

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

November 9, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-28

Submitted By: _____
Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Employee Recognition - Joe Castillo

IV. APPROVAL OF MINUTES

A. October 20, 2015 Regular Meeting No. 2015-26

B. October 21, 2015 Special Meeting No. 2015-27

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 2015-44 An Ordinance Amending the Real and Personal Property Tax Code to Repeal the Property Tax Deferral and Create a Property Tax Exemption for Certain Subdivided Property.

Last session, the Legislature amended AS 29.45.050 by adding an optional exemption that authorizes municipalities to exempt all or a portion of an increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more lots.

This ordinance would provide for the allowable exemption with the exemption terminating for each individual lot when the lot's ownership is transferred, a residential or commercial structure has been completed on the lot and a certificate of occupancy or a temporary certificate of occupancy has been issued, or taxes have been exempted for three years. While the statute permits

up to five years for the exemption, it is staff's recommendation that the exemption be limited to three years to serve the public purpose of increasing housing and promoting commercial development.

In 2013, the Assembly created an exemption for the deferral of increased taxes caused by a subdivision. No one has taken advantage of that opportunity. This ordinance, if adopted, will replace the property tax deferral with a tax exemption. The ordinance was drafted at the request of the Committee of the Whole at its August 24, 2015 meeting.

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

- b. **Ordinance 2015-20(X) An Ordinance Appropriating to the Manager the Sum of \$5,487.44 as Funding for the Reimbursement of Bullet Proof Vests for JPD Officers, Funding Provided by the U.S. Department of Justice.**

The Department of Justice offers a Bulletproof Vest Partnership program to law enforcement agencies across the nation. JPD has a mandatory vest-wear policy which makes our agency eligible for this partial reimbursement. This is a 50/50 match program.

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

2. Resolutions

- a. **Resolution 2732 A Resolution Authorizing the Manager to Apply For a Community Development Block Grant From the Alaska Department of Commerce, Community and Economic Development for the Juneau Housing First Collaborative Project.**

Project ideas were solicited from the community for a grant from the federal Community Development Block Grant (CDBG) program administered in Alaska by the state Department of Commerce, Community and Economic Development (DCCED). Grant proposals must be sponsored by a local government and sent to DCCED by December 4, 2015, where the proposals will be reviewed and compete against each other on a statewide basis. A local government has the choice of generating its own project ideas or soliciting ideas from the general public. CBJ has successfully used the latter method in the past. This year, the CBJ had two proposals as a result of its solicitation for proposals.

The Committee of the Whole reviewed the two proposals at its meeting on October 26, 2015, deciding to recommend to the Assembly that it support the Juneau Housing First Collaborative's proposal for construction of the first floor of the Housing First facility. The new construction would provide conference rooms, support offices, commercial kitchen and a 2,200 square foot health clinic.

Staff recommends the Assembly adopt the attached resolution supporting the Juneau Housing First Collaborative's application for a CDBG grant.

The Manager recommends this resolution be adopted.

3. Transfer

a. **Transfer T-973 Transferring \$5,000 of Sales Tax from West Valley Sewer Expansion – Pederson Phase CIP to Auke Lake Sewer CIP.**

This transfer would provide additional funds to cover final quantity adjustments and allow the project to be closed.

The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its October 26, 2015 meeting.

The Manager recommends approval of this transfer.

4. Liquor License

a. **Liquor License #816 El Sombrero Mexican & American Food - Transfer of Ownership and Application for Restaurant Designation Permit**

The above liquor license transfer is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, 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 transfer, 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 its right to an informal hearing before the Assembly.

Restaurant/Eating Place License #816 Transfer & Application for a Restaurant Designation Permit

This is a stock transfer/controlling interest transfer only. It is going from Elizabeth Lehrback 25%, Fritz Moser 25%, Patty Moser 25%, H.T. Lehrback 25%, to Fritz Moser 30%, Patricia Moser 25%, and Ryan Fagerstrom 45%. The owner, DBA, and location are staying the same.

The Manager recommends the Assembly waive its right to protest this transfer of controlling interest and approve the application for a Restaurant Designation Permit.

VIII. PUBLIC HEARING

A. **Ordinance 2015-39 An Ordinance Amending the Land Use Code Relating to Marijuana Establishments.**

This ordinance would amend CBJ Title 49, the Land Use Code, as it relates to marijuana establishments by adding four new uses to the Table of Permissible Uses: marijuana cultivation; marijuana product manufacturing; marijuana testing; and marijuana retail.

After a number of meetings and discussions, the Marijuana Committee forwarded to the Planning Commission a draft ordinance providing for the addition of marijuana establishments to the Table of Permissible Uses. The Planning Commission's Title 49 Subcommittee reviewed the Marijuana Committee's recommendations and forwarded a revised version of the ordinance to the Planning Commission for its consideration. The

amended draft ordinance was heard before the Planning Commission on September 8, 2015, but failed to pass. The proposed ordinance was heard again on September 22, 2015, at which time the Planning Commission approved forwarding the ordinance with the Commission's revisions to the Assembly for its approval.

The Assembly took public comment and considered the ordinance at its October 26, 2015, Committee of the Whole meeting. The ordinance was forwarded, without change, to public hearing.

Included in the packet is a draft of the ordinance showing the changes, in italics, the Planning Commission made to the proposal forwarded by the Marijuana Committee.

The Manager recommends this ordinance be adopted.

B. Ordinance 2015-20(U) An Ordinance Appropriating to the Manager the Sum of \$427,029 as Funding for the 2015 State Homeland Security Program/SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

These funds are provided to reimburse the City and Borough of Juneau for expenses incurred in direct support of the goals and activities of the State Homeland Security Program. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazard events through planning, training, exercise, and equipment procurement within the grant performance period from September 1, 2015 to September 30, 2017.

Projects to be funded are:

1. Purchase and installation of a bi-directional radio amplification system for the airport
2. Purchase and installation of an alerting and communication system for the fire stations
3. Purchase of ballistic helmets, body armor and CBRN negative pressure respirators for the SWAT team
4. Travel costs for participants in the State of Alaska's Alaska Shield 2016 exercise
5. Transportation costs to move Western shelters to and from the Alaska Shield 2016 exercise location
6. Backfill for participants in the Alaska Shield 2016 HazMat Symposium
7. Travel costs for personnel to attend Mid Planning, Final Planning and After Action Report meetings for Alaska Shield 2016

There is no match requirement for this grant.

The Manager recommends this ordinance be adopted.

C. Ordinance 2015-20(V) An Ordinance Appropriating to the Manager the Sum of \$25,000 as Funding for Portable Breath Testers, Training and Accreditation Expenses; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve

The Juneau Police Department is requesting \$25,000 from the Asset Forfeiture Reserve to support various programs.

JPD needs to replace 30 Portable Breath Testers and one calibration kit, which will cost approximately \$13,000. The Department is in the process of becoming accredited with the Oregon State Accrediting Agency because there is no longer an Alaska accrediting agency and hopes to have this complete in early 2016. The cost for becoming accredited is \$7,000. In addition, JPD wants to continue to have staff attend the Arbinger Mindset Training. The cost for materials for the next round of participants is \$5,000.

All of the above expenses are allowable and appropriate expenses from JPD's equitable sharing/asset forfeiture reserve account. The current balance of the U.S. Justice Asset Forfeiture account is \$299,124.

The manager recommends this ordinance be adopted.

D. Ordinance 2015-20(W) An Ordinance Appropriating to the Manager the Sum of \$37,789 as Funding for the Master Plan Study Capital Improvement Project; Funding Provided by Juneau International Airport Fund's Fund Balance.

This ordinance would appropriate \$37,789 from the Airport Fund's fund balance to the Sustainable Master Plan CIP.

These funds will cover costs in the Sustainable Master Plan CIP that are not eligible for Federal Aviation Administration grant funds, including engineering consultant contracts and administrative staff time.

The Airport Board approved this action at its July 8, 2015 and October 7, 2015 meetings.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Regulation Docks and Harbors Recreational and Commercial Boat Launch Fees

Docks & Harbors, as part of an ongoing comprehensive fee review process, evaluated the regulations pertaining to 05 CBJAC 20.060 (Recreational boat launch fees) and 05 CBJAC 20.070 (Fees for commercial use of boat launches). The proposed amendments to the regulations were made available on the CBJ's website, at the harbor offices, and at the CBJ public libraries. Following the requisite 21-day public comment period, the Docks and Harbors Board held a public hearing on September 21, 2015. At that meeting, the Board approved the draft regulations.

The amendments include, in part:

- The \$90 fee for a single trailer permit is unchanged; however, there will be a \$5 administrative fee for the second and third registered trailers. Owners desiring to register a fourth trailer must pay another \$90.
- Daily recreational boat launch fees were changed from \$14 to \$15 per day.
- Applicants are now required to validate a residence address matching the trailer registration address.
- Clarification language requiring vehicles launching "non-trailerable vessels" at launch ramps to have requisite permits was added.
- Commercial launch ramp permits have increased from \$225 to \$250 per trailer.

At the regular Assembly meeting on October 20, 2015, the Assembly tabled the regulations to the November 9, 2015 regular Assembly meeting in order to be able to receive more information.

In reviewing proposed regulations, CBJ 01.60.260 provides that the Assembly may: approve the regulation; decline to consider the regulation, in which case the regulation is deemed approved; or disapprove the regulation. If the Assembly disapproves the regulation, the Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation. Alternatively, the Assembly may direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

B. Gastineau Apartments

C. Comments on State Marijuana Regulations

X. NEW BUSINESS

XI. STAFF REPORTS

A. Adoption of 2016 Assembly Calendar

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee Reports

C. Liaison Reports

D. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

XVII. SUPPLEMENTAL MATERIALS

A. Correction to Minutes of October 20, 2015

B. Maps regarding Marijuana and Lands Use Code

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