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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 19, 2016

MEETING NO. 2016-38: 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 Mayor Ken Koelsch.

I. ROLL CALL

Assembly Present: Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assembly Absent: Mary Becker.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Roger Healy, Engineering and Public Works Director; Carl Uchytil, Port Director; Beth McKibben, Planning Manager.

II. SPECIAL ORDER OF BUSINESS

A. UAS Chancellor Caulfield

University of Alaska Southeast Chancellor Rick Caulfield introduced John Pugh, Chancellor Emeritus and Marshall Lind, Chancellor Emeritus and said they were present to thank the Assembly, the community and all of Southeast Alaska for the support to UAS in recent weeks and months. Last Wednesday the University of Alaska Board of Regents voted 11 - 0 to support UAS in becoming the lead university across the entire system for teacher education and educational leadership. Mr. Caulfield, Mr. Pugh and Mr. Lind spoke about the decision, the past and the future of UAS within the UA system.

III. APPROVAL OF MINUTES

A. November 28, 2016 Regular Assembly Meeting 2016-36

Hearing no objection, the minutes of the November 28, 2016 Regular Assembly Meeting 2016-36 were approved as corrected by Ms. Gladziszewski.

B. December 8, 2016 Special Assembly Meeting 2016-37

Hearing no objection, the minutes of the December 8, 2016 Special Assembly Meeting 2016-37 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt changed his recommendation for Ordinance 2016-44, under Ordinances for Introduction on the consent agenda, that the ordinance be introduced and referred to the January 23 regular Assembly meeting, to allow the matter to be discussed at the January 9 Committee of the Whole meeting. Hearing no objection, it was so ordered.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said that when and if the new pedicab regulations are brought up, he would like to see the fee be $400 or less and he would like to see no limits to the areas that they can be used. He would like to see $1 million insurance coverage requirement, with a $25 per bike fee and no fee for seniors. If the fee is sky high, please amend the fee. The fees need to be commensurate with the number of people that an operator can carry.

Rebecca Gaguine spoke about the lack of affordable housing in Juneau. She works at AWARE, and being homeless in Juneau in the winter is not possible. Please take this issue seriously, our vulnerable population is getting larger, not smaller.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

Ms. White requested that Resolution 2780 Adopting the Housing Action Plan, be removed from the Consent Agenda. Hearing no objection, it was so ordered.

C. Assembly Action

<u>MOTION</u>, by Nankervis, to adopt the consent agenda, as amended by Mr. Watt and with the removal of Resolution 2780, the Housing Action Plan. Hearing no objections, the consent agenda was adopted as amended.

1. Ordinances for Introduction

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 introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

This ordinance narrowly defines a geographic area in downtown Juneau from which camping is prohibited. Businesses in the downtown Juneau area are experiencing a noticeable and significant increase of unauthorized people camping in doorways, and campers leaving refuse behind. The primary purpose of this ordinance is to prohibit camping on private property without permission of the property owner.

Importantly, this ordinance primarily regulates business property because those business property owners and tenants are generally not present during the evenings when the camping is occurring. This ordinance would give the CBJ and business owners a tool to minimize the unauthorized camping.

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

c. 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 a rezone application for a parcel located near the end of St. Ann's requesting a rezone 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.

However, as staff continued its work on the proposed rezone, it was discovered that the Comprehensive Plan Map designations of both the parcel to be rezoned, 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.

This ordinance would amend the Land Use Maps of the Comprehensive Plan to change the map designation of both parcels from Natural Park Area to Medium Density Residential.

Ordinance 2016-41, addressing the rezone, will be brought forward for public hearing concurrent with the public hearing on this ordinance.

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

2. Resolutions

a. Resolution 2778 A Resolution in Support of Proposed Changes to Alaska Statute Chapters 30.30 and 05.25 Relating to Improving the Management and Prevention of Derelict Vessels.

The substance of this resolution was drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks and Harbors is a member. Since 2014, an Abandoned and Derelict Vessel *ad hoc* task force consisting of federal, state, Alaska Native, and non-profit organizations have met to recommend changes to Alaska statutes addressing this public nuisance. Some of the recommended proposed legislative changes include a funding mechanism to address abandoned and derelict vessels and vessel insurance requirements to cover salvage costs.

A complete copy of the amendments being proposed to the legislature can be found here: http://www.juneau.org/harbors/documents/AlaskaCleanHarbors.pdf

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

The City Manager recommends this resolution be adopted.

b. Resolution 2779 A Resolution Authorizing the Manager to Apply for, and Enter into, a Loan Agreement with the State of Alaska Department of Environmental Conservation, through its Alaska Drinking Water Fund, for the Douglas Highway Water System Replacement.

This resolution would authorize the City Manager to enter into loan agreements with the Alaska Department of Environmental Conservation for the Douglas Highway Water System Replacement, in the amount of $3,000,000.

The Douglas Highway Water System Replacement Project involves the replacement of failing water infrastructure within Douglas Highway from the Juneau Douglas Bridge to Lawson Creek Bridge, and is intended to be completed before Alaska DOT resurfaces the roadway in 2018/2019.

The terms of the low interest loans under the Alaska Revolving Loan Fund managed by ADEC are 20-year repayment at a l.5-percent interest rate. The project loans would be re-paid with water utility customer revenues.

The Public Works and Facilities Committee passed a motion of support for this resolution at its November 21, 2016, regular meeting and recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Bid Award for Auke Bay Loading Facility Boat Yard

This project develops needed office and work space for the boat repair facility at the Auke Bay Loading Facility. The work includes construction of an office space addition to an existing building; a new boat repair shop building; and erection of a new fabric covered boat shelter.

A public bid opening occurred on December 8, 2016. The Docks and Harbors Board reviewed the bids at its regular board meeting on December 15, 2016. Bid information will be provided in a red folder.

The City Manager recommends the bid be awarded to Alaska Commercial Contractors in the amount of $373,766.

b. Bid Award - Headworks Improvements BE17-033

Bids were opened on the subject project on December 13, 2016. The bid protest period expired at 4:30 p.m. on December 14, 2016. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Carver Construction	**$2,422,930**
Dawson Construction	$2,663,000
North Pacific Erectors	$2,996,791
Alaska Commercial Contractors	$3,487,000
RSCI	$3,648,500
Engineer's Estimate	$3,443,707

Project Manager: Lori Sowa, CBJ Engineering

Project Description: **Mendenhall Valley Wastewater Treatment Plant (MWWTP):** The improvements to the headworks includes removal of one existing automatic screen and grinder system and one manual bar screen, the installation of two new perforated plate screens and screening washer/compactors including new electrical connections to the screens and compactors, dismantling and removing an oil/water separation tank, relocating an existing grit classifier clarifier and conveyor, and modifications to the piping in the influent pump station, painting of pipe, installation of gas alarms, and miscellaneous related work. Installation of the new screens will require construction sequencing to dismantle and replace existing 16-inch and 18-inch ductile iron pipe and new 24-inch process piping to make space for the new screens.

Juneau-Douglas Wastewater Treatment Plant (JDTP): The improvements to the headworks includes the installation of two new perforated plate automatic screens and screening washer/compactors including new electrical connections to the screens and compactors, construction of new concrete influent channels and piping to connect the new influent channels to existing piping, construction of a new building around the new channels and miscellaneous related work. Site grading includes the installation of two new catch basins, new storm drain lines, and asphalt restoration. Demolition includes the removal of the existing automatic screen and manual screen, removal of existing concrete steps, removal of a timber framed wall and soffit, and removal of electrical feeds to the existing screens. Construction sequencing will be required to maintain the existing headworks in operation while the new screens and channels are in construction.

Funding Source:	Wastewater Contribution	$1,610,000
	ADEC Loan	$4,000,000
Total Project Funds:		$ 5,610,000

CIP No. U76-106

Construction Encumbrance:	$2,422,930
Construction Contingency:	$242,293
Design:	$403,500
Contract Administration/Inspection:	$193,835
CBJ Administrative costs:	$72,687

The City Manager recommends award of this project to Carver Construction for the total amount bid of $2,422,930.

4. Liquor License

a. New Brewery Liquor License #5524 - Barnaby Brewing Company, LLC d/b/a Barnaby Brewing Company

This is an application for a new brewery license to be located at 206-1 N. Franklin Street, Juneau, Alaska, 99801.

Staff from the Finance, Police, Fire, Public Works, and Community Development departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest this liquor license, CBJ Code 20.25 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 their right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the issuance of this new liquor license application.

5. Transfers

a. Transfer T-982 Transfers $1,970,781 from Eight Capital Improvement Projects to Provide Funding for Four Ongoing Capital Improvement Projects.

This transfer request will move $1,970,781 from 3 completed and 5 nearly completed Capital Improvement Projects to provide funding for 4 ongoing Capital Improvement Projects.

These funds will be distributed to provide necessary funding for ongoing Capital Improvement Projects. The transfers are tabulated below:

Project No.	Transfer From	Transfer	Status
W75-037	Last Chance Basin Hydro-Geo Inventory	815,000	Ongoing
W75-044	Salmon Crk Secondary Disinfection	267,544	Ongoing
W75-053	West Juneau Reservoir Improvements	140,000	complete - close CIP
R72-111	Distin/W 8th Street Reconstruction	229,000	*Final phase completion Spring 2017
R72-104	Lakewood Subdivision Reconstruction	215,000	Ongoing
R72-107	Meadow Lane Improvements	275,000	Ongoing
R72-113	Scott Drive Improvements	26,000	complete - close CIP
R72-051	Berners Avenue	3,237	complete - close CIP
	Total Transfer	**1,970,781**	

* - adequate funding has been left to complete final phase of project

Project No.	Transfer To	Transfer	Status
W75-054	Douglas Hwy Water Repl Brdg to Lawson Creek	1,222,544	Ongoing
P71-055	Downtown Transportation Center	54,000	Final change order/Closeout
R72-127	East Street-5th to 6th	75,000	Ongoing
R72-125	Aspen Avenue-Mendenhall to Portage	100,000	Ongoing
R72-125	Aspen Avenue-Mendenhall to Portage	519,237	Ongoing
	Total Transfer	**1,970,781**	

The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its November 21, 2016, meeting.

The City Manager recommends approval of this transfer.

REMOVED from the Consent Agenda:

b. Resolution 2780 A Resolution Adopting the Housing Action Plan.

This resolution would adopt the Housing Action Plan (HAP).

On October 26, 2015, the draft HAP was presented to the Assembly Committee of the Whole.

The Affordable Housing Commission and staff further refined the HAP, and at its June 7, 2016, meeting, the Affordable Housing Commission voted to move the HAP to the Planning Commission and recommended it be adopted as part of the Comprehensive Plan.

On July 12, 2016, the Planning Commission, by unanimous vote, recommended that the Assembly adopt the HAP.

On October 31, 2016, the Assembly Committee of the Whole made its final changes to the HAP and forwarded it to the Assembly for adoption into the Comprehensive Plan by Ordinance 2016-30. At the public hearing on the ordinance at its meeting on November 28, 2016, the Assembly instead passed a motion directing staff to draft a resolution to adopt the plan.

This resolution would adopt the Housing Action Plan.

The City Manager recommends this resolution be adopted.

MOTION, by White, to refer the plan to the Lands Committee.

Ms. White said she met with Scott Ciambor, Chief Housing Officer, on a variety of issues within the Housing Action Plan, and she would like to continue to refine and adjust a few items in the plan. She said it is good to have a plan but it is better to have a plan that the building industry can get behind. If they don't, it won't work. She has heard builders say that this plan could prevent them from developing new units.

Mr. Jones objected to the referral to any committee. If the intent is to take the plan drafted by the consultants, approved by the Affordable Housing Commission and the Planning Commission and rewrite it, he objected. If the intent is to update specific numbers, he would have less objection. The plan says housing is stuck, and perhaps the building industry objects because they have not been responding to the market needs.

Roll call:
Aye: Nankervis, Weldon, White, Koelsch
Nay: Gladziszewski, Gregory, Jones, Kiehl.
Motion failed, 4 aye, 4 nay.

MOTION, by Jones, to adopt the Housing Action Plan.

Mr. Jones said he was in support of adopting the HAP as part of the Comprehensive Plan, not by resolution, and he urged a "no" vote.

Mr. Kiehl said that he agreed about how the plan needed to be adopted, but the time had come to move toward action on housing issues so he would support the motion.

Ms. Gladziszewski agreed with Mr. Jones comments about the adoption into the Comprehensive Plan, but she was happy to start with the implementation plan - there were many ways to start moving. Nothing will happen without us taking affirmative action and we need to start moving the needle.

Roll call:
Aye: Gladziszewski, Gregory, Kiehl, Nankervis, Weldon, White, Koelsch
Nay: Jones
Motion passed, 7 ayes, 1 nay.

VII. PUBLIC HEARING

A. Ordinance 2016-36(b) An Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Domestic Animals.

The Animal Hearing Board and Gastineau Humane Society request several amendments of CBJ Chapter 8.30 relating to potentially dangerous and dangerous domestic animals. The changes clarify some of the requirements imposed on owners of potentially dangerous and dangerous domestic animals.

The Committee of the Whole considered this ordinance at its November 21, 2016, meeting and recommended moving the ordinance forward as amended. The amendments are shown in italics in version (b) of the ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:

William Quayle said Juneau was in bear country and some people kept mean dogs for protection.

Assembly Action:

MOTION, by White, to adopt Ordinance 2016-36(b).

MOTION, by Nankervis, Page 2, section (b), line 10, to remove the words, "...including a spay or neuter requirement..."

He did not believe that was something the city should tell an animal owner to do.

Mr. Kiehl said this language was currently in code and was not language suggested for amendment. He asked for an explanation, as this is often used as a way to modify animal behavior.

Matt Musslewhite, Executive Director of Gastineau Humane Society, said that this has been a foundation of the dangerous dog section for some time and there are many studies that link aggressiveness with non-alteration of an animal and it is currently a decision of the director that can be appealed.

Mr. Kiehl objected to the motion.

Roll call:
Aye: Nankervis, Koelsch
Nay: Gladziszewski, Gregory, Jones, Kiehl, Weldon, White
Motion failed, 2 ayes, 6 nays.

MOTION, by Nankervis, to remove on page 4, section (d) regarding requirements for micro-chipping.

Ms. Gladziszewski objected and said she was satisfied with the reasoning for this requirement as explained in discussion at the COW meeting.

Roll call:
Aye: Jones, Nankervis, White, Koelsch
Nay: Gladziszewski, Gregory, Kiehl, Weldon
Motion failed, 4 ayes, 4 nays.

Roll call on the main motion, to adopt Ordinance 2016-36:
Aye: Gladziszewski, Gregory, Kiehl, Weldon, White, Koelsch
Nay: Jones, Nankervis
Motion passed: 6 ayes, 2 nays.

B. Ordinance 2015-20(AX) An Ordinance Appropriating to the Manager the Sum of $660,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2016 Operating Budget; Funding Provided by Hospital Revenues.

This ordinance would appropriate an additional $660,000 to Bartlett Regional Hospital for FY16 operations. BRH initially prepared their budget 18 months ago and underestimated the total expenditures by less than 1%. This appropriation is being funded from FY16 hospital revenues.

The Bartlett Finance Committee was informed of the year-end operating expense authorization shortfall, and the need to obtain Assembly budget authorization, at its November 15, 2016, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2015-20(AX). Hearing no objection, it was so ordered.

C. Ordinance 2016-09(V) An Ordinance Transferring $3,075,566 from the Sales Tax, and the General Fund's Fund Balance to the General Debt Service Fund's Fund Balance.

This ordinance would replace $3,075,000 of the original state funding that was appropriated for debt service with available fund balance from the general and sales tax funds.

The original funding was expected as a part of the state budget allocation to reimburse local governments for the state share of school debt bond reimbursement. Due to the Governor's veto of state revenue CBJ needed to find additional funding. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding for school debt service be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2016-09(V). Hearing no objection, it was so ordered.

D. Ordinance 2016-09(W) An Ordinance Transferring $696,000 from the CBJ Facility Infrastructure Deferred Maintenance Project, to the General Government Fund's Fund Balance.

This ordinance would transfer $696,000 of FY17 Deferred Maintenance CIP funding to the general fund for operating budget expenditures. As a part of the FY17 CBJ budget process, the Assembly tentatively allocated $696,000 of increased property tax revenues into a deferred maintenance CIP. The allocation was tentative based on the uncertainty of the FY17 state budget.

Subsequent to the adoption of the CBJ budget in May 2016, a Governor's veto reduced the amount of the permanent fund dividend. The reduction in the dividend is expected to reduce the retail sales tax collected. The tax loss reduces the revenue originally allocated to the general fund. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding, via a CIP transfer, for general government operations be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-09(W). Hearing no objection, it was so ordered.

E. Ordinance 2016-09(X) An Ordinance Transferring $110,434 from the Sales Tax Fund's Fund Balance, to the Roaded Service Area Fund's Fund Balance.

This ordinance would appropriate $110,434 of available sales tax fund balance as partial funding for the FY17 general government operating budget.

Subsequent to the adoption of the CBJ budget in May 2016, a Governor's veto reduced the amount of the permanent fund dividend. The reduction in the dividend is expected to reduce the retail sales tax collected. The tax loss reduces the revenue originally allocated to the general government funds. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding from the sales tax fund for general government operations be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2016-09(X). Hearing no objection, it was so ordered.

F. Ordinance 2016-09(Y) An Ordinance Appropriating to the Manager the Sum of $365,000 as Funding for 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 Committee is donating $365,000 to the CBJ for the construction of the fountain and whale related site preparation elements of the Seawalk Bridge Park to Gold Creek project. This donation will pay for these items in the Phase III Seawalk contract and will have additional funds available to put towards the completion of the fountain works and pump room. These donated funds will be appropriated into the Bridge Park CIP, P41-090.

The Public Works and Facilities Committee recommended this request be forwarded to the Assembly for action/adoption at its October 31, 2016, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2016-09(Y). Hearing no objection, it was so ordered.

Former Mayor Botelho and members of the Whale Project Committee, including Jim Clark, Jean Overstreet and Paul Dick, were present to deliver a large ceremonial check to the Assembly in the amount of $365,000. Former Mayor Botelho spoke about the project and current fundraising efforts, including the sale of inscribed bricks. Information was available at alaskawhaleproject.com. Ms. Overstreet said that her husband, Former Mayor Bill Overstreet (d.), would have loved to have been able to see the project come to fruition, and she thanked the community of Juneau for the overwhelming support.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

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

The Finance Department is recommending the Assembly file a mid-cycle protest of the Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc. Liquor License #440 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 protest is based on the continued delinquency on the Confession of Judgment (COJ) which is 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 is a total of $141.12 in outstanding sales taxes, penalties, and interest also owing to pay their sales tax account current through December 2016. Complete details of these issues are outlined in the December 8, 2016 certified letter sent to the business in advance of this meeting.

CBJ Code 20.25.025 provides the business the right to an informal hearing before the Assembly if they choose to do so and this would be that opportunity should they choose to request an informal hearing.

The final regular Assembly meeting at which a mid-cycle protest may be acted upon is January 23, 2017.

This license was before the Assembly Human Resources Committee (HRC) at its meeting earlier in the evening. The City Manager recommends the Assembly act in accordance with the recommendation from the HRC.

Public Comment:

None.

Assembly Action:

Mr. Jones provided a report from the Human Resources Committee. He spoke about payments made by the business owner and continuing payments due.

<u>MOTION</u>, by Jones, to postpone action on this license until the January 9, 2017 HRC meeting at 5 pm, in order to ensure that compliance is made by the business. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Mr. Watt congratulated Ms. Cosgrove on her service to CBJ and provided her with her ten-year service pin.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch said he attended the Electors Ceremony today at the SLAM and it was very impressive. He is working with an ad-hoc committee about homeless inebriates in the community and they are establishing the needs and ways to address those, including lighting and the camping ordinance introduced. The Glory Hole Shelter, St. Vincent de Paul and Zach Gordon Teen Center are working to find housing for individuals and JPD has been working with Juneau Alliance for Mental Health Inc.(JAMHI) and Aiding Women in Abuse and Rape Emergencies (AWARE) and other support agencies for assistance. Some rapid re-housing efforts are on-going. We are researching a solution for when the weather triggers the use of emergency shelters, a location for such and methods of operation, including "low-barrier to entry shelters."

He will respond to a letter about Juneau Access and provide a copy to all Assemblymembers.

He read a letter to Cody Weldon congratulating him for winning the state wrestling championship in his weight class. This is the first championship for Juneau since 2006-2007 and he is the first in Juneau to win in his weight class.

B. Committee and Liaison Reports

<u>Affordable Housing Commission</u>: Liaison Gregory said the AHC has met twice since his term began. Greg Mickelson is the new code enforcement officer for CBJ and the AHC reviewed his duties. They are working on a blighted property ordinance, mobile home financing, loans to sponsors, and are continually working on a review of the Housing Action Plan, suggesting it needs to be updated every two years.

<u>School Board</u>: Liaison Weldon said the Board is working on budget revisions and she reported on its request to the Assembly. The calendar has been adopted and they are working on their legislative program.

<u>Juneau Economic Development Council</u>: Liaison Weldon said JEDC coordinated a letter writing campaign and over 100 letters were sent in support of the UAS Education program. They have launched STEM grants and held a Robotics event and will hold the Innovation Summit on February 15 - 16.

<u>Lands and Resources Committee</u>: Chair White said the committee met and heard an update regarding potential public parking in the subport area and discussion about right-of-way use by a downtown business.

<u>Planning Commission</u>: Liaison White said the next meeting is set for December 27.

<u>Travel Juneau</u>: Liaison White said JCVB has concerns about the Governor's budget regarding marketing support for tourism. They are very supportive of UAS as many students stay here and work in the summer in the tourism industry. There will be a board retreat in February.

<u>Parks and Recreation Advisory Committee</u>: Liaison Gladziszewski said the PRAC is busy with the master plan, reviewing CIPs, have discussed the "hut to hut" program, would like to see Gunakadeit Park continue to be a park, and the next meeting is set for January 3.

<u>Juneau Commission on Sustainability</u>: Liaison Gladziszewski said the JCOS is reviewing and analyzing public comments on the Energy Plan and the "chicken committee" is working on an ordinance.

<u>Bartlett Regional Hospital</u>: Liaison Gladziszewski said the next meeting is set for December 27.

<u>Downtown Business Association</u>: Liaison Gladziszewski said the Board reviewed Gallery Walk, their internal communications, and issues surrounding homelessness and loitering. Their Board would like to meet with the City Attorney's office to know what code options are available to them.

Human Resources Committee: Chair Jones said the HRC heard an annual report from the Douglas Advisory Board, and recommended the following appointments. Hearing no objection, the following appointments were confirmed by the Assembly:

Douglas Advisory Board:
Re-appointment of John Delgado, Mary Kay Pusich, Adam Garner to seats with terms expiring September 30, 2019.

Local Emergency Planning Committee:
Adjustment of appointment to "Vulnerable Persons" seat: Jason Burke to serve as primary and Suzanne Dutson to serve as alternate. This adjustment would be forwarded to the State of Alaska.

Mr. Jones said the HRC also discussed the liquor license on the agenda under new business and reviewed the Bartlett Regional Hospital Personnel Rules with CBJ HRRM Director Dallas Hargraves. The HRC forwarded the BRH personnel rules to the Assembly. The next meeting of the HRC was set for January 9, 5 -5:30 p.m. to accommodate a Committee of the Whole meeting to begin at 5:30, prior to the regular Assembly meeting.

Airport Board: Liaison Jones said the Board met on December 13 and approved forwarding the airport layout plan on to FAA. The next meeting is set for January 10.

Local Emergency Planning Committee: Liaison Jones said the next meeting is set for January 11.

Downtown Improvement Group: Liaison Jones said that Mr. Watt is working with this group as an ad-hoc parking group and Mr. Jones encouraged more public members to be a part of this discussion.

Alaska Municipal League: Liaison Kiehl said that the AML Board will hold a teleconference in early January and will review a proposed "Community Dividend" bill which is a potential replacement for the revenue sharing program.

UAS Campus Council: Liaison Kiehl said the council met December 5 heard from the Alumni Development Office and also heard about the effort to locate the UA School of Education.

Finance Committee: Chair Kiehl said the committee held a discussion with the school district. The unexpected bump in students has created an opportunity for CBJ to provide additional funding to the new cap and this matter will be before the Finance Committee at a future meeting. The committee discussed funding the next phase of Statter Harbor - a commercial tour passenger facility and discussed the potential of using some passenger fees as a funding source. The committee heard about collection of past due sales tax accounts and efforts to catch these problems earlier. The committee discussed bond interest arbitrage and received a report on CBJ revenues to date.

Committee of the Whole: Chair Nankervis said the COW met with the Airport Board on its Sustainability Master Plan, heard an update on the proposed new JACC, and received an update on the Economic Development Plan. The next meeting is set for January 9, and topics include the Land Use Code proposed ordinance regarding shared access and a camping ordinance. The meeting will start at 5:30 p.m.

Public Works and Facilities Committee: The next meeting is set for January 9.

Docks and Harbors Board: Mr. Nankervis provided an update on behalf of Liaison Becker. The art for Dock project 16b may be delayed from spring to a fall installation. The Board is reviewing the waterfront plan from Taku Dock to Marine Park for public and private development. Douglas Harbor is 80% complete, Aurora Harbor Phase 2 will be out to bid soon, and the planning for the area of Norway Point to Bridge Park will be discussed at future meeting. Docks and Harbors submitted a proposal for the NOAA facility at Auke Bay and GSA is expecting UAS and CBJ to partition the property to their needs and submit the plan. Statter Harbor Phase 3 dredging is starting and the for hire floats will be located there.

C. Presiding Officer Reports

SEAL Trust v. CBJ Assessor: Presiding Officer Kiehl said the hearing is set for February 1.

Nestler v Planning Commission: Presiding Officer Jones said the hearing is set February 27.

XII. ASSEMBLY COMMENTS AND QUESTIONS

All Assemblymembers took turns wishing all a Merry Christmas and Happy Holiday Season.

Mr. Nankervis asked people to call their moms during the holiday.

Mr. Kiehl said he attended the Figure Skating Club ice show. He attended a local Freemason officers' installation and they are finishing their new center in valley with a grand opening in March. He spoke to Mara Sheakley Early's high school government class and they were well prepared.

Mr. Jones said he attended the JEDC Robotics Competition and helped judge.The winning team, from Skagway, skyped in their participation due to being weathered out. He has attended Lemon Creek area planning meetings and there is a lot of discussion about the landfill. He attended the CCFR awards dinner. He shared the community's recent loss of Kathy Hildre and George Brown.

Ms. White gave a "shout out" to JPD for its "Shop with a Cop" program and their efforts to help local families. JPD will host an encouragement rally on the first day of the legislature on the capital steps.

Ms. Gladziszewski said she was happy to hear about the hiring of a half-time PIO, she likes the new CBJ Logo and was glad to hear the "Alaska's Capital City" had been added and encouraged continued exploration of audio posting of meetings. She attended an event at Filipino Hall recently and Holiday Pops show was sold out.

Ms. Weldon attended the state wrestling tournament and it was the first time a Juneau team placed in the top ten. She encouraged people to visit seniors at the Pioneer Home.

Mayor Koelsch said he attended the CCFR awards dinner and a Catholic Community Services reception to say goodbye to Bishop Edward Burns. He met with the USCG Admiral and staff to express appreciation for their continued presence in the community. Mayor Koelsch thanked the Assembly for its work on the university issue.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle suggested that CBJ allow homeless people, who are waiting for housing and have a voucher, to live in their cars without harassment. He suggested an area for parking at the end of Montana Creek Road.

XIV. EXECUTIVE SESSION

MOTION, by Jones, to adjourn the assembly meeting and to reconvene the Assembly in its quasi-judicial capacity to enter into executive session for deliberations on the Meek v Planning Commission appeal. Hearing no objection, it was so ordered.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 8:55 p.m.

Signed:_________________________ Laurie Sica, Municipal Clerk

Signed:_________________________ Kendell D. Koelsch, Mayor

XVI. SUPPLEMENTAL MATERIALS

Presented by: The Manager
Introduced: 1/9/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriate. There is appropriated to the Manager the sum of $2,075, as funding for Sister Cities Program.

Section 3. Source of Funds.

Donation from the Filipino Community, Inc.	$ 2,075

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this __ day of _________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by:	The Manager
Introduced:	1/9/2017
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriate. There is appropriated to the Manager the sum of $30,000, as funding for leasing the Juneau Subport Parking lot.

Section 3. Source of Funds.

Downtown Parking Fund's Fund Balance	$ 30,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this __ day of _________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-43

An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Table. Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D4	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.00	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
. . .																
7.600	Sobering centers									3	3	3	3			
. . .																

Section 3. Amendment of Table. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read as follows:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

(a) Table of minimum parking standards. The minimum number of off-street parking spaces required shall be set forth in the following table. The number of spaces shall be calculated to the nearest whole number.

Use	Spaces Required
. . .	
Assisted living facility	0.4 parking spaces per maximum number of residents
Sobering Centers	1 parking space per 6 beds, plus 1 visitor parking space
Theaters	1 for each four seats
. . .	

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

. . .

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

. . .

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for homeless persons on a short-term basis.

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2016.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.

2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.

3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage.

4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed.

5. All waste containing marijuana products shall be stored in a locked enclosure until transported to the CBJ landfill.

MOTION: *by Mr. LeVine, to approve items CSP2016 0012 and USE2016 0030 on the Consent Agenda.*

The motion was approved with no objection.

V. REGULAR AGENDA

AME2016 0015:	Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.
Applicant:	City & Borough of Juneau
Location:	Borough Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments to the Assembly with a recommendation for approval.

Chrissy Steadman told the Commission that at the previous Planning Commission meeting the original staff recommendation had included four items:

- ✓ That a sobering center would be added as a permissible use to Title 49
- ✓ That a sobering center be defined
- ✓ That a parking requirement be provided for sobering centers
- ✓ That emergency shelters be added to the definition of assisted living

The Commission asked the staff to come back with a recommended definition for emergency shelters, and also for a determination if sobering centers should be permissible in the Industrial zoning district.

The staff finds that a sobering center allowed in the Industrial zone was inconsistent with Title 49, said Ms. Steadman, and not consistent with the goals and policies of the Comprehensive Plan, she said. The use is also not consistent with the definition of Industrial District found in CBJ 49.25.240, she explained.

The three Industrial zones within the CBJ include the Rock Dump, areas in Lemon Creek and adjacent to the airport, said Ms. Steadman. Most of the Industrial zone has a Comprehensive Plan land use designation as "Heavy Industrial", but there is some Light Industrial zoned land with a little bit of institutional and public uses, said Ms. Steadman. Waterfront Commercial Industrial is the land use designation in the area around the Rock Dump, and there is some resource development within the Lemon Creek area, she said.

Each of these designations does not include personal service uses consistent with each of these land use designations, said Ms. Steadman.

The staff found that sobering centers are most consistent with a personal service use, said Ms. Steadman. Neither the Comprehensive Plan or Title 49 define personal service uses, but the *Illustrated Book of Development Definitions* defined personal service uses as, "The establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel", said Ms. Steadman.

Chapter 10 of the Comprehensive Plan provides guidance on the use of Industrial land within the CBJ, said Ms. Steadman. Policy 10.7 states that, "To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses," read Ms. Steadman.

Further development guidelines within Chapter 10 state that the, "Distance from sensitive receptors, such as homes, schools and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors, and night time light glare," read Ms. Steadman.

She said that Chapter 10 further states that, "Residential, retail, office, personal service uses and similar nonindustrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatible with heavy industrial uses."

Chapter 5 of the Comprehensive Plan emphasizes the importance of preserving Industrial zoned lands for industrial and commercial purposes, said Ms. Steadman. It states that an industrial lands inventory and needs assessment may be required as part of such a rezoning application, she stated. "Lands designated for heavy industrial use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such a conversion", said Ms. Steadman.

The Comprehensive Plan does state that areas which have been encroached upon by nonindustrial uses should be rezoned to have an appropriate land use designation, said Ms. Steadman, so that the uses and the zoning districts are consistent.

Ms. Steadman stated that the staff still recommends that sobering centers be allowed in the Mixed Use (MU), Mixed Use 2 (MU2), Light Commercial (LC) and General Commercial (GC) zoning districts. The draft ordinance reads that a, "Sobering Center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170", stated Ms. Steadman.

The parking standard stipulates one space for six beds plus one visitor parking space, said Ms. Steadman. She explained that the amended definition of assisted living, "means a residential facility providing temporary accommodations and minimal supportive services for displaced persons on a short-term basis." This definition was compiled from various definitions researched around the country, said Ms. Steadman.

Ms. Steadman said the staff's recommendation is to:

- ✓ Add a section on sobering centers to the TPU (Table of Permissible Uses)
- ✓ Add a parking requirement for sobering centers of one space per six beds plus one visitor parking space
- ✓ Define sobering centers as previously listed in the report
- ✓ Amend the definition of an assisted living facility to include emergency shelters
- ✓ Define an emergency shelter as previously outlined

Commission Comments and Questions

Mr. Voelckers said he had raised the issue of possibly locating a sobering center within an Industrial zoned district so that areas were not precluded from consideration. He said he appreciated the research the staff had done on this item and that it made a compelling case that an Industrial zoned district is not really appropriate for a sobering center. He said he did find it interesting that the Comprehensive Plan does draw a distinction between heavy and light industrial zones, but that the zoning ordinance does not. There are significant areas for instance in Lemon Creek that are Light Industrial and do have a more transitional and mixed zoning aspect to them, he said.

Mr. LeVine said the analysis provided makes good sense to him. He said it did seem a little strange that there is an entire definition for something called a sobering center when it seems more of a subset of something like an emergency shelter. He asked if this was an unusual practice based upon the research the staff has performed. He said he was asking this question because if the practice continued then down the road the CBJ could end up a TPU 700 pages in length.

Ms. Steadman said there are several examples of sobering centers versus emergency shelters. She said that is why they wanted to clarify it within Title 49. Based upon the HUD definition that emergency shelters should really be included in residential zoning districts, and the staff did not feel that a sobering center was an appropriate use for residential districts.

Public Comment
Juneau resident Cynthia Dau told the Commission she feels the community has missed the opportunity over many years to talk about an emergency shelter. There are people on the street who are not eligible to participate in the Glory Hole program, noted Ms. Dau. There are downtown business owners who are fed up with the presence of homeless individuals sleeping in their doorways, she said. Ms. Dau said that she can understand this perspective.

The urine and the feces are not just from those individuals who are not able to participate in the Glory Hole program, she said. In the summer this is from visitors as well, she noted. Bathrooms are very difficult to locate in town, she said. She encouraged the community to do something about this problem.

Chairman Haight commented that these issues are going to be before the Assembly in its forthcoming discussions in 2017 and that the Commission would certainly support the Assembly in this cause.

MOTION: *by Mr. Voelckers, to approve AME2016 0015 and asked for unanimous consent.*

The motion passed by unanimous consent.

VI. DIRECTOR'S REPORT

Mr. Steedle told the Commission that the staff had provided a schedule for the Commission meetings for 2017.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-47

An Ordinance Amending the State Permits and Licenses Chapter, CBJ 01.65, to Provide for the Review of State Marijuana Licenses.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 01.65 Action on state permits and licenses, is amended by adding a new section to read:

01.65.030 Marijuana licenses.

Upon notification of the application for issuance, renewal or transfer of a marijuana license issued under AS 17.38, the manager shall refer the matter to the assembly for consideration under the provisions of chapter 20.25 of this Code.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2016.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2777

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

WHEREAS, a majority of the public boat harbors in Alaska were constructed by the State during the 1960s and 1970s; and

WHEREAS, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

WHEREAS, over the past 30 years, the State of Alaska has transferred ownership of most of these State-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, the municipalities accepted ownership from the State despite knowing that the harbor facilities were in poor condition at the time of transfer due to the State's failure to keep up with deferred maintenance; and

WHEREAS, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

WHEREAS, the Department of Transportation and Public Facilities administers this program by reviewing, scoring, and ranking applicants seeking the limited state funds; and

WHEREAS, for each harbor facility grant application, the municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

WHEREAS, the municipalities of 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 FY2018 towards seven harbor projects of significant importance locally as required in the Harbor Facility Grant Program; and

WHEREAS, completion of these harbor facility projects is dependent on the 50% match from the State of Alaska's Municipal Harbor Facility Grant Program; and

WHEREAS, during the last ten years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

WHEREAS, during the last ten years the backlog of projects necessary to repair and replace these former State-owned harbors has increased to over $100,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly of the City and Borough of Juneau urges full funding in the amount of $18,160,055 by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY2018 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _______ day of _______________________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, in order for a municipality to participate in the FY17 Shared Fisheries Business Tax Program, AS 29.60.450 requires that the municipality demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2015 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides that if the allocation available for a fisheries management area is less than the long-form threshold value, a municipality may demonstrate that it suffered significant effects during the program base year from fisheries business activities that occurred within that fisheries management area through a resolution of the municipality's governing body; and

WHEREAS, the City and Borough of Juneau is located within a fisheries management area with an allocation less than the long-form threshold value; and

WHEREAS, 3 AAC 134.120 provides that this resolution satisfies the Short-Form Application resolution requirements under the FY17 Shared Fisheries Business Tax Program.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The City and Borough of Juneau certifies it did suffer significant effects during calendar year 2015 from fisheries business activities that occurred within the FMA 17: NORTHERN SOUTHEAST fisheries management area and wishes to apply for funding under the FY17 Shared Fisheries Business Tax Program.

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Section 2. **Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this _______ day of _______________________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: The Manager

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, Juneau is a vibrant, ethnically diverse community that is home to people of differing opinions and points of view; and

WHEREAS, Juneau is the seat of our state government and as such should be a model for a healthy democratic process; and

WHEREAS, civil discourse is the cornerstone of an engaged and responsive citizenry; and

WHEREAS, respectful behavior is an essential element of a civil society; and

WHEREAS, each of us, through our own daily actions, creates the society we inhabit; and

WHEREAS, each citizen of our community deserves to be treated in a civil and respectful manner; and

WHEREAS, a citizenry that treats each other in a civil and respectful manner is the very foundation of public safety, vibrant economic development, and a quality, family-oriented community.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly does hereby proclaim Calendar Year 2017 a year of civility and respect and urges each citizen and visitor to our community to act in a manner that reflects those qualities.

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Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _______ day of _______________________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: January 9, 2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-983

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $4,600,000 be transferred:

From: CIP

H51-101	Cruise Ship Dock Project	$4,600,000

To: CIP

H51-108	Statter Harbor Phase III	$4,600,000

The $4,600,000 consists of:

State Commercial Passenger Vessel Excise Tax	$4,600,000

Moved and Approved this_____________day of ________________, 2017.

____
D. Rorie Watt, City Manager

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 12/19/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriate. There is appropriated to the Manager the sum of $459,909 Plus Interest through January 10, 2017, as funding for IRS Arbitrage Rebate.

Section 3. Source of Funds.

Debt Service Fund's Fund Balance $ 459,909

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this __ day of _________, 2017.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, the Land Use Maps of the Comprehensive Plan may be amended by the Assembly as necessary to reflect changing conditions; and

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems; and

WHEREAS, the Land Use Maps of the Comprehensive Plan designate the subject parcels as Natural Area Park (NP); and

WHEREAS, the NP designation is described as CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development; and

WHEREAS, the NP designation is not appropriate for the subject parcels because they are privately owned and suitable for development; and

WHEREAS, the property adjacent to the parcels to be re-designated is identified in the Land Use Maps as Medium Density Residential (MDR), which is described as appropriate for multifamily dwelling units at densities of 5 - 20 units per acre; and

WHEREAS, the MDR designation that is adjacent to the subject parcels is more appropriate to the subject sites than their current NP designation due to the availability of CBJ sewer, water, and maintained streets and their private ownership and development potential.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Code.

Section 2. Amendment to Comprehensive Plan Land Use Map. The Land Use Maps of the Comprehensive Plan of the City and Borough are amended to change the land use designation of two parcels located on a Fraction of US USMS 164 near the end of St. Ann's Avenue in Downtown Douglas, from Natural Area Park (NP) to Medium Density Residential (MDR).

The described amendment is shown on the attached Exhibit A.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2016.

____
Kendell D. Koelsch, Mayor

Attest:

____
Laurie J. Sica, Municipal Clerk

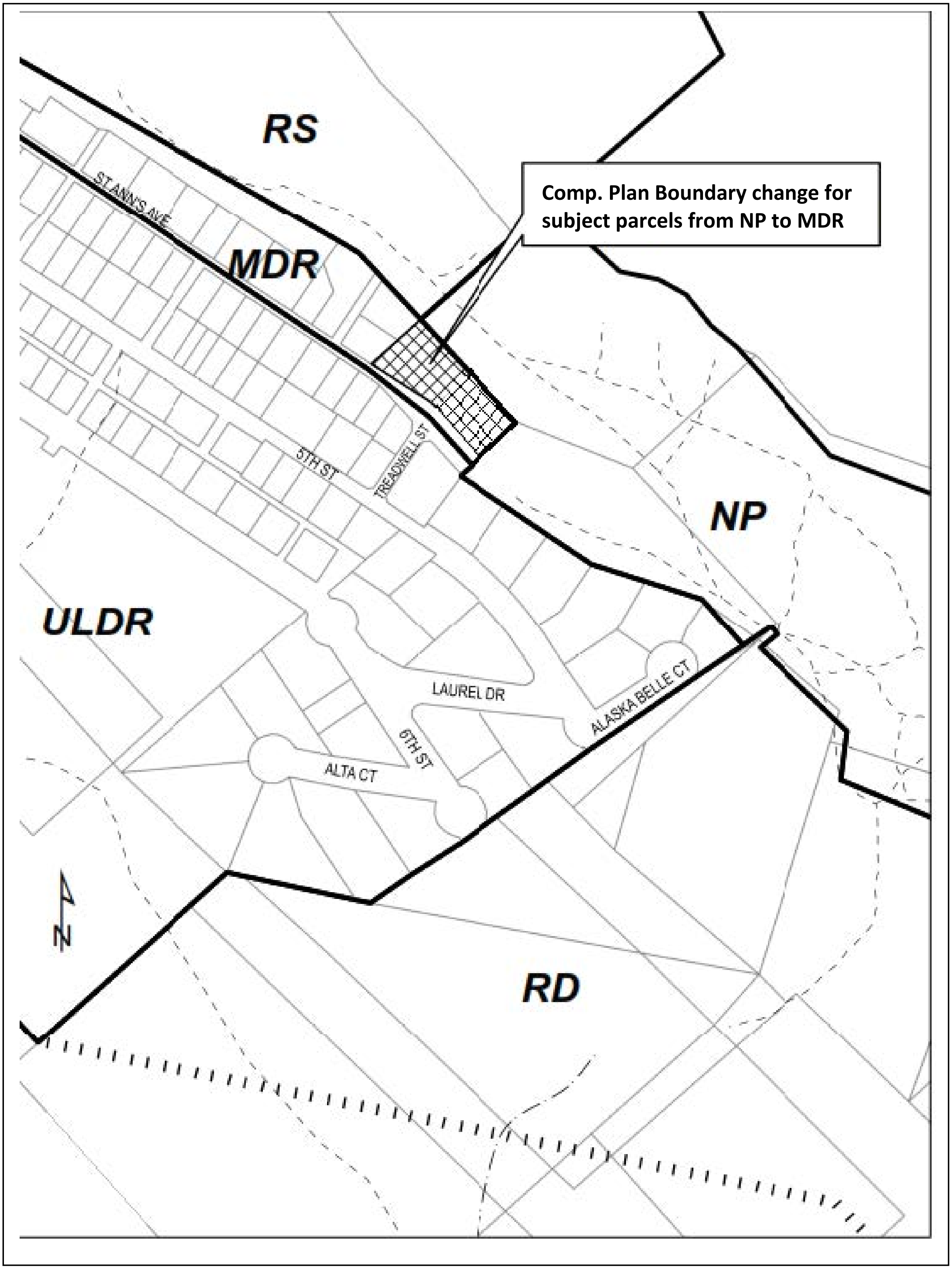

RS
Comp. Plan Boundary change for subject parcels from NP to MDR
ST ANN'S AVE
MDR
5TH ST
TREADWELL ST
NP
ULDR
LAUREL DR
ALASKA BELLE CT
6TH ST
ALTA CT
N
RD

EXHIBIT A

$500,000 of that will be covered by some unexpected sales tax revenue and $500,000 through departments trimming their budgets. The Assembly decided to pull money back it had allocated for deferred maintenance. The remaining $2.6 million deficit was taken care of through bond fund balance money, not the budget reserve, said Ms. White.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0011: A proposed rezone of a vacant lot near the end of St. Ann's in Downtown Douglas from D-5 to D-18 zoning district.
Applicant: R & M Engineering
Location: St. Ann's Avenue

Staff Recommendation
Staff recommends the Planning Commission recommend the Assembly approve the subject rezone application, changing the zoning district from D-5 to D-18.

This item is for the rezone of a vacant lot near the end of St. Ann's in downtown Douglas from a D-5 to a D-18 zoning district, said Mr. Feldt. A zoning change is initiated by a private property owner, said Mr. Feldt, and the zone change requests are limited to the months of January and July, he said. This request came to the staff in July, he said. Public notice has been provided, said Mr. Feldt, in addition to a voluntary neighborhood meeting proposed by the staff. This meeting was held in mid-August, he said.

The applicant is proposing that this lot be expanded into the D-18 zoning district, said Mr. Feldt. If the Planning Commission provides a positive recommendation it then proceeds to the Assembly for action following public meetings, said Mr. Feldt. If the Commission votes to deny the rezone application, said Mr. Feldt, that decision is final and it does not go any further to the Assembly.

The property owner requests the rezone in order to develop the property by subdividing it into three small lots, said Mr. Feldt. There would then be a total of three homes, said Mr. Feldt. One lot would be a single family detached home and lots two and three would be two common wall dwellings, said Mr. Feldt.

On the subject site the owner may have up to two dwelling units, said Mr. Feldt. If the rezone request was approved it could have a maximum of up to six dwelling units, he said. The building height for both zones is 35 feet and the maximum amount of land that can be covered by buildings is the same for both zones at 50 percent, he said. For a D-5 zone home with an accessory apartment three parking spaces would be required, said Mr. Feldt. If the rezone was granted the parking would be calculated on a per bedroom basis, he said. The rear yard setback for a D-18 zoning district is 10 feet instead of the 20 feet required for a D-5 zoning district, said Mr. Feldt.

If the lot was developed at its current zoning of D-5 the traffic would be more similar to existing lots, said Mr. Feldt. The Public Works and Streets Division was consulted about the impact of additional traffic generated by the rezone and it indicated that the trip count on a six plex could be accommodated by the neighborhood streets, said Mr. Feldt.

The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code, said Mr. Feldt. The rezone to D-18 from D-5 substantially conforms to the Comprehensive Plan and will not cause negative impacts to the adjacent property, said Mr. Feldt. The rezone expands the existing D-18 district to the subject site.

Mark Pusich of R & M Engineering said he was representing the applicant for the rezone request to D-18. They are unclear, he said, why the D-5 zoning district jumped across the street in the first place. This subdivision was created through a U.S. Mineral Survey and not part of the Douglas town site plan, said Mr. Pusich. He said he believes that is why it was designated as a natural park in the Comprehensive Plan.

Mr. LeVine said if they granted the rezone they would be giving authority for the construction of more units than the applicant is proposing to build. He asked how many units they could realistically construct on the property.

Mr. Pusich said it would depend on the size of the dwelling units. Adding more dwelling units than those proposed would trigger more stringent parking requirements, he said. He said in his opinion three was a comfortable and safe number for the development.

Applicant Guy Russo said he co-owned the property with his brother. He said he wanted to build a single family dwelling and his brother wanted to build a common-wall house on the property.

MOTION: *by Mr. Peters, to approve AME2016 0011 and accept the findings, analysis and recommendations of the staff.*

<u>Roll Call Vote:</u>

Yeas: Greene, Dye, Frisby, Bell, Peters, LeVine, Haight

Nays:

The motion passed by unanimous vote.

X. **<u>BOARD OF ADJUSTMENT</u>** - None

XI. **<u>OTHER BUSINESS</u>**

Information Item: 8/10/16 Decision on Haven House appeal

Mr. Steedle said the court's decision on the appeal of Haven House was that the Planning Commission and the Assembly acted properly and it upheld their actions in granting the Use Not Listed two years ago.

XII. **<u>DIRECTOR'S REPORT</u>** - None

XIII. **<u>REPORT OF REGULAR AND SPECIAL COMMITTEES</u>** - None

XIV. **<u>PLANNING COMMISSION COMMENTS AND QUESTIONS</u>** - None

XV. **<u>ADJOURNMENT</u>**

The meeting was adjourned at 7:34 p.m.

to the forefront the regulation and the ordinance that went to the Assembly, which was another opportunity for businesses to get involved and speak to that. He agreed with Ms. LeBarge; many cannabis owners participated in those discussions and have been in front of the Commission, striving hard to be productive business clients within the community. The fact of the matter is 52% of Alaskans voted to pass marijuana.

MOTION: *by Mr. Voelkers, to approve USE2016 0026 accepting the staff's analysis and findings with the striking of condition 3 and the rewrite of condition 2 to read,* "The applicant is encouraged to take steps to insure that no obstruction is caused by the business onto a public right of way."

The motion passed unanimously via a voice vote.

C. **AME2016 0018:** A proposed Comprehensive Plan Map Amendment of a vacant lot near the end of St. Ann's Avenue in downtown Douglas from Natural Area Park to Medium Density Residential
Applicant: City and Borough of Juneau
Location: St. Ann's Avenue

Mr. Feldt said the map amendment comes on heels of rezone proposal before the commission recently. The commission concluded the rezone was consistent with the Comprehensive Plan and thereby provided a favorable recommendation to the Assembly to make the change. More recently staff concluded that the existing land use designation was inappropriate enough to the degree that it needed to be changed for general housekeeping purposes and to facilitate the rezone project that the commission took action on a few months prior.

Mr. Feldt summarized from the Comprehensive Plan, page 230. "The Planning Commission may make recommendations to the Assembly to amend the Comprehensive Plan as necessary to reflect changing conditions and needs." This is essentially why we are here today, said Mr. Feldt.

Mr. Feldt presented a PowerPoint with maps of the recommended map change for two lots on St. Ann's Avenue, from Natural Area Park to Medium Density Residential. The Comprehensive Plan land use designation gives direction for future rezone proposals. When such a proposal is presented to the commission, they and staff have to find whether or not the rezone is consistent with the maps of the Comprehensive Plan. What is being done tonight is a little backwards, said Mr. Feldt, because it has already been determined that Natural Area Park is inappropriate for these two lots and a change has to happen. The change that staff is recommending will realign the land use designation with the rezone proposal that the commission took action on.

Staff recommends that the Planning Commission recommend to the Assembly to take the rezone proposal and the Comprehensive Plan land use map change as one package and approve it as such. This is a different approach than has been done in the past.

Mr. Levine asked for clarification that the previous rezone recommendation concerns only one property while the map change concerns two properties. Mr. Feldt said that was correct. The property with the triplex is already zoned D18. However the map change affects the property with the triplex and the vacant property.

Public testimony – none.

MOTION: *by Mr. Levine, to approve AME2016 0018 accepting the staff's analysis and findings.*

Mr. Frisby seconded the motion.

The motion passed with no objection.

Mr. Haight recessed the body as a Planning Commission and took up business as the Board of Adjustment at 9:15 pm.

X. BOARD OF ADJUSTMENT

A. **FZE2016 0001:** A Flood Zone Exception to allow new restaurant buildings to be built on a dock seaward of the man high tide in a Velocity flood zone.
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001.

If the Board of Adjustment makes findings to grant the applicant's project, staff recommends the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.
2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.
3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Feldt explained that the proposal before the commission is similar to a variance but is not through the land use code. Rather it is a variance of the flood zone regulations.

The reason why the flood zone exception is brought to the commission at this time is that the structures of the previous restaurant on this deck were smaller and substantially different from the new proposed structures. This requires a new flood zone exception to be filed, reviewed and taken action upon.

The focal point of the review was that the proposed buildings are located on an area seaward of mean high tide and the property is in a velocity flood zone, which means that during a 100-year storm event the shoreline would experience either a combination of three-foot tall waves or higher or a wave of lesser height that, when it hits the shoreline, has a high wave run up. There are more stringent building

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-41(b)

An Ordinance Amending the Official Zoning Maps of the City and Borough to Change the Zoning of Two Parcels Located on a Fraction of USMS 164 near the End of St. Ann's Avenue in Downtown Douglas from D-5 to D-18.

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems; and

WHEREAS, the Comprehensive Plan identifies the subject areas proposed for rezoning as Medium Density Residential (MDR); and

WHEREAS, the MDR area is described as appropriate for multifamily dwelling units at densities of 5 - 20 units per acre; and; and

WHEREAS, the area of the proposed rezone is immediately adjacent to D-18 zoned property; and

WHEREAS, the D-18 zoning district provides up to 18 units per acre; and

WHEREAS, rezoning the parcels from D-5 to D-18 substantially conforms to the land use maps of the Comprehensive Plan; and

WHEREAS, the zone change application meets the criteria set forth in CBJ 49.75.120.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Code.

Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of two parcels located on a fraction of USMS 164 near the end of St. Ann's Avenue in Downtown Douglas, from D-5 to D-18.

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

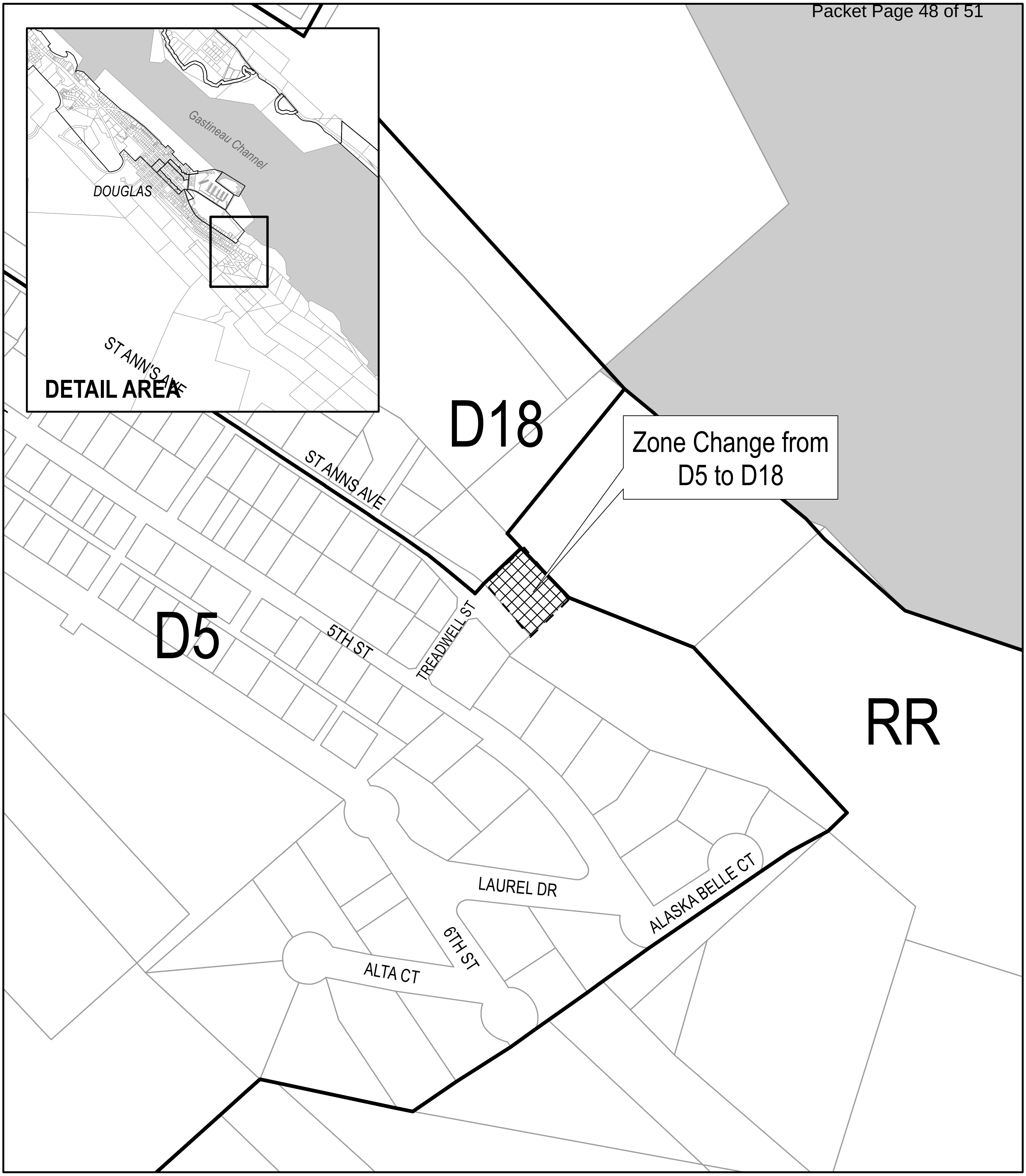
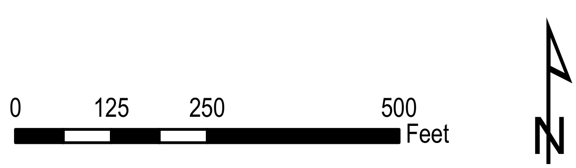


Exhibit A - Ord. 2016-41

Rezone for
USMS 164 SE FR from D5 to D18



Map created: 9/21/2016

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$500,000 of that will be covered by some unexpected sales tax revenue and $500,000 through departments trimming their budgets. The Assembly decided to pull money back it had allocated for deferred maintenance. The remaining $2.6 million deficit was taken care of through bond fund balance money, not the budget reserve, said Ms. White.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0011: A proposed rezone of a vacant lot near the end of St. Ann's in Downtown Douglas from D-5 to D-18 zoning district.
Applicant: R & M Engineering
Location: St. Ann's Avenue

Staff Recommendation
Staff recommends the Planning Commission recommend the Assembly approve the subject rezone application, changing the zoning district from D-5 to D-18.

This item is for the rezone of a vacant lot near the end of St. Ann's in downtown Douglas from a D-5 to a D-18 zoning district, said Mr. Feldt. A zoning change is initiated by a private property owner, said Mr. Feldt, and the zone change requests are limited to the months of January and July, he said. This request came to the staff in July, he said. Public notice has been provided, said Mr. Feldt, in addition to a voluntary neighborhood meeting proposed by the staff. This meeting was held in mid-August, he said.

The applicant is proposing that this lot be expanded into the D-18 zoning district, said Mr. Feldt. If the Planning Commission provides a positive recommendation it then proceeds to the Assembly for action following public meetings, said Mr. Feldt. If the Commission votes to deny the rezone application, said Mr. Feldt, that decision is final and it does not go any further to the Assembly.

The property owner requests the rezone in order to develop the property by subdividing it into three small lots, said Mr. Feldt. There would then be a total of three homes, said Mr. Feldt. One lot would be a single family detached home and lots two and three would be two common wall dwellings, said Mr. Feldt.

On the subject site the owner may have up to two dwelling units, said Mr. Feldt. If the rezone request was approved it could have a maximum of up to six dwelling units, he said. The building height for both zones is 35 feet and the maximum amount of land that can be covered by buildings is the same for both zones at 50 percent, he said. For a D-5 zone home with an accessory apartment three parking spaces would be required, said Mr. Feldt. If the rezone was granted the parking would be calculated on a per bedroom basis, he said. The rear yard setback for a D-18 zoning district is 10 feet instead of the 20 feet required for a D-5 zoning district, said Mr. Feldt.

If the lot was developed at its current zoning of D-5 the traffic would be more similar to existing lots, said Mr. Feldt. The Public Works and Streets Division was consulted about the impact of additional traffic generated by the rezone and it indicated that the trip count on a six plex could be accommodated by the neighborhood streets, said Mr. Feldt.

The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code, said Mr. Feldt. The rezone to D-18 from D-5 substantially conforms to the Comprehensive Plan and will not cause negative impacts to the adjacent property, said Mr. Feldt. The rezone expands the existing D-18 district to the subject site.

Mark Pusich of R & M Engineering said he was representing the applicant for the rezone request to D-18. They are unclear, he said, why the D-5 zoning district jumped across the street in the first place. This subdivision was created through a U.S. Mineral Survey and not part of the Douglas town site plan, said Mr. Pusich. He said he believes that is why it was designated as a natural park in the Comprehensive Plan.

Mr. LeVine said if they granted the rezone they would be giving authority for the construction of more units than the applicant is proposing to build. He asked how many units they could realistically construct on the property.

Mr. Pusich said it would depend on the size of the dwelling units. Adding more dwelling units than those proposed would trigger more stringent parking requirements, he said. He said in his opinion three was a comfortable and safe number for the development.

Applicant Guy Russo said he co-owned the property with his brother. He said he wanted to build a single family dwelling and his brother wanted to build a common-wall house on the property.

MOTION: *by Mr. Peters, to approve AME2016 0011 and accept the findings, analysis and recommendations of the staff.*

Roll Call Vote:

Yeas: Greene, Dye, Frisby, Bell, Peters, LeVine, Haight

Nays:

The motion passed by unanimous vote.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Information Item: 8/10/16 Decision on Haven House appeal

Mr. Steedle said the court's decision on the appeal of Haven House was that the Planning Commission and the Assembly acted properly and it upheld their actions in granting the Use Not Listed two years ago.

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.