

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

August 31, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-24

Submitted by: _____
Robert Steedle
Deputy Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. John Venables Proclamation

IV. APPROVAL OF MINUTES

A. August 10, 2015 Regular Assembly Meeting No. 2015-22

B. August 17, 2015 Special Assembly Meeting No. 2015-23

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 2015-40 An Ordinance Extending the Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.

On January 12, 2015, the Assembly adopted ordinance 2014-50, establishing a moratorium on the acceptance or approval of any development permit pertaining to marijuana establishments. The purpose of the moratorium was to allow the CBJ time to consider and enact time, place and manner legislation concerning the operation of marijuana establishments in the CBJ. The moratorium is set to end on October 19, 2015, but the CBJ's work has not yet been completed.

This ordinance would extend the moratorium to December 31, 2015, to allow the CBJ time to adopt land use regulations prior to the deadline set by state law for the State to begin the processing of marijuana establishment registrations.

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

b. **Ordinance 2015-41 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.**

Based on recommendations from both the Assembly Tax Exemption Review Committee and the Finance Committee, this ordinance would amend CBJ 69.05.045, Senior Sales Tax Exemption, by limiting the exemption to purchases of essential items (defined as food, heating fuel, electricity and CBJ water and sewer utilities) except for those seniors with a household income at or under 250% of the federal poverty level established for Alaska, who would retain the full existing senior exemption on all purchases.

On July 30, 2015, the Finance Committee addressed two significant implementation policies and recommended the following:

1. The ordinance should define essential food items based on the Federal Food Stamp / SNAP definition of food items. Additionally, only SNAP program participating merchants will be able to exempt senior purchases of qualifying food.
2. CBJ 69.05.045 would provide for an annual rebate in the amount of \$200 to each senior with a household income under 250% of the Federal poverty level for Alaska. This rebate would represent an estimate of the sales tax that would be paid on a senior's non-essential purchases.

The ordinance would have an effective date of January 1, 2016, to allow time for senior citizen education, merchant implementation and in order to allow the Finance Department sufficient time to plan for the implementation and administration of the program.

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

c. **Ordinance 2014-24(AW) An Ordinance Appropriating to the Manager the Sum of \$15,390,272 to Fund the City and Borough of Juneau's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for CBJ. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

d. **Ordinance 2014-24(AX) An Ordinance Appropriating to the Manager the Sum of \$13,974,804, to Fund Bartlett Regional Hospital's Fiscal Year 2015**

Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

- e. **Ordinance 2015-20(L) An Ordinance Appropriating to the Manager the Sum of \$543,671 as Funding for the Juneau International Airport Terminal Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.**

This ordinance would provide funding to acquire a Passenger Boarding Bridge and ADA Passenger Ramp. Funding is provided as follows:

Federal Aviation Administration grant:	\$526,133
State of Alaska Department of Transportation:	\$ 17,538

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its April 9, 2014, May 14, 2014, and August 13, 2014 meetings.

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

- f. **Ordinance 2015-20(M) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project, and \$300,000 for the Juneau School District Comprehensive Facility Plan; Funding Provided by the 2009 Special Capital Projects 1% Sales Tax Fund's Fund Balance.**

This ordinance would appropriate a total of \$800,000.

The Juneau Board of Education approved this action at its June 9, 2015 meeting.

The Committee of the Whole approved this action at its June 22, 2015 meeting.

The Assembly Finance Committee approved this action at its July 30, 2015 meeting.

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

g. **Ordinance 2015-20(N) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.**

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2015 Emergency Management Performance Grant (EMPG), awarded to the City and Borough of Juneau.

Federal Grant Number: EMW-2014-EP-00054

State Grant Number: 20EMPG-GY15

These funds are provided to reimburse the City and Borough of Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ emergency programs, police, and fire staff in the performance of emergency management functions in planning, training, exercise, and equipment procurement within the grant performance period.

EMPG performance includes, but is not limited to, the following tasks:

1. Preparing the jurisdiction's Local Capability Assessment (LCA) document for the State.
2. Required attendance of the State's 2016 Bi-Annual Conference, Multi-Year Training, and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to the DHS&EM at the TEPW.
3. EMPG-funded personnel should make every attempt to participate in no less than three exercises during the performance period.
4. Continued utilization and work towards adoption and implementation of the National Incident Management System (NIMS).
5. Complete the FEMA Independent Study Professional Development Series.
6. Timely submissions of quarterly reports.
7. Required dollar-for-dollar, in-kind match is provided through CBJ emergency management staff personnel services.

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

h. **Ordinance 2015-20(O) An Ordinance Appropriating to the Manager the Sum of \$19,018 as Funding for the Local Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.**

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2016 Local Emergency Planning Committee Grant (LEPC), awarded to the City and Borough of Juneau.

State Grant Program Number: 20LEPC-GY16

These funds are provided to reimburse the City and Borough of Juneau for payroll, benefits, and LEPC program implementation costs incurred in direct

support of the goals and activities of the 2016 Local Emergency Planning Committee Grant for the Juneau LEPC. Activities funded under this grant include, but are not limited to:

1. Management to support the day-to-day sustainment of the committee.
2. Payroll and benefits.
3. Outreach to support the committee's baseline goals of public involvement in the emergency planning process, community right-to-know, all-hazards awareness, and LEPC membership.
4. Meeting room rental, office supplies, postal, printing, copying.
5. Promotional items: handouts and media campaigns.
6. Preparedness to support the LEPC's baseline goals of Tier II report monitoring, increasing awareness of and planning for chemical, and all-hazards events, and helping communities prepare and mitigate through planning and preparedness for potential events.
7. CERT program.
8. Preparedness Events (Training, EXPO).

There is no match requirement for this grant.

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

2. Bid Award

a. Salt and Sand Storage Facility

Bid Award E16-013 Salt and Sand Storage Facility

Project includes construction of an approximately 18,000 square foot pre-engineered fabric structure, site work, concrete foundations, asphalt paving, ecology blocks, and limited lighting and power, for the bulk storage of salt and sand.

Bidders	Total Bid
Dawson Construction Inc.	\$1,139,200.00
Trucano Construction	\$1,161,179.00
North Pacific Erectors, Inc.	\$1,182,475.76
Alaska Commercial Contractors, Inc.	\$1,198,740.00
Miller Construction Co. Ltd.	\$1,287,750.00

ENGINEER'S/ARCHITECT'S ESTIMATE: \$1,191,164.00

The Manager recommends award of this bid to Dawson Construction Company, Inc. for the total bid amount of \$1,139,200.00.

VIII. PUBLIC HEARING

A. Ordinance 2015-03(c) An Ordinance Amending the Land Use Code Relating to Subdivisions.

The proposed ordinance would amend portions of Title 49, the Land Use Code, primarily regarding the requirements and improvements related to the subdivision of land.

The most significant proposed changes include increasing the number of lots in a minor subdivision, streamlining the process for major subdivision review, revising remote subdivision requirements, and revising street improvement standards to provide more options for street construction - including the option for developers to construct privately maintained access roads. There are a number of minor changes as well.

The Planning Commission reviewed the proposed ordinance at its May 26, 2015, meeting and recommended forwarding it to the full Assembly for approval. The Assembly Committee of the Whole considered this ordinance at its July 27 and August 3, 2015, meetings. Amendments are reflected in version (c) of the ordinance and are shown by italicized underlines and strikethroughs.

The Manager recommends this ordinance be adopted.

B. Ordinance 2015-20(F) An Ordinance Appropriating to the Manager the Sum of \$72,500 as a Transfer to the Parks and Recreation Department, Recreation Division in the Roaded Service Area as Partial Funding for the After School Program and Young Parents Healthy Teen Program; Funding Provided by a Portion of the Social Services Advisory Board and Mayor and Assembly Grants in the General Fund.

This appropriation would consist of a \$47,500 Assembly grant for the Juneau After School Coalition and a \$25,000 Social Services Advisory Board grant for the Young Parents Healthy Teen program.

Parks and Recreation has been offered the opportunity to take over management of the Body and Mind (BAM) After School Program, and the Young Parent Healthy Teen Center (YPHTC). Both of these programs had been previously managed by Catholic Community Services. The senior management team of Parks and Recreation believes this is an excellent fit with the Zach Gordon Youth Center (ZGYC).

BAM operates in both middle schools and the YPHTC operates out of the ZGYC. Both programs will be managed by the ZGYC manager and will allow for Parks and Recreation to be at the forefront of youth offerings in our community. These programs will rely heavily on partnership and collaboration, so as to remain financially viable and offer the highest possible service to our community's youth.

The Manager recommends this ordinance be adopted.

C. Ordinance 2015-20(I) An Ordinance Appropriating to the Manager the Sum of \$669,055 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Truck Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

Funding is provided as follows:

Federal Aviation Administration grant:	\$647,473
Alaska Department of Transportation grant:	\$ 21,582

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

D. Ordinance 2015-20(J) An Ordinance Appropriating to the Manager the Sum of \$413,333 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Building Modification Design & Environmental Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

This appropriation is for designing the modification of the ARFF station to accommodate a new larger truck, and satisfying environmental requirements. Funding is provided as follows:

Federal Aviation Administration grant:	\$400,000
Alaska Department of Transportation:	\$ 13,333

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

E. Ordinance 2015-20(K)(b) An Ordinance Appropriating to the Manager the Sum of \$868,025 as Funding for the Juneau International Airport Runway Safety Area (RSA) Phase IIB Design Northeast (NE)/Northwest (NW) Apron and Continued Perimeter Fencing Capital Improvement Project; Funding Provided by the Federal Aviation Administration, Alaska Department of Transportation, and Juneau International Airport Fund's Fund Balance.

Funding is provided as follows:

Federal Aviation Administration grant:	<u>\$813,773*</u>
Alaska Department of Transportation:	<u>\$ 27,126*</u>
Juneau International Airport (Airport Fund Balance):	<u>\$ 27,126*</u>

The FAA 2015 Reauthorization Bill allows federal financial participation on this project at 93.75%*, the remainder being split between Alaska Department of Transportation and Juneau International Airport.

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

***Updates reflected in the (b) version of the Ordinance available in the packet. Does not constitute substantive change.**

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Bicknell v Planning Commission - Appeal of AME2013 0015 - Request for Rezoning USS 1568 TR B

At the regular Assembly meeting on February 24, 2014, the Assembly accepted the appeal from petitioner Bicknell, Inc., regarding the Planning Commission's Decision in AME2013 0015 denying a request to rezone 82 acres of Rural Reserve land at USS 1568 TR B to a mixture of Industrial, Light Commercial and Rural Reserve. At a special Assembly meeting on March 10, 2014, the Assembly retained John Corso as hearing officer for the matter.

The hearing was held on June 15, 2015. Mr. Corso submitted a draft decision to the parties on July 29, 2015. One party objected. No response in support was received. Mr. Corso responded under separate cover.

The draft decision, the objection, and Mr. Corso's response have been provided to the Assembly for its review. You must decide whether to accept the draft decision as written, accept the decision with modifications, or reject the decision.

Code 01.50.140 Decision on the appeal, provides in (c)

(2)...Unless rejected or modified by an affirmative vote of the appeal agency on a motion to reject or modify, the proposed decision, as amended by the hearing officer if such an amendment has been filed, shall be deemed adopted by the appeal agency and shall be the appeal agency decision. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the appeal agency at the meeting at which the proposed decision is presented.

(3) If the proposed decision is rejected by the appeal agency, the matter shall be immediately referred to the hearing officer for a rehearing of the appeal after notice to the parties; provided, the appeal agency may refer the appeal to a different hearing officer, may limit the scope of the rehearing to specified issues, may request the hearing officer to reconsider the proposed decision solely in light of new evidence raised in an objection, may place similar or different limits or conditions on the rehearing or reconsideration by the hearing officer, may remand the matter, or may rehear the matter itself after notice to the parties.

As this is a matter before the Assembly, the Manager makes no recommendation.

X. NEW BUSINESS

A. New Public Convenience Liquor License #5415 - Canton Asian Bistro, LLC d/b/a Canton Asian Bistro

The Assembly Human Resources Committee, at its meeting on Monday, August 31, will be reviewing the application for the above-mentioned liquor license. The HRC packet in your binders contains all the documents pertaining to the application and will provide a recommendation to the Assembly for action.

The Manager recommends the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

B. Senior Citizen/ Disabled Veteran Exemption Late File Determination - Nicolls

XI. STAFF REPORTS

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

- A. **Update on Recent Incident at Lemon Creek Correctional Center**

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