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

June 5, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-13

Submitted By:

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Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Special Recognition - Sgt. Chris Burke**
B. **Special Recognition - Carl Uchytil**
C. **Proclamation - Juneau Pride**

IV. APPROVAL OF MINUTES

A. **May 15, 2017 Regular Assembly Meeting 2017-11**
B. **May 19, 2017 Special Assembly Meeting 2017-12**

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 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.**

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration.

The City Manager recommends this ordinance be introduced, referred to the Lands Committee, and set for public hearing at the next regular assembly meeting.

b. **Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.**

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit "all security plans to the manager for review," prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the "Facility Security Officer." The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are "need to know." Because the board is not "need to know" with respect to the plan, and as it does not oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

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

c. **Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.**

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community's vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole.

VIIIPUBLIC HEARING

A. **Resolution 2791(d) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2018 Through 2023, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2018.**

This resolution would adopt the City and Borough Capital Improvement Program (CIP) for Fiscal Years 2018 through 2023, and establish the Capital Improvement Project Priorities for Fiscal Year 2018.

The Public Works and Facilities Committee reviewed the CIP at its meeting on February 27, 2017, and forwarded the plan to the Assembly.

The CIP resolution was introduced at the Assembly meeting on April 5, 2017, and referred to the Assembly Finance Committee (AFC), where it was reviewed during the meetings of April 12, April 19, and May 3, 2017. It was open for public comment, as required by charter, during the Special Assembly meeting of April 26, 2017.

The AFC approved Resolution 2791(d) as amended and referred it to the full Assembly for adoption.

The City Manager recommends this resolution, as amended by the Assembly Finance Committee, be adopted.

B. **Ordinance 2017-05(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2017 Based Upon the Proposed Budget for Fiscal Year 2018.**

This ordinance establishes the mill rates for property taxes for 2017, which fund a significant portion of the City and Borough of Juneau's FY18 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the City and Borough's FY18 Revised Budget as amended by the Assembly Finance Committee.

An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2017. The Assembly Finance Committee reviewed the mill rate ordinance at its meetings on April 26 and May 10, 2017, approving a motion to amend the proposed mill rates and refer the amended ordinance to the full Assembly for adoption.

For FY18 the total mill levy recommended by the Finance Committee of 10.66 remains unchanged from FY17. The debt service mill rate is being reduced by .10 mills to 1.30 mills. The operating mill rate is recommended to be 9.36 mills (increase of .10 mills from FY17). The .10 mill increase is in the Areawide component of the operating mill rate. The .10 mill change between debt service and areawide operating rate results in no change to the overall property tax paid by any property owner. The other two components (Roaded Service & Fire Service) remain unchanged.

This ordinance proposes a total mill levy of 10.66; the components of which are:

Operation Mill Rate by Service Area	**Millage**
Roaded Service Area	2.30
Fire Service Area	0.36
Areawide	6.70
Operating Total	**9.36**
Debt Service	**1.30**
Total	**10.66**

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

C. **Ordinance 2017-06(b) An Ordinance Appropriating Funds from the Treasury for FY18 City and Borough Operations.**

This ordinance appropriates $335,130,700 for the City and Borough of Juneau's FY18 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for $93,728,500 of the FY18 operating budget.

The original ordinance was introduced at the April 5, 2017, Special Assembly meeting and referred to the Assembly Finance Committee for deliberation. The Finance Committee held 6 meetings/work sessions on the budget. An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2017. The Assembly Finance Committee moved the amended budget ordinance back to the full Assembly at its May 10, 2017, meeting. The CBJ Charter requires adoption by June 15, 2017.

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

D. **Ordinance 2017-01 An Ordinance Amending the Building Regulations Code.**

This ordinance would update CBJ Title 19, the Building Code, based on the 2012 model codes adopted by the CBJ as modified by the Building Code Advisory Committee.

The Public Works and Facilities Committee (PWFC) reviewed this ordinance at its April 10 and May 1, 2017, regular meetings. The PWFC recommended approval at its May 1, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2016-09(AO) An Ordinance Appropriating to the Manager the Sum of $43,900 as Supplemental Funding for the Juneau International Airport for the Fiscal Year 2017 Operating Budget; Funding Provided from the Juneau International Airport Fund's Fund Balance.**

This ordinance would appropriate an additional $43,900 to the FY17 Airport operating budget, increasing the airport's spending authority by $43,900. Funds would be provided by the Airport Fund's Fund Balance.

The Airport Board approved the supplemental spending authority and Airport Fund Balance to cover the additional expense at its March 14, 2017, meeting. The Assembly Finance Committee referred this request for approval to the full Assembly at its meeting on April 19, 2017.

The City Manager recommends this ordinance be adopted.

F. **Ordinance 2016-09(AP) An Ordinance Appropriating to the Manager the Sum of $180,000 as Supplemental Funding for the Parks and Recreation Program for the Fiscal Year 2017 Operating Budget; Funding Provided from the General Fund's Fund Balance.**

This ordinance would appropriate an additional $180,000 to the FY17 Parks and Recreation operating budget. Funds would be provided by the General Fund's Fund Balance.

Although Parks and Recreation's FY17 general operations expenditures are within

the approved budget, the following issues resulted in the needed supplemental:

When the FY17 budget was developed, the department projected a 16% increase in revenue generation between FY16 and FY17, and a plan to increase promotion of the department's programs was put in place. Although revenues have increased in FY17, they have not increased as much as anticipated. In addition, the Parks and Recreation department reduced its general fund support by a combined total of $669,300 in FY16 and FY17.

Any portion of the supplemental that is not used would be returned to fund balance.

The Assembly Finance Committee referred this request for approval by the full Assembly at its meeting on April 19, 2017.

The City Manager recommends this ordinance be adopted.

G. **Ordinance 2016-09(AQ) An Ordinance Appropriating to the Manager the Sum of $250,000 as Funding for the Pump Room as Part of the Fountain and Whale Related Site Elements that are Part of the Bridge Park Capital Improvement Project; Funding Provided through a Donation from The Whale Project Committee.**

The Whale Project is donating $250,000 to the CBJ for the construction of the pump room as part of the fountainworks for the whale statue at the Seawalk Bridge Park. This work will be completed as part of the Phase III Seawalk Bridge Park to Gold Creek project and construction is anticipated this summer and fall. The donated funds will be appropriated into the Bridge Park CIP, P41-090.

The Public Works and Facilities Committee forwarded this request to the full Assembly at its May 1, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

H. **Resolution 2793(b) A Resolution Authorizing the Sale, Possession, and Consumption of Alcoholic Beverages Within the Eaglecrest Ski Area and Repealing Resolution 477.**

This resolution would authorize the sale, possession, and consumption of certain alcoholic beverages in the Eaglecrest Ski Area during private parties, within the Eaglecrest ski area by sale of a licensed vendor, and at special events or in connection with a commercial use permit upon approval by the Eaglecrest Board.

The Human Resources Committee first considered this issue at its February 13, 2017, meeting at the request of the Eaglecrest Board. The HRC approved a motion to direct the Attorney to draft the resolution. The issue was then heard by the Assembly Committee of the Whole at its joint meeting with the Eaglecrest Board on

February 27, 2017, and again at its May 1 and May 22, 2017, meetings. On May 22, the COW approved a motion to forward the resolution (amended to limit the type of alcoholic beverages which may be sold, possessed, or consumed) to the full Assembly for its consideration. One additional amendment, a new section specifically repealing Resolution 477, was also added. The amended language is shown in the attached version (b) by italicized text.

The City Manager recommends adoption of this resolution.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Lands in Trust**

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee and Liaison Reports

C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

A. **CLIA Litigation**

XVI. ADJOURNMENT

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