

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

April 7, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014-11

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Honorary Mayor - Penn Lamb from Yaakoosge Daakahidi High School

IV. APPROVAL OF MINUTES

- A. February 26, 2014 - Special Assembly Meeting 2014-07
- B. March 10, 2014 Special Assembly Meeting 2014-08
- C. March 17, 2014 - Regular Assembly Meeting 2014-09
- D. March 24, 2014 - Special Assembly Meeting 2014-10

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

- i. Ordinance 2014-16 - An Ordinance Amending the Land Use Code Relating to Lands Available for Leasing.

This ordinance would clear up an ambiguity in the CBJ Code related to the leasing procedure used for CBJ property.

CBJ 53.20.020 provides that no CBJ property may be leased unless the Assembly has declared the property to be available for leasing either by resolution or by identifying it in the land management plan, unless the lease is specifically authorized by ordinance.

CBJ 53.09.260 allows for an exception to the general leasing procedure upon

application by an interested person or business, and final approval by the Assembly by ordinance.

This ordinance clarifies that CBJ 53.09.260 is an exception to the general leasing procedure codified in CBJ 53.20.

The Lands Committee unanimously adopted a motion supporting this Code change at its March 24, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing.

- ii. Ordinance 2014-24 An Ordinance Appropriating Funds From The Treasury For FY15 City and Borough Operations.

This ordinance would appropriate \$307,406,400 for the City and Borough of Juneau's FY15 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditure within the funds themselves. These transfers account for \$81,927,900 of the FY15 operating budget. Excluding the transfers and School District, the CBJ FY15 operating budget, debt service and capital projects is \$225,478,500.

The Charter requires that a public hearing be held on the FY15 operating budget by May 1, 2014, and adoption by June 15, 2014.

I recommend this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

- iii. Ordinance 2014-25 An Ordinance Appropriating Funds From The Treasury For FY15 School District Operations.

This ordinance would appropriate to the School District an FY15 operating budget of \$95,915,700, the same level of general fund support as the FY14 budget. The FY15 school budget is supported with a combination of funding sources that includes local funding of \$24,904,400. This consists of \$24,134,400 for general operations, \$565,000 for student activities (\$200,000 is coming from the 1% sales tax), \$70,000 for pupil transportation and \$135,000 for Community Schools. The \$24,134,400 in general operating support is essentially the same level of funding as provided in FY14 and is \$200,000 less than the maximum amount allowed under the State's Education Foundation Funding Formula. The \$378,500 transfer from other funds are School District funds.

State Statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding CAP, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2014.

On April 28th, the Assembly must state, by motion, the amount of local funding to be provided to the School District. This amount cannot be lower than the minimum required by State law, which is \$13,094,500 but can be as high as the maximum allowed amount, which is \$24,326,400.

I recommend this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

- iv. Ordinance 2014-26 An Ordinance Establishing the Rate of Levy for Property Taxes.

This ordinance would establish the mill rates for property taxes for 2014, which funds the City and Borough of Juneau's FY15 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY15 Proposed Budget that is currently being reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

This ordinance proposes a total mill levy of 11.20.

I recommend this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

- v. Ordinance 2013-11(AP) An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for the State of Alaska's Brotherhood Bridge Project; Funding Provided by Alaska Department of Transportation.

This ordinance would appropriate \$50,000 from the Alaska Department of Transportation (DOT) for the inspection of the waterline replacement necessary due to the State of Alaska's Brotherhood Bridge replacement project.

DOT has requested that CBJ inspect the water line replacement that is part of the Brotherhood Bridge Replacement Project. DOT will pay CBJ for staff time and an inspection consultant to ensure the work is completed to CBJ specifications. If the work requires more inspection than the \$50,000 initially provided, DOT will provide additional funds to cover the expense.

The Public Works and Facilities Committee reviewed and approved this request at its March 24, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing.

- vi. Ordinance 2014-23 An Ordinance Approving the Creation of Local Improvement District No. 60 to Improve the Roadways Within Tanner Terrace Subdivision.

This ordinance would create Local Improvement District No. 60, for the purpose

of improving the roadway in Tanner Terrace Subdivision by replacing the gravel roadway with asphalt pavement; installing sidewalks, gutters and curbs; and improving the water, sewer and underground storm drainage systems. Tanner Terrace Subdivision is located in Auke Bay, and consists of Bayview, Seaview and Cross Street. The total cost of the project is estimated to be \$1,000,000. \$933,400 was appropriated with FY14 CIP – R72-065 Tanners Terrace LID. The remaining \$66,600 would come from assessments against the properties to be benefitted. The proposed assessment per lot is \$3,700.

An informal poll was conducted of the property owners in this proposed LID area. Out of a total of fifteen, six responses were received. Six responded in favor, with none opposed.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that this ordinance will be introduced on April 7, 2014, with the Public Hearing scheduled for April 28, 2014. The notices informed property owners that they would have this opportunity to make their views known to the Assembly.

At this hearing the Assembly shall hear objections from any owner affected by the formation of the district and may make changes in the proposed boundaries or in the plans for the proposed improvements. The Assembly may not change the boundaries of the district to include property not previously included without first giving new notice to owners in the manner and form and within the time provided for the original notice.

I recommend this ordinance be introduced and set for public hearing.

2. Resolutions

A. Resolution 2685 - A Resolution Approving the 2014 City and Borough of Juneau Transit Development Plan.

The 2014 Transit Development Plan is a short-term implementation plan that sets the course for any changes to the transit system that might take place in the next five years. The Transit Development Plan is used by Capital Transit and the State of Alaska Department of Transportation and Public Facilities to identify capital costs and schedule funding so as to ensure that the transit fleet is updated and replaced in accordance with Federal Transit Administration schedules. There is no immediate or attendant cost to adopting the Transit Development Plan; operational funds allocated to Capital Transit are used on an as-available basis to enact the changes called for in the plan.

The Committee of the Whole reviewed this plan at its March 10, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of Resolution 2685.

3. Liquor License

a. Liquor License Renewal

The following liquor license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development, and Public Works Departments have reviewed the below business

and found it to be in compliance with CBJ Code and recommends the Assembly waive its right to protest the renewal.

In the event the Assembly does protest the renewal 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.

Midnight Ninja Ventures Inc. d/b/a The Rookery Café; Location: 111 Seward Street (Restaurant/Eating Place License #5153)

The Manager recommends the Assembly waive its right to protest the above liquor license renewal.

VIII. PUBLIC HEARING

- A. Ordinance 2014-15 - An Ordinance Amending Non-code Ordinance 2010-02, Authorizing the Port Director to Lease a Portion of Alaska Tidelands Survey No. 357 to Alaska Glacier Seafoods, Inc., to Allow the Lessee to Use the Auke Bay Loading Facility to Access the Leased Premises.

Ordinance 2010-02 authorized the Port Director to enter into a lease agreement with Alaska Glacier Seafoods, Inc., for a portion of tidelands located near the Auke Bay Loading Facility (ABLF). One of the conditions of the ordinance incorporated into the 2010 lease was a prohibition against Alaska Glacier Seafoods using the ABLF to access its processing facility.

Alaska Glacier Seafoods submitted a request to the Docks and Harbors Board to allow it temporary access through the ABLF while Alaska Glacier Seafoods works to improve access to and from its facility via Glacier Highway.

Alaska Glacier Seafoods request was approved by the Docks and Harbors Board at its regular board meeting on January 30, 2014, where the Board envisioned a temporary amendment to the lease agreement to allow access for up to three years. Amending the lease would require an amendment to Ordinance 2010-02 to remove the provision prohibiting the lessee access to the leased premises via the Loading Facility.

The Manager recommends adoption of Ordinance 2014-15.

- B. Ordinance 2014-20 - An Ordinance Amending the Recreation, Parks and Community Centers Code Relating to Motorized Uses on Auke Lake.

Parks and Recreation staff provided an update on Auke Lake Management to the Committee of the Whole on January 13, 2014. Following that meeting, staff was directed by the Assembly to make two changes to the code governing motorized uses on Auke Lake.

The proposed amendment to CBJ 67.01.095 would have eliminated the current maximum vessel length limit of 16 feet or less, and added a restriction prohibiting the flushing of boat motors in the lake. The original version of ordinance 2014-20 was introduced at the March 17, 2014 Assembly meeting.

The Lands Committee reviewed this proposal at its March 24, 2014 meeting and recommended that the 16 foot vessel length limit be retained in CBJ code; and endorsed the proposed prohibition on boat motor flushing.

Version (b) of this ordinance is included in your packet.

The Manager recommends adoption of Ordinance 2014-20(b).

- C. Ordinance 2014-21 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 1.3 Acres of Lot 2, Two Lot Subdivision, a Fraction of USS 1075, Located at 3410 Glacier Highway, from D5 to General Commercial.

This ordinance would rezone a 1.3 acre portion of a single lot in the Salmon Creek area along Glacier Highway from D5 to General Commercial. The applicant, AWARE, has obtained grant funding for the construction of a 12 unit residential facility to serve as a long term shelter for victims of domestic abuse leaving the organization's emergency shelter.

The lot in question is large enough to support a multifamily residential building, is served by transit, and is within the Urban Service Area. However, the entire lot is currently zoned D5, where multifamily residential development is not allowed. If this rezone is approved, the property owner will subdivide the lot and sell the rezoned southwestern portion to AWARE, retaining the northeastern portion for future residential development at the existing D-5 density.

On February 25, 2014, the Planning Commission unanimously adopted staff's findings and moved to forward a recommendation for approval to the Assembly.

The Manager recommends adoption of Ordinance 2014-21.

- D. Ordinance 2014-22 - An Ordinance Amending the City and Borough of Juneau Code Relating to Street and Sidewalk Vending.

This ordinance would amend the City and Borough Code relating to sidewalk and street vending. It would remove entirely the references to street vending permits, which, according to CDD, are not utilized. With respect to sidewalk vending, it would do the following:

1. correct CBJ 42.20.210 to clarify that persons with sidewalk vending permits are exempt from the off-street solicitation provision;
2. increase the monthly permit fee from \$100 to \$150;
3. allow a 25% increase in allowable vendor space size from 15 to 20 square feet;
4. require sidewalk vendors to provide proof of "open flame" permits when appropriate; and
5. specify that goods handcrafted or characteristic of the heritage or culture of Southeast Alaskan Natives sold directly by the artist are one type of goods allowed to be sold with a permit.

The Manager recommends adoption of Ordinance 2014-22.

- E. Ordinance 2013-11(AN) An Ordinance Appropriating To The Manager The Sum Of \$1,514,583 As Additional Funding For The Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided By The Lands Fund's Fund Balance.

This ordinance would transfer \$1,514,583 to the Open Space Waterfront Land Acquisition capital project from the Lands Fund balance reserved for noise abatement loans.

Ordinances 2003-19(L), 2004-14(O), and 2007-21(C) transferred a total of \$1,514,583 to the Lands Fund from the Heliport Plan and Flightseeing Noise Abatement Capital Improvement Project (which was funded with Marine Passenger Fees) for the purpose of providing loans to reduce the noise impact of small aircraft in the downtown area.

No noise abatement loans have been applied for in the past several years. There have been loans and interest paid to the Lands Fund and now Lands is returning MPF funds into the Open Space Waterfront Land Acquisition capital project.

In 2002 the Assembly moved that any marine passenger funding not allocated for any other purpose will be placed in the Open Space Waterfront Land Acquisition capital project fund.

The Manager recommends adoption of Ordinance 2013-11(AN).

- F. Ordinance 2013-11(AO) An Ordinance Appropriating To The Manager The Sum Of \$11,893 As Partial Funding For The Design And Installation Of A New Roof For The Treadwell Salt Water Pump House At The Treadwell Mine Historic Park.

This ordinance would appropriate \$11,893.00 to the Treadwell Salt Water Pump House roof replacement project; funding provided by the Treadwell Historic Preservation and Restoration Society.

CBJ was awarded a matching grant from the Alaska Department of Natural Resources Historic Preservation Fund in the amount of \$19,564 (Ord 2013-11 (F)) to replace the roof structure and roofing material on the Pump House at Sandy Beach. The grant required a 40% match which is being provided through in-kind services of volunteers and cash by the Society, which raised the funds through private and corporate contributions and a fund raising event.

The Manager recommends adoption of Ordinance 2013-11(AO).

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. Docks and Harbors - In-Lieu Fee for Mitigation - Tidelands Fill for Statter Harbor Launch Ramp Project

This request would authorize the Port Director to make an In-Lieu Fee payment to the Southeast Alaska Land Trust for mitigation of impacts resulting from fill required for the construction of the new Statter Harbor Launch Ramp. The Army Corps of Engineers issued a permit to allow placement of fill with a special condition requiring compensatory mitigation for the unavoidable impacts to waters of the U.S. SEALTrust will use the funds to purchase lands with similar habitat values for preservation through a conservation easement. This concept has been utilized in past CBJ projects most recently at the Airport.

The In-Lieu Fee is \$32,101 per acre for a total of \$329,838. The project budget anticipated this expenditure and funds are available in the CIP account for this project.

The Docks and Harbors Board, at its February 27, 2014 meeting recommended the Assembly approve this expenditure.

The Public Works and Facilities Committee, at its March 17, 2014 meeting, reviewed the proposal and recommended forwarding to the full Assembly for approval.

I recommend approval of this expenditure.

- B. Request for Manager to Enter Into Negotiations with Juneau Legacy Properties for CBJ Property Located at the Corner of 2nd and North Franklin Streets.

The Lands Division received an application from Steve Soenksen of Juneau Legacy Properties LP., to purchase the CBJ parcel of land across from the Baranof Hotel, located at 2nd and North Franklin Streets, currently being used as an hourly parking lot.

The legal description of these lots is: Juneau Town Site, Block 11, Lot 1 and fraction of Lot 8, and Lot 2 and fraction of Lot 3; properties total roughly 0.28 acres.

According to CBJ 53.09.260, Juneau Legacy Properties' proposal "shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of the City and Borough land."

- C. Liquor License #4192 Renewal - Seong's Sushi Bar & Chinese Takeout

Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout; Location: 740 W 9th Street (Restaurant/Eating Place License #4192)

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its renewal. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Departments is recommending the Assembly protest the license renewal based on outstanding sales tax returns and the corresponding penalties and interest for a total amount of \$28,982.60 owing through April 2014.

In the event the Assembly does protest the renewal of the above mentioned liquor 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 letter in your packet meets that requirement and this would be the opportunity for the licensee to be afforded their informal hearing before 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.

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

- D. Liquor License #673 Renewal - Peterson Pacific Holding Inc. d/b/a Louie's Douglas Inn

Peterson Pacific Holding, Inc. d/b/a Louie's Douglas Inn; Location: No Premises (Beverage Dispensary License #673)

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its renewal. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Departments is recommending the Assembly protest the license renewal based on outstanding utility billing owing in the amount of \$652.31.

In the event the Assembly does protest the renewal of the above mentioned liquor 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 letter in your packet meets that requirement and this would be the opportunity for the licensee to be afforded their informal hearing before 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.

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

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
 - A. City Manager Annual Evaluation
- 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