

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

November 25, 2019 7:00 PM

Assembly Chambers

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. October 14, 2019 Regular Assembly Meeting Minutes

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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 2019-06(L) An Ordinance Appropriating to the Manager the Sum of \$175,000 as Funding for Snow Removal Equipment for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.**

This ordinance would appropriate \$175,000 for the purchase of snow removal equipment for Capital Transit to maintain access to bus shelters. Grant funding in the amount of \$140,000 is from federal funds through the

Alaska Department of Transportation and Public Facilities and the local match requirement of \$35,000 funded from Equipment Replacement Reserve Fund Balance.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- b. **Ordinance 2019-06(M) An Ordinance Appropriating to the Manager the Sum of \$220,000 as Funding for Snow Removal Equipment for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.**

This ordinance would appropriate \$220,000 for the purchase of snow removal equipment for Capital Transit to maintain access to bus shelters. Grant funding in the amount of \$176,000 is from federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$44,000 funded from Equipment Replacement Reserve Fund Balance.

This ordinance is nearly identical to the ordinance above; the only differences are the dollar amounts and the fact that two different grants were received from ADOT for this purpose.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2019-06(N) An Ordinance Appropriating to the Manager the Sum of \$270,000 as Funding for the Replacement of Three Paratransit Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.**

This ordinance would appropriate \$270,000 for the purchase of three paratransit buses for Capital Transit. Grant funding in the amount of \$216,000 is provided by federal funds through the Alaska Department of

Transportation and Public Facilities and the local match requirement of \$54,000 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three paratransit buses that have exceeded their useful life and are scheduled for replacement. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

d. **Ordinance 2019-40 An Ordinance Repealing the Waste Management Utility Code.**

This ordinance would repeal the CBJ Code provisions that impose a \$100 annual fee for businesses that recycle at the landfill. The costs to administer the fee exceeded the revenue collected, the fee was challenging to equitably enforce, and the fee discouraged businesses from recycling. The CBJ will continue to provide recycling and household hazardous waste collection services to extend the life of the landfill and protect the environment.

This ordinance was discussed at the Assembly Finance Committee on September 25 and November 6, 2019.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

e. **Ordinance 2019-41 An Ordinance Increasing the Motor Vehicle Registration Tax.**

State law authorizes municipalities to impose a motor vehicle registration tax by ordinance. This ordinance would increase the biennial motor vehicle registration tax in the CBJ from \$44 to \$70 for non-commercial vehicles and from \$4 to \$10 for motorcycles and non-commercial trailers. Commercial vehicles remain exempt because some commercial vehicles may be taxable through the business personal property tax and state law prohibits a municipality from imposing a motor vehicle registration tax and assessing a business personal property tax. The increase in revenue created by this ordinance is intended to support the costs to maintain CBJ streets.

This ordinance was discussed at the Assembly Finance Committee on September 25 and November 6, 2019.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee on December 4, 2019, and set it for public hearing at the next regular Assembly meeting.

- f. **Ordinance 2019-47 An Ordinance Authorizing Vacation of Right-of-Way at Lot 10, Evergreen Heights Subdivision, Located at 1706 Willow Drive.**

This ordinance would authorize the vacation of 444 square feet of a right-of-way. The right-of-way was created by a plat in 1958, does not benefit the public, and is not anticipated to benefit the public. Because this right-of-way was created by a dedication in a subdivision process, the municipality cannot charge for vacating it.

On October 29, 2019, the Planning Commission recommended the Assembly approve the vacation of this right-of-way.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Lands Committee, and set it for public hearing at the next regular Assembly meeting.

- g. **Ordinance 2019-48 An Ordinance Authorizing the Manager to Convey Lot 3, Bonnie Subdivision, Located at 11031 Mendenhall Loop Road, to Margaret Tharp and David Lendrum for Fair Market Value.**

Margaret Tharp and David Lendrum applied to purchase CBJ property adjacent to their property near 11000 Mendenhall Loop Road. On September 17, 2018, the Assembly authorized the Manager to negotiate the sale of property. During the negotiations, the applicants agreed to grant the CBJ an access and utility easement, which will provide a 60-foot corridor for a future right-of-way to access the Pederson Hill subdivision. The fair market value of this land transaction accounts for the access and utility easement.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Resolutions

- a. **Resolution 2874 A Resolution in Support of Full Funding (\$12,145,312) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2021 State Capital Budget.**

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks & Harbors is a member. This resolution recommends

full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$11 million in harbor grant funding since the program's inception. CBJ was recently notified of a \$125K Tier II grant for zinc anode installation at Harris Harbor.

Docks & Harbors has submitted applications this year for \$2M for the next phase of Aurora Harbor. The City & Borough of Juneau along with the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage, the City of Homer, the City of Cordova, the City of Kake and the City of Edna Bay have offered to contribute \$12,145,312 in local match funding for FY2021 towards eight harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its regular board meeting on November 21, 2019, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

b. **Resolution 2875 A Resolution Encouraging Automatic Vessel Registration with the Division of Motor Vehicles for Vessels Active in the Alaska Commercial Fisheries Entry Commission Database.**

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks & Harbors is a member. This resolution recommends an update to the Alaska state statute directing fishing vessels in the Commercial Fisheries Entry Vessel (CFEC) Database be automatically issued Alaska vessel registration numbers and that the CFEC and Division of Motor Vehicles create a system for information sharing to this end.

In 2018, the Legislature passed Senate Bill 92, the Derelict Vessel Act. An unintended consequence of this bill was that some active fisherman were caught unaware of the need to register vessel ownership across the State. By encouraging minor statutory changes, some burdens to commercial fisherman can be eased without diminishing the goal of reducing the number of derelict vessels in Alaskan waters.

The Docks & Harbors Board reviewed this resolution at its regular board meeting on November 21, 2019, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. **BE20-036 Mendenhall, Poplar, Columbia Street Reconstruction**

Bids opened on the subject project on November 14, 2019. The bid protest period expired on November 18, 2019. Results of the bid opening are as follows:

Responsive Bidders	Total Bid
Coogan Construction Co.	\$2,604,349.00
Arete Construction Corporation	\$2,646,586.00
Glacier State Contractors, Inc.	\$2,700,282.50
ENCO Alaska Inc.	\$3,522,123.00
Admiralty Construction Inc.	\$3,534,951.00
<i>Engineer's Estimate</i>	\$2,900,000.00

The work includes street reconstruction from the intersection of Birch Lane and Columbia Boulevard to Mendenhall Boulevard and from the intersection of Columbia Boulevard to Poplar Avenue.

The City Manager recommends award of this project to Coogan Construction for the total amount bid of \$2,604,309.

4. Transfers

a. **Transfer T-1024 A Transfer of \$100,000 in Marine Passenger Fees from CIP H51-116 Marine Park to Taku Upland Improvement to CIP R72-144 South Franklin Street Safety & Capacity Improvement.**

This transfer of \$100,000 of Marine Passenger Fees will create a new CIP, South Franklin Street Safety and Capacity Improvements, to improve pedestrian safety along South Franklin Street. The project will continue the installation of pedestrian stanchions, improve lighting and remove obstructions within the sidewalks where possible and make improvements to Warner's Way to create pedestrian access to the Seawalk. This work will be subject to ADOT review and approval of CBJ plans since all of this work (except for Warner's Way) is within the ADOT Right of Way.

The Public Works and Facilities Committee recommended approval of this transfer at its October 28, 2019, regular meeting.

The City Manager recommends approval of this transfer.

b. **Transfer T-1025 A Transfer of \$384,350 from Various Capital Improvement Projects to CIP R72-142 Savikko Road Improvement.**

This transfer of \$384,350 of Street Sales Tax from five CIPs to the

Savikko Road Improvements CIP will provide funding for additional needed work discovered during scoping the project. The additional work discovered during detailed scoping included replacement of parking area pavement, drainage structures, improvement to surface drainage from Savikko Sportsfields and replacement of curb and gutter, sidewalks related to the reconfigured drainage patterns.

P41-097	Sportfield Repairs	\$45,000
R72-114	Blueberry Hills Road	\$21,290
R72-126	F St Douglas - 3 rd to 5 th	\$100,060
R72-133	Douglas Side Streets - D & E	\$98,000
R72-134	Sitka Street Reconstruction	\$120,000

The Public Works and Facilities Committee recommended approval of this transfer at its October 28, 2019, regular meeting.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

A. Ordinance 2019-43 An Ordinance Amending the Purchasing Code Related to Timelines for Protests.

The CBJ procurement code governs how goods and services are procured and when a procurement protest can be submitted. Currently, protests must be submitted by “close of the business day.” This ordinance would clarify that a protest must be submitted by 4:30 pm Alaska time. This amendment would provide clarity for the public and CBJ staff.

The Public Works and Facilities Committee recommended this ordinance be introduced when it reviewed the topic at its meeting on October 28, 2019.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2019-46 An Ordinance Amending the Waters and Harbors Code Relating to Unattended Vessels at Boat Launches and Providing for a Penalty.

Docks & Harbors heard concerns from the Amalga Harbor/Huffman Cove residents that vessels were being left unattended at the Amalga Harbor boarding float overnight. This ordinance would prohibit a vessel from being left unattended at a boat launch except when a person is actively parking or retrieving a trailer. In response to public comments, the term “float plane” was added to the type vessels regulated by this ordinance.

The Docks & Harbors Board reviewed this ordinance at its meeting on September 26, 2019 and recommends the Assembly adopt the ordinance.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2019-06(F) An Ordinance Transferring \$47,969 of Unexpended

FY19 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$47,969 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY19 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY19 budget but were not fully expended by the end of FY19.

Franklin Dock Enterprises	\$ 10,616
Downtown Business Association	306
City Manager	2,725
Capital City Fire Rescue	<u>34,322</u>
Total	\$ 47,969

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

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. ADOT&PF Request to Purchase Lot 1A, USS 2137 for Glacier Highway Improvements in Lemon Creek

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.032 acres of City property in order to improve Glacier Highway in Lemon Creek. 53.09.200 states, "The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." The ADOT&PF is also requesting permanent and temporary construction easements as part of Glacier Highway reconstruction project. The June 7, 2019 Lands Committee meeting provided a motion of support for this disposal and easements.

The City Manager requests a motion authorizing him to work with the original proposer.

**B. ADOT&PF Request to Purchase a Fraction of Block A, Field Acres
Subdivision for Mendenhall Loop Road Improvements**

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.18 acres of City Park's property in order to improve the Mendenhall Loop Road and Stephen Richards Drive intersection. 53.09.200 states, "The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." The ADOT&PF is also requesting permanent and temporary construction easements as part of the Mendenhall Loop Road reconstruction project.

The City Manager requests a motion authorizing him to work with the original proposer.

**C. ADOT&PF Request to Purchase a Fraction of Lot 1A, USS 2084 for
Mendenhall Loop Road Improvements**

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.39 acres of City School District property in order to improve the Mendenhall Loop Road and Floyd Dryden Middle School intersection. 53.09.200 states, "The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." The ADOT&PF is also requesting permanent and temporary construction easements as part of the Mendenhall Loop Road reconstruction project.

The City Manager requests a motion authorizing him to work with the original proposer.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

**XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA
ITEMS**

XIV.EXECUTIVE SESSION

A. Worker's Compensation Claim Resolution

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

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@juneau.org