

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

September 17, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-29

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Proclamation: Teacher Excellence Fund**
- B. **Special Recognition: Project Playground**

IV. APPROVAL OF MINUTES

- A. **August 27, 2018 Special Assembly Meeting No. 2018-26 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 2017-06(AZ) An Ordinance Appropriating to the Manager the Sum of \$1,248,099 to Fund the City and Borough of Juneau's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$1,248,099 which is the State's FY18

3.01% on-behalf PERS benefit paid for CBJ. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB57 during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

- b. **Ordinance 2017-06(BA) An Ordinance Appropriating to the Manager the Sum of \$1,201,249 to Fund Bartlett Regional Hospital's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$1,201,249 which is the State's FY18 on-behalf rate of 3.01% for each FY18 employer payroll and 25.01% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of House Bill 57 (HB57) during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

- c. **Ordinance 2017-06(BB) An Ordinance Appropriating to the Manager the Sum of \$659,700 as Partial Funding for Various Departments' Fiscal Year 2018 Operating Budgets; Funding Provided by Sales Tax Revenue, and Docks' Revenue.**

The attached ordinance would appropriate \$659,700 for increases in FY18 operations among several CBJ departments. Funding is provided by the sales tax revenues exceeding budget, and Docks' revenues exceeding budget.

Parks & Recreation

Parks & Recreation anticipates exceeding its FY18 Assembly authorized spending authority by \$195,000. The need is due to a shortfall in revenue collected from the Pools & Centennial Hall and Parks/Landscape Maintenance exceeding expenditure authority. Funding will be provided by FY18 sales tax revenues exceeding budget.

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Docks

The supplemental request would increase the Docks Enterprise spending authority in FY18 by \$35,000. Funding will be provided by FY18

revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its August 30, 2018, regular board meeting.

Engineering

The Engineering Department is anticipating a \$15,300 shortfall due to allocating fewer costs to CIPs than projected in the FY18 operating budget. The anticipated funding for this increase is from sales tax revenues exceeding budget.

Community Development

CDD is anticipated to exceed its bottom line budget by \$30,200 in the current fiscal year. This shortfall is due to the \$80,000 less revenues coming in less than was anticipated, and expenditures were more than \$50,000 under the expenditure budget. The anticipated funding for this increase is sales tax revenues exceeding budget.

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Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of \$384,200 in the FY18 operating budget. This is due to ambulance billing shortfalls. The FY18 budgeted revenue was increased by \$330,000 (17%) from FY17 budget while actual billable activity was flat. The anticipated funding for this increase is sales tax revenues exceeding budget.

The Assembly Finance Committee reviewed this ordinance at its meeting on September 5, 2018.

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

- d. **Ordinance 2018-11(I) An Ordinance Appropriating to the Manager the Sum of \$5,000 as Funding for the Larry Carlson Memorial Bench at Overstreet Park; Donation Provided by the Late Larry Carlson's Wife, Shirley Carlson.**

This appropriation of \$5,000 from Mrs. Shirley Carlson to the Manager provides for the fabrication and installation of the Larry Carlson Memorial Bench at Overstreet Park.

The Public Works and Advisory Committee recommended this funding be approved during its meeting on August 6, 2018.

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

- e. **Ordinance 2018-11(K) An Ordinance Appropriating to the Manager the Sum of \$634,735 as Funding for the Juneau International Airport Design/Construct Terminal Reconstruction Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$634,735 to the Design/Construct Terminal Reconstruction Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

Local matching funds, and project elements that are determined to be ineligible for federal funding, will be funded with previously appropriated bond proceeds, sales tax, and Passenger Facility Charges.

This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

The Airport Board approved this action at its September 11, 2018, meeting,

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

- f. **Ordinance 2018-11(L) An Ordinance Appropriating to the Manager the Sum of \$529,688 as Funding for the Juneau International Airport Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$529,688 to the Snow Removal Equipment Building (SREB) Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to design the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage building and fueling station. Project funding is 93.75% FAA, 6.25% local. Local match is provided by sales tax previously appropriated to this CIP.

The Airport Board approved this action at its July 10, 2018, meeting,

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This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

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

- g. **Ordinance 2018-11(M) An Ordinance Appropriating to the Manager the Sum of \$9,985,312 as Funding for the Juneau International**

Airport Construct Sand/Chemical Building & Fueling Station Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$9,985,312 to the Construct Sand/Chemical Building & Fueling Station Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to construct the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage building and fueling station. Total project funding is 93.75% FAA, 6.25% local. Local match is provided by Passenger Facility Charges (PFC) recently appropriated to this CIP, as well as Airport CIP revolving funds that will be transferred temporarily until a PFC amendment is approved.

This project was approved by the Public Works and Facilities Committee at its August 6, 2018, meeting. The Airport Board approved this action at its August 14, 2018, meeting.

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

- h. **Ordinance 2018-11(N) An Ordinance Appropriating to the Manager the Sum of \$140,000 as Partial Funding for the Douglas Harbor Pile Anodes Capital Improvement Project; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.**

The Alaska Department of Transportation and Public Facilities has agreed to fund a \$140,000 FY19 Harbor Facilities Grant.

CBJ Docks & Harbors successfully submitted the grant application for installation of zinc anodes on the pilings in Mike Pusich Douglas Harbor which will extend the useful life of the facility. The Harbor Facilities Grant is a 50-50 match program and Docks & Harbors will match \$140,000 from Harbor Fund Balance to complete the project.

The Docks & Harbors Board recommended approval of this action at its August 30, 2018, meeting.

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

- i. **Ordinance 2018-11(O) An Ordinance Transferring \$30,945 of Unexpended FY18 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.**

This ordinance would transfer \$30,945 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY18 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY18 budget but were not fully expended by the end of FY18.

Franklin Dock Enterprises	\$ 8,013
Downtown Business Association	3,000
City Manager	6,120
Capital City Fire Rescue	<u>13,812</u>
Total	\$ 30,945

For accounting purposes, the funds will first be refunded to the Marine Passenger Fee Fund and then be transferred to the Open Space Waterfront Land Acquisition CIP.

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

j. **Ordinance 2018-44 An Ordinance Amending the Penal Code General Provisions Relating to Avoidance of Ignition Interlock Device.**

The CBJ has code provisions that require the use of an ignition interlock device upon a conviction for certain offenses. However, the CBJ does not have a code provision to penalize the failure to use an ignition interlock device when required. This ordinance would amend the penal code by creating a code section relating to avoidance of ignition interlock device, which is consistent with state law (AS 11.76.140 and AS 12.55.102).

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

k. **Ordinance 2018-45 An Ordinance Amending the Traffic Code Relating to Duties and Responsibilities of Drivers and Others.**

This ordinance would amend the traffic code by making the code sections relating to duty of an operator to give information and render assistance consistent with State law (AS 28.35.050 and AS 28.35.060), and by making the penalties to be imposed consistent with State law.

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

2. Resolutions

a. **Resolution 2832 Authorizing the Manager to Execute a Utility Easement with Rainforest Telecom, Inc. across City and Borough Property.**

The Manager received an application requesting a utility easement across a fraction of Lot 1, U.S. Survey 3810 from Rainforest Telecom, Inc. for power and communications cables servicing a communications tower which is located on the adjacent Forest Service property. This utility easement would start across from the Auke Bay Ferry terminal near 13445 Glacier Highway.

The Lands Committee, at its meeting on August 27, 2018, unanimously passed a motion of support for the Assembly to grant this easement. At the June 12, 2018 meeting the Planning Commission recommended that the CBJ Assembly approve the easement.

This easement has a term of 20 years and will automatically terminate on June 30, 2038. Grantee shall have the option to renew the easement for up to one additional ten-year renewal period. An appraisal was complete on July 8, 2018 and Rainforest Telecom has agreed to pay the City and Borough \$500.00 per year. The fee will be adjusted every five years based on the Anchorage Consumer Price Index.

The City Manager recommends this resolution be adopted.

b. **Resolution 2833 A Resolution Celebrating the Installation of Bronze House Posts and Juneau's Multi-Cultural History and Naming of Heritage Square.**

The Sealaska Heritage Institute (SHI) recently installed three bronze house posts at the corner of Front and Seward Streets. The installation continues SHI's progress toward developing Juneau as the center of Pacific Northwest Coast Arts.

The house posts are located in front of SHI's Walter Soboleff Building and across the street from the planned Native arts campus.

The intersection of Front and Seward Streets represents the symbolic center of Juneau's cultural, historical and economic fabric, located near the Capitol, the Sealaska Corporation and Heritage Institute, City Hall, the downtown business district and the cruise ship docks and is on the original shoreline.

After consulting with SHI officials, the Mayor requested that a resolution designating the area as Heritage Square, be drafted and scheduled for Assembly action.

The City Manager recommends this resolution be adopted.

c. **Resolution 2834 A Resolution Approving the Juneau International**

Airport Sustainability Master Plan.

The Juneau International Airport Sustainability Master Plan develops a framework for future airport development based on forecasted aviation demand, while considering environmental and socioeconomic impacts. The draft plan went out for public comment from March through May 2018. The FAA approved the aviation forecast and completed its review in August. This plan reviews, revises and reprioritizes the existing master plan with the added sustainability components for the next 20 years.

Major elements of the plan include:

- Existing Conditions: Current and Historical Activity, Environmental Conditions and Community Demographics
- Sustainability Focus: Economic Viability, Operational Efficiency, Environmental and Social Responsibility
- Forecast of Aviation Demand: Passengers, Aircraft Operations, Mail and Cargo
- Facility Requirements: Terminal and Gates, Hangar Development, Airfield/Runway Capacity and Use, Protection of Airspace, Aircraft Rescue/Fire Fighting and Aviation/Airport Support Services
- FAA Requirements/Criteria (Safety, Runway Incursion Mitigation)
- Airport Layout Plan: Planned Development of the Airport
- Financial Implementation Plan: Capital Improvement Program

The final draft of the plan, which would be adopted by this resolution, may be found at the Airport's website.

The City Manager recommends this resolution be adopted.

d. **Resolution 2835 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.**

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$11 million in harbor grant funding since the program's inception. CBJ was recently notified of a \$140,000 Tier II grant for zinc anode installation at Douglas Harbor.

Docks & Harbors has submitted applications this year for \$2,000,000 for the next phase of Aurora Harbor and \$120,000 for installation of zinc anodes in Harris Harbor. The CBJ and the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage and the City of Angoon have offered to contribute \$7,409,439 in local match funding for FY2020 towards seven harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its special board

meeting on September 10, and has recommended forwarding it to the full Assembly for approval.
The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Docks & Harbors Bid Award**

This project would clean, prepare, and apply new corrosion protecting coating to the steel sheet pile wall adjacent to Marine Park on the water side. Installation of the protective coating will complete a series of projects to protect the steel pilings and sheet pile wall of the downtown docks.

A public bid opening was held on August 30, 2018. The bidders and their total bids were as follows:

Bidders	Total Bid
Purcell P&C LLC	\$260,000.00
Dama Industrial LLC	\$374,074.00
Engineer's Estimate	\$192,000.00

The Docks and Harbors Board reviewed the bids at its regular public board meeting on August 30, 2018 and recommended the Assembly approve the bid from Purcell P&C, LLC.

The City Manager recommends the total bid be awarded to Purcell P&C, LLC in the amount of \$260,000.

4. Liquor License

a. **New Liquor License, Restaurant Eating Place L.L., AMCO License #5706, Canton Asian Bistro, LLC., DBA Canton Asian Bistro, located at: 8585 Old Dairy Road #105, Juneau**

Staff from the Police, Finance, Fire, Public Works (Utilities) and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest this new license application. Copies of the documents associated with this 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 AMCO license 5706 liquor license application.

5. Other Items for consent

a. **AMCO Marijuana License Applications-NEW**

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

- ***Retail Marijuana Store, License #16213, Alaskan Kush Company LLC, DBA Alaskan Kush Company, located at: 159 S. Franklin St., Juneau***
(The 60-day comment period for local governing body action expires Sunday, September 30, 2018.)
- ***Retail Marijuana Store, License #15246, Borealis Mountain, Inc., DBA Thunder Cloud 9 located at: 5310 Commercial Blvd 2B, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)
- ***Standard Marijuana Cultivation Facility, License #15245, North Star Gardens, Inc., DBA North Star Gardens, located at: 5310 Commercial Blvd 2A, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

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; although Alaskan Kush Company, LLC, does not yet have a local license, CDD recommends allowing the applicant to move forward to obtain their state license and although Borealis Mountain, Inc. dba: Thunder Cloud 9, does not yet have a local license or conditional use permit, CDD recommends allowing the applicant to move forward to obtain their state license. However, neither entity will 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 the following AMCO marijuana licenses:
License #16213, License #15246, and License #15245.**

b. AMCO Marijuana License-RENEWALS

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

- ***Renewal License, Standard Marijuana Cultivation Facility, License #11605, Always Redeye LLC, DBA Stoned Salmon Farms, located at: 2005 Anka Street, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 13, 2018.)
- ***Renewal License, Retail Marijuana Store, License #13217, ForgetMeNot Enterprises, Inc., DBA Glacier Valley Shop, located at: 8505 Old Dairy Road Suite 1, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #13221, ForgetMeNot Enterprises, Inc., DBA Green Valley Enterprises, located at: 8505 Old Dairy Road Suite 2, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Marijuana Product Manufacturing Facility, License #13222, ForgetMeNot Enterprises, Inc., DBA Southeast Essentials, located at: 8505 Old Dairy Road Suite 3, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #10026, Rainforest Farms LLC., located at: 5763 Glacier Hwy., Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)
- ***Renewal License, Retail Marijuana Store, License #10050, Rainforest Farms LLC, located at: 216 2nd Street, Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development

departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

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 renewal of the following AMCO marijuana licenses: License #11605, License #13217, License #13221, License #13222, License #10026 and License #10050.

6. Transfers

a. **A Transfer Request of \$90,000 from the Cruise Ship Uplands Staging Area Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.**

The request is to transfer \$90,000 to an existing CIP account to allow the completion of a three phased project providing corrosion protection of key components of the downtown dock facilities. Phase III of the project will provide new corrosion protective coatings to the steel sheet pile wall waterside of Marine Park.

The low bid for the project was \$260,000. The existing account (H51-104) currently has \$240,342.71. The requested \$90,000 would cover the bid amount plus engineering services for construction administration and inspection; project contingency; and staff times to manage the project.

If the transfer is approved account H51-104 would have sufficient funds to complete the project and account H51-114 would be closed.

The Docks and Harbors Board recommended the Assembly approve this transfer request at a special Docks and Harbors Board meeting on September 10, 2018. The Chair of the Public Works & Facilities Committee was consulted and concurred with staff recommendation to forgo the PWFC process to expedite the project award.

The City Manager recommends this transfer be approved.

VIII PUBLIC HEARING

A. **Ordinance 2018-11(J) An Ordinance Appropriating to the Manager the Sum of \$1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC);**

Funding Provided by the Sales Tax Fund's Fund Balance, the Tobacco Tax Fund's Fund Balance and the General Fund's Fund Balance.

This funding is to provide match for the Alaska Housing Finance Corporation's FY2019 Special Purpose GOAL Round Notice of Funding Availability (NOFA) for supportive housing, issued May 24, 2018, with applications due on October 5, 2018. This funding opportunity was not anticipated and has a tight timeline for applications. This NOFA will provide grants, zero interest loans, tax credits and rental assistance to successful respondents who will acquire, rehabilitate, construct, or otherwise expand housing opportunities for Alaskans who have few, if any, housing options due to chronic homelessness, disability and/or histories that present barriers to accessing mainstream housing. These populations must require intensive support service delivery needs, though this is not a program to provide treatment or correctional facilities. The original Phase 2 request from Housing First included a \$1.5 million grant and a \$2.7 million loan. Based on experience from the first phase, the Assembly opted to provide a grant.

This ordinance was requested by the Assembly Committee of the Whole at its meeting on August 9, 2018.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2017-06(AY) An Ordinance Appropriating to the Manager the Sum of Up to \$16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).**

The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff to cover the cost of rent to operate the CBJ Cold Weather Emergency Shelter program from Dec. 1, 2017 to April 15, 2018. Total rental costs for this time period were \$16,425 which is the amount covered by the grant.

The City Manager recommends this ordinance be adopted.

- C. Ordinance 2018-11(H) An Ordinance Appropriating to the Manager the Sum of \$74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.**

Various community members and organizations are donating \$74,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to CBJ. These donated funds will be appropriated into the Playground Rebuild Capital Improvement Project, P41-095. The Public Works & Facilities Committee forwarded this request to the full Assembly at its August 6, 2018, regular meeting.

The City Manager recommends this ordinance be adopted.

- D. Ordinance 2018-38(b) An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.**

Alaska Statute 29.35.148(b) was recently amended by SB14 to allow municipalities the ability to require transportation network companies (TNCs) to collect and pay the municipal sales tax on behalf of transportation network company drivers. SB14 was needed due to the low level of compliance by individual drivers in registering with municipal sales tax offices and remitting municipal sales tax. Consistent with SB14, this ordinance would update the CBJ sales tax code so that TNCs are held to the same filing and remittance requirements that the TNC drivers and other sellers are normally held to.

After introduction at the July 23, 2018, Assembly meeting, CBJ staff had multiple discussions with the two TNCs that are currently operating in Juneau. Numerous questions were raised and generally resolved during these discussions. Only one topic resulted in a suggested amendment to the original ordinance.

In version (b) of the ordinance, CBJ staff no longer believes a sentence in CBJ 69.05.070(a), page 5 line 24 through page 6 line 2, is currently necessary. The sentence is now denoted with strikethrough and underlining. The sentence was initially proposed to require a TNC to submit the names and addresses of its drivers to the CBJ. Both TNCs expressed concern that this requirement would pose a direct conflict with their disclosure limitations in the contracts with the TNC drivers but the TNCs are able to require their drivers to register with the CBJ tax office before being eligible to drive for the TNC. Given the self-imposed enforcement assurances and the other amendments in this ordinance, CBJ staff believes the suggested amendment in version (b) deleting a sentence is reasonable. If version (b) is adopted and sales tax compliance with TNC drivers is still low, a subsequent ordinance could be considered that imposes more reporting requirements.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Request for Reconsideration of Assembly Decision re: Tom Williams vs. Airport Board, Appeal 2018-04

Mr. Williams filed an appeal of an Airport Board vote. On August 13, the Assembly decided not to accept the appeal. At the Special Assembly meeting on August 20, Mr. Williams petitioned the Assembly to reconsider its decision pursuant to the CBJ Appellate Code, 01.50.180. On August 24, the Municipal Clerk formally notified Mr. Williams of the Assembly's August 13 decision and notified Mr. Williams that his petition for reconsideration would be placed on the Assembly's September 17 meeting agenda.

The Assembly may reconsider its August 13 decision. As stated in 01.50.180(a), "Unless granted by an affirmative vote of the appeal agency, the petition for reconsideration is deemed denied."

As this is a quasi-judicial matter, the City Manager has no recommendation.

X. NEW BUSINESS

A. Margaret Tharp and David Lendrum's Request to Purchase CBJ Property: Lot 3, Bonnie Subdivision, USS 2392.

The Lands Committee discussed this topic at its meeting on August 6, 2018, and unanimously adopted the following motion:

The Lands Committee recommends that the Assembly work with the original applicants (Margaret Tharp and David Lendrum) to dispose of this CBJ property in a manner that would result in platting a 60-foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

The City Manager requests a motion authorizing him to work with the original proposer.

B. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Applications

The Assessor received the two below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption applications which are being forwarded to the Assembly for consideration. The action required by the Assembly is to determine whether or not the late-filed tax assessment appeal will be heard. 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 Exemptions

- 1) Applicant: Evelyn E. Myers Parcel ID: 5B2101060010
 Physical Address: 2911 Linda Ave., Juneau
 Legal Description: Green Acres 3 Lt. 13

- 2) Applicant: Jeffery Martin Parcel ID: 5B1401040061
 Physical Address: 6907 Sunny Drive, Juneau
 Legal Description: Sunny Way Lt. 4B

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.

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. Contract Negotiations

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