

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

January 9, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-01

Submitted By:

Mila Cosgrove
Deputy City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. December 19, 2016 Regular Assembly Meeting 2016-38

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 2016-09(AA) An Ordinance Appropriating to the Manager the Sum of \$2,075 as Funding for the Sister Cities Program; Funding Provided through a Donation from the Filipino Community, Inc.

On November 14, 2016, the Juneau Sister City Committee (JSCC) approved accepting funds, which were raised by the Filipino Community and the Sister City Committee on behalf of Kalibo, Aklan, Philippines. JSCC's plan for the money is to pay for a resident of Kalibo to come to Juneau for the JEDC Innovation Summit in February, 2017. If this cannot be arranged on short notice the funds will be used for another benefit for Kalibo in the future.

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

- b. **Ordinance 2016-09(AB) An Ordinance Appropriating to the Manager the Sum of \$30,000, as Funding for Leasing the Juneau Subport Parking; Funding Provided by the Downtown Parking Fund's Fund Balance.**

At its meeting on December 12, 2016, the Lands Committee made a motion of support for staff to draft an ordinance that appropriates \$30,000 from the Downtown Parking Fund to be used for leasing the Juneau subport parking property.

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

- c. **Ordinance 2016-43 An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters.**

This ordinance would amend the Land Use Code with respect to sobering facilities by amending the Table of Permissible Uses to identify the use, defining the term, and by providing for minimum parking requirements. Additionally, the ordinance would define "emergency shelters" as one type of assisted living facility.

The Planning Commission considered this ordinance on November 10 and December 27, 2016, and recommended it be moved forward to the Assembly for adoption.

One small change has been made to the ordinance as approved by the Commission. The definition of 'emergency shelter' was modified to apply to temporary accommodations for 'homeless persons' instead of 'displaced persons.' The reason for this change was to clarify CDD's intention that the definition of 'emergency shelter' not be interpreted to include emergency lodging and shelter needed in the event of a disaster.

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

- d. **Ordinance 2016-47 An Ordinance Amending the State Permits and Licenses Chapter, CBJ 01.65, to Provide for the Review of State Marijuana Licenses.**

This is a housekeeping ordinance that would amend chapter 01.65 to provide for Assembly review of State marijuana license applications in the same manner as the code provides for the review of State liquor license applications.

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

2. Resolutions

- a. **Resolution 2777 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.**

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks and Harbors is a member.

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. Last year, the CBJ received a \$2 million Tier II grant for Phase II of the Aurora Harbor project. Prior to that, the CBJ has been a beneficiary of approximately \$9 million in harbor grant funding since the program's inception.

This year, the City of Kake, the City of Ketchikan, the City and Borough of Sitka, the Municipality of Skagway, the City of Valdez, and the City and Borough of Wrangell have offered to contribute \$18,160,055 in local match funding for the FY2018 grant program, to be used towards seven harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its meeting on October 26, 2016, and recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

- b. **Resolution 2782 A Resolution Certifying that the City and Borough of Juneau Did Suffer Significant Effects during the Program Base Year from Fisheries Business Activities Occurring within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ's participation in the State's FY2017 shared fisheries business tax program by certifying to the State that the CBJ suffered significant effects during calendar year 2015 from fisheries business activities. Pursuant to this program, the State distributes to each participating community in the affected management area a share of state fishery revenues.

It is anticipated that the CBJ's share this year will be approximately \$8000.

The City Manager recommends this resolution be adopted.

- c. **Resolution 2783 A Resolution Proclaiming Calendar Year 2017 a Year of Civility and Respect and Calling Upon the Citizens and Visitors to Our Community to Act in a Manner that Reflects Those Qualities.**

This resolution would proclaim calendar year 2017 a year of civility and respect in the City and Borough of Juneau.

The CBJ encompasses citizens from a wide variety of backgrounds and perspectives and every year Juneau hosts over one million visitors from across the world. As citizens, we directly influence the community we inhabit through our daily interactions with friends, neighbors, community members and visitors. The hallmark of a functional democracy and a healthy society is the ability to engage in discourse and reasoned debate in a manner that is civil and respectful of all concerned. A community culture where civil and respectful behavior is the norm is one that fosters a positive climate for public safety, vibrant economic development, and creating strong healthy families.

This resolution affirms the CBJ's intent to be a community where all citizens can thrive.

The City Manager recommends this resolution be adopted.

3. Transfer

a. **Transfer T-983 Transfers \$4,600,000 from Cruise Ship Dock Project to Statter Harbor Phase III.**

This transfer moves \$4.6M from the existing Cruise Ship Dock project to a new CIP project to dredge and construct a Commercial For Hire Float at Statter Harbor (Statter Harbor Phase III). The source of these funds is the FY17 State Commercial Passenger Vessel Excise Tax which was initially allocated to augment the downtown Cruise Ship Dock Project. The funds are currently in excess to the needs of the dock project and the Assembly Finance Committee approved the transfer to the Statter Harbor Phase III CIP at its meeting on December 14, 2016.

The City Manager recommends this transfer be approved.

4. Liquor License

a. **Liquor License Renewals 2017-2018**

The following is a list of 2017/2018 liquor license renewal applications that have been received from the Alcohol Beverage Control Board so far for this renewal cycle.

Package Store Licenses:

License #849 Oke Hui Rodman d/b/a Percy's Liquor Store; 214 Front St., Juneau

License #828 Thibodeau's Market, Inc. d/b/a Thibodeau's Liquor; No Premises

Restaurant/Eating Place License:

License #1384 Alfonso Soriano d/b/a Jovany's Italian Restaurant; 9121 Glacier Hwy., Juneau

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above list of renewals and recommend the Assembly waive its right to protest these renewals.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2017/2018 renewal period.

VIII. PUBLIC HEARING

A. **Ordinance 2016-09(Z) An Ordinance Appropriating to the Manager the Sum of \$459,909 Plus Interest through January 10, 2017, as Funding for IRS Arbitrage Rebate (Related to Tax-Exempt Bonds); Funding Provided by the Debt Service Fund's Fund Balance.**

The 2006 CBJ General Obligation bonds have arbitrage rebate owed in the amount of \$487,103.60 including interest of \$72,180.40 on the rebate liability of \$414,923.20. The total liability needs to be paid within 60 days from December 5, 2016, the date the recently refunded (refinanced) bonds were officially retired. The Debt Service Fund Balance has \$490,000 available from prior interest earnings and a sales tax funding allocated to pay school bond debt.

The Assembly Finance Committee forwarded this request to the Assembly at its December 14, 2016, regular meeting.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2016-45 An Ordinance Amending the Official Land Use Maps of the City and Borough to Change the Land Use Designation of Two Parcels Located on a Fraction of USMS 164 near the End of St. Ann's Avenue in Downtown Douglas from Natural Area Park to Medium Density Residential.**

In July 2016, CDD received an application to rezone a parcel, located near the end of St. Ann's, from D-5 to D-18. The rezone was recommended for approval by the Planning Commission on September 13, 2016, and the rezone ordinance, 2016-41, was introduced at the November 7, 2016, regular Assembly meeting.

Prior to the public hearing, it was discovered that the Comprehensive Plan Map designations of both the subject parcel and the parcel adjacent to it were incorrectly designated as Natural Park Area. Natural Park Area is defined as "CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development." The subject parcels in this ordinance are privately held and suitable for development.

Staff forwarded a recommendation to the Planning Commission that the Land Use Maps be amended to change the parcels' designation from Natural Park Area to Medium Density Residential. The Planning Commission considered the map amendment issue at its meeting on November 30, 2016, and approved making the recommendation to the Assembly.

The City Manager recommends this ordinance be adopted.

- C. Ordinance 2016-41(b) An Ordinance Amending the Official Zoning Map of the City & Borough to Change the Zoning of a Southeast Fraction of USMS 164, Located near the End of St. Ann's Avenue in Downtown Douglas, from D-5 to D-18.**

In July 2016, CDD received an application to rezone a parcel, located at the end of St. Ann's in Douglas, from D-5 to D-18. A neighborhood meeting on the proposed rezone was held on August 17, 2016.

Pursuant to Ordinance 2016-45, the Comprehensive Plan identifies the subject parcel as Medium Density Residential. The lots adjacent to the subject parcel are zoned D-18.

The Planning Commission approved the rezone at its September 13, 2016, meeting.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

- A. Liquor License #4405 - Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc.**

The Finance Department recommended the Assembly file a mid-cycle protest of the Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc. Liquor License #4405 in accordance with AS 04.11.480 which states the following:

"The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a

protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application...."

The initial protest was based on the continued delinquency on the Confession of Judgment (COJ) which was in default for the second time with a total of 7 missed monthly payments as of November 30, 2016 resulting in a total of \$10,000 in back payments due to bring the COJ current again. In addition to the defaulted COJ payments, there was a total of \$141.12 in outstanding sales taxes, penalties, and interest also owing to pay the sales tax account current through December 2016. Following notice sent to the licensee of these delinquencies, a payment was received on December 16, 2016 bringing current the sales tax balances. A \$9,000 payment via cashiers check brought the COJ current through November 2016. The licensee also provided a post-dated check for December 23 in the amount of \$1,000 for the December 2016 COJ payment.

At its meeting on December 19, 2016 the Assembly Human Resources Committee recommended postponement of action on this license to the January 9, 2017 Assembly meeting in order to ensure the December 23 payment went through as well as to ensure the payment due January 1, 2017 was received in a timely manner.

As of January 5, 2017, when this packet was going to print, staff from the Finance Department reported that the postdated check of December 23, 2016 has cleared the bank. They also reported that the January payment of \$1,500 was dated January 1, 2017 and there is only one remaining payment due on February 1, 2017 for a little over \$1,300 to pay the COJ balance in full.

In light of the above payments having been received, Finance staff is removing its request for a protest of the continued operation of this liquor license.

The complete details regarding this item can be found in the January 9, 2017 Assembly Human Resources Committee packet and the HRC will be forwarding its recommendation for Assembly action.

The City Manager recommends this mid-cycle liquor license protest be withdrawn.

X. NEW BUSINESS

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

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