THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 2, 2018

MEETING NO. 2018-08: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Acting Mayor Jerry Nankervis.

I. FLAG SALUTE

II. ROLL CALL

Assemblymembers present: Jerry Nankervis, Jesse Kiehl, Mary Becker, Maria Gladziszewski, Loren Jones, Norton Gregory, Rob Edwardson, and Beth Weldon (telephonic)

Members absent: Mayor Ken Koelsch

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Acting Clerk; Diane Cathcart, Acting Deputy Clerk; Bob Bartholomew, Finance Director; Roger Healy, Engineering and Public Works Director; Carl Uchytil, Port Director; David Borg, Harbormaster; Matt Creswell, Harbors Ops Supervisor; Dallas Hargrave, HRRM Director

III. SPECIAL ORDER OF BUSINESS

A. Alaska Clean Harbor Certification

Ms. Jen Karnick of Marine Exchange of Alaska recognized the CBJ Docks & Harbors as an Alaska Clean Harbor. She presented Matt Creswell and the Docks & Harbors staff with an Alaska Clean Harbor certificate and flag. She delivered a short presentation to the Assembly regarding the program and why this is such an achievement.

IV. APPROVAL OF MINUTES

MOTION by Ms. Becker to approve the minutes of the February 26, 2018 and March 5, 2018 meetings with minor grammatical corrections. Hearing no objection, the minutes were approved with correction.

A. February 26, 2018 Special Assembly Meeting 2018-06

B. March 5, 2018 Regular Assembly Meeting 2018-07

V. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Watt explained the agenda changes he requested relating to Ordinance 2018-13(b) and Ordinance 2018-01. He also directed the Assembly to substitute Ordinance 2017-07(A) as provided in the red folder.

A. Ordinance 2018-13(b) An Ordinance Creating Local Improvement District No. 200 for a Riverbank Stabilization Project along the Mendenhall River between 9399 Rivercourt Way and 3463 Meander Way and Appropriating the Sum of $2,935,000.

This ordinance was originally scheduled for public hearing on April 2, 2018, but due to not having met the necessary public notice requirements, it has been rescheduled to the April 23, 2018, regular Assembly meeting. Ordinance 2018-13(b) corrects the total project cost in Section 5, now $11,425,000.

B. Ordinance 2018-01 An Ordinance Amending the Airport Operations Code Relating to Parking, Standing, and Stopping for the Active Loading and Unloading of Passengers and Providing for a Penalty.

This ordinance has been pulled for further work.

The City Manager recommends that this ordinance be returned to the Committee of the Whole for further consideration.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle testified about pedicab access to cross Egan Drive.

Mr. John Cooper testified and handed out a letter requesting the American Legion non-profit status under a 501(c)(19) designation be considered eligible for CBJ tax exemption similar to those non-profits formed under a 501(c)(3) designation.

Mr. Doug Woodby testified regarding the RCA intervention in the Hydro-One/Avista case. He noted that Hydro-One reached an agreement with the Washington commission in which a number of concessions were made and he hopes CBJ's intervention will result in some concessions for CBJ residents as well.

Ms. Margo Waring also testified about the proposed sale of Avista to Hydro One and asked the Assembly to request the governor and RCA for a 90-day extension to allow enough time for the Canadian government reorganization to take place.

Mr. Guy Archibald thanked the Assembly Mining Subcommittee for their work on the mining ordinance and said he hopes that once it goes to the Assembly COW, that they forward it for adoption unchanged from its current proposed language.

Mr. Patrick Race testified about the recent crime spree that has been happening downtown and encouraged the Assembly to take the lead in creating a community conversation about the ways and means to prevent and stop this crime wave.

VII. CONSENT AGENDA

MOTION, by Ms. Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

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(AM) An Ordinance Appropriating to the Manager the Sum of $112,500 as Funding for Conducting Deferred Maintenance and Repairs at the Taku Harbor Float Facility; Funding Provided by the State of Alaska Department of Fish & Game as a Federal Pass-Thru.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would accept grant funds from the Alaska Department of Fish and Game (ADF&G) for conducting deferred maintenance and repairs at the Taku Harbor float facility.

The request is to approve a matching grant from ADF&G for a $150,000 project. ADF&G would provide 75% of the funds ($112,500) and D&H would provide 25% of the funds ($37,500) which is currently in an existing CIP for this work.

The funds would repair and re-drive pilings that have withdrawn from the sea floor; repair deteriorated steel hinges connecting the floating approach floats; and replace some decking and rub rails.

The Docks and Harbors Board is reviewing this ordinance at its meeting on March 29, 2018.

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

b. Ordinance 2018-04 An Ordinance Amending the Land Use Code Relating to Variances.

This ordinance would amend CBJ Title 49, the Land Use Code, concerning variances. A person seeks a variance when they want to develop something that is prohibited by Title 49. Because a variance allows a person to violate the requirements of Title 49 that apply to everybody else, variances are only warranted in limited circumstances and the requirements should be vigorous. The current variance requirements had become difficult to apply due to some nuanced criteria and how past variances were decided. This ordinance (1) clarifies what provisions of

Title 49 are subject to a variance, (2) clarifies the process and criteria used to evaluate variances, and (3) creates new variance criteria to sever the Board of Adjustment from its past variance decisions.

The Planning Commission has diligently considered this ordinance and held public hearings at multiple meetings. On February 27, 2018, the Planning Commission recommended the Assembly adopt this ordinance.

The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole meeting on April 30, 2018.

c. Ordinance 2018-14 An Ordinance Authorizing the Manager to Lease a .05 Acre Fraction of Parcel JPD II Tract J1, Located at 6235 and 6255 Alaway Avenue, to the Federal Aviation Administration.

Ordinance 2018-14, 2018-15, and 2018-16 all concern the lease of property to the Federal Aviation Administration (FAA) for the Juneau Airport Wind Systems (JAWS). The FAA has utilized the lease property identified in the three ordinances since 1997. The proposed lease amount for all three leases is at less than fair market value pursuant to 53.09.270(a), allowing leases to government agencies for less than fair market value for public use. On March 20, 2017, the Lands Committee passed a motion of support for the leases to the FAA at no cost in order to ensure the continuation of the JAWS program. On June 16, 2017, the Planning Commission moved to forward the ordinances to the Assembly with a recommendation of approval.

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

d. Ordinance 2018-15 An Ordinance Authorizing the Manager to Lease a .4 Acre Fraction of Lot 1, USS 3559, Located Near Fish Creek Road on North Douglas, to the Federal Aviation Administration.

Ordinance 2018-14, 2018-15, and 2018-16 all concern the lease of property to the Federal Aviation Administration (FAA) for the Juneau Airport Wind Systems (JAWS). The FAA has utilized the lease property identified in the three ordinances since 1997. The proposed lease amount for all three leases is at less than fair market value pursuant to 53.09.270(a), allowing leases to government agencies for less than fair market value for public use. On March 20, 2017, the Lands Committee passed a motion of support for the leases to the FAA at no cost in order to ensure the continuation of the JAWS program. On June 16, 2017, the Planning Commission moved to forward the ordinances to the Assembly with a recommendation of approval.

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

e. Ordinance 2018-16 An Ordinance Authorizing the Manager to Lease a .032 Acre Fraction of ATS 14, Located at 115 Dock Street, Douglas, to the Federal Aviation Administration.

Ordinance 2018-14, 2018-15, and 2018-16 all concern the lease of property to the Federal Aviation Administration (FAA) for the Juneau Airport Wind Systems (JAWS). The FAA has utilized the lease property identified in the three ordinances since 1997. The proposed lease amount for all three leases is at less than fair market value pursuant to 53.09.270(a), allowing leases to government agencies for less than fair market value for public use. On March 20, 2017, the Lands Committee passed a motion of support for the leases to the FAA at no cost in order to ensure the continuation of the JAWS program. On June 16, 2017, the Planning Commission moved to forward the ordinances to the Assembly with a recommendation of approval.

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

f. Ordinance 2018-17 An Ordinance Authorizing the Manager to Execute a Special Use Permit for the Six Pre-Existing Roadside City Woodstove Burn Ban Signs on State Rights-of-Way with the Alaska Department of Transportation and Public Facilities.

This ordinance would facilitate the continued use of six woodstove burn ban signs in state rights-of-way. The CBJ uses signs to notify people when an air emergency is in effect in the Mendenhall Valley, and the state controls the right-of-way at six crucial locations.

State law requires the CBJ to obtain a permit for the use of the right-of-way. State law authorizes the Department of Transportation and Public Facilities to require any permit conditions the agency deems necessary or in the best interest of the state. ADOT&PF's right-of-way permit includes an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute the permit, including the indemnity provision.

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

g. Ordinance 2018-18 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties for Criminal Mischief.

AS 11.46.489 requires that upon conviction of certain offenses involving damage to public or private property, including criminal mischief, the defendant be sentenced to at least 25 hours of community work service. This ordinance would amend the CBJ's criminal mischief ordinance (CBJ 42.15.110) to include this mandatory penalty.

This ordinance would also amend the ordinance to reduce the valuation cap between an A misdemeanor and a felony charge from $1000 to $750, also consistent with (and required by) state law.

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

h. Ordinance 2018-19 An Ordinance Amending the City and Borough of Juneau Code Relating to Aquatics Facilities.

The Juneau voters approved the establishment of a new enterprise board to run the CBJ's aquatics facilities in October 2014. Subsequently, ordinance 2015-23(b) amended the CBJ code to add a new "Aquatics Facilities" chapter and created the seven-member Aquatics Board. The ordinance specified that the new chapter would sunset on May 28, 2018.

Over the past year, the Aquatics Board has been researching options for the future governance of the aquatics facilities. Public meetings were held on February 20, 2018, and February 28, 2018, to generate community feedback regarding four future governance options being considered by the Aquatics Board.

On March 14, 2018, the Aquatics Board presented these four governance options to the Assembly Finance Committee. The Assembly Finance Committee unanimously voted to extend the term of the Aquatics Board through June 30, 2019, to allow for further research and consideration.

The Assembly's intention was to leave the existing board members in place, which can be accomplished by a motion.

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

2. Resolutions

a. Resolution 2815 A Resolution Authorizing the Manager to Execute a Drainage Easement across City Property Located at 3252 and 3254 Hospital Drive with AK Preservation Spruce Limited Partnership for Sleepy Spruce Apartments.

The State currently operates the Johnson Youth Center (JYC) at 3252 and 3254 Hospital Drive. A drainage ditch has been in use for decades and is necessary to access City property in order to keep the ditch free and clear of debris. JYC stated that they have no concerns with the City granting this easement. At the February 27, 2017, meeting, the Lands Committee passed a motion of support for staff to begin the review process to maintain proper drainage. At the September 15, 2017, meeting the Planning Commission recommended that the Assembly grant a portion of CBJ property to the AK Preservation Spruce Limited Partnership for the purposes of a drainage easement.

The City Manager recommends this resolution be adopted.

b. Resolution 2822 A Resolution Ratifying the Economic Terms Tentative Agreement Between the City and Borough and the Marine Engineers Beneficial Association, and Applying those Terms to Non-represented Employees.

This resolution would provide Assembly ratification of the economic terms reopener tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for fiscal year 2019, and would apply those same terms to non-represented employees of the CBJ.

The agreement includes the economic modification of a two percent increase to the pay schedule. The total cost of this provision for MEBA members and non-represented employees is projected to be approximately $763,000.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Bid Award - B 18-005 Term Contract for Roadway Painting

This is a three-year term contract scheduled to end December 31, 2021. Bids were opened on March 20, 2018. Only one bid was received, from Specialized Pavement Marking, Inc. for $252,453.25 per year. The protest period ended on March 21, 2018.

The City Manager recommends award to Specialized Pavement Marking, Inc., for the total amount bid of $252,453.25 per fiscal year.

b. Contract Award for the Downtown Waterfront Improvement Consulting Services (RFP DH 18-043) for $200,000 to PND Engineers

Docks & Harbors advertised for Architectural-Engineering (AE) consulting services under a Request for Proposal (RFP) to address Downtown Waterfront Improvements needs under solicitation RFP DH 18-043.

Two proposals were received and the selection committee, comprised of staff members from CBJ Engineering and Docks & Harbors, unanimously choose PND Engineers, Inc. of Juneau using Quality Based Selection criteria. Docks & Harbors has negotiated a fee proposal of $200,000 to advance design efforts to approximately 35% under the initial phase for bus staging and open space decking.

The Docks and Harbors Board will review the staff recommendation to select PND Engineers at its March 29, 2018, board meeting to advance the design efforts.

The City Manager recommends the professional services contract be awarded to PND Engineers, Inc. in the amount of $200,000.

4. Liquor License

a. Liquor License Renewals 2018-2019

The following is a list of 2018/2019 liquor license renewal applications that have been received from the Alcohol Beverage Control Board and are before the Assembly for one of the following actions: to protest, waive its right to protest, or refer this matter to the Assembly Human Resources Committee for additional review and recommendation. Those licenses marked by an asterisk (*) must be acted upon at the April 2 Assembly meeting in order to fall within the 60-day local governing body comment period. Any license without an asterisk may be continued to the next meeting on April 23 and still meet the 60-day deadline for comment.

Beverage Dispensary Liquor License #4349 Fishbone LLC d/b/a Rockwell; Location: 117 S Franklin Street, Juneau

Beverage Dispensary Liquor License #673 Juneau's Waterfront Restaurants, LLC d/b/a Pier 49 Seafood Station; Location: 406 S Franklin Street Suite Retail B & Adjoining Pier, Juneau

Beverage Dispensary Liquor License #772 NYT Inc. d/b/a Rendezvous; Location: 184 S Franklin Street, Juneau

***Beverage Dispensary Tourism License #1378 Alaskan Hotel & Bar Inc. d/b/a Alaskan Hotel;** Location: 167 S Franklin Street, Juneau

***Beverage Dispensary Tourism License #175 CNH Holding LLC d/b/a Breakwater Inn;** Location: 1711 Glacier Ave., Juneau

Brewery License #2534 Alaskan Brewing LLC d/b/a Alaskan Brewing Co.; Location: 5429 Shaune Drive, Juneau

Package Store Liquor License #2976 No Creek Jack Inc. d/b/a Duck Creek Market; Location: 9951 Stephen Richards Drive, Juneau

***Restaurant Eating Place Liquor License #2812 Genuine Ventures LLC d/b/a Tracy's King Crab Shack;** Location: 432 S Franklin Street, Juneau
Restaurant Eating Place Liquor License #5153 Midnight Ninja Ventures Inc. d/b/a The Rookery Cafe; Location: 111 Seward Street, Juneau
Restaurant Eating Place Liquor License #5279 Midnight Ninja Ventures Inc. d/b/a The Taqueria; Location: 245 Marine Way, Juneau
Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments has reviewed the above list of renewals and recommends the Assembly waive its right to protest these renewals. CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license renewal.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2018/2019 renewal period.

5. Transfers

a. Transfer T-998 Transfer of $690,000 from Aurora Harbor Improvements Capital Improvement Project to the Statter Harbor Phase III Capital Improvement Project.

This request is to transfer $690,000 from the Aurora Harbor Rebuild Capital Improvement Project (CIP) to the Statter Harbor Phase III CIP for the purpose of construction of a For-Hire Commercial Float facility as part of the Statter Harbor Master Plan. This is Harbor Enterprise match money which was determined necessary under a factual basis decision utilizing Commercial Passenger Vessel Excise Tax monies as adopted in the FY2017 Capital Improvement Program.

The funds are available from the Aurora Harbor Rebuild Phase II project because the bid was lower than originally expected. Sufficient funds will remain in the Aurora Harbor Rebuild Phase II CIP account to complete Phase II as planned. The Docks and Harbors Board will review this transfer at its March 29, 2018, board meeting.

The City Manager recommends this transfer be approved.

b. Transfer T-999 Transfer of $10,000 from Cruise Berth Improvement Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.

The CBJ Docks and Harbors director requests a transfer of funds from CIP account H51-101 (Cruise Berth Improvements) to CIP H51-104 (Dock Cathodic Protection).

This transfer will provide a 5% contingency for the project which was awarded to Island Contractors, Inc. on February 12 for $228,440. The Docks and Harbors Board will review this transfer at its March 29, 2018, board meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-06(AG) An Ordinance Appropriating to the Manager the Sum of $800,000 as Partial Funding for the Construction of Valley Transit Transfer Center; Grant Funding Provided by Alaska Department of Transportation and Public Facilities.

This ordinance appropriates $800,000 from the Alaska Department of Transportation and Public Facilities for Phase I of the new valley transit center.

The CBJ will match these funds at a level of 20% with existing transit center capital appropriations.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Kiehl, to adopt Ordinance 2017-06(AG). Hearing no objection, it was so ordered.

B. Ordinance 2017-06(AH) An Ordinance Appropriating to the Manager the Sum of $700,000 as Partial Funding for Rainforest Recovery Center Detox Addition Capital Improvement Project; Funding Provided by Sales Tax Fund's Fund Balance.

This ordinance appropriates $700,000 of FY18 1% sales tax monies for partial funding to a new project, *Bartlett Regional Hospital (BRH) – Rainforest Recovery Center Upgrades*. This appropriation of FY18 1% sales tax conforms with the allocation of 1% sales tax monies approved by the CBJ Finance Committee on January 10, 2018.

This new project will renovate and provide an addition to the existing Rainforest Recovery Center on the BRH campus. Additional funding of $1,800,000 of FY19

1% sales tax is scheduled for FY19 in the Draft FY 19-FY24 Capital Improvement Plan.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Jones, to adopt Ordinance 2017-06(AH). Hearing no objection, it was so ordered.

C. Ordinance 2017-06(AI) An Ordinance Appropriating to the Manager the Sum of $2,603 as Partial Funding for Temporary Staffing Assistance at the City Museum; Funding Provided by the Friends of the Juneau-Douglas City Museum.

This ordinance appropriates $2,603 in grant funding to the Library Department, for the purpose of providing temporary staffing assistance during the summer at the city museum.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum. There is no matching requirement for this grant. These funds will be used to provide supplemental front desk assistance during the summer months that fall in FY18 when the museum is busier due to tourism. This grant fully funds salaries and benefits for this 0.25 FTE (0.07 FTE in the FY18 period); there is no impact to support from the general fund.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Ms. Gladziszewski, to adopt Ordinance 2017-06(AI). Hearing no objection, it was so ordered.

D. Ordinance 2017-06(AJ) An Ordinance Appropriating to the Manager the Sum of $1,801,875 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Airport Fund’s Fund Balance.

This ordinance would appropriate $1,801,875 to the Airport Gate 2 Passenger Boarding Bridge (PBB) capital improvement project (A50-095). Funding is provided as follows:

Airport Fund's Fund Balance:	$1,801,875

This action will forward fund the Gate 2 PBB project until a Federal Aviation Administration grant is received; the grant is anticipated in mid to late April. Forward funding the project will allow timely issuance of the Notice to Proceed, which will allow the contractor to complete pre-construction activities so that use of the critical summer construction season can be maximized, and operational impacts to air carriers minimized. The Airport Board reviewed this action at its March 13, 2018, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Ms. Weldon, to adopt Ordinance 2017-06(AJ). Hearing no objection, it was so ordered.

E. Ordinance 2017-06(AK) An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the RecycleWorks / Waste Management Program; Funding Provided by Sales Tax Fund's Fund Balance.

The voters approved $2 million in temporary sales tax in the 2017 election for the RecycleWorks/Waste Management program. This appropriation of $600,000 from sales tax will go to the RecycleWorks/Waste Management Enterprise Fund.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

The City Manager recommends this appropriation ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Gregory, to adopt Ordinance 2017-06(AK). Hearing no objection, it was so ordered.

F. Ordinance 2017-06(AL) An Ordinance Appropriating to the Manager the Sum of $235,000 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 $235,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to the CBJ. These donated funds will be appropriated into the Playground Rebuild CIP, P41-095.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

The City Manager recommends this appropriation ordinance be adopted.

Public Comment:

Juneau Community Foundation (JCF) CEO Amy Skilbred and JCF Boardmember John Pugh noted they are still trying to sell all 1800 pickets for the Project Playground rebuild. The deadline to purchase pickets is April 20 and the dates of the community build are August 8-12. There will be three shifts during the community build: 7-11am, 12-4pm, and 5-9pm. People will be able to sign up to work specific shifts and there will be sign ups for potluck opportunities during each shift as well. Mr. Pugh encouraged everyone to "Come Hungry, Work Hard, and Feel Satisfied!"

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2017-06(Z). Hearing no objection, it was so ordered.

Following adoption of the ordinance by the Assembly, Mike Goldstein, Ms. Skilbred and Mr. Pugh presented a large check in the amount of $235,000 to the City Manager representing the appropriation of the funds for this ordinance.

G. Ordinance 2018-07(A) An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY18 School District Operations.

The FY2018 school enrollment is below the level originally used to determine the Juneau School District (JSD) funding for the FY18 approved school budget.

This results in $726,277 less of state revenue and a reduction of $167,000 to the contribution amount that CBJ is allowed to fund under the state cap. The CBJ funding can be reduced or reallocated to other needs. The school board and Assembly Finance Committee have recommended reallocating the CBJ funding of $167,000 to the Kinder Ready Program.

The Board of Education passed a budget revision for the FY18 District's Operating Fund at its December 12, 2017, meeting.

The Assembly Finance Committee approved this action at its meetings on December 13, 2017, and February 7, 2018.

The City Manager recommends this appropriation ordinance be adopted.

The Red Folder version of the ordinance with a corrected ordinance number and amount of appropriation/de-appropriation was substituted for the one that had originally been included in the Assembly packet.

Ordinance 2017-07(A) An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY18 School District Operations.

The manager pointed out that the corrected version was for a de-appropriation in the amount of $167,500 rather than the initial $167,000.

Public Comment:

None.

Assembly Action:

MOTION, by Ms. Becker, to adopt Ordinance 2017-07(A), red folder version, and asked for unanimous consent. Hearing no objection, it was so ordered.

H. Ordinance 2018-09 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed $5,500,000; and Providing for the Form and Terms of the Bond and for Unlimited Tax Levies to Pay the Bond.

This ordinance would authorize the issuance of up to $5.5 million in bonds to refund (refinance) the 2008A & B general obligation school bonds. The original $39.5 million in bonds were sold in July 2008. The bonds were sold directly into the financial markets by CBJ but the refunding is being done via a "direct placement" with a national bank, Wells Fargo.

If CBJ issues the refunding bonds in May 2018 the refunding will result in an estimated total savings of $262,000, after all costs, over the remaining life of the bonds. The savings is shared between the State of Alaska and CBJ. The term of the new issue will be the same as the original (final payment June 2023).

These bonds qualify for 70% reimbursement under the state's School Construction Bond Debt Reimbursement Program. However, the reimbursement under the state's debt reimbursement program is subject to annual appropriation by the Legislature.

The debt service component of the property tax mil rate, as currently set, raises sufficient revenue to pay the remaining CBJ portion of the debt service.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Kiehl, to adopt Ordinance 2018-09. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Granite Mountain Properties LLC Appeal Re: Taku Horticulture

Granite Mountain appealed a Planning Commission decision granting a conditional use permit to Taku Horticulture. The Assembly accepted the appeal and referred it to a Hearing Officer with the State Office of Administrative Hearings. After some procedural motions, the parties settled this appeal by the Planning Commission agreeing to hold a supplemental hearing. The parties also recommended that Granite Mountain's $500 appeal fee be refunded. The Hearing Officer agreed and signed the attached order.

Had the parties not settled this case, the Assembly would be required to review the Hearing Officer's decision pursuant to CBJ 01.50.140(c). Although that code section does not clarify the process when the parties have settled an appeal, out of an abundance of caution, this settlement and order is being presented to inform the Assembly especially because of the $500 appeal fee refund.

The Assembly needs to decide whether to accept or reject the Hearing Officer's order dismissing this appeal and refunding Granite Mountain's $500 appeal fee. No new testimony or evidence of any nature may be received. If the Assembly accepts the Hearing Officer's order, then the appeal is dismissed pursuant to the settlement and Granite Mountain is refunded its $500 appeal fee. If the Assembly rejects the Hearing Officer's order, then the Assembly needs to decide what to do consistent with CBJ 01.50.140(c)(3).

MOTION by Mr. Jones that the Assembly accept the Hearing Officer's order dismissing this appeal and refund the $500 appeal fee. Hearing no objection, it was so ordered.

B. Vertical Bridge Request for a Lease of City Property

The Division of Lands and Resources received an application to lease City property from Vertical Bridge Holdings LLC. The lease is being requested on CBJ property on Lena Point; this is also the location of a municipal drinking water reservoir. Vertical Bridge is proposing to construct a 150' tower and cellular facility adjacent to the Lena Point reservoir that will accommodate multiple cellular carriers. CBJ 53.09.260 states "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." The decision before the Assembly at this time is whether to work with the original proposer or to solicit additional applicants to lease the property. The Assembly will not be approving the cellular installation at this time.

On March 19, 2018, the Lands Committee passed a motion recommending the Assembly direct the Manager to work with the original applicant, Vertical Bridge Holdings. If the Assembly provides a motion to work with Vertical Bridge Holdings LLC., the proposed lease and the cellular installation will then be reviewed by the Planning Commission and will also be subject to the requirements of CBJ 49.65 Article 9, "Wireless Communication Facilities". If approved by the PC, the lease will come back before the Assembly for final approval as an ordinance.

The City Manager requests a motion to work with the original applicant, Vertical Bridge.

Assembly Action:

MOTION, by Ms. Gladziszewski, that the Assembly request the City Manager to work with the original applicant, Vertical Bridge LLC. Hearing no objection, it was so ordered.

C. Protest of Planning Commission's Recommendation to Deny a Request to Rezone Seven Lots in the Auke Bay Area at 3853 Bayview Ave, 12020 Glacier Highway, 11988 Glacier Highway, and 11950 Glacier Highway.

The Planning Commission received an application to rezone seven lots in the Auke Bay area from D10 (residential) to LC (light commercial). After holding a hearing and addressing a motion for reconsideration, the Planning Commission recommended not to rezone. Title 49 allows a person to protest the Planning Commission's recommendation, which the applicant has done. Section 49.75.130 requires a draft ordinance be presented. In this case, because the Planning Commission declined to recommend the rezone, the draft ordinance is incomplete.

In the case of a timely filed protest, the code requires the Assembly to hold a public hearing on the proposed rezone. At the close of the hearing, the Assembly may uphold the planning commission's decision and decline to proceed with the ordinance, or it may determine to proceed with the proposed rezone by amending the draft ordinance.

In order to move the ordinances forward, the Assembly must make a specific finding that the proposed new zoning designation meets the criteria required by CBJ 49.75.120, which provides as follows:

> *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

At this time, the Assembly should set this matter on for the public hearing required by CBJ 49.75.130.

Ms. Mead provided an explanation of this legislative process.

Assembly Action:

MOTION by Mr. Gregory move this item to the next Assembly meeting on April 23.

Members asked questions of the attorney. Mr. Jones recommended they scheduled this matter for a Special Assembly meeting on Monday, April 30, possibly at 5:00 p.m. instead of April 23. Ms. Mead said that would provide plenty of time for public hearing as well as give the Assembly time to determine what language to include in an ordinance if they decide to direct the City Attorney to prepare an ordinance. He suggested the City Manager find a time to hold the meeting on April 30, possibly at 5:00 p.m. prior to the Assembly COW meeting and possibly move Lands Committee ahead or hold the special meeting at 4:00 p.m. before Lands Committee.

AMENDMENT by Mr. Jones that the public hearing be set for a Special Assembly meeting on April 30, 2018 with an appropriate time to be determined by the City Manager.

Mr. Nankervis asked the attorney to provide information regarding the public process. Ms. Mead gave a detailed explanation of this as a legislative matter, as opposed to an appeal, and said they could either schedule the matter for the April 23 regular meeting or they could hold a Special Meeting on April 30 to take up the matter.

Hearing no objection, the amended motion to hold a public hearing on April 30 at a time to be set by the City Manager carried.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mr. Nankervis provided the following Mayor's report on behalf of Mayor Koelsch: *"It's hot, it's sunny, the water's great and the drinks are cold and I'm enjoying my 50th Anniversary!"*

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Mr. Edwardson provided a liaison report from the ***Local Emergency Planning Committee*** meeting held on Wednesday, March 24: Alaska State Troopers are conducting Active Shooter training in limited locations and there will be a Princess Sophia exhibit coming up in the summer and will be featuring emergency response. The Red Cross along with other agencies had 70 members at an apartment fire exercise. Agencies involved included CCFR and Gastineau Human Services.

Mr. Edwardson reported that the ***Docks and Harbors*** met on Thursday, March 29 and much of what they discussed was on tonight's consent agenda. He said the Docks and Harbors Board will be holding a Special Board Meeting on April 6 at Noon.

Mr. Gregory reported that on March 22, he attended a fundraiser at the JACC for Haven House that was hosted by members of the legislature and they managed to raise over $60,000 for Haven House. He also reported that during the following week, he attended Juneau's community discussion on opioid misuse. He said it was well attended and even Governor Walker made an appearance during the meeting and thanked everyone for their input on this issue. He has been skiing up at Eaglecrest and next weekend is the Slush Cup on Saturday, April 7 and Sunday, April 8 is the last day of Eaglecrest skiing season. He noted that the ***Eaglecrest Board*** will be meeting on Thursday, April 5 at 5:30pm in the City Hall Conference Room 224 and the ***Parks and Recreation Advisory Committee*** will meet on Tuesday, April 3 at 6pm in the Chambers.

Ms. Weldon reported that at the last meeting of the ***Aquatics Board***, Mr. Duncan gave an update on their finances and the sales are up 12%. They are currently recruiting for an Aquatics Manager and they just introduced an ordinance and set it for public hearing to extend their board for a one year time frame so they can continue to look at their governance options. The board will be presenting their budget to the Assembly on April 18 at 5:30p.m.

Ms. Weldon reported that she was unable to attend the most recent ***Planning Commission*** meeting as she had just broken her ankle. They had taken quite a bit of public testimony regarding a new coffee stand on Glacier Ave. and also the Docks and Harbors gave them an update on the harbor plans. Ms. Weldon noted that their next meeting of April 10 is likely going to be cancelled as they have no cases pending for that meeting.

Ms. Gladziszewski reported the ***Assembly Human Resources Committee*** met immediately preceding the Assembly meeting and forwarded the following recommendations. Hearing no objection, the following appointments were made:

> *ADA Committee:* Daniel Harrington to a term beginning immediately and expiring August 31, 2021.
>
> *Building Code Advisory Committee:* Armando DeGuzeman to a term beginning immediately and expiring November 30, 2020.
>
> *Sales Tax Board of Appeals:* Pat Watt reappointment to a term beginning immediately and expiring December 31, 2020.
>
> *Youth Activities Board:* Elizabeth Balsted to a term beginning immediately and expiring August 31, 2020.

Ms. Gladziszewski also reported that the ***Bartlett Regional Hospital (BRH) Board*** met and their annual employee awards banquet will take place on April 28 at the top of the tram. The hospital hired a firm called Moss/Adams to analyze the services they offer, what it costs, and to provide the data they need to evaluate their services. The CEO reported that they will have two levels of recommendations. The first will be operational in nature which staff can work on implementing right away and the second is more strategic that the board will use during a strategic planning process. The next BRH meeting is April 24.

Ms. Gladziszewski reported that the ***Affordable Housing Commission*** meeting is April 3 at 5:15pm.

Ms. Gladziszewski said she also attended the Haven House fundraiser and the *Aan Yátx'u Sáani: Noble People of the Land* performance this past weekend. For anyone who missed the *Noble People of the Land* performance, KTOO will be broadcasting it on the 360North.org website.

Mr. Jones reported that the ***Public Works and Facilities Committee (PWFC)*** met a week ago and set aside most of the agenda to hold a public hearing on Centennial Hall governance. The Assembly received a lot of emails on that subject and while there were approximately 10-12 people in the audience, only three people testified. The PWFC then referred the issue back to the Assembly COW.

Mr. Jones noted that the ***Juneau School District*** *(JSD)* held a series of meetings on March 6, 13, 27 to review their budget. They finalized their budget on March 27 and it will be before the Assembly Finance Committee (AFC) this week. He said he sat through all the JSD hearings and he will be participating in the AFC meeting telephonically from Nome. Mr. Jones said he also attended the JSD Facilities Committee meeting which included discussions about a playground at Mendenhall River Elementary School for which the PTO has been raising money. They have raised $10,000 and the School District has agreed to contribute about $4,000-5,000 to help replace some of the playground equipment. Mr. Jones said he had mixed emotions about the fact that Project Playground is going to run $1.6 million and here the MRS was struggling just to raise $10,000.

Mr. Jones noted that the School Board meeting on April 10 was rescheduled to April 17 due to board members attending a national conference the week of the 10th. He said they will be holding a worksession at 4:30p.m. on April 17 and that the purpose of that worksession will be to discuss and explore different grade level configurations in buildings that would improve space use, improve learning, and/or increase efficiency.

Mr. Jones reported that the ***Downtown Business Association (DBA)*** has not met since the last Assembly meeting and the meeting on April 3 was rescheduled to April 10 at 8:30a.m. at the Senate Building.

Mr. Jones reported on the following community meetings that he attended:

- Juneau Commission on Aging (JCOA) on March 27
- Juneau Historical Culture and Preservation Planning meeting on March 15
- Planning Commission Auke Bay Implementation Working Group on March 22

He also reported that on April 26, the USFS will hold a Glacier Planning public meeting at the Mendenhall Glacier Visitors Center 3:30-7:30p.m.

Mr. Kiehl reported that the ***Assembly Finance Committee (AFC)*** last met on March 14. They received a presentation on the CBJ audit as well as met jointly with the Eaglecrest and Aquatics Boards. Additional items included the School bond refund issue that was on this agenda and received a preview of the budget process from the Finance Director. The AFC is scheduled to meet next on April 4 to start the annual budget process.

Mr. Kiehl reported on the Alaska Municipal League's (AML) efforts to get the state legislature to fund the "revenue sharing" program and that their hope is to have that $30 million make it through the legislative process.

He also reported on the work of the UAS Campus Council which met earlier that day. He provided the following dates related to upcoming events at UAS:

- May 6, 2018 - UAS Student Graduation Ceremony
- April 14-16 - Native Campus Event
- June 16 - Community Day on Campus

Mr. Kiehl commented that he also attended the Haven House Fundraiser, the *Aan Yátx'u Sáani: Noble People of the Land* performance. Coming up are "Juneau's Got Talent" show scheduled for the JACC on Saturday, April 7 and the Blood Bank of Alaska is coming to Juneau April 3 and he encouraged everyone to donate blood.

Ms. Becker reported the following upcoming meetings:

- April 4 - Juneau Economic Development Council
- April 9 - Assembly Lands Committee
- April 10 - Airport Board
- Thursdays - Chamber of Commerce meetings each week at the Hangar Ballroom

Mr. Jones noted that the Airport Board will be holding a public meeting to take public comment on the North Terminal terminal reconstruction project and parking will be validated.

Mr. Nankervis reported that the ***Assembly Committee of the Whole (COW)*** met on March 19 with the BRH Board. They also discussed the Hurlock Ave. Property, the Public Safety Task Force Report, and they received an update from the City Manager about the state parking. The next COW meeting was moved from Monday, April 9 to Monday, April 16.

Mr. Nankervis noted under comments and questions that he also attended the following events:

- "Nobel People of the Land" performance
- Opioid epedimic meeting
- Seward's Day pancake breakfast at Mt. View Senior Center
- UAS Alumni dinner & silent auction
- Haven House fundraiser
- Play-off Hockey is in town and will end on Sunday night at Treadwell Arena

Mr. Nankervis said he attended the Chamber of Commerce after hours event at Alaska Seaplanes and they announced that they will be starting regularly scheduled service to/from Juneau/Whitehorse.

He said there are approximately 30 days until the first cruise ship and that the Egan Drive/Main Street to 10th Street project will not start until September. He asked if Ms. Cosgrove could speak about Mr. Quayle's concerns about access to the other side of

Egan to Whale Park.

Ms. Cosgrove said she has discussed that with JPD and they have determined that pedicabs can safely cross at Whittier. There is a cross walk with a light and pedicabs can transition up the sidewalk which is outside of the main core and wide enough that they can then hook onto the seawalk area and take folks to and from Overstreet Park. This would keep the pedicabs out of the traffic zone, out of the bus zone they are anticipating at the park, and more importantly, out of the very fast moving traffic on that part of Egan Drive.

Mr. Nankervis asked the Assembly's permission to look further into Mr. Cooper's request regarding the 501(c)(19) tax exemption. Hearing no objection, he will work with staff and bring something back to the Assembly.

Mr. Jones commented on the testimony from Pat Race as well as emails received early in the day regarding the recent burglaries and issues downtown. He asked if the City Manager could hold one or more meetings between the police, downtown community, and public to both talk and listen about the concerns prior to the beginning of the tourist season.

C. Presiding Officer Reports

None.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle spoke on the multiple fees relating to operating his pedicab in CBJ Parks as well as Harbors on top of the Commercial Passenger Vehicle charges.

XIV. EXECUTIVE SESSION

A. Regulatory Commission of Alaska Matter

MOTION by Mr. Kiehl to recess into Executive Session to discuss matters, the immediate knowledge of which would clearly have a detrimental impact on finances of the City and Borough of Juneau, specifically, the Regulatory Commission of Alaska (RCA) matter.

There being no public comment and hearing no objection, Executive Session was convened at 8:59p.m.

The meeting reconvened at 10:28p.m. and Mr. Kiehl reported that the Assembly gave direction to staff regarding a legal matter before the RCA.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:29 p.m.

Signed:__________________________	Signed:______________________________
Elizabeth J. McEwen, Acting Clerk	Jerry Nankervis, Acting Mayor