

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

Monday, November 22, 2004 7:00 – 11:00 PM

Assembly Chambers – Municipal Building

Regular Meeting No. 2004-33

Submitted by: _____

Rod Swope
City & Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Employee Recognitions

IV. APPROVAL OF MINUTES

- A. October 24, 2004 - Assembly Retreat
- B. October 25, 2004 – Regular Meeting 2004-30
- C. October 27, 2004 – Special Meeting 2004-31
- D. November 15, 2004 – Special Meeting 2004-32

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

a. Ordinance 2004-41

An Ordinance Exempting Encroaching Parts of the Island Pub Building from Compliance with Certain Parts of the Public Ways and Property Code, for Temporary Use of the City and Borough Right-of-Way in 2nd Street, Douglas,

for the Purpose of Constructing and Maintaining a Porch and Canopy in the Right-of-Way.

The new owners of Mike's Place in Douglas are completing a large renovation of their commercial property, now termed the Island Pub. As part of that renovation, the owners built a canopy over the Second Street right-of-way as a covering over their porch. There is no provision in the CBJ code, other than within the Historic District or by non-code ordinance, to allow for an administratively permitted use of a canopy in the right-of-way. This ordinance would allow the Manager to permit temporary use of the right-of-way to construct and maintain a canopy.

Should CBJ need to use this right-of-way, CBJ may exercise its rights under an agreement. The ordinance authorizes the Manager to enter into an agreement with the owners that CBJ may order removal of the canopy at the owner's expense, after adequate notice is provided.

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

b. Ordinance 2004-42

An Ordinance Amending the Fine Schedule for Docks and Harbors.

This ordinance amends the fine schedule of boat harbor offenses that can be disposed of by fine. The amendments correct cross-reference discrepancies between the fine schedule and Title 85, the docks and harbors ordinance. The amendments change the minimum fine amount from \$10 to \$25 to match the minimum fine amount imposed by other CBJ departments. The amendments impose a new fine schedule for violations of waterfront vendor, loading, and commercial use permits and regulations. The Docks and Harbors Board recommends the new fine schedule as a means to improving waterfront vendor and loading zone operations.

The Docks and Harbors Board reviewed the amendments at its October 12, 2004 and October 28th meetings and recommended that the Assembly adopt the changes. The Assembly Committee of the whole reviewed this ordinance at its meeting of November 15, 2004.

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

c. Ordinance 2004-14(T)

An Ordinance Appropriating to the Manager the Sum of \$9,037 as Partial Funding to Acquire Land for Noise Compatibility, Funding Provided by the Federal Aviation Administration.

This project purchased land identified as being located in an area beyond acceptable noise limits for habitation, as required by the Federal Aviation Administration. The acquired property is referred to as the Gute Property.

Total project costs were \$350,889.00. Local match is provided by Passenger Facility Charges (PFC) in the ratio 93.75% AIP (\$328,958.00) to 6.25% PFC (\$21,931.00). Previously appropriated amounts were \$319,921 AIP, and \$21,329 PFC. The closeout amendment increase to the AIP grant has been approved by the FAA. A PFC match appropriation is pending to close out that obligation.

The Airport Board approved this action at their November 10, 2004 meeting.

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

d. Ordinance 2004-14(U)

An Ordinance Appropriating to the Manager the Sum of \$105,000 as Partial Funding for Pump-Out Stations in Aurora, Harris and Douglas Harbors, Funding Provided by the Alaska Department of Fish and Game.

This ordinance appropriates a grant from the Alaska Department of Fish & Game (ADF&G) for recreational boat sewage pump-out station improvements.

ADF&G provided CBJ a \$75,000 grant a little over a year ago for sewage pump-outs in Aurora Harbor. Subsequent to this grant, harbor staff applied for supplemental funds for sewage pump-outs in other harbors. ADF&G recently provided a revised grant of \$180,000 to replace the original grant. The grant is expanded to include Harris and Douglas Harbors.

The ordinance appropriates the additional funds provided by ADF&G. The Harbor Board approved this action at their September 23, 2004 meeting.

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

e. Ordinance 2004-14(V)

An Ordinance Appropriating to the Manager the Sum of \$3,902 as Partial Funding for the Terminal Expansion Study at the Juneau International Airport, Funding Provided by the Passenger Facility Charges.

The Terminal Expansion Study, Phase I is complete; \$3,902 is required to closeout the project.

This appropriation will increase the project budget to equal expenditures at project closeout. This project was the first phase in the study of the airport terminal with

regard to existing and forecast needs of passengers, air carriers, and terminal lease tenants.

The Airport Board approved this appropriation at their October 20, 2004 meeting.

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

2. Resolutions

a. Resolution 2283

A Resolution Authorizing the Manager to Convey an Easement Over Municipal Property Located Along Glacier Highway on a Fraction of U.S. Survey 1174, Near Windfall Lake Road, to the State of Alaska for Construction and Maintenance of a Public Parking Lot.

DOT/PF has requested an easement from the City in the vicinity of Windfall Lake Road to allow for the construction and maintenance of a public parking lot to provide access to the parklands and trails in that area.

The City recently acquired a large parcel of parkland near Herbert River that will be well served by this proposed parking lot. DOT/PF is willing to construct and maintain the parking lot, if the City grants the State a perpetual easement. A portion of the parking lot will be located inside the Glacier Highway right-of-way. However, according to the design, DOT/PF needs approximately 7,535 square feet of City land to accommodate the parking stalls and the fill slopes.

The Assembly Lands Committee and the Planning Commission reviewed and recommended approval of the proposed easements at their meetings on September 27, 2004, and October 12, 2004, respectively.

I recommend this resolution be adopted.

c. Resolution 2288

A Resolution Establishing the Fees for Copying, Certifying or Conforming Documents of the City and Borough of Juneau, and Repealing Resolutions No. 321, and 125.

This resolution pertains to copy costs for public information requests. The State of Alaska Open Records Act requires the city to provide access to and copies of public documents upon request, at a standard unit cost for duplication. The copy rates for public documents currently in effect exceed the "standard unit cost for duplication" and do not comply with the Open Records Act. The current rate was adopted by resolution in 1968, and reaffirmed in 1972, at \$1.00 for the first page and \$.25 for each additional page thereafter. A copy at the CBJ print shop now costs approximately \$.05 per page. This resolution proposes to change the outdated rate

for producing copies of public documents to the current rate at the CBJ print shop, and to allow for jobs to be completed by an outside print shop if workload necessitates. This resolution will provide a standard guide to all city departments making copies for the public and will bring CBJ into compliance with state statute.

Enclosed in your packet is the CBJ Request for Public Records Form and the CBJ Print Shop Pricing Sheet.

I recommend this resolution be adopted.

d. Resolution 2289

A Resolution Authorizing the Manager to Submit to the State of Alaska an Application for a Federal Grant For Evaluation of the Downtown Juneau Historic District.

This resolution supports the Community Development Department's ongoing Historic Preservation efforts through the CLG grant program, in which the federal government contributes 60 percent of the grant total to CBJ's 40 percent. This Phase I grant application will be used to hire a Historic Preservation Architect to evaluate and update the Historic District Design Standards, which were written in 1984. Public outreach, education, and recommendations for the Historic District and historic preservation will be a focus for Phase I. Phase II, a separate CLG application to be applied for next year, would entail re-write of the standards from recommendations gathered during public outreach.

I recommend this resolution be adopted.

e. Resolution 2290

A Resolution Adopting the All-Hazards Mitigation Plan for the City and Borough of Juneau.

This resolution formally adopts the federally-required CBJ Pre-Disaster Hazard Mitigation Plan. This plan was sponsored by the Capital City Local Emergency Planning Committee, and developed with significant committee and public input. It is the first phase of a hazard mitigation plan that fully developed (in accordance with FEMA guidelines) the first three of 10 hazards identified. Annual revisions will fully develop the remaining identified hazards, and add additional hazards as necessary.

This mitigation plan was funded through a FEMA grant. FEMA is the final federal approving agency, and has given their tentative approval pending CBJ adoption. Once adopted by the Assembly and approved by FEMA, CBJ will be eligible for federal disaster mitigation monies.

I recommend this resolution be approved.

f. Resolution 2291

A Resolution Reestablishing the Assembly Rules of Procedure, and Repealing Resolution No. 2240.

This Resolution amends two sections of the Assembly Rules of Procedure. The section providing that the Assembly Rules of Procedure expire on October 31, 2004 is deleted. The section discussing Assembly members' telephonic participation at meetings is amended to allow up to three members to participate via telephone, instead of only two members; deletes the limit on the number of meetings that a member can participate by phone; and deletes the restriction on participating telephonically from locations outside the United States. The Assembly unanimously approved the drafting of these amendments at their October 25, 2004 meeting.

I recommend this resolution be adopted.

g. Resolution 2293

A Resolution Amending the Rate and Fare Structure for the Capital Transit System, and Repealing Resolution Serial No. 2275.

This resolution amends the Capital Transit fare and rate structure to allow an exemption for qualifying low-income senior citizens. To be eligible for this program, an individual must be at least 65 years of age, must have an annual income of less than the federal poverty level, and must be receiving assistance from the Alaska Public Assistance Senior Care program. This program will be administered under agreement with local senior centers. This resolution makes no other changes to the rate and fare structure or to Care-a-Van services.

I recommend this resolution be adopted.

3. Transfers

a. Transfer Request T-788

Transferring \$69,348 from the People's Wharf Visitor Center Sidewalk Improvement capital project to the Steam Ship Wharf/Cold Storage Dock Improvement capital project.

This transfer compliments Ordinance 2004-14(R), which is scheduled for public hearing at tonight's meeting.

Ordinance 2004-14 modifies the scope of the Steamship Wharf/Cold Storage Dock Improvement capital project to improve pedestrian safety by resurfacing certain sidewalks near the cruise ship terminal and tram building.

Funds from this transfer will be used to construct concrete and asphalt sidewalk repairs along the Wharf as well as making ADA modifications to the Wharf. These funds will be added to dock maintenance funds so that one contract can be bid and the repairs completed by May 1, prior to the cruise ship season.

There will be no impact to the People's Wharf/Visitor Center Sidewalk Improvements capital project. The original budget for that project was \$95,000. Staff accomplished project goals under budget. This project will be closed as a result of this transfer.

The Docks & Harbors Board approved this project and fund source at its August 28, 2004 meeting.

Project/Description	Budget		Funds Available Balance		Status
	Before	After	Before	After	
Transferring From					
H354-87/People's Wrf Vstr Ctr SW Impr.	\$ 95,000	\$ 25,652	\$ 69,348	-	To be closed
Transferring To					
H354-89 SS Wrf/Cold Storage Dock Impr.	\$750,000*	\$819,348	\$377,405*	\$446,753	On going

*Assumes 2004-14(R) is adopted

I recommend this transfer be approved.

b. Transfer Request T-790

Transferring \$100,000 of areawide sales tax monies from the Downtown Capital Parking capital improvement project to the New Capital Building Planning capital improvement projects.

The Capitol Building Planning project is moving forward into the design competition. These monies are needed for continued staff support to the project, jury travel and expenses, and additional travel by members of the CBJ to promote this project statewide.

The Public Works and Facilities Committee heard this request at their November 22nd noon meeting. Due to the expedited nature of this request, and cancellation of the November 8th PWFC meeting due to the Assembly's attendance at the AML conference in Fairbanks, this transfer request was not heard previous to this noon meeting.

Project/Description	Budget		Funds Available Balance		Status
	Before	After	Before	After	
Transferring From					
P396-55/Downtown Capital Parking	\$330,000	\$230,000	\$233,521	\$133,521	On going
Transferring To					
D375-05/New Capital Building Planning	\$150,000	\$250,000	\$ 71,915	\$171,915	On going

I recommend this transfer be approved.

VIII. PUBLIC HEARING

A. Ordinance 2004-37

An Ordinance Amending the Property Tax Code to Reinstate the Residential Repair and Rehabilitation Exemption.

This ordinance reinstates the “Rehabilitation and Repair” property tax exemption. This exemption was inadvertently deleted in 2002 when the CBJ Code was recodified and reformatted by the Municipal Code Corporation.

The exemption is provided to residential property owners for the value of qualifying repairs, including repairs to eliminate health or safety hazards or violations; repairs of obsolete electrical, plumbing, and heating systems; roof repairs; repairs relating to energy conservation; repairs of gutters; remodeling to improve accessibility for the disabled; and repairs made to maintain the historic architectural character of a building. The exemption applies for four years, and is limited to \$10,000.

The exemption provides an incentive for property owners to improve the condition of their property, and provides an incentive for them to obtain building permits, assuring the construction is completed safely to building code standards. Staff has continued to apply this exemption because the code problem was only recently discovered. The fiscal impact of this exemption was \$37,131 in FY03 and \$41,054 in FY04.

Update: In order to enact property tax exemptions, municipalities, including CBJ, must have express statutory authority for those exemptions. A.S. 29.45.050 lists the various exemptions that municipalities may choose to adopt. This ordinance, as currently written, has been found not to comply with the requirements of that statute, in particular A.S. 29.45.050 (o), and must be pulled from the Agenda.

I recommend this ordinance be pulled from the Agenda.

B. Ordinance 2004-14(R)

An Ordinance Appropriating to the Manager the Sum of \$100,000 to Provide Additional Funds to Reconstruct the Wharf and Expand the Scope of Work to Include Reconstruction of Certain Sidewalks Within the Steam Ship Wharf/Cold Storage Dock Improvement Capital Project, Funding Provided by the Maintenance Tonnage Fees.

This appropriation ordinance will augment existing dock maintenance funds for reconstructing a portion of the Wharf. The ordinance will also modify the project scope to include reconstructing portions of the concrete sidewalk plaza at the Columbia lot (near the tram) and the asphalt sidewalk leading to the Intermediate Vessel Float and compliance with the Americans with Disability Act (ADA).

The dock maintenance work is needed to replace rotting timbers, which have resulted in heavy equipment breaking through decking. The sidewalk work is needed due to the uneven walking surfaces. The ADA work consists of constructing

a ramp on the Wharf to lessen the grade of the decline just south of the parking garage.

During the November 22nd meeting, when this appropriating ordinance is up for public comment, the Assembly will be requested to transfer the balance of Marine Passenger Fees in CIP #354-87, People's Wharf Sidewalk Improvements, into this project, #354-89. This transfer will fund the sidewalk and ADA portions of the modified project scope described above.

The funding in this appropriation and the funds approved by the transfer request will allow the project to be bid so construction can be completed before May 1, 2005, the start of the cruise ship season.

The Docks & Harbors Board approved this appropriation and funding sources at its August 26, 2004 meeting.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. STAFF REPORTS

- A. Volunteer Fire Recruitment
- B. Skinner Building
- C. Golf Course Lease
- D. Planning Commission Update

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

XVI. ADJOURNMENT

Note: Agenda packets are available for review at the Juneau Municipal Libraries and 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.