

AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA
Monday, August 7, 2000 7:00 – 11:00 PM
Assembly Chambers – Municipal Building
Meeting No. 2000-15

Submitted by: _____
David R. Palmer
City & Borough Manager

- I. FLAG SALUTE
- II. ROLL CALL
- III. SPECIAL ORDER OF BUSINESS
 - 1. Brad Campbell Proclamation
- IV. APPROVAL OF MINUTES
 - a. 7/24/00-Regular Meeting No. 2000-14
- 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 and Assembly Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

(Please note a do not pass recommendation on Resolution No. 2042)
 - B. Assembly Action
 - 1. Ordinances for Introduction
 - a. Ordinance No. 2000-11 (H)
An Ordinance Appropriating To The Manager The Sum of \$15,800 For The Juneau Convention And Visitors Bureau. Such Funds Provided By The Centennial Hall And Visitors Services Fund Unreserved Fund Balance.

This ordinance appropriates \$15,800 from the Centennial Hall and Visitors Services Fund unreserved fund balance to the Juneau Convention and Visitors Bureau (JCVB). During the preparation of the FY01 Budget, an

analysis of the FY00 hotel tax revenues indicated that actual revenues will come in higher than originally budgeted. JCVB's portion of the anticipated hotel tax revenue surplus is \$15,800.

After this ordinance is adopted the Centennial Hall and Visitors Services Fund unreserved fund balance is estimated to be \$192,000.

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

- b. Ordinance No. 2000-11 (I)
An Ordinance Appropriating To The Manager The Sum of \$15,388 As Partial Funding For Construction of The Perimeter Fence And Purchase of Snow Removal Equipment At The Juneau Airport. Such Funds, \$14,892, Provided By The Federal Aviation Administration And \$496, Provided By The Alaska Department of Transportation And Public Facilities.

This ordinance appropriates a \$14,892 grant amendment from the Federal Aviation Administration and a \$496 grant amendment from the Alaska Department of Transportation and Public Facilities in additional funding for the construction of the perimeter fence and purchase of snow removal equipment at the Juneau Airport.

This project has been completed for some time, and the City was waiting for the grant amendments so that the project could be financially closed. Pending receipt of the additional grant funds, expenditures were forward funded by the City using general sales tax funds previously appropriated for airport capital projects.

Once this ordinance is adopted, the sales tax funds will be transferred to the Airport Revolving Capital Reserve account to be available for local match for future airport capital projects.

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

- c. Ordinance No. 2000-11 (J)
An Ordinance Appropriating To The Manager The Sum of \$511,000 For Deferred Building Maintenance, Essential Building Repairs and Underground Fuel Storage Tanks. Such Funds Provided by The Alaska Department of Community And Economic Development.

This ordinance appropriates three grants awarded under the FY01 Alaska Department of Community and Economic Development Capital Project Matching Grant program. The local share for all projects was provided by the FY01 Budget Ordinance 00-11, as prioritized by Resolution Serial No. 2036, at levels equal to or greater than the State's requirement.

1. Project Title: Deferred Building Maintenance

Funding will be used to continue elimination of the backlog of major deferred building repair and maintenance projects of City owned facilities. The program goal is to eliminate all deferred maintenance projects within 8 years and to then address all building maintenance projects on an on-going schedule as part of the Essential Building Repairs Program.

State Funding Request:	\$264,000
Local Match:	<u>237,000</u>
Total FY01 Project:	<u>\$501,000</u>

2. Project Title: Essential Building Repairs

Funding will be used to continue with essential building repairs of City owned facilities. The primary purpose of the repairs is to avoid more serious problems which would occur if current situations are not immediately addressed.

State Funding Request:	\$171,000
Local Match:	<u>74,000</u>
Total FY01 Project:	<u>\$245,000</u>

3. Project Title: Underground Fuel Storage Tanks

Funding will be used to continue the CBJ on-going effort to repair or replace underground fuel storage tanks at CBJ facilities and buildings. The work is necessary to bring CBJ facilities and buildings into compliance with Alaska Department of Environmental Conservation and U. S. Environmental Protection Agency regulations.

State Funding Request:	\$ 76,000
FY01 Local Match:	<u>33,000</u>
Total FY01 Project:	<u>\$109,000</u>

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

- d. Ordinance No. 2000-34
An Ordinance of The Assembly of The City And Borough of Juneau, Alaska, Providing For The Issuance And Sale of General Obligation School Bonds of The City And Borough In The Aggregate Principal Amount of \$2,343,000 For The Purpose of Financing Certain School Capital Improvements Pursuant To An Election Authorizing The Same; Providing The Date, Form, Terms And Maturities of The Bonds To Be Issued And For Unlimited Tax Levies To Pay The Principal Thereof And Interest Thereon; Appointing A Registrar And Paying Agent For Such

Bonds; Authorizing A Preliminary official Statement; Undertaking To Provide Ongoing Disclosure And Approving The Sale of Such Bonds.

This ordinance will authorize the issuance of the remaining \$2,343,000 in general obligation School Bond debt approved by the voters on October 5, 1999. This is the balance of the original \$3,000,000 in voter authorization less the \$657,000 in bonds issued earlier this year. The Bonds will be issued in increments of \$5,000 and sold through a competitive bid process. The maturity of the bonds will range from 1 to 15 years as authorized. Bids will be accepted on October 2, 2000 and presented to the Assembly for approval during the regular Assembly meeting on October 2, 2000.

The issuance of \$2,343,000 in bonds at an interest rate of 6% would result in \$241,000 of debt service annually for 15 the years. This amount of debt service would increase the average areawide debt service mill levy by approximately .11 mills or \$11 in tax for each \$100,000 in assessed value. The FY01/02 biennial budget submitted to the Assembly included funding for this debt service liability. The Assembly has appropriated for FY01 sufficient funding to fund the debt service for the current year.

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

- e. Ordinance No. 2000-35
An Ordinance Amending the Animal Control Fine Schedule to Increase the Fines for the offense of “Dogs at Large”.

The humane society supports its canine control patrols in part with "dog at large" fines. These fines have not been raised since 1992, and are due for an increase.

This ordinance raises the fine for first offenses from \$25 to \$30 and for second offenses from \$50 to \$60.

I recommend that this ordinance be introduced and set for action at your next regular meeting.

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2. Resolutions

- a. Resolution No. 2042
A Resolution Calling for an Advisory Ballot Proposition on Whether the City and Borough Should Provide a Portion of the Funding to Construct and Operate a Covered Ice Rink and Recreational Facility at Savikko Park.

This resolution places an advisory measure on the October 3 ballot asking voters whether \$1.1 million of the temporary 1% sales tax should be expended for the covered ice rink and recreational facility at Savikko Park. Spending on the recreational facility is subject to adoption of Ordinance 2000-29.

As the issue is also on the ballot as a component of Ordinance 2000-29, I recommend this resolution be defeated, thereby avoiding two votes on the same project.

b. Resolution No. 2044

A Resolution Authorizing the Manager to Donate a Vacuum Truck to the State of Alaska.

Public Works has a vacuum truck, which it intends to surplus, as it is old and will no longer be needed. We will have two vacuum sweepers that will handle our needs. We propose that the truck be surplused to DOT/PF because the state currently has no equipment capable of cleaning catch basins. It relies on CBJ to clean its drains when we are able to do so. Most often, this occurs only during or after large storms such as occurred in 1998.

In some cases, these disasters would have been mitigated by routine cleaning of the State's existing drainage structures. In general, poorly maintained drains cause problems for all of us. The State's use of this truck will alleviate some common drainage issues. The truck will continue to be used to benefit Juneau's citizens and its use will also reduce the State's dependence on CBJ.

I recommend that this resolution be adopted.

c. Resolution No. 2045

A Resolution Calling for an Advisory Ballot Proposition on a Road to the Haines-Skagway Area.

This is a version of the resolution directed by the Assembly on Mr. Etheridge's request at the meeting of July 24. Two alternative and supplemental resolutions are presented on the agenda as Resolution 2046 and 2047.

As this is a policy decision of the Assembly, I have no recommendation.

d. Resolution No. 2046

A Resolution Calling for an Advisory Ballot Proposition on Fast Ferry Service.

This resolution was directed by the Assembly at the request of Ms. Pillifant at the meeting of July 24. Two alternative and supplemental resolutions are presented on the agenda as Resolution 2045 and 2047.

As this is a policy decision of the Assembly, I have no recommendation.

- e. Resolution No. 2049

A Resolution Amending the Personnel Rules Regarding Disqualification of Applicants.

This minor amendment to the personnel rules removes a provision that requires a department director to summarily reject an application in which an applicant has left any box unchecked or line blank. With this change, a department director may consider the entire application on its merits, and supplement information on the application with interviews and reference checks. The rule now focuses on the information enabling the department director to determine whether an applicant meets the minimum qualifications.

I recommend that this resolution be adopted.

VIII. ORDINANCES FOR PUBLIC HEARING

- a. Ordinance No. 2000-11 (E)

An Ordinance Appropriating To The Manager The Sum of \$225,000 For A Solid Waste City Recycling Program. Such Funds, \$135,000, Provided By User Fees, And, \$90,000, From The Hazardous Waste Management Fund Retained Earnings. Presented by the Manager.

This ordinance appropriates \$225,000 for a Solid Waste Recycling Program. User fees and the Hazardous Waste Management Fund Retained Earnings provide the funds.

Ordinance 99-21, passed by the Assembly on July 12, 1999, authorized an increase in the Waste Management Utility Fee from \$2.80 to \$4.00 per month per household to pay for the Solid Waste Recycling Program. The Ordinance stated that the increase would begin with the first monthly billing after the assembly authorizes a solid waste recycling program. September 2000 will be the first full month services will be available to users. As such, the rate increase will become effective and billed starting September 2000.

This ordinance funds a contract with Capitol Disposal to operate a recycling center at the landfill. The center should initially open Saturday, September 2, 2000. When the recycling center is fully operational, it will accept cardboard, newspaper, aluminum cans, steel cans, glass, and non-ferrous metal items. The recycling center will be open to the public from 8 a.m. to 5 p.m. every Wednesday and Saturday.

After this ordinance is adopted, the Hazardous Waste Management Fund Retained Earnings will be \$145,900.

For nearly a decade, a group of 30 volunteers of the Friends of Recycling has gathered each Saturday morning to collect the community's waste glass and process it for recycling. I extend thanks to the volunteers of Friends of Recycling who committed their time to the glass recycling program.

I recommend a motion to adopt ordinance 2000-11(E) and authorize a solid waste recycling program.

Public Hearing
Assembly Action

- b. Ordinance No. 2000-11 (F)
An Ordinance Appropriating To The Manager The Sum of \$357,820 For The Following Capital Projects: Airport Revolving Capital Reserve Account, Replacement of Airport Security Vehicle And Snow Removal Equipment, And Relocation of The Automated Surface Observation System. Such Funds Provided By The Passenger Facility Charges. Presented by the Manager.

This ordinance appropriates Passenger Facility Charges (PFC) imposed by the Juneau International Airport under the second PFC application. The charges will be used to fund new capital projects and for reimbursement of the Airport Revolving Capital Reserve Account.

The following projects will be funded:

1. Airport Revolving Capital Reserve Account: \$82,820
This account will be used to provide contingency funds for new and on-going capital projects, local match to new Federal Aviation Administration (FAA) funded projects and local match to amended FAA projects. This is an on-going, revolving account.
2. Replacement of Airport Security Vehicle: \$30,000
The current vehicle requires continual maintenance; the depreciated value has reached the point where the extensive repairs required are not prudent. The vehicle is used for responding to emergencies, performing routine patrols of the airfield, parking ramps and tenant facilities, and carrying visitors for tours of the airport.
3. Replacement of Snow Removal Equipment: \$180,000
The current grader is 13 years old and is mechanically unreliable. This replacement of the grader is part of the approved snow removal equipment replacement plan.
4. Relocation of the Automated Surface Observation System (ASOS): \$65,000
Currently the ASOS equipment is located in an area that is needed for taxiway extensions and commercial ramp development. The project involves the

relocation and site preparation of the ASOS to allow for this work.

Enclosed in your packets is a copy of the Record of Decision issued by the FAA, which provides approval for the application and specific information about the approval.

This action was approved at the Airport Board Meeting of June 14, 2000.

I recommend this ordinance be adopted.

Public Hearing
Assembly Action

- c. Ordinance No. 2000-27
An Ordinance of The City And Borough of Juneau, Alaska, Authorizing The City And Borough To Issue General Obligation Bonds In The Principal Amount of Not To Exceed \$7,717,000 To Finance Certain Renovations, Upgrades And Improvements To School Facilities, And Providing For The Submission To The Qualified Voters of The City And Borough At The Election To Be Held Therein On October 3, 2000, of The Propositions As To Whether Or Not The City And Borough Should Incur Such Indebtedness And Issue Such Bonds For Such Purposes.
Presented by the Manager.

Approval of this ordinance will authorize placing before the voter, on the October 3, 2000 ballot, the question of issuing \$7,717,000 in general obligation bond debt. The funds will be used to pay for the cost of design and construction of:

Auke Bay Roof Replacement	934,000
Harbor Roof Replacement	150,000
Marie Drake Roof Replacement	855,000
Gastineau Heating/Ventilation	190,000
Floyd Dryden Gym Floor Replacement	155,000
Floyd Dryden Renovations	5,185,000
High School Heating and Ventilation	93,000
High School Auxiliary Gym Floor Replacement	155,000

The School District has received confirmation from the Department of Education that these projects are approved for 70% reimbursement under the State's School Construction Bond Debt Reimbursement Program. To meet the requirements of the State's reimbursement program, the bonds will be issued for a period of 10 years. Annual debt service on the bonds at an interest rate of 6% would be approximately \$1,050,000 before state reimbursement. Annual debt service after the state reimbursement, assuming the State Legislature fully funds the reimbursement program, would be \$314,500. It is the intent to pay this debt service cost from the 1% sales tax levy also being presented for voter approval on October 3. Accordingly, this proposition has been drafted

to require voter approval of the 1% temporary sales tax proposition in order to become effective.

I recommend this ordinance be adopted.

Public Hearing
Assembly Action

- d. Ordinance No. 2000-29
An Ordinance Providing for the Levy and Collection of a Temporary One Percent Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, And Services Performed Within the City and Borough of Juneau; Such Tax to Be Effective on January 1, 2001, for a Period of 5 Years Only, the Proceeds of Which Are to Be Used for the Repair and Rehabilitation of Schools, for Expansion and Improvement of Bartlett Regional Hospital, for Construction of Recreational Facility at Savikko Park; and Calling for an Election on Whether Such Sales Tax Should Be So Levied. Presented by the Manager.

CBJ currently has a temporary 1% sales tax which expires on December 31. This ordinance seeks voter approval for a new 1% sales tax extending for 5 years. The stated intent of the Assembly is to devote revenues from the tax to school repairs and improvements, hospital expansion and improvements, and a covered ice rink and recreational facility at Savikko Park. Spending on the recreational facility is subject to voter approval of an advisory measure. (Unless Resolution 2042 is defeated.)

I recommend this ordinance be adopted.

Public Hearing
Assembly Action

- e. Ordinance No. 2000-30
An Ordinance Providing for the Levy and Collection of a Temporary Three Percent Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed Within the City and Borough of Juneau, Such Tax to Be Effective on July 1, 2002, for a Period of Five Years Only, the Proceeds of Which Are to Be Allocated for Certain Purposes as Set Forth Herein; and Calling for an Election on Whether Such Sales Tax Should Be So Levied. Presented by the Manager.

CBJ currently has a 3% temporary sales tax which expires on July 1, 2002. This ordinance seeks voter approval for a 5-year extension of the tax. The stated intent of the Assembly is to divide tax revenues equally between three groups of expenditures listed in the ordinance. This measure is presented to the voters well before the current tax expires as a precaution because the revenues from this tax are a major component of the municipal budget.

I recommend this ordinance be adopted.

*Public Hearing
Assembly Action*

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

1. ***Reinwand v. Planning Commission:***
Appeal of Variances Reducing the Required Number of Parking Spaces and Increasing the Allowed Distance for Off-Site Parking for two Proposed Commercial Retail and Office Buildings on South Franklin Street.

At its regular meeting on June 27, 2000, the Planning Commission granted approval of applications by Walsh Services for variances for development of a retail/office buildings on Lots 10 and 11, Block 83, Tidelands Addition.. For each lot, the variances reduced parking requirements to the PD-1 standard and allowed parking more than 500 feet from the development. On April July 20, 2000, Jerry Reinwand appealed the Commission's decisions to the Assembly.

The Notices of Appeal and the Notices of Decision on VAR 2000-00020 through - 00023 are in your packet. On recommendation of the City Attorney, the issues are presented as two appeals because two lots are involved. However, it is possible that the issues are substantially similar and one or both parties will move to consolidate the cases for hearing.

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.

Jerry Reinwand, Murray Walsh, and the Community Development Department have been advised that this matter is before the Assembly.

The following procedural issues should be decided:

1. Will the Assembly accept the appeals?
2. Will the Assembly hear the appeals itself or assign to a hearing officer?
3. If the Assembly hears the appeals itself, will the Mayor preside, or will he designate a 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 .*

Because this is an appeal, I have no recommendation on whether or how the Assembly should hear the appeal. After the Assembly has made its decisions on these issues, the Clerk will contact the parties and the presiding or hearing officer to notify them of the Assembly's decision and to arrange for a pre-hearing conference or other proceedings.

- XI. STAFF REPORTS ON NON-AGENDA ITEMS
- XII. ASSEMBLY REPORTS ON NON-AGENDA ITEMS
 - A. Committee Reports
 - B. Liaison Reports
 - C. Presiding officer Reports
- XIII. ASSEMBLY COMMENTS AND QUESTIONS
- XIV. CONTINUATION OF PUBLIC PARTICIPATION ON PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XV. ADJOURNMENT

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

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 audiotope containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: Laurie_Sica@ci.juneau.ak.us.