

# THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - November 7, 2016

**MEETING NO. 2016-35:** 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 Deputy Mayor Jerry Nankervis.

## I. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory (teleconference), Loren Jones, Jesse Kiehl, Ken Koelsch (teleconference), 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; Roger Healy, Engineering & Public Works Director; Bob Bartholomew, Finance Director; Robert Barr, Library Director; Patty Wahto, Airport Manager; Erann Kalwara, JPD Public Safety Manager; Bryce Johnson, Police Chief; Carl Uchytel, Port Director; Jane Sebens, Assistant Attorney III; Chuck Bill, BRH CEO.

## II. SPECIAL ORDER OF BUSINESS

### A. Introduction of Exchange Students

Maria Uchytel, Eli Olson and Miranda McCarty from the Sister City Committee were on hand to introduce exchange students attending JDHS and TMHS this year. Each student took turns introducing themselves and relaying what they enjoyed most about the community, ranging from the people, the bears, the green landscape, and the sports. The students present were YES students Ege Tezcam, Gaza; Dama Sabbah Rhama and Mahmoud Abu Aisha, Palestine; AFS students Mia, Germany and Tomas Mesa Muller, Chile; Rotary Youth Exchange students Marisol Sapio, Argentina; Jaime Moreno, Spain; Riky Caravati, Italy; Kopano Maje, South Africa; and Franco Vidal, Chile.

### B. Proclamation - Extending Condolences to Fairbanks, Alaska

Deputy Mayor Nankervis read a proclamation expressing condolences to the community of Fairbanks, Alaska, for its loss of Police Officer Sergeant Allen Brandt, who was shot on duty and succumbed to his injuries several days after being wounded.

### C. Proclamation - Small Business Saturday

Assemblymember Becker read a proclamation designating November 26, 2016 as "Small Business Saturday" and urged the community to support small businesses and merchants that day, and throughout the year.

## III. APPROVAL OF MINUTES

A. October 17, 2016 Regular Assembly Meeting 2016-34

Hearing no objection, the minutes of the October 17, 2016 Regular Assembly Meeting No. 2016-34, were adopted.

**IV. MANAGER'S REQUEST FOR AGENDA CHANGES**

Mr. Watt requested that the Assembly remove Ordinance 2016-35 regarding land disposal at Renninger Subdivision from public hearing and refer to the November 21 Committee of the Whole, as at the COW, the Assembly would review Ordinance 2016-26 amending the Land Use Code regarding shared access. Hearing no objection, Ordinance 2016-35 was removed from the agenda.

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

William Quayle spoke about regulations for pedicabs and provided some suggestions for revising those. He has spoken with Deputy Manager Cosgrove. He suggests removing pedicabs from the regulation as they are not registered vehicles, and regulate them separately. The regulation requires auto insurance for a bike, which is not possible. He would like to get parity with Sitka, which requires a one-time fee of \$400 and \$25 bi-annually, which can be waived for seniors. The insurance should be general liability with common carrier endorsement. He said that Docks and Harbors also requires a \$400 permit fee for pedicabs to operate in the area. This change would be for the entire class of non-powered vehicles. He suggested grants may be available for non-powered transportation.

Bill Leighty said that the national election campaign has been difficult and gloomy and it has tested our beliefs and allegiances, and we have lost an opportunity to have a national conversation on the issues. His concerns are about the unrestrained burning of fossil fuels. He designed an earth pin with Bill Spear, which he offered freely to the Assemblymembers, and he urged people on Wednesday morning, following the election, to begin to work together to make an energy plan to protect the earth.

**VI. CONSENT AGENDA**

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

Assembly Action:

MOTION, by Kiehl, to adopt the consent agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

- a. Ordinance 2016-26 An Ordinance Amending the Land Use Code Relating to Access Standards.

The primary purpose of this ordinance is to create a new access option for subdivisions. If approved, the shared private access option would exempt lots in certain subdivisions from the requirement that lots have frontage on a public right of way, and instead allow the lots to be accessed via private shared access located in a private easement. Private shared access ways would be maintained solely by the homeowners.

In August, 2015, the Assembly directed staff to codify the existing practice of allowing shared access. Since then, Community Development staff has been working with the Subdivision Review Committee, a subcommittee of the Planning Commission, the Public Works and Engineering Department, the Fire Department, the Law Department, and the Planning Commission to develop the proposed changes.

On October 25, 2016, the Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the Community Development Department's staff report and recommended that the City and Borough Assembly adopt staff's recommendation for approval, with changes.

**The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole.**

- b. Ordinance 2016-39 An Ordinance Authorizing the Manager to Negotiate a Sale of the North Franklin Parking Lot, Located at 310 Second Street, to Eagle Rock Ventures, LLC.

At the Assembly's direction, staff solicited letters of interest and applications for a negotiated sale of the North Franklin Parking Lot located at the corner of Franklin and Second Street.

The Lands Committee reviewed the Eagle Rock Ventures, LLC proposal at its June 27, August 15, August 29, and October 10, 2016, meetings.

At its October 10, 2016, meeting, the Lands Committee considered Eagle Rock Ventures, LLC's proposal but the motion supporting the proposal did not pass.

At its meeting on October 17, 2016, the full Assembly passed a motion, without objection, directing staff to prepare an ordinance for its consideration authorizing the sale of the property to Eagle Rock Ventures, LLC.

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

- c. Ordinance 2016-40 An Ordinance Authorizing the Port Director to Lease Tract A of Alaska Tidelands Survey 1670 to Angoon Trading Company, Inc.

CBJ Docks & Harbors proposes entering into a new 35-year lease with Angoon Trading Company for Alaska Tidelands Survey No. 1670, Tract A, located along Channel Drive.

The property was appraised at \$0.10 per square foot with an effective date of August 13, 2015. On October 27, 2016, the Docks & Harbors Board

recommended that the Assembly approve a new 35-year lease with Angoon Trading Company for \$6359.80 per year. The Lands Committee reviewed and recommended approval of the new lease at its October 31, 2016, meeting.

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

- d. Ordinance 2016-41 An Ordinance Amending the Official Zoning Map of the City & Borough to Change the Zoning of a Southeast Fraction of USMS 164, Located near the End of St. Ann's Avenue in Downtown Douglas, from D-5 to D-18.

In July 2016, the applicant filed to have Southeast Fraction of USMS 164 rezoned from D-5 to D-18.

On August 17, 2016, after receiving a rezone application, staff held an informational meeting to discuss the proposed rezoning with all owners of property in the area of the rezone.

The Comprehensive Plan Map designation of Natural Park Area is not appropriate for this privately owned parcel. Natural Park Area is described as CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development. The adjacent designation of Medium Density Residential and the adjacent D18 zoning is more appropriate for this privately owned lot.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for less than 2 acres, but if approved will expand an existing D-18 zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

The Planning Commission approved this rezone at its September 13, 2016, meeting and recommends that the Assembly approve the rezone of the subject parcel from D-5 to D-18.

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

- e. Ordinance 2016-42 An Ordinance Amending Non-code Ordinance 2016-34, Authorizing the Port Director to Lease Alaska Tidelands Survey 33 to Andrew's Marina, Inc., to Correct the Initial Annual Rent Amount.

After Ordinance 2016-34 was adopted in September 2016, authorizing Docks and Harbors to lease tidelands to Andrew's Marina, Inc., staff discovered an error in the appraisal establishing fair market value for the leased property. A corrected appraisal report was received on October 26, 2016.

This ordinance corrects the annual rental amount consistent with the actual fair market value for the leased premises.

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

## 2. Resolutions

- a. Resolution 2774 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.

The Alaska Department of Transportation and Public Facilities makes an annual mobility grant available. In order to be eligible for funding, communities must submit to DOT&PF a list of prioritized mobility projects endorsed by the governing body.

On September 28, 2016, the Juneau Coordinated Transportation Coalition (JCTC) voted to forward the following prioritized projects to the Assembly for FY18 DOT&PF mobility grant funding:

1. Lift-equipped taxi
2. Taxi Voucher Program
3. Dialysis Transportation Program
4. Paratransit Bus

The Public Works and Facilities Committee at its October 10, 2016, regular meeting voted to forward the prioritized list to the full Assembly for approval.

**The City Manager recommends this resolution be adopted.**

- b. Resolution 2775 A Resolution In Support of Full Funding from the State of Alaska for the School Bond Debt Reimbursement and State Aid for Construction in Regional Education Attendance Areas.

The City and Borough of Juneau calls on Governor Bill Walker and the Alaska Legislature to fully fund the FY18 and future State of Alaska's moral and constitutional obligation to public schools through both school bond debt reimbursement and state aid for construction in Regional Education Attendance Areas. The City and Borough of Juneau also requests Governor Bill Walker and the Alaska Legislature to adopt an FY17 budget supplemental that reinstates full funding for this year's school debt reimbursement payments.

**The City Manager recommends this resolution be adopted.**

- c. Resolution 2776 A Resolution Authorizing the Manager to Apply for a Community Development Block Grant from the Alaska Department of Commerce, Community, and Economic Development, with Juneau Housing First Collaborative, to be Used for Construction of a Mixed-Use Residential Facility.

The Alaska Department of Commerce, Community, and Economic Development annually makes available a community block grant to qualifying

entities. Local governments can participate by generating their own project ideas or by soliciting ideas from the general public.

This year, the CBJ received one proposal from the Housing First Collaborative (JHFC). This would be the second time the CBJ has worked with JHFC putting together a grant application for funding. The first application, submitted in 2015, was not successful.

Printed grant applications, with original signatures, must be received in Fairbanks by 5 p.m. December 2, 2016, in order to be eligible to compete.

The Assembly Committee of the Whole reviewed JHFC's proposal at its meeting on October 10, 2016, and made a recommendation to the Assembly to support the JHFC application.

**The City Manager recommends this resolution be adopted.**

3. Bid Award

a. Bid Award – E16-128, Seawalk – Bridge to Gold Creek Phase III

This project consists of construction of the final phase of the Seawalk from the Douglas Bridge to Gold Creek, including Bridge Park work at the northern terminus of the Seawalk. The Seawalk completion consists of installation of surface materials on the new 2.7 acre island, and the Bridge Park completion includes the installation of hardscapes, lighting, and other park amenities. Also included within the work, and funded by private donations, are construction of the sculpture pool and piping. Bids were opened on the subject project on October 20, 2016. The bid protest period expired at 4:30 p.m. on October 28, 2016. Results of the bid opening are as follows:

<b>Bidders</b>	<b>Base Bid</b>	<b>Alternate No. 1</b>	<b>Total Bid</b>
Admiralty Construction, Inc.	<b>\$2,716,791.00</b>	<b>\$245,000.00</b>	<b>\$2,961,791.00</b>
Dawson Construction, Inc.	\$3,167,000.00	\$210,000.00	\$3,377,000.00
Arete Construction Co.	\$3,480,816.00	\$252,000.00	\$3,732,816.00
North Pacific Erectors, Inc.	\$4,099,428.02	\$294,500.00	\$4,393,928.02
<i>Engineer's Estimate</i>	\$3,183,856.30	\$277,889.60	\$3,460,995.90

**The City Manager recommends award of this project to Admiralty Construction, Inc. for the total bid amount of \$2,961,791.00, inclusive of Additive Alternate No. 1.**

4. Other Items for consent

a. CBJ Review of State of Alaska - Marijuana Testing Facility License #10512 Southeast Alaska Laboratories, LLC

The Alcohol Marijuana Control Office (AMCO) sends local governing bodies notice of marijuana license applications which allows local governing bodies

the opportunity to protest or waive its right to protest the issuance or renewal of these licenses.

CBJ received notice of the following marijuana license application:

**Marijuana Testing Facility License # 10512 - Southeast Alaska Laboratories, LLC**

**Location: 5450B Jenkins Drive, Juneau, AK**

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license. As to CDD's and Fire Department recommendations, although there are other matters that will still need to be resolved prior to operations beginning, such as a final fire and building inspection and obtaining the local CBJ marijuana license, staff does not feel the need to hold up the state marijuana license for those matters at this time.

Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body

AMCO Marijuana online application forms (redacted)

MJ-01: Marijuana Establishment Operating Plan

Form MJ-02: Premises Diagram

CBJ Planning Commission Conditional Use Permits - Notices of Decision

Copies of all the documents relating to these licenses are available upon request from the office of the Municipal Clerk during regular business hours.

**The City Manager recommends the Assembly waive its right to protest the issuance of this marijuana license to Southeast Alaska Laboratories, LLC.**

## **VII. PUBLIC HEARING**

- A. Ordinance 2015-20(AW) An Ordinance Appropriating to the Manager the Sum of \$1,802,195, to Fund Bartlett Regional Hospital's Fiscal Year 2016 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$1,802,195, which is the State's FY16 relief rate of 5.19% for each FY16 employer payroll and 27.19% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB2001 during the 2015 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Gladziszewski, to adopt Ordinance 2015-20(AW).* Hearing no objection, it was so ordered.

- B. Ordinance 2016-09(O) An Ordinance Appropriating to the Manager the Sum of \$111,125 as Funding for the Juneau International Airport Construct Runway Safety Area Phase 2B Capital Improvement Project; Funding Provided by the Alaska Department of Transportation.

This ordinance would appropriate \$111,125 to the Construct Runway Safety Area Phase 2B capital improvement project. Funding is provided as follows:

Alaska Department of Transportation (ADOT): \$111,125

This project will construct aircraft parking pavement in the northwest development area. The Federal Aviation Administration (FAA) funds 93.75% of the project with the remainder being provided by Juneau International Airport and ADOT. FAA and Airport funds have previously been appropriated.

The Public Works and Facilities Committee recommended approval of this action at its June 27, 2016, meeting.

The Airport Board approved this action at its September 6, 2016, meeting.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2016-09(O).* Hearing no objection, it was so ordered.

- C. Ordinance 2016-09(P) An Ordinance Appropriating to the Manager the Sum of \$556,467 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Alaska Department of Transportation.

This ordinance would appropriate \$556,467 to the Construct Snow Removal Equipment Building (SREB) capital improvement project. Funding is provided as follows:

Alaska Department of Transportation (ADOT): \$556,467

The Federal Aviation Administration (FAA) funds 93.75% of the project with the remainder being split between Alaska Department of Transportation (ADOT) and Juneau International Airport. Airport and FAA funds have previously been appropriated.



The Public Works and Facilities Committee recommended approval of this action at its June 27, 2016, meeting.

The Airport Board approved this action at its August 9, 2016, and September 6, 2016, meetings.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2016-09(P).* Hearing no objection, it was so ordered.

- D. Ordinance 2016-09(Q) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance appropriates \$160,000 from the Alaska Department of Military and Veterans Affairs under the 2016 Emergency Management Performance Grant.

These funds are provided to reimburse the City and Borough of Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ Emergency Programs, Police, and Fire staff in the performance of emergency management functions in planning, training, exercise, and equipment procurement within the grant performance period.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2016-09(Q).* Hearing no objection, it was so ordered.

- E. Ordinance 2016-09(R) An Ordinance Appropriating to the Manager the Sum of \$230,000 as Funding for the 2016 State Homeland Security Program/SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

This ordinance appropriates to the manager the sum of \$230,000 from the Alaska Department of Military and Veterans Affairs under the 2016 State Homeland Security Program, awarded to the City and Borough of Juneau.

These funds are provided to reimburse the City and Borough of Juneau for expenses incurred in direct support of the goals and activities of the SHSP.

Projects funded:

1. Purchase and installation of upgrade to the Peterson Hill radio system; including communication tower, backup power generation, radio systems, and wireless datalinks. \$150,000
2. Development, purchase, and installation of a structural collapse simulator at the Hagevig Fire Training Center. Complete NFPA Collapse Level I and II training course in Urban Search and Rescue. \$80,000

There is no match requirement for this grant.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

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

- F. Ordinance 2016-09(S) An Ordinance Appropriating to the Manager the Sum of up to \$23,405 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded up to \$23,405 in grant funding for various training opportunities.

The JPD leadership team is finalizing a plan of what training opportunities will be funded with this grant. The potential opportunities include forensic traffic accident reconstruction training, National Emergency Number Association conference, leadership training, National Incident-Based Reporting System (NIBRS) training, and report builder training.

No local match is required.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION*, by Gladziszewski, to adopt Ordinance 2016-09(S). Hearing no objection, it was so ordered.

- G. Ordinance 2016-09(T) An Ordinance Appropriating to the Manager the Sum of \$114,200 as Funding to Provide for Mobile Data Terminals and Accessories at the Juneau Police Department; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

The Juneau Police Department has received \$114,200 in grant funding from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office to purchase mobile data terminals (MDTs) and required accessories.

MDTs are the computers officers use in the patrol vehicles. They provide immediate access to databases and information that enhances the ability for them to do their jobs.

We estimate the entire project will cost around \$220,000 when it is complete. This project had originally been budgeted to be funded using JPD's equipment replacement reserve fund. This grant greatly reduces the amount of funding needed from the equipment replacement reserve fund. Still, there is a match requirement for this grant of \$23,000, which is included in the total \$220,000 and already in the equipment replacement reserve fund. This equipment will continue to be scheduled on the equipment replacement schedule in future years.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Mayor Koelsch, to adopt Ordinance 2016-09(T). Hearing no objection, it was so ordered.*

- H. Ordinance 2016-09(U) An Ordinance Appropriating to the Manager the Sum of \$19,360 as Funding for Body-Worn Cameras; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

The Juneau Police Department has received \$25,060 in grant funding from the U.S. Department of Justice as part of the Body-Worn Camera Policy and Implementation Program for the purposes of purchasing body-worn cameras (BWC).

The use of body-worn cameras assists in meeting key operational goals for JPD including the capture of factual interactions with the public; the de-escalation of difficult interactions which minimizes use of force; identification of structural issues within the department; lower the rate of unfounded grievances filed; save time and money on unnecessary investigations and lawsuits; document interrogations and crime scenes; identify training issues; provide high quality digital multimedia evidence to attorneys; and increase transparency and accountability with the citizens of Juneau.

Acceptance of the grant funds exists within the JPD FY17 budget; however, this grant also has a match requirement, of \$26,826.30. \$7,466.30 will be covered through existing personnel services costs, leaving a deficit of \$19,360. JPD will use asset forfeiture funds to cover this balance.

Replacement of the BWCs will be handled through JPD's equipment replacement schedule.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

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

Mr. Nankervis objected. He understands the impetus behind going to body cameras but suspects that not all of the legality of the body cameras have been worked out yet and it has the potential to cost the city far more for having the body cameras than not having the body cameras. He disagrees that it will lower the rate of unfounded grievances filed, since there is not a way to know if a grievance is founded or not until it is investigated. There is a lawsuit about body cameras in Kodiak. He has concerns about privacy issues and intrusion into people's lives. He has concerns about audio recordings as well. With audio, body and dash cams, there is an expectation that every interaction will be recorded and if not, then perhaps the officer's version of that interaction is inaccurate and often time prosecutions are declined, or if there isn't a recording, there can be an assumption that there was an attempt to eliminate the recording. He had seen a judge dismiss a ticket because there was no recording. He understands the intent is to protect the department from unfounded complaints, but he sees exposure to liability.

Ms. Becker asked Chief Johnson to comment about privacy, the Kodiak case, and clarity of how this will help. Chief Johnson said the camera will record where the officers are going and what they are looking at legally, the officers are seeing what is being recorded by the camera - the privacy has been taken and the camera accurately records what the officer sees. There is great benefit to the department and public. Privacy is important but if the officer can legally look at the object, then it is an accurate record. We will not leave cameras set up without an officer there operating the camera.

Ms. Becker asked about the privacy of a bystander being captured on camera. Chief Johnson said that the police officer has already invaded the privacy and the camera will accurately record what the officer saw and did and it will protect the officer. Regarding release to the public, he deferred to the City Attorney, as there are restrictions on what can be released. The court will have to weigh in on this and not all the questions are answered. The benefit to JPD far outweighs the concerns. We have had one FOIA case for dash cam video which we denied. Fairbanks has cameras and has received one FOIA request that they have declined to release the video. In Kodiak, they were required to release the video, it was an interaction between a police officer and a citizen and he argued that it was good for the public to see when the police make mistakes. He said JPD would reap great benefits now and he saw no reason to wait until other jurisdictions were using them.

Roll call:

Aye: Becker, Gladziszewski, Gregory, Jones, Kiehl, Weldon, White

Nay: Nankervis, Koelsch

Motion passed 7 ayes, 2 nays.

- I. Ordinance 2016-32 An Ordinance Amending the General Penalty Chapter of the City and Borough Code Relating to the Payment of Fines.

This ordinance would adopt language similar to AS 12.55.051(a), which provides a meaningful enforcement tool for the court when defendants willfully refuse to pay fines imposed as part of a sentence in a criminal case.

The court is prohibited from imposing a jail sentence if the failure to pay the fine or restitution is because of an inability to pay, and the judge is required to make a factual finding that inability to pay is not a factor.

The Committee of the Whole approved forwarding this ordinance to the Assembly at its October 10, 2016, meeting.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2016-32.*

Mr. Kiehl objected. He understood and appreciated that this closely reflects existing state law on the books and he thinks it is a bad law and does not want to see it adopted. This is narrowly drafted but allows us a way to go after a scofflaw in a manner that is convenient, and is both excessively expensive and works and injustice. There is a body of writing about the cycle people can get into when small fines become big fines and big fines become jail time - when jobs are lost due to jail and this is destructive and non-rehabilitative, and puts people in jail more often which can serve as a training ground for future crime. Time in jail does not deliver the city any dollars, and there is no ability to pay restitution from being locked up. He disagreed with the \$50 amount per day for jail time, which is less than 2/3 of the minimum wage did not make any sense. It is a shame the state has this law and he discussed the cost of jail time.

Ms. Becker asked for clarification and Ms. Mead said this is generally used when a court imposes a sentence of a fine, instead of going to jail, as part of a criminal case, and the defendant refuses to pay the fine. The court has to find that the defendant is willfully refusing to pay the fine, not because he or she is not able to pay it, but because they are refusing to pay it. It is a tool that the court can use to hold someone accountable. The judge can commute the fine to a jail sentence and the amount is set by state law.

Mr. Jones supported the ordinance. He understood Mr. Kiehl's concerns. This is the state's attempt to keep people out of jail - by using fines instead of jail time this is one of the options that they have decided to take. If a person willfully does not pay, and the courts make a finding of fact that they are willfully not paying a fine, the court can commute the fine to jail time. This is an experiment in the law and it needs to have some teeth behind it. As much as I find myself at odds with this, I have to support this. We as a city need to give tools to our law department to follow through. Most of these cases will not be tried by state prosecutors, and we need to have it in our code.

Ms. White agreed with Mr. Jones and said this is a tool in the toolbox. If someone has the inability to pay, that is not a factor. She was glad that the state law set the fines and time served. There has to be some repercussion for breaking the law.

Mr. Gregory asked what the current circumstance is with people who do not pay and does the fine end up on their credit report. Ms. Mead said she was not sure. With SB91, the process is in a state of flux. The processes are not settled - it used to be all fines were paid to the court. Our collections office garnishes PFDs. She does not know if the state will continue to collect fines for CBJ or if they forwarded to collections, however, it does become part of one's criminal record.

Mr. Gregory asked about the nature of the crimes and what the least severe crime this law might effect - what would be the minimum for sending someone to jail for non-payment. Ms. Mead said it would not include non-payment of parking tickets or an insignificant fine owed, since there can be a garnishment process. She sees this as a tool for a sentence from the court for a significant fine and for a person who is making no effort to satisfy the fine. Defendants have asked for jail time in lieu of fines, and have also asked for community work service to be commuted to jail time - we can no longer do this.

Mr. Gregory asked about the statistics of those who willfully don't pay their fines, compared to those who can't. Ms. Mead said this recourse can't be used when someone has the inability to pay so she could not provide a comparison.

Ms. Gladziszewski asked how it was determined that there is an ability to pay. Ms. Mead said that was solely up to the judge in a hearing. CBJ would have to prove to the judge's satisfaction that the person can pay and refuses.

Ms. White asked if the outstanding fine is filed by judgment. Ms. Mead said it would be filed as a sentence. Ms. White said that judgments effect a person's ability to buy a home. Ms. Mead said that CBJ could try to collect by filing a lien, or garnishing wages, but she was not sure about debt collection and credit reports.

Roll call:

Aye: Becker, Gladziszewski, Jones, Nankervis, Weldon, White, Koeslch

Nay: Gregory, Kiehl

Motion passed, 7 ayes, 2 nays.

J. Ordinance 2016-35 An Ordinance Authorizing the Manager to Convey Lot 3 of the Renninger Subdivision to the Juneau Housing Trust.

Staff recently solicited letters of interest for the disposal of six residential lots in the Renninger Subdivision. The Lands Committee reviewed four letters of interest at its April 24, 2016, meeting, and at its May 16, 2016, meeting recommended authorizing the City Manager to negotiate with the Juneau Housing Trust for the sale of Lot 3.

In accordance with CBJ 53.09.270, this sale is for less than fair market value as the Trust's proposal is to work with the University of Alaska Southeast and the Juneau School District to build affordable single family homes while teaching students in the Educational Home Build Program. Homes built by the program will be held in a 99 year land lease and will service the 80 - 120% median income range.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*This item was removed from the agenda and referred to the November 21 Assembly Committee of the Whole meeting agenda.*

**VIII. UNFINISHED BUSINESS**

None.

**IX. NEW BUSINESS**

A. Adoption of Assembly Calendar

Hearing no objection, the Assembly calendar was adopted.

**X. STAFF REPORTS**

A. Public Information Officer

Mr. Watt said that in an effort to get better information out to the public on a timely basis and free senior staff of being behind the curve to get out information, he worked with Mr. Barr and found an existing open full time employee position that was presently open and worked to draft a new position description that would create two separate half-time positions, one to work at the library and the other to serve as a Public Information Officer, both half-time. He had spoken with Mr. Bill at Bartlett regarding the BRH PIO position and they both determined that sharing that position between BRH and CJB Administration would not work. The CBJ PIO would be in addition to the social media and press release activities from departments and the Clerk's office and would offer substantive communications strategies to get ahead of information and get information out to the public - this person will assist the manager's communications cabinet and will implement those policies.

Mr. Jones spoke about his concerns about the current website being difficult to navigate and locate information and did not think social media was being used effectively, so had trouble with thinking that a half-time person coming in to tell directors how to better get information out would resolve those issues. Ms. Cosgrove understands that the website needs assistance and it is under revision. The position will not advise department directors but it will work with the leadership team to improve communications.

Mr. Kiehl said it appears that there are two full time positions without funds available. He agreed that it is very difficult to find information on-line. Many division directors are doing a good job and some could use some help. He had other ideas as well and said this is an important first step and there is a lot of backlog of telling people about the city and the work it does.

Mr. Nankervis said his inability to find information had nothing to do with the website, it had to do with his inability. We could come up with the funds for a full time position if we feel the need is that great and we decide where to bring the money from. He asked about outsourcing. Mr. Watt said the budget was \$50,000. They had considered outsourcing but did not feel that

was the best direction. We need to get ahead of stories and information on a timely basis and he believed this approach was the most efficient use of budget. Staff has discussed this at the leadership team level and sees this as a great support for Ms. Cosgrove, Ms. Mead, myself and department heads.

Mr. Nankervis thanked the staff for bringing the matter back before the Assembly for comment.

#### B. Alaska Airlines Essential Air Service

Hearing no objection, the Assembly directed a letter be sent from the Mayor and Assembly in support of Alaska Airlines application for an (EAS) Essential Air Service designation for Cordova, Gustavus, Petersburg, Wrangell, and Yakutat, Alaska.

### XI. ASSEMBLY REPORTS

#### A. Mayor's Report

Mayor Koelsch reported on a visit from the German Consul to Juneau and he thanked Parks and Recreation for flying the German flag in Marine Park. He visited Skagway for the dedication of the new fiber optic cable installation by Alaska Power and Telephone (AP&T). He reported on a successful food drive for the foodbank. He recently read and recommended Karleen Grummett's book, "Quiet Defiance: Alaska's Empty Chair Story." He encouraged all to vote and said he agreed with Mr. Leighty in that we all need to work together.

#### B. Committee and Liaison Reports

Eaglecrest Board: Liaison Gregory said the board met November 3 and he said the tier 2 season pass sales end on November 13 and then the prices go up. The Warren Miller ski films will be shown on Nov 17 & 18 at Rockwell. December 3 is the scheduled opening date. In FY21 the board is considering lighting on the mountain, and the Ski Swap was successful.

Juneau Economic Development Council: Liaison Weldon said the board met October 31 to consider board candidates and thanked outgoing members Sydney Mitchell and Corey Baxter. The Alaska State Committee on Research has chosen to induct new members to the Alaska Innovators Hall of Fame at the JEDC Innovation Summit on February 15-16, 2017 and there are a few Juneau inductees. JEDC met with representatives of the Renewable Energy Research and Development and Visitor Products cluster with Senator Murkowski in October to discuss industry priorities. The Main Street USA consultant visited Juneau last week with several successful meetings organized by the Downtown Business Association in conjunction with JEDC. The annual Economic Indicator Report is available on the JEDC website. The next meeting is set for December 7.

School Board: Liaison Weldon said the board met on October 19 and swore in new members Dan DeBartolo and Steve Whitney, and elected officers Brian Holst, President, Andi Story, Vice-President and Emil Mackey as Clerk. The board is working on its policy manual and they announced that the four year on time graduation rate is up to 85% from 2012 at 70%. The board held a retreat on October 29 and learned about equity practices, open meetings act, open records act and conflict of interest, and received a budget update. The next meeting is November 15 at 6 pm at TMHS, following a work session.



Lands Committee: Chair White said the Lands committee forwarded for introduction the ordinance regarding the sale of the Franklin St. lot.

Planning Commission: Liaison White said the PC was meeting Thursday, November 10.

Aquatic Board: Liaison White said the board assisted with the recent state swim tournament in Juneau last week.

Travel Juneau: Liaison White said the board would be holding a candidate forum for interested persons wishing to be on its board.

Bartlett Hospital Board: Liaison Gladziszewski said the board met October 25 and discussed a recent compliance audit, and she noted that the BRH Board had not made a commitment but was still discussing a contribution of an additional \$100,000 for the Housing First facility.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the committee discussed funding for a Hut to Hut trail system, discussed seawalk maintenance, and its next meeting was set for December 6.

Human Resources Committee: Chair Jones said the HRC met today prior to this meeting and recommend the following names for appointment:

Hearing no objection, the following people were appointed to Boards and Commissions:

Juneau Economic Development Council:

- Steve Ricci for an unexpired term expiring November 30, 2018.
- Mitch Jackson, reappointed to a second three-year term expiring November 30, 2019.
- Marc Wheeler for a three-year term expiring November 30, 2019.
- Nadine Lefebvre, for a three-year term representing Organized Labor for a term expiring November 30, 2019.

Youth Activities Board:

- Sarah Cannard to the JAHC seat on the Youth Activities Board for a term to coincide with her service on the JAHC.

Chair Jones noted that a special full Assembly as HRC meeting was set for December 8 to interview candidates for the Aquatics Board, Bartlett Regional Hospital Board and Planning Commission.

Airport Board: Liaison Jones said the next meeting was set for Tuesday, November 8.

Downtown Business Association: Liaison Jones said the DBA is at the beginning of a lengthy process for Main Street USA and it needs volunteers. The next meeting was set for December 6.

Local Emergency Planning Committee: Liaison Jones said the next meeting was set for Wednesday, November 9.

Alaska Municipal League: Liaison Kiehl said that the annual conference would be held November 16-18 in Anchorage.

Finance Committee: Chair Kiehl said the next meeting was set for Wednesday, November 9 and the packet was distributed.

UAS Campus Council: Liaison Kiehl said the US Coast Guard is working with UAS on a "pre-commissioning program" which routes students to USCG officer candidate school. He said the joint application submitted by UAS / Docks and Harbors for the NOAA facility was moving forwards. He said that the UA Board of Regents would be meeting at the end of the week to receive the President's recommendations and one would change the UAS School of Management to no longer be a separate school but the same degree would be offered through the School of Arts and Science. He also recommends that the statewide teacher education program central campus be UAF, not UAS, which Mr. Kiehl said did not make fiscal sense.

Hearing no objection, the Assembly authorized the manager to write a letter to the Board of Regents requesting that UAS be named as the lead campus for teacher training in Alaska. Mr. Kiehl would assist with the drafting of the letter. Mayor Koelsch said he spoke at a recent Regents meeting about the program and he supported the effort.

Public Works and Facilities Committee: Chair Becker said the committee met on Oct 31. Matthew Bell is the Planning Commission liaison. The committee received an update on the Whale Park project and restrooms are recommended to be added. They discussed the U.S. Forest Service Hut to Hut program and funding for that.

Alaska Committee: Liaison Becker said the next meeting is set for Wednesday, November 9.

Docks and Harbors: Liaison Becker said the board met and discussed artwork on the cruise ship dock which will be installed in April/May of 2017, received an update on Douglas Harbor retaining wall constructions, and Auke Bay boat yard, Statter Harbor launch ramp. The Board voted to remove the lightering float at the cruise ship dock and move it to the area near the Tram building. The board is increasing liveaboard fees in the harbors.

Committee of the Whole: Chair Nankervis said the Assembly met and moved the Housing Action Plan forward to the Assembly for public hearing at its November 28 meeting, and postponed action on fireworks.

#### C. Presiding Officer Reports

The following hearing dates are set for pending appeals before the Assembly:

- Olmo v Planning Commission - December 14, 2016
- Meek v Planning Commission - December 19, 2016
- SEAL Trust v CBJ Assessor - February 1, 2017
- Nestler v Planning Commission - February 20, 2017

## **XII. ASSEMBLY COMMENTS AND QUESTIONS**

The Assembly encouraged people to vote on Tuesday, November 8.

Ms. Weldon asked people to remember veterans on Veterans Day.

Ms. Gladziszewski expressed her interest in CBJ posting audio files of meetings on website.

Mr. Jones said he would like to see more information on development of the property at Renninger Subdivison and how it would comply with the Land Use Code.

Mr. Jones said the Southeast Chapter of the Miners Association would meet on November 11 at 7 am at the Prospector Hotel and Robert Venables of SE Conference would report on marine highways.

Mr. Kiehl said the Main Street USA program has great promise and the consultant is pleased with the energy in Juneau. He thanked all the volunteers that make the middle school outdoor skills program possible.

Mr. Nankervis related that he witnessed a woman pay \$140 for groceries for a stranger in line whose card was declined and praised that act of kindness.

### **XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

William Quayle encouraged the Assembly to organize a Juneau Winter Festival to offer small cruise lines opportunities to visit Juneau in the winter, utilize Eaglecrest ski area and continue tourism through the off-season.

### **XIV. EXECUTIVE SESSION**

A. Bartlett Regional Hospital: Compliance Update

*MOTION, by Becker, to enter into executive session to hear an update from the municipal attorney on Bartlett Hospital Compliance Issues.*

Hearing no objection, the Assembly entered executive session at 9:18 p.m. and returned to regular session at 10:10 p.m. Mayor Koelsch left the meeting at this point and Mr. Gregory remained on the phone line.

Upon returning to regular session, Ms. Becker said the Assembly received information about BRH compliance.

### **XV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting adjourned at 10:12 p.m.

Signed: \_\_\_\_\_  
Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_  
Kendell D. Koelsch, Mayor

### **XVI. SUPPLEMENTAL MATERIALS**