

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 23, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No. 2021-22 <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar
ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Proclamation: Honoring Joy Lyon

B. Instruction for Public Participation

The Assembly follows COVID protocols in accordance with CDC guidelines, CBJ ordinances, resolutions and COVID mitigation strategies at the time of the meeting. Assemblymembers will meet in-person, to the extent possible. **In-person public participation will be limited on a first come, first served basis to no more than 8 persons in the public audience seats. *Masks are required for anyone in the room.* Attendees in excess of that number will be requested to participate via Zoom webinar.**

Testimony time is limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org via zoom link listed on agenda: please hit the 'raise hand' button to speak on an item up for public hearing or a non-agenda item; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

V. APPROVAL OF MINUTES

A. August 16, 2021 Special Assembly Meeting #2021-20 DRAFT Minutes

B. August 17, 2021 Special Assembly Meeting #2021-21 DRAFT Minutes

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

- a. **Ordinance 2021-35 An Ordinance Amending the Land Use Code to Create a Mixed Use 3 (MU3) Zoning District, a Neighborhood Commercial (NC) Zoning District.**

The public has expressed an interest to allow small-scale commercial uses in higher density multi-family residential neighborhoods. There is also an interest to allow neighborhood-scale mixed-use development along commercial corridors. The zoning districts currently adopted in Title 49 do not adequately accommodate those interests, and the proposed NC and MU3 zoning districts would change that.

Some key features of these new districts include smaller lot sizes, densities ranging from 15 to 30 dwelling units per acre, a prohibition on new single-family development, building height limits of 35 feet, and increased setbacks and landscaping requirements when abutting a single-family residential zoning district.

The Planning Commission discussed this topic on June 22, 2021, and recommended that the Assembly adopt this ordinance.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Lands, Housing, and Economic Development Committee.

- b. **Ordinance 2021-39 An Ordinance Removing or Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages.**

In the spring of 2017, Ordinance 2017-02 was enacted, which created licensing standards for use of certain rights-of-ways for selling food and beverages. Section 5 of Ordinance 2017-02 imposed an automatic repeal

clause (sunset date) of December 31, 2018, which was extended to December 31, 2021, by Ordinance 2018-46. The licensing standards created by Ordinance 2017-02 have been used by food and beverage vendors without issue in the last four years.

The City Manager recommends the Assembly introduce this ordinance; refer it to the Lands, Housing, and Economic Development Committee; and then set it for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2021-08(b)(am)(D) An Ordinance Appropriating \$700,000 to the Manager as Funding for the City and Borough of Juneau Ballot Processing Center Capital Improvement Project; Funding Provided by General Funds.**

At the August 9, 2021 Committee of the Whole meeting, the Assembly directed staff to draft an appropriation of \$700,000 to establish a Juneau ballot processing center. This ordinance would appropriate general funds to configure the Thane Warehouse as a ballot processing center, and fund the purchase and set up of election equipment to operate a vote-by-mail election. The work is anticipated to be complete in time to conduct the 2022 municipal election at the new processing center.

This request has been discussed during various Assembly and committee meetings since November, 2020.

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

2. Resolutions

- a. **Resolution 2963 A Resolution Appointing the City Manager or the Finance Director of the City and Borough for the Purpose of Designating Certain Expenditures for Reimbursement From Bonds to be Issued in the Future.**

This resolution delegates authority to the City Manager or Finance Director to certify at the beginning of any eligible capital project that the Assembly may elect in the future to finance that project with tax-exempt bond proceeds. Such a certification solves the timing issue that arises any time a capital project is initiated before bonds are sold. Without such a certification, project expenses incurred before a bond sale are generally ineligible for tax-exempt financing. This resolution does not require the Assembly to appropriate funds for any projects or to sell any bonds.

This resolution was reviewed by the Assembly Finance Committee on August 18, 2021.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **RFB 22-039 Purchase and Delivery of Activated Carbon Media for PWWW**

This bid is for purchase and delivery of activated carbon media. The following bids were received and opened on this project on July 29, 2021. The protest period ended August 3, 2021.

Bidder	Total Bid
Carbon Activated Corp.	\$147,500.00
Continental Carbon Group	\$171,000.00
Calgon Carbon Corporation	\$201,500.00
US Ecology, Alaska, LLC	\$246,500.00
ECS Environmental Solutions	\$314,725.00
Newco, Inc.	\$317,500.00

The City Manager recommends the award go to Carbon Activated Corp., based on them submitting the lowest responsive and responsible total bid in the amount of \$147,500.00.

4. Other Items for consent

a. **Marijuana License Renewal for License 13279**

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal application.

Marijuana Renewal License

License Type: Retail Marijuana Store License: #13279

Licensee: The Mason Jar LLC

Location: 2771 Sherwood Lane Unit E, Juneau

(AMCO 60-day comment period ends: 8/29/2021)

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. The Assembly packet contains the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #13279.

IX. PUBLIC HEARING

A. **Ordinance 2021-28 An Ordinance Amending Title 49, the Land Use Code, Related to Minimum Lot Depth.**

This ordinance would remove the minimum lot depth requirement from Title 49. The minimum lot depth requirement has created unnecessary prohibitions on properties, especially infill subdivisions that otherwise need a variance. The community will continue to benefit by maintaining the minimum lot width and minimum lot size requirements for future subdivisions.

On July 13, 2021, the Planning Commission recommended the Assembly adopt this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

B. **Ordinance 2021-30 An Ordinance Amending the Sales Tax Code Regarding the Taxability of Services.**

Recently adopted changes to the Uniform Alaska Remote Sellers Sales Tax Code (the Uniform Code) require CBJ to align the tax treatment of services performed locally but delivered outside of the borough. This ordinance achieves that alignment by exempting those services from the imposition of CBJ's local sales tax.

The Assembly Finance Committee reviewed and discussed this concept on June 2, 2021 and August 18, 2021.

The City Manager recommends the Assembly adopt this ordinance.

C. **Ordinance 2021-34 An Ordinance Amending the Land Use Code to Extend the Sunset Dates for the Alternative Development Overlay Districts.**

This ordinance would extend the sunset date for the downtown Juneau alternative overlay district from August 1, 2021, to August 1, 2022.

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This extension provides necessary time for the final review and adoption of new zoning for the downtown neighborhoods.

On July 27, 2021, the Planning Commission recommended this extension as it continues to work through substantive code amendments to the alternative development overlay district.

The City Manager recommends the Assembly adopt this ordinance.

D. **Ordinance 2021-08(b)(am)(C) An Ordinance Appropriating \$150,000 to the Manager as Funding for a Tourism Manager; Funding Provided by Marine**

Passenger Fees.

The Visitor Industry Task Force has recommended that CBJ should establish a centralized tourism management function to guide implementation of the Tourism Management Plan. This ordinance would appropriate \$150,000 of passenger fees for a tourism manager position for the remainder of FY22. This position would coordinate diverse activities and entities involved in public outreach, cruise scheduling, planning, permitting, infrastructure development, operations and maintenance, monitoring and reporting, and enforcement. Creating this position ensures that CBJ will take a more central role in managing outcomes and collaborating with the various active players in the community.

The Committee of the Whole reviewed this request at the July 19, 2021 meeting and recommended CBJ staff draft an appropriating ordinance for introduction.

The City Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2021-37 An Ordinance Authorizing Property Taxes to be Paid in Two Installments for 2021.

Property taxes are currently required to be paid in full by September 30, 2021. A number of property owners are still recovering from the impacts of COVID-19 and could benefit from being able to pay their 2021 property taxes in two installments. Additionally, the Board of Equalization has a significant number of commercial property appeals that may not be resolved before September 30, and those taxpayers could benefit from being able to pay their 2021 taxes in two installments. This ordinance would authorize 80% of the property taxes and special assessments to be paid on September 30, 2021, and the remaining 20% would be due on December 31, 2021. Taxpayers that have automatic mortgage payments or prearranged ACH direct debit can still pay the full tax amount on September 30, 2021.

The Assembly Finance Committee reviewed this ordinance at its August 18 meeting.

The City Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

A. Potential Reconsideration Ord. 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

At the last regular Assembly meeting, this ordinance was adopted, as amended, and Assemblymember Gladziszewski gave notice of reconsideration. If the Assembly has an interest in reconsidering this ordinance, then an Assemblymember would need to move for reconsideration.

XI. NEW BUSINESS

A. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are three property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

XII. STAFF REPORTS

A. Election Update

On tonight's agenda is Ordinance 2021-08(b)(am)(D) regarding funding for a Ballot Processing Center that would allow for vote-by-mail elections organized at a Juneau facility. This year and last year, the CBJ municipal vote-by-mail election has and will be hosted at the Municipality of Anchorage facility.

This item is placed under Staff Reports tonight to afford the public an additional opportunity to submit public comment to the Assembly. Ordinance 2021-08(b)(am)(D) is set for public hearing on September 13, 2021. The public will also be able to testify at that meeting.

The City Manager recommends that the Assembly take public comment tonight on the proposal to renovate an existing CBJ facility (the Thane Warehouse) and to purchase equipment to allow for locally hosted vote-by-mail municipal elections.

XIII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVIADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org