

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

November 26, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-34

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Proclamation: Civil Air Patrol

IV. APPROVAL OF MINUTES

A. November 3, 2018 Special Assembly Meeting #2018-32 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 2018-48 An Ordinance Authorizing the Port Director to Execute a Lease with Harri Commercial Marine for the Auke Bay Boatyard.

In 2008, Harri Commercial Marine (dba Juneau Marine Services) was awarded a competitively solicited 10-year lease to operate the former DeHart's Boatyard, renamed as the Auke Bay Boatyard. The initial lease

rent was set at \$10,000 per year. With the improvements both at Don D. Statter Harbor Facilities and at the Auke Bay Loading Facility (ABLF), the opportunity presented itself to relocate the boatyard to the Auke Bay Loading Facility. Docks & Harbors completed all necessary permitting requirements to relocate the boatyard to the ABLF and cooperatively worked with Harri Commercial Marine in a 2016 amendment to the lease which then set the new rent at \$27,000 per year. Title 53 provides for a “Preference Privilege” to enter into a new lease agreement, which Harri Commercial Marine has elected.

In June 2018, Horan & Company completed an appraisal to set the lease rent at \$36,000. The Docks & Harbors Board approved the lease rent appraisal at its June 28, 2018, meeting.

The Docks & Harbors Board approved the language and terms of the proposed new 10-year lease at its August 30, 2018, regular board meeting.

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

- b. **Ordinance 2018-50 An Ordinance Approving a Land Trade between the City and Borough and Alan and Ellen Rogers for Properties Located on the Southern End of the Mendenhall Peninsula.**

The Rogers family owns a lot next to CBJ park property on the southern end of the Mendenhall Peninsula. The Rogers have applied for an equal value land exchange to build an accessible home on the upland part of their lot. In exchange, the CBJ will receive waterfront property of equal value.

The waterfront property is appraised at 2.5 times the value of the uplands property; therefore approximately 14,225 square feet of upland property will be exchanged for 6,164 square feet of waterfront property.

The Assembly agreed to the concept at its June 4, 2018 meeting and directed the Manager to negotiate terms for the land trade.

The Parks and Recreation Advisory Committee, the Lands Committee and Planning Commission have all reviewed the proposed land exchange and recommended approval.

The City Manager recommends that this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2018-11(R) An Ordinance Appropriating to the Manager the Sum of up to \$205,000 as Funding for the Community Development Department; Grant Funding Provided by the United States Department of Homeland Security, Federal Emergency Management Agency, FY18 Cooperating Technical Partners**

Program.

The City and Borough has been awarded up to \$205,000 by the Federal Emergency Management Agency to update information on the landslide and avalanche risk in downtown Juneau. The grant includes \$180,000 for a study, and \$25,000 to develop policy recommendations. The grant will be implemented through two contracts issued following a bidding process. The project will be completed over a period of four years. No additional CBJ funds are required.

Adoption of this ordinance authorizes the CBJ to accept the grant funds.

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

- d. **Ordinance 2018-11(S) An Ordinance Appropriating to the Manager the Sum of \$11,000,000 as Funding for the Downtown Waterfront Improvement Project; Funding Provided by Cruise Passenger Vessel Excise Tax, Port Development Fees, Marine Passenger Fees Fund's Fund Balance, and Dock Fund's Fund Balance.**

DOWNTOWN WATERFRONT IMPROVEMENT PROJECT – FUNDING PACKAGE

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty four months. The total estimated project cost is \$23.5. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost \$20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the piling and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The proposal draws from a variety of funds including: Cruise Passenger Vessel Excise Tax, Marine Passenger Fees, Port Development Fees, Dock Fund Balance and Waterfront Land Acquisition CIP.

The funding for Phase I consists of:

- 1.) \$3.5 million of funds already appropriated,

- 2.) appropriating \$11 million via this ordinance and
- 3.) \$6 million of passenger fees to be transferred in from other CIPs.

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

2. Liquor License

a. **Liquor Licenses: Transfer of a Restaurant/Eating Place (LL#851) and a 2019/2020 Renewal for Beverage Dispensary (LL#674)**

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

Transfer for Restaurant/Eating Place Liquor License
Restaurant/Eating Place License #851

Transferor: Rodfather's LLC d/b/a Papa Rod's

Location: 356 S. Franklin Street, Juneau

Transferee: Alaska Travel Adventures, Inc. d/b/a Gold Creek Salmon Bake

Location: 1061 Salmon Creek Lane, Juneau

This license is a transfer of owner and location.

2019/2020 Liquor License Renewal for Beverage Dispensary
Beverage Dispensary License #674

MSE, LLC d/b/a Lucky Lady

Location: 192 S. Franklin Street, 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 these applications. Copies of the documents associated with each license are in the Assembly's e-packet or available in hard-copy upon request to the Clerk's office.

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

3. Other Items for consent

a. **New AMCO Marijuana License 13279 The Mason Jar LLC**

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license application [*Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office*]:

Retail Marijuana Store, License #13279, The Mason Jar LLC,

located at: 2771 Sherwood Lane, Juneau

(The 60-day comment period for local governing body action expires Tuesday, November 27, 2018.)

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.

As to CDD's recommendations, The Mason Jar LLC, has obtained a Conditional Use Permit (USE2017-0028) and although it does not yet have a local license, CDD recommends allowing the applicant to move forward to obtain their state license. However, the licensee will not be allowed to operate in the borough until city requirements are met.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #13279.

VIIIPUBLIC HEARING

- A. Ordinance 2018-11(P) An Ordinance Appropriating to the Manager the Sum of \$15,000 As Increased Funding for the Youth Scholarship Program; Funding Provided by the Juneau Community Foundation and the Friends of Zach Gordon Youth Center.**

Friends of Zach Gordon Youth Center, the Juneau Community Foundation, and Juneau Parks and Recreation are piloting a project to increase the scholarship amounts available to help children participate in activities in Juneau. Currently, the Youth Scholarship Program, managed by Parks and Rec, is capped at \$10,000. The Juneau Community Foundation has agreed to fund an additional \$10,000 to the program and Friends of Zach Gordon Youth Center is matching this funding with an additional \$5,000. Special marketing and outreach will take place to reach families most in need throughout Juneau.

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

IX. UNFINISHED BUSINESS

- A. Juneau Seventh-Day Adventist Christian School v. CBJ Assessor**

On June 1, 2018, the CBJ Assessor denied a request from the Seventh Day

Adventist Christian School for a complete educational or religious use exemption for approximately .71 acres of property located at 4890 Glacier Highway. The School filed a timely appeal. On June 25, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The CBJ Assessor had previously granted a conditional exemption on the property for 2017, subject to the receipt of sufficient evidence to demonstrate exclusive religious or educational use on the entire 2.85 acre property. Consistent with Seal Trust I, the Assessor considered evidence of use after the appeal was filed and determined there was now sufficient evidence of educational use to justify an educational exemption. The Assessor granted an educational exemption, which mooted the appeal.

On November 14, 2018, the hearing officer issued a proposed order that the appeal be dismissed and the CBJ shall refund the Church its appeal costs and taxes paid plus interest (\$2,370.22) as provided by CBJ and State law.

CBJ 01.50.150(c) governs this process. Unless rejected or modified by an affirmative vote of the Assembly, the Hearing Officer's proposed order shall be deemed adopted by the Assembly. 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.

X. NEW BUSINESS

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. 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