

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

July 12, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream
Meeting No. 2021-17; <https://juneau.zoom.us/j/91515424903> or call: 1-253-215-8782
Webinar ID: 915 1542 4903

Submitted By:

Mila Cosgrove, Deputy City Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGEMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. 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. 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 who is not fully vaccinated. 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. **May 24, 2021 Regular Assembly Meeting #2021-13 DRAFT Minutes**
- B. **June 14, 2021 Regular Assembly Meeting #2021-15 DRAFT Minutes**
- C. **June 23, 2021 Special Assembly Meeting #2021-16 DRAFT Minutes**

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

- A. **Remove Ord. 2021-29 from Public Hearing**

The City Manager recommends Ordinance 2021-29, which was set for public hearing tonight, be removed and referred to the next Assembly Finance Committee meeting.

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

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

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

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

- e. **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.**

This ordinance, and its companion Ord. 2021-27, need deliberation by a committee of the Assembly. The ordinance involves a rezone request and Comprehensive Plan amendment for 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.

Because the Manager recommends the Assembly adopt the Community Development Department's recommendation, the Manager recommends the Assembly Committee of the Whole consider this ordinance before it is set for public hearing.

The Manager recommends that the Assembly refer this ordinance to the Committee of the Whole.

- 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, and its companion Ord. 2021-26, need deliberation by a committee of the Assembly before being set for public hearing. The ordinances involve a rezone request and Comprehensive Plan amendment 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 recommends 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 Manager recommends that the Assembly refer this ordinance to the Committee of the Whole.

- g. **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 the DOT&PF for fair market value.

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 2959 A Resolution Authorizing the Manager to Convey an Access and Drainage Easement across City Property to the Owner of 101 and 747 Goldbelt Avenue.**

In the fall of 2019, there was a mass wasting event that initiated from private property above Cope Park. Since that event, the land owner of 101 and 747 Goldbelt Ave. has been working with the City Risk Manager,

the Parks and Recreation Department, and the Engineering and Public Works Department on a design concept to repair the drainage and stabilize the slope. The outcome of this process is the proposed easement.

The Lands Housing and Economic Development Committee reviewed this request and provided a motion of support for granting the easement at its June 7, 2021 meeting. The Parks and Recreation Advisory Committee reviewed this proposal at its June 1, 2021 meeting and recommended approval to the Assembly of the Cope Park slope stabilization easement.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2960 A Resolution Authorizing the Manager to Execute an Agreement with the State of Alaska to Accept American Rescue Plan Act Funds.**

The State allocated funds to the City and Borough of Juneau from the federal American Rescue Plan Act. This resolution would authorize the Manager to execute any necessary grant agreement with the State for the City and Borough of Juneau to receive the American Rescue Plan Act funding.

Final allocation of funding for local municipalities has not yet been released; however an amount not to exceed \$14 million is anticipated.

The City Manager recommends the Assembly adopt this resolution.

- c. **Resolution 2961 A Resolution Authorizing the Installation of a Large Elizabeth Peratrovich Mural and a Small Abstract Mural on the Exterior of the Marine Parking Garage and Authorizing the City Manager to Enter into a Memorandum of Agreement with Sealaska Heritage Institute for the Painting, Installation, and Maintenance of the Murals.**

This resolution would authorize the City Manager to enter into an agreement with Sealaska Heritage Institute (SHI) for painting a mural of Elizabeth Peratrovich on the south side of the Marine Parking garage funded through a combination of grants and donated artist time. The agreement will establish a maintenance partnership with SHI for 10 years with the option of removing the mural if maintenance becomes cost prohibitive. The resolution also authorizes a small mural on the entrance of the Marine Parking Garage that will be used to test the surface and medium under similar terms and conditions.

The Public Works and Facilities Committee heard and recommended approval of the murals at a special meeting on June 21, 2021.

The City Manager recommends the Assembly adopt this resolution.

d. **Resolution 2962 A Resolution Authorizing the Manager to Convey a Utility Easement at the New Valley Transit Center Located Near 9114 Mendenhall Mall Road.**

The CBJ purchased Tract M-3A within the Mendenhall Mall Subdivision in February, 2020, to construct a transfer station for public transit operations. Since early 2020, the CBJ finalized the Valley Transit Center design and needs to grant a utility easement. The utility easement area will support electrical and communications utility pedestals that will service the CBJ facility and the abutting Tract M-3C. The existing utilities are overhead and pole mounted, and the Valley Transit Center project will underground those utilities within this proposed easement. The CBJ is responsible for the easement and the construction costs as the work is necessary for the Valley Transit Center project.

The Lands Housing and Economic Development Committee reviewed this request and provided a motion of support for granting this easement at its June 7, 2021 meeting.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. **RFB21-247 River Road Vehicle and Debris Removal and Disposal**

Bids were opened on this project on June 15, 2021. The following bid was received from Island Contractors, Inc. The full amount of the bid is \$469,000.00 and the amount the CBJ has allocated is \$150,000.00.

BIDDER	TOTAL BID
Island Contractors, Inc.	\$150,000.00

The City Manager recommends award of this project to Island Contractors, Inc. for the total amount allocated of \$150,000.00.

b. **Bid Award - BE21-232 Capital School Park Reconstruction**

Bids were opened on this project on July 7, 2021. The bid protest period expired at 4:30 p.m. on July 9, 2021. Results of the bid opening are as follows:

	Admiralty Construction Inc.	Glacier State Contractors	Architect's/Engineer's Estimate
Base Bid	\$1,729,890	\$2,038,770	\$1,484,470
Alternate A	\$175,200	\$270,950	\$261,050

Alternate B	\$36,130	\$50,805	\$48,595
Alternate C	\$92,000	\$128,675	\$77,900
Alternate D	\$44,000	\$88,500	\$110,000
TOTALS	\$2,077,220	\$2,577,700	\$1,982,015

The City Manager recommends award of this project, Base Bid and Alternates A, B, C, and D to Admiralty Construction, Inc. for the total amount bid of \$2,077,220.

4. Liquor License

a. **Liquor License Renewal for License: #816**

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: Restaurant/Eating Place, License #816

Licensee: El Sombrero Inc d/b/a El Sombrero Mexican & American Food

Location: 157 S. Franklin St., 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. AMCO 60-day comment period ends 7/26/2021.

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

5. Other Items for consent

a. **New Marijuana Retail License #28012**

CBJ received notice of the following new Alcohol and Marijuana Control Office (AMCO) marijuana license application:

New Marijuana License

License Type: Retail Marijuana Store, License #28012

Licensee: The Mason Jar LLC d/b/a The Mason Jar LLC

Location: 613 & 619 W. Willoughby Ave, Juneau

(AMCO 60-day comment period ends Friday, July 23, 2021)

CBJ staff from the Police, Fire, and Finance 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. 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)

Copies of all the documents relating to this license 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 AMCO marijuana license #28012.

6. Transfers

- a. **Transfer Request T-1038 A Transfer of \$100,000 from CIP R72-136 Areawide Drainage Improvements to CIP R72-140 Capital Avenue - Willoughby to Ninth.**

This transfer will provide additional funding to cover the extra work associated with additional unforeseen underground electrical utilities that were discovered during excavation of Capital Avenue between Willoughby and W. 9th, with the highest concentration being between Willoughby and the AELP Powerhouse. As a result, the construction project costs have significantly increased due to the extra work necessary to weave the water, sewer and storm drainage utilities over, under, through and around the electrical conduits in the narrow Capital Avenue corridor. The \$100,000 in supplemental funding is requested to be transferred from the Areawide Drainage Improvements CIP, which, while not ideal, has scalable projects that can be reprioritized to provide this needed funding.

The Public Works and Facilities Committee reviewed this request at the June 21, 2021 meeting.

The Manager recommends approval of this transfer.

IX. PUBLIC HEARING

- A. **Ordinance 2020-09(BA) An Ordinance Appropriating up to \$550,000 to the Manager as Funding for the Capital School Park Reconstruction Capital Improvement Project; Funding Provided by Donations from the Juneau Community Foundation's Capitol Fund.**

This ordinance would appropriate up to \$550,000 as funding for the Capital School Park Reconstruction CIP. Advisors of the Juneau Community Foundation's Capitol Fund have agreed to donate funds sufficient for certain enhancements to the park. The exact amount of the donated funds is contingent on the bids to be received by CBJ for certain equipment. This donation supplements the \$1,500,000 that has already been appropriated to this project from the general obligation bond package approved by voters in October 2020.

Funding for this request is provided by donations from the Juneau Community Foundation's Capitol Fund.

This request was reviewed by the Public Works and Facilities Committee at its meeting on June 7, 2021.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-24 An Ordinance Amending the Traffic Fine Schedule Related to Duties and Responsibilities of Drivers.

This housekeeping ordinance would clarify the penalty for driving without a license is a \$300 infraction.

Consistent with state law, the CBJ prohibits people from driving when that person's driver's license is canceled, suspended or revoked. (CBJC 72.10.028; A.S. 28.15.291). Generally, when a person has not been previously convicted of driving without a license, the penalty is an infraction. Currently, there is ambiguity in the CBJ code whether the penalty is a \$500 or \$300 infraction. The State, like other municipalities, imposes a \$300 penalty for the infraction.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-25 An Ordinance Authorizing the Manager to Lease a Fraction of Block E, South Lena Subdivision, Located at 16150 Merganser Road, to Vertical Bridge Holdings LLC, for a Communications Tower and Facility.

This ordinance would authorize the Manager to lease municipal property located at 16150 Merganser Road, in the South Lena Subdivision, for a cell tower.

On June 1, 2020 and May 10, 2021, the Assembly Lands, Housing and Economic Development Committee passed a motion of support for the lease.

The Planning Commission, at its regular public meeting on April 14, 2020, approved the special use permit for this tower, which was appealed to the Assembly. On July 7, 2020, the Assembly affirmed the Planning Commission decision, and the litigation ended.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2021-29 An Ordinance Amending the Sales Tax Code and the

Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.

This ordinance would incentive sellers in the CBJ to file sales tax returns online using CBJ's existing eGov portal. Approximately 12,000 paper returns are filed each year and wider use of the online eGov portal would improve efficiencies in the CBJ Sales Tax Office. If a seller timely files a return using the online eGov portal, then the seller would receive the filing discount conferred by code (CBJC 69.05.100). Seller's filing late-returns or paper returns would not be eligible for the discount.

The Assembly Finance Committee discussed this ordinance at its meeting on June 2, 2021.

The City Manager recommends the Assembly refer this ordinance to the Assembly Finance Committee.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

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

There are ten 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. Revised 2021 Assembly Calendar

The attached Assembly Calendar for 2021 has been adjusted to reflect the new October/November Assembly and Assembly Standing Committee meeting dates resulting from conducting the regular election by mail.

B. Cruise Line Port Agreements

Please see the attached memo in your packet. Due to their size, port agreements were not printed in the paper packets. They are in the online packets only.

C. Ironman Update

XIIIASSEMBLY REPORTS

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

1. CDD Director v. Golovatiuk

On May 20, 2021, the Planning Commission granted a variance to a lot depth requirement to Natalia Golovatiuk near 2815 Peters Lane. The Community Development Department Director filed a timely appeal.

On June 14, 2021, the Assembly accepted this appeal and referred it to a hearing officer. Prior to locating a hearing officer, the Community Development Department Director and Ms. Golovatiuk filed a joint motion requesting all proceeding be stayed as a Title 49 amendment was in the legislative process to negate the need for the underlying variance.

Given the joint motion, the City Attorney recommended and the Mayor issued the requested stay through September 1, 2021.

No Assembly action is needed at this time.

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