I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. AEL&P Presentation
B. Employee Recognition – Treasury Staff

IV. APPROVAL OF MINUTES

C. September 21, 2009 – Regular Assembly Meeting 2009-19

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 2009-15

   An Ordinance Adopting The Non-Motorized Transportation Plan.

This ordinance would adopt the Juneau Non-Motorized Transportation Plan (JNMTP). The JNMTP promotes active transportation by guiding development of a community-wide bicycle and walking network of paths, trails, and sidewalks.

The Affordable Housing Commission, Planning Commission, and Parks and Recreation Advisory Committee (PRAC) approved the draft plan and recommended the Assembly adopt the plan. At the August 17, 2009 Public Works and Facilities Committee meeting there were questions concerning the cost of implementing some
of the policy recommendations. The directors and staff of the Parks and Recreation, Community Development, Engineering, and Public Works departments, and Lands and Resources division met to address these concerns.

The goals of the plan are: to encourage an increase in bicycling, walking, and other active forms of transportation by providing safe, cost-effective, efficient, and easy-to-use facilities that connect activity centers; to improve Juneau’s non-motorized transportation network and reduce the number of bicycle- and pedestrian-related accidents by identifying unsafe conditions, and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections, and crosswalks; to develop a maintenance program along select bicycle paths, sidewalks near schools, transit stops, and busy pedestrian areas; and to encourage enhanced cooperation among multiple agencies and departments by incorporating innovative approaches to street design early in the process prior to construction that address the needs of all users - pedestrians, cyclists, public transit riders, and motorists.

The present draft reflects public comments received in five public meetings, attended by more than 100 residents; a questionnaire and map mark-up generated more than 400 individual comments from meetings and the website; research and field surveys focused on safety and data analysis from JPD and ADOT - and staff recommendations from Parks and Recreation, CDD, Land and Resources, Engineering, ADOT and other community organizations. Infrastructure improvement projects that are recommended in the plan reflect public comments, health and safety criteria, proximity to community destinations, and housing density (based on current zoning).

A memo outlining changes to Chapter 8 is included in the packet.

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

b. Ordinance 2009-21

**An Ordinance Amending The Animal Control Fine Schedule.**

This ordinance would amend the current Animal Control Fine Schedule; the changes are generally minor housekeeping items. The Animal Control Fine Schedule has not been updated since 2000.

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

c. Ordinance 2009-08(R)

**An Ordinance Appropriating To The Manager The Sum Of $35,894 As Funding For The Purchase Of Law Enforcement Services Equipment; Grant Funding Provided By The United States Department Of Justice.**

This ordinance would appropriate a $35,894 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance grant to purchase equipment aimed at enhancing law enforcement services provided to the community, and officer safety.
I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2009-08(S)

**An Ordinance Transferring $103,500 To The Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided By Unexpended FY08 And FY09 Marine Passenger Fees.**

This ordinance would transfer $103,500 of unexpended Marine Passenger Fees (MPF) revenue, budgeted for specific purposes in FY08 and FY09 and not expended by end of the year, to the Open Space Waterfront Land Acquisition Capital Improvement Project (CIP). This transfer is consistent with the Assembly’s standing direction on the transferring of unexpended MPF funds.

The FY08 transfer consists of:

- Downtown Sidewalk Maintenance Funds $37,800
- Downtown Foot and Bike Patrol Funds $5,300
- Downtown Ambassador Program Funds $17,100
- JCVB Crossing Guard Funds $10,200

The FY09 transfer consists of:

- Downtown Sidewalk Maintenance Funds $7,900
- Downtown Foot and Bike Patrol Funds $15,700
- Downtown Ambassador Program Funds $3,000
- JCVB Tourism Funds $1,000
- Funds Allocated for Vacuum Sweeper $5,500

For accounting purposes, the funds are first refunded to the Marine Passenger Fee Fund and then they are transferred to the Open Space Waterfront Land Acquisition CIP.

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

2. Resolutions

a. Resolution 2498

**A Resolution Authorizing The City Manager To Enter Into An Amendment To The City And Borough PERS Plan To Allow For The Exclusion From PERS Of The Position Of City Manager Effective November 1, 2009, Pursuant To AS 39.35.**

The Assembly has extended an offer of employment to a current Public Employees’ Retirement System (PERS) retiree. This resolution would request from the State an amendment to the current CBJ PERS contract to eliminate the position of City Manager from PERS effective November 1, 2009.
I recommend this resolution be adopted.

b. Resolution 2499

A Resolution De-Appropriating $8,500 Of Federal Aviation Administration Grant Funding From The Gate F Construction And The Acquire 20-Yard Dump Truck Capital Improvement Projects.

This resolution would de-appropriate $1,000 from the Gate F Construction Capital Improvement Project (CIP), and $7,500 from the Acquire 20 Yard Dump Truck CIP. These funds were provided by the Passenger Facility Charge (PFC) program to match Federal AIP grants. The two projects will not be started within the time prescribed by the PFC program, due to a delayed schedule for the AIP grants.

The Airport Board, at its September 9, 2009 meeting, requested this action.

I recommend this resolution be adopted.

3. Bid Award

a. Bid # 10-066 -Track Type Oversnow Vehicle.

Bids were opened on September 17, 2009. Only one bid was received. The single bid received was from Kassbohrer All Terrain Vehicles, Inc., in the amount of $283,661. This contract is for the purchase of one Track Type Oversnow Vehicle used by Eaglecrest Mountain Operations.

Funding Sources: 602-67-5-02-21-510, Fleet

Initial Encumbrance: $285,000

I recommend award of this project to Kassbohrer All Terrain Vehicles, Inc., as the sole bidder, for a total award of $283,661.

VIII. PUBLIC HEARING

A. Ordinance 2009-20

An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of A Portion Of Alaska Tidelands Survey No. 43, Located At Approximately 1.5 Mile North Douglas Highway On Gastineau Channel, For An Existing Mobile Home Park Known As Waterside Park, And Waterfront Related Uses.

This ordinance would authorize the Port Director to negotiate the renewal of a tidelands lease with Myron Klein for a portion of Alaska Tidelands Survey No. 43. The leased property has been used for many years for a portion of Waterside Park, a 32-space mobile home park located at 5010 North Douglas Highway.

This was originally a State tidelands lease. Administration of the lease was transferred to the CBJ in 2001 when ATS No. 43 was conveyed to the CBJ. Mr. Klein, the current leaseholder, has requested that CBJ renew the lease prior to its scheduled renewal date.
(year 2016) so that the property will remain eligible for long-term financing. The lease rate of $.04 per square foot per year ($6,040 per year) was set by the Docks and Harbors Board in 2008 and that rate would remain in effect for the first five-year term of the new lease.

The Docks and Harbors Board conducted two public hearings on the request for renewal. The Board approved the request at its meeting of August 27, 2009.

The Assembly Lands Committee reviewed the lease proposal at its August 31, 2009 meeting and recommended that the Assembly approve the proposal.

I recommend this ordinance be adopted.

B. Ordinance 2009-22(b)

An Ordinance Amending The Land Use Code To Create The Single-Room Occupancy Housing Type And To Amend The Permitting Process For Accessory Apartments.

The proposed ordinance originated with the Affordable Housing Commission (AHC) requesting that Community Development Department (CDD) draft an ordinance creating the Single Room Occupancy (SRO) housing type to fulfill an unmet need for small efficiency dwellings in Juneau.

The AHC also asked CDD staff to revise particular sections of the Accessory Apartment provisions of the Land Use Code, specifically to allow detached accessory apartments not connected to a garage and adding greater flexibility to accessory apartment design. The Glory Hole, St. Vincent de Paul, and Housing First have also expressed interest in, and support of, these changes to the Land Use Code. The Affordable Housing Commission reviewed the final draft of the proposed ordinance at its August 11, 2009 meeting and recommended approval. A public hearing was held at the Planning Commission meeting of August 25, 2009. The Planning Commission recommended approval.

I recommend this ordinance be adopted.

C. Ordinance 2009-23

An Ordinance Authorizing The Manager To Convey Lot 14, Block D, Greenwood Subdivision, At Not Less Than Fair Market Value By Negotiated Sale In Support Of The Juneau-Douglas High School Home Building Project.

The Juneau School District has expressed a desire to reinstitute the High School Home Building Program. The Assembly has supported the Program for a number of years by conveying land at no less than fair market value. The Assembly adopted a motion to allow the manager to negotiate a sale of the property to the Juneau School District at its June 8, 2009 meeting.

The Assessor’s office reviewed the value of the property and concluded that the $65,000 assessed value is also representative of fair market value. An independent fair market value appraisal was requested by David Means, Director Administrative Services, Juneau School District, to facilitate negotiations for a purchase price, including consideration for site development costs. The September 22, 2009 appraisal provides a market value
estimate of $70,000 for the property. Based on two different fair market value estimates, the manager has negotiated a purchase price for the property of $65,000, consistent with ongoing discussions with the Juneau School District. The Lands Committee passed a motion of support for the conveyance of the property at its June 8, 2009 meeting.

I recommend this ordinance be adopted.

D. Ordinance 2009-08(P)

An Ordinance Appropriating To The Manager The Sum Of $131,400 As Funding For The Juneau Arts And Cultural Center, Grant Funding Provided By The United States Department Of Energy.

This ordinance would appropriate an Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy in the amount of $131,400. This grant would be used to remove and replace the roofing system and remove existing high-bay windows and install new high-performance (triple-glazed) vinyl frame windows at the Juneau Arts and Culture Center. There is no match requirement for this grant.

I recommend this ordinance be adopted.

E. Ordinance 2009-08(Q)

An Ordinance Appropriating To The Manager The Sum Of $9,885 As Funding For The Purchase And Implementation Of A Crash Data Retrieval System, Grant Funding Provided By The Alaska Department Of Transportation And Public Facilities.

This ordinance would appropriate $9,885 for the purchase and implementation of a crash data retrieval system. Funding is provided by a grant from the State of Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

The Crash Data Retrieval system allows officers to retrieve information from vehicles equipped with “Event Data Recorders” that record driver inputs and vehicle movements when the vehicle is involved in a collision.

This grant has a $7,561 match requirement. $5,561 of that match requirement will be met with expenses of training time for two (2) officers to be accurately trained in using the system. The remaining $2,000 of the match requirement will be met with the purchase of a laptop for the crash data retrieval software.

The total cost of the system will be $17,446.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Ordinance 2009-12(d)

An Ordinance Amending the Animal Control and Protection Code.

This ordinance would update the Animal Control Protection Code to include the existing Parks and Recreation Dog Regulations, which were last updated in 2007, and many other
general updating and housekeeping items. The Animal Hearing Board has reviewed the proposed changes, as has the director of the Gastineau Humane Society. Version (d) makes two changes. First, it adopts the recommendation of the Special Committee to restore the definition of “competent voice control” as it appears in existing code. The second change corrects an existing erroneous cross reference to the Harbors code. A memo from the City Attorney is included in the packet.

I recommend this ordinance be adopted.

X. NEW BUSINESS

A. Regulations: Adoption of Downtown Historic District Design Standards and Guidelines.

After a collaborative effort by various stakeholder groups, the general public, and with consultation from Winter & Company, a consulting firm; the proposal is the adoption of new Downtown Historic District Design Standards and Guidelines as regulation. The new document will supersede the existing Juneau Downtown Historic District Design Standards document and Title 4 Community Development Department regulations, Chapter 80 Historic District Standards. These changes affect only properties located within the Juneau Downtown Historic District map, dated June 5, 2006. The adoption of the new regulations does not alter the permitting procedure or require a property owner to change their building retroactively in any way. The new regulations will provide property owners, contractors, and CBJ Planning staff with the tools necessary to design, evaluate, and develop buildings consistent with the existing Juneau Downtown Historic District.

There is no financial impact to the Community Development Department from this regulation change.

These changes were advertised for public comment from August 31, 2009 through September 22, 2009 and no public comments were received.

At an Assembly and Planning Commission Committee of the Whole meeting on May 27, 2008, the new Downtown Historic District Design Standards and Guidelines were reviewed. The Planning Commission, at its September 22, 2009 meeting, adopted the regulations and made a recommendation that the Assembly adopt the new Downtown Historic District Design Standards and Guidelines as regulation.

CBJ Ordinance 01.60.260 provides the Assembly with three courses of action:

1. The Assembly may take up consideration of the regulation and approve it;
2. The Assembly may choose not to take up consideration of the regulation in which case the regulation shall be deemed approved; or
3. The Assembly may disapprove the regulation. If the Assembly disapproves the regulation, it shall return the regulation to the Community Development Department or direct the regulation be considered as an ordinance or resolution.
If the Assembly returns the regulation, it may state the reasons for the disapproval but shall not establish explicit conditions for subsequent approval or direct particular amendments to the regulation.

XI. STAFF REPORTS

A. Planning and Construction Activity – Dale Pernula

XII. ASSEMBLY REPORTS

A. Mayor’s Report
   1. Juneau/Whitehorse Air Connection
   2. Recognition for Service – Sara Chambers
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