

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

Monday, June 24, 2013, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2013-16

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. City Attorney John Hartle

IV. APPROVAL OF MINUTES

- A. June 3, 2013 – Regular Assembly Meeting 2013-13
- B. June 6, 2013 – Special Assembly Meeting 2013-14
- C. June 10, 2013 – Special Assembly Meeting 2013-15

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 2013-19

An Ordinance Amending the Land Use Code Regarding Flood Hazard Areas and Definitions.

To remain in the National Flood Insurance Program, the CBJ is required to adopt a new Flood Insurance Rate Map set, an associated Flood Insurance Study, and additional flood regulations, by August 19, 2013. The flood maps locate flood-prone areas along coastal, river, and inland lake areas.

The new flood maps are more detailed, and based on current data and mapping methods, yielding more accurate flood zone determinations.

Flood insurance is required for buildings in flood-prone areas that are financed through a loan or mortgage.

The largest impact resulting from the new flood regulations is the requirement for new or “substantially improved” buildings in Velocity zones to be elevated on pilings instead of on new fill material, thereby allowing waves to flow under the building.

The CBJ has hosted meetings to educate the public on the map adoption process. After review of the maps by CDD staff, the Planning Commission, and the public, CDD has found weaknesses in the maps that may have incorrectly included buildings within mapped flood-prone areas. The Planning Commission and CDD have compiled a list of improvements to the maps. CBJ will work with FEMA to improve the maps and remove improperly included buildings from some mapped flood-prone areas, after adoption as required by FEMA.

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

b. Ordinance 2012-20(AJ)

An Ordinance Appropriating To The Manager The Sum Of \$1,969,325 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration And The Juneau International Airport.

This ordinance would appropriate \$1,969,325 for the Runway Safety Area (RSA) capital project. Grant funding is provided as follows:

Federal Aviation Administration grant:	\$1,903,817
Juneau International Airport match:	\$ 65,508

This phase of the RSA project includes Design, Engineering, and Construction of approach lighting to runway 8.

The FAA funds 93.75% of the project with the remainder split between Alaska DOT and Juneau International Airport.

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

The Airport Board approved this action at its February 20, 2013 special meeting.

I recommend this ordinance be introduced and set for public hearing at a Special Assembly meeting to be held on July 8, 2013.

2. Resolution

a. **Resolution 2651**

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 Facility Plan Updates for the Juneau Douglas Wastewater Treatment Plant and the Mendenhall Wastewater Treatment Plant.

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

- Juneau-Douglas Wastewater Treatment Plant Facility Plan Update:
\$100,000; and
 - Mendenhall Wastewater Treatment Plant Facility Plan Update:
\$190,000
- Total Loan: \$290,000

This loan would be used to update the wastewater facility plans for the Juneau-Douglas Wastewater Treatment Plant (JDWWTP) and the Mendenhall Wastewater Treatment Plant (MWWTP).

The JD Plant is an aging facility originally constructed in the 1970's and in need of significant rehabilitation. DEC inspected the facility on September 28, 2011 and issued a Technical Inspection Summary which included a recommendation that a new facility plan be prepared by a consultant. This updated facility plan will respond to the DEC inspection team's recommendations and will evaluate improvements to the plant's headworks, aeration and digester basins, biosolids processing, and other critical plant components.

The Mendenhall Plant was originally constructed in the 1970's as an aerated bio-filter facility, and in the 1980's was converted to a sequential batch reactor plant. The new wastewater facility plan is expected to address the fats, oils and greases interception at the plant's headworks, oxygenation delivery, and associated energy reduction in its sequential batch reactor basins, biosolids processing and truck loading, possible modifications to its outfall structure, control upgrades and other plant components aimed at prolonging the useful life, improving environmental compliance, and reducing operating costs for the facility.

The terms of the low interest loans under the State of Alaska DEC Revolving Loan Fund program are 20-year repayment at 1.5-percent interest. The project loans will be repaid with Wastewater Utility customer revenues.

The Public Works and Facilities Committee recommended Assembly adoption of this resolution at its May 20, 2013 regular meeting.

I recommend this resolution be adopted.

b. **Resolution 2652**

A Resolution De-Appropriating \$2,238 From The Ski-To-Sea and Dive Park Underwater Trails and \$325 From The Juneau Nordic Ski Trails Capital Improvement Projects.

This resolution is a housekeeping measure that would de-appropriate \$325 in ADNR Trails Grant Funding, for the “Eaglecrest Nordic Trail Development Grant”, and \$2,238 in funding from the U.S. Department of Transportation, Federal Highway Administration for the “FHWA Ski to Sea Trail Grant”.

These were both reimbursable grants and the capital projects funded with these grants are completed and no further expenditures can be allocated to them, therefore the grant money requires a de-appropriation. The amount of the de-appropriation represents the difference between the budgeted and actual expenditures.

The originating ordinances were 2009-08(AL) and 2005-11(J) respectively.

I recommend this resolution be adopted.

c. **Resolution 2653**

A Resolution De-Appropriating \$168,270 from the Cruise Ship Berth Enhancement Capital Improvement Project.

This resolution would de-appropriate \$168,270 in State Marine Passenger funds previously budgeted to the Downtown Cruise Ship Berth Enhancement Capital Improvement Project.

Ordinance 2011-11 appropriated State Marine Passenger Fees of \$4,265,000 from the State of Alaska Department of Revenue as funding for the Downtown Cruise Ship Berth Enhancement Capital Improvement Project, however, only \$4,096,730 was actually received.

The Public Works and Facilities Committee recommended this action at its May 20, 2013 meeting.

I recommend this resolution be adopted.

d. **Resolution 2654**

A Resolution De-Appropriating \$22,406 from the Taku Harbor Transient Moorage Facility Capital Improvement Project.

This resolution would de-appropriate \$22,406 in Alaska Department of Fish and Game grant funds previously budgeted to the Taku Harbor Transient Moorage Facility capital improvements project.

Ordinance 2008-15(BB) appropriated a \$93,000 grant from the Alaska Department of Fish and Game as funding for the Taku Harbor Transient Moorage Facility.

The Taku Harbor Transient Moorage Facility project is complete and will have no further qualifying grant expenditures.

The Public Works and Facilities Committee recommended this action at its May 20, 2013 meeting.

I recommend this resolution be adopted.

e. **Resolution 2655**

A Resolution Ratifying the Labor Agreement Between the City and Borough and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO.

This resolution would provide Assembly ratification of the terms of the tentative agreement negotiated between the City and Borough and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO, for a collective bargaining agreement scheduled to go into effect on July 1, 2013, and expire on June 30, 2016.

The tentative agreement includes economic modifications to the pay plan and to the employer's contribution for health insurance. The total cost increase of these provisions over the life of the contract are projected to be approximately \$857,400.

In addition, there are minor operational changes that will increase administrative efficiencies and foster a more harmonious and cooperative workplace.

This tentative agreement has been ratified by the PSEA membership, and the economic terms are in keeping with Assembly direction.

I recommend this resolution be adopted.

VIII. PUBLIC HEARING

A. Ordinance 2013-14

An Ordinance Relating to Noise, and Amending the Disturbing the Peace Code.

This ordinance would amend the disturbing the peace code relating to noise. It is a subset of the noise ordinance, which would also make changes to the Land Use Code and has been reviewed by the Planning Commission on several occasions. The disturbing the peace code needs updating and this ordinance would accomplish that. It clarifies the definitions of disturbing the peace and other terms, clarifies the day-time and night-time hours for which differing noise standards are included, and clarifies the standards for a construction noise permit for operating outside of the day-time hours set forth in the code.

I recommend this ordinance be adopted.

B. Ordinance 2012-20(AS)

An Ordinance Appropriating to the Manager the Sum of \$16,164 as Funding For The Law Enforcement Liaison Program, Grant Funding Provided by the State of Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

This ordinance would appropriate \$16,164 for the Law Enforcement Liaison Program. Grant funding is provided by the Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office. This grant has no match requirements. This program was created by the Alaska Highway Safety Office to increase and stimulate the planning and development of aggressive, highly visible state and local enforcement efforts in the area of impaired driving and seatbelt enforcement.

I recommend this ordinance be adopted.

C. Ordinance 2012-20(AT)

An Ordinance Appropriating To The Manager The Sum Of \$300,000 As Additional Funding For The Capital City Fire/Rescue, Emergency Services Program Fiscal Year 2013 Operating Budget, Funding Provided By The General Fund Fund Balance of \$300,000.

This ordinance would appropriate an additional \$300,000 to the FY13 Capital City Fire/Rescue operating budget. Funds will be provided by the General Fund fund balance.

Though Capital City Fire/Rescue FY13 general operations expenditures are within the approved budget two issues resulted in the needed supplemental:

- 1) Unanticipated ambulance revenue collection shortfalls from prior and current years (\$250,000)
- 2) Replacing 2 rescue boats with the understanding that the costs would be eligible for federal Secure Rural Schools Title III funding (\$50,000).

Write-offs for uncollectable billings had been growing during recent years but the budgeted revenues had not been updated. The FY14 budget does provide for the reduction in revenues. We are still working with the Forest Service regarding potential reimbursement but at this time the decision provided to CBJ is that the boats do not qualify for reimbursement.

This ordinance was introduced at the Special Assembly meeting on June 10, 2013.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Appeal of USE2012 0019 – Dau Appeal Lemon Creek Gravel Extraction–Request for Reconsideration by Appellants.

X. NEW BUSINESS

- A. Appeal of AME2013 0007 – Comprehensive Plan Map Amendment for Honsinger Pond **Bicknell, Inc. - Appeal Of Planning Commission Notice of Decision Regarding AME2013-0007 An Application for Planning Commission Recommendation to the City of Borough Assembly to Amend the Comprehensive Plan Map G from Resource Development to mix of Industrial, General Commercial, and Resource Development in the Area of Honsinger Pond.**

On May 21, 2013, the Planning Commission issued a final decision denying the Comprehensive Plan Map Amendment referenced above. The petitioner, David R. Blommer, representing Bicknell, Inc., filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Monday, June 10, 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 CBJ Appeals 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 Appeals 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

A. CBJ Regular Municipal Election - Timeline Information

In your packet is the December 26, 2012 memo from Municipal Clerk Laurie Sica outlining the various deadlines related to the October 1, 2013 Regular Municipal Election. Also included in your packet is a Quick Reference Dates List, which summarizes the key dates associated with the election. As you can see reflected in these dates, if the Assembly wishes to include any propositions to this year's ballot, now is the time to begin work on the ordinances.

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. City Manager Evaluation
- B. City Attorney Candidates

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