

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

November 5, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-33

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Special Recognition: Introduction of Exchange Students**

IV. APPROVAL OF MINUTES

- A. **August 9, 2018 Special Assembly Meeting #2018-23 Minutes**
- B. **August 20, 2018 Special Assembly Meeting #2018-25 Minutes**
- C. **August 28, 2018 Special Assembly Meeting #2018-27 Minutes**
- D. **August 29, 2018 Special Assembly Meeting #2018-28 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 2018-11(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. The Juneau Community Foundation has agreed to fund an additional \$10,000 to the Youth Scholarship Program. Currently, the Youth Scholarship Program, managed by Parks and Rec, is capped at \$10,000 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.

- b. **Ordinance 2018-49 An Ordinance Amending the Official Zoning Map to Rezone Lot 3, Block A, Sherwood Estates, Located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).**

Rezoning is governed by 49.75.110-130. The owner of 2500 Sherwood Lane requested a rezone of a five-acre parcel from Industrial to Light Commercial. Staff reviewed the application, held a neighborhood meeting, and ultimately recommended to deny the proposed rezone. Staff primarily based its denial on its analysis that the residential and non-residential uses allowed in Light Commercial did not substantially conform to the Heavy Industrial designation of the Comprehensive Plan. On October 23, 2018, the Planning Commission disagreed with staff. The Planning Commission discussed whether a Comprehensive Plan map amendment was necessary first, but the Planning Commission ultimately decided to recommend the rezone. The Planning Commission's analysis is summarized in the Whereas clauses of this ordinance.

As this ordinance affects two potentially competing Assembly goals of creating more housing and protecting industrially zoned land, I recommend this be referred to the Committee of the Whole.

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2. Resolutions

- a. **Resolution 2839 A Resolution Amending the City and Borough of Juneau Personnel Rules.**

This resolution would approve a change to the Personnel Rules, which along with the various collective bargaining agreements, govern the rights

and responsibilities of CBJ employees, supervisors, and managers.

In July 2018, the Assembly ratified an agreement with the Public Safety Employees Association that would permit a longevity bonus payment of \$10,000 to sworn officers on certain milestone years with a commitment from the sworn officer to remain employed at the Juneau Police Department (JPD). This provision was bargained to improve retention of sworn officers at JPD during a period where there is a shortage of sworn officers across the nation. This proposed change to the Personnel Rules will allow the City Manager to offer the same bonus payment to sworn officers who are not in the bargaining unit by increasing the authority to authorize cash awards from \$5,000 to \$10,000.

The City Manager recommends this resolution be adopted.

- b. **Resolution 2840 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.**

The Alaska Department of Transportation and Public Facilities makes an annual mobility grant available. To be eligible for funding, communities must submit a list of prioritized mobility projects endorsed by the governing body. On October 16, 2018, the Juneau Coordinated Transportation Coalition voted to forward the following prioritized projects for FY20 mobility grant funding:

1. One lift-equipped taxi
2. Taxi voucher program

On October 22, 2018, the Public Works and Facilities Committee recommended this resolution of support to the full Assembly.

The City Manager recommends this resolution be adopted.

3. Bid Award

- a. **Contract No. BE19-116 Public Works Demuck and Wash Bay Addition**

Bids were opened on the subject project on October 30, 2018. The bid protest period expired on November 1, 2018. Results of the bid opening were as follows:

Responsive Bidders	Base Bid	Additive Alternate No. 1	Total Bid
Dawson Construction, Inc.	\$1,932,000	\$115,400	\$2,047,400
Island Contractors, Inc.	\$2,081,715	\$139,330	\$2,221,000

Carver Construction, LLC	\$2,214,876	\$113,330	\$2,328,206
Alaska Commercial Contractors, Inc.	\$2,214,900	\$199,500	\$2,414,400
F&W Construction Company, Inc.	\$2,448,558	\$154,140	\$2,602,698
<i>Architect's Estimate</i>	<i>\$1,838,552</i>	<i>\$109,278</i>	<i>\$1,947,800</i>

The City Manager recommends award of this project to Dawson Construction, Inc. for the base bid amount of \$1,932,000.

4. Transfers

- a. **Transfer T-1006 A Transfer Request of \$21,988 from the Airport Revolving Capital Reserve Account (ARCRA) to the Construct Sand/Chemical/Fuel Facility Capital Improvement Project.**

This transfer provides the shortfall in local match; the bulk of the match has recently been appropriated from Passenger Facility Charges (PFC9). The ARCRA funding is temporary, and will be returned upon amendment of PFC9. This project constructs the second phase of the Snow Removal Equipment Building (SREB), and consists of a sand and chemical building, and fueling station.

At its August 14, 2018, meeting, the Airport Board approved this transfer.
The City Manager recommends this transfer be approved.

VIII PUBLIC HEARING

- A. **Ordinance 2018-46 An Ordinance Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages and Related Uses.**

This ordinance would extend the sunset date three more years for two CBJ codes. Ordinance 2017-02 authorized the Manager to issue licenses for food and beverage vendors to operate on pedestrian rights-of-way. Section 5 of Ordinance 2017-02 imposed a sunset clause that will automatically repeal that ordinance on December 31, 2018. Ordinance 2017-02 appears to be providing benefits for the community, and it should be extended three more years. This ordinance would allow the Manager to continue issuing licenses for food and beverage vendors until December 31, 2021.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

- A. **Church of the Nazarene v. CBJ Assessor**

On June 1, 2018, the CBJ Assessor denied a request from the Juneau Church of the Nazarene ("Church") for a complete religious use exemption for 4.3 acres of

property located at 3220 Mendenhall Loop Road. The Church filed a timely appeal. On June 25, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The CBJ Assessor had assessed the property because there was no evidence of religious use on the entire 4.3 acre parcel. Consistent with *Seal Trust I*, the Assessor considered evidence after the appeal was filed and determined that there was now evidence of religious use of the property to justify a complete tax exemption. The Assessor granted the religious exemption, which mooted the appeal.

On October 15, 2018, the Hearing Officer issued a proposed order that the appeal be dismissed and that the CBJ shall refund the Church its appeal costs and taxes paid plus interest (\$4,291.81) 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

A. Juneau Composts! LLC application to lease City property at South Lemon Creek Material Source

Juneau Composts! LLC proposes to lease CBJ property near Home Depot and adjacent to the South Lemon Creek Gravel Pit. The proposal states that it will help conserve limited landfill space and help promote recycling, which are both goals of the Assembly.

Title 53.09.260 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. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease."

On October 22, 2018, the Lands Committee reviewed the proposal and recommended leasing the CBJ property to Juneau Composts! LLC at fair market value. Copies of the October 22, 2018, Lands packet are in your binder or online at: <https://packet.cbjak.org/MeetingView.aspx?MeetingID=944&MinutesMeetingID=1042&doctype=Agenda>

The City Manager recommends a motion to authorize the City Manager to negotiate a fair market value lease of the CBJ property with Juneau Composts! LLC.

B. Alaska Sustainable Seafoods LLC dba Deckhand Dave's application to purchase Gunakadeit Park

Alaska Sustainable Seafoods LLC dba Deckhand Dave's proposes to purchase Gunakadeit Park (Pocket Park) from the CBJ for a food court area.

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On October 8, 2018, the Parks and Recreation Advisory Committee recommended retaining Gunakadeit Park as a Special Use Area and requesting that staff develop options for future development or disposal.

On October 22, 2018, the Lands Committee recommended to decline Deckhand Dave’s proposal to purchase Gunakadeit Park and return the \$500 application fee, but that if using the lot for a food court is desired and is necessary, a temporary annual lease should be explored. Copies of the October 22, 2018, Lands packet are in your binder or online here: <https://packet.cbjak.org/MeetingView.aspx?MeetingID=944&MinutesMeetingID=1042&doctype=Agenda>

The City Manager recommends a motion to return the \$500 application fee and to decline the application to sell Gunakadeit Park to Deckhand Dave’s. The City Manager also recommends a motion to authorize the City Manager to negotiate a temporary fair market value lease of Gunakadeit Park to Deckhand Dave’s.

C. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Application

The Assessor received the below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption application. The Assembly needs to determine whether to accept or reject the late-filed tax assessment appeal. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

2018 Senior Citizen/Disabled Veteran Exemption

- 1) Applicant: Emma C. Borbridge
Parcel ID: 1C060C180010
Physical Address: 603 W. 10th Street, Juneau

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word “unable” does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner’s control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of

the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor's office.

If the Assembly decides to accept one or more late-filed appeals, those assessment appeals will be referred to the Assessor for review and action.

D. Harri Commercial Marine application to lease Auke Bay Boatyard

Harri Commercial Marine proposes to continue leasing the Auke Bay Boatyard. Harri Commercial Marine leased the boatyard when it was at Statter Harbor and after it relocated to the Auke Bay Loading Facility. The ordinance authorizing the most recent lease recently expired.

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On August 30, 2018, the Docks and Harbors Board reviewed the proposal and recommended leasing the Auke Bay Boatyard to Harri Commercial Marine at fair market value.

The City Manager recommends a motion to authorize the Port Director to negotiate a fair market value lease of the Auke Bay Boatyard with Harri Commercial Marine.

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

- A. **Potential Legal/Financial Issue - Bartlett Regional Hospital**

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