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

March 16, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-07
Submitted by: ______________________________
Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Juneau Masonic Community Proclamation**

B. **PRAC Committee Member Recognition - Jeff Wilson**

C. **LID Board of Equalization**

The Assembly will recess and convene as the Board of Equalization for the purpose of holding public hearings on the assessment rolls, and separate assessments appearing thereon, for LID 60 and LID 96. At the conclusion of the hearing, the Board of Equalization should recommend to the Assembly that it approve the assessment rolls with any revisions or corrections recommended by the Board. The Board will then adjourn and the Assembly will reconvene. The Assembly will consider Resolutions 2715 and 2717 approving the rolls, fixing the time and method of payment, setting the date of levy, and fixing the time of delinquency, and penalties and interest as part of the Consent Agenda.

IV. APPROVAL OF MINUTES

A. **February 19, 2015 Special Assembly Meeting 2015-03**

B. **February 23, 2015 Regular Assembly Meeting 2015-04**

C. **March 2, 2015 Special Assembly Meeting 2015-05**

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 2015-04 An Ordinance Establishing the Engineering and Public Works Department.**

This ordinance would codify the December 2014 merging of the Departments of Engineering and Public Works. This organizational change was implemented for the purpose of increasing operational efficiencies, improving customer service, and reducing the overall cost of providing services.

References in the code to either “engineering” or “public works” as separate entities will be amended to reference the one department and director as part of the overall code clean up and republication being conducted by Municipal Code Corporation.

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

b. **Ordinance 2015-08(c) An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 27 Parcels Along the North Douglas Highway between 4601 and 5295 North Douglas Highway, from D3 to D5 and from RR(T)D3 to D-15.**

In December 2013, the Community Development Department initiated a rezone of 43 parcels along North Douglas Highway extending from mile 1.3 to 1.9. The parcels were identified at that time as transition zones, RR(T)D-3, RR(T)D-15, and D-1(T)D-3.

On June 25, 2014, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area. No one from the public participated in the meeting.

The Planning Commission heard the rezone proposal at its August 26, 2014, regular meeting. The Planning Commission recommended approving the rezone with modifications, upzoning a portion of the lots currently zoned D-1(T)D-3 to D-5, and a portion of the lots zoned RR(T)D-3 to D-15. The Planning Commission believed the modifications were needed for consistency with the Land Use Maps of the Comprehensive Plan. Ordinance 2014-45 was forwarded to the Assembly with the Planning Commission’s recommendations.

Based on public testimony at the October 20, 2014, Assembly meeting, the Assembly remanded proposed ordinance 2014-45 to the Planning Commission to solicit further public feedback and explore opportunities for higher densities.

The rezone was re-noticed for the November 25, 2014, Planning Commission hearing. Based on public testimony at the hearing, the Planning Commission reversed its earlier decision to recommend upzoning of any of the parcels except for two, located at 4605 and 4765 North Douglas Highway.

Per CBJ 49.70.700-720, once the Assembly has created a transition zone, the rezone occurs upon the Planning Commission granting the rezone to the transition zone designation. Accordingly, as the Planning Commission reversed its October 2014 decision to recommend upzoning 41 of the 43 parcels under consideration, as to those 41 parcels, the rezone of 40 parcels to D3 and one to D15 was complete. CBJ 49.70.720(2)(B)(a).

At its meeting on February 23, 2015, the Assembly directed that the ordinance be amended to upzone all parcels originally identified in Ord. 2014-45 for upzoning. This ordinance reflects that direction. Included in your packet is a table illustrating the original zoning, current zoning, and proposed zoning of all 43 parcels originally identified in Ordinance 2014-45. Those parcels that are the subject of this ordinance are indicated with an asterisk.

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

c. **Ordinance 2015-18 An Ordinance Establishing the Treadwell Arena Advisory Board.**

The Treadwell Ice Arena Task Force was established by the Assembly in August 2014. The task force was asked to report on the feasibility of an empowered board to reduce costs and provide services through management by the Eaglecrest Ski Area Board, the feasibility of an empowered board to reduce costs and provide services through an alternate to the management by the Eaglecrest Ski Area Board, and review alternate management structures for managing the Treadwell Arena.

The Task Force recommended that a Treadwell Arena Advisory Board be created. The Assembly Human Resource Committee reviewed the task force recommendations and directed staff to develop an ordinance creating a Treadwell Arena Advisory Board. The Human Resource Committee will consider the ordinance at its March 16, 2015, meeting.

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

d. **Ordinance 2014-24(AD) - An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Regional Tactical Emergency Casualty Care (TECC) Course, Funding Provided by the State of Alaska, Department of Health and Social Services.**

This ordinance appropriates $16,500.00 in funding as a simple co-sponsorship from the State Department of Health and Social Services.

State Sponsorship Number: CBJ84496

This funding is to pay half of the total cost of $33,000 for a regional Tactical Emergency Casualty Care (TECC) course in partnership with the previously appropriated funding from the 2014 SHSP State Grant-GR34094 from the Alaska Department of Military and Veterans Affairs 2014 State Homeland Security Program, EMW-2014-SS-00010 for the City and Borough of Juneau.

There is no match or reporting requirements for this funding.

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

e. **Ordinance 2014-24(AF) - An Ordinance Appropriating $1,500 as Partial Funding to Send One CBJ Employee to the Managing Floodplain Development Course Through the National Flood Insurance Program and Certified Floodplain Managers Exam; Grant Funding Provided by the State**

of Alaska, Department of Commerce, Community and Economic Development.

This Ordinance appropriates $1,500 as partial funding to send one CBJ employee to the Managing Floodplain Development Course through the National Flood Insurance Program.

Grant funding is provided by the State of Alaska Department Commerce, Community and Economic Development. The State of Alaska is reimbursing CBJ for conference registration fees, food (per diem), airfare, and hotel and transportation costs up to $1,500. The CBJ will cover the expense of the Certified Floodplain Manager Exam, resulting in a second CBJ Certified Floodplain Manager. This will allow for a quicker turnaround with community-wide flood assessments. 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.

f. **Ordinance 2014-24(AG) - An Ordinance Appropriating $67,146 of Bond Interest Accrued Within CIP H51-084, a Fund for Douglas Harbor Improvements Phase III.**

This ordinance appropriates $67,145.08 of bond interest accrued within CIP H51-084, a fund for Douglas Harbor Improvements Phase III.

This project was jointly funded by CBJ and the Army Corps of Engineers. The Corps recently completed their project close out which indicates CBJ owes the Corps $10,103.50 for its match requirement of the project. The account also currently has a deficit of $10,649.74 due to unbudgeted bond service charges.

Once this appropriation is completed, there would remain $46,391.84 in the account. Docks and Harbors requests that the remaining funds be transferred to the Harbors Deferred Maintenance account (H51-085) for use in the upcoming Old Douglas Harbor Rebuild project. The transfer will be the subject of Transfer Request T-967, to be placed on the Assembly agenda of the meeting to be held on April 6, 2015.

To summarize:

Amount	Description
$67,145.08	Interest to be appropriated by ordinance to account H51-084
$10,649.74	Amount retained in account to cover bonding administrative charges
$10,103.50	Amount paid to ACOE for CBJ's matching requirement
$46,391.84	Amount requested for transfer to H51-085 for Old Douglas Harbor Rebuild project

The Public Works Committee recommended this appropriation during their meeting on February 9, 2015.

The Docks and Harbors Board recommended this appropriation during their meeting on February 26, 2015.

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

2. Resolutions

a. **Resolution 2717 A Resolution Confirming the Assessment Roll for LID No. 60 Providing Improvements to the Roadways within the Tanner Terrace Subdivision, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and Penalties and Interest.**

This resolution confirms the assessment roll for LID No. 60, as forwarded to the Assembly by the Board of Equalization. This resolution further provides for time and method of payment of the $3,700 per lot assessment, the setting of the date of levy, and fixes the time of delinquency and penalties and interest for delinquent payments.

Notices of the hearing before the Board of Equalization were published in the newspaper and sent to residents in the LID area in accordance with CBJ 15.10.130.

Once adopted by the Assembly, notice of the adoption of the roll shall be published in a newspaper of general circulation and mailed to all property owners along with the amount of assessment against each lot, the time of delinquency and the amount of penalty, as required by CBJ 15.10.190.

The Manager recommends the Assembly act according to the Board of Equalization's recommendation.

b. **Resolution 2715 A Resolution Confirming the Assessment Roll for LID No. 96, Providing for the Construction of a Sanitary Sewer System to Properties Along Glacier Highway from the Top of Pederson Hill to Fritz Cove Road, Fixing the Time and Method of Payment Assessments, Setting the Date of Levy, and Fixing the Time of Delinquency and Penalties and Interest.**

This resolution confirms the assessment roll for LID No. 96, as forwarded to the Assembly by the Board of Equalization. This resolution further provides for time and method of payment of the $1,800 per lot assessment, the setting of the date of levy, and fixes the time of delinquency and penalties and interest for delinquent payments.

Notices of the hearing before the Board of Equalization were published in the newspaper and sent to residents in the LID area in accordance with CBJ 15.10.130.

Once adopted by the Assembly, notice of the adoption of the roll shall be published in a newspaper of general circulation and mailed to all property owners along with the amount of assessment against each lot, the time of delinquency and the amount of penalty, as required by CBJ 15.10.190.

The Manager recommends the Assembly act according to the Board of Equalization's recommendation.

c. **Resolution 2721 A Resolution in Support of Providing Funding to the Seward Statue Committee.**

A local group has formed to raise funds to have a William Seward Statue created and installed to celebration the 150th anniversary of the purchase of Alaska. The State of Alaska has dedicated a site in the plaza by the Court Building for the statue. The Assembly Public Works and Facilities Committee, at its March 2, 2015 meeting, supported a $25,000 donation toward the creation of the statue. The funding will be allocated from funds available in the capital improvement account designated to the review of the Parks and Recreation Department, PR46-099.

The Manager recommends this resolution be adopted.

d. **Resolution 2722 A Resolution Expressing Support for the Advancement of Electrified Transportation Vehicles and Supporting Infrastructure.**

The Juneau Economic Development Council Board prepared a draft resolution regarding electric vehicles and has requested that the Assembly consider passage of the Resolution. The Public Works and Facilities Committee considered the Resolution and other relevant information at its meetings on February 9 and March 2, 2015, and recommended forwarding the resolution with minor amendments to the Assembly for approval.

The Manager recommends this resolution be adopted.

e. **Resolution 2718 A Resolution Re-establishing the Juneau Commission on Sustainability, and Repealing Resolution 2528.**

The purpose of this resolution is to amend the quorum requirements for the Juneau Commission on Sustainability. Currently, the Planning Commission and Assembly members count towards determining a quorum of the Commission. This amendment to the Commission's governing legislation would reclassify the Planning Commission and Assembly members as liaisons, and would specify that the two are not to be counted in determining whether a quorum of the Commission is present.

3. Transfer

a. **Transfer Request - T-966 - Transferring the Balance of Bond Funds from the Adair-Kennedy Turf Field Replacement ($88,844) to the Gastineau School Renovation (S02-094) to Provide Additional Funds for the Proposed DIA Memorial Project.**

Transfer Request T-952 (approved by the Assembly February 24, 2014), ordered the transfer of all remaining bond funds from the Dzantik'i Heeni Covered Play Area (S02-091; $199,178) and the Adair-Kennedy Turf Field Replacement (S02-097; $88,844) to two existing CIPs and two new CIPs, pending approval by the Alaska Department of Education and Early Development (ADEED). Of the requested transfers, ADEED approved only one: the transfer of $38,000 to the Glacier Valley School Renovation (S02-088). The other three transfer requests were rejected.

Of the existing ADEED approved school projects, only Gastineau School requires additional funds; Auke Bay School is finalizing the 1% for art process and all others are complete and scheduled for termination. Therefore the following is recommended:

Transfer the balance of bond funds from the Adair-Kennedy Turf Field Replacement ($88,844) to the Gastineau School Renovation (S02-094) to provide additional funds for the proposed DIA Memorial project. This transfer was approved by ADEED on March 10, 2015.

The School Board approved this transfer on February 10, 2015. The Assembly Public Works and Facilities Committee approved this transfer on February 9, 2015.

The Manager recommends approval of this transfer.

4. Liquor License

a. **Liquor License Renewals**

The following liquor license applications are before the Assembly to either protest or waive its right to protest these renewals.

Beverage Dispensary Licenses

- License #644 Wolfpack Ventures, LLC d/b/a Salt Alaska, Location: 200 Seward Street
- License #2728 Molly Ventures, Inc. d/b/a McGivney's Sports Bar & Grill, Location: 9101 Mendenhall Mall Road
- License #2844 Sandbar, Inc. d/b/a The Sandbar, Location: 2525 Industrial Blvd.

Beverage Dispensary-Tourism License #313 Juneau Hospitality, LLC d/b/a Prospector Hotel/TK Maguires, Location: 375 Whittier Street

Club License #4034 Juneau Moose Lodge #700 d/b/a Loyal Order of Moose #700, Location: 8335 Airport Blvd.

Package Store License #300 DeHart's, LLC d/b/a DeHarts Grocery, Location: 11735 Glacier Hwy.

Recreational Site Licenses

- License #4881 Alaska Travel Adventures, Inc. d/b/a Alaska Travel Adventures, Location: 9999 Glacier Highway
- License #3409 Alaska Travel Adventures, Inc. d/b/a Gold Creek Salmon Bake, Location: 1061 Salmon Creek Lane
- License #4700 Alaska Zipline Adventures, LLC d/b/a Alaska Zipline Adventures, Location: 3000 Fish Creek Road

Restaurant/Eating Place Licenses

- License #2641 Saffron, LLC d/b/a Saffron, Location: 112 N. Franklin Street
- License #4584 Zephyr, LLC d/b/a Zephyr, Location: No Premises

Wholesale - Malt Beverage & Wine License# 4081 K&L Distributors, Inc. d/b/a K&L Distributors Location: 8420 Airport Blvd.

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, 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 above liquor license renewals.

VIII. PUBLIC HEARING

A. **Ordinance 2015-11 An Ordinance Amending Ordinance Serial No. 2014-01 Regarding the Second Series of Port Revenue Bonds Authorized Thereunder.**

This ordinance amends ordinance 2014-01, adopted on January 6, 2014, authorizing the issuance of not to exceed $29,000,000 of port revenue bonds. The purpose of the bonds is to fund the cruise ship dock expansion and a portion of the Seawalk. This amendment is necessary to update the principal maturity schedule in section 5. The revised schedule allows the issuance of 19-year bonds versus the original plan of 25-year bonds.

CBJ has already sold $6.055 million of 25-year revenue bonds on February 20, 2014, to provide funds for the Seawalk portion of the project. The remaining $22.9 million of bonds are scheduled to be sold April 22, 2015, and will have a 19-year maturity span.

The Manager recommends this ordinance be adopted.

B. **Ordinance 2015-12 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities.**

Wireless Communication Facilities (WCF) are regulated by federal law and by the City and Borough of Juneau in Title 49.65.900-1030.

On January 8, 2015, the Federal Communications Commission published new federal WCF laws, which take effect on April 8, 2015. As of that date, local governments will be required to approve certain types of collocation applications (eligible facility request) within 60 days of initial application. The new law also defines certain terms (such as an eligible facility request) that were previously undefined by the FCC.

The new federal laws do not affect public notice and do not affect WCFs that require a special use permit.

This ordinance would amend Title 49 to be consistent with the new federal laws.

The Planning Commission reviewed the ordinance at its January 27 and February 10, 2015, meetings and recommended forwarding it to the Assembly for its approval. This ordinance includes all changes approved by the Planning Commission.

The Manager recommends this ordinance be adopted.

C. **Ordinance 2015-13 An Ordinance Amending the Comprehensive Plan by Adopting the Auke Bay Area Plan.**

This ordinance would adopt the Auke Bay Area Plan, and amend the CBJ's comprehensive plan to include the Auke Bay Area Plan.

On February 9, 2015, the plan was presented to the Committee of the Whole. On February 10, 2015, the Planning Commission voted to recommend to the Assembly adoption of the plan.

The Manager recommends this ordinance be adopted.

D. **Ordinance 2015-14 An Ordinance Amending the Penal Code Fine Schedule Relating to Off-site Commercial Solicitation.**

This ordinance would amend the fine schedule relating to off-site commercial solicitation. Currently, violations of CBJ 49.20.210 are punishable by a fine of $150. This ordinance would amend the fine schedule to the following graduated schedule: $150 for the first offense, $300 for a second offense in two years, and a mandatory court appearance for the third offense in two years.

JPD was approached by several businesses in the downtown area complaining of on-going off-site commercial solicitation (or "hawking") issues. It has become apparent that given the amount of profit involved in the sale of merchandise in the downtown area, a small fine is not sufficient to deter illegal hawking. This ordinance would increase the fine and culminate in a mandatory court appearance for repeat offenders, in an effort to encourage voluntary compliance.

The Manager recommends this ordinance be adopted.

E. **Ordinance 2015-15 An Ordinance Approving the City and Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of the Bond Bank's General Obligation Bonds That Provided Funds to Purchase the Harbor Revenue Bond, 2007 of the City and Borough, Under a Loan Agreement Between the City and Borough and the Bond Bank; and Authorizing a Revised Schedule of Principal and Interest Payments on the City and Borough's 2007 Bond, in Accordance With the Loan Agreement, if the Bond Bank Successfully Refinances Its Bonds.**

This ordinance would authorize the participation in the Alaska Municipal Bond Bank's "Exchange" refunding (refinance) of the 2007 harbor revenue bonds. The original $11 million in bond proceeds were sold June 25, 2007. The original bonds were sold through the Alaska Municipal Bond Bank.

The current total remaining debt service payments (bonds + interest) is $13.4 million dollars. If CBJ issues the refunding bonds in April 2015, the total remaining debt service payments will be $12.9 million, resulting in an estimated total savings of $500,000 over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment February 2033). The total remaining debt service payments would be paid for out of the Harbor Operations Fund.

The Manager recommends this ordinance be adopted.

F. **Ordinance 2015-16 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed $3,400,000; and Providing the Form and Terms of the Bond and for Unlimited Tax Levies to Pay the Bond.**

This ordinance would authorize the issuance of up to $3.4 million in bonds to refund (refinance) the 2005A general obligation school bonds. The original $9.5 million in bonds were sold March 1, 2005. The bonds were sold directly into the market by CBJ but the refunding is being done through the Alaska Municipal Bond Bank.

The amount being refunded is $3.3 million plus issuance costs. If CBJ issues the refunding bonds in April 2015, the refunding will result in an estimated total savings of $225,000 over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment February 2020).

These bonds qualify for 70% reimbursement under the State's School Construction Bond Debt Reimbursement Program. However, the reimbursement under the State's Debt Reimbursement Program is subject to annual appropriation by the Legislature. The debt service component of the property tax mill rate funds the remaining portion of the payments.

The Manager recommends this ordinance be adopted.

G. **Ordinance 2014-24(AB) An Ordinance Appropriating to the Manager the Sum of $500,000 as a Transfer to the Capital Transit Maintenance Shop Capital Project; Funding Provided by the Alaska Department of Transportation and Public Facilities and Fleet Replacement Reserve Fund Balance.**

Capital Transit has a $400,000 equipment grant from the Alaska Department of Transportation and Public Facilities that was previously appropriated with Ordinance # 2012-20(G) into the Fleet reserve. The grant is for the purchase and installation of lifts and bus washing equipment. There is an additional $100,000 in the fleet reserve that is a match to the grant.

To date there have been $77,289 of expenses incurred on the project. The expenses will be transferred along with the revenue to D71-085 Capital Transit Maintenance Shop Capital Improvement Project (CIP).

These funds can be more efficiently spent and tracked if they are transferred into the Capital Transit Maintenance Shop CIP. This CIP was established as part of the voter-approved package on the October 2012 election, it contains approximately $3M in bond money. The bond project is slated to provide for additional inside bus storage as well as other facility and system improvements.

Transfer From -		
FLEET 13-10	CT ARRA Lift/Wash Equipment	$500,000
Transfer To –		
D71-085	Capital Transit Maintenance Shop	$500,000

The Public Works and Facilities Committee reviewed this request at their February 9, 2015, meeting and forwarded it to the full Assembly with a recommendation of approval.

The Manager recommends this ordinance adopted.

H. **Ordinance 2014-24(AC) An Ordinance Re-Appropriating to the Manager the Sum of $77,000 from the Lands and Resources, Affordable Housing Loans Project that was Created with Ordinance Number 2011-11(N), to the Lands Department Affordable Housing Project, Expanding the Intended Scope to Include both "Grants and Loans"; Funding Provided by the Alaska Department of Commerce, Community, and Economic Development.**

In 2011, the Assembly appropriated a $90,000 grant from the State Legislature with Ordinance # 2011-11(N). The intention of the appropriation was that the grant would be combined with the Juneau Affordable Housing Fund to be used for housing loans. The terms of the grant agreement includes the wording "Grants and Loans". This ordinance would broaden the scope of the grant through the Assembly.

Since 2011, only one $13,000 loan was issued, leaving the balance of the grant at $77,000. The Affordable Housing Commission has spent numerous hours and meetings discussing alternative ways to use the fund to stimulate the housing market. After much consideration, they propose to use the balance of the State grant ($77,000) for an Accessory Apartment Grant Incentive Program. The program would provide $5,000 incentive grants to homeowners/builders who complete new Accessory Apartments. Attached is the program description written by the Affordable Housing Commission.

This item was presented to the Lands Committee on January 26, 2015, and they recommended forwarding it to the Assembly for approval

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. **Ordinance 2015-02 - An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Remote Subdivisions Area Map for Hidden Valley Tract B, Located in the Upper Lemon Creek Valley, from "Not Remote" to Remote.**

In April 2014, the applicant applied to have Hidden Valley Tract B, located in the upper Lemon Creek valley, rezoned from "Not Remote" to Remote.

On May 14, 2014, the Planning Commission recommended approval of the rezone application. The proposed ordinance was pulled from the Assembly's agenda when it was learned that the applicant had a concurrent easement application pending that would have provided road access to the property, which would appear to make the property ineligible for a "Remote" designation. It was subsequently learned that the applicant had constructed a gravel roadway to the property connecting it to the roadway without the CBJ's knowledge.

On December 9, 2014, the Planning Commission reconsidered the rezone application and determined that the 12 – 16 foot gravel roadway did not mean the tract was "connected to the road system" (CBJ 49.70.1120). The Commission recommended that the Assembly approve the map amendment.

The Lands Committee heard a presentation on Ordinance 2015-02 at its January 26, 2015, meeting. After public hearing on Ordinance 2015-02 at the regular Assembly meeting on February 2, 2015, the ordinance was referred back to the Lands Committee for consideration. At the March 2, 2015, Lands Committee meeting, CDD addressed CBJ 49.15.460(5)(A), requiring that all lots in a remote subdivision have frontage on a navigable waterbody and that there be no reasonable probability that frontage on a right of way will be necessary for access. (Upstream from Glacier highway, Lemon Creek is classified as non-navigable by the State.)

Two other items may be relevant to the Assembly's review of Ordinance 2015-02: the proposed subdivision amendments and an anticipated written comment from the Bureau of Alcohol, Tobacco and Firearms.

First, the proposed subdivision amendments include the same navigability and right of way requirements as CBJ 49.15.650(5)(A). If the Assembly approves Ordinance 2015-02, CBJ 49.15.650 will need to be amended (as will the ordinance amending the subdivision requirements). If the Assembly denies Ordinance 2015-02, the remote subdivision policies would remain unchanged.

Second, CDD is anticipating written comment from ATF concerning that agency's buffer requirements with respect to a number of explosive storage facilities near Hidden Valley. (See 27 CFR 555.206 imposing minimum distance buffers from explosives to inhabited buildings and public highways.) Though no written comment has yet been received, ATF has verbally confirmed that it would likely consider the roadway a "public highway" subject to the buffer minimums.

The Manager has no recommendation as this is an Assembly policy decision.

X. NEW BUSINESS

A. **Liquor License Renewals - Protest Recommendations**

Beverage Dispensary License #447 Suite 907, Inc. d/b/a Suite 907, Location: 9121 Glacier Hwy.

Beverage Dispensary License #2533 Jack D. & Arlene D. Tripp d/b/a Viking Restaurant & Lounge, Location: 216 Front Street

The above-listed liquor licenses are before the Assembly to either protest or waive its right to protest the license renewals. The Finance, Police, Fire, and Community Development Departments have reviewed the above business for compliance.

The Finance Department is recommending the Assembly protest the Suite 907, Inc. license renewal based on delinquent sales tax owing in the amount of $6,491.66 for the quarters ending September 30, 2014 and December 31, 2014 which includes penalties and interest through March 2014.

The Finance Department is also recommending the Assembly protest the license renewal for Jack and Arlene Tripp d/b/a Viking Restaurant & Lounge based on unfiled tax returns for December 2014 - January 2015 along with the associated penalties and interest.

In the event the Assembly does protest the renewals of the above mentioned liquor 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 letter found in your packet meets that requirement and this would be the time for the licensee to address their issues to the Assembly.

The Assembly Human Resources Committee considered this issue at its meeting immediately preceding this meeting and will forward its recommendation to the Assembly.

I recommend the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

B. **Regulation Amending Docks and Harbors 05 CBJAC 20.080 Passenger-for-hire Fee.**

At the February 26, 2015, Docks & Harbors regular meeting, the Board voted unanimously to changes affecting the fees associated with commercial charter vessel activity, codified under 05 CBJAC Chapter 20. No less than four public meetings were advertised and conducted before the Board took action. The proposed regulation changes were properly noticed and advertised necessary for public comment in a period required under the CBJ Code.

These fees have not been adjusted since 2006 and pertain to passenger-for-hire vessel operations that affect two classes of charters. One class is the smaller six-passenger vessel officially known as Operator Uninspected Passenger Vessel (OUPV). The other class refers to larger charter vessels requiring Coast Guard inspections under federal law. The regulation changes would incrementally increase the fees associated with the inspected vessels from $300/vessel and $1.10/passenger to $500/vessel and $1.50/passenger in 2017. For six-passenger operation, the regulation would change from a vessel fee and "seat fee" to a vessel fee and "passenger fee" consistent with the inspected vessels. A typical OUPV (six-passenger) is charged $140/year resulting from a $50 vessel and $15/seat fee. The new fee structure would incrementally raise the fees to $150/vessel and $1.50/passenger in 2017. For both classes of charters, the fees would be adjusted to the Anchorage CPI after 2017.

The regulation changes also added other named Docks & Harbors managed facilities.

The Manager recommended the Assembly allow this regulation to go into effect.

C. **Regulation Amending Docks and Harbors 05 CBJAC 10 Waterfront Sales Permits.**

At the February 26, 2015, Docks & Harbors regular meeting, the Board voted unanimously to changes affecting the Waterfront Sale Permit activity which is codified under 05 CBJAC Chapter 10. No less than five public meetings were advertised and conducted before the Board taking action at the February regular meeting. The proposed regulation changes were properly noticed and advertised necessary for public comment in a period required under the CBJ Code.

The most significant change to the regulations is to increase the minimum outcry bid amount to $30,000 from $5,000. The median value of the most recent vendor booth outcry auctions has been $42,000. Other changes include a better definition of individual ownership of the Waterfront Sales Permit, allowing more than one sign (1 ft x 1 ft) to be affixed to the booth, and a policy to encourage opportunity for new permit entries to participate.

The Docks & Harbors Board received and reviewed one letter from a potential vendor booth participant asking that the minimum outcry bid amount remain at $5000 or increase only to $10,000. The Board deliberated and elected the $30,000 minimum bond requirement as it more accurately reflects the historic market value of a permit in a fair and open outcry bidding process.

The Manager recommends the Assembly allow this regulation to go into effect.

D. **Request For Authorization to Negotiate a Lease for Wireless Internet Tower**

Southeast Communication Services (SCS) has submitted an application to lease City and Borough Lands for a wireless internet communications tower. The proposed tower would enhance SCS's coverage area in Juneau. The proposed location is on the Mendenhall Peninsula where there are currently two existing towers owned by KTOO and the JPD. The site manager with KTOO has indicated that there is room at this site for an additional tower and this proposal would not negatively affect existing towers and leases. The proposed tower would be smaller than a traditional communications tower, housing equipment similar in size to a dinner plate. The height and footprint of the proposed tower will depend on site features that will be investigated prior to leasing, but the tower is expected to be around 30 feet in height. Given the size of this tower, it is anticipated that a light at the top will not be necessary. In the future, this tower could also be used as a co-location site for other service providers' equipment. Prior to signing a lease, the Planning Commission and the Lands Committee will review this project in order to provide the Assembly with recommendations.

The Manager recommends a motion be adopted to authorize negotiations with Southeast Communication Services for a lease of CBJ property. Approval of the final lease will require Assembly approval by Ordinance.

E. **Resolution 2724 A Resolution Urging the Alaska Legislature to Expand Medicaid Coverage to Improve the Health of Alaskans and Alaska's Economy.**

The resolution encourages the Alaska Legislature to expand Medicaid coverage. In part, expansion it will improve health outcomes by reducing the number of uninsured Alaskans, improve preventative and primary care access, and expand health care coverage to approximately 2400 Juneau residents . In addition it is projected that Medicaid expansion will bring new federal dollars to Alaska thus creating new jobs.

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

XI. STAFF REPORTS

A. **Alaska Housing Finance Corporation (AHFC)**

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