

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

August 2, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream
Meeting No. 2021-19; Zoom Webinar <https://juneau.zoom.us/j/91515424903> or call 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: Mila Cosgrove

B. Instruction for Public Participation

The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. **Assemblymembers will be meeting in person, to the extent possible. Masks are required for all in person attendees/participants. 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. *Attendees in excess of that number will be requested to participate via Zoom webinar.***

Testimony time will be 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.

When attending the Zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; 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. **July 12, 2021 Special Assembly Meeting Draft Minutes**

B. **July 12, 2021 Regular Assembly Meeting 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 2021-28 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 introduce this ordinance; refer it to the Lands, Housing, and Economic Development Committee; and set it for public hearing at the next regular Assembly meeting.

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 the ordinance is scheduled for review by the Assembly Finance Committee on August 18, 2021.

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

- 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Bid Award

a. **Bid Award - BE21-264 Gruening Park Lift Station Stand Alone Lift Station**

This project includes installing approximately 50 linear feet of pressure sewer; installing approximately 70 linear feet of gravity sewer and new sewer manhole; demolition of an existing sewage lift station; installation of a new sewage pump station; and installation of a new portable generator, pump controls, pump controls rack, along with associated electrical work; and site development. Additive Alternate No. 1 includes installation of 2" water service.

Bids were opened on this project on July 15, 2021. The bid protest period expired at 4:30 p.m. on July 16, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	BASE BID	ADDITIVE ALTERNATE NO. 1	TOTAL BID
ENCO Alaska, Inc.	\$1,135,275	\$35,000	\$1,170,275
Admiralty Construction, Inc.	\$1,194,150	\$50,000	\$1,244,150
Architect's Estimate	\$884,050	\$18,000	\$ 902,050

The City Manager recommends award of this project, base bid and Alternate No. 1, to ENCO Alaska, Inc. for the total amount bid of \$1,170,275.

3. Liquor License

a. **Liquor License Renewal - License #5747**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License Renewal

License Type: Club, License #5747

Licensee: Juneau Yacht Club, Inc. d/b/a Juneau Yacht Club

Location: 1301 Harbor Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development Departments have reviewed the above license and recommend the Assembly waive its right to protest the renewal application. Copies of the documents associated with this license are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewal.

4. Other Items for consent

a. **New Marijuana Licenses: #27471 & 27532**

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

New Marijuana Licenses

License Type: Limited Marijuana Cultivation Facility License: #27471

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

License Type: Retail Marijuana Store License: #27532

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

The above marijuana licenses are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed these renewals and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with 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 issuance of AMCO marijuana license #27471 and AMCO marijuana license #27532.

IX. PUBLIC HEARING

A. **Ordinance 2021-08(b)(am)(A) An Ordinance Appropriating \$34,240 to the Manager as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Program, FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.**

The Juneau Police Department has been awarded \$34,240 in grant funding from the U.S. Department of Justice for various training opportunities.

The JPD Leadership Team has identified the following training opportunities to apply this funding to in FY22: employee wellness, school threat assessment, National Incident-Based Reporting System (NIBRS), and a digital evidence

workshop.

No local match is required for this grant.

The Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-08(b)(am)(B) An Ordinance Appropriating \$42,300 to the Manager as Funding for Tourism-Related Services in the Summer of 2021; Funding Provided by Marine Passenger Fees.

The FY22 budget anticipated no large cruise ship visitation this summer; however, with pandemic-related restrictions lifting and the economy normalizing, Juneau is now expected to receive some cruise ship traffic in the last half of the summer. This ordinance would appropriate \$42,300 of marine passenger fees for tourism-related services this summer, allocating \$27,300 to Travel Juneau for crossing guards and \$15,000 to the Downtown Business Association for the Ambassador Services program.

Both Travel Juneau and the Downtown Business Association have already been appropriated funds for these services for the April through June, 2022 period.

The Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

The Title 49 amendments in this ordinance are necessary to keep Title 49 consistent with state law, remove duplicative regulations, and provide greater certainty for regulating development near shoreline habitat. This ordinance would repeal the CBJ Coastal Zone Management provisions because the associated and dependent state law was repealed. This ordinance would also clarify the CBJ shoreline habitat provisions with the ordinary high water mark standard and exempt water-dependent uses.

The Lands Committee generally discussed shoreline habitat regulations at its meetings on April 12 and May 10, 2021. The Planning Commission discussed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The City Manager recommends that the Assembly adopt this ordinance.

D. Ordinance 2021-19 An Ordinance Establishing the Planning Commission as the Board of Adjustment.

This is a housekeeping ordinance to eliminate confusion by renaming the Board of Adjustment to the Planning Commission. Currently, for example, when a variance application is ready for public hearing, the Planning Commission convenes, temporarily adjourns as the Planning Commission, reconvenes as the Board of Adjustment, considers the variance application, and then adjourns as the Board of Adjustment to reconvene as the Planning Commission. This ordinance would

eliminate those unnecessary procedural steps and give the public certainty that the variance will be considered by the Planning Commission.

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

The Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann's Avenue at the Mayflower Building. This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale to the DOT&PF for fair market value.

The City Manager recommends the Assembly adopt this ordinance.

F. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance would amend the Comprehensive Plan for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre. The Planning Commission also recommended the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly not adopt this ordinance.

G. Ordinance 2021-26 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.

The ordinance would rezone a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly adopt the staff recommendation, as heard at the Planning Commission on May 11, 2021, to change the zoning from D-15 to D-15/Transition to Light Commercial.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. NCL Request to Lease Municipal Tidelands

In June 2021, the City received an application from Norwegian Cruise Lines (NCL) to lease City owned tidelands. NCL acquired an upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office. In January 2021, the City Manager provided the Assembly Committee of the Whole with the attached Subport Development Memo on the topic of Assembly consideration process, discussion and draft approach.

Because an application has been received, the Assembly must determine “whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

If the Assembly provides a motion of support to work with the original proposer, staff will direct NCL to apply for City permits, outline the public process,

and negotiate terms and conditions of a lease. Staff will provide regular reports to the Lands, Housing and Economic Development (LHED) Committee on progress of this lease. If the Assembly fails to provide a motion to work with the original proposer and determines a lease should not be considered, then the application process will be concluded. If the Assembly provides a motion to seek further proposals then a request for proposals will be advertised and the results will be brought forward to the LHED for review.

The Manager recommends the Assembly pass a motion of support to work with NCL as the original proposer in accordance with City Code 53.09.260.

B. A&S Rentals LLC v. CDD - Assembly Appeal #2021-03 (Enforcement Action Appeal)

This appeal relates to a code enforcement action for three properties near downtown Douglas. The Community Development Department determined the three properties were noncompliant with CBJ code and initiated enforcement action. The property owner, A&S Rentals LLC managed by Adam Brown, timely appealed to the Planning Commission. After conducting a hearing, the Planning Commission affirmed the CDD compliance orders. A&S Rentals LLC has filed a timely appeal to the Assembly.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

The City Attorney recommends the Assembly accept this appeal and assign it to a presiding officer.

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

There are nine 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

XIIIASSEMBLY 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

XVISUPPLEMENTAL MATERIALS

- A. RED FOLDER - Figure 1 re: NCL proposed lease of CBJ owned tidelands
- B. Amendment to Ordinance 2021-26

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