

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

June 29, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-20

Submitted by: _____

Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

- A. **June 8, 2015 Regular Assembly Meeting No. 2015-16**
- B. **June 10, 2015 Special Assembly Meeting No. 2015-17**
- C. **June 11, 2015 Special Assembly Meeting No. 2015-18**
- D. **June 15, 2015 Special Assembly Meeting No. 2015-19**

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 2015-34 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 Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

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

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

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

e. 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 Wastewater 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. There is also a transfer (T-972) of \$176,135 from two existing CIPs to accompany this ordinance. These funds would move into the Street Maintenance Shop CIP, R72-081.

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

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

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

2. Resolutions

a. Resolution 2728 A Resolution Designating State of Alaska, Department of Environmental Conservation Grant Funds for the Long Term Biosolids

Treatment and Disposal Project as the Number One Local State Funding Priority for Fiscal Year 2016.

The City and Borough is applying for Alaska Department of Environmental Conservation (ADEC) grants through the Alaska Clean Water Fund grant program. The application process has a ranking system whereby projects from around the State are evaluated based on criteria such as the benefit to public health, whether the plans will be completed by the community, the level of community support, and the existence of supplementary sources of funding. To achieve maximum points, thereby assuring the best chances for grant monies, ADEC requests a resolution of support by the community's elected leaders identifying this project as the community's number one priority.

This resolution requests that the Long Term Biosolids Treatment and Disposal Project be considered Juneau's number one priority for State grant funding this fiscal year. The proposed project will end the shipping of CBJ's biosolids via barge and rail to Arlington, Oregon for landfill disposal, and provide the CBJ with a stable, local, long-term, greener, and more cost-effective treatment and disposal method.

The CBJ is requesting \$1,000,000 in grant funding for this project, which, if awarded, will require a 40 percent match.

The CBJ has already successfully obtained ADEC Municipal Revolving Loan Program funding assistance for the design and construction of this project.

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

The Manager recommends this resolution be adopted.

3. Bid Award

a. **BID E15-224 Salmon Creek Water Filtration Plant**

This project would consist of installing a membrane water filtration system at Salmon Creek Plant and miscellaneous related work.

Bids are scheduled to be opened at 2pm on Thursday, June 25, 2015, with a 24 hour protest period.

At time of packet printing bids were not yet available. The bid award memo will be posted by Monday, June 29, 2015 into Novus.

4. Transfer

a. **Transfer T-971 This transfers \$1,800,000 from the West Juneau-Douglas Highway Access Study Capital Improvement Project (CIP) to a new CIP titled Gastineau Building Demolition.**

This transfers \$1,800,000 from the West Juneau-Douglas Highway Access Study Capital Improvement Project (CIP) to fund demolition of the Gastineau

Apartment building. Award of a demolition contract would come before the Assembly for consideration and approval.

Engineering staff would proceed on the preparation of a bid package and advertise for demolition, if or when, the Assembly directs that action by motion.

The Public Works and Facilities Committee reviewed this information item at its June 22, 2015 meeting. The Lands Committee also reviewed this request at its June 22, 2015 meeting and recommended moving it to the full Assembly for approval.

The Manager recommends this transfer be approved.

- b. **Transfer T-972 of \$176,135 from two existing CIPs as funding for the Sand and Salt Storage Shelter to be located at the City Shop in Lemon Creek. These funds will be moved into the Street Maintenance Shop CIP, R72-081**

Staff requests the transfer of \$176,135 from two existing CIPs as funding for the sand and salt storage shelter to be located at the City Shop in Lemon Creek. These funds will be moved into the Street Maintenance Shop CIP, R72-081. There is also an ordinance (2015-20(C)) that would move \$850K from the Waste Management Fund's fund balance.

As discussed at the Public Works and Facilities Committee meetings, there are significant operational efficiencies to be gained by constructing a new sand and salt storage facility at the City Shop. Allocating more space to the Household Hazardous Waste program would allow that program to grow and to increase diversion from the landfill and provide the community with additional free chemical products.

The Manager recommends this transfer be approved.

VIII. PUBLIC HEARING

- A. **Ordinance 2014-24(AT) An Ordinance Appropriating to the Manager the Sum of \$32,238 as Additional Funding for the 2013 State Homeland Security Program; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.**

This ordinance would appropriate \$32,237.76 as additional funding for the 2013 State Homeland Security Programs (SHSP) Grant from the Alaska Department of Military and Veterans Affairs for the City and Borough of Juneau. The State Grant Number is 13SHSP-GR34078.

These funds are an additional award to support the goals and activities of the Emergency Management Division. These funds would be used towards the 12SHSP Mobile Data Terminal Project, upgrading communications capabilities in emergency response vehicles.

This increases the total award to \$177,275.48.

There is no dollar match requirement for this grant.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Ordinance 2015-29(b) An Ordinance Amending the Signs Code and Providing for a Penalty.

This ordinance would amend CBJ Chapter 49.45, the Signs Code, by changing violations of the code from criminal infractions to a civil violations, and by amending the currently imposed staggered penalty (\$25, \$50, and \$100) to a \$500 per day, per offense penalty with a 15-day grace period. After noticing the decline in sign compliance and the inherent disincentive for compliance in the existing Code (\$25 to put up a sign without a permit vs. \$50 to apply for a permit), the Historic Resources Advisory Committee (HRAC) initiated this amendment.

The HRAC unanimously voted in support of the amendment at its December 9, 2014, meeting. The Title 49 subcommittee also unanimously supported the change at its January 27, 2015, meeting. At its meeting on April 14, 2015, the Planning Commission voted to recommend approval of the amendment to the full Assembly.

At its meeting on June 8, 2015, the Assembly tabled this issue for further discussion.

Version (b) amends the ordinance to address issues raised by the Assembly at its June 8th meeting.

The Manager recommends this ordinance be adopted.

B. City Manager Evaluation Subcommittee - Final Recommendation

X. NEW BUSINESS

A. Authorization to Begin Lease Negotiations with Pacific Coast Paving for an Asphalt Plant

On June 2, 2015, the Division of Lands and Resources received a lease application from Murray Walsh representing Pacific Coast Paving, Inc. The applicant is requesting a long term lease of approximately one acre on City property located adjacent to the Lemon Creek Gravel Pit, with the intention of operating a general-purpose asphalt plant.

According to CBJ 53.09.260, the application "...shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease..."

If the Assembly determines that it is appropriate to lease this property to Pacific Coast Paving, an ordinance and lease will be drafted and be brought before the Assembly for further review and approval. Once negotiations are finalized, it is the intention to grant Pacific Coast Paving a use permit while the lease goes through Planning Commission and Assembly review, in order to take advantage of this year's construction season.

The Lands Committee reviewed this request at its June 22, 2015 meeting, and recommended forwarding to the full Assembly for consideration.

The Manager requests authorization to enter into lease negotiations with Pacific Coast Paving, Inc.

B. Regulation Public Use of Municipal Transit System

This regulation would repeal and reenact the Public Use of Municipal Transit System regulations - 03 CBJAC 20. The proposed changes to the Public Use of Municipal Transit System regulations would include orderly operation of the City and Borough of Juneau transit vehicles and facilities, administration, definitions, Capital Transit Code of Conduct, enforcement, penalties, and appeal process.

The changes made to the regulations are updates that bring them into conformance with State laws. The changes would clarify the rules to the public and allow Capital Transit and the Juneau Police Department to enforce the Code of Conduct.

A public hearing regarding the proposed regulation changes was held at the June 22, 2015 Public Works and Facilities Committee meeting, no public comment was received.

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

XI. STAFF REPORTS

A. City Attorney Updates: Gastineau Apartments and Hohman Property

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

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