

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

December 22, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014-29

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Bicycle Friendly Community Designation - Juneau**
- B. **AML Municipal Employee of the Year- Blain Hatch**

IV. APPROVAL OF MINUTES

- A. **November 10, 2014 Regular Assembly Meeting 2014-26**
- B. **November 24, 2014 - Assembly Retreat**
- C. **December 10, 2014 Special Assembly Meeting 2014-28**

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 2014-48 An Ordinance Amending the Administration Code Relating to the Appeal Process for Civil Violations.**

This is a housekeeping ordinance to correct an inconsistency in the civil fine citation appeal timelines specified by CBJ 03.30.075 and 03.30.085. Under the current code, an appeal must be filed within 20 days of the issuance of the citation. However, if the citation is not paid within 30 days, the CBJ sends a notice permitting an appeal if the individual presents evidence that he or she did not receive the notice of violation. This inconsistency creates an equal protection issue. This ordinance clarifies that a timely notice of appeal must be received within 30 days of the citation issuing, and allows for a process by which the hearing officer may accept late-filed appeals upon a satisfactory showing that the original citation had never been received.

This ordinance would also amend CBJ 03.30 to allow the hearing officer some

discretion in reducing fine amounts in the interest of justice, unless prohibited from doing so by ordinance.

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

- b. **Ordinance 2014-50 An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.**

On November 4, 2014, Alaskan voters approved a ballot measure related to the legalization of marijuana. The initiative, which goes into effect on February 24, 2015, allows the State nine months to enact regulations concerning the registration and oversight of marijuana establishments, defined by the initiative as marijuana cultivation, testing and product manufacturing facilities and marijuana retail stores. The initiative requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act. The initiative authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments (for example, hours of operation, allowable locations, and limitations on the number of establishments allowed within the municipality .)

The purpose of the moratorium is to allow the CBJ time to consider and enact legislation concerning the operation of marijuana establishments in the CBJ. The moratorium is set to expire within one year of adoption, which is after the date the State is required to enact regulations given the fact that it may be necessary to coordinate our local legislation with the State's regulatory scheme, but before the time the State is required to begin processing applications.

The Manager recommends this ordinance be referred to the Lands Committee, and set for public hearing at the next regular Assembly meeting

- c. **Ordinance 2014-51 An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.**

This ordinance would amend the Second-hand Smoke Control Code, Chapter 36.30, to provide for the regulation of marijuana smoking in the same way the smoking of tobacco products is regulated within the City and Borough.

The Manager recommends this ordinance be referred to the Lands Committee, and set for public hearing at the next regular Assembly meeting

- d. **Ordinance 2014-24(S) An Ordinance Appropriating to the Manager the Sum of \$64,282 as Funding for the Implementation of the Police K-9 Program at Juneau Police Department, \$48,091 in Grant Funding Provided by United States Department of Justice, Drug Enforcement Agency Grant and a \$16,191 Match Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.**

This ordinance would appropriate \$64,282 to the manager for the new K-9 Program. Funding is provided as follows:

United States DOJ, Drug Enforcement Agency Grant:	\$48,091
Asset Forfeiture Reserve Fund:	\$16,191

The grant funding provides for the purchase, travel, training and maintenance of a Police K-9 through September 30, 2015. The K-9 will be utilized for controlled substances interdiction, investigations and enforcement operations. Grant funding is provided by the United States Department of Justice, Drug Enforcement Agency as a part of Operation DIPNET. The grant period is October 1, 2014 ending September 30, 2015. For FY15, the grant funding to be appropriated is \$35,000. The Police K-9 will be assigned to a current officer of the Juneau Police Department.

Overtime costs incurred upon start-up of the program and continued K-9 upkeep for the grant period will be paid by funds in the Asset Forfeiture account, the amount appropriated for FY15 is \$16,191.

The Assembly Finance Committee endorsed this action at their November 12, 2014 meeting.

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

- e. **Ordinance 2014-24(Y) - An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for Phase I of the Amalga Harbor Fish Cleaning Station Project; Grant Funding Provided by the Alaska Department of Fish and Game.**

CBJ Docks and Harbors requests approval of an appropriation ordinance that would receive funding from the Alaska Department of Fish and Game (ADF&G) for the purpose of determining the most appropriate and feasible fish cleaning station at Amalga Harbor.

The ADF&G cooperative agreement grant is in the amount of \$50,000 for Phase I of the project that would include planning, design, permitting, if applicable, and determining the most appropriate and feasible fish cleaning station at Amalga Harbor. It is anticipated that ADF&G would amend the cooperative agreement for construction funding if a feasible solution is vetted through the Phase I process.

The Docks and Harbors Board will consider this item for recommendation to the Assembly at its regular meeting on December 11, 2014.

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

- f. **Ordinance 2014-24(Z) - An Ordinance Appropriating to the Manager the Sum of \$650,000 as Funding for the new Waste Management Baler Project; Funding Provided by the Waste Management Fund Balance and the Waste Management Fleet Reserve.**

This ordinance would transfer \$650,000 to the new Waste Management Baler CIP from the Waste Management Fund Balance and Fleet Reserve.

The request is to transfer \$650,000 to the new Waste Management Baler CIP to bid and award to a Contractor, the installation of a new industrial recycling baler at Capitol Disposal.

Funding of \$450,000 would be provided by the Waste Management Fund Balance. Funding of \$200,000 would be provided by the Waste Management Fleet Reserve.

The Public Works and Facilities Committee reviewed this transfer at its regular meeting on December 8, 2014 and recommends that it be forwarded to the Assembly.

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

2. Resolutions

a. **Resolution 2699 A Resolution Confirming the City and Borough's Support of the State Library Archive Museum ("SLAM") and Acknowledging the State's Mitigation Efforts.**

This resolution would recognize the SLAM project's efforts to mitigate the demolition of the old State Museum by reusing the concrete flicker feather panels, and would reconfirm the CBJ's request that the State provide a publication and interpretive exhibit on the history of the original museum in the new SLAM facility.

By letter dated August 12, 2014, the SLAM project coordinator notified the CBJ that the flicker panels could not be saved as they were structurally unsound and not capable of being safely moved. Though ultimately unsuccessful, this resolution acknowledges the State's good faith efforts to mitigate the old museum's demolition by attempting to reuse the panels.

The Assembly Committee of the Whole reviewed the project at its meeting of October 27, 2014 and recommended that a resolution be forwarded to the Assembly.

The Manager recommends adoption of this resolution.

b. **Resolution 2701 - A Resolution Certifying That the City and Borough of Juneau Did Suffer Significant Effects During the Program Base Year From Fisheries Business Activities That Occurred Within the FMA 17: Northern Southeast Fisheries Management Area.**

This resolution would authorize the acceptance of the CBJ's share of the FY2015 State Shared Fisheries Business Tax. This distribution represents CBJ's share of state fishery revenues generated in the Northern Southeast Fisheries Management Area (NSFMA), but outside the boundaries of the organized communities.

The funds are allocated by the DCCED (State of Alaska's Department of Commerce, Community, and Economic Development) to each community in the NSFMA (Angoon, Gustavus, Haines Borough, Hoonah, Juneau, Skagway, and Tenakee Springs). Because the NSFMA's FY2015 allocation falls below the DCCED's long-form threshold value, the short-form method of allocation, as approved by DCCED, is used this year. It is anticipated that the CBJ will receive approximately \$4,399.91 in FY2015.

The Manager recommends adoption of this resolution.

VIII. PUBLIC HEARING

A. **Ordinance 2014-24(W) An Ordinance Appropriating to the Manager the Sum of \$800,000 as a Transfer to the Statter Harbor Improvements Capital Project; Funding Provided by the Harbors Fund Fund Balance.**

This ordinance would transfer \$800,000 to the Statter Harbor Improvement CIP Account from the Harbors Fund balance.

The request is to transfer \$800,000 to the existing Statter Harbor Improvements CIP account for planned improvements of the Statter Harbor Master Plan, specifically for the construction of a two-lane boat launch facility. Funding would be provided by the Harbor Fund available fund balance with a current balance of \$3,417,730.

The Public Works and Facilities Committee reviewed this request at its meeting on October 27, 2014 and recommended forwarding it to the full Assembly for approval.

The Docks and Harbors Board reviewed this request at its October 30, 2014 meeting and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

B. **Ordinance 2014-24(X) An Ordinance Appropriating to the Manager the Sum of \$500,000 as a Transfer to the Downtown Cruise Ship Berth Enhancement CIP account for Corrosion Protection of the Existing Dock Structure at the Steamship Wharf; Funding Provided by the Docks Fund Fund Balance.**

This ordinance would transfer \$500,000 to the Downtown Cruise Ship Berth Enhancement CIP Account from the Docks Fund balance.

The request is to transfer \$500,000 to the existing Cruise Berths Enhancement CIP account for corrosion protection of the existing dock structure at the Steamship Wharf. Funding would be provided by the Docks Fund available fund balance with a current balance of \$3,531,061.

The Public Works and Facilities Committee reviewed this request at its October 27, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Docks and Harbors Board reviewed this request at its October 30, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Late Filed Senior Citizen Property Hardship Exemption - Bennett**

Alice J. Bennett applied late for the 2014 senior citizen hardship exemption. The hardship exemption form and appeal letter were received on September 29, 2014 by the Assessor's Office. Ms. Bennett passed away on October 28, 2014.

CBJ 69.10.020(10)(C) places the authority for approving late claims with the Assembly.

Alice J. Bennett stated that she filed late due to the fact that she was 98 years old and suffered from a slew of medical issues dating to 2012. Her son had been helping her out but overlooked applying for the exemption by the April 30, 2014 deadline.

Listed below are the assessed values of the property in question, in addition to a breakdown of the financial impact of the requested exemption:

Assessment:	Land	130,700
	Improvements	217,200
Exemption:		<u>- 150,000</u>
Taxable amount:		197,900
Total Tax:		2,129
2% of GHI (Tax Due):		- 383.52
Allowable Hardship Exemption		1,745.88

Approval of this late filing would result in a loss of \$1,745.88 in revenue for the City.

The Assessor's Office determined that the filer had an income ratio that would have qualified her for the exemption if it had been filed in a timely manner. The 2014 taxes were paid in full. Mrs. Bennett's son requested that any refund be applied to the property's utility accounts.

The Manager recommends the Assembly authorize the Assessor to accept the application as if filed timely.

B. Late Filed Senior Citizen Property Hardship Exemption - Frank

Sophie Frank applied late for the 2014 senior citizen hardship exemption. The hardship exemption form and appeal letter were received on July 30, 2014 by the Assessor's Office.

CBJ 69.10.020(10)(C) places the authority for approving late claims with the Assembly.

Ms. Frank stated that she filed late due to medical issues.

Listed below are the assessed values of the property in question, in addition to a breakdown of the financial impact of the requested exemption:

Assessment:	Land	105,000
	Improvements	274,300
Exemption:		<u>- 150,000</u>
Taxable amount:		229,300
Total Tax:		2,467.27
2% of GHI (Tax Due):		799.92
Allowable Hardship Exemption		1667.35

Approval of this late filing would result in a loss of \$1,667.35 in revenue for the City.

The Assessor's Office determined that the filer had an income ratio that would have qualified her for the exemption if it had been filed in a timely manner. The 2014 taxes were paid in full.

The Manager recommends the Assembly authorize the Assessor to accept the application as if filed timely.

C. Porcupine Lodge 1% for Art Proposal

The 1% for Art Committee has selected two artists for the 1% for Art for Eaglecrest Learning Center, now called the Porcupine Lodge. The budget for this project is \$25,000.

Toby Harbanuk will create an aerial view of Eaglecrest snowboard mural, along with snowboard signs to hang over select doorways such as rental area, retail/repair, and the classroom area. Mary Williams will create 5 snowflakes made from painted and textured old wood ski's, ranging in size from 33"x33" to 50"x50" and vary in color.

Installation for both pieces will occur in early spring. The committee believes the artists have done an excellent job proposing art that will be durable and will require minimal maintenance.

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 Porcupine Lodge.

XI. STAFF REPORTS

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

Note: Agenda packets are available for review online at www.juneau.org.
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@ci.juneau.ak.us