

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

Monday, October 14, 2013, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2013-26

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Recognizing Outgoing Assemblymember Dybdahl
- B. Swearing in of Newly-Elected Official
- C. Selection of Deputy Mayor
- D. Employee Recognition - Debbie Johnson
- E. Proclamation-Keeping the Lights On After School Day

IV. APPROVAL OF MINUTES

- A. September 21, 2013 – Special Assembly Meeting 2013-24
- B. September 23, 2013 – Regular Assembly Meeting 2013-25

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

(Not to exceed a total of 20 minutes nor more than 5 minutes for any individual).

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 2013-25

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lots 1-3, Seven Mile Subdivision, Located Near Seven Mile Glacier Highway, Currently Zoned D-5, to D-18.

The 2008 Comprehensive Plan supports compact development to increase efficient land use in areas served by public water, sewer, and transit, and that are located within the Urban Service Area Boundary. The rezone of Lots 1-3 at Seven Mile Subdivision (.73 acres total) from D-5 to D-18 is consistent with the 2008 Comprehensive Plan and meets the intent of the Land Use Code.

The Planning Commission reviewed this rezone at its September 10, 2013 meeting, and 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.

b. Ordinance 2013-26

An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.

The Draft 2013 Comprehensive Plan of the City and Borough of Juneau is the result of more than two years of extensive community outreach, fieldwork, and public meetings. The Draft 2013 Comprehensive Plan contains updated data and portions of the plan were substantially reorganized to improve the Plan's readability. Also included are new policies intended to improve Juneau's economic sustainability, clarify the community's stance on emerging issues such as siting of wireless communications facilities, and address issues that have adversely affected the community for years, such as a shortage of affordable childcare.

There are five categories of changes to the draft 2013 plan from the adopted 2008 plan:

1. **Organizing:** Sections were reorganized both within and between chapters to improve readability and to consolidate similarly themed sections from multiple chapters.
2. **Updating:** New data available through a variety of sources, (e.g., the 2010 U.S. Census and 2011 American Community Survey to the Alaska Department of Fish & Game's 2012 Anadromous Waters Catalog, to housing, economic development, and other local surveys was integrated into the 2013 Draft Plan, many in new or improved charts designed to show the data in clear and understandable terms. These changes also include removing 2008 Implementing Actions that have been implemented, or modifying them to fit into the plan as Development Guidelines or Standard Operating Procedures, where appropriate.
3. **Correcting:** Errors in the 2008 Plan have been corrected wherever they were found.
4. **New Directions:** The Draft Comprehensive Plan provides guidance on new subjects, including the promotion of competition between commercial air carriers, regulation of wireless communications facilities, advocacy and engagement by the local government at the state and federal level, protection of public Right-Of-Ways, and support for quality affordable childcare.
5. **New or Improved Tools:** The Draft Plan contains an improved table of contents, list of acronyms used in the plan, and glossary, and, for the first time, an index.

Although there are changes to the 2008 Comprehensive Plan throughout the draft plan, the updates are concentrated in a few chapters: Economic Development (Chapter 5), Energy (Chapter 6), Natural Resources and Hazards (Chapter 7),

Transportation (Chapter 8), and Public and Private Utilities and Facilities (Chapter 12).

The Planning Commission held a public hearing on the Draft Plan on May 14, 2013, and recommended Assembly approval. The Assembly Committee of the Whole reviewed the Plan on August 26 and September 30, 2013, and recommended Assembly approval.

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

c. Ordinance 2013-27

An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

This ordinance would make three changes to the senior sales tax exemption ordinance. The first is a house-keeping amendment to subsection (b), and is necessary to make that subsection consistent with the rest of the ordinance with respect to the identification of the categories of individuals eligible for the senior sales tax exemption. The second change to the ordinance is the addition of a new subsection (d), which would allow the manager to issue a designated shopper card to any individual holding a valid Power of Attorney from a person authorized to be issued a card. Finally, Subsection (c) was amended to conform with subsection (d) to allow for the issuance of an actual “designated shopper” card.

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

d. Ordinance 2013-11(U)

An Ordinance Appropriating To The Manager The Sum Of \$10,000 As Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided By A Memorandum of Understanding With The Alaska Department Of Environmental Conservation.

This ordinance would appropriate the \$10,000 for equipment purchases, maintenance and training for the Juneau Hazardous Materials (HAZMAT) Team. Funding is provided through a Memorandum of Understanding between the CBJ and The Alaska Department of Environmental Conservation.

This funding would allow the Juneau HAZMAT team to build on its present capabilities and facilitate response activities and would be crucial in allowing the Juneau HAZMAT team to provide a Level A hazmat response to the CBJ and, Southeast Alaska, and as part of the Alaska Statewide Response Team.

There is no match requirement.

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

e. Ordinance 2013-11(V)

An Ordinance Appropriating To The Manager The Sum Of \$110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

This ordinance would appropriate the \$110,000 2013 Emergency Management Performance Grant (EMPG) from the Alaska Department of Military and Veterans Affairs for the City and Borough of Juneau, Alaska.

These funds are provided to reimburse the City Emergency Programs Division- for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant. These costs include employee payroll for three CBJ Staff members in the performance of Emergency Management functions in planning, training, and exercise within the grant performance period.

EMPG Performance includes but is not limited to, the following tasks:

- Preparing the jurisdictions Local Capability Assessment (LCA) Document for the State.
- Required attendance at the Bi-Annual Conference State's Multi-Year Training and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to DHS&EM at the TEPW.
- Participation in exercises during the performance period.
- Continued utilization and work towards compliancy with the National Incident Management System (NIMSCAST).
- Completion of the FEMA Independent Study Professional Development Series.
- Timely submission of quarterly progress reports.

There is a dollar-for-dollar, in-kind match requirement which is provided through CBJ Emergency Management staff personnel services.

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

2. Resolutions

a. Resolution 2663

A Resolution Endorsing the Creation of a Sister City Relationship with the Municipality of Kalibo, Capital of Aklan Province, in the Republic of the Philippines, and Requesting the Sister Cities Committee to Proceed With the Steps Necessary to Formalize the Sister City Relationship.

In 2012, an Alaskan trade delegation, including Juneau Representative Cathy Muñoz and Representative Bob Herron along with Philippines Honorary Consul General to the State of Alaska Jenny Gomez Strickler, visited Aklan Province in the Philippines. At the request of the members of this delegation as well as Juneau community members, the CBJ Sister Cities Committee explored the formation of a formal sister city relationship with the Municipality of Kalibo, which is the Capital

of Aklan Province in the Republic of the Philippines. Finding strong community support both in Juneau and from the Municipality of Kalibo, the Sister Cities Committee gave a presentation to the Assembly Human Resources Committee (HRC) on September 9, 2013, and recommended the Assembly enter into a formal sister city relationship with the Municipality of Kalibo.

At its meeting on September 9, 2013, the HRC passed a motion to request the Law Department draft this resolution for approval by the Assembly to enter into a formal sister city relationship with the Municipality of Kalibo, Aklan Province, Republic of the Philippines.

I recommend this resolution be adopted.

3. Bid Awards

a. Bid 14-028

Term Contract for Emulsion Polymer

Polymer is a chemical additive used in biosolids to remove water from the biosolids, thus reducing the weight and volume. Bids were opened on the subject project on Thursday September 19, 2013. Upon review of the specification the award posting occurred on Monday September 23, 2013. The bid protest period expired at 4:30 p.m. on Tuesday September 24, 2013. Results of the bid opening are as follows:

	Unit price	Total Bid Price
Northstar Chemical	\$4,140.00	\$149,040.00
Zeroday Enterprises	\$4,807.00	\$173,052.00
Keyoping LLC	Non-Responsive	Formula offered was not approved
SNF Polydyne	No Bid	

Keyoping LLC., submitted a bid price for a formula that has not been fully tested by the Mendenhall Wastewater treatment facility. Until full testing is completed the formula submitted cannot be approved.

With the concurrence of staff, the Purchasing Division recommends award to Northstar Chemical on the basis of having the lowest responsive and responsible bid price in the amount of \$149,040.00 based on Total Bid.

I recommend award of Bid 14-028 to Northstar Chemical in the amount of \$149,040.00.

VIII. PUBLIC HEARING

A. Ordinance 2013-23

An Ordinance Authorizing The Manager To Execute A Site Lease With Alaska Wireless Network, LLC For The Construction, Operation And Maintenance Of A Telecommunication Tower Facility At Eaglecrest Ski Area.

The lack of cellular telephone service at the Eaglecrest Ski Area has posed safety problems in the past. The Alaska Wireless Network, LLC (AWN) has proposed to install a 50-foot high wireless telecommunication facility at the base of the mountain near the parking lot and lower Porcupine Chair Lift, which the Eaglecrest Board approved in concept at its June 6, 2013 Board meeting.

The proposed lease area is 20' x 20'. It would contain a single 50-foot high wood pole with an antenna at the top, an equipment cabinet at ground level, and surrounded by a 10-foot high wood fence. The lease would be for a 5-year term, renewable for up to three additional 5-year terms. The initial lease rate would be \$750 a month, with a 3% increase per annum.

Because the property was developed in part through the federal Land and Water Conservation Fund (LWCF) grant program, it is affected by certain restrictions prohibiting property purchased with LWCF funds to be used for anything other than public outdoor recreational use. Staff has recently obtained a determination from the National Park Service and the Alaska DNR, Division of Parks and Outdoor Recreation Grants Manager authorizing, for public safety reasons, the proposed telecommunication facility (otherwise considered a disallowed or converted use). The ordinance would authorize the manager to negotiate and execute a lease with AWN.

The proposal was heard as an informational item by the Lands Committee on July 29, 2013. CSP2013 0020 was recommended for approval by the Planning Commission by Notice of Recommendation dated August 15, 2013.

The Lands Committee recommended forwarding this ordinance to the full Assembly for approval at its September 30, 2013 meeting.

I recommend this ordinance be adopted.

B. Ordinance 2013-11(Q)

An Ordinance Appropriating To The Manager The Sum Of \$106,000 As Funding For The Empty Chair Memorial, Grant Funding Provided By The US Department Of The Interior, National Park Service And Donations Provided By The Empty Chair Committee.

This ordinance would appropriate \$106,000 for the construction, installation, and supporting educational materials of the Empty Chair Memorial Project. Funding is provided by an \$80,000 National Park Service-Japanese American Confinement Site grant. The required match of \$40,000 was raised by the Empty Chair Committee, \$26,000 in monetary donations and \$14,000 from in-kind donations from the committee for video/audio interviews, site preparation, and delivery and installation of the memorial.

Parks and Recreation, in cooperation with the Empty Chair Committee, applied for and was awarded funds through a National Park Service-Japanese American Confinement Site Grant for the construction and installation of a memorial to honor the Juneau citizens of Japanese descent who were removed from the community and confined to internment camps during World War II. Among them was a Juneau High School senior who had been looking forward to his graduation, especially since he was to be the class valedictorian. Out of respect for him, a special graduation was held for him before he was sent away; when his class graduated a month later, a chair stood empty to mark his absence, and by extension, the rest of the Japanese community.

This memorial will be installed at Capital Park and will remind us of this disruptive period and educate those viewing it with related educational materials for schools, libraries and museums in the hopes that this type of injustice is never repeated.

The Historic Resources Advisory Committee reviewed and endorsed this project at its May 2, 2012, meeting.

Parks and Recreation Advisory Committee reviewed and recommended approval of this project at its September 3, 2013, meeting.

The Public Works and Facilities Committee reviewed this project at its October 14, 2013, meeting.

I recommend this ordinance be adopted.

C. Ordinance 2013-11(R)

An Ordinance Appropriating To The Manager The Sum Of \$50,000 As Funding For A Parking Manager, Funding Provided By The Parking In Lieu Fund and the Downtown Parking Fund Fund Balances.

This ordinance would appropriate \$50,000 for a Parking Manager position for the remainder of FY14. Funding is provided by the Parking In Lieu and Downtown Parking Funds at \$15,000 and \$35,000, respectively. Funding is needed to continue professional implementation of the CBJ Downtown Parking Management Plan (adopted by the Assembly in 2010).

The work effort to date has focused on Phase 1 (Downtown Core) of the plan. The major components of the implementation include: facility management (parking garages and lots), contract management (security and APARC), stakeholder liaison, and program management (education, enforcement, technical support, budget oversight). It was determined the most effective tool for managing the actual parking was “multi-space parking meters”. This was implemented via ATM type machines. Over the past 4 years, the number of downtown parking spaces to be managed has increased 60% to 873 spaces.

Since the inception of the parking management plan, the necessary implementation workload has been absorbed by existing staff in the departments of Community Development, and Parks and Recreation. This re-allocation of resource has been detrimental to the primary responsibilities and mission of the staff involved and is not a sustainable situation.

At its September 11, 2013, meeting, the Assembly Finance Committee recommended an ordinance be prepared and forwarded to the Assembly.

I recommend this ordinance be adopted.

D. Ordinance 2013-11(S)

An Ordinance Appropriating To The Manager The Sum Of \$100,000 As Funding For An Economic Development Plan, Funding Provided By Closed Capital Projects.

This ordinance would appropriate \$100,000 to hire a consultant to prepare an Economic Development Plan for Juneau, one of the Assembly's 2012-2013 top action items. Funding under this ordinance will be provided by available funds from completed and closing projects. \$39,647 would come from the completed ADA Compliance CIP, \$22,050 would come from the Wetlands Mitigation Bank CIP, and \$38,303 would come from the Lemon Flats 2nd Access Right Of Way CIP. These projects are inactive.

At its September 11, 2013, meeting, the Assembly Finance Committee recommended an ordinance be prepared and forwarded to the Assembly for approval.

Public Works and Facilities Committee reviewed this ordinance today at its October 14, 2013 meeting.

I recommend this ordinance be adopted.

E. Ordinance 2013-11(T)

An Ordinance Appropriating To The Manager The Sum Of \$160,000 As Funding For Legal Services Provided By The City And Borough of Juneau's Law Department To Bartlett Regional Hospital And The Juneau School District, Funding Provided By Interdepartmental Charges.

This ordinance would appropriate \$160,000 to the Manager as funding for legal services provided by the CBJ Law Department to Bartlett Regional Hospital (BRH) and the Juneau School District (JSD). The funding for this appropriation will be interdepartmental charges. These charges will be paid from amounts already appropriated for FY14 legal services as part of both BRH's and JSD's operating budgets. Previously, legal services were provided to both entities by outside counsel. This change in approach would allow for more efficient and centralized management of the CBJ's risks, and would reduce legal costs overall. With this funding, the Law Department intends to hire an additional attorney and support staff, which is necessary in order to allow it to provide this additional service. Both the BRH Board and the School Board have approved this change in approach and associated funding.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. Richard Harris – RH Development - Appeal Of A Planning Commission Notice of Decision Regarding AME2013-0006 – Denial of a Request for a Zone Change from D-10 – LC at 9050 Atlin Drive or 2600 Mendenhall Loop Road.

On September 24, 2013, the Planning Commission issued a final decision denying a request to rezone USS 381 FR from D10 to LC. The petitioner, Richard Harris, representing RH Development LLC, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Monday, September 30, 2013.

The Notice of Appeal and the Notice of Decision are in your 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 appellant, 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
- 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. Parking Management

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