

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

January 13, 2020 7:00 PM

Assembly Chambers
Meeting No. 2020-01

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. **October 28, 2019, Special Assembly Meeting #2019-33 DRAFT Minutes**

B. **December 7, 2019, Special Assembly Meeting (Retreat) #2019-37 DRAFT Minutes**

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 2019-30 An Ordinance Related to the Regulation of Nuisance Properties.**

Over the last five years, the City and Borough of Juneau has dealt with multiple properties that received an inordinate amount of City resources. These properties have required years of time, attention, and resources

from entities including Community Development, Engineering and Public Works, the Law Department, the City Assembly, and first responders like the Police Department and Capital City Fire/Rescue in an effort to abate the problem. Neighborhoods affected by these problem properties feel the process is inefficient and resolutions are far too slow. The Chronic Nuisance Ordinance will give the City a tool to ensure neighborhoods are not subject to problem properties for extended periods of time and to hold landlords and tenants accountable for their actions.

The chronic nuisance concept was presented to the Assembly Committee of the Whole on May 20, June 10, and September 23, 2019. Public testimony regarding the ordinance was taken at the Committee of the Whole on December 9, 2019, and the ordinance was recommended to be forwarded to the Assembly.

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

b. Ordinance 2020-01 An Ordinance Amending Title 69 of the City and Borough Code by Adopting the Uniform Alaska Remote Seller Sales Tax Code.

In 2018, the United States Supreme Court decided *South Dakota v. Wayfair*, allowing states to assess and collect sales tax on remote sales (i.e. internet, mail, catalogue, phone). Alaska is one of only five states that does not have a statewide broad-based sales tax; however, local municipalities in Alaska are empowered to assess sales taxes within their local boundaries. In order to create a system that would be compliant with the *Wayfair* decision, local taxing jurisdictions in Alaska banded together and have been working since June 2019 to develop a unified streamlined program to assess remote sales taxes. As part of this process, the local taxing jurisdictions created the Alaska Remote Sellers Sales Tax Commission, an intergovernmental entity of which the City and Borough of Juneau is a member. The Commission was charged with adopting and administering the Uniform Alaska Remote Seller Sales Tax Code, which is intended to streamline the collection of remote sales tax throughout the State of Alaska as required by the *Wayfair* decision. The Commission adopted this code on January 6, 2020. Pursuant to its membership agreement with the Commission, the CBJ is required to adopt the Uniform Remote Sales Tax Code in order to retain its membership. While the CBJ's authority to assess, collect, and remit remote sales tax will be delegated to the Commission, the CBJ will retain its authority to establish and modify sales tax rates and exemptions within its jurisdiction.

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

- c. **Ordinance 2020-05 An Ordinance Authorizing the Manager to Dispose of Eight Lots in the Vintage Business Park, Located near 3041 Clinton Drive, to Torrey Pines Development for Fair Market Value.**

In August 2019, CBJ acquired eight lots located in Vintage Business Park for \$1.519M, for the purpose of developing assisted living housing primarily for seniors. The CBJ solicited proposals to develop the proposed housing and Torrey Pines Development was determined to be the best and most qualified bidder. During negotiations, a proposal was made for Torrey Pines to purchase the eight lots for fair market value for the construction and operation of 80 units of senior housing, assisted living, and memory care. The Assembly Committee of the Whole heard the proposal on January 6, 2020, and recommended that the Manager proceed with negotiations for the sale.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Lands Committee and Planning Commission for review.

- d. **Ordinance 2019-06(Q) An Ordinance Appropriating to the Manager the Sum of \$2,000,000 as Funding for the Assembly's Senior Assisted Living Grant; Funding Provided by the General Fund's Fund Balance, and the Juneau Affordable Housing Fund's Fund Balance.**

Torrey Pines Development requests a \$2 million grant to assist with overall construction costs, to help attract equity capital, and to ensure that rental rates for seniors remain low for potential residents. The grant would assist the overall viability of the project. Without the grant, it is estimated that in order to meet financial projections, room rental rates would be 20-25% higher than indicated in the proposal. If this happened, the rates would be too high for most prospective tenants and development of the project would not proceed.

Staff recommend that the source of the \$2 million grant be split between General Fund dollars and the Juneau Affordable Housing Fund.

- i. \$1.6 million in General Fund; and
- ii. \$400,000 grant from the Juneau Affordable Housing Fund covering the 8 Medicaid eligible beds at \$50,000 per unit.

At its January 8, 2020 meeting, the Assembly Finance Committee approved this action.

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

- e. **Ordinance 2019-06(R) An Ordinance Appropriating to the Manager the Sum of \$1,000,000 as Funding for the Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by the Waste Management Fund's Fund Balance.**

CBJ Engineering estimates an additional \$1,000,000 is necessary to complete the construction of the Recycleworks Consolidated Facility. It is anticipated that the eventual sale of the existing Household Hazardous Waste (HHW) building on Shaune Drive will more than cover this cost; however, the sale of that building will not be complete prior to when funds are needed to award a construction contract. This ordinance would transfer the necessary amount from the Waste Management Fund's Fund Balance which will later receive the proceeds from the HHW building sale.

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

2. Liquor License

- a. **2020/2021 Liquor License Renewals**

These liquor license actions are before the Assembly to either protest or waive its right to protest the license action.

2020-2021 Renewal of Liquor Licenses

License Type: Package Store, License #1129

Thibodeau's Market Inc, d/b/a Liquor Barrel

Location: 5235 Glacier Hwy., Juneau

License Type: Package Store, License #4422

Thibodeau's Market Inc., d/b/a Thibodeau's Valley Liquor

Location: 9106 Mendenhall Mall Rd., Juneau

License Type: Package Store, License #661

Thibodeau's Market Inc., d/b/a Kenny's Liquor Market

Location: 619 Willoughby Ave., Juneau

License Type: Beverage Dispensary, License #550

Imperial Bar, Inc., d/b/a Imperial Bar

Location: 214 Front St., Juneau

License Type: Beverage Dispensary-Tourism, License #1378
Alaskan Hotel & Bar Inc., d/b/a Alaskan Hotel
Location: 167 S. Franklin St., Juneau

License Type: Beverage Dispensary-Tourism, License #3824
Hospitality Group LLC, d/b/a Frontier Suites Hotel
Location: 9400 Glacier Hwy., Juneau

License Type: Beverage Dispensary-Tourism, License #2541
MGO Inc., d/b/a Juneau Airport Travelodge
Location: 9200 Glacier Hwy., Juneau

License Type: Restaurant Eating Place License #5482
Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's
Location: 356 S. Franklin St., Juneau

License Type: Restaurant Eating Place License #5231
Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's
Location: 127-139 S. Franklin St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest the applications. Copies of the documents associated with these licenses are in the Assembly's e-packet or 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 renewals.

3. Other Items for consent

a. **CSP2019-0011 DOT Glacier Highway Project**

On January 8, 2020, the Planning Commission approved CSP2019 0011 with one condition. The Planning Commission's decision is issued in the attached notice of decision.

Per CBJ 49.15.580, the notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the Assembly.

CBJ 49.15.580, The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and

modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

VIII PUBLIC HEARING

A. Ordinance 2019-06(P) An Ordinance Appropriating to the Manager the Sum of \$10,000 as Partial Funding for the Housing and Homelessness Services Coordinator Project; Grant Funding Provided by the Alaska Mental Health Trust Authority.

CBJ's FY20 budget was set at \$100,000 for the Housing and Homelessness Services Coordinator Grant. However, the Alaska Mental Health Trust Authority approved a grant award of \$110,000 to better coordinate local housing and homelessness services. This ordinance is for the remaining \$10,000. The FY21 renewal grant is estimated to be \$110,000, and will be fully included in next year's budget request.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2020-02 An Ordinance Regulating Commercial Rental, Provision, and Use of Shared Micromobility Devices.

This ordinance would prohibit commercial rental or use of micromobility devices on the docks, seawalk, streets, and sidewalks of downtown Juneau. Micromobility devices include bikes, ebikes, scooters, and e-scooters. This ordinance would not regulate private use of micromobility devices.

The Assembly Committee of the Whole discussed the underlying policies at its meeting on December 2, 2019.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2020-03 An Ordinance Extending the Sunset Date Relating to the Prohibition of Commercial Rental or Provision of Dockless Vehicles and the Imposition of a Permit Moratorium.

Ordinance 2019-12 imposed a temporary moratorium related to dockless vehicles through February 1, 2020. On December 2, 2019, the Assembly Committee of the Whole discussed regulating dockless vehicles and provided recommendations to the Assembly, which resulted in Ordinance 2020-02. Given the breadth of the draft regulations in Ordinance 2020-02 and the upcoming expiration of the moratorium imposed by Ordinance 2019-12, this ordinance would give the Assembly additional time to discuss Ordinance 2020-02. If Ordinance 2020-02 is adopted on January 13, 2020, this ordinance is not necessary.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-06(O) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the River Road Car Cleanup; Funding Provided by the Waste Management Fund's Fund Balance.

A property owner on River Road established an illegal junk yard with approximately 260 vehicles. The Community Development Department initiated a code enforcement action. A series of court orders authorized the CBJ to hire a contractor to clean up the junk yard with all costs paid by the property owner. This ordinance would temporarily fund the cleanup costs from the Waste Management fund. Through the court, an escrow account is intercepting \$10,000 per month from the sale of the property owner's business to fully reimburse the CBJ.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Juneau Historic and Cultural Preservation Plan

This Plan is being provided for informational purposes.

The City Manager recommends the Assembly forward the plan to the Committee of the Whole at a later date.

B. Bid No. 20-128 - River Road Clean-Up

CBJ Public Works' RecycleWorks program requested bids from qualified persons or firms to provide clean-up of a private property located on River Road, in Juneau, AK. Contractor will collect, process, package, transport, and dispose of approximately 260 vehicles and associated debris to a properly licensed and permitted facility located outside of the City and Borough of Juneau. Contractor will process vehicles to remove fluids, tires and batteries and dispose of them as appropriate. Bids were opened on December 10, 2019. The protest period ended on December 12, 2019.

Two bids were received and the results are as follows:

Bidder	Total Bid
Island Contractors, Inc.	\$330,000.00
Tideline Contractors, LLC.	\$390,060.00

The City Manager recommends award of Bid No. 20-128 to Island Contractors, Inc. in the amount of \$330,000.00.

XI. STAFF REPORTS

A. River Road Clean-Up

XII.ASSEMBLY REPORTS

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

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org