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

Monday, January 7, 2013, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2013-01

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Tony Stoinich – Wastewater Collections Supervisor

IV. APPROVAL OF MINUTES

A. December 11, 2012 – Special Assembly Meeting 2012-33
B. December 17, 2012 – Regular Assembly Meeting 2012-34
C. December 19, 2012 – Special Assembly Meeting 2012-35

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 2012-20(AC)
An Ordinance Appropriating To The Manager The Sum of $6,186.03 As Funding To Support Emergency Medical Public Safety Awareness, Funding Provided By A Donation From The Medic I Fund.

This ordinance would appropriate $6,186.03 to allow Capital City Fire / Rescue to provide CPR training and purchase of training aids and materials for public awareness and training. Funding would be provided through the Medic I Fund.

The Medic I Fund was established prior to 1989 through small donations to be used to support public safety awareness for the entire CBJ community. The use of Fund

proceeds was determined by a volunteer group (the Medic I Fund Committee) which has disbanded. The Fund has been inactive for approximately 20 years and the $6,186.03 is the balance remaining in the Fund.

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

b. Ordinance 2013-01
An Ordinance Amending the Land Use Code By Adopting a Revised Juneau Downtown Historic District Map.

This ordinance would adopt into the Land Use Code a revised version of the Juneau Downtown Historic District Map, with new boundaries. The only change would be to exclude from the District the block bounded by Seward Street, Front Street, Shattuck Way and Municipal Way. The purpose of the revised map is to facilitate the development of the proposed Walter Soboleff building by the Sealaska Heritage Institute without the design constraints imposed by the Historic District requirements, *e.g.*, height restrictions. It would remove from the District the parcel on which the building is proposed. The Historic Resources Advisory Committee (HRAC) considered the proposed map change at its meeting of December 19, and recommended an amendment to the proposed map, which would leave the first five feet of the frontage on Front Street in the Historic District.

There are exhibits attached to the ordinance as follows: Exhibit A1 is the proposed revised map; Exhibit A2 is an alternate view illustrating the area to be removed from the District; Exhibit B1 is the revised map as recommended by the HRAC; Exhibit B2 is an alternative view of the HRAC recommended map; Exhibit C is the existing Historic District boundary map. The Planning Commission is scheduled to consider this ordinance at its meeting of January 8. Adoption of the revised map would minimize required changes to the design proposed by the Sealaska Heritage Institute, which would require a conditional use permit to be granted by the Planning Commission; this ordinance would not address the issues of parking and awnings as required by the existing Code.

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

c. Ordinance 2013-02
An Ordinance Creating Local Improvement District No. 96, Auke Lake Sewer 2013, Consisting Of Construction of a Sanitary Sewer System That Would Provide Municipal Sewer Service to the Properties Along Glacier Highway From the Top Of Pederson Hill to Fritz Cove Road.

This ordinance would create LID No. 96 for the purpose of providing sewer serving the property owners within the Auke Lake Sewer 2013, LID 96 boundary (along Glacier Highway from the top of Pederson Hill to Fritz Cove Road). The total of all proposed assessments for this project is $23,400.

An informal poll was conducted of the property owners in this LID area. As of December 5, 2012, 8 responses were received from a total of 14 properties. All 8 responses were in favor of the LID.

LID 96 was reviewed by the Public Works and Facilities Committee at its December 10, 2012, meeting and forwarded to the full Assembly.

Notices will be published in the newspaper and have been sent to the residents in the LID area so they would be aware that they would have the opportunity to make their views known to the Assembly at the public hearing.

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

d. Ordinance 2013-03
An Ordinance Amending the Land Use Code Relating to Minimum Vegetative Cover Requirements in Mixed Use Zoning Districts.

The proposed ordinance would amend Title 49, the Land Use Code, to eliminate vegetative cover requirements in the Mixed Use (MU) district and require Public Institutional Uses to comply with vegetation requirements as specified by the underlying zoning district.

The Mixed Use district is located in the historic downtown core area. Historically, vegetative cover was not required and development was encouraged to cover the entirety of the site. This is reflected in the current development standards that do not require setbacks in the MU district. In recent times, many variances have been granted to the MU's 5% vegetative cover requirement because it is impossible to provide vegetative cover on a site using standard construction techniques when full build out is encouraged.

Additionally, Public Institutional Uses are currently required to provide a minimum of 30% vegetative cover onsite. This ordinance would allow the underlying zoning district's vegetative cover requirement for Public Institutional Uses to be applied in the same manner as it is for all other developments.

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

2. Resolutions

a. Resolution 2620
A Resolution Adopting a Municipal Drinking Water Supply Plan.

This Resolution would adopt the Municipal Drinking Water Supply Plan dated June 12, 2012.

The Plan outlines an approach for the management of the CBJ's two water supply systems, at Gold and Salmon Creeks. Adherence to the plan would ensure that the CBJ would continue to be able to provide the public with a sufficient quantity and

quality of drinking water and be able to provide water for community growth. While study and planning of municipal water supply issues was motivated by the inquiry into a potential redevelopment of the AJ Mine, this plan was written anticipating that the mine may or may not be developed in the future.

The Plan calls for protecting and maintaining both the Gold Creek and Salmon Creek water supply systems and calls for the installation of a filtration system that would allow Salmon Creek to become a year-round system.

I recommend this resolution be adopted.

3. Transfer

   a. T-940
   Transferring $192,080.21 from the Mendenhall Treatment Plant Mechanical and Control Repairs Capital Improvement Project (CIP) to provide additional funding for the Mendenhall Treatment Plant SCADA /operations system.

   It is hereby ordered by the Assembly that $192,080.21 be transferred from CIP U76-092, Mendenhall Treatment Plant Major Mechanical and Control Repairs, to CIP U76-004, Wastewater SCADA Improvements.

   The $ 192,080.21 consists of:

Temporary Sales Tax Revenues	$158,000.00
Wastewater Fund Balance	$ 34,080.21

   This transfer request was reviewed at the Public Works and Facilities Committee on December 10, 2012.

   I recommend this transfer be approved.

VIII. PUBLIC HEARING

A. Ordinance 2011-11(AR)
An Ordinance Repealing Ordinance 2011-11 (AQ), and Appropriating To The Manager The Sum Of $4,057,161 To Fund The City And Borough's Fiscal Year 2012 Public Employee Retirement System Contribution; Funding Provided By The Alaska Department Of Administration.

This ordinance would repeal ordinance 2011-11(AQ) and appropriate $4,057,161 to fund the CBJ FY12 PERS contribution. The original ordinance materially understated the PERS costs allocated to the Police and Fire Departments and overstated cost for other departments and funds.

This ordinance would accept state funding for PERS benefits citywide by $4,057,161 to reflect the amounts paid directly by the State into the PERS on behalf of the CBJ. The Alaska Department of Administration's general fund will fund the appropriated amount set by HB 108 passed during the 2011 legislative session. Adoption of this ordinance would not affect the CBJ's net budget.

I recommend this ordinance be adopted.

B. Ordinance 2012-20(AA)
An Ordinance Appropriating To The Manager The Sum Of $1,320.11 As Funding For A Mobility Manager, Grant Funding Provided By The Alaska Department of Transportation and Public Facilities.

This ordinance would re-appropriate $1,320.11 in unexpended FY12 funds from the State Matching Grant for the Mobility Management Grant. The original FY12 appropriation was $1,780.53 for the Matching Grant, which expired on 6/30/2012. The State has amended the grant agreement to allow for an extension through 6/30/2013. The Mobility Manager grant provides funds to coordinate resources and increase support of Coordinated Human Services Transportation providers.

I recommend this ordinance be adopted.

C. Ordinance 2012-20(AB)
An Ordinance Appropriating To The Manager The Sum of $225,000 As Funding For A Rate Study For The Wastewater and Water Utilities, Funding Provided By The Wastewater and Water Utilities' Fund Balances.

This ordinance would appropriate $225,000 to perform a current rate study for the Water and Wastewater Utilities.

The CBJ Public Works Department is updating the 2003 Water and Wastewater Utility Rate Study. The goal of the update is to ensure timely revisions are made to the rates charged to the customers of the water and wastewater systems. The rates are intended to cover the actual costs of operating the systems as well as set aside the anticipated financial resources needed for future replacement and improvements to the systems on a basis that is equitable to the customers.

The last rate study update was performed in 2003 and it is common practice to update the rate study on a ten-year cycle.

The cost of the study is estimated to be $225,000 with $150,000 coming from the wastewater fund balance and $75,000 coming from the water fund balance.

The study will include:

- Benchmarking with other communities
- Review of current rates
- Review of current rate structure
- Estimation of replacement and improvements costs for the next 10 years
- Discussion of expanded metering; pros and cons
- Analysis and recommendation of new rate structure
- Public input as recommended by the consultant
- Presentation of report

The Utility Advisory Board reviewed this request at its November 15, 2012 meeting and recommended forwarding it to the Assembly for approval.

The Public Works and Facilities Committee reviewed this request at its December 10, 2012 meeting and recommended forwarding it to the Assembly for approval.

I recommend this ordinance be adopted.

D. Ordinance 2012-47
An Ordinance Designating a Tax-Foreclosed Property Located at 650 St. Ann's Avenue for a Public Purpose.

The CBJ Finance Department, Division of Collections, foreclosed on several vacant properties in 2011, including Lot 3, Block 45A, Tyee Addition (650 St. Ann's Avenue, Douglas). The property is a small parcel (32' X 38') above Savikko Park, and includes hillside topography that further constrains the potential for development.

The CBJ owns property to the north and south of this lot. The properties are identified in the Land Management Plan for long-term retention, for the future expansion of St Ann's Avenue. Retaining this parcel would give the CBJ a good assemblage of property in this block to expand the ROW, or for other public purposes such as a transit stop, overflow on-street parking and snow storage. Under Alaska Statute 29.45.460(a), the CBJ is required to identify property tax foreclosure properties by ordinance for a public purpose or for disposal in a land sale. This ordinance would identify Lot 3, Block 45A, Tyee Addition for a public purpose.

The Lands Committee reviewed this request at its October 29, 2012 meeting and recommended forwarding it to the Assembly for approval.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Regulation by Docks and Harbors to Amend Section 05 CBJAC 45.040 – Speed Limits

The Docks and Harbors Board has proposed to amend the speed limit in Gastineau Channel established in Docks and Harbors Regulations, Section 05 CBJAC 45.040 and described on the map "Juneau Harbor Speed Limit Boundaries."

Notice was provided according to CBJ 01.60.200 – 220. The Docks and Harbors Board held a public hearing on this matter on December 20, 2012, and accepted public comments through December 31, 2012. One written comment was received in support of the amendments and verbal comments were heard at the public hearing (minutes provided in packet.)

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct

particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

B. Veterans For Peace - Appeal Of Planning Commission Notice of Decision Regarding Conditional Use Permit USE2012-0016, To Construct An Indoor Shooting Range At 1720 Crest Street.

On December 14, 2012, the Planning Commission issued a final decision granting the Conditional Use Permit referenced above. The petitioner, Philip J. Smith representing Veterans for Peace Chapter 100, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Wednesday, January 2, 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 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
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. Finalization of Assembly Decision in Osborne Appeal of USE2011-0030 – Dock Project 16b.

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