

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

February 24, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014-06

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Honorary Mayor - Derek Dzinch - JDHS

IV. APPROVAL OF MINUTES

- A. January 27, 2014 - Regular Assembly Meeting 2014-02
- B. February 5, 2014 - Special Meeting 2014-03
- C. February 10, 2014 - Special Meeting 2014-04
- D. February 12, 2014 - Special Assembly Meeting 2014-05

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

- i. Ordinance 2013-11(AG) An Ordinance Appropriating To The Manager The Sum Of \$775,000 As Partial Funding For The New Mendenhall Valley Library; Funding Provided By The Friends of the Juneau Public Libraries

This ordinance would appropriate \$775,000 from the Friends of the Juneau Public Libraries (FOJPL) for the construction of the new Mendenhall Valley Public Library.

The Friends of the Juneau Public Libraries have pledged \$1,000,000 towards the construction of the Mendenhall Valley Public Library in Dimond Park. The first installment of \$225,000 was appropriated in January 2013 for the planning,

permitting and design work. This appropriation represents the second and final installment and is part of the local match for the \$7,000,000 State grant received for this project.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- ii. Ordinance 2013-11(AH) An Ordinance Appropriating To The Manager The Sum Of \$18,175 As Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

This ordinance would appropriate an additional \$18,175 for the 2011 State Homeland Security Program, an existing grant from the Alaska Department of Military and Veterans Affairs that was previously appropriated. The new total award is \$184,033.

These funds are slated to reimburse the City and Borough of Juneau, Capital City Fire and Rescue for travel costs, backfill, and overtime for participation in the Kodiak Hazmat Training Event.

There is no match requirement for this grant.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- iii. Ordinance 2013-11(AI) An Ordinance Appropriating To The Manager The Sum Of \$20,000 As Funding For Support Services To Provide A Coordinated Emergency Management Program, Funding Provided By The University Of Alaska Southeast

This ordinance would appropriate \$20,000 for support services (wages and benefits) for the period April 15, 2014 through June 30, 2014 to provide a coordinated Emergency Management Program at all University of Alaska southeast regional campus locations.

Funding is provided by the University of Alaska Southeast.

This position will be under the supervision of the CBJ's Emergency Program Manager.

The Assembly Finance Committee reviewed this proposal at its January 15, 2014 meeting and directed staff to proceed with preparing a memorandum of agreement between the CBJ and UAS and to prepare an ordinance to appropriate funds for the position.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- iv. Ordinance 2013-11(AJ) An Ordinance Appropriating To The Manager The Sum Of \$350,604 As Funding To Pay Bond Debt, Funding Provided By General Obligation Bond Interest Income

This ordinance would appropriate \$350,604 in bond interest income to pay bond debt.

Funding provided by unexpended bond interest income from the following completed school district capital projects. These will be closing with transfer ordinance T-952 at the February 24, 2014 Assembly meeting:

Dzantik'i Heeni Covered Play Area	\$ 3,794
Adair Kennedy Turf Field Resurfacing	\$ 414

Additional funding provided by unexpended bond interest income from the following active school district capital projects. The funding for these projects exceeds the amount needed to complete the projects:

New High School in the Mendenhall Valley	\$69,339
Districtwide Major Maintenance Upgrades	\$9,656
Glacier Valley School Renovation	\$257,357
Harborview School Renovation	\$7,724
Juneau School District Site Improvements	\$2,320

The Public Works and Facilities Committee approved this action at its January 13, 2014 meeting.

The Juneau School Board approved this action at its February 11, 2014 meeting.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- v. Ordinance 2013-11(AK) An Ordinance Appropriating To The Manager The Sum Of \$1,150,000 As Partial Funding For Glacier Highway Sewer Capital Improvement Project, Loan Funding Provided by the State of Alaska Department of Environmental Conservation

This Ordinance would appropriate to the Manager \$1,150,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska Clean Water Fund (ACWF) State Revolving Fund. The estimated total project cost is \$2.5 million.

Resolution 2667, adopted on November 25, 2013, authorized the City Manager to enter into this loan agreement with ADEC. Resolution 2678 in the consent agenda is requesting an additional \$1 million for this project.

The Public Works and Facilities Committee reviewed this action at its February 6, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- vi. Ordinance 2013-11(AL) An Ordinance Appropriating To The Manager The Sum Of \$200,000 As Partial Funding For Water Main Replacement – Egan Drive, 10th To Main Street Capital Improvement Project, Loan Funding Provided by the State of Alaska Department of Environmental Conservation

This ordinance would appropriate to the Manager \$200,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska

Drinking Water Fund (ADWF) State Revolving Fund.

The ADWF loan funds will be used to partially fund the design phase of the Water Main Replacement – Egan Drive, 10th to Main Street capital improvements project.

Resolution 2668, adopted on November 25, 2013, authorized the City Manager to enter into this loan agreement with ADEC.

The Public Works and Facilities Committee reviewed this action at its February 6, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- vii. Ordinance 2013-11(AM) An Ordinance Appropriating To The Manager The Sum Of \$2,163,096 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration And The Alaska Department Of Transportation And Local Funding Provided By The Juneau International Airport

This ordinance would appropriate \$2,163,096 for the Runway Safety Area capital project.

Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$2,037,219
Alaska Department of Transportation (ADOT) matching grant:	\$61,039
Juneau International Airport (JNU) match:	\$64,838

The FAA funds up to 95% of the project, with the remainder being split between ADOT and Juneau International Airport. This appropriation results from increases to two current FAA grants, two ADOT matching grants, and the local match requirements. If the grant funds are not received, this ordinance will be de-appropriated.

The Juneau International Airport match represents the value of fill material provided to the Federal Aviation Administration for this project.

The Airport Board reviewed this action at its February 12, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- viii. Ordinance 2014-09 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of the Following Five Properties Located at 11890 and 11893 Glacier Highway: Lots 4, 5, 6, and 7, Woodacres Subdivision, from Waterfront Commercial to General Commercial; and a Fraction of Lot B, USS 2391, from Light Commercial to General Commercial.

This ordinance would rezone five properties in the Auke Bay area from

Waterfront Commercial and Light Commercial to General Commercial, resulting in the expansion of an existing General Commercial zone.

The Planning Commission reviewed this request at its November 26, 2013 meeting, and at its January 14, 2014 meeting recommended forwarding it to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- ix. Ordinance 2014-10 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 3246 Tracts, 1A, 2A1 and 2A2, Located at 4660, 4664 and 4670 Glacier Highway, from D-5 to D-15.

This ordinance would rezone three properties located between Twin Lakes and the Lemon Creek area from D-5 to D-15 as an expansion of an existing D-15 zone.

The Planning Commission, at its November 26, 2013 meeting, reviewed this request and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- x. Ordinance 2014-12 An Ordinance Amending the Code Formatting Requirements to Allow for Underlining, Rather Than Italicizing, of New Material When Amending an Ordinance, and to Delete the References to Typewritten Ordinances in Chapter 01.20.20.

CBJ 01.20.020 specifies the formatting requirements to be used for all ordinances. The code currently requires that ordinances proposing code amendments specify the language being added by the use of italics. This requirement causes confusion when the code section being amended includes italics in the original. This ordinance would require that ordinances proposing amendments to code sections identify any new language by the use of underlining, rather than italicizing.

Additionally, it would delete the reference to typewritten ordinances.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

- A. Resolution 2678 - A Resolution Authorizing the Manager to Apply For, and Enter Into, a Loan Agreement with the Alaska Department of Environmental Conservation, Alaska Clean Water Fund State Revolving Loan Fund, for the Glacier Highway Sewer Improvements Project.

This resolution would authorize the City Manager to enter into a loan agreement with the Alaska Department of Environmental Conservation, through its Alaska Clean Water Fund loan program. The loan would provide funding as follows:

Alaska Clean Water Fund (ACWF):

Glacier Highway Sewer Improvements Project (Construction)

\$1,000,000

In FY14, the City and Borough applied for and received an Alaska Clean Water Fund program loan in the amount of \$1,150,000 to cover the first part of the Glacier Highway Sewer Improvements Project per Resolution 2667. An additional \$1,000,000 loan is needed for construction of the remainder of the project, total project cost is estimated at \$2.5 million.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are a 20-year repayment term at 1.5-percent interest. The project loan will be re-paid with Wastewater Utility customer revenues.

The Public Works and Facilities Committee passed a motion of support for the resolution at its February 6, 2014 regular meeting and recommended forwarding to the full Assembly for approval.

I recommend this resolution be adopted.

- B. Resolution 2679 - A Resolution Authorizing the Manager to Apply for, and Enter Into, a Loan Agreement with the State of Alaska Department of Environmental Conservation, Through its Alaska Drinking Water Fund, for the Salmon Creek Secondary Disinfection Project and the Last Chance Basin Capacity Improvements Project.

This resolution would authorize the City Manager to enter into loan agreements with the Alaska Department of Environmental Conservation, Drinking Water Fund, to provide funding as follows:

Alaska Drinking Water Fund (ADWF):

Salmon Creek Secondary Disinfection	\$1,000,000
Last Chance Basin (LCB) Capacity Improvements	\$2,000,000

The Salmon Creek Secondary Disinfection Project involves the assessment of levels of disinfection required, facility permitting, and the design and construction of a secondary disinfection process at the Salmon Creek Water Treatment Facility. This project is necessary to comply with the new mandated US Environmental Protection Agency Surface Water Treatment Rule requirement to provide secondary disinfection of surface water sources which becomes effective in 2013. The City and Borough of Juneau applied for and received an extension to have an approved secondary disinfection system in place by no later than October 1, 2015. This ADEC loan in the amount of \$1,000,000 will enable us to complete this project.

The Last Chance Basin Well Field is diminishing in production capacity. The LCB Capacity Improvement project will include the design, creation and installation of two new wells and the rehabilitation/relocation of the five existing wells in the Last Chance Basin Well Field in order to meet peak drinking water demands.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are 20-year repayment at a 1.5-percent interest rate. The project loans will be re-paid with Water Utility customer revenues.

The Public Works and Facilities Committee passed a motion of support for the resolution at its February 6, 2014 regular meeting and recommended forwarding to the full Assembly for approval.

I recommend this resolution be adopted.

- C. Resolution 2680 - A resolution De-appropriating a DOTPF grant in the amount of \$600,000 from N Douglas Highway Extension Capital Improvement Project

This resolution would authorize the de-appropriation of \$600,000 from an ADOTPF grant on the North Douglas Highway Extension. This funding was absorbed into a larger (~\$2.9M) DCCED Grant during the last Legislative session. This is a housekeeping measure to remove duplicate funding from the project.

The Public Works and Facilities Committee reviewed this request at its February 6, 2014 meeting and recommended forwarding to the full Assembly for approval.

I recommend this resolution be adopted.

3. Bid Award

- A. Bid Award 14-141 Term Contract for Biosolid/Waste Activated Sludge Disposal Services

Bids were opened on the subject project on Thursday, December 19, 2013. The bid protest period expired at 4:30 p.m. on Tuesday, December 24, 2013. Results of the bid opening are as follows:

BIDDERS	PRICE	TOTAL PRICE
Waste Management, Inc.	\$2,490.04(per/RT)	\$871,571.00
	\$36.81/ton (tipping fee)	\$257,690.00

Total Bid: \$1,129,184.00 per year

With the concurrence of Kirk Duncan, Public Works Director, the Purchasing Division recommends award to Waste Management, Inc., on the basis of having the lowest responsive and responsible bid price in the amount of \$1,129,184.00 based on total bid.

I recommend award of this project to Waste Management, Inc., for the total amount bid of \$1,129,184.

4. Transfer

- a. Transfer T-952 - Transfer of \$288,022 from DZ Covered Play Area and Adair-Kennedy Synthetic Turf Replacement to Glacier Valley School Renovation, DZ Roof and Security Upgrades, and two new CIP's for Marie Drake Renovation and J-D High School Upgrades

This request would authorize the transfer of approximately \$288,022 to existing or newly-created Capital Improvement Projects (CIP) and the closure of two completed CIP's. The transfers are listed in the attached Impact of Budget Action (IBA) worksheet. The worksheet details the transfer amounts and available funds for each project.

The Public Works and Facilities Committee approved these transfers at its January 13, 2014 meeting.

The Juneau School Board approved these transfers at its February 11, 2014 meeting.

I recommend approval of these transfers.

5. Liquor License

a. Liquor License Renewals

The following liquor license renewals are before the Assembly to either protest or waive its right to protest these renewals. The Finance, Police, Fire, 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 any of the renewals 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.

Beverage Dispensary License #175: Q Enterprises Inc., d/b/a Breakwater Inn Restaurant & Lounge; Location: 1711 Glacier Ave., Juneau

Beverage Dispensary License #550: Imperial Bar Inc., d/b/a Imperial Bar; Location: 241 Front Street, Juneau

Beverage Dispensary License #772: NYT Inc., d/b/a Rendezvous; Location: 184 S. Franklin Street, Juneau

Beverage Dispensary License #4349: Fishbone, LLC d/b/a Rockwell; Location: 117 Franklin Street, Juneau

Restaurant/Eating Place License #851: Rodfather's LLC, d/b/a The Broiler; Location: Nugget Mall, 8745 Glacier Hwy., Juneau

Restaurant/Eating Place License #1416: Taku Glacier Lodge Inc., d/b/a Taku Glacier Flightseeing/Salmon Bake; Location: Taku River, CBJ Borough

Package Store License #3507: Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820; Location: 3011 Vintage Blvd., Juneau

Restaurant/Eating Place License #3733: Catapult, Inc. d/b/a Flight Deck; Location: 2 Marine Way Suite 128, Juneau (Merchant's Wharf)

Beverage Dispensary License #3755: Tailwind Inc. d/b/a Hangar on the Wharf; Location: #2 Marine Way, Juneau (Merchant's Wharf)

Beverage Dispensary - Duplicate License #4788: Tailwind Inc. d/b/a Hangar

on the Wharf Pizzeria Roma; Location: #2 Marine Way Suite 104, Juneau (Merchant's Wharf)

Beverage Dispensary - Duplicate License #4797: Tailwind Inc. d/b/a Hangar on the Wharf Ballroom; Location: #2 Marine Way Suite 105, Juneau (Merchant's Wharf)

Beverage Dispensary License #4842: Up The Creek Inc. d/b/a Twisted Fish Company; Location: 550 S. Franklin Street, Juneau

Wholesale-General License #4943: Specialty Imports Inc. d/b/a Specialty Imports; Location: 540 W. 8th Street, Juneau

Beverage Dispensary Licenses #3695: South of the Bridge, LLC d/b/a Louie's Douglas Inn; Location: No Premises.

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

b. **Liquor License Transfers & Applications for Restaurant Designation Permits**

The following liquor license transfers are before the Assembly to either protest or waive its right to protest these transfers. In addition to the transfers, there are also applicants for Restaurant Designation Permits which are before the Assembly to approve or deny. The Finance, Police, Fire, 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 any of these transfers, 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.

Beverage Dispensary License #644 Transfer & Application for a Restaurant Designation Permit

Transfer of Ownership, Name Change, and Location FROM: BCM, Inc. d/b/a Marlintoni's Lounge

Transferring TO: Wolfpack Ventures, LLC d/b/a Salt Alaska

Location – 200 Seward Street [Note – this is the Zephyr location. ABC Staff will be administratively transferring the Zephyr liquor license to a “No Premises” location as soon as this BCM to Wolfpack transfer goes through.]

Restaurant/Eating Place License #2641 Transfer & Application for a Restaurant Designation Permit

Transfer of Ownership and Name Change FROM: Sprazzo, LLC d/b/a Sprazzo

Transfer TO: Saffron, LLC d/b/a Saffron

Location – 112 N. Franklin

Restaurant/Eating Place License #2812 Location Transfer & Application for a Restaurant Designation Permit

Genuine Venters, LLC d/b/a Tracy's King Crab Shack location transfer
FROM: 356 S. Franklin Street
TO: 406 S. Franklin Street

The Manager recommends the Assembly waive its right to protest the above liquor license transfers and approve the Restaurant Designation Permit applications.

- c. Application for New Restaurant/Eating Place Liquor License and Restaurant Designation Permit Application

NEW Restaurant/Eating Place License #5279

Russian Alaska, LLC d/b/a Samovars

Location: 245 Marine Way, Juneau

Alaska Statutes – Title 4 govern the issuance of liquor licenses and there are population limitations as to the number of licenses of certain types allowed to be issued within each municipality. For this Restaurant Eating Place (REP) type of license, there is 1 license per 1500 +1 population allowed. The Alcohol Beverage Control (ABC) staff calculates the population figures once a year with the last one done April 29, 2013 showing that Juneau has population base for a total of 22 REP licenses.

Juneau currently has 20 Restaurant Eating Place licenses issued. ABC has sent notification of this new REP application and one other that will be coming to the Assembly at its March 17 meeting. If both those applications were approved, Juneau would have its maximum of 22 REP as allowed by our population base at this time. If someone else were to file an REP application within 30 days of the filing of this license application, they would be considered competing licenses and it would be up to the ABC Board to determine which license application to approve.

The Finance, Police, Fire, and Community Development Departments have reviewed the above business and found it to be in compliance with CBJ Code. In the event the Assembly does protest the issuance of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The Manager recommends the Assembly waive its right to protest the issuance of the above Restaurant/Eating Place liquor license and also approve the Restaurant Designation Permit application.

VIII. PUBLIC HEARING

- A. Ordinance 2013-11(AE) An Ordinance Appropriating To The Manager The Sum Of \$300,000 As Partial Funding For New Mendenhall Valley Public Library Capital Project; Funding Provided By The Juneau Public Library Endowment Agency Fund
This ordinance would appropriate \$300,000 as partial funding for the new Mendenhall Valley Public Library capital project. Funding is provided by the Juneau Public Library Endowment Agency Fund.

At its December 19, 2013 meeting, the Endowment Board of the Juneau Public Libraries

passed Resolution 13-03 approving the transfer of \$300,000 from the Endowment Fund to the new Mendenhall Valley Public Library capital improvement project. This funding was originally pledged in Resolution 11-03 as local match funding for the State of Alaska Major Library Construction Grant.

I recommend this ordinance be adopted.

- B. Ordinance 2013-11(AF) An Ordinance Appropriating To The Manager The Sum Of \$200,000 As A Grant To The Juneau Arts and Humanities Council; Funding Provided By Airport Snow Removal Equipment Facility Capital Project

This ordinance would grant \$200,000 to the Juneau Arts and Humanities Council (JAHC) as partial funding for a new performing arts center. This grant would be funded by a transfer from the Airport Snow Equipment Removal Facility (SREF) Capital Project.

Both the new performing arts center and the SREF were approved for funding from temporary 1% sales tax that went into effect October 1, 2013. The SREF capital project received \$1.55M in sales tax revenues in FY14. The new performing arts center was not scheduled to receive any sales tax revenue in FY14 but now requires funding to move the project forward. At this time the SREF capital project, excluding the \$200,000, has sufficient funding to meet their project needs.

The Public Works and Facilities Committee and the Assembly Finance Committee reviewed and approved the forward funding to the JAHC. The JAHC is scheduled to receive \$200,000 in FY15 funding that will now be used to reimburse the SREF project.

I recommend this ordinance be adopted.

- C. Ordinance 2014-06(b) - An Ordinance Transferring Responsibility for the Juneau-Douglas City Museum From the Parks and Recreation Department to the Library Department.

This ordinance would transfer the operation of the Juneau-Douglas City Museum from the Parks and Recreation Department to the Library Department. Maintenance of the facility would still be provided by Building Maintenance through coordination with the Library Department.

This move allows both entities to more effectively share resources, co-host programs and exhibits, seek grant opportunities, and advocate for the future of Juneau's shared collections, resources, and community gathering spaces. Libraries and museums historically have very similar missions and work.

Both Department Directors are recommending the transfer and believe that the mission of the Museum is more closely aligned with that of the Library.

Version (b) includes an additional code amendment not appearing in the original, specifically to 49.10.410 Historic resources advisory committee, recommended by the Human Resources Committee (see: Section 4).

There is no financial impact to this move.

The Human Resources Committee reviewed this ordinance at its January 6, 2014 meeting and recommended forwarding it to the full Assembly for approval.

I recommend this ordinance be adopted.

- D. Ordinance 2014-07(b) - An Ordinance Authorizing the Sale of City and Borough Land Located at South Lena Point Subdivision and Establishing the Terms and Conditions Related to the Sale.

This ordinance would authorize the Lands and Resources Division to dispose of 12 City owned lots in the South Lena Subdivision over the next 8 years.

The first South Lena Subdivision land sale was conducted in the Spring of 2007. The City offered 43 parcels, of which 32 were sold. In 2010, the 11 remaining lots were offered in a land sale, but only two of those lots sold.

In recent years, 3 of the original land sale lots have been conveyed back to City ownership due to various circumstances, bringing the total lots available for sale to 12.

Since 2010, the demand for available buildable lots has increased, and the Lands and Resources Division proposes to offer for sale a few lots at a time through occasional Lena land sales over the next few years to avoid saturating the market.

Municipal sewer does not reach Lena Point and there are no current plans to extend municipal sewer to Lena Point in the future. Therefore, purchasers will be responsible for installing their own onsite wastewater treatment and disposal systems (OWTDSs).

At its December 8, 2013 meeting, the Assembly Lands Committee recommended forwarding this Land Disposal action to the full Assembly for approval.

After this ordinance was introduced at the Assembly January 27, 2014 meeting, the ordinance was amended. Version (b) includes a requirement that the apparent high bidder give notice of the title company selected for closing (Section 9(a)(5)), a requirement that purchasers obtain title insurance (in order to protect the City and Borough from liability when it acts as a lender) and pay all closing costs (Section 10), and a clarified map (Exhibit A).

I recommend this ordinance be adopted.

- E. Ordinance 2014-11(b) - An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to the Installation or Siting of Any New Wireless Communication Tower.

On January 27, 2014, the Assembly passed a motion to establish a moratorium on new wireless communication towers pending the completion of the Cell Tower Master Plan and related ordinance, scheduled to be completed in mid-May. The temporary moratorium, which would apply to new cell towers only, will not apply to towers necessary to protect health, welfare or safety or to colocation applications or permits. The purpose of the moratorium is to preserve the status quo while work on the master plan and ordinance, putting in place a more comprehensive and carefully considered regulatory scheme, is completed. The moratorium will expire on May 19, 2014.

This ordinance was introduced at the Special Assembly Meeting held Wednesday,

February 12, 2014. Since then, very small changes - were made to improve clarity, resulting in a Version (b).

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. City Manager Requesting Authorization to Begin Lease Negotiations with Landscape Alaska

CBJ 53.09.260 provides that, upon the submittal of a written proposal and lease application by an interested party, the Manager may, with the approval of the Assembly by motion, commence negotiations for the lease of City and Borough property.

Landscape Alaska has submitted a lease application to the Manager to lease a City-owned lot in the Bonnie Subdivision. Prior to doing so, Landscape Alaska obtained a conditional use permit to operate a commercial greenhouse in the Bonnie Subdivision, a D3 residential zone, on two lots, one of which being the City-owned lot it now seeks to lease.

Prior to finalizing any agreement, and after review by the Planning Commission, this matter must come back to the Assembly for final approval by ordinance.

B. City Manager Requesting Authorization to Begin Negotiations to Renew Building Lease with Juneau Montessori School

Ordinance 2008-37 authorized negotiation of a five year lease with Juneau Montessori School. That lease has expired. I am requesting authorization to negotiate a new lease with Juneau Montessori School.

C. Twelker v Planning Commission – Appeal of Decision 2013-0003 – regarding BLD21030302

On January 13, 2014, the Planning Commission issued a final decision denying the Appeal of a Director's Decision regarding the issuance of Building Permit BLD2013-0302 for construction of a garage. The petitioner, Eric and Janeann Twelker, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on January 8, 2014. The Notice of Appeal and the Notice of Decision are in the packet.

The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the Appellate Code.

The Code requires that upon receiving an appeal, the Assembly must first decide whether to accept or reject it. The standards applicable to this decision are set out at CBJ 01.50.030 (e):

(e) Action by Appeal Agency Upon Receipt of a Notice of Appeal.

(1) Within thirty days of receipt of a notice of appeal by the appeal agency, the appeal agency shall notify the appellant of the acceptance or rejection of the appeal and, if rejected, the reasons for the rejection.

(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant.

The appeal agency may reject the appeal for failure to comply with these rules or if the notice of appeal does not state grounds upon which any of the relief requested may be granted.

The appellants, the permit holder, and the Planning Commission have been advised that this matter is before the Assembly. The following procedural issues should be decided:

1. Will the Assembly accept the appeal?
2. Will the Assembly hear the appeal itself or assign to a hearing officer?
3. If the Assembly hears the appeal itself, will the Mayor preside, or will he designate another member as presiding officer?

This matter is before the Assembly sitting in its quasi-judicial capacity. Accordingly, members should avoid discussing the case outside the hearing process. With respect to this issue, the Appellate Code provides as follows:

CBJ 01.50.230 IMPARTIALITY. The functions of hearing officers and those appeal agency members participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings.

Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties.

D. Vick v Animal Hearing Board - Dangerous Dog Designation for "Sushi"

On January 17, 2014, the Animal Hearing Board issued a final decision denying the appeal of Animal Control's Decision regarding the dangerous animal designation of the Jody, Joyce and Geno Vick's dog "Sushi." The petitioners, Jody and Joyce Vick, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on January 30 and 31, 2014. The Notice of Appeal and the Notice of Decision are in the packet.

The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the Appellate Code.

The Code requires that upon receiving an appeal, the Assembly must first decide whether to accept or reject it. The standards applicable to this decision are set out at CBJ 01.50.030 (e):

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(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant.

The appeal agency may reject the appeal for failure to comply with these rules or if the

notice of appeal does not state grounds upon which any of the relief requested may be granted.

The appellants, Animal Control, and the Animal Hearing Board have been advised that this matter is before the Assembly. The following procedural issues should be decided:

1. Will the Assembly accept the appeal?
2. Will the Assembly hear the appeal itself or assign to a hearing officer?
3. If the Assembly hears the appeal itself, will the Mayor preside, or will he designate another member as presiding officer?

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Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties.

E. **Bicknell v Planning Commission - Appeal of AME2013 0015 - Request for Rezoning USS 1568 TR B**

On January 17, 2014, the Planning Commission issued a final decision denying the request to rezone 82 acres of Rural Reserve land at USS 1568 TR B to a mixture of Industrial, Light Commercial and Rural Reserve. The petitioner, Bicknell, Inc., filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on February 3, 2014. The Notice of Appeal and the Notice of Decision are in the packet.

The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the Appellate Code.

The Code requires that upon receiving an appeal, the Assembly must first decide whether to accept or reject it. The standards applicable to this decision are set out at CBJ 01.50.030 (e):

(e) Action by Appeal Agency Upon Receipt of a Notice of Appeal.

(1) Within thirty days of receipt of a notice of appeal by the appeal agency, the appeal agency shall notify the appellant of the acceptance or rejection of the appeal and, if rejected, the reasons for the rejection.

(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant.

The appeal agency may reject the appeal for failure to comply with these rules or if the

notice of appeal does not state grounds upon which any of the relief requested may be granted.

The appellants, the permit holder, and the Planning Commission have been advised that this matter is before the Assembly. The following procedural issues should be decided:

1. Will the Assembly accept the appeal?
2. Will the Assembly hear the appeal itself or assign to a hearing officer?
3. If the Assembly hears the appeal itself, will the Mayor preside, or will he designate another member as presiding officer?

This matter is before the Assembly sitting in its quasi-judicial capacity. Accordingly, members should avoid discussing the case outside the hearing process. With respect to this issue, the Appellate Code provides as follows:

CBJ 01.50.230 IMPARTIALITY. The functions of hearing officers and those appeal agency members participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings.

Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
 - A. Creation of CBJ Review Task Force Regarding Fisheries in Alaska
- 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