THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 20, 2015

MEETING NO. 2015-21: 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 Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Maria Gladziszewski, Loren Jones.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering/Public Works Director; Hal Hart, Community Development Director; Beth McKibben, Planning Manager; Greg Chaney, Lands and Resources Manager; Aaron Landvik, Admin. Asst.- Assessors; Patti DeLaBruere, Airport Manager; Aaron Dean, Airport Field Maintenance; Audrey Dean, Litigation & Support, CBJ Law.

II. SPECIAL ORDER OF BUSINESS

A. Aaron Dean, Equipment Operator II at JIA

Mayor Sanford read a letter of commendation to Aaron Dean, who while performing a routine runway inspection check at the airport, found a large bolt on the runway and shared his concern that the component was part of a major aircraft. It was found to be missing from a Boeing 737 freighter, which was loading on the runway, and his discovery, initiative and actions led to the prevention of a major airline accident.

III. APPROVAL OF MINUTES

A. June 29, 2015 Regular Assembly Meeting No. 2015-20

Hearing no objection, the minutes of the June 29, 2015 Regular Assembly Meeting 2015-20 were approved with minor corrections.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Kay Smith said on behalf of the Black Awareness Association, they appreciated the invitation to participate in the conversation regarding the flags on Egan Drive. Because of the actions of a small group of citizens who spoke out and worked through the appropriate channels, the community was able to say that it was time to exchange one Mississippi flag with another Mississippi flag.

Albert Judson spoke about his concern regarding the CBJ code criminal trespass section and a sample form called "Order to Leave and Stay Away from the Premises" that had been available on the CBJ website. He said the use of the form and implementation of the trespass code could violate a person's due process rights, a persons right to privacy and it opened the door to discrimination. The order could be issued based on allegations rather than facts and it could bar people from their liberty and freedom. He provided the City Attorney with a copy of an event that happened to him. He asked the Assembly to repeal the order and refrain from its use.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

Ms. Troll asked if all the issues had been resolved with the liquor license changes at the airport and Ms. Kiefer said that Ms. McEwen distributed an email to the Assembly from Mr. Ford, the Building Official, indicating that the outstanding building code issued had been addressed, and she recommended that the Assembly waive its right to protest.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2014-24(AV) An Ordinance Appropriating to the Manager the Sum of $7,830 as Funding to Provide for Commercial Motor Vehicle Inspections; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

      This ordinance would appropriate a $7,830 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections.

      The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

      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.

   b. Ordinance 2015-20(E) An Ordinance Appropriating to the Manager the Sum of $642,300 as a Transfer to the General Fund as Partial Funding for the Housing First Grant, Funding Provided by the Sales Tax Funds in the Housing Land Development Capital Improvement Project (CIP) D14-095.

This ordinance would appropriate $642,300 as a transfer from the Housing Land Development capital improvement project (D14-095) to fund the Housing First Grant. The funding source is sales tax.

The CIP was never expended because the Assembly had not finalized an order of priority for CBJ's housing development projects. In lieu of placing the funds into the Peterson or Switzer CIPs, the Assembly decided to create a new CIP called "Housing Land Development" to hold the funds until the Assembly made a decision on transferring the funds.

This funding represents a portion of the CBJ's $1.5 million commitment to the Juneau Housing First Project.

After this appropriation is completed, CIP D14-095 will be closed.

The Finance Committee approved this action at its March 28, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

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

c. Ordinance 2015-20(G) An Ordinance Appropriating to the Manager the Sum of $100,000 as Funding for the Lemon Creek Gravel Scale Replacement Capital Improvement Project (CIP) D14-020, Funding Provided by the Lands Fund's Fund Balance.

This ordinance would appropriate $100,000 as a transfer from the Lands Fund's fund balance to the Lemon Creek Gravel Scale Replacement CIP (D14-020).

The existing Lemon Creek truck scale, which serves two CBJ material sources in Lemon Creek, has worn out to the point that it cannot be repaired and a replacement scale is necessary. This appropriation is required to establish a CIP for the purchase and installation of the replacement scale.

The Lands Committee approved this action at its July 13, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

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

d. Ordinance 2015-20(H) An Ordinance Authorizing the Manager to Accept the State of Alaska, Department of Environmental Conservation's Offer of Grant Amendment No. 1 for Partial Funding of the Salmon Creek Secondary Disinfection Capital Improvement Project and Appropriating to the Manager $3,000,000 in additional Grant Funding Provided by the State of Alaska, Department of Environmental Conservation.

This ordinance would appropriate an additional $3,000,000 in Municipal Matching grant funding in addition to the $1,000,000 already on the project, from the Alaska Department of Environmental Conservation (ADEC) Division of Water for the following project:

Water Treatment Improvements - Salmon Creek LT2 Upgrades
$3,000,000

This grant has a 40% match requirement which will be provided with the funds already on the CIP.

ADEC Grant 44593 originally appropriated $1,000,000 with Ordinance 2014-24(Q) and ADEC Grant Amendment No. 1 increases the grant amount by $3,000,000, which this ordinance 2015-20(H) will put on the project, bringing the total grant to $4,000,000.

The Public Works and Facilities Committee will review this item at its August 3, 2015 regular meeting.

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

e. Ordinance 2015-32 An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.

This ordinance would amend CBJ Title 49 as it relates to child and day care homes and centers, in order to address an identified need in the community for child care.

The ordinance would amend the Table of Permissible Uses to expand where child care homes and centers can operate, would add minimum standards for these operations, and would amend the definitions for child care centers and homes.

At its regular public meeting on June 23, 2015, the Planning Commission adopted the analysis and findings in the Community Development Department's staff report and, with some revisions, recommended that the Assembly approve the ordinance.

The Lands Committee considered the ordinance at its July 13, 2015, meeting, and recommended that the Assembly approve the ordinance.

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

f. Ordinance 2015-33 An Ordinance Amending the Uniform Sales Tax Code Relating to the Single Item Tax Exemption.

This ordinance would exclude jewelry sales from the single item sales tax cap exemption. The Finance Committee addressed this issue at its April 22, 2015, meeting and recommended forwarding this change to the full Assembly for adoption.

This ordinance would be effective January 1, 2016, to allow for the current summer and holiday retail season to continue uninterrupted, and to allow affected merchants adequate time to prepare.

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

g. Ordinance 2015-36 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2386 Lots N, J1 and J2, Located near Glacier Highway at the South End of Auke Lake, from D1(T)D10 to D-3.

In May 2015, the Community Development Department initiated an application to transition Lots N, J1 and J2 of USS 2386, located near Glacier Highway at the south end of Auke Lake, from D1(T)D10 to D10. These three lots were part of a larger transition area granted a zoning upgrade by the Planning Commission in November 2012, when it transitioned 49 lots east of the subject lots from D1 (T)D10 to D-10. The subject lots were not ready to be transitioned at that time however.

At the June 23, 2015, Planning Commission meeting the Commission heard public testimony on the proposed transition. Based on the public testimony received, the Planning Commission declined to finalize the zoning upgrade and instead approved recommending to the Assembly a rezone of the three lots to D-3.

Two of the subject lots have a Comprehensive Plan land use designation of Medium Density Residential (MDR). The third lot is designated MDR and Urban Low Density Residential (ULDR). The MDR designation calls for between 5 and 20 units per acre. The ULDR designation calls for 1 to 6 units per acre.

Per CBJ 49.75.120, Restrictions on rezones, rezones shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan. In considering rezone requests, Staff makes a threshold determination as to whether the proposed zoning district meets the density limitations specified by the land use designation of the comprehensive plan land use maps.

CBJ 49.25.210(b) provides that D-3 has a density of 3 units per acre, is located primarily outside the urban service boundary where public utilities are not provided, and that the limited amount of D-3 zoned land within the urban service boundary is appropriate where a lower density is deemed appropriate or, in the case of transition zones, where the zoning is intended to be changed to a higher density when sewer and water are provided.

At its meeting on July 13, 2015, the Lands Committee considered the proposed rezone and recommended forwarding it to the full Assembly for its approval.

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

h. Ordinance 2015-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed $1,300,000 to Finance the cost of Educational Capital Improvements and Districtwide Major

Maintenance Projects, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 6, 2015.

This ordinance authorizes placing on the October 6, 2015, general election ballot the question of issuing $1.3 million in 10 year general obligation bond for the purpose of funding a variety of school district deferred maintenance capital projects.

For several years the District, working together with CBJ Engineering, used prior bond money from the major maintenance capital improvement project. This source of money was fully expended. The 2015 State Legislature suspended the school-related debt reimbursement program for five years. The District need for these small projects will continue even though the state suspended its program. The Board of Education passed a motion at its June 9, 2015, meeting requesting that the Assembly provide $1.3 Million for district-wide deferred maintenance and minor capital improvements.

At the June 22, 2015, Assembly Committee of the Whole meeting, a motion was passed directing staff to prepare this ordinance. If this is approved by voters during the October general election, beginning in FY17 the debt service component of the mill rate for the new bonds would be .038 mills. This amount of debt service would raise annual property tax revenues of $160,000 to pay the annual debt service for 10 years. The .038 mill levy would collect approximately $4 per $100,000 of assessed value or approximately $14 for the average single family home (estimated at $350,000).

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

2. Liquor License

   a. Liquor License Restaurant Designation Permit Modification for Premises Expansion at Juneau Airport - Jacobsen Daniels d/b/a Romeo's Tap Room

   During the Summer of 2014, the Airport began the long-term concept of a consolidated food and beverage operation on the second floor of the airport terminal by introducing food and beverage in the departure lounge of the Juneau International Airport terminal. The Airport Board at its meeting on January 14, 2015 approved expansion of the food and beverage concession area to provide a larger bar area and to add a prep kitchen to enhance menu options.

   Jacobsen Daniels representative Dan Brown has been working with Alcohol Beverage Control staff and CBJ staff to ensure the reconfiguration is compatible with the liquor license requirements. ABC Licensing Supervisor Sarah Oates indicated that this action does not require a new liquor license but is rather a change to the restaurant designation permit application. As such, it does not need to go back to the ABC Board for approval, however, it is still subject to approval by the local governing body and then approval by the ABC Director.

CBJ liquor license review staff in the Police, Fire, Finance, Community Development, and the Engineering/Public Works Departments have all had a chance to review and comment on this change to the liquor license premises. Building Official Charlie Ford has stated that there are one or two issues that remain outstanding and should be finalized and approved by Friday, July 17, 2015 and otherwise, staff from all departments recommend the Assembly approve this modification to the Restaurant Designation Permit as shown on the attached maps found in your packet.

The Manager recommends the Assembly approve the modification to the Restaurant Designation Permit provided all issues are resolved and approved by the Building Code Official prior to this meeting.

b. Liquor License Transfer of Restaurant/Eating Place License #4192 Seongs S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout to Jeong H. Kim d/b/a Seongs Sushi Bar

The following liquor license transfer of ownership and application for a Restaurant Designation Permit (RDP) is before the Assembly to either protest or waive its right to protest and approve or deny the RDP.

Restaurant/Eating Place License #4192
Transfer from: Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout
Transfer to: Jeong H. Kim d/b/a Seongs Sushi Bar
Location: 740 W. 9th Street, Juneau, AK 99801

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Engineering/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 the transfer of this 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 Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the Restaurant Designation Permit.

VII. PUBLIC HEARING

A. Ordinance 2014-24(AU) An Ordinance Appropriating and De-appropriating to the Manager the Sum of $14,300 and $4,778 Respectively as Additional Funding for the Salt Water Pump House Stabilization CIP; Additional Funding Provided by the Alaska Department of Natural Resources and In-Kind Services and Supplies.

The project is now complete and this ordinance would appropriate additional grant funds made available from the Alaska Department of Natural Resources Office of History and Archaeology to install a new roof structure and new roofing material on the Salt Water Pump House located on Sandy Beach and part of the historic Treadwell Mine Complex. In

addition this action would appropriate in-kind services and materials to the project budget which was used and approved as a portion of the required match for the grant.

The Treadwell Historic Preservation and Restoration Society provided funds to the CBJ as a match to the grant. The amount of funds provided proved to be in excess of what was required due to the additional funds provided by the state and in-kind supplies and services supplied by outside vendors. Thus, excess funds would be returned to the Society for future projects at the Treadwell Historic Mine Site.

The specific amounts subject to this ordinance are as follows:

- Appropriation of additional funds received from the Alaska Department of Natural Resources Office of History and Archaeology totaling $5,023.51.
- Appropriation of donated services and materials totaling $9,275.84.
- De-appropriation of donated funds from Treadwell Historic Preservation and Restoration Society totaling $4,777.16.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2014-24(AU). Hearing no objection, it was so ordered.

B. Ordinance 2015-20(A) An Ordinance Appropriating to the Manager the Sum of $72,000 as Funding for the Accessory Apartment Grant Incentive Program, Funding Provided by the Juneau Affordable Housing Fund's Fund Balance.

This ordinance would appropriate $72,000 for an Accessory Apartment Grant Incentive Program.

The Affordable Housing Commission has designed a program to incentivize the development of accessory apartments. The basic concept behind the program is to provide homeowners a sum of money, after a certificate of occupancy is obtained, for newly constructed accessory apartments.

Originally, the funding for this program was proposed to come from $77,000 remaining in an affordable housing grant from the State of Alaska. That ordinance failed at the Assembly's March 16, 2015, meeting.

At the June 8, 2015, Assembly meeting, a motion was passed to direct staff to prepare an ordinance that allows for the project to be funded by the Juneau Affordable Housing Fund, in the amount of $72,000.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2015-20(A).

Mr. Kiehl objected. He said he maintained his objections from the last time this issue was before the Assembly because there was a Housing Action Plan underway and we do not know the results of that plan yet. This program would issue grants without a return of funds. By the time this ordinance would become effective, this program would not missing a building season. We have not heard from the consultant about the recommendations and we are using money to incentivize things that are probably going to happen anyway.

Ms. Troll said the Affordable Housing Commission (AHC) was tracking the Housing Action Plan closely and there was nothing in the plan to suggest that this effort was not a good move. The AHC was very involved with this and thought this moderate spending would return a good result.

Roll call:
Aye: Becker, Crane, Nankervis, Troll, White, Sanford
Nay: Kiehl
Motion passed, 6 ayes, 1 nay.

C. Ordinance 2015-20(B) An Ordinance Appropriating to the Manager the Sum of $5,270,000 as Funding for Various Water and Wastewater Capital Improvement Projects; Funding Provided by Water Utility Revenues, Water Fund's Fund Balance, and Wastewater Fund's Fund Balance.

This ordinance would appropriate $5,270,000 for Water and Wastewater Utility capital projects with funding provided by the Water and Wastewater Fund's fund balances. The FY16 Water and Wastewater Capital Improvement Projects (CIPs) were included in the overall FY2016 -2021 CIP Resolution 2713(b) in the unscheduled funding section.

This ordinance would appropriate $1,000,000 of Water Utility funds and $330,000 of Water Fund's fund balance to the following FY16 Water Utility CIPs. The estimated remaining Water Fund's fund balance will be $4,010,000 after this appropriation.

WATER UNSCHEDULED FUNDING

Water Utility	Cope Park Water Main	$ 350,000
Water Utility	Crow Hill Reservoir improvements	500,000
Water Utility	Front Street Douglas (Savikko to D St)	150,000
Water Utility	W Juneau Reservoir - Cathodic Protection and mixer	140,000
Water Utility	Utility Adjustments: Lakewood	20,000
Water Utility	Utility Adjustments: Pavement Management	20,000
Water Utility	Distin / W Eighth Reconstruction	150,000
	Water Enterprise Fund Total	**$ 1,330,000**

This ordinance would appropriate $3,940,000 of Wastewater Fund's fund balance to the following FY16 Wastewater Utility CIPs. The estimated remaining Wastewater Fund's fund balance will be $1,750,000 after this appropriation.

WASTEWATER UNSCHEDULED FUNDING

Wastewater Utility	MWWTP Headworks Improvements	$ 1,500,000

Wastewater Utility	MWWTP Roof Repair	500,000
Wastewater Utility	Areawide Sewer Cleanout replacements	150,000
Wastewater Utility	Utility Adjustments: Eagles Edge	20,000
Wastewater Utility	Utility Adjustments: Pavement Management	20,000
Wastewater Utility	Front Street Douglas (Savikko to D St)	150,000
Wastewater Utility	Downtown, Whittier St Improvements	150,000
Wastewater Utility	Lakewood Subd Reconstruction	150,000
Wastewater Utility	SCADA	250,000
Wastewater Utility	Facilities Planning	250,000
Wastewater Utility	MWWTP Instrumentation Upgrades	300,000
Wastewater Utility	Long Run Dr Lift Station Improvements	300,000
Wastewater Utility	Distin/ Indian Reconstruction	100,000
Wastewater Utility	Cope Park Sewer improvements	100,000
	Wastewater Enterprise Fund Total	**$ 3,940,000**
	Water and Wastewater Funding Total	**$ 5,270,000**

The final design of the Cope Park Improvements project discovered additional unforeseen sewer and water repairs necessary during the project that were not accounted for in the FY16 CIP. These increases are reflected in the $50,000 increase for Cope Park Water Main and the addition of $100,000 for Cope Park Sewer Improvements.

Two water utility projects from the FY16 CIP are not included in this list due to being ADEC grant requests – Salmon Creek Secondary Disinfection ($3 million) and Last Chance Basin Well Upgrade ($2 million). Salmon Creek appears to be successful in receiving the full $3 million, but is awaiting the Governor's signature.

The projects receiving grant and loan funding will be presented to the Assembly for appropriation at a future date, when the applications are complete and the funding is made available to the CBJ.

The Public Works and Facilities Committee reviewed this ordinance at its June 22, 2015 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

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

D. Ordinance 2015-20(C) An Ordinance Appropriating to the Manager the Sum of $850,000 as Funding for the City Shop Sand and Salt Storage Shelter; Funding Provided by Waste Management Fund's Fund Balance.

This ordinance would appropriate $850,000 from the Waste Management Fund's fund balance as support for the sand and salt storage shelter to be located at the City Shop in Lemon Creek.

As discussed at the March 2nd and March 23rd Public Works and Facilities Committee meetings, there are significant operational efficiencies to be gained by constructing a new sand and salt storage shelter at the City Shop. Allocating more

space to the Household Hazardous Waste program will allow that program to grow and to increase diversion from the landfill and provide the community with additional free chemical products.

The combination of this appropriating ordinance, the transfer of $176,135, approved at the June 8, 2015 Assembly meeting, and the FY16 CIP Resolution 2713d of $300K will provide the funding to complete this project. A conservative project estimate for the sand and salt storage shelter is $1.4M (the estimate has increased $200,000 since we last reported to PWFC), but we expect very competitive bidding from contractors and suppliers of fabric building systems.

Moving forward with this project will position the CBJ to achieve three important goals:

1. Save money on street maintenance.
2. Incrementally grow the HHW Program
3. Open the opportunity in the future to combine the HHW and Recycling programs and save on the costs of those programs.

The Manager recommends this ordinance be adopted.

Public Comment:

Geoff Larson, said he represented the Alaska Brewing Company, located next to the facilities referenced. He asked for clarification that the salt storage facility proposed was being located at the seven mile city shop. He asked how this action fit into the long term plan for the area. and said long term planning for Lemon Creek was important to do before making decisions that shackled future development. CBJ needed to put this industrial land to the best use for the community.

Ms. Kiefer said that the salt storage facility was planned to be located at the seven mile shop.

Mr. Watt said there is not a long term plan for Lemon Creek, but there were two different programs at two different facilities and in the long term it would make sense to co-locate recycling and hazardous waste, but that decision had not been made and was a good question to investigate.

Mr. Kiehl said that putting a fabric building at the seven mile shop increased the flexibility of the program, rather than decreasing it. Mr. Watt agreed and said that it removed a complicating factor, the salt storage, from the current site and made the salt use more efficient, and improved the ability to use the current Lemon Creek site for other purposes.

Assembly Action:

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

E. Ordinance 2015-20(D) An Ordinance Appropriating to the Manager the Sum of $500,000 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project, Funding Provided by the Juneau International Airport Operating Reserves.

This ordinance would appropriate $500,000 for the Runway Rehabilitation capital project.

Funding is provided as follows:
Juneau International Airport Operating Reserves: $500,000

These funds would be reimbursed from a pending Federal Aviation Administration (FAA) grant amendment.

This airport capital project would resurface the runway, and install new drainage. The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport.

The Airport Board approved this action at its June 23, 2015, Special meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

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

F. Ordinance 2015-34 An Ordinance Amending the Land Use Code Relating to Transitional Housing.

This ordinance would amend Title 49 as follows:

1. By creating a transitional housing category in the Table of Permissible Uses (CBJ 49.25.30) and related definition, consistent with the Board of Adjustment's unlisted use decision, dated August 26, 2014.

2. By amending the definition of "correctional facility" to include "halfway houses," and by amending the Table of Permissible Uses to delete references to "halfway houses."

3. By eliminating the "group home" category and definition for consistency with federal law.

4. By amending the "assisted living" definition to distinguish that category as it has historically been understood from transitional housing and multifamily housing.

The Planning Commission considered this ordinance at its July 14, 2015, meeting and, with an amendment to the definition of "transitional housing", recommended forwarding it to the Assembly for its approval. As the ordinance had already been introduced, the Planning Commission's recommendation is reflected in the memorandum included in your packet.

The Manager recommends this ordinance be adopted.

Ms. Mead referred to her memo in the packet which spoke about the language in the draft ordinance defining "Transitional Housing," and a change recommended by the Planning Commission, to add that "Residents live in transitional housing by choice." She explained her

concern about that wording, that it appeared to require an inquiry into the subjective intent of the residents before a permit for transitional housing could be approved. She offered a change to their recommendation based on their intent to further distinguish between correctional facilities and transitional housing in her memo.

Ms. Crane said AWARE referred to their new housing complex as transitional housing, but those residents are not being released from incarceration. Ms. Mead said that facility was a multi-family living facility, not technically a transitional housing unit.

Mr. Nankervis agreed with Ms. Mead's recommended language and the Planning Commission intended to flesh out the language.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2015-34.

MOTION, by Kiehl, to amend, on page 4 line 17 - 20, by replacing that definition of transitional housing, with the recommended language from Ms. Mead, "Transitional housing means a residential use for people released from a correctional facility or similar facility. Tesidents may be on probation and parole. Although approval by the Department of Corrections may be necessary for a resident to reside in transitional housing, unlike a correctional facility, a resident is not ordered to live in transitional housing. An owner or manager must live on site." Hearing no objection, it was so ordered.

Hearing no objection, Ordinance 2015-34 was approved as amended.

G. Ordinance 2015-35 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tract B1 of USS 1568, Located at 7400 Glacier Highway, from D-5 to D-18.

In January 2015, the applicant applied to have Tract B1 of USS 1568, located at 7400 Glacier Highway, rezoned from D-5 to a mix of D-18 and Light Commercial. On February 26, 2015, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area.

The Planning Commission, at its April 14, 2015, meeting, recommended denial of the proposed rezone to the Assembly. The applicant, on April 24, 2015, submitted a timely protest to the Planning Commission's recommendation of denial.

On June 11, 2015, the Assembly took comments from the applicant and the public and received information from staff. The Assembly requested staff draft an ordinance for public hearing that, if adopted, would rezone the above-identified area from D-5 to D-18.

The rezone from D-5 to D-18 conforms to CBJ land Use Code requirements as follows:

1. The request is more than 2 acres.
2. No similar request has been made in the past year.
3. The request conforms to the 2013 Comprehensive Plan land use maps.

The Manager recommends this ordinance be adopted.

Public Comment:

Rich Harris said approving this zone change ordinance would be the right thing to do. A consultant who assisted the Housing Action Plan told the AHC that increasing density was one of the best ways to improve the housing situation in Juneau, and by approving this ordinance, it would be a step in the right direction.

Dave Hanna said at the original Planning Commission hearing, there were several residents that spoke against this and the Planning Commission (PC) recommended denial. He thought there people were not present to speak because some were discouraged with the process and some were not aware this issue was before the Assembly tonight. He knew Mr. Duran was trying to attend this meeting. This change would impact this neighborhood's residents investments and their lives. Juneau needs land for more single family homes and this area is zoned for that. Please consider the Planning Commission's comments and that single family housing is underserved.

Ms. Troll said that in reading the PC minutes, the zone change was seen as too abrupt, and thought that D-10 may be a compromise. She asked Mr. Hanna for his comments. Mr. Hanna said he supported D-10 and he would be applying for a rezone in Douglas for an area that could be built to D-18, but would propose D-10 for that type of housing. He thought owner occupied houses in a lower residential zoning district had a different character.

Assembly Action:

MOTION, by White, to adopt Ordinance 2015-35.

Ms. Troll objected. She said that after considering the neighborhood input, looking at the comprehensive plan, she believes the Planning Commission was correct. She could support an increase to D-10.

Ms. White said that Tamarak Condominiums were highly valued and their proximity to Mountainside Estates did not affect the Mountainside Estate property values. We need to utilize land on the transit system the best we can.

Mr. Kiehl said that traffic was one of the main concerns for the residents in the area, but there had been a lot of work in the area and the design specifications allowed a greater traffic load than was present. The state had essentially made a major infrastructure investment in that area. He said the comprehensive plan allowed for zoning up to this density of D-18.

Roll call:
Aye: Becker, Crane, Kiehl, White, Sanford
Nay: Nankervis, Troll
Motion passed, 5 ayes, 2 nays.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Hardship Real Property Exemption - Darnell

Ms. Kiefer said that there were three hardship real property tax exemption applications and two senior citizen property tax exemption applications that were all filed late, and therefore could not be considered by the Assessor for action without permission of the Assembly. Backup from the applicants with some confidential information was emailed directly to the Assemblymembers, which included the applicants reasons for filing late. Ms. Kiefer said the first two requests, A and B, cited medical and age related issues for the late file. The other three requests in items C, D, and E cited that it was either their first time to apply, they were not aware of the process, and in all cases it was the first time the persons were eligible to apply. She was concerned about a "slippery slope" when we state a deadline and then ignore the deadline. She recommended approving A & B and not approving C, D and E.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Darnell household for a 2015 Hardship Exemption.

Ms. Troll said she did not object but questioned the "high end" of valuation of property for qualification for a hardship exemption. She said the property was approximately valued at $.5 million, and this was generous in the concept of "hardship."

Aaron Landvik said he oversaw the senior and hardship exemption applications for the Assessor's office. The hardship exemption was determined on a sliding scale and was dependent on the 2014 median income level for Juneau. For a two person household, the maximum income was $84,000 and for a three person it was $92,800.

Hearing no objection, it was so ordered.

B. Hardship Real Property Exemption - Felipe

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Felipe household for a 2015 Hardship Exemption. Hearing no objection, it was so ordered.

C. Hardship Real Property Exemption - Fratzke

Public Comment:

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from the Fratzke household for a 2015 Hardship Exemption.

Ms. Troll objected and concurred with the city manager, that we begin to start a slippery slope with people not filing in a timely manner.

Roll call:
Aye: Becker, Crane, Nankervis, Sanford
Nay: Kiehl, Troll, White
Motion failed, 4 ayes, 3 nays.

D. Senior Citizen Exemption Late File - Lockhart

Public Comment: None.

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from Ann M Lockhart for a 2015 Senior Citizen/Disabled Veteran Exemption.

Ms. Troll objected.

Roll call:
Aye: Becker, Crane, Nankervis, Sanford
Nay: Kiehl, Troll, White
Motion failed, 4 ayes, 3 nays.

E. Senior Citizen Exemption Late File - Miller

Public Comment: None.

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from Scott Miller for a 2015 Senior Citizen/Disabled Veteran Exemption.

Ms. Troll objected.

Roll call:
Aye: Becker, Crane, Nankervis, Sanford
Nay: Kiehl, Troll, White
Motion failed, 4 ayes, 3 nays.

X. STAFF REPORTS

A. Airport Supplemental Agreement #2 - E14-259 JNU Runway 8-26 Rehabilitation

Ms. Kiefer provided a staff report for the Assembly's information regarding her action to approve an Airport Supplemental Agreement #2, E14-259 JNU, Runway 8-26 Rehabilitation, for work on Alex Holden way as she made a finding that it was in the best interest of CBJCurrent playtimeer CBJ 53.50.040. As the work fell under her authority, there was no action required of the Assembly.

Ms. Kiefer said she followed up on an Assembly request regarding an interest in some off street parking being provided for access to fishing at the end of the cul-de-sac on Channel Drive. She said the property has been identified as Alaska Department of Transportation right of way and she has attempted to contact them about this issue but has not been able to speak with anyone directly yet. Mr. Nankervis thanked Ms. Kiefer for looking into this.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford said information about HB46 regarding a tax abatement for subdivisions would be coming before the Committee of the Whole on August 3.

Mayor Sanford said he complied with the terms of the friendly bet and wore his Yukon hat as a result of the efforts of those in the tennis challenge with Sister City Whitehorse, Yukon.

Mayor Sanford asked for a report on how many senior citizen sales tax exemption cards had been issued.

Mayor Sanford encouraged the Assembly to keep moving forward on projects as they come forward, even if planning efforts are on-going, as planning takes time and we need to take action no to the best of the ability of the Assembly. He asked the Assembly to keep an open mind on projects that come before the Assembly.

B. Committee Reports

Committee of the Whole: Chair Becker reported on the COW meeting on June 13. The next meeting was set for Monday, July 27, at 5 pm to discuss the subdivision ordinance.

Finance Committee: Chair Crane said the next meeting was set for Thursday, July 30, at 5:30 p.m.

Human Resources Committee: The next meeting of the HRC was set for August 10, 2015, at 6 p.m.

Lands and Resources Committee: Chair Kiehl said the committee met on and considered land use code changes regarding childcare facilities, recommended creation of a new CIP for a CBJ truck scale at the gravel pit, and reviewed a question regarding a rezone request at the south end of Auke Lake. It is a transitional zone and the PC recommended against the transition - this would proceed forward and a procedural question for zoning protests he asked if the Assembly should have them come forward to committees before they go to the full Assembly. This one was an application by CBJ, and we do not want the public to feel the city gets an extra step in this process, even though the staff did not want to bring something forward to the Assembly without a review in the committee. Mayor Sanford said he was concerned about duplicating efforts in committees, but would like to hear Ms. Mead's comments on that issue.

Marijuana Committee: Chair Kiehl said the next meeting was Thursday, July 23 at 6:00 p.m.

Public Works and Facilities Committee: Chair Nankervis said the next meeting was set for August 3.

C. Liaison Reports

Airport Board: Liaison White said the Airport Board would hold a special Committee of the Whole meeting on Tuesday, July 28 at 2 p.m. The Board may move its regular meetings to Tuesday.

Bartlett Regional Hospital Board: Liaison Crane said the next meeting was set for Tuesday, July 28, at 5:30 p.m.

Affordable Housing Commission: Liaison Troll said the AHC met Thursday, June 21, and the actions coming out of the Housing Action Plan were items that all of the Assembly should be paying attention to. The AHC pushed for specific actions from the consultant. We are doing what we can to upzone, but the developers are not responding and there may be a more active role to play. Ms. Troll said the plan was out in draft form for comments and Ms. Kiefer would ensure all Assemblymembers would receive a copy.

Chamber of Commerce: Liaison Becker said Pat Pitney spoke to the Chamber members about the state economy and she was very upbeat, despite the state of the state. Cathy Munoz would be the next guest speaker.

Downtown Improvement Group: Ms. Becker said that JPD met with downtown business owners about safety and protecting stores from theft.

Juneau Commission on Sustainability: Liaison Troll said the committee met on June 10 and said it can address many of the concerns that Mr. Watt has about electric buses and would like an opportunity to make those comments to the Assembly. Ms. Kiefer said staff had received comments from the JCOS and in addition to the bus being electrified is the issue of the charging stations needed. The diesel buses to be purchased this year do not tie us into future purchases.

Juneau Convention and Visitors Bureau: Liaison White said Liz Perry was hired as the new executive director.

Juneau Economic Development Council: Liaison Troll said JEDC was very busy with summer camps, the "Storefront Star" award went to "Trove," and JEDC completed a visitor satisfaction survey. It was interesting to learn that the walkability of downtown had the highest satisfaction score and the look and feel of downtown had improved in the perception of the public and visitors. She suggested the results be provided to the Assembly COW.

Southeast Conference: Liaison Becker said the Southeast Conference received a presentation on the pending changes to the fall/winter ferry schedule.

School Board: Liaison Kiehl said the Board would hold a work session on July 23 to discuss charter schools, budget impacts and the evaluation of the superintendent.

UAS Campus Council: Liaison Kiehl said a few Assemblymembers were able to meet Jim Johnson, candidate for UAS Statewide President, and Mr. Kiehl said Mr. Johnsonhas a good understanding of UAS within the overall system.

D. Presiding Officer Reports

Ms. Mead said the a draft decision on the Bicknell v Planning Commission appeal was due July 30, 2015.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford wanted to ensure that the members are comfortable with his writing of the performance evaluation of Ms. Kiefer and invited members to review the draft. Mr. Nankervis said he objected to the evaluation. Ms. Troll and Ms. Becker said Mayor Sanford captured the Assembly's comments. Ms. Crane and Mr. Kiehl asked to take a look at the final draft, Mayor Sanford said he would ask the Assembly to vote on its adoption at the next meeting.

Ms. Becker said that the IGA had a ribbon cutting and would also be purchasing Super Bear so another ribbon cutting would be held in the future.

Mr. Kiehl said he attended the free day at the pool supported by the Rotary and the pool was filled to capacity. He congratulated the pool staff for their patience and great work to provide a safe, fun event. He reported on attending a ceremony to welcome a new cruise ship to town which begins and ends their tours in Juneau so they use the airport and hotels and provides a great economic benefit to Juneau. The governor mentioned Juneau's resolution of support for the expansion of the medicaid program and this will create jobs and provide better health care to many. He rode along with JPD on Friday night and it was busy and a remarkable learning experience. JPD officers do a lot of peace making and prevent crime and injuries. He said CBJ would greatly benefit from someone tasked with Public Information, to serve as a point of contact for press inquiries. The public doesn't have any one point of contact. He referred to the Housing Action Plan - Mr. Steedle explained the draft was not ready for public distribution. He referred to closure of Twin Lakes and said there should have been more information out.

Ms. Crane, attended National Association of County Officials (NACO) in Charlotte NC, where the U.S. Secretaries of Defense and Transportation. PILT and secure rural schools continues to be a priority for NACO. She spoke about the topics, and attending the board meeting and western region meeting.

Ms. Troll thanked the city manager for the information on shoreside power and said she learned a lot. She was thankful for the recognition of Aaron Dean and the good news to counterbalance the bad news recently with accidents and the plane crash. She encouraged participation in the upcoming National Night Out Tuesday on August 4.

Mr. Nankervis asked for follow up information on the status of the recycling baler, the completion date for the Centennial Hall Roof project and about trucks/containers for biosolids at the WWTP that are not being used.

Ms. Becker asked for follow up information about why there is not a handicap button on the door at Centennial Hall.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. Juneau Arts and Cultural Center Lease Agreement

B. City Attorney Evaluation

MOTION, by Becker, to enter into executive session, to discuss a matter in which attorney client privilege applies, namely the Juneau Arts and Cultural Center Lease Agreement, and to discuss the city attorney performance evaluation. Hearing no objection, the Assembly entered into executive session at 8:50 p.m., with Mr. Chaney, Mr. Steedle, Ms. Kiefer and Ms. Mead in attendance for the first issue, and Ms. Mead in attendance for the second issue.

The Assembly returned to regular session at 10:20 p.m. Mr. Kiehl said the Assembly heard information and gave direction about the JACC lease agreement, and considered the city attorney's evaluation.

At some point, Mr. Nankervis left the meeting.
MOTION, by Kiehl, to approve the City Attorney's evaluation as written and to provide a 5% pay increase. Hearing no objection, it was so ordered.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:21 p.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Merrill Sanford, Mayor