

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

February 23, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-04

Submitted by: _____
Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **In Memory of John R. Hurlock, Thank You to the Hurlock Family for the Generous Donation to Purchase Library Books**
- B. **National Engineers Week Proclamation**

IV. APPROVAL OF MINUTES

- A. **February 2, 2015 Regular Meeting 2015-02**

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 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
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Transfer To –

D71-085	Capital Transit Maintenance Shop	\$500,000
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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 be introduced and set for public hearing at the next regular Assembly meeting.

- b. **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 then, the JAHF and grant have seen little use. 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 you will find 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 introduced and set for public hearing at the next regular Assembly meeting.

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

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

e. 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 City'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 introduced and set for public hearing at the next regular Assembly meeting.

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

2. Resolutions

- a. **Resolution 2711 A Resolution Supporting the Reinstatement of a Full \$60 Million Into the Revenue Sharing Fund on a Yearly Basis With a One-Year Appropriation of \$8 Million to the Fund With an Effective Date Prior to June 30, 2015.**

This resolution requests that the Alaska Legislature reinstate a full annual deposit of \$60 million into the municipal revenue sharing fund, and further requests that the Legislature appropriate \$8 million to the fund, with an effective date prior to June 30, 2015, to add to the \$52 million appropriated to the fund last legislative session. This resolution supports, and is modeled after, a similar resolution adopted by the Alaska Municipal League.

The Manager recommends this resolution be adopted.

- b. **Resolution 2712 A Resolution Accepting the Task Force Report on Basing National Oceanic and Atmospheric Association (NOAA) Fisheries and Oceanographic Functions in Alaska.**

The majority of the NOAA Alaska fishery and oceanographic research is based in Washington and Oregon. This adversely affects Juneau and other Alaska coastal communities because jobs and income are elsewhere and it limits the time that researchers can spend in Alaska's waters. To address this issue, on February 24, 2014, the Mayor created the Task Force on Federal National Oceanic and Atmospheric Administration Fisheries and Oceanographic Functions in Alaska.

The task force presented its report at the January 26, 2015, Committee of the Whole meeting. The report makes specific recommendations on how Juneau can influence moving the base of that research to Juneau and other Alaska coastal communities. At that meeting, a motion to accept the report was approved without objection.

The Manager recommends this resolution be adopted.

- c. **Resolution 2716 A Resolution Increasing the Membership of the Sister Cities Committee and Repealing Resolution 2508.**

Resolution 2508, adopted on November 23, 2009, increased the membership of the Sister Cities Committee from three members to five. The committee has been meeting regularly and is actively seeking to reconnect and strengthen Juneau's relationships with its sister cities.

When presenting its 2013 annual report to the Human Resources Committee on February 24, 2014, the Sister Cities Committee requested to increase membership from five to seven members in order to better facilitate the committee's work on its various activities and projects. At the February 2, 2015 Assembly meeting, a motion directing staff to draft a resolution to increase the membership from five to seven was approved without objection. The Human Resources Committee meeting reviewed this resolution at its February 23, 2015 meeting.

The Manager recommends the Assembly follow the recommendations of the Assembly Human Resources Committee.

3. Transfer

- a. **T-965 - Transferring \$225,000 of Sales Tax Revenues from the Completed Berners Avenue Reconstruction and Tanner Terrace Reconstruction Capital Improvement Projects to Provide Additional Funding Necessary to Complete the Back Loop Auke Bay Waterline Capital Improvement Project.**

Transferring \$225,000 of Sales Tax Revenues from the completed Berners Avenue Reconstruction and Tanner Terrace Reconstruction capital improvement projects to provide additional funding necessary to complete the Back Loop Auke Bay Waterline capital improvement project.

The water main being replaced is a part of the original University water system and needs to be upgraded due to being old and undersized (not able to carry the volume of water needed to efficiently supply water from the CBJ water sources – LCB and Salmon Creek – to the customers out the road). The remaining portions of the water system within the ADOT project limits have already been upgraded as parts of past projects. The work is estimated to cost approximately \$300,000. The existing CIP has \$75,000 remaining, leaving a \$225,000 shortfall. The project is anticipated to be bid by early summer 2015. The Berners Avenue project is completed and will be closed upon this transfer. The Tanner Terrace project is substantially complete with minor punch list items and project closeout to be completed this spring.

Transfer From -

R72-051 Berners Avenue Reconstruction \$118,000

R72-065 Tanner Terrace Reconstruction LID \$107,000

Transfer To –

W75-048 Back Loop Auke Bay Waterline \$225,000

The Public Works and Facilities Committee reviewed this request and forwarded to the full Assembly with a recommendation of approval at their January 26, 2015 meeting.

The Manager recommends approval of this transfer.

VIII. PUBLIC HEARING

A. Ordinance 2015-07(b) An Ordinance Amending the Land Use Code Relating to Accessory Apartments.

This ordinance would amend Title 49 with respect to accessory apartments. The ordinance would allow for larger accessory apartments, up to 1000 square feet, if certain conditions are met with respect to the net floor area of the primary dwelling and size of the lot. The ordinance also simplifies the review and approval process for accessory apartments that are proposed on lots that exceed the minimum lot size. Additionally, the ordinance provides that the Planning Commission may approve an accessory apartment application on a lot that is less than the minimum lot size. Finally, the ordinance would also clarify the parking requirements and makes a few additional housekeeping changes.

The Planning Commission reviewed Ordinance 2015-07 at its October 28, 2014, meeting and recommended forwarding it to the full Assembly for approval. The Committee of the Whole reviewed Ordinance 2015-07 at its February 9, 2015, meeting and recommended amending the ordinance to allow the Community Development

Director to approve accessory apartments that have adequate wastewater disposal capacity, regardless of whether the capacity is provided by public sewer or onsite septic. Ordinance 2015-07(b) reflects those changes.

The Manager recommends this ordinance be adopted.

B. Ordinance 2015-08(b) An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Two Parcels between 4605 and 4765 North Douglas Highway, 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 are currently identified 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 the two that are the subject of this ordinance.

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 is complete. (CBJ 49.70.720(2)(B)(a).)

Ordinance 2015-08(b) removes the 41 parcels that were rezoned at the November 25, 2014, Planning Commission meeting, which leaves two parcels for the Assembly to consider upzoning from D-3 to D-15.

The Manager recommends this ordinance be adopted.

C. Ordinance 2015-09 An Ordinance Amending the Penal and Traffic Codes Relating to Marijuana Offenses and Establishing Penalties.

As of February 24, 2015, the effective date of the initiative, State law will prohibit the consumption of marijuana in public. The initiative, at section 17.38.040, states: "It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100."

The initiative does not define "in public," and as such, is potentially subject to legal challenge. Additionally, because the State has not adopted a bail schedule or set fine to be imposed, all citations would require mandatory court appearances.

This ordinance would prohibit the same activity banned under State law (public consumption), but unlike the initiative, would define what "in public" means, giving clear guidance to the public about what is and isn't allowed, and, by establishing a specific fine amount for violations, would allow persons violating the law the option to pay the fine in lieu of a court appearance for the first two violations. The ordinance would establish a \$100 penalty for a first and second violation, with the third and subsequent violations requiring a mandatory court appearance.

This ordinance would also amend the Traffic Code by adding a provision prohibiting the consumption of marijuana while driving a motor vehicle and prohibiting the person in control of a motor vehicle from permitting or allowing anyone in the vehicle to consume marijuana while the vehicle is being driven. The ordinance would establish a penalty of \$200 for a first violation, \$300 for a second violation, and a mandatory court appearance for the third and subsequent violations, consistent with the City's open container law.

The Manager recommends this ordinance be adopted.

D. Ordinance 2015-10 An Ordinance Adopting the Juneau Economic Development Plan.

This ordinance would adopt the Juneau Economic Development Plan, dated January 28, 2015, and amend the City's comprehensive plan to include the Juneau Economic Development Plan.

Work on the Juneau Economic Development Plan began in January 2014. In developing the plan, the consultants conducted public workshops and met with community leaders. The Assembly Committee of the Whole heard presentations on the plan from the consultants in April, June, July, August, September and October of 2014. On January 5, 2015, the Committee of the Whole reviewed the final draft plan.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Authorization to Begin Land Exchange Negotiations with the Christ Evangelical Lutheran Church of Juneau in Order to Gain Access to the Future Pederson Hill Residential Development

In order for the CBJ to develop Pederson Hill to meet the housing demand needs, the CBJ must first secure access routes from Glacier Highway to the large tracts of property. The Christ Evangelical Lutheran Church has demonstrated interest in a land trade that would be mutually beneficial. The CBJ stands to 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 the ADOT. The Christ Evangelical Lutheran Church stands to gain land that can be developed for future expansion, direct access to the undeveloped ROW as well as a future sewer hook-up. This land trade will facilitate the next phase of planning and development of the Pederson Hill residential subdivision. The Property Acquisition and Disposal Code CBJ53.09.260(a) requires Assembly direction by motion in order for the Manager to negotiate terms for a land exchange.

The Manager is requesting authorization to enter into direct negotiations for a land trade with the Christ Evangelical Lutheran Church of Juneau.

B. Authorization to Waive the \$500 Application Fee & Appraisal in Order to Enter into Direct Negotiations for an Expanded Leased Area and Extend the Southeast Alaska Food Bank Lease

In 2001 Resolution Serial No. 2098 authorized the Manager to lease a .25 acre parcel of land for 25 years at the end of Crazy Horse Drive for \$1 per year to the Southeast Alaska Food Bank for the purpose of operating a charitable food distribution warehouse. Over the past 14 years the Food Bank has provided a food distribution system for service groups assisting the needy and homeless throughout Southeast; now they seek to expand their leased area in order to meet increasing demand. As part of the request, it is asked that the \$500.00 application fee and appraisal (required under CBJ53.09.260) be waived because of the service they provide to the community.

The Manager is requesting authorization to enter into direct negotiations for a new lease with the Southeast Alaska Food Bank, and waive the application fee.

C. Authorization to Begin Negotiations to Renew the State of Alaska Lease for Employee Parking Adjacent to the JACC and Centennial Hall

Resolution Serial No. 2535 authorized negotiations with the State of Alaska for a one year lease for employee parking in the vicinity of the Juneau Arts and Cultural Center and Centennial Hall, with the option of four one year renewals. The lease was appraised April 2010 for \$111,000 annually. The last renewal is set to expire on June 30, 2015. Prior to finalizing a new agreement, the lease will be reviewed by the Planning Commission and come back to the Assembly for final approval by ordinance per CBJ 53.09.260.

The Manager is requesting authorization to negotiate a new lease with the State of Alaska.

D. Gastineau School 1% for Art Proposals

The Gastineau Community School Selection Panel has selected four artists for the 1% for Art for Gastineau Elementary School. Three of the artists would enter into contract with the City for the completion of their work and one artist would be paid for an already completed framed artwork. The budget for the 1% for Art process for Gastineau Community School is \$90,000. This is 1% of the final construction cost of the renovation project.

Extreme Dreams (John & Sharon Svenson) have proposed three glass tile mosaic panels depicting a nature theme with warm colors true to the setting and character of Douglas. The panels will be approximately 4' x 2.5' each, totaling 30 square feet and installed on the upper half of wall in foyer 117. The panels will be composed of glass tiles and may incorporate other materials and treasures as desired by the artist such as found objects, coins, and gems. Cost: \$14,500 + \$1,400 stipend.

Dan DeRoux has proposed a hanging sculpture entitled "Rain Drop Light Well" to be installed in the light well at intersection of Foyer 117 & Corridor 102/137. It will suspend forty eight ¼" acrylic discs of varying sizes with centers cut out for placement of crystal or glass raindrops. A 1 ½' mirrored band will be applied to the light well interior. The idea is to create an illusion that you are looking up at raindrops on the surface of water, and as the sun shines through, it should create a rainbow effect. Cost: \$27,000 + \$1,000 stipend.

Donna Catotti and Rob Goldberg have proposed an etched glass composition depicting a treetop view of two eaglets in a nest along with two adult eagles reflecting a realistic result through drafting and layering. The Artists will sandblast-etch the existing glazing of eight to twelve glass panels making up a wall that divides the office area from the commons area. The etching will provide a sense of privacy on the lower levels while keeping a filtered view of the commons area in upper levels. This is to block view of children looking into office while allowing adults to see through. Cost: \$20,000.

Bruce Nelson proposed a large colorful painted mural to be attached to the upper wall soffits in the commons area. The Art Committee appreciated his sketches but did not choose the full sized mural. Instead the Committee asked Mr. Nelson about purchasing the actual sketch, to which he agreed. The sketch is 23" x 30"; and will arrive framed and ready to hang. Cost: \$875.

In accordance with CBJ 62.65 all 1% for Art selections are subject to final approval by the Assembly.

The Manager recommends approval of the 1% for Art Proposals for Gastineau Elementary School.

XI. STAFF REPORTS

A. Update from City Attorney on Gastineau Apartments

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports
- C. Liaison Reports
- D. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

A. Litigation Update from City Attorney on Bicknell Appeal

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