

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

July 22, 2019 7:00 PM

Assembly Chambers
No. 2019-27

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Special Recognition: Cathy Turner**
- B. **Special Recognition: Gary Gillette**
- C. **Special Recognition: Bob Bartholomew**

IV. APPROVAL OF MINUTES

- A. **March 19, 2019 Draft Special Assembly Meeting #2019-15**
- B. **March 21, 2019 Draft Special Assembly Meeting #2019-16**
- C. **March 22, 2019 Draft Special Assembly Meeting #2019-17**
- D. **April 1, 2019 Draft Regular Assembly Meeting #2019-18**

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 2019-31 An Ordinance Increasing the Rates for Water and Wastewater Utility Services.**

The last utility rate increase approved by the Assembly became effective on July 1, 2018. In March 2019, the Utility Advisory Board recommended that Water and Wastewater Utility rates increase by 4% in each of the next five years. In April 2019, The City Manager recommended an alternative: that Water and Wastewater Utility rates increase by 2% in each of the next five years. The increased revenue from these new rates will be used for anticipated operating cost growth and allow increased investment in needed capital improvements.

This ordinance provides a balance between these two recommendations with a 4% rate increase for both Water and Wastewater Utilities beginning in January 2020 and 2% rate increases for the 2021-2024 period effective each July 1. The first rate increase will be 18 months after the last increase in 2018 and the second rate increase will again be 18 months from the January 2020 rate increase. These rate increases provide for prudent investment in water and wastewater systems while acknowledging a desire to mitigate the impacts to the rising cost of living in Juneau.

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

b. **Ordinance 2019-36 An Ordinance Temporarily Increasing the Hotel-Motel Room Tax by Two Percent, from Seven Percent to Nine Percent, for a Fifteen Year Period, and Providing for a Ballot Question Ratifying the Increase.**

This ordinance would place the question of temporarily increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with the Assembly Committee of the Whole direction at its meeting on July 15, 2019, the increase would be for fifteen years from January 1, 2020, until December 31, 2035. The hotel-motel room rental tax would automatically return to seven percent on January 1, 2036.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would initially generate an estimated \$440,000 per year in additional revenue. It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide funding for the construction of capital improvements for Centennial Hall. Proceeds could also be used to help pay for general obligation debt service relating to Centennial Hall. If this ordinance is adopted by the Assembly, it would also need to be approved by the voters in the October election.

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

c. **Ordinance 2019-35(b) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Ten Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.**

This ordinance authorizes the issuance of not to exceed \$10 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 45% of the debt service payments.
- 0.1 mills (1% total increase in tax) increase in the property tax mill rate paying 55% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for the bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

d. **Ordinance 2019-35(a) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.**

This ordinance authorizes the issuance of not to exceed \$7 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 65% of the debt service payments.
- .04 mills (0.4% total increase in tax) increase in the property tax mill rate paying 35% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

e. **Ordinance 2019-34 An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center.**

The existing City-owned arts and culture facility needs replacement. The City and Borough has been asked to provide a \$7.5 million grant for the New JACC to help attract substantial additional private funds. At the Committee of the Whole meeting on July 15, the Committee directed that an ordinance be presented asking the voters whether the CBJ should provide a grant for the New JACC.

If a grant is made in the current fiscal year for \$7.5 million, \$1 million would be appropriated from FY20 sales tax revenue, \$3.5 million would be appropriated from the sales tax fund balance and \$3 million would be appropriated from the general fund balance. The Assembly discussed that it intends to replenish the draw on fund balances by reallocating an additional \$2 million of unallocated 1% sales tax over the next three years and reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017.

The Assembly also discussed that it intends to replenish the 1% sales tax funds originally programmed for the Centennial Hall improvements by issuing general obligation bonds. The general obligation bonds are intended to be paid back by raising the hotel-motel room rental tax by two percent and increasing the property tax by 0.1 mills (~1% overall rate increase).

If the voters support the City and Borough providing a grant for the New JACC, the Assembly intends to impose the following grant conditions in an appropriation:

- (1) that to provide grant funds, the voters would need to approve the general obligation bond proposition for Centennial Hall at this election;
- (2) that the grant funds not be released until the New JACC project is funded at 90 percent, which must occur prior to October 1, 2023;
- (3) the Manager shall negotiate a contract to encumber the grant funding; and
- (4) the Assembly may direct the Manager to add other conditions that are in the public interest.

The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

f. **Ordinance 2019-06(B)(v.1) An Ordinance Appropriating to the Manager the Sum of \$7,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the FY20 Sales Tax Revenues, Sales Tax Fund Balance, and General Fund Balance.**

This ordinance would appropriate \$7,500,000 in grant funding for the JACC. Funding sources are:

FY20 Sales Tax Revenue	\$1,000,000
------------------------	-------------

~~Sales Tax Fund's Fund Balance \$3,500,000~~
~~General Fund's Fund Balance \$3,000,000~~

At its June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next four years it is necessary to initially use fund balances and then reimburse the funds as revenues come in.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

- g. **Ordinance 2019-06(B)(v.2) An Ordinance Appropriating to the Manager the Sum of \$4,500,000 in Grant Funding for the Juneau Arts and Culture Center, Funding Provided by the Sales Tax Fund Balance.**

This Ordinance would appropriate \$4,500,000 in Grant funding for the JACC. Funding sources are:

FY20 Sales Tax Revenue:	\$1,000,000
Sales Tax Fund's Fund Balance:	\$3,500,000

At their June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next 4 years it is necessary to initially use fund balance and then reimburse the fund as revenues come in.

The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

2. Resolutions

- a. **Resolution 2854 A Resolution Changing the Methodology for Calculation of Stipend for Emergency Service Volunteers, and Repealing Resolution 2554.**

The volunteer firefighter stipend program has been updated to more effectively meet the needs of the organization and to comply with federal and state labor laws. The proposed update was created with input from a committee of volunteers, volunteer mentors and officers. The updates are supported by the Gastineau Chapter of Alaska State Fire Fighters.

Under the proposed revisions, stipends are distributed in three parts. There is a stable fixed stipend that all volunteers in good standing receive based on their current certification level. Additional stipend amounts can be earned through responding to an emergency call. The third element of the revised program provides a predictable quarterly reimbursement to volunteers for general expenses such as vehicle maintenance and/or day care. This program also fixes inequities that are created when a volunteer rides on a 24 hour shift.

It is anticipated that the revised volunteer stipend system will cost approximately \$60,000 less in FY20. The additional \$60,000 will be used to

help pay for volunteers and volunteer officers to attend additional training and relevant conferences and used for volunteer recognition and retention programs. Currently these costs are paid for through volunteer fundraising efforts. Volunteer time is a very valuable commodity; it is a benefit to the community to utilize their time in training and responding to emergencies instead of fundraising for items not normally covered in a department budget.

The Human Resources Committee at its meeting on June 24, 2019, moved to forward Resolution 2854 to the Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

b. Resolution 2858 A Resolution Ratifying the Labor Agreement between the City and Borough of Juneau and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Public Safety Employees Association (PSEA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications to the pay plan and to the employer's contribution for health insurance. The total costs of this tentative agreement are estimated to be \$571,000 in Fiscal Year 2020, \$652,000 in Fiscal Year 2021, and \$735,000 in Fiscal Year 2022.

In addition, there are minor operational changes that will increase administrative efficiencies and facilitate a more harmonious and cooperative workplace. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by the PSEA membership and the economic terms are in keeping with Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

c. Resolution 2859 A Resolution Ratifying the Labor Agreement between the City and Borough and the Marine Engineers Beneficial Association.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications of annual wage increases of 2%, 1%, and 1% during the three years of the contract, a \$500 per employee lump sum payment, and increases to the employer contribution to health insurance of approximately 5% each year for the three years of the contract. In addition, there are minor housekeeping language changes to the collective bargaining agreement.

This tentative agreement has been put out for ratification vote by the MEBA membership, but the voting period is not yet complete. Assembly ratification of this tentative agreement is conditioned on MEBA ratification of the tentative agreement.

The economic terms are in keeping with Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

- d. **Resolution 2860 A Resolution Amending the Personnel Rules and Approving Economic Terms between the City and Borough and the City and Borough of Juneau Non-represented Employees.**

This resolution would provide Assembly approval for certain economic terms of employment in fiscal year 2020 to fiscal year 2022 for non-represented employees and approve the corresponding changes to the Personnel Rules. Specifically, this resolution approves annual wage increases of 2%, 1%, and 1% over the next three fiscal years, up to 5% increases to the employer contribution to health insurance for the next three fiscal years, and a \$500 lump sum payment to full time employees employed on July 1, 2019 that is prorated for part time and seasonal employees.

This resolution is in accordance with previous Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

- e. **Resolution 2861 A Resolution Urging the Alaska Legislature and Governor to Restore Funding for the State Operating Budget to Help Ensure Long Term Fiscal and Economic Stability for the Citizens of the State of Alaska.**

The Assembly has requested a strongly worded and diplomatic resolution that expresses its dismay at the Governor's vetoes of the state operating budget and encouraging the Legislature and Governor to work together to restore funding to critical state programs and services and to help ensure the long term fiscal and economic stability of the state.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

- a. **DH18-013 Statter Harbor Improvements Phase III(A)**

The project generally consists of demolishing the old launch ramp and travel lift pier. After demolition, the inner harbor will be dredged and a rock obstruction will be drilled and blasted through a rock pad built by the contractor. Preliminary dirt work and soft ground settlement for a new MSE wall will take place as well as the installation of a storm drain system.

Bids were opened on this project on July 17, 2019. The bidders and their total bids are as follows:

Bidders

Total Bid

Pacific Pile & Marine, LP	\$4,061,000
Western Marine Construction, Inc.	\$4,216,200
Kiewit Infrastructure West Co.	\$5,770,600
<i>Engineer's Estimate</i>	\$2,957,900

At a special board meeting on July 17, 2019, the Docks and Harbors Board unanimously approved award of this bid to Pacific Pile & Marine, LP. 75% of project funds will come from the cruise passenger vessel excise tax and 25% will come from harbor funds that are already in a CIP which has sufficient funds to award.

The City Manager recommends award of this project to Pacific Pile & Marine, LP, for the total amount bid of \$4,061,000.

b. DH19-014 Downtown Waterfront Improvements

The project consists of all activities necessary to construct the Downtown Waterfront Improvements Phase I project as shown in the contract documents. The work generally includes demolition, salvage, earthwork, utilities, sewer lift station, curb and gutter, storm drains, concrete paving, concrete retaining walls, steel pipe piles, steel pipe caps, timber and reinforced concrete structural decks, guardrails, planters, parking canopy, power and lighting and other associated improvements.

Bids were opened on this project on July 16, 2019. The bidders and their total bids are as follows:

Bidders	Total Bid
Trucano Construction Co.	\$12,367,699
Coogan Construction Co.	\$13,212,570
Pacific Pile & Marine, LP	\$16,280,000
<i>Engineer's Estimate</i>	\$13,623,730

The City Manager recommends award of this project to Trucano Construction Company in the total amount bid of \$12,367,699.

4. Other Items for consent

a. New License-Standard Marijuana Cultivation Facility License #21086 NUGZ, LLC

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

Standard Marijuana Cultivation Facility, License #21086, NUGZ LLC., d/b/a NUGZ LLC., located at: 9331 Glacier Hwy, Juneau

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. The Community Development Department also waives its right to protest but requests the CBJ add the following verbiage to the letter sent to AMCO from CBJ notifying AMCO of the Assembly decision:

Although NUGZ, LLC does not yet have a CBJ Marijuana Business License, a Building Permit, or a Conditional Use Permit, CDD recommends allowing the applicants to move forward to obtain the State License. The applicant cannot operate in the Borough until the following is completed - approval of the Conditional Use Permit, a Certificate of Occupancy for the structure, and issuance of the CBJ Marijuana Business 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.

In the event the Assembly does protest the issuance of this 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 sixty-day comment period for local governing body action will expire as of Tuesday, August 13, 2019.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #21086.

5. Transfers

- a. **Transfer T-1020 A Transfer of \$642,441 from Existing Capital Improvement Projects including from Statter Harbor Loading Facility CIP, and from Taku Harbor Deferred Maintenance CIP, and from Statter Harbor Breakwater Safety CIP; to Statter Harbor Improvement Phase III CIP, and to Amalga Fish Cleaning Station CIP, and to ABMS Maintenance & Improvement CIP.**

This transfer moves a total of \$642,441 from three different projects into three other projects. The funds consist of \$139,919 of sales tax funds and \$502,522 of harbor funds. The projects from which the funds will be transferred are complete and this action will close those accounts. The projects to which the funds will be added are currently in progress. Notably, this transfer would simply move money to different accounts; a separate appropriation ordinance is required to spend the money. The breakdown of specific actions is as follows:

From: CIP

H51-093	Statter Harbor Loading Facility	\$139,919
H51-109	Taku Harbor Deferred Maintenance	\$140,062
H51-106	Statter Harbor Breakwater Safety	\$362,460

To: CIP

H51-108	Statter Harbor Improvements-Ph III	\$267,379
H51-105	Amalga Fish Cleaning Station	\$140,062
H51-117	ABMS Maintenance & Improvements	\$235,000

The Docks and Harbors Board reviewed and recommended approval of this request at its May 30, 2019 regular public meeting.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

A. Ordinance 2019-29(b) An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement.

In late 2018, Senate Bill 63 went into effect and authorized the Alaska Marijuana Control Board to promulgate regulations to allow onsite marijuana consumption in certain freestanding marijuana facilities. The Marijuana Control Board regulations (3 AAC 306.370) now allow consumption of marijuana in a certain marijuana retail stores. This ordinance would amend CBJ's codes to allow marijuana to be consumed outdoors at a marijuana retail store with an onsite consumption endorsement.

The Committee of the Whole discussed this topic on April 8, June 10, and July 8, 2019. On July 8, the Committee amended the ordinance to version b, which would only allow marijuana consumption at a marijuana retail store with an onsite endorsement in a State approved outdoor location. A memo from the City Attorney is in the packet that describes some of the policy considerations discussed at the July 8 Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2019-23 An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Assisted Living for Senior Citizens.

This ordinance would create a property tax abatement program for assisted living developments that create 15 or more new residential units for senior citizens. Private developers have expressed that the high cost of construction and operations in Juneau render assisted living projects insufficiently profitable to attract private investment. Without municipal incentives like this ordinance, a new senior assisted living housing project is unlikely. Consistent with state law (AS 29.45.050(m)), municipalities that are also school districts may only exempt property taxes in excess of 2.65 mills, which is approximately a 75% tax exemption if the mill rate is 10.66. This ordinance provides a property tax abatement on the full value of newly constructed assisted living units for senior citizens for twelve years.

The Committee of the Whole discussed this topic on April 8, April 29, and June 10,

2019. The Committee referred this ordinance back to the Assembly for public hearing.
The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2019-19 An Ordinance Amending the CBJ Codes Related to Planning Commission Review of City and Borough of Juneau Real Property Transactions.

This ordinance would amend sections of CBJ code to clarify when the Planning Commission reviews a land transaction between the CBJ and another party.

On March 4, 2019, the Assembly authorized Assemblymember Jones to work with staff to identify potential regulatory amendments to make conveying CBJ property more practical and less confusing. This ordinance would remove the Planning Commission review process for leases and easements of CBJ property and instead require Assembly Lands Committee review. This ordinance would also clarify that Planning Commission review is not required when the CBJ acquires property. The Planning Commission would still review any sale or exchange of CBJ property.

This ordinance has been reviewed by the Docks & Harbors Board (March 28, 2019), the Planning Commission (April 23, 2019 and May 14, 2019), and the Lands Committee (June 10, 2019). All three committees recommended the Assembly adopt the regulatory changes in this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-20 An Ordinance Amending the Hospital Code Relating to Board Appointment, Contracts for Professional Services, and Medical Records.

This ordinance would update the Hospital Code to modernize three provisions. Section 2 of the ordinance adds a sentence with qualifications that the Hospital Board desires for new appointees. Section 3 of the ordinance amends a professional services contracting provision to comply with federal law. Section 4 of the ordinance updates the preservation of patient medical records provisions to be consistent with Alaska and federal law. The Law Department has provided a more detailed memo explaining the background for this ordinance.

The Hospital Board reviewed these changes on August 29, 2018 and on March 26, 2019, and recommends the Assembly adopt this ordinance. The Assembly Human Resources Committee reviewed this ordinance on June 3, 2019, and recommended the Assembly adopt this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2019-24 An Ordinance Amending the CBJ Codes Related to New Utility Service Connections in Public Right of Ways.

This ordinance would amend the CBJ water code, sewer code, and excavation code to make it easier for private developers to connect to CBJ utilities in a State right-of-way. The Southcoast Region of the Alaska Department of Transportation and Public Facilities (DOT) has recently made public utility connections for development adjacent to State rights of way nearly impossible again. DOT refuses to let private developers and other State agencies connect to CBJ water and sewer mains in a State right of way without the CBJ signing as the developer and promising to indemnify DOT if the private developer

or State agency damages the State right of way. DOT asserts that position despite the CBJ not being involved in any of the development. DOT supposedly has taken that position because of old sections of CBJ code that have been superseded by recent amendment to Title 49. This ordinance would amend those old sections of CBJ code to clarify that in State right of ways, the private developer is responsible for obtaining the necessary permits and installing the utility service lines at no cost to the CBJ.

The Public Works and Facilities Committee recommended adoption of this ordinance at its meeting on June 10, 2019, the packet for which also contain more detailed memos describing background for this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

F. Ordinance 2019-27 An Ordinance Amending the Land Use Code to Extend the Sunset Date for the Downtown Juneau Overlay District.

This ordinance would amend Article XII Alternative Development Overlay District (CBJ 49.70.1210) by extending the sunset date for the downtown Juneau ADOD for an extra year to August 2020.

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 adequate time for the review and adoption of new zoning for the downtown neighborhoods.

The Committee of the Whole considered this ordinance on June 10, 2019. The Planning Commission forwarded this ordinance to the Assembly for approval at its meeting on June 25, 2019.

The City Manager recommends the Assembly adopt this ordinance.

G. Ordinance 2019-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1A, Emerald 3 Subdivision, Located at the end of Vista Drive, from a Mix of D5 and D18 to D18.

The Planning Commission, at its regular meeting held on May 14, 2019, recommended that the Assembly approve a request to rezone approximately 27.88 acres near Vista Drive from a mix of D5 and D18 to D18. The Planning Commission found that the proposed expansion of the D18 zoning district substantially conforms to the Medium Density Residential designation of the land use maps of the Comprehensive Plan. Furthermore, the proposed rezone is consistent with the Comprehensive Plan vision, policies and its implementing actions, standard operating procedures, and development guidelines, which support increased residential densities when appropriate infrastructure is in place to serve the development.

The CBJ Land Use Code provides certain restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for more than two acres and is an expansion of an existing zoning district.

2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

The Planning Commission recommends that the Assembly approve the rezone of the subject parcel from D5 and D18 to D18.

The City Manager recommends the Assembly adopt this ordinance.

- H. **Ordinance 2019-06(A) An Ordinance Appropriating to the Manager the Sum of \$1,100,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance and Sales Tax Fund's Fund Balance.**

This ordinance would appropriate \$1,100,000 to the Terminal Construction Capital Improvement Project (CIP).

Funding sources are:

2012 Sales Tax CIP Authorization:	\$300,000
Airport Fund's Fund Balance:	\$800,000

At its June 11, 2019, meeting, the Airport Board approved this action.

At its June 12, 2019, meeting, the Assembly Finance Committee approved this action, and forwarded it to the Assembly for action.

The City Manager recommends the Assembly adopt this ordinance.

- I. **Ordinance 2018-11(AO) An Ordinance Appropriating to the Manager the Sum of \$6,345 as Partial Funding for the Trail Improvements Capital Improvement Project to Design, Furnish, and Install Trailhead and Trail Marker Signage Along the Switzer Creek – Richard Marriott Trail; Grant Funding Provided by the Juneau Glacier Valley Rotary Club.**

This ordinance would appropriate grant funding in the amount of \$6,345.31 as provided by the Rotary Club of Juneau, Juneau-Gastineau Rotary, Juneau Glacier Valley Rotary, Rotary Club of Juneau 58° Innovators, and Capital City Rotaract. No match is required.

Juneau's Rotary Clubs have been working with the Parks & Recreation Department and Trail Mix to improve the Switzer Creek - Richard Marriott Trail, improving over 1,900' of trail in the last year. This funding will be used to design, furnish, and install trailhead and trail marker signage along the trail.

The Public Works and Facilities Committee reviewed this topic at its meeting on May 20, 2019 and referred it to the Assembly.

The City Manager recommends the Assembly adopt this ordinance.

- J. **Ordinance 2018-11(AP) An Ordinance Appropriating to the Manager the Sum of \$653,744 as Partial Funding for the Playground Rebuild Capital Improvement Project, for the On Sidewalk & Stairway Repairs Capital Improvement Project, and the Maier Drive Force Main Capital Improvement Project; Funding Provided**

by the Risk Fund's Fund Balance.

This ordinance would appropriate \$653,744 to fund three Capital Improvement Projects (CIP) resulting from property damage insurance claims. The insurance settlements are outlined in the table below:

PROJECT NAME	FUNDING SOURCE	AMOUNT	CIP #
Playground Rebuild	Lexington Insurance	\$63,198	P41-095
On Sidewalk & Stairway Repairs	Geico Insurance	\$25,000	R72-035
Maier Drive Force Main Emergency Repair	Lexington Insurance	\$565,546	U76-113
Total		\$653,744	

In order to provide funding for FY19 project expenses, all of these funds will be appropriated from the Risk Fund's Fund Balance and will be reimbursed to the fund once insurance funds are received.

The Public Works and Facilities Committee forwarded this request to the full Assembly at its May 20, 2019 meeting.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS**A. Assembly Appeal #2019-01 Terraces at Lawson Creek v. CBJ Assessor: Proposed Decision**

This is a 2019 property tax appeal filed by the Volunteers of America for multi-family property known as the Terraces at Lawson Creek. The Assembly accepted the appeal, assigned a presiding officer who administered a prehearing conference and established a briefing schedule. The Assessor filed a motion to dismiss. After considering the briefing by both parties, the Assembly issued the proposed decision. The proposed decision was served on the parties on July 9, who had five days to file objections. No objections have been filed.

No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

The City Attorney recommends the Assembly adopt the proposed decision as the final decision for this appeal.

X. NEW BUSINESS**A. Airport Terminal Reconstruction Art Panel**

The Juneau International Airport is currently designing the Phase II Airport Terminal Reconstruction project. This project must comply with CBJ Ordinance 62.65 "Art Works in Public Places"; requiring 1% of the construction costs to public art. The Airport is looking to incorporate some of the art work into the building during construction. The Art Panel was established by the Assembly earlier this year. This spring, the Art Panel reviewed 35 proposals and selected four artists with work totaling \$147,800.

The attached memo outlines the four artists, their proposed work and the costs. The Airport Board concurred with the art panel recommendation at the May 14, 2019 Airport Board meeting. On July 1, 2019, the Public Works and Facilities Committee concurred with the Art Panel selection, as outlined. In accordance with the ordinance, the art panel recommendation is forwarded on to the Assembly for final concurrence.

The City Manager recommends that the Assembly concur with the recommendations of the Art Panel.

XI. STAFF REPORTS

A. Annexation Update Regarding Resolution 2817am

Resolution 2817am directed the Manager to file an annexation petition for the areas described in the resolution. CBJ staff drafted that petition and submitted it for informal technical review to the Local Boundary Commission. In early July, the Commission provided helpful recommendations like updating the fiscal exhibits for FY20, clarifying police services, and clarifying geographic descriptions of the areas. Staff has made those changes and is ready to submit the petition for formal review and further public process.

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. ADJOURNMENT

XVI. SUPPLEMENTAL 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