

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

May 18, 2020 7:00 PM

Virtual Meeting Only

Meeting No. 2020-27. Zoom Webinar & FB Live Stream; Access the Webinar:
<https://juneau.zoom.us/j/92511480480> or call: 1-346-248-7799 enter Webinar ID: 925
1148 0480. This meeting will also be streamed live on CBJ's Facebook page:
<https://www.facebook.com/cbjuneau>

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

Members of the public wishing to provide public comment during the meeting are asked to call the Municipal Clerk's public testimony request phone line at 586-0215 by 3p.m. the day of the meeting or send an email to City.Clerk@juneau.org and provide their full name, email address, the phone number they will be calling from, and the agenda topic(s) on which they wish to testify. 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.

The public can listen to the audio or watch the meetings in a few different ways:

- Connect directly to the Zoom Webinar as an attendee by clicking on the following link: **<https://juneau.zoom.us/j/92511480480>**
- Call **1-346-248-7799** and enter Webinar ID: **925 1148 0480** Watch on the CBJ Facebook page at <https://www.facebook.com/cbjuneau>
- Please note that this meeting will include closed captioning services.

B. Hearing from State Department of Health & Social Services, Dept. of Corrections, and Lemon Creek Correctional Center

C. **Special Recognition: Salmon Creek Trail Rescuers**

D. **Census Update**

E. **COVID-19 Update and Actions**

IV. APPROVAL OF MINUTES

A. **March 19, 2020 Special Assembly Meeting #2020-09 Minutes**

B. **April 30, 2020 Special Assembly Meeting #2020-23 Minutes (Planning Commission Appointment) DRAFT**

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. 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 2020-14 An Ordinance Authorizing the Sale of Foreclosed Property Located at 12280 Glacier Highway by Sealed Competitive Bid.**

Property tax is due every year. State law (AS 29.45.290-500) prescribes a multi-year process to foreclose on property with unpaid property tax. The property at 12280 Glacier Highway has had unpaid property tax since 2017. In November 2019, the CBJ received a Clerk's Deed for the property.

There is an unoccupied house on the property, and the owner of record (Steven Baker) has not responded to multiple attempts to cure the property tax debt. Staff has reached out to other family members who said the owner left the state and has not been reachable for some time. The property has been the subject of multiple nuisance complaints.

State law authorizes a municipality to retain foreclosed property or dispose of foreclosed property when there is no public purpose for it. Staff does not see a public purpose to retain the property except a small public utility easement along Glacier Highway.

The Lands Committee recommended selling this property at its meeting on February 10, 2020.

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

- b. **Ordinance 2020-23(b) An Ordinance Amending the Purchasing Code to Allow for Additional Methods of Public Notice and Electronic Receipt of Bids.**

This ordinance would amend the CBJ Procurement Code to allow on-line advertising of solicitations and electronic submission of bids and proposals. This change is intended to promote public competition, reduce administrative processing, and lower procurement costs.

Version (b) reflects the newspaper publication changes recommended by the Assembly Finance Committee on May 6, 2020.

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

2. Other Items for consent

- a. **City State Project Review: Marine Park Deckover**

This Marine Park project would deckover the area between the Steamship Dock and Marine Park where the lightering float was previously located. Parts of the deckover will include concrete and grass consistent with the park area around it. A portion of the existing Steamship Dock deck will be demolished and rebuilt to establish ADA-compliant grades. Construction funding has not been determined yet, but it is expected to be approximately \$1.6 million. In order to proceed to construction, this project will require an appropriation of passenger fees. The project was originally proposed to be funded in the FY21 budget, but capital funding has necessarily been delayed. Nonetheless, the project permitting has been proceeding.

The Planning Commission heard this project (CSP2020-03) on April 28, 2020 and recommended the Assembly approve the project.

- b. **Marijuana License #13279 Transfer of Controlling Interest**

Marijuana License Transfer of Controlling Interest

License Type: Retail Marijuana License, #13279

Business Name: The Mason Jar LLC, d/b/a The Mason Jar

Location: 2771 Sherwood Lane, Unit E, Juneau

(AMCO 60-day comment period ends Friday, May 22, 2020)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of this license. In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the transfer of controlling interest of AMCO Marijuana license #13279.

3. Transfers

a. **Transfer T-1029 A Transfer of \$887,636 from Two Harbor/Docks Capital Improvement Projects to the Statter Harbor Improvements Ph. III Capital Improvement Project.**

The CBJ Docks & Harbors Board requests a transfer of State Marine Passenger Fees and Harbor Funds. The transfer will provide funds for construction contingency, inspection & administration, and CBJ salaries for the float installation phase.

From: CIP

H51-116	Archipelago-MP to Taku Upland Improv	\$666,000
H51-117	Auke Bay Marine Station Maint & Improv	\$221,636

To: CIP

H51-108	Statter Harbor Improvements Ph III	\$887,636
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At its April 22, 2020 special board meeting, the Docks & Harbors Board recommended approval of this transfer.

At its April 27, 2020 meeting, the Public Works and Facilities Committee forwarded this transfer to the Assembly.

The City Manager recommends approval of this transfer.

VIII PUBLIC HEARING

A. **Ordinance 2020-18 An Ordinance Authorizing the Manager to Execute a**

Lease Agreement with AJT Mining Properties, Inc. for a Campground near Downtown Juneau.

On March 26, 2020, Emergency Ordinance 2020-17 was adopted, which gave the Manager authority to lease the Mill Campground for 180 days. This ordinance would authorize the Manager to lease the property for the Mill Campground for longer than 180 days.

The City Manager recommends the Assembly adopt this ordinance.

- B. Ordinance 2020-19 An Ordinance Approving the City and Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of the Bond Bank's General Obligation Bonds that Provided Funds to Purchase the General Obligation Bond, 2010A of the City and Borough, Under a Loan Agreement between the City and Borough and the Bond Bank; and Authorizing a Revised Schedule of Principal and Interest Payments on the City and Borough's Bond, in Accordance with the Loan Agreement, if the Bond Bank Successfully Refinances its Bonds.**

This ordinance would authorize the issuance of up to \$7.5 million in bonds to refund (refinance) the 2010B general obligation school/pool bonds. The original \$7.58 million in bonds were sold June 1, 2010 through the Alaska Municipal Bond Bank to fund a portion of the Dimond Park Aquatic Center.

As a result of lower market interest rates, this refinancing refunding is estimated to result in a total savings of \$100,000-\$200,000 over the remaining life of the bonds.

This ordinance was reviewed by the Assembly Finance Committee on May 6.

The City Manager recommends the Assembly adopt this ordinance.

- C. Ordinance 2020-21 An Ordinance Approving the City and Borough's Participation in Proposed Refinancings by the Alaska Municipal Bond Bank of the Bond Bank's Various General Obligation Bonds that Provided Funds to Purchase Various General Obligation and Revenue Bonds of the City and Borough, Under Loan Agreements between the City and Borough and the Bond Bank; and Authorizing Revised Schedules of Principal and Interest Payments on the City and Borough's Bonds, in Accordance with the Loan Agreements, if the Bond Bank Successfully Refinances its Bonds.**

This ordinance would authorize participation in the Alaska Municipal Bond Bank's "Exchange" refunding (refinance) of multiple bond issues including the 2013 Bartlett Hospital Refunding, the 2013 GO CIP and 2014 GO CIP bonds, and the 2014 Seawalk and 2015 Cruise Ship Dock Expansion bonds. Approximately \$19.2 million of these bonds will be refinanced. As the result of lower market interest rates, this refinancing is estimated to result in a total savings of \$280,000 over the remaining life of the bonds.

This ordinance was reviewed by the Assembly Finance Committee on May 6.
~~The City Manager recommends the Assembly adopt this ordinance.~~

D. Ordinance 2019-06(AB) An Ordinance Transferring \$200,000 of Temporary 1% Sales Tax from the Debt Service Fund, to the Manager for the Purpose of Funding the Accounting Systems Upgrade Capital Improvement Project.

These funds for accounting system upgrades were initially authorized as part of the FY20 CIP. The appropriation was made to the Debt Service Fund, as management believed the project required private lease financing to proceed. However, lease financing is not required and the project can be funded instead through subsequent annual appropriations. To accurately reflect this change in the funding mechanism, this ordinance transfers the original appropriation of \$200,000 from the Debt Service Fund to the Accounting Systems Upgrade Capital Improvement Project (M15-004).

This ordinance was reviewed by the Assembly Finance Committee on May 13.

The City Manager recommends that the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

A. Ordinance 2020-10 An Ordinance Appropriating Funds from the Treasury for FY21 School District Operations - For Action

This ordinance will appropriate to the School District an FY21 operating budget of \$87,337,400. This is an overall decrease in the budget of \$1,601,700 from the FY20 Amended Budget. The School District's operating budget is:

General Operations	\$71,122,400
Special Revenue (pupil transportation, food service, etc.)	\$16,215,000
Total Budget	\$87,337,400

The FY21 school budget is supported with a combination of funding sources including CBJ local funding of \$28,518,600. The local funding consists of: \$26,842,100 for general operations, and \$1,676,500 for programs and activities outside of the state funding cap. These programs and activities include: \$1,181,500 million for student activities, \$50,000 for pupil transportation, \$50,000 for food service, \$95,000 for Community Schools and \$300,000 for Kinder Ready. The general operations support is an increase of \$64,800 over FY20 Amended. The other program and activities funding is flat to FY20 Amended, for a net funding increase of \$64,800.

State statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission.

The district's budget was submitted March 27, 2020.

Following public hearing at the April 22, 2020 Special Assembly meeting, the Assembly moved to fund the School District's budget up-to-the-cap amount and referred the ordinance back to the Assembly Finance Committee for further review. The amount that exceeds the State funding cap can be subsequently increased or decreased as the Assembly sees fit.

On May 6, 2020, the Assembly Finance Committee passed a motion to move Ordinance 2020-10 for FY21 School District operations to the May 18, 2020, Regular Assembly meeting for further discussion and action. As it stands, the ordinance only includes outside-the-cap funding at the FY20 balance; however, the Assembly may choose to amend the ordinance to increase this amount to match the funding request made by the School District for FY21, or decrease this amount as deemed appropriate prior to adoption. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2020.

The City Manager recommends the Assembly adopt this ordinance at the May 18, 2020 Regular Assembly meeting to meet the requirement set by the Charter to appropriate the School District's budget no later than May 31, 2020.

X. NEW BUSINESS

A. Regulation Commercial Passenger Vehicles Class A Endorsement (Taxicab Rates)

At the February 10, 2020, Assembly Public Works and Facilities Committee meeting, staff was asked to follow the normal regulation process to determine if taxi meter rates should be increased. While there have been minor adjustments, taxi meter rates have not substantively increased since 2008. The regulations provide for an approximate 10% increase in the first year, followed by an approximate 10% increase in the second year. Draft regulations were created and noticed for public comment. A copy of the draft regulations was sent via mail to the CBJ Commercial Passenger Vehicle permittee list as well as noticed publically through all normal channels. Public comment closed on April 30, 2020.

A copy of the petition that was submitted to the Assembly that initiated the regulation request, as well as all other public comment received during the notice period, is included in your packet. Additional, subsequent written notice was also received, and is included in your packet.

The proposed regulation amendments would adjust the meter rates for Class A vehicles. There would be an initial increase effective June 22, 2020, and a subsequent increase effective June 21, 2021. There would be a one week period immediately preceding the effective dates (June 15-19, 2020 and June 14-18, 2021)

to allow for the conversion of meters. Once a vehicle's meter is converted, the new rates would be effective.

In reviewing proposed regulations, CBJC 01.60.260 provides that the Assembly may:

1. Allow the regulation to take effect. (The Assembly's historical practice is to move 'orders of the day,' requiring the body to consider the next item on its agenda without active consideration of the regulation.)
2. Take affirmative action to approve the regulation without amendment.
3. Take affirmative action to disapprove the regulation. (The Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)
4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

The City Manager does not have a recommendation regarding this regulation.

B. Crazy Horse Drive Communication Tower Site Lease Request

Vertical Bridge Holdings LLC has submitted an application to lease city property on a portion of the 32-acre parcel located at the end of Crazy Horse Drive, in the Mendenhall Valley. In April of 2019 the Lands Committee passed a motion of support contingent on a Planning Commission recommendation. The Planning Commission, at its regular public meeting on April 14, 2020, approved the special use permit for this tower. The Lands Committee reviewed this at its May 4, 2020, meeting and provided comments to staff. City code 53.09.260(a) states that "the proposal shall be reviewed by the Assembly for a determination of 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."

The City Manager requests a motion of support to work with the original proposer.

C. Lee v. CBJ Planning Commission: Notice of Appeal regarding a Wireless Communication Facility Located at 16150 Merganser Road

On May 5, 2020, the Clerk's office received a timely filed appeal from a Planning Commission decision to grant a Wireless Communication Facility Permit for a new 150-foot communication tower located at 16150 Merganser Road.

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.)

D. Fourth of July Discussion

E. Port Community Discussion

F. Economic Stabilization Task Force Recommendation on Historical Documentation of Juneau's Response to COVID-19

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

C. Presiding Officer Reports

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

XV. SUPPLEMENTAL MATERIALS

A. COVID-19 EOC Update for May 18, 2020

XVI. ADJOURNMENT

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