THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 8, 2015

MEETING NO. 2015-16: 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, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll (teleconference) and Debbie White.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Greg Chaney, Lands and Resources Manager; Matt Lillard, Eaglecrest Ski Area Manager; Bryce Johnson, Police Chief; Mila Cosgrove, HRRM Director; Hal Hart, Community Development Director; Bob Bartholomew, Finance Director; Laura Boyce, Senior Planner; Beth McKibben, Planning Manager; Rorie Watt, Engineering and Public Works Director.

II. SPECIAL ORDER OF BUSINESS

A. Proclamation - Pride Month

Mayor Sanford read a proclamation, proclaiming June to be "Pride Month" in Juneau, Alaska, promoting dignity, equality and self-affirmation for LGBTQ+ and the entire community. The annual Pride Picnic would be held on Sunday, June 21 at Sandy Beach.

III. APPROVAL OF MINUTES

A. May 18, 2015 Regular Assembly Meeting No. 2015-14

Hearing no objection, the minutes of the May 18, 2015 Regular Assembly Meeting 2015-14 were approved.

B. May 19, 2015 Special Assembly Meeting No. 2015-15

Hearing no objection, the minutes of the May 19, 2015 Special Assembly Meeting 2015-15 were approved.

C. April 20, 2015 Special Assembly Meeting No. 2015-11 - Amendment

Hearing no objection, the minutes of the April 20, 2015 Special Assembly Meeting 2015-11 were approved as amended with a separate document outlining work done on the Juneau Economic Plan.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

No changes, but Mayor Sanford and the entire audience wished City Manager Kim Kiefer, Municipal Attorney Amy Mead, and HRRM Director Mila Cosgrove, all present, a happy birthday this week.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

<u>MOTION</u>, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2015-03 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 Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

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

2. Resolutions

a. Resolution 2725 A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement across a Fraction of Lot 1, U.S. Survey 3559, Located at the North End of Douglas Island.

This resolution would authorize the Manager to grant an access and utility easement to the owner of a lot located at the north end of Douglas Island. The owner wishes to subdivide but the lot is currently landlocked, accessible solely by navigable water. A new easement would allow the property owners to develop an alternative access route. The easement will be approximately 35 feet wide. The appraised value for the easement, as of May 7, 2015, is $13,355.

The property owners (the Machamers) requested an identical easement in 2005, which was granted by the Assembly via Resolution 2325. The 2005 easement was never finalized however, due to the owners' failure to meet required prerequisites to improve the easement area. The owners would need to meet similar prerequisites prior to the easement authorized by this resolution being finalized.

The Planning Commission considered this request at its meeting on February 10, 2015, and recommended forwarding it to the Assembly for approval. The Lands Committee reviewed the request at its March 23, 2015, and also recommended its approval.

The Manager recommends this resolution be adopted.

b. Resolution 2727 A Resolution Authorizing the Manager to Enter into an Amendment to the City and Borough PERS Participation Agreement.

Bartlett Regional Hospital is anticipating the addition of certified medical staff to its workforce. Specifically, hospital management is laying the ground work to create a Hospitalist program to cover patients admitted to the hospital who do not have a local physician. As part of that program, management intends to supplement the existing general surgery program with the addition of a physician's assistant. General Surgeons are already excluded from PERS, and

BRH management believes it is appropriate that the newly hired medical personnel also be excluded.

The proposed resolution modifies the City and Borough's agreement with PERS to reflect the addition of these two classifications of employees to the list of excluded positions. Staff working at the Division of Retirement and Benefits have reviewed and approved the draft amendment. The Hospital Board was informed of this amendment at its meeting on May 26, 2015, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License Late Renewal - Little Tokyo Restaurant/Eating Place License #4493

The following liquor license application is for a late filed renewal and is before the Assembly to either protest or waive its right to protest the renewal.

Restaurant/Eating Place License #4493
Kwang LLC d/b/a Little Tokyo, Location: 140 Seward Street
The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Engineering and Public Works, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code.

In the event the Assembly does protest the renewal of one or more of these licenses, 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 the Kwang LLC d/b/a Little Tokyo liquor license renewal.

b. Liquor License Transfer of Beverage Dispensary -Tourism License #175 FROM: Q Enterprise Inc. d/b/a Breakwater Inn Restaurant & Lounge TO: CNH Holding LLC, d/b/a Bay View Inn Restaurant and Lounge

The following liquor license transfer of ownership, name change 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.

Beverage Dispensary-Tourism License #175
Transfer FROM: Q Enterprise, Inc. d/b/a Breakwater Inn Restaurant and Lounge
Transfer TO: CNH Holding, LLC d/b/a Bay View Restaurant and Lounge
Location: 1711 Glacier Ave., Juneau

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Engineering and Public Works, and Community Development Departments have reviewed the above businesses and found them 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 2015-26 An Ordinance Approving a Land Trade between the City and Borough and Christ Evangelical Lutheran Church.

This ordinance would authorize the Manager to finalize a land exchange between the CBJ and Christ Evangelical Lutheran Church.

In order to develop CBJ property on Pederson Hill to meet housing needs, the CBJ must first secure access routes to the property from Glacier Highway. Christ Evangelical Lutheran Church has demonstrated interest in an equal area land trade that would be mutually beneficial. As a result of the land trade, the CBJ would gain a reliable access point that allows for cost effective development of utilities as well as a four-way intersection off of Glacier Highway that was recommended by Alaska DOT&PF. Christ Evangelical Lutheran Church gains land that could be developed for future expansion, safe direct access to the proposed right-of-way, as well as a driveway and future sewer hook-up. This land trade would facilitate the next phase of planning and development of the Pederson Hill residential subdivision and provide access for future projects higher up on Pederson Hill.

On April 14, 2015, the Planning Commission reviewed and recommended approval of this land trade. The Lands Committee expressed its support for the land trade at its meeting on May 4, 2015.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2015-26. Hearing no objection, it was so ordered.

B. Ordinance 2015-28 An Ordinance Creating Local Improvement District No. 62 to Improve the Roadway within the McGinnis Subdivision and Appropriating the Sum of $3,000,000.

This ordinance would create Local Improvement District (LID) No. 62 for the purpose of paving streets within the McGinnis Subdivision. The streets to be paved are: Steelhead Street, Silver Street, Hummingbird Lane, Heron Way, and Wren Drive. The total project cost is $3,000,000. The total of all proposed assessments for this LID is $472,000.

An informal poll of the property owners was conducted. The informal ballots were due on April 8, 2015. Eighty-three responses were received from a total of one hundred and twenty-five properties. Of those responses received, fifty-eight were in favor of the LID, and twenty-five opposed it.

LID 62 was reviewed by the Public Works and Facilities Committee at its April 13, 2015, meeting and forwarded to the full Assembly for approval.

Notice of the June 8, 2015, public hearing was mailed to the residents in the LID area and published in the newspaper as required by CBJ 15.10.040. At the public hearing, affected property owners will have an opportunity to object to the formation of the district.

The Manager recommends this ordinance be adopted.

At Mayor Sanford's request, Rorie Watt added that this was a paving project in partnership with the neighborhood. The residents would contribute to the paving. Staff asked the neighborhood an advisory question about street lighting to have that information before going to the Planning Commission (PC). Staff would like to do a project that was harmonious with what the neighborhood wanted and the project needed to run through the PC process. It was clear by 2-1 the neighborhood was opposed to continuous lighting throughout the neighborhood.The PC can make recommendations and the Assembly can choose to follow those recommendations and fund them, or not.

Ms. Crane asked if the question of lighting would be open before the PC or would staff propose a plan. He said that staff would not propose lighting the subdivision.

Public Comment:

Shane Walker, resident of the LID, said he was originally opposed to the LID, but since the majority voted for it, he would like street lighting and paved walkways considered. It was chip sealed now, but people drove very fast through the neighborhood. He has small children and was concerned about safety in the neighborhood.

Karla Hart, resident of the LID, said she was opposed to the LID and appreciated the natural speed bumps of chip seal and was concerned about increased speed. She would like to see speed controls, but did not want to see street lighting, as the majority opposed it and if the street was designed well it could be safe without lighting. She spoke about episodic lighting not being good and she said she did not hear the original question formed as "continuous lighting."

Jerry Landry, resident of the LID, said he was opposed to the street lighting as this was a rural area.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2015-28.

Mr. Nankervis said that on page 2 of the ordinance it read that additional amenities "may" be added, which left it open for change based on neighborhood sentiment. He preferred unlighted streets as well. Regarding speeding, usually the residents of the area were the ones that were speeding, and paving could be good and bad. The JPD could do directed enforcement in an area, but it worked better for neighbors to talk to each other about speeding.

Hearing no objection, it was so ordered.

C. Ordinance 2015-29 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.

The Manager recommends this ordinance be adopted.

Public Comment:

Shawna McMahon, a member of the Historic Resources Advisory Committee, said that the offense of a non-compliant sign was correctable, and the ordinance included a period to bring the signs into compliance. Passing this ordinance showed that CBJ cared about the look and feel of downtown.

Michael Tripp, a property and business owner in Juneau and a member of the Historic Resources Advisory Committee, said the focus was on non-permitted and non-conforming signs and there is a cure period built into the proposal. the Skagway code was the guide for development of the ordinance and adopting the ordinance would help with visual pollution in the historic district in downtown Juneau.

Ms. Troll asked why the amount was $500 and not a lower number. Mr. Tripp said Skagway was used as their guideline and the fine there was $500 per day. He had a business in Skagway and it worked well there - it was a very good deterrent. It was not meant to be a revenue generator.

Ms. Crane asked what kind of education would there be for downtown businesses so they knew this was coming and asked if 15 days notice was sufficient for businesses to get the notice and remedy the situation.

Mr. Tripp said that Skagway provided only seven days for a cure. Staff did a good job getting permits for signage done in that time frame. He just finished permitting signs for Tram Plaza that had more linear footage than most businesses in Juneau in a timely manner. He thought 15 days was plenty of time to cure a notice of non-compliance.

Ms. Boyce, staff liaison to the Historic Resources Advisory Committee, said that very May the CDD sent notices to all businesses that sign permits were needed and repeated notices were sent in the fall. This year's letter was already sent to all businesses. CDD staff recently presented information to the DIG group. Staff walked the district and reminded all businesses, and would send a followup letter. We were also creating a book with examples of compliant signs. This ordinance would apply borough wide and there were different rules specific to the Historic District.

Ms. Crane said she had heard rumors that downtown was widely out of compliance with the sign code and asked if there would be continued enforcement.

Ms. Boyce said compliance was complaint driven. The Historic District was unique and contained the greatest number of violations, and CDD's offices were also in the district, so the violations were visible. HRAC board members also reported sign violations.

Mayor Sanford asked what type of signs were most troublesome. Ms. Boyce said the signs that had no permits. The fine was $25 so there was a disincentive to get a permit. Mayor Sanford asked if there were signs erected that were out of compliance and Ms. Boyce said yes. He asked if the problem was more a matter of enforcement, because a professional sign would likely be made to code. She said that many signs are made out of town and the companies did not always check on or comply with the rules.

Ms. Becker asked if a painting on a window would be a sign. Ms. Boyce said if it were in the historic district, if it were affixed to the window, it would be considered artwork, unless it contained commercial wording, and then it would be a sign.

Ms. Boyce provided a slide presentation on the ordinance.

Ms. Crane asked if there was input from the DBA or the Chamber of Commerce and any input from outside of the historic district. Ms. Boyce said she had made a presentation only to the Downtown Improvement Group.

Mr. Kiehl asked who would be responsible for the citation if issued. Ms. Mead said that it would be the business owner as outlined in the signs code chapter, dictated by who was responsible to apply for the permit. Ms. Boyce said that a business owner renting a space was able to apply for a sign. Mr. Kiehl wanted an authoritative answer about who would get the citation. He also asked what happened after day 15. Ms. Mead said the per day citation was based on a judgement finding you responsible. If someone was cited and came into compliance in 15 days, the penalty was waived, but the citation did not disappear, and the penalty did not accrue each day. If the sign was removed on the 16th day, that was the first day of the fine.

Ms. Gladziszewski said that each and every day was a violation. Ms. Mead said that was applied with a conviction or a judgment. The per day per offense was a way to enforce compliance and was applied throughout the code in many other areas of the code.

Ms. Becker asked if there was a compliance officer. Ms. Boyce said complaints were assigned to an appropriate employee, either building inspectors or planners.

<u>Don Harris</u>, a member of the HRAC, vice-chair and on the signage sub-committee, said that currently there could be 30 days between each offense, which can take a large part of the

summer to complete enforcement. There was not a compliance officer and no one was designated to do this work. He read a few sign standards and said the requirements were all clearly defined. The CDD was helpful in providing assistance to business owners about signs.

Daryl Miller, Commercial Signs and Printing owner, said he had spoken out against this ordinance but was in favor of this ordinance from the standpoint that it clearly needed to be a civil fine structure and to raise the fee to get rid of the disincentive to comply with the code. There were many oversized banners in the community and he supported a change to strike 59.45.270 related to materials from the civil fine structure and let CDD move on and try to clean up the historic district.

Ms. Gladziszewski clarified with Mr. Miller that he objected to sign materials specifically. He said yes and that the materials chosen in the code put us back into the dark ages. He said the important part of the code was not what the signs were made of but what they looked like. Skagway allowed vinyl material and plastics, but they saw a proof of the sign before it was hung and that did not happen in Juneau.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-29.

Mr. Jones shared his concerns about the per day nature of the fine, that many stores had at least one sign out of compliance, that there were conflicts in the code such as a sandwich board on the sidewalk was a problem but one behind a window or in a doorway was not, that interpretation and education were very involved, that the fine was too high and CDD would not have the time to do enforcement in the historic district and all over the community. He was not convinced this was needed without a better plan for education and enforcement.

Ms. Mead said a citation had a notice component. To provide notice, the vehicle was the citation. That was outlined in CBJ Chapter 3 and was a general proposition. The per day fine allowed the enforcement authority to write ongoing citations, rather than waiting for the first citation to clear and payment of the ticket. In the case of a third violation and a mandatory court appearance, that could take some time. She explained the concept of a waivable fee or fixable tickets and said it was similar to failure to provide insurance or fix a brake light, in which proof of remediation waived the fine. After the fifteenth day, the right to waive the fee went away.

Mr. Kiehl questioned the language of compliance and Ms. Mead responded. He said ignoring a stop work order was a $100 fine and a sign violation was $500.

The Assembly and Ms. Mead spent significant time discussing the nature of each day the problem existed constituting a separate violation and how that was defined in the ordinance.

MOTION, by Kiehl, to table to Ordinance 2015-20 to the next regular Assembly meeting.

Mr. Kiehl said he was not ready to vote on this matter without further information.

Mr. Jones said that perhaps the language needed to mirror Skagway's code language closer.

Ms. White objected, saying the HRAC spent significant time on this and while it may not be perfect, it was the height of the tourism season and the community was not getting ahead of non-compliant signs. She was concerned about having something in place for this season.

Roll call to table
Aye: Crane, Jones, Gladziszewski; Kiehl, Troll, Sanford.
Nay: Becker, Nankervis, White
Motion passed, 6 ayes, 3 nays.

Mr. Nankervis suggested that this might be an appropriate time to look at the sign materials as mentioned by Mr. Miller. Ms. Boyce said that the second wave of changes would be looking at this and Mr. Miller was appointed to the HRAC, and therefore he would be part of discussion on future changes to the ordinance.

D. Ordinance 2015-30 An Ordinance Authorizing the Manager to Lease Approximately 1.31 Acres, Located between the Juneau Arts and Culture Center and Centennial Hall, to the State of Alaska for Employee Parking.

In 2009, Resolution Serial No. 2535 authorized the Manager to enter into a license agreement with the State for the area between the JACC and Centennial Hall for employee parking for one year with four one-year renewals. The last renewal is set to expire on June 30, 2015. The State of Alaska is requesting a new lease for one year, with four one-year renewals. The current fair market rent of the site is $122,760, which is based on 155 parking spaces. The State manages and provides winter maintenance of the leased area.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2015-30.

Mr. Jones asked if the state would patch the potholes in the spring or only plow snow in the winter. Mr. Chaney said that historically the state did the snow plowing and ground maintenance was done by CBJ. Ms. Mead said that the language in the ordinance would direct the drafting of the lease agreement.

MOTION, by Kiehl, that on page 2, line 22, to amend the language to clarify that winter maintenance shall be the responsibility of the lessee.

Mr. Kiehl said that if winter maintenance had been a state responsibility in the past, the state should continue to provide that and the staff should be free to negotiate for any additional maintenance from the state. Hearing no objection, it was so ordered.

Hearing no objection, ordinance was approved as amended.

E. Ordinance 2015-31 An Ordinance Authorizing a Capital Improvement by Agreement for the Paving of a Portion of Eagle Street.

This non-code ordinance would authorize the Manager to enter into a capital improvements by agreement contract with two property owners along the unpaved portion of Eagle Street, pursuant to CBJ 15.10.290. Per the agreement, the two Eagle Street property owners would each pay a $3,800 contribution towards the overall cost of paving and related improvements to a currently unpaved portion of Eagle Street. The total cost of the project is estimated to be $13,800.

The agreement would allow the owners' contribution to be financed over a period of ten years, at an annual interest rate equivalent to the 15-year mortgage interest rate at the time of the approval of this ordinance.

The CBJ will be repaving Eagle Street through the Pavement Management CIP this summer and would pave the unpaved easterly 100' as part of the project if this ordinance is approved.

The issue was reviewed by the Public Works and Facilities Committee at its April 13, 2015, meeting, which recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-31. Hearing no objection, it was so ordered.

F. Ordinance 2014-24(AQ) An Ordinance Appropriating $83,800 as Partial Funding for a Crisis Intervention Team (CIT); Grant Funding Provided by the Juneau Community Foundation Hope Endowment Fund.

The Crisis Intervention Team (CIT) will enhance community partnership in addressing mental health issues in the community by utilizing designated resources to assist persons with mental health disorders. The core function for the CIT is to provide services to individuals suffering from mental health, and to their families opposed to referring them to the Criminal Justice System.

The allocated funds would be used for six months of the already existing CIT detective's salary, and overtime for five police officers, one community service officer, and two dispatchers to attend CIT training. The remaining funding would be used to provide internal department training. The JPD's existing operating budget will cover the remaining six month salary for the CIT Detective.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

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

G. Ordinance 2014-24(AS)(b) An Ordinance Appropriating to the Manager the Sum of $673,400 as Partial Funding for Various Departments' Fiscal Year 2015 Operating

Budget; Funding Provided by General Fund and Other Fund Balances and Roaded Service Area Fund Balance.

This ordinance would appropriate $673,400 for increases in FY15 operational costs among several CBJ departments. Funding is provided by departments' fund balances, the general fund balance, and Roaded Service Area fund balance.

Airport
The Airport anticipates exceeding its FY15 budgeted spending authority by $104,800. This is due to construction on Alex Holden Way. The anticipated funding for this is the Current Year Revenues Exceeding Projected Budget.

Eaglecrest
Eaglecrest is anticipating a potential $50,000 shortfall in the current fiscal year operating budget due to low snowfall. The anticipated funding for this is a draw on its Fund Balance.

Law
The Law Department is anticipating a $14,600 shortfall in the current fiscal year operating budget due to increased misdemeanor offender man-days in the 3rd Quarter of FY15 related to Prisoner Care Expenses. The anticipated funding for this is the General Fund's Fund Balance.

Downtown Parking
Downtown Parking anticipates exceeding its FY15 budgeted spending authority by $4,000. The increase is due to additional security coverage in both parking garages. The anticipated funding for this is a draw on the Parking Fund Balance.

Juneau School District
This $500,000 of increased expenditure authority funds the Juneau School District to the FY15 State spending cap. This increase would be funded with the Roaded Service Area Fund Balance.

The Assembly Finance Committee reviewed and approved these increases at its meeting on May 6, 2015. Version B reduces the anticipated spending authority for downtown parking. Originally, Parks and Recreation staff recommended installation of timed door closures on the DTC garage doors to help address security issues. They now will be increasing security coverage five days a week, 7 p.m.-3 a.m., for the month of June. If the additional security coverage reduces vandalism, they will continue this coverage next year, which may require increased spending authority for FY16.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2014-24(AS)b. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Design Services Contract for Old Douglas Harbor Rebuild

The rebuild of Old Douglas Harbor will be accomplished in three phases. Phase 1 includes demolition of existing infrastructure and has been awarded to Trucano Construction. It is scheduled to begin in August after the Salmon Derby. Phase 2 includes dredging of the south section of the harbor and disposal of dredge materials in Gastineau Channel. The US Army Corps of Engineers will be performing that work beginning in mid-October. Phase 3 includes installation of new floats, electrical, water, and fire suppression systems. The work would begin in March 2016.

PND Engineers is currently under contract for professional engineering services for the Old Douglas Harbor Re-Build project and has completed Phase 1. The subject of this contract amendment is to complete Phase 3 design and bid documents. The proposed fees for professional services of Phase 3 design and bidding is $308,940.

The Docks and Harbors Finance Committee reviewed the fee proposal at its regular meeting of May 20, 2015, and recommended the full Board approve the proposal. The Docks and Harbors Board reviewed the fee proposal at its regular meeting on May 21, 2015, and recommended the Assembly approve the fee proposal of $308,940 for Phase 3 design and bid services by PND Engineering, Inc.

The Manager recommends this amendment be approved.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to approve the fee proposal of $308,940 for Phase 3 design and bid services by PND Engineering, Inc. for the Old Douglas Harbor Rebuild project. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Ms. Mead said as of May 30 both Mrs. Barrett and Mr. Barrett had been served by the Building Official with a demolition order for the Gastineau Apartments. They had 10 days from the date of service, June 10, to accept or reject the terms of the order. They had 20 days to appeal the order to the Building Code Board of Appeals. Staff had not heard from either one to date.

Ms. Mead said that last week the Federal District Court awarded the CBJ $1.2 million against Aparc, in response to CBJ's motion for summary judgment. Aparc filed for bankruptcy on May 20, which was the day their opposition to the motion for summary judgment was due. They did not notify the federal court that they had filed for bankruptcy. Normally, filing for bankruptcy works as an automatic stay by virtue of the bankruptcy court, which if they had provided notice to the federal district court judge, would have taken jurisdiction to enter the decision from the federal district court judge. The federal district court judge has asked CBJ for the authority to leave the order in place or arguing why he should not vacate the order. The law department was in the process of filing a motion to lift the stay with the bankruptcy court and filing a motion with the federal court judge that he retail jurisdiction over this litigation that has been pending over a year and a half and issue the order. There would likely be no funds to recover, according to Aparc's bankruptcy documents they listed $50,000 in assets. She believed the Assembly's intent was to retain the judgment and that was how the law department was proceeding.The court did issue the order.

Ms. Mead said that the oral argument before the Supreme Court on the local boundary commission matter would be held next week and she and Mr. Steedle would be participating.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford said he was happy to attend the 5th grade graduation at Gastineau School.

B. Committee Reports

Committee of the Whole: Chair Becker said the committee met on June 1, when the Mayor proclaimed June as National Safety Month and the committee heard a report from CBJ Risk Management. The COW directed that the next community planning effort take place in Lemon Creek. The COW heard a parking report from a consultant and determined no further study on outsourcing parking management was needed. The COW approved that Ms. Crane and the City Manager meet with Juneau Community Foundation to discuss the possibility of the social services grants being run by JCF.

Finance Committee: Chair Crane said next meeting is July 30.

Human Resources Committee: Chair Jones provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

Utility Advisory Board:
Reappointment of Geoffrey Larson to term expiring May 31, 2018.
George Porter said he would serve until replaced, and his position on the UAB was open.

Human Resources Advisory Committee:
Reappointment of Donald Harris and appointment of Daryl Miller and Karenza Bott to terms expiring June 30, 2018.

Juneau Commission on Aging:
Mr. Jones said the JCOA has a 7 member board and currently had five seats to fill with five applicants, however, the chair of JCOA approached the Clerk's Office to review the scope of their duties and responsibilities at the JCOA meeting this week. HRC postponed action on appointments, and 3 - 4 Assemblymembers would attend the JCOA meeting on June 11 to review the resolution creating the JCOA.

Treadwell Arena Advisory Board:

Appointment of Patricia Collins and Jason Soza to user group board member seats for terms expiring May 31, 2017, and Steve Quinn to a user group board member seat for term expiring May 31, 2016.

Appointment of Elizabeth Balstad and Molly McCormick to public seats for terms expiring May 21, 2018.

Lands and Resources Committee: Chair Kiehl said the committee met June 1 and heard information about the state parking lease, a proposal to use a part of the city gravel pit near Costco for an asphalt plant and an update on the subdivision of CBJ property near Renninger Street and DZMS. The new street there was proposed to be named "Jackie Street." The next meeting was set for June 22.

Public Works and Facilities Committee: Chair Nankervis said the next meeting was set for June 22.

Marijuana Committee: Chair Kiehl said the committee voted to forward initial zoning recommendations to the Planning Commission, which would involve a conditional use permit for marijuana operations of all kinds, a 200 foot buffer from property line to property line, and zone recommendations for cultivation, retail and testing and processing operations. Those would be separate lines in the table of permissible uses. Mr. Kiehl said at the July 2 tentative meeting the attorney would provide a memo on whether CBJ could have a local marijuana business license under home rule powers.

C. Liaison Reports

Airport Board: Liaison White said the next meeting was set for June 10.

Bartlett Regional Hospital Board: Liaison Crane said BRH received a report on the CAMU project and an update on the JEMA Contract for emergency room services. The Board took a close look at its financial report and the status of the demonstration project ($4 million in revenue to BRH each year) and the lobbyist is working on this. They also heard a report from the compliance officer.

Docks and Harbors Board: Liaison Nankervis said the board discussed rates at the Auke Bay loading facility haul out, and renewed the lease for the property next to the Seadrome Building with Goldbelt. Monitoring of the pile driving for the cruise ship berth project 16b would be in place. The board discussed the Douglas Harbor rebuild and the dock removal will take place after the salmon derby and dredging will be done in October. They hope to complete the project before the next salmon derby in August 2016.

Eaglecrest Board: Liaison Nankervis said next meeting was set for July 2.

Affordable Housing Commission: Liaison Troll said the AHC reviewed Housing Action Plan progress with the consultants and approved a letter regarding CBJ property on 6th street in Douglas, and discussed the accessory apartment grant program.

<u>MOTION</u>, by Troll, to direct staff to prepare an ordinance to use $72,000 from the Affordable Housing Fund for purposes of creating an accessory apartment grant program.

Ms. Troll said she reviewed this with Ms. Mead to ensure this would be procedurally correct. The AHC said the Housing Action Plan (HAP) would focus on redevelopment as the best way to get more units and single bedroom low cost rentals. This program was a low cost per unit and they did not think that any other recommendation from the HAP would yield units at such a low cost. They had done significant work on accessory apartments and they don't want to miss building season. She said there was $440,000 in the existing Affordable Housing Fund.

Ms. Gladziszewski asked when the HAP would be done. Ms. Troll said the end of August. Mr. Steedle confirmed that and said that the consultants would be in Juneau July 2 and 3 if any Assemblymembers would like to meet with them.

Mr. Nankervis asked if a previously rejected motion could be renewed. Ms. Mead said that previously an ordinance was proposed to reappropriate funds from a state grant program in to this grant program and there were limitations in that grant program which prohibited that use, so now this is a proposal to take funds from the general Affordable Housing Fund and would be a substantially different ordinance.

Mr. Kiehl objected because he thought the Assembly should keep the cash on hand until the plan was submitted. He did not think the urgency for this building season could be demonstrated.

Ms. Crane said she voted against the ordinance previously to wait for the plan but she supported the motion and asked the Assembly to respect the work of the Commission. The AHC does not feel this will conflict with the pending report and want to see forward progress.

Roll call:
  Aye: Becker, Crane, Nankervis, Troll, White, Sanford.
  Nay: Jones, Gladziszewski, Kiehl
Motion passed, 6 ayes, 3 nays.

Body and Mind After School Program(BAM): Ms. Becker said the Zach Gordon Youth Center had agreed to run the BAM program next year and the BAM Board would continue to fundraise and set up workshops.

Chamber of Commerce: Liaison Becker said the next meeting was set for June 11 and the speaker would talk about the Juneau Airport master plan.

Downtown Business Association: Liaison Jones said there was a lot of discussion about reappropriating $150,000 for downtown circulator and wayfinding projects and he encouraged Ms. Kiefer to reach out to the DBA on this issue regarding the appropriation. He said there would be a 2nd public meeting on the visualization of Front and Franklin on June 17 at 6:30 p.m. at Centennial Hall.

Downtown Improvement Group: Ms. Becker said that DIG met last week with Kirby Day presenting the 2015 Tourism Best Management Practices. Lt. David Campbell discussed downtown policing.

Juneau Convention and Visitors Bureau: Liaison White said the NY Times had an article about the Juneau "food scene" in the recent Sunday Travel section and 9 local businesses were featured, which was great publicity. Google analytics has shown a large increase of hits on the JCVB website.

Juneau Economic Development Council: Liaison Jones said JEDC approved its budget for FY16 and there was significant discussion regarding the $65,000 appropriated for JEDC work on the Juneau Economic Plan. They reported on meetings with Mr. Kiefer and Ms. Steedle and he hoped that the roles for the work product would get outlined in writing. The Executive Director evaluation was pending.

Local Emergency Planning Committee: Liaison Gladziszewski said the next meeting was set for June 10.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said PRAC did a great job on their mission statement for the Parks and Recreation comprehensive plan and next meeting was set for July 7.

Planning Commission: Liaison Jones said the PC was done with the subdivision ordinance. The Title 49 committee finished its work on the Table of Permissible Uses (TPU) related to day care and that would be before the Assembly soon. The PC would address changes to the TPU related to transitional housing next.

Southeast Conference: Liaison Becker said the SEC Board of Directors met and heard a legislative update from Kevin Jardell and agreed to forward a recommendation in support of medicaid expansion and reform. SEC annual meeting will be held in Prince Rupert August 15-17.

Tongass Advisory Committee: Ms. Troll said there was a video conference with Senator Murkowski, who was very encouraged by the work of the committee and would help implement the recommendations.

D. Presiding Officer Reports

Bicknell v Planning Commission - Appeal of Rezoning Request AME2013-0015: Hearing Officer John Corso would conduct the appeal hearing on Monday, June 13 at 5:30 p.m. in the Assembly Chambers.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones said he was interested in the possibility of a local business license for marijuana operations, and for businesses in general as an enforcement tool. This would not be a revenue generator, but a way to enforce compliance with CBJ codes. Ms. Crane said that the topic would be added to a future Finance Committee meeting.

Mr. Nankervis was interested in establishing a roadside fishery at the end of Channel Drive and was concerned about the signage in the area. The manager would check on ownership status of Channel Drive.

Mr. Nankervis reported that he had the Assembly's permission to look into a grafitti ordinance but he had not found anything that would result in a way to address requiring covering up the grafitti without involving a fine to the victim, and he said he would discontinue his investigation. He is looking for sources of cover up paint for victims of grafitti.

Mr. Nankervis thanked the Docks and Harbors Board and staff for the Aurora Harbor dedication.

Kate Troll spoke about the success of the Sustainability Forum held in Fairbanks which she attended with Ms. Kiefer and Ms. Crane and they hoped to build on the momentum of the forum and engage local citizens.

Ms. Gladziszewski thanked the League of Women Voters and Patt Watt and all who organized the "How to Run for Local Office" workshop. Several people attended and are considering running for office.
Ms. Crane said the "Building a Sustainable Future, Conversations with Alaskans" Governor's Forum in Fairbanks had a great diversity of people with good discussions and there was good information to be found about the project at the Governor's website.

Mr. Kiehl thanked everyone involved with the Memorial Day Services. He also attended two plaque exchanges with cruise ships - the Ruby Princess and the Jewell of the Seas - and said that JCVB represented CBJ well. He said he spoke at Floyd Dryden's 8th Grade promotion and it was a remarkable event, which he encouraged others to attend. On June 1, John Pugh retired, and Provost Rick Caulfield was promoted to Chancellor. He thanked Mr. Pugh for his work on behalf of UAS and Southeast Alaska and said he had made a tremendous contribution.

Ms. White thanked the League of Women Voters for the workshop and said she found it very entertaining.

Ms. Becker attended several events, including a ceremony at the Governor's House honoring Clark Gruening and John Pugh's retirement party.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

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

Signed:_________________________
Laurie Sica, Municipal Clerk

Signed:_____________________________
Merrill Sanford, Mayor