Study will be made. The intended work on the West Juneau/Douglas Highway Access Study has been completed and the remaining funds are intended to be transferred to the Pederson Hill Subdivision Development CIP to fund construction. The funds will be returned to the West Juneau/Douglas Highway Access Study CIP and then transferred upon the appropriation of the FY 17 CIP on July 1, 2017.
The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its February 1, 2016 meeting.

The Manager recommends approval of this transfer.

Removed from the consent agenda:

c. Resolution 2740 A Resolution Adopting Revisions to the City and Borough of Juneau Personnel Rules.

This resolution would approve changes to the Personnel Rules, which, along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. The revised rules, as well as a summary of changes, are set forth in the attachment to the resolution.

Many of the proposed changes are either "housekeeping" in nature or are minor adjustments proposed to bring language into alignment with current practice.

The following substantive changes are proposed:

3PR has been amended to more precisely articulate the list of factors used to determine whether or not there is a nexus between an applicant's misdemeanor or felony conviction and CBJ employment. The proposed revisions are consistent with EEOC standards.

5PR has been amended to provide for health insurance coverage for employees who work in non-benefited positions but work enough hours to meet the minimum thresholds for health insurance coverage under the Affordable Care Act.

7 PR has been amended to provide Eaglecrest employees with alternate days of holiday observance. These changes are consistent with how other CBJ employees are treated.

14 PR has been amended to allow the status of the position (non-benefited, part-time or full-time) to be considered when determining the order of layoff in the event of a reduction in force.

16PR has been amended to prohibit the vaping or the use of e-cigarettes on the same basis as CBJ prohibitions on cigarette smoking.

The Manager recommends this resolution be adopted.

Mr. Jones said he spoke to the Deputy City Manager and noted that the Rules do not apply to Bartlett. CBJ staff were involved in the discussions on the changes. He said he did not object to the resolution at this time, but thought there should be a committee of the Assembly that reviewed this before such a lengthy document was added to the Assembly's consent agenda.

<u>MOTION</u>, by Jones, to adopt Resolution 2740. Hearing no objection, it was so ordered.

VII. PUBLIC HEARING

A. Ordinance 2016-02(b) An Ordinance Amending the Nuisance Code Relating to the Manufacturing of Marijuana Concentrate and Providing for a Penalty.

This ordinance would amend Title 36, the Nuisances Code, to make it a violation to manufacture marijuana concentrates in a residential zone using anything other than water-based or food-based extraction methods. The ordinance is intended to prohibit personal users from manufacturing marijuana concentrate in residential areas via methods that have proven volatile in other communities.

The Marijuana Committee considered this provision within the context of the special use chapter being proposed for Title 49. Though the Committee was supportive of the concept, the Committee believed it would be better included in a different section of code.

This ordinance was considered by the Assembly at its Committee of the Whole meeting on February 1, 2016. The Committee of the Whole approved an amendment to the ordinance making it applicable in all zones. That change is reflected in version (b) of the ordinance.

The Manager recommends this ordinance be adopted.

Public Comment:

Merry Elefson, said that the Assembly should provide equal protection to all citizens. She asked for personal safeguards from commercial cultivation of marijuana. She opposed allowing the activity in D-1 residential zones.

Kaja Brix, asked the Assembly to prohibit the use of flammables for personal use marijuana production. This action tonight is only one piece of the picture. Any commercial venture must be balanced with protections for the community. She asked the Assembly to act in a comprehensive way to enact sound ordinances. She asked the Assembly to seek more public input on the details.

Mr. Jones said the state had a set of regulations that were applicable to manufacture, and that many issues were addressed at the state level, and would not be repeated in local ordinance.

Fred Hiltner spoke about farming in the D-1 neighborhood and said he has concerns about the negative affects of commercial growing of marijuana in the neighborhood. We do not need to compromise the rural nature of our neighborhoods. Let's restrict this industry to industrial areas. Please deny permits in D-1 neighborhoods and move them to industrial areas.

Nicole Grewe said was a Planning Commissioner and a resident of North Douglas in a D-1 zone. She said she understood that despite public notice, the residents of North Douglas were not aware of the changes made to the Table of Permissible Uses. She was concerned that the message was that the decision had been made, but it was not done, and she felt that the message de-motivates the public from testifying. The use requires a conditional use permit. She provided a scenario of what could happen with the permitting of a grow facility. We have answered the "where" question, but not the "how." We have not spoken to hazardous chemicals. She said she supported the ordinance before the Assembly. She asked the Assembly to look at her memo, particularly the part described "reality check." She said the required side yard setbacks were not sufficient.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-02(b).

Ms. White said in discussion with Fire Department staff and Ms. Grewe's comments, she asked if alcohol or similar organic methods could be added to the ordinance.

MOTION, by White, to to also include alcohol or similar organic methods at the end of line 21.

Mr. Kiehl asked what similar organic methods meant.

MOTION, by White, to amend her motion to delete organic methods.

Chief Etheridge said that he understood that high content alcohol ingredients were used in the cooking process, and it did not have the same hazards that butane, and yes, it could start a fire.

Ms. Gladziszewski asked if water based or food based were safer than alcohol based and Mr. Etheridge said yes.

Mr. Kiehl said that licensed businesses will not be included in this ordinance, as those will be separately inspected. The Fire Marshal presentation did not have any concerns about water or butter in cooking, but butane, liquid propane, chemicals that flash or explode, are of concern. We are trying to get at "at-home" based applications and the fire potential. Chief Etheridge said it was all new, but we are learning about this. Alcohol does have a low boiling point and it was lower risk, but there is still a risk when it is heated.

Ms. Troll asked if this was trying to ensure that the definition of "food-based" did not include alcohol. Ms. Mead said that Ms. White's motion was to allow alcohol to be used in the cooking process. Ms. White said that alcohol is flammable, but it is not explosive.

Mr. Jones said the regulations effective on Feb. 22, speak to how concentrates can be produced and he read the section. He said the state would regulate licensed facilities. A person applying for a conditional use permit will have to show this information to the planning commission and state board. For home businesses, we are putting an ordinance together that creates a civil fine, that we otherwise don't regulate, and we won't find out unless there is a problem.

Mr. Kiehl said the state regulations makes distinctions on what you use to make a product to sell, but in terms of this ordinance, any of the food categories are approved because they don't explode. He asked Ms. Mead if alcohol based needed to be called out. Ms. Mead said Websters does not include alcohol in the definition of food, and when the code is silent, Websters is the source for definitions.

Mr. Kiehl supported the amendment.

Mr. Jones said there are other safety requirements other than flammables that are public safety and food safety issues. Ms. White said this is about personal use. Mr. Jones said that the law allows people to grow and give product to others, so it is not just personal use, but it is shared use.

Ms. Sheinberg said this ordinance applied throughout the borough.

Ms. Gladziszewski asked if Mr. Jones had heard of issues with alcohol extraction of marijuana, and he said no.

Roll call on the amendment to add "alcohol":
Aye: Kiehl, Nankervis, Sheinberg, Troll, White
Nay: Becker, Gladziszewski, Jones
Motion passed,5 ayes, 3 nays.

Hearing no objection,Ordinance 2016-02(b), was adopted as amended.

B. Ordinance 2015-20(AA) An Ordinance Appropriating to the Manager the Sum of $562,327.37 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration, Alaska Department of Transportation, and Juneau International Airport Fund's Fund Balance.

Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	$ 527,182.37
Alaska Department of Transportation (ADOT) match:	$ 17,572.00
Juneau International Airport Fund's Fund Balance:	$ 17,573.00

The FAA funding comes from an amendment to the construction grant for this CIP. The amendment work includes north side runway safety area survey work as well as runway rehabilitation quantity adjustments through construction change orders.

The FAA funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport. Although ADOT recently advised the CBJ that funds for airport matching grants would be discontinued, they have subsequently agreed to continue funding FY16 airport matching grants.

The Airport Board approved this action at its August 12, 2015 and September 8, 2015 meetings.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2015-20(AA). Hearing no objection, it was so ordered.

C. Ordinance 2015-20(AB)(b) An Ordinance Appropriating to the Manager the Sum of $35,000 as Funding for a Special Election; Funding Provided by the General Fund's Fund Balance.

This supplemental appropriation to the Municipal Clerk's FY16 budget provides for the cost of labor, advertising, printing, supplies, rentals, and other costs associated with the special election called by the Assembly at its regular meeting on December 21, 2015.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2015-51(b). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2015-51(b) An Ordinance Amending the Personnel Management Code Relating to Partially Exempt and Exempt Service Classifications.

This ordinance would amend the Personnel Management Code relating to the classification of exempt and partially exempt employees. The amendment would clarify the exempt status of the City Manager and City Attorney and the Bartlett Regional Hospital Chief Executive Officer, Chief Financial Officer, and licensed medical staff credentialed by and working at Bartlett Regional Hospital. Version (b) of the ordinance removes the BRH Chief Behavioral Health Officer from the exempt classification and better defines the medical staff to whom the ordinance applies. The version (b) amendments are indicated by italics.

The Bartlett Regional Hospital Board of Directors has reviewed and approved the changes.

The Assembly tabled this ordinance at the last meeting because the revised ordinance was not included in the packet. It must be removed from the table for the Assembly to take action.

The Manager recommends this ordinance be adopted.

MOTION, by Jones, to bring Ordinance 2015-51(b) to the table. Hearing no objection, it was so ordered.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-51(b). Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Regulation Community Development Department Title 4 Repeal

This regulation would repeal obsolete regulations in the Administrative Code, 04 CBJAC 20. Adoption of Ordinance 2015-03, the subdivision ordinance, resulted in consolidation and update of code that had appeared both in Title 4 and Title 49, into Title 49. The final housekeeping piece of these subdivision changes is to repeal portions of Title 04 where duplicate subdivision rules are located.

We also propose to repeal portions of Title 04 that are no longer in effect. Previously, the CBJ provided a design review process that included a design district and design standards that applied to development within that district. A Design Review Board was established to consider development proposals within the design district. The Design Review Board and Design District were disestablished in 1999 by ordinance and Title 49 was amended accordingly. The design review process was eliminated as part of these changes. However, the design review standards in Title 04 that applied to that district were not repealed at that time. These are the portions of 04 CBJAC 20 to be repealed:

Part 2: Survey, Monumentation, and Platting Standards.
Chapter 05. Survey Requirements
Chapter 10. Platting Requirements
Chapter 15. Minor Subdivisions
Part 5: Design Review District Standards
Chapter 60. Lighting
Chapter 65. Signage
Chapter 70. Lighting
Chapter 75. Building Siting, Bulk and Design

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

The Manager recommends that the regulation be approved.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, for orders of the day. Hearing no objection, it was so ordered.

B. Liquor Licenses Recommended for Protest

The following 2016/2017 liquor license renewal applications are being recommended by staff for protest due to the reasons provided below and outlined in detail in the letters found in your Assembly packets.

Restaurant/Eating Place License Renewals
License #851 Rodfather's, LLC d/b/a The Broiler; Location: 9109 Mendenhall Mall Road, Juneau - *staff is recommending protest based on delinquent sales tax, penalties and interest from the second and third quarters of 2015 totaling $18,955.43 as of January 29, 2016.*

License #4405 Tides Complex, Inc. d/b/a Dragon Inn; Location: 5000 Glacier Hwy., Juneau - *staff is recommending protest based on non-compliance with the Confession of Judgment signed June 13, 2014.*

These licenses were before the Assembly Human Resources Committee (HRC) at its meeting earlier in the evening and the Manager recommends the Assembly act in accordance with the recommendations from the HRC.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to waive the right to protest Rodfathers, as long as the collection agreement was followed. Hearing no objection, it was so ordered.

MOTION, by Jones, to t*able action on this license until February 29, in order for documentation to be gathered on any payment plan and compliance with such plan.* Hearing no objection, it was so ordered.

X. STAFF REPORTS

A. Project Labor Agreements - Seawalk Phase II and Capital Transit Renovation

Ms. Kiefer said that the staff would be moving forward with Project Labor Agreements (PLA's) for both projects. The issue was discussed at the Public Works and Facilities Committee meeting and there was a memo in the packet as notice for the full Assembly.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Becker reported on her recent activity, including participating in a project with DZ students on housing, attending the legislative reception planning meetings and event, the Alaska Young Fisheries summit, the JEDC Innovation Summit, and there was significant speech writing required of the Mayor's position. She reminded Assemblymembers about upcoming meetings regarding the city manager position hire and the appointment of a District 2 Assemblymember.

B. Committee Reports

Committee of the Whole: Chair Kiehl said the COW met on February 1 and forwarded the marijuana concentrate ordinance, reviewed changes to the Lands Management Plan, gave staff direction on Stabelers rock quarry staffing, amended and forwarded a resolution on sustainable state budget, received initial reports from the Finance Director on state of city finances, and considered the question of biosolids and directed staff to proceed with a biosolids dryer option.

Finance Committee: Chair Nankervis said the next meeting was Wednesday, February 10, and he encouraged people to contact him with questions by phone.

Public Works and Facilities Committee: Chair Gladziszewski said the committee met on February 1 and discussed the cruise ship berth, Douglas Harbor Phase III, Whittier St., parking management, valley snow storage and the next meeting was set for February 22.

Lands & Resources Committee: Chair Troll said the committee met February 1 and heard a presentation from Greg Chaney and Ricardo Worl on a potential partnership between CBJ and Tlingit Haida Housing regarding the Peterson Hill subdivision and we gave conceptual approval for discussion to continue. The committee heard options of using a city lease to spur development on the North Franklin lot. The next meeting was set for February 22.

Human Resources Committee: Chair Jones said the committee reviewed annual reports from the Affordable Housing Commission and the Parks and Recreation Advisory Committee, reviewed applications and made the following recommendations for appointments. Hearing no objection, the following were appointed:

Building Code Advisory Committee:
Chris Gianotti and Douglas Murray for reappointment for terms expiring November 30, 2018.

Historic Resources Advisory Committee:
Gary Gillette for appointment for a term expiring June 30, 2019.

Affordable Housing Commission:
Margaret O'Niel and Mandy Cole for reappointment and Kathleen Strasbaugh for appointment to terms expiring January 31, 2019.

Juneau Human Rights Commission:
Samantha Weinstein for appointment to a term expiring 5/31/2017 and Michael Scott to a term expiring 5/31/2016.
Parks and Recreation Advisory Committee:

Tracy Gilmore for appointment to a term expiring February 28, 2019. There are currently three open seats and he encouraged interested persons to apply.

Sales Tax Board of Appeals:
Tim Cottingim and for reappointment and Mark Smith for appointment to terms expiring December 31, 2018.

Chair Jones said the Juneau Commission on Aging provided two draft letters for Assembly consideration and support, both were provided to the Assembly. The HRC recommended that the Mayor forward one letter to the legislative delegation for support regarding the "sunrise" legislation to extend the existence of the Alaska Commission on Aging to June 30, 2024. Hearing no objection, it was so ordered.

Mr. Jones said the second letter covered several issues that were broad and had not been discussed by the Assembly. There was no objection to not sending the second letter.

C. Liaison Reports

Planning Commission: Liaison White said she attended as a liaison for the first time and heard a great presentation from Pat Carroll from DOT on 2016-17 projects, and a presentation from Eric Feldt on building activity in 2015. The next meeting was set for February 9.

Juneau Economic Development Council: Liaison Jones said Representatives Kito, Munoz and Senator Egan attended the last meeting and discussed legislation on communities contributing funding to the Alaska Marine Highway system. He reported on the ongoing Innovation Summit.

Downtown Business Association: Liaison Jones discussed a parking survey forwarded to the Public Works Committee and said the next meeting was set for February 25.

Airport Board: Liaison Jones said the next meeting was set for February 9.

Juneau Commission on Aging: Liaison Jones said the next meeting was set for February 11.

Juneau Economic Development Council: Liaison Troll said she requested that JEDC look at becoming part of "Alaska's Future" which is supporting action on the state fiscal plan.

Juneau Commission on Sustainability: Liaison Troll said the JCOS held a retreat and discussed the energy plan. Their top priority is to see the energy plan implemented along with the climate action plan and they feel that dedicated staff will be needed. The discussed promoting the mission of the commission in the community.

Affordable Housing Commission: Liaison Troll said the commission met of February 2 and is rewriting sections of the Housing Action Plan to make it more accessible to public. Discussed the Renninger subdivision. Mark Lewis of the Pacific Development Group gave a high level proposal of a housing project. They discussed the funding shortfall for high school home building program and are seeking letters of support for the program. Staff is working on the mobile home loan program.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the next meeting is set for March 1.

Local Emergency Planning Committee: Liaison Gladziszewski said the last meeting was January 13 and they discussed the "Smart 911" program and its potential for Juneau. The next meeting was set for February 10.

Eaglecrest Board: Liaison Sheinberg said the board met last week and it is day 45 of a 90 day season. Despite patches of warm and rainy weather the season has been good and they have sold many fewer season passes but are selling more day passes. Their next meeting will work on budget issues.

Docks and Harbors Board: Liaison Nankervis said the board met on January 28 and reviewed several issues that were on the Assembly's agenda at this meeting. The next meeting was set for February 25.

Juneau Convention and Visitors Bureau: Liaison White said the bureau held a retreat coordinated by Samantha Dye. They are hosting four tour operators on their way to the "Go West" summit in Anchorage.

Aquatics Board: Liaison White said the next meeting was set for February 16. She attended a recent Finance subcommittee and said she heard interesting information about swim passes sold and it seems the marketing has been effective.

School Board: Liaision Kiehl said the last meeting was January 12 and the board received updates on instructional coaches for elementary schools, the food service contract, the contract for pupil transportation and the bus schedule, and the next meeting was set for February 9.

UAS Campus Council: Liaison Kiehl said the last meeting on February 1 and discussed strategic pathways to consolidate leadership of major programs at a given university. Teacher education is a strong point of UAS. There was a presentation on career tech and vocational programs. He spoke about innovative technology in the Fisheries program which is providing students with iPads in waterproof cases with a complete course loaded on the computer.

D. Presiding Officer Reports

None.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. White said she and her husband Chris recently visited the new valley library and were impressed with the facility. She is also attending the JEDC's Innovation Summit.

Ms. Sheinberg spoke about the JEDC's Innovation Summit and said people from University of Alaska Fairbanks were here to designate Juneau as a Statewide Research Center of Excellence - JEDC has been working on this for three years. There may be some publicity on this in the Juneau and Seattle airports and the Assembly may have a role in supporting this.

Mr. Nankervis said that on March 7 there would be a joint meeting of the School Board and Assembly facilities planning committee. He attended a housing presentation by the students at DZMS. He congratulated the high school hockey team, which has been a team for ten years and this is the first time they have gone to regionals and gone on to the state tournament.

Mr. Kiehl applauded Juneau League of Women voters for bringing every 8th grader in Juneau to the legislature to meet with their elected officials. He noted the AML Legislative Fly-In meetings and encouraged Assembly participation. He noted that February 16 was "One Billion Rising" - a rally against violence to women and girls at the capital and a shared event worldwide. He attended the annual meeting of the Territorial Sportsmen and heard a great presentation from Docks and Harbors staff. He asked staff about consternation from seniors using tax exempt cards when buying groceries about what is taxable and what is not. He would like a status report on how things are going and how to work with retailers.
Ms. Kiefer said Mr. Singletary checked with Safeway and Fred Meyer. Safeway had no issues and the Point of Sale system will take a while to implement. There were no major problems according to the Fred Meyer manager and they were not on the POS system yet either. The biggest issue at Fred Meyer was people getting better at knowing what needs to be separated. CBJ has little influence on when the stores will change their POS systems.

Ms. Troll suggested a letter to major food retailers to encouraging upgrade to the POS, acknowledge their work, but in order for this revision to work it needs to happen at the point of sale. She wanted to ensure the public that the Assembly had no intention of changing the Senior Citizen Property tax exemption ordinance. She appreciated staff's information about the PLA implementation. She would like an update regarding JACC lease arrangements. She is attending the Innovation Summit and said we don't want Walmart to turn in to another box store and the community would gain more by finding an alternative use for site.

Ms. Gladziszewski said the Project Homeless Connect event was great and well run.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:15 p.m.

Signed:__________________________
Laurie Sica, Municipal Clerk

Signed:______________________________
Mary E. Becker, Mayor

XVI. SUPPLEMENTAL MATERIALS