

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

November 4, 2019 7:00 PM

Assembly Chambers
Meeting No. 2019-34

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Proclamation: Honoring Virginia Palmer

IV. APPROVAL OF MINUTES

A. August 1, 2019 Special Assembly Meeting 2019-28 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 2019-43 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 ordinance be introduced and set for public hearing at the next regular Assembly meeting.

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

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

2. Resolutions

- a. **Resolution 2872 A Resolution Authorizing the City and Borough of Juneau to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code.**

In 2018, the United States Supreme Court decided *South Dakota v. Wayfair*, which allows States to assess sales tax on remote sales (i.e. internet, mail, catalogue, phone). Alaska is one of only five states that does not have a state-wide sales tax. However, many municipalities in Alaska assess local sales taxes. To be compliant with the *Wayfair* decision, local taxing jurisdictions in Alaska should be part of a unified program to assess those remote sales taxes.

Since 2018, the Alaska Municipal League led a collaborative approach to develop the Alaska Intergovernmental Remote Seller Sales Tax Agreement. This agreement is the first step for participating communities to form the Alaska Remote Seller Sales Tax Commission. The Commission will be charged with administering a *Wayfair* compliant system for collecting and remitting sales tax revenues assessed on remote sales. This resolution authorizes the Manager to sign the intergovernmental agreement for the CBJ to become a member of the Commission. The CBJ would retain the authority to establish and modify sales tax rates and exemptions.

The Assembly Finance Committee recommended the Assembly adopt this resolution at its regular meeting on August 21, 2019.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2873 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.**

This resolution would provide the required local government support for mobility projects to be eligible for State grants. On October 14, 2019 the

Juneau Coordinated Transportation Coalition recommended the Assembly endorse the following grant application priorities for the upcoming State mobility grants:

1. Taxi voucher program
2. One 4x4 capable lift-equipped van
3. One ramp-equipped taxi

The new prioritized projects would be considered as an addendum to the CBJ 2015 Juneau Coordinated Human Services Transportation Plan.

On October 28, 2019, the Public Works and Facilities Committee recommended the Assembly adopt this resolution.

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. **Liquor License Transfer of Location for License 851 Alaska Travel Adventures d/b/a Gold Creek Salmon Bake**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Location Transfer of Liquor License

License Type: Restaurant/Eating Place, License #851

Alaska Travel Adventures, Inc., d/b/a Gold Creek Salmon Bake

Transfer From Location: 1061 Salmon Creek Lane, Juneau

Transfer To Location: No Premises

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development Departments have reviewed the above license and recommend the Assembly waive its right to protest the application. Copies of the documents associated with this license are in the Assembly's e-packet or available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the location transfer of liquor license #851.

4. Transfers

a. **Transfer T-1021 A Transfer of \$123,164 from CIP H51-105 Amalga Fish Cleaning Station to CIP H51-121 Pile Anode Installation**

Docks & Harbor, in cooperation with the Finance Department, is in the

process of closing out the Amalga Fish Cleaning Station project (H51-105). This transfer requests reprogramming the remaining \$123,164 from Amalga Harbor Fish Cleaning Station to a Capital Improvement Project (CIP) intended to install zinc anodes at the downtown small boat harbors, Pile Anode Installation (H51-121). This project was established, in part, from Docks & Harbors Board prioritization process and vision to extend the useful life of newly recapitalized small boat harbor projects. The transfer, if approved, will bring the CIP balance to \$403,164 which includes \$140,000 from the Alaska Department of Transportation (ADOT) Harbor Facilities Grant program.

The Docks & Harbor Board recommended approval of this transfer at its October 31, 2019, regular Board Meeting.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

A. Ordinance 2019-13 An Ordinance Amending Ordinance 2018-37 Related to the City and Borough's RecycleWorks Program.

On July 11, 2018, Ordinance 2018-37 authorized an alternative procurement method related to the City and Borough's RecycleWorks program. That ordinance allowed consolidation of recycling, household hazardous waste and future composting programs at the landfill to realize public convenience and operational efficiencies. Staff is finalizing negotiations for the recycle contract and household hazardous waste lease, but the global recycling market has constricted since July 2018.

This ordinance amends the payment terms of Ordinance 2018-37 to reflect changes in the global recycling market. The recycle contract term remains ten years with four, five-year renewal options for a total of thirty years. Waste Management has constructed the new recycling building at the landfill and this new facility will receive, process, bale, and ship recyclable materials from residential and commercial sources.

This ordinance was reviewed by the Public Works and Facilities Committee on October 28, 2019.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2019-44 An Ordinance Correcting Certain Customer Classes and Rates for Water and Wastewater Utility Services in Ordinance 2019-31.

Ordinance 2019-31 was recently adopted and increased the water and wastewater utility rates. Shortly after adoption, inadvertent Customer Class and Rate errors were identified in the ordinance. This ordinance corrects those inadvertent errors to

be consistent with the intent of Ordinance 2019-31.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2019-45 An Ordinance Amending the Sales Tax Code Related to the Out of Borough Exemption.

This housekeeping ordinance clarifies the sales tax exemption for out-of-borough sales, which will allow the Sales Tax Office to continue its historic interpretation and application of the exemption. Since its inception, the out-of-borough sales tax exemption has been interpreted to apply when the buyer makes an order from outside the borough and the goods are shipped outside the borough, regardless of whether the buyer or the seller arranged and paid for the shipping. The ordinance clarifies and supports that interpretation of the code, which does not change current practice.

The Assembly Finance Committee recommended this change at its meeting on September 25, 2019.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-06(G) An Ordinance Appropriating to the Manager the Sum of \$1,000,000 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate \$1,000,000 to the Capital Improvement Projects (CIPs) listed below.

Terminal Reconstruction	\$587,723
Taxiway A, E, D-1	\$412,277

Funding is provided by Passenger Facility Charge (PFC9) collections. It will be used to provide new construction funds for Taxiway Rehabilitation, and Terminal Reconstruction CIPs.

The Airport Board approved this action at its October 8, 2019, meeting.

The City Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2019-06(H) An Ordinance Appropriating to the Manager the Sum of up to \$35,292 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded \$35,292 in grant funding for various training opportunities.

The JPD leadership team has identified the following training opportunities: advanced crime prevention through environmental design, explosive ordnance device, Microsoft boot camp, national incident-based reporting, and report building.

No local match is required for this grant.

The City Manager recommends the Assembly adopt this ordinance.

- F. Ordinance 2019-06(I) An Ordinance Appropriating to the Manager the Sum of \$1,324,150 as Funding for a Negotiated Wage Increase and an Additional Lump Sum Payment for Marine Engineers Beneficial Association (MEBA) and Unrepresented Employees; Funding Provided by the General Fund's Fund Balance and Various Enterprise Fund's Fund Balances.**

This ordinance appropriates \$1,324,150 in FY20 for the negotiated wage increase, increase to employer contribution to health insurance and additional lump sum payment of \$500 for Marine Engineers Beneficial Association (AFL-CIO) (MEBA) and unrepresented employees. Funding is provided by General Fund's Fund Balance, and the Enterprise Fund Balances of Lands and Resources, Airport, Harbors, Docks, Waste Management, Water, Wastewater, Fleet and Risk.

Resolutions 2859 and 2860 were reviewed and adopted by the Assembly at its meeting on July 22, 2019. Resolution 2859 ratified the labor agreement between the CBJ and MEBA. Resolution 2860 adopted changes to the Personnel Rules to align them with the labor agreement ratified in Resolution 2859.

The City Manager recommends the Assembly adopt this ordinance.

- G. Ordinance 2019-06(J) An Ordinance Appropriating to the Manager the Sum of \$570,847 as Funding for a Negotiated Wage Increase and an Additional Lump Sum Payment for Public Safety Employees Association (PSEA) Employees; Funding Provided by the General Fund's Fund Balance.**

This ordinance appropriates \$570,847 in FY20 for the negotiated wage increase, increase to employer contribution to health insurance and additional lump sum payment of \$500 for Public Safety Employees Association (PSEA) employees. Funding is provided by the General Fund's Fund Balance.

Resolution 2858 was reviewed and adopted by the Assembly at its meeting on July 22, 2019. Resolution 2858 ratified the labor agreement between the CBJ and PSEA.

The City Manager recommends the Assembly adopt this ordinance.

- H. Ordinance 2019-06(K) An Ordinance Appropriating to the Manager the Sum of \$166,000 as Funding for a Negotiated Wage Increase for International**

Association of Fire Fighters (IAFF) Employees; Funding Provided by the General Fund's Fund Balance.

This ordinance appropriates \$166,000 in FY20 for the negotiated wage increase, and increase to employer contribution to health insurance for International Association of Fire Fighters (IAFF) employees. Funding is provided by the General Fund's Fund Balance.

Resolution 2870 was reviewed and adopted by the Assembly at its meeting on October 14, 2019. Resolution 2870 ratified the labor agreement between the CBJ and IAFF.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. Hardship Late-Filed Property Tax Exemption-Kaysa Korpela**
- B. AMCO Liquor License Renewal-Taku Lanes, LLC. License #5095-Recommended Protest**

Renewal of Liquor License

License Type: Recreational Site, license #5095

Licensee: Taku Lanes, LLC d/b/a Taku Lanes

Premises Address: 608 W Willoughby Ave

The Finance Department/Sales Tax Division recommends the Assembly protest this license renewal based on Taku Lanes LLC having a total balance due of \$6,343.34 in sales tax, liquor tax, late fees, penalties and interest. This balance due is from the monthly filing periods January 2019 – May 2019.

A certified letter to the licensee was returned as non-deliverable, emails have bounced-back from the email address on file with CBJ and AMCO, phone messages to the licensee are unable to be left due to licensee's voice mail being full and not accepting messages.

Your packet contains copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statutes pertaining to this matter. The Assembly Human Resources Committee also considered this matter at its meeting immediately preceding this Assembly meeting and will provide a recommendation to the Assembly for action.

The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its November 4, 2019 meeting.

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

XV. ADJOURNMENT

XVI. SUPPLEMENTAL MATERIALS

- A. 2020 Draft Assembly Calendar - RED FOLDER ITEM
- B. Assembly Goals 2019 - RED FOLDER Updated 11/4/2019
- C. RED FOLDER - Email and Letter regarding Taku Lanes LLC Liquor License Protest

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