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

May 13, 2019 7:00 PM

Assembly Chambers
Meeting No. 2019-22

Submitted By:

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Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Proclamation - Building Safety Month**

B. **Proclamation - Infrastructure Week May 13-20, 2019**

IV. APPROVAL OF MINUTES

A. **January 17, 2019 Draft Special Assembly Meeting #2019-03**

B. **January 28, 2019 Draft Regular Assembly Meeting #2019-06**

C. **April 3, 2019 Draft Special Assembly Meeting #2019-20**

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 2018-11(AL) An Ordinance Appropriating to the Manager the Sum of $1,535,300 as Partial Supplemental Funding for Various Departments' Fiscal Year 2019 Operating Budgets; Funding Provided by General Fund’s Fund Balance, Airport Fund’s Fund Balance, Docks Fund’s Fund Balance, and Lands Fund’s Fund Balance.**

The attached ordinance would appropriate $1,535,300 for increases in FY19 operations among several CBJ departments.

We are requesting a budget supplemental for five organizations. Of the total request, $950,000 is for CCFR and paid with general government funds. The other four requests are funded from their own operational revenues or fund balances.

Airport

Airport anticipates exceeding its FY19 Assembly authorized spending authority by $108,400. Airport staff discussed this at their budget presentation on April 10. Funding will be provided by the Airport Fund's Fund Balance.

Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of $950,000 in the FY19 operating budget. This is due to approximately $250,000 in negotiated IAFF wage and benefits increases and ambulance billing shortfall of approximately $700,000. The shortfall is a result of: 1) continued decline in billable call volume, 2) over aggressive revenue projections and 3) higher than anticipated bad-debt and contractual write-offs. The anticipated funding for this increase is from General Government Fund.

Docks

The supplemental request would increase the Docks Enterprise spending authority in FY19 by $35,000. Funding will be provided by FY19 revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its March 20, 2019 regular board meeting. The Port Director staff discussed this at the budget presentation on April 10.

Lands Department

Lands' projected expenditures are anticipated to exceed their revenue collected by $201,900 in the current fiscal year. This shortfall is due to a decrease in projected revenues from land sales. The timing of the South Lena Subdivision of Lot 1 Block B has pushed the sale of the resulting four lots into FY20. They were originally scheduled for disposal in FY19.

The anticipated funding for this increase is Lands Fund's Fund Balance.

Risk

The Risk Management Department anticipates exceeding its FY19 Assembly authorized spending authority by $240,000. This increase is due to higher than budgeted claims experience for health insurance. Funding will be provided by Health Account fund balance.

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

b. **Ordinance 2018-11(AM) An Ordinance Appropriating to the Manager the Sum of $620,700 as Funding for Fleet and Risk Funds; Funding Provided by General Fund's Fund Balance.**

This FY19 supplemental budget ordinance would allocate $271,200 to add funds to various departments' equipment replacement fund accounts and allocate $349,500 to the city's self-insured health care account.

Six organizations were requesting FY20 budget increments, totaling $135,000, to increase contributions to their equipment accounts. The current balance in these accounts is less than the projected upcoming equipment replacement needs. The requested deposit postpones the need for these increments for two years. Also the projected FY19 draw-down on the self-insured health account is higher than original budget projections. We are requesting $349,500 go into the health account to help offset the larger than expected draw.

The source of funding for these two requests is the projected $620,700 reimbursement, from the state Department of Administration, of past PERS Tier IV employer contributions. The funds are being returned for employees who terminated prior to having enough years of service to vest in the employer contributions.

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

2. Bid Award

a. **Bid No. 19-140 - Airport Plow Trucks**

This bid is to acquire three heavy duty airport runway snow removal plow trucks. Bids were opened on April 26, 2019. The bid protest period expired on April 30, 2019. Results of the bid opening are as follows:

Responsive Bidders	Total Bid
Oshkosh Airport Products LLC	$1,395,034.00
Construction Machinery Industrial, LLC	$1,463,000.00
Estimate	$1,950,000.00

The City Manager recommends award of this project to Oshkosh Airport Products, LLC for the total amount bid of $1,395,034.00.

b. **Rainforest Recovery Center Detox Addition, Contract No. BE19-173**

Bids were opened on this project on April 30, 2019. The bid protest period expired at 4:30 p.m. on May 1, 2019. Results of the bid opening are as follows:

Responsive Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Alaska Commercial Contractors Inc.	$2,114,000	$115,600	$61,900	$53,400	$2,344,900
Dawson Construction LLC	$2,389,900	$ 79,300	$83,000	$58,500	$2,610,700
F&W Construction Co., Inc.	$2,747,458	$190,263	$61,927	$60,586	$3,070,234
Architect's Estimate	$2,283,000	$115,000	$76,000	$44,000	$2,518,000

The City Manager recommends award of this project, base bid and alternates 1, 2, and 3 to Alaska Commercial Contractors, Inc. for the total amount bid of $2,344,900.

3. Liquor License

a. **Liquor License Renewal for License: 4731**

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

Renewal of Liquor License
License Type: Restaurant or Eating Place, License #4731
DJ LLC d/b/a Asiana Gardens
Location: 9116 Mendenhall Mall Rd., Juneau

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 above-listed liquor license renewal application.

VIII.PUBLIC HEARING

A. **Ordinance 2018-11(AH) An Ordinance Appropriating to the Manager the Sum of $1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.**

This ordinance would appropriate $1,150,367 to the capital improvement projects (CIPs) listed below.

Rehabilitate Runway:	$713,745
Terminal Reconstruction:	$214,634
Taxiway A, E, D-1:	$200,000
Sand/Chemical/Fuel Facility Construction:	$ 21,988

Funding is provided by Passenger Facility Charge (PFC) collections. It will be used to provide new construction funds, and reimburse forward-funded amounts in these CIPs.

The Public Works and Facilities Committee approved this action at its April 8, 2019 meeting.

The Airport Board approved this action at its April 9, 2019 meeting,

The City Manager recommends this ordinance be adopted.

B. **Transfer T-1014 A Transfer of $610,759 from the 'Runway Rehabilitation' CIP A50-079 to the 'Terminal Construction' CIP A50-102 & 'Terminal Reconstr Design/Const' CIP A50-096.**

In FY15, sales tax funds in the amount of $610,759 were transferred from the terminal project to the runway project (via transfer T-955) to match a Federal Aviation Administration (FAA) construction grant, with the explicit intent to repay upon appropriation of replacement funding to the runway project. The current appropriation of Passenger Facility Charges (PFC) includes those replacement funds; the original funds can be returned to the terminal project.

The Public Works & Facilities Committee approved this transfer at its April 8, 2019 meeting,

The Airport Board approved this transfer at its April 9, 2019 meeting,

The City Manager recommends this transfer be approved.

C. **Ordinance 2018-11(AI) An Ordinance Appropriating to the Manager the Sum of $190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska,**

Department of Public Safety.
The State of Alaska, Department of Public Safety was allotted funds for crime prevention and response and equipment. Through this program, they have approved reimbursing the Juneau Police Department $190,643. This includes $183,643 for a 3D scanner, supporting equipment, software and training. The remaining $7,000 funding will be used to purchase a new thermal imager.

A 3D scanner is a tool used to accurately map complex crime scenes and locations. Use of a 3D scanner significantly reduces the time spent at an investigation, and increases the accuracy of the forensic data collected, improving the efficiency and accuracy of an investigation.

Thermal imagers are used at night or in dark locations to locate suspects, or people who are unable to verbally respond. JPD has a thermal imager; however, it is near the end of its life cycle.

There is no match requirement for this reimbursement agreement.

The City Manager recommends this ordinance be adopted.

D. **Ordinance 2018-11(AJ) An Ordinance Appropriating to the Manager the Sum of up to $35,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.**

The CBJ Docks and Harbors Board requests approval of an appropriation ordinance to transfer $35,000 from the Docks Fund's Fund Balance for construction of a new visitor information kiosk. The kiosk project is currently under construction. During the course of excavation for the foundation and drainage system unknown underground utilities including phone, data, and electrical vaults and cabling were discovered. The management of these systems within the design required additional work to prepare the site for the completion of the project. The Docks Fund's Fund Balance is currently $2M.

The Docks and Harbors Board considered this item at its regular meeting on April 24, 2019.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2018-11(AK) An Ordinance Appropriating to the Manager the Sum of $175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.**

Increased public use of the waste management program has resulted in higher operational costs that require supplemental funding of $175,000 in FY19. The CBJ junk vehicle disposal program, operated by Channel Construction, saw an 84% increase in vehicles surrendered to date for FY19, and we expect to see similarly higher usage April through June. $100,000 is requested to keep this program working for the remainder of FY19. The recycling program contract with Capitol Disposal Inc. has experienced increased shipping costs, and as a result of global market pressures, revenue from the sale of the recyclable material is down $75,000 from the prior year. Both of these programs are important to keeping Juneau clean and extending the remaining life of the landfill.

The City Manager recommends this ordinance be adopted.

F. **Ordinance 2018-11(Q) An Ordinance Appropriating to the Manager the sum of $23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.**

This ordinance would appropriate $23,992.23 in bond interest income that was earned on general obligation bond proceeds allocated to the projects listed below. Per CBJ Charter and direction of Bond Counsel, the interest income is available to: 1) cover original projects expenditures, 2) pay bond debt service & IRS arbitrage fees or 3) other eligible Capital Improvement Projects. The proposed expenditures are in compliance with the guidance.

Gastineau Elementary Reno CIP	$ 1,332.83	To Bond Debt
Eaglecrest Learning Center CIP	$ 203.50	To Bond Debt
Centennial Hall Reno CIP	$ 191.32	To Bond Debt
Dimond Loop Field Repair CIP	$ 3,033.40	To Bond Debt
Waterfront Seawalk II CIP	$13,430.24	To Bond Debt
Bond Debt Subtotal	$18,191.29	
Restrooms, Paving & Concessions CIP	$ 1,233.30	IN CIP
New Terminal Reno CIP	$ 4,567.64	IN CIP
TOTAL	$ 23,992.23	

The City Manager recommends this ordinance be adopted.

G. **Ordinance 2019-07(b) An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations.**

This ordinance will appropriate to the school district an FY20 operating budget of $87,171,500. This is an overall decrease in the budget of $70,300 from the FY19 amended budget. The school district's operating budget is:

· General Operations	$71,122,800
· Special Revenue (pupil transportation, food service, etc.)	7,063,500
· Education Restricted Grants	5,728,700
· Student Activities/Other	3,256,500
Total Budget	**$87,171,500**

The FY20 school budget is supported with a combination of funding sources including CBJ local funding of $27,874,300. The local funding consists of: $26,497,800 for general operations, and $1,376,500 for programs and activities outside of the state funding cap. These programs and activities include: $1,181,500 million for student activities, $50,000 for pupil transportation, $50,000 for food service, and $95,000 for Community Schools. The general operations support is a decrease of $37,500 over FY19 Amended. The other program and activities funding is a decrease of $180,000 over FY19 Amended, for a net funding decrease of $217,500.

The original ordinance was introduced at the April 3, 2019, Special Assembly meeting and referred to the Assembly Finance Committee for deliberation. On April 24, 2019, a Special Assembly meeting was held to hear public comment and for the Assembly to state, by motion, the amount of local funding to be provided to the school district.

The Assembly Finance Committee approved and moved the b version of the ordinance back to the full Assembly for action, at its May 8, 2019, meeting. The charter requires adoption by May 31, 2019.

The City Manager recommends this ordinance be adopted.

H. **Ordinance 2019-15 An Ordinance Authorizing the Manager to Amend the Wireless Communications Site Lease with Vertical Bridge S3 Assets, LLC at 3000 Jackson Road.**

Vertical Bridge has requested to lease an additional 144 square feet from the CBJ. This lease will provide space for additional ground equipment to utilize open space on the tower. This lease amendment will update the contact information, extend the lease by adding an additional lease term of five years, and update the rent schedule to include increased rent for an additional sub-lessee.

The Lands Committee passed a unanimous motion of support for the lease amendment at its January 14, 2019 meeting. The Planning Commission reviewed the lease amendment on April 23, 2019 and had no comments for the Assembly.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Aquatics Fee Restructuring**

The Aquatics Board is required to review and approve a schedule of fees and charges for use of the aquatic facilities at least annually. The Aquatics Board approved the attached schedule of fees at its meeting on January 22, 2019, and the fees are scheduled to take effect on July 1, 2019. Pursuant to CBJ Code 67.10.090(b), "The Assembly, by motion or resolution, may change any fee or charge approved by the Aquatics Board." Staff is available for questions and public participation is allowed on this item.

The City Manager recommends the Assembly move this item with "orders of the day."

XI. STAFF REPORTS

A. **Junk/Impound Vehicles**

B. **Supplemental Agreement – Airport, Additional Apron Paving, SECON $84,750.**

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

C. Presiding Officer Reports

1. **Summary of Administrative Appeals**

2019 Juneau I VOA v. Assessor *Appeal of tax exemption*	PO Gladziszewski	Prehearing conference held 4/25/19. Appeal hearing set for 9/12/19 with Assembly.
Harris Homes, LLC v. CDD *Appeal of PC Decision*	HO Brandt-Erichsen	HH's Opening Brief due 6/10/19. CDD Opposition Brief due 7/10/19. No hearing requested.
Mountainside Estates v. PC *Appeal of PC decision*	PO Gladziszewski	Prehearing conference held 4/23/19. Appeal hearing set for 9/9/19 with Assembly.

XIII.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

XVI. SUPPLEMENTAL MATERIALS

Proclamation
Building Safety Month

Whereas, the City and Borough of Juneau is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and,

Whereas, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and,

Whereas, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play; and,

Whereas, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world; and,

Whereas, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide $11 in future mitigation benefits for every dollar invested; and,

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity.

NOW, THEREFORE, I, Beth A. Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby issue this proclamation marking May 2019 as

Building Safety Month

in Juneau, Alaska.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 13th day of May, 2019.

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
UNIFIED JULY 1, 1970

Beth A. Weldon, Mayor

The Office of the Mayor
City & Borough of Juneau, Alaska

PROCLAMATION

WHEREAS, the week of May 13 through 20, 2019, is observed in the City & Borough of Juneau and nationally as Infrastructure Week; and

WHEREAS, Juneauites rely on critical infrastructure, including our roads and bridges, our railroads and transit systems, our ports and airports, our pipes and water system, our reliable power supply, our access to broadband, and our connectivity to the regional, national, and global economy; and

WHEREAS, this infrastructure enhances our local and regional economy, our quality of life, our safety, and the strength of our communities; and

WHEREAS, decades of underfunding and deferred maintenance have pushed infrastructure to the brink of a national crisis, with preventable catastrophic failures, including derailments and collapses, occurring as a result; and

WHEREAS, the United States of America risks losing its competitive advantage to foreign economies by failing to adequately invest in its infrastructure;

WHEREAS, every dollar invested in infrastructure generates nearly two dollars in economic output; and

WHEREAS, Infrastructure Week 2019 has been established to highlight infrastructure investment needs, and to recognize and encourage leadership at the federal, state, and local levels; and

WHEREAS, Infrastructure Week challenges policy-makers and the public to address the challenges facing U.S. infrastructure, to move beyond short-term fixes and deferred maintenance, and to envision the innovative solutions, technologies, policies and investments that will improve America's infrastructure future;

NOW, THEREFORE, BE IT RESOLVED, that the American Society of Civil Engineers officially recognizes the week of May 13th, 2019 as Infrastructure Week, and urges the citizens of Juneau join in this special observance with appropriate events and commemorations;

RESOLVED, FURTHER, that despite fiscal challenges, it is important for the City & Borough of Juneau to dedicate sufficient resources to transportation and infrastructure investments in our community; and

NOW, THEREFORE, I, Beth Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby proclaim May 13th to 20th, 2019 as:

Infrastructure Week 2019

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, to be affixed this 13th day of May, 2019.

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
UNIFIED JULY 1, 1970

Beth Weldon, Mayor

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 17, 2019

MEETING NO. 2019-03: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:11 a.m. by Mayor Beth Weldon.

I. CALL TO ORDER / ROLL CALL

Assemblymembers present: Mayor Weldon, Mary Becker, Loren Jones, Michelle Hale, Carole Triem, Wade Bryson

Assemblymembers absent: Rob Edwardson, Maria Gladziszewski, Alicia Hughes-Skandijs

Mayor Weldon asked all present to introduce themselves:
Senator Jesse Kiehl; Edric Carrillo, staff to Sen. Kiehl; Greg Smith, staff to Rep. Andi Story; Mike Vigue, Eng/Public Works Director; Brian Holst, JEDC Director and School Board President; Arnold Leibelt, staff to Rep. Hannan; Caitlyn Ellis, staff to Andi Story; Robert Barr, Library Director; Jane Mores, CBJ Law; Jill Maclean, Community Development Director; Bob Bartholomew, Finance Director; Greg Chaney, Lands Manager; Carl Uchytil, Port Director; Beth McEwen, Municipal Clerk; Diane Cathcart, Deputy Clerk; Kevin Jardell, CBJ AK Lobbyist; Katie Kachel and Mara Stark-Alcala, Washington D.C. lobbyists with Conlon Hartwell; Mila Cosgrove, Deputy City Manager; Robert Palmer, City Attorney; Rorie Watt, City Manager; Susan Phillips, Executive Assistant III.

Joining the meeting after the introductions were Representatives Sarah Hannan and Andi Story.

II. APPROVAL OF AGENDA

<u>MOTION</u> by Ms. Becker to approve the agenda. *Hearing no objections or changes, the agenda was approved.*

III. AGENDA TOPICS

A. Updates from Senator Kiehl and Representatives Hannan and Story

Senator Jesse Kiehl, Representatives Sarah Hannan and Andi Story introduced their staff members and extended their thanks to Juneau for the recent legislative reception. All members of the legislative delegation spoke about the concerns they have heard from constituents, their colleagues at the capital and what topics and concerns they see raising to the forefront during this legislative session. The topics of greatest concern and/or items they have begun working on included:

- Budget/fiscal health of the state,

- Ensuring costs are not shifted from the state to municipalities
- Public Safety and Education funding are at the top of the governor's budget to be held harmless along with paying full PFDs
- Deferred Maintenance of Capital Projects
- Legacy issues re: PERS/TERS
- the Governor's desire to privatize many of the state services such as: Alaska Marine Highway, police/troopers, prisons, mental health, DMV, etc...

The essential question facing the Governor and legislature will be: What is the state going to do and how will it fund it? The Governor has made it quite public that he will be reducing what the state does but he hasn't given details yet.

They also discussed the political structure at the state level with 14 freshmen legislators and the House still needing to reorganize. The Juneau and Northern S.E. delegation consists of 3 freshmen and they anticipate pulling and working together as the session unfolds.

B. Update from CBJ State Lobbyist Kevin Jardell

City Manager Watt said he was proud to provide the administrative structure to the community and was very excited that the Juneau delegation really understands the needs of the community from their unique experiences at the municipal and school board levels. He also shared how fortunate we are to have Kevin Jardell and Katie Kachel serving as our lobbyists at the State and Nations capitals since they too understand the needs of CBJ so well.

Lobbyist Kevin Jardell gave an overview of what he saw as the main things to expect during this legislative session. He shared that Governor Dunleavy came in and has started to do exactly what he campaigned he would do and that is to look for budget cuts to the general fund to be able to align the revenues with expenditures. He said the details at this time were not yet there and the governor will be delivering his State of the State address on January 22. Mr. Jardell expects there will be more details revealed during that address and then likely by the first week of February we will see the full budget.

Mr. Jardell recently met with staff from the Alaska Municipal League (AML) and he will be following closely all municipal related issues including some of the following:

- Possible cost shifting to the municipalities by the state for various services
- PERS/TERS
- Community Assistance (formerly "revenue sharing")
- School Bond debt reimbursement
- Crime reform relating to SB91 but also the shifting of prosecution to the local level which will result in cost shifting to municipalities
- Significant cuts likely to social services and the impacts on municipalities resulting from cuts to grants as well as the Medicaid programs

- Alaska Marine Highway System (AMHS) changes

Mr. Jardell said with respect to the AMHS there has been some recent wins with the new Alaska Class ferries during the previous administration and it was just announced that they would be doing some modification to those ferries to hopefully make them more cost effective to run. Those modifications include putting a side door into the ferries and not to put in crew quarters which will save approximately $20 Million.

Mr. Jardell said he is always following any talk of possible capital move attempts as there are efforts still alive up north to move the capital. He said there is one bill that has been introduced and that issue isn't dead.

In addition to the capital move bill, there are other efforts that come up during the session relating to municipalities and he will be following those closely as well. He said the he likes to meet with individual Assemblymembers throughout the year but he is postponing those meetings due to lack of detail at this time. Throughout session, he meets regularly with the Mayor and the City Manager. When it comes to specific issues Assemblymembers may wish him to address, it needs input from the full Assembly to provide that direction to him and that happens from time to time through the year. He said he very much values the opportunity to work for his city which is quite different from his other clients and he looks forward to working with this new Assembly.

Mr. Jones asked about the speculation and rumor cuts to the Medicaid Expansion and the impact that will have on the Hospital and children in the school system. He asked if Ms. Kachel or Ms. Stark-Alcala have seen any movement if that is rolled back and if there were any rules if the state decided to back out. Ms. Stark-Alcala noted that she could recall only one instance similar to that in which the Maine legislature approved the Medicaid expansion but that the governor didn't want to implement it. She said in that instance the legislature forced it through and she hasn't see any that walk it back.

Mr. Jardell said that he doesn't see enough people in the legislature having the will to roll back the Medicaid expansion. He noted that hospitals have been weighing in extremely loudly about the importance of Medicaid expansion. It is pretty clear that Medicaid expansion is critical to the state and they are not likely to see it go away as long as the federal government continues to provide 90% input.

C. Update from CBJ DC Lobbyists Katie Kachel and Mara Stark-Alcala

Ms. Kachel and Ms. Stark-Alcala provided an overview of what was happening in Washington D.C. both with Congress as well as the administration and especially the affect of the partial governmental shutdown.

In Congress, following the 2018 elections, the House has now switched to Democratic control and they are still getting their committee structure organized. Nancy Pelosi is the

Speaker of the House and Congressman Don Young is Dean of the House. He also serves as the senior member on the Transportation Infrastructure Committee, Senator Lisa Murkowski is Chair of the Senate Energy and Natural Resources Committee and remains on the Senate Appropriation Committee, Senate Indian Affairs Committee, and the Senate Health, Education, and Labor Pensions Committee. Senator Dan Sullivan is on the Senate Commerce, Science and Transportation Committee and in a new development, Senator Sullivan will be chairing a subcommittee of Commerce plus security which is a brand new subcommittee organization which has oversight of TSA. He will still serve on Senate Armed Services, Environment/Public Works and Veterans Affairs committees.

Ms. Kachel then turned it over to Ms. Stark-Alcala who previously worked for the Senate Appropriations Committee and has a pulse on what the committee staff are thinking and feeling about the partial government shutdown.

Ms. Stark-Alcala said that this shutdown which is the longest in modern history and not to anyone's liking. She noted that with the House now under Democratic control, Congress has moved to vote on a bunch of appropriation bills to reopen the government either through the rest of the fiscal year or through February 8 which was the original agreement that broke down and caused the shutdown. They are currently at an impasse as the Senate is not taking up the bills due to veto threat from the President if they did not include money for his wall. She stated that there was a bill passed yesterday to allow for back pay to federal workers. She said the Alaska delegation did vote in favor of that bill.

Ms. Kachel reported that the shutdown impacts to Alaska are greater than most as it is one of the top states with the most federal employees per capita. She said it is not a full government shutdown as some agencies are fully funded for the year such as the Army Corps of Engineers, Dept. of Defense, Dept. of Labor, Education, Health and Human Services. She said there were a number of agencies in Alaska that were shutdown including Dept. of Interior and Coast Guard, She said it remains a problem and they are getting by with band-aides and are limping through. She said that other things that are important to Juneau are also on hold during the shutdown such as science jobs, grants, home porting, federal vessels, and Army Corps of Engineers funding.

Ms. Kachel reported that Alaska's Senatorial delegation has been working to get science jobs homeported in Alaska through a variety of methods. She also stated that the almost $10 Million airport grant given for the sand and chemical storage building was a huge win for the Juneau airport. She said there are lots of grants for ports and harbors and she has been working with Mr. Uchytil to explore those and match projects with those grant programs. Regarding homeporting federal vessels, they did some work to get Coast Guard assets and they ended up with a patrol boat homeported in Statter Harbor. She has also had meetings with NOAA Headquarters in Washington D.C. about research vessel homeporting and those folks have come to Juneau to check that out as well.

Ms. Kachel reported that she has been working on an issue important to the airport which is removing the outdated federal cap on Passenger Facility Charges (PFCs). Those are collected locally on airline tickets and spent locally on airport infrastructure and are especially important to Juneau due to its terminal project. PFCs were lobbied for an included in some draft legislation but never made it across the line in any final bill. They will be looking to redouble their efforts with this new congressional session as the incoming chairman of the Transportation Infrastructure Committee is in favor of removing this outdated federal cap.

Ms. Kachel said that with respect to the Army Corps of Engineers, they are pursuing an Auke Bay Wave Attenuator which is supported by the Alaska Region of the Corps and the Alaska congressional delegation. She said they have been working with the delegation on the appropriation process but they have been hitting some stumbling blocks with the Office of Management and Budget (OMB). She said that OMB has been doubling down on previous projects rather than funding new projects.

Ms. Kachel turned it over to Ms. Stark-Alcala who has had recent experience with the Transportation Trade Association so she has lots of interface with those committees. Ms. Stark-Alcala said that they have seen an effort by the Administration to clear out and close pending capital projects such as transportation infrastructure or other projects. She said that appropriators are pushing back against that as Congress likes to hold control of deciding where the money goes and how much is given. Examples of those include the PFCs as well as how they can fund transportation infrastructure. Even with the partial government shutdown, this is one of the few topics that has bipartisan support.

There was a discussion on how the Passenger Facility Charges were set, what the cap is set at and how the timing associated with budgeting and paying for projects that are paid by the PFCs. Ms. Kachel explained that the cap that was set in 2000 at the amount of $4.50/passenger is the equivalent of $2.50 in purchasing power today compared to 2000.

Ms. Kachel said in looking at the crystal ball, they still do not have a FY19 budget and the fiscal year started in October. This is the time to start thinking about the FY20 budget. The President is supposed to deliver his budget February 4. It is unlikely that will happen during the shutdown as federal agencies have stopped writing their budgets as of December 21. That feeds into that. She is advising Juneau to do business as usual and get our priority list and projects prioritized while it is currently stalled because when it does start up again, it will likely move fast.

Ms. Kachel and Ms. Stark-Alcala answered a number of questions from the attendees related to the Auke Bay Wave Attenuator, the Green New Deal, the Hospital funding program, the affect of the partial government shut down on the Coast Guard, and the Child Care Assistance program, the US Forest Service permitting with respect to eco tours, and any potential language changes to the tonnage clause. Ms. Kachel noted that they will work with City Manager Watt to keep CBJ informed about these and any other issues that may affect CBJ.

Mr. Watt said with respect to the tonnage clause potential language changes, he has been in conversation with other Southeast communities who are also interested in this topic. It is more of a regional issue and if the communities can stand together, they may be able to affect change in Congress.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

V. ADJOURNMENT

There being no further business to come before the body, Mayor Weldon adjourned the meeting at 8:56 a.m.

Signed:________________________	Signed:_________________________
Elizabeth J. McEwen, Municipal Clerk	Beth A. Weldon, Mayor

DRAFT

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 28, 2019

MEETING NO. 2019-06: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

Assemblymembers present: Mayor Beth Weldon, Mary Becker, Loren Jones, Rob Edwardson, Carole Triem, Michelle Hale, Wade Bryson, Maria Gladziszewski, and Alicia Hughes-Skandijs

Assemblymembers absent: None.

Staff present: City Manager Rorie Watt, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Housing/Homelessness Coordinator Irene Gallion; Parks and Recreation Director George Schaaf, Engineering/Public Works Director Mike Vigue, Port Director Carl Uchytil, Aquatics Manager Kollin Monahan, Code Enforcement Officer Nate Watts, Harbors staff Jennifer Shinn,

III. SPECIAL ORDER OF BUSINESS

Mayor Weldon welcomed Rear Admiral Matthew Bell from the US Coast Guard who personally thanked everyone in the community of Juneau for their support during the recent federal government shutdown.

Deputy Regional Forester Jerry Ingersoll also came forward to thank everyone and to express how much it has mattered to every federal employee to be so supported by our community. They are glad to be back to work for Juneau and our nation.

IV. APPROVAL OF MINUTES

A. Special Assembly Meeting Minutes 2019-05, January 23, 2019

MOTION by Ms. Becker to approve the minutes of the January 23, 2019 Special Assembly meeting and asked for unanimous consent. *Hearing no objection, the motion carried.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Russ Pagenkoff spoke regarding downtown parking and parking passes at the

Downtown Transportation Center (DTC). His concerns related to the overselling of the spaces at the parking garage being morally and ethically wrong and that for those who work on a time schedule that is other than 8-5, it is difficult, if not impossible to find an open spot that isn't located on the 3rd floor during the legislative session..

Mr. Dennis Harris asked them to fix Capital Ave. which has been a constant mine field of potholes. It is a highly used route when coming to and from the flats going uptown and he encouraged the city to move it up on the CIP list of priorities.

Mr. Doug Woodby said the Juneau Renewable Energy Strategy was adopted a year ago and he asked what kind of progress has been made since adoption. He requested that a progress report be compiled on how we are doing, particularly on fossil fuel use by CBJ and for those to be published periodically in the Juneau Empire. Ms. Hale asked if he was aware that the Assembly included Sustainability as one of its major goal topics. Mr. Woodby said that Assemblymember Triem informed him of that at a recent meeting they both attended.

Ms. Karla Hart requested the CBJ to do a comprehensive tourism plan looking at the cruise industry, independent travel and any other type of tourism and figure out what we are spending, where the money is coming from, and how we are going to go forward. She said with the recent lawsuit somewhat settled, she is hearing that we cannot spend cruise passenger money on toilets and a lot of other things. She said as a taxpayer, she does not want to pay for those things that directly benefit the cruise industry. She said she has researched the cruise industry for years and they are masters at externalizing every cost that they can and we as a community need to say no. She said the time right now is good to say no, the industry is making a pile of money off us and they are trying to maximize their profits. We, the residents of Juneau, should not pay to subsidize the industry in any way whatsoever. She urged the city to do a cost review analysis into what we are spending, what we are receiving and how we can get more, such as charging more for our valuable water resources.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the consent agenda and asked for unanimous consent. *Hearing no objection, the motion passed.*

1. Ordinances for Introduction

   a. Ordinance 2019-08 An Ordinance Amending the Land Use Code Related to Street Standards.

      This ordinance would amend the Land Use Code regarding the standards for temporary cul-de-sacs and stub streets. A temporary cul-de-sac and stub street are used when the street design of a new subdivision ends at an adjoining property that could be developed. Currently, the land use code requires a developer of a subdivision designed with a stub street to construct it or provide a financial guarantee for five years to cover construction of it. This ordinance would remove that five-year financial guarantee requirement and clarify the procedures and standards for when a temporary cul-de-sac and a stub street are required.

      The Planning Commission recommended the Assembly adopt this ordinance at its meeting on December 11, 2018.

      The City Manager recommends this ordinance be introduced and referred to the Public Works and Facilities Committee.

   b. Ordinance 2018-11(AB) An Ordinance Appropriating to the Manager the Sum of $1,474,553 as Funding for the New Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

      This ordinance would appropriate $1,474,553, the majority of the proceeds from the recent sale of the Shaune Drive public property, to create a new CIP that will consolidate the Recycleworks program and Household Hazardous Waste program at a central location at the Waste Management owned and operated landfill.

      The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.

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

   c. Ordinance 2018-11(AC) An Ordinance Appropriating to the Manager the Sum of $300,000 as Funding for the Deferred Building Maintenance Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

      This ordinance would appropriate $300,000, a portion of the proceeds from the recent sale of the Shaune Drive public property, to reimburse the Deferred Maintenance CIP for funding the renovations made to the old Valley Shop at 2520 Barrett Avenue to allow the Water Department to occupy the facility.

The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.

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

2. Liquor License

   a. Liquor License Renewals for Licenses: 1081, 1384

   These liquor license actions are before the Assembly to either protest or wave its right to protest each license action.

   <u>Renewal of Liquor Licenses</u>
   License Type: Restaurant Eating Place, License #1384
   Alfonso Soriano d/b/a Jovany's Italian Restaurant
   Location: 9121 Glacier Highway, Juneau

   License Type: Beverage Dispensary, License #1081
   Shayz, LLC, d/b/a Squirez
   Location: 11806 Glacier Highway, Juneau

   Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest these applications. Copies of the documents associated with each 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 above-listed liquor license applications.

VIIIPUBLIC HEARING

A. Ordinance 2019-03 An Ordinance Amending the City and Borough of Juneau Code Related to Aquatics Facilities and Repealing the Associated Sunset Date.

In October 2014, Juneau voters authorized the Assembly to adopt an ordinance to establish a board to direct the operation of CBJ's aquatics facilities. Subsequently, Ordinance 2015-23(b) created the seven-member Aquatics Board. That ordinance specified the Aquatics Board would automatically sunset on May 28, 2018. Ordinance 2018-18 extended this sunset date to June 30, 2019, to allow for further consideration of better governance options. Since April 2018 the Aquatics Board, in consultation with the City Manager and Parks & Recreation staff, considered different governance options, which culminated in Ordinance 2019-03.

This ordinance would permanently remove the sunset provision and makes several other changes. It increases the number of board members from seven to nine, and designates one seat each for representatives from the Juneau School District and a local aquatics organization that rents a pool facility. The Director of the Parks & Recreation Department would sit on the board as a non-voting member. The ordinance further clarifies that the Aquatics Manager reports to the Parks & Recreation Director and provides staff support to the Aquatics Board. The Board would continue to have the ability to establish fees and charges for the use of aquatics facilities, review and approve annual operating and capital budget submissions, and adopt regulations subject to Assembly approval.

Upon adoption of this ordinance, the Assembly would then need to address the Board's membership. Of the seven current members, two (Max Mertz and Pat Watt) have terms that expire in 2020 and the remaining five have terms that expire this June. I understand that some members are not interested in serving for additional terms. Thus, I recommend the Assembly open an application process and select three people to fill three-year terms, three people to fill two-year terms, one person to fill a one-year term, and keep the existing two members with terms that expire in 2020. This ordinance would not change the term limits for any member that continues after the new Board is formed.

The Human Resources Committee discussed this ordinance on January 7, 2019. The Aquatics Board discussed this ordinance on January 15 and 22, and recommends the Assembly adopt version (b). A memo from the City Attorney describes the changes in version (b).

The City Manager recommends version (b) of this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Mr. Bryson to adopt Ordinance 2019-03 version (b) and asked for unanimous consent.

Objection by Mr. Jones. Mr. Jones stated that his objection relates to the addition of the employment prohibition language. Mr. Jones explained that during the initial creation of the Aquatics Board they discussed the membership criteria in depth and were very purposeful in the language currently proposed for removal on page 2 lines 1-18 of version (b).

AMENDMENT by Mr. Jones to use the language originally found in 67.10.010(b) and found on page 2 lines 17-18 of Ordinance 2019-03(b) and to remove the strike-through from that line so that it would again read: **"(b) No board member, or member of a**

board member's immediate family or household, may be employed by an aquatics facility owned by the City and Borough."

Discussion took place regarding the Assembly Human Resources Committee recommendations with respect to the Aquatics Board. Mr. Jones also explained the history behind the language being in the original ordinance and why he would like it to remain.

Roll Call Vote on the amendment.

Ayes: Edwardson, Gladziszewski, and Jones
Nays: Becker, Bryson, Hale, Hughes-Skandijs, Triem, and Weldon
Motion failed 3:6

Roll Call Vote on motion to adopt Ordinance 2019-03(b) as initially presented.

Ayes: Becker, Bryson, Hale, Hughes-Skandijs, Triem, Gladziszewski, and Weldon
Nays: Edwardson and Jones
Motion carried 7:2

B. Ordinance 2018-11(Y) An Ordinance Appropriating to the Manager the Sum of up to $230,000 as Funding for Phase II of the Amalga Fish Cleaning Station Project; Grant Funding Provided by the Alaska Department of Fish and Game.

The Alaska Department of Fish and Game (ADF&G) has provided $230,000 for the purpose of design and construction of a new fish cleaning float.

This project received a previous ADF&G grant of $50,000 for feasibility and planning purposes. The additional funds will cover the final design, permitting, bidding, and construction of the fish cleaning station at Amalga Harbor. The Docks and Harbors Board referred this item to the Assembly at its regular meeting on December 20, 2018.

The Assembly Public Works and Facilities Committee discussed this matter on January 14, 2019, and recommended to postpone consideration of the ordinance until more public process occurred.

The City Manager recommends the Assembly allow public testimony tonight and then refer this ordinance to the Public Works and Facilities Committee to allow staff more time to facilitate public process.

Mr. Jones asked for a point of order before holding public hearing. He noted that the ordinance was introduced, referred to the Public Works and Facilities Committee (PWFC) but was also set for public hearing. The PWFC recommended they not take testimony until the process was finished in committee. He said the he had some discussed this with the City Attorney. When an ordinance is introduced, referred to committee, and set for public hearing all at once, it sets up a dynamic with the committee that they don't feel they can hold it in committee since it had already been set for public hearing.

When the PWFC discussed this ordinance, they voted unanimously to request the Assembly NOT to hold public hearing at the Assembly level until it was done in committee. He said he didn't know if it was appropriate for the Assembly to follow its rules related to public comment until the Assembly deals with a motion that came from its own committees.

Mr. Palmer said the short answer to Mr. Jones' question is that it is the Assembly's discretion as to whether to take public testimony at this time or not. He suggested it would be prudent to take public testimony because it was introduced and set for public hearing but it is entirely at the Assembly's discretion.

Mayor Weldon said that having spoken with some of the residents of the neighborhood, they intended to have one spokesperson speaking on their behalf at this meeting.

Ms. Gladziszewski noted that this issue will be going back to PWFC and it will come back to the Assembly for additional public testimony so this would not be their only opportunity to give public testimony.

Public Comment:
Mr. Doug Larson said that he was one of several property owners present and he was chosen to speak on their behalf. He said they appreciate what the PWFC did when they met with the neighbors two weeks ago and in asking for a postponement. They support the work of the City Manager on this and the neighbors feel there is more to be explored and details to be worked out in the PWFC.

Mr. Bryson asked Mr. Larson if they see the proposed fish cleaning station as solving some of the issues caused by the fish carcasses or if he feels there will there still be a problem.

Mr. Larson said that he feels it is safe to say, without any data, that when you have one cleaning station open, you have some carcasses, but when you have more than one station, you have more carcasses. He said when the one station is in use, there are many folks who take their fish home or elsewhere to clean. He said they are concerned this has the capacity to exacerbate things and make for a bigger problem if another station were added.

Assembly Action:
MOTION by Ms. Hale to refer Ordinance 2018-11(Y) back to the Public Works and Facilities Committee and asked for unanimous consent. *Hearing no objection, the motion carried.*

C. Ordinance 2019-04(b) An Ordinance Repealing Ordinance 2015-18(am) and Re-establishing the Treadwell Arena Advisory Board.

The Treadwell Arena Advisory Board (TAAB) was established by the Assembly in 2015 and tasked with reviewing operations at the Treadwell Arena, including financial performance, marketing, and facility usage. The TAAB recently developed mission and vision statements for the board, and has proposed amending ordinance 2015-18(am) to provide better alignment between the TAAB's work and its reports to the Assembly. This ordinance would better identify objective reporting criteria that align with the TAAB's vision "to ensure continued opportunities for the community to use Treadwell Arena," and its mission to "work with Treadwell Arena to ensure operations are consistent with cost recovery goals, identify opportunities to generate net revenue, and identify ways to improve the user's experience."

The TAAB discussed these changes at its meeting on October 16, 2018 and recommended forwarding them to the Assembly for action. The Human Resources Committee discussed this ordinance on January 7, 2019, and recommended that the TAAB report to the Human Resources Committee instead of the Committee of the Whole. That change is reflected in version (b) of this ordinance.

The City Manager recommends that version (b) of this ordinance be adopted.

<u>Public Comment:</u>
None

Assembly Action:
MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2019-04(b) and asked for unanimous consent. *Hearing no objection, the motion carried.*

D. Ordinance 2019-01 An Ordinance Amending the City and Borough Code Relating to the Criminal Penalty for Violating Conditions of Release.

This ordinance would amend the CBJ's violating conditions of release penalty to be consistent with the maximum penalty allowed under State law. State law (AS 29.25.070(g)) requires that a penalty for a municipal ordinance may not be greater than for a violation of a similar State law. This ordinance would reduce the maximum term of imprisonment from 10 days to 5 days for the crime of violating conditions of release and clarify that the maximum fine is still $2000, which is consistent with State law (AS 11.56.757, AS 12.55.135(b)(3), and 12.55.035(b)(6)).

The City Manager recommends this ordinance be adopted.

<u>Public Comment:</u>
Mr. Dennis Harris stated that there is movement in the state legislature to revise or revoke SB91 and his hope is that if/when the state makes changes to the statutes, that CBJ adopt the highest possible penalties and conditions of release. He gave an example

of a case that recently happened in the flats in which a person was arrested for theft, placed in jail, served his 5 days before being sentenced and was then released. He said that individual then immediately began the same behavior all over again after leaving jail. He said when the city prosecutes someone, he hopes they will serve the maximum sentence allowed before being released to re-offend.

Assembly Action:
MOTION by Ms. Triem to adopt Ordinance 2019-01 and asked for unanimous consent.

Ms. Gladziszewski asked for clarification about not seeing any strikethrough text in the ordinance.

Mr. Palmer explained that the original code is as appears in this ordinance but the default penalty was in another code section. This now adds the language in this code section as shown by the underlined text in Ordinance 2019-01.

Hearing no objection, the motion carried by unanimous consent.

E. Ordinance 2018-11(U) An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the Electronic Fare Boxes Capital Improvement Project for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate grant funding in the amount of $600,000 as provided by federal funds through the Alaska Department of Transportation and Public Facilities. A local match requirement of $150,000 has already been appropriated to the capital project under D71-090 – Electronic Fare Boxes.

This funding will provide Capital Transit with a data management and fare collection system that enables automatic passenger counters to track ridership and loads on an ongoing basis and a fare collection system to help reduce collection time, ultimately providing improved customer service.

The Public Works and Facilities Committee reviewed this topic at its meeting on December 10, 2018, and referred it to the Assembly.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Mr. Edwardson to adopt Ordinance 2018-11(U) and asked for unanimous consent.

Objection by Mr. Bryson for the following questions:
1) Have these been tried in other communities as he would hate to see this go the same way the downtown parking equipment went.
2) Will there be options for passengers to still pay cash if they need to?

Mr. Watt said this ordinance is to appropriate funds and does not specify the exact technology manufacturer and he would imagine there would be a robust consideration of the options available. He asked Engineering/Public Works Director Mike Vigue to come forward and provide additional information.

Mr. Vigue stated that once they get the grant funding from State DOT and Federal Transit Administration, they would pursue, likely through a consultant, to determine what technology they'd like to buy for this use. In answer to Mr. Bryson's questions, there are a number of communities using technology like this and it should be better than the parking machine experience. He also noted that they will be sure that using cash to pay the fare would still be an option.

Mr. Bryson removed his objection.

Hearing no objection, the motion carried by unanimous consent.

F. Ordinance 2018-11(V) An Ordinance Appropriating to the Manager the Sum of $479,653 as Partial Funding for Bus Replacement for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, With Local Match Funding Provided by the Equipment Replacement Reserve's Fund Balance.

This ordinance would appropriate grant funding in the amount of $407,630 as provided by federal funds through the Alaska Department of Transportation and Public Facilities. A local match requirement of $72,023 will be funded from the equipment replacement reserve fund balance.

This Lo-No Bus grant, and local match, will be combined with remaining funding of $397,339 from the recent diesel bus replacement grant that was previously appropriated by the Assembly, along with the associated local match of $99,335 available in the equipment replacement reserve fund balance. These combined funds, totaling $976,327 will allow Capital Transit to replace a 2006 35 foot diesel powered bus with a 35 foot electric bus and associated charging infrastructure for the Mendenhall Valley Transit Facility.

The Public Works and Facilities Committee reviewed this topic at its meeting on December 10, 2018, and referred it to the Assembly.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
Ms. Becker asked about the age of the bus being replaced and which year the electric bus is that is replacing the diesel bus. Mr. Watt replied that they are replacing a 2006 diesel bus with a new 2019 or 2020 bus, depending on whichever vehicle year it is that they end up expending the funds.

MOTION by Mr. Jones to adopt Ordinance 2018-11(V) and asked for unanimous consent.

Ms. Hale noted objection for purposes of discussion. She asked if we didn't already receive funding for a Lo-No bus and if so, where is that bus and what was the status of that bus?

Mr. Vigue said that this is the first grant they have actually received from Federal Transportation for an electric bus. He explained that there is a second grant they have applied for and been approved for, but have not yet received the funds. Those funds will be used for a second electric bus.

Ms. Hale asked if he could explain why there is such a long delay in purchasing the bus. Mr. Vigue explained the timelines involved but that they could not proceed with the bus purchase until the grant funding had been received.

Mr. Bryson asked Mr. Vigue about the grant funding for the first bus includes funding for a charging station for the bus and asked that when they get the second bus, if there will be a cost savings since they will be using the same charging station.

Mr. Vigue responded that they have included funding in the second grant request to include a second charging station so both buses can be charging at the same time if needed. Mr. Watt also responded to Ms. Hale's question stating that although the grant application process delayed the funding, they did place an order quite a while ago to be able to get in the manufacturing que for an electric bus when one became available. He said his understanding is that the manufacturing que time was 20-22 months from time of order so he anticipates they will be receiving the bus for delivery sometime in the fall.

Ms. Hale and Mr. Bryson removed their objections.

Hearing no objection, the motion carried by unanimous consent.

G. Ordinance 2018-11(W) An Ordinance Appropriating to the Manager the Sum of Up to $30,000 as Partial Funding for the Cold Weather Emergency Shelter (FY19); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).

The Alaska Mental Health Trust Authority approved a $30,000 grant request submitted by CBJ staff to cover the costs of operating the cold weather emergency shelter. Last year CBJ received $16,425 to cover rent at the facility. The increased amount recognizes the CBJ's additional costs in taking over ownership of the building, but is $6,000 short of that requested. The Housing Office will be looking for operational efficiencies to address the shortfall.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
Ms. Becker asked about the notification process for the cold weather shelter other than just the sign on the side of City Hall that the shelter is open.

Housing/Homelessness Coordinator Irene Gallion came forward and reported that there are six signs that are electronically controlled to turn on via cell phone whenever the shelter is open. Their staff also sends out an email blast that goes out to everyone who have requested to receive notifications.

Ms. Gladziszewski asked for the location of the six signs. Ms. Gallion noted there are four downtown and two in the valley at the following locations:
1) City Hall
2) Resurrection Lutheran Church
3) Polaris House
4) Cold Weather Shelter
5) St. Vincent DePaul's
6) St. Vincent's Thrift Store

Mr. Bryson asked if there have been any discussion about the possibility of increasing the temperature at which the shelter is open. Ms. Gallion said there has been discussions but would deferred that topic to the City Manager. Mayor Weldon noted that is not part of this ordinance and should be discussed at a different time.

Mr. Edwardson commented that in addition to the notification methods above, notice is also sent out via facebook.

MOTION by Ms. Becker to adopt Ordinance 2018-11(W) and asked for unanimous consent. *Hearing no objection, the motion carried.*

H. Ordinance 2018-11(X) An Ordinance Appropriating to the Manager the Sum of $52,763 as Partial Funding for the Housing and Homelessness Services Coordinator Project; Grant Funding Provided by the Alaska Mental Health Trust

Authority.

The Alaska Mental Health Trust Authority approved a $52,763 "house-keeping" grant submitted by CBJ at the request of the Trust. This grant streamlines travel funding and re-establishes a fiscal year grant cycle. One element of this grant is for $36,355. The original award was for $100,000 a year for up to three years, beginning in FY2018. Our Housing and Homelessness Services Coordinator was hired seven months into the fiscal year. This funding fills the gap between fiscal years and allows the Trust to assume a regular grant cycle in FY2020. The other element of this grant is $16,398 in travel and training dollars for the Housing and Homelessness Services Coordinator and the Chief Housing Officer to participate in homelessness-related training and conferences. Rather than approve them individually, the Trust requested they be submitted as a plan.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:

MOTION by Ms. Gladziszewski to adopt Ordinance 2018-11(X) for purposes of discussion.

Ms. Gladziszewski asked if due to the timing of the hire, we will receive the full grant amount or if it will be prorated. Ms. Gallion responded that we will receive the full funding amount and the position will be funded for the full three years.

Ms. Gladziszewski then asked for unanimous consent on adoption of the ordinance. *Hearing no objection, the motion carried.*

Mayor Weldon called for a 5 minute break at 7:56 p.m.

I. Ordinance 2019-02 An Ordinance Authorizing the City Manager to Execute a Purchase and Sale Agreement with Archipelago Properties LLC for Real Property located at Lots 1, 2 and 4, Archipelago Subdivision, Plat No. 2013-22, Juneau Recording District, near 356 South Franklin Street.

The rapidly growing visitation of cruise ships and their passengers necessitates additional facilities to serve the industry. Since the opening of the new floating berth at Alaska Steamship Wharf, dockings have increased 44% and the number of passengers visiting has increased 182%.

Cruise ship vessels exist to take passengers on vacations, and their sole purpose for entering the port of Juneau is to allow passengers to disembark for the day and to enjoy walking about downtown and/or getting on ground transportation to their tours.

This project would provide necessary services to the vessel, to the passengers, and will advance the marine enterprise of the cruise ship industry.

The Ninth Circuit Court of Appeals concluded that the provision of the same services as are proposed in this project was lawful. *Barber v. State of Hawaii*, 42 F.3d 1185, 1196 (1994) (providing restroom facilities, parking, trash disposal, and security services to boaters in exchange for moorage and anchoring fees did not violate the Tonnage Clause).

This ordinance would authorize the Manager to enter into an agreement to purchase private property and sell municipal property resulting in a net cost to the CBJ of $922,175.

The City Manager recommends this ordinance be adopted.

Mayor Weldon resumed the meeting at 8:09 p.m.

Public Comment:

Mr. Watt stated that since the packet was published, there was a letter received this morning from CLIA Alaska not objecting to the project.

Mr. Dennis Harris said he agreed that they need more facilities in the area but not for buses but rather more facilities for taxis, limosuines, tour vans and small vehicles. He said we are getting more stuff for the cruise industry but not for the small businesses. He encouraged them to take Ms. Hart's comments and do a study to see what it takes for people to have a quality experience. He encouraged them to keep in mind as the way the fees are structured, per seat he pays 5 times as much as the cruise lines pay for the tour buses.

Mr. Kirby Day spoke in favor of the ordinance on behalf of TBMP. He said a number of organizations have supported the packet, these are not new discussions, when we talked about 16B project, there was a need for more staging space. This project fits nicely. Docks and Harbors has done a good job with public process and he agrees with Mr. Harris that we have a need for smaller lots and this will provide for some of those smaller vehicles. TBMP has worked hard to alleviate congestion and Docks and Harbors will be tasks with managing this site. He said that growth is coming and we want to do it in a manner that is prudent and handles pedestrians and vehicles in a manner that iss good for citizens and visitors alike.

Mr. Bryson asked how many passengers will this funnel through the facility in a given day. Mr. Day responded that there may be 200 passengers rolling through 8-10 times a day in and out. It will be a management issue for Docks and Harbors to take up and it may be 1500-1800 visitors in this location on a busy day.

Mr. Edwardson said this is a component of a larger project and his questions that he will pose to everyone on this topic will be "What public interest does this serve? What public purpose does this serve?"

Mr. Day said it serves the public purpose of moving visitors to and from and in and around downtown. It serves a public purpose for our community with challenges in the downtown traffic flow. This would give another drop off/pick up stop to get vehicles off the road and not circulating around town waiting for an open spot which serves the traveling public as well as the local residents alike. He said they are always looking for ways to be proactive around our waterfront.

Mr. Edwardson said we have a lot of visitors coming and Mr. Kiehl raised a good point at his last meeting in asking how that would help solve the downtown traffic congestion when it creates yet another choke point for traffic. He said we will have a new parking lot but it hasn't been demonstrated to him that it will do what it is claimed to do. He appreciated Mr. Day's reply to his questions.

Mr. Day - served on many tourism committees through the years and watched the growth of tourism and watched the city become proactive in trying to accommodate the growth and address those needs and those of the community at large. He gave examples of the deck over of the Marine Park plaza and how it has helped for bus staging/public parking in the off season and for things such as the Maritime Festival. He also touched on recent improvements to the tram lot and terminal lot to move more guests and visitors in a more efficient manner and how they are working on ways to mitigate those concerns.

Mr. Bill Leighty encouraged the city not to over invest on items relating to bus transportation. He encouraged them to review the memo he sent to the Assembly and the video resources. He suggested they do a study of carrying capacity and to either restrict supply and carrying capacity or to expand the carrying capacity. He encouraged them to not expand the bus system but rather to do something such as a fixed guideway, hydro transportation method. Ms. Hale asked if he had an estimate of what such a fixed guideway might cost. Mr. Leighty said that he doesn't have those figures as no serious study has been done on it so far because it is a very complex issue.

Mr. Bill Heumann said he has been an owner of real estate in the South Franklin area since 1983 when the Ferry Terminal was down there. He said that the seawalk is a very important element of this and it has been underutilized and would help get pedestrian traffic off of S. Franklin Street. He has the potential of suffering lower rental rates but he also has a strong feeling that they should not stand in the way of development. He said the Assembly has a chance to pocket $190,000 and encouraged the Assembly not to live in fear of the right of refusal.

Ms. Triem asked Mr. Heumann as a Thane resident, what he thought of the impact on traffic in that area. Mr. Heumann said it is not a true problem is the complaints are exaggerated.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2019-02 and asked for unanimous consent.

Mr. Jones objected and said he had requested from the Mayor prior to this meeting to have longer than 2 minutes to address his concerns. He said that while he is leaning on voting yes on this ordinance, this whole project is concern to him. He pointed out some real concerns he has regarding the timelines set out in the purchase and sale agreement. He also was concerned about the right to refusal issue and agreed with Mr. Heumann's comments. His other concerns relate to items 10 and 11 on page two of the purchase and sale agreement. His concern has to do with "why so fast" and thinks there may be merit in doing a study on carrying capacity. There are days when passengers and crews are 18,000 in a town of 32,000.

Mr. Jones said that last May the Assembly Finance Committee and the Assembly in approving the budget, approved an additional $75,000 for JEDC. The minutes don't reflect what for but he believes that JEDC thinks they were given money to look at one of the projects they proposed which was a visitor industry growth and ensure that the growth of tourism is positive to Juneau. He said that he has sat in a lot of meetings and they are just starting to try to look at that. JEDC also sponsors and works with the Visitor's Product Cluster group which is an industry group and Mr. Day Chairs that group. He spoke to the practice and process this group is going through.

Mr. Jones stated that Docks and Harbors has a proposal for small cruise ship master plan. He said there is a growth in small cruise ships but smaller ships can't use the large docks now. Docks and Harbors had one bidder, it is the same people bidding on the same thing with the same ideas. He said that it seems to him in that if CBJ signs this agreement, it is putting them down a path that they decide not to approve the rest of it, it will put them in a bind because this agreement says they have the right to purchase the property back.

Mr. Jones' concern is that Juneau is at a crossroads and by deciding on this one project, it may push us over the edge of going back to the 70s and 80s with the capacity that no one wants and no one understands the consequences of that. He said this is setting us up for an artificial division in that portion of town and it is self dividing our town into a year round vs. a non-year round part of town. We are one stop on a cruise tour and if we go to 1.5 Million tourists, where else will they go that can handle that number of tourists. He doesn't know the answer and he doesn't believe the cruise industry knows the answers either.

Mr. Jones said this process locks them into actions that he is not ready to go to but if he does vote in favor of this ordinance, it would be simply due to straighten out some of the property lines and to give them some flexibility if and when they decide this is important for us to increase the carrying capacity. He thanked the Mayor and others for providing him the additional time to speak.

Mr. Bryson spoke in favor of his motion and said this develops the last undeveloped waterfront land in a manner consistent with the Long Range Waterfront Development Plan. He said this will increase the amount of tourism congestion. This facility will be able to handle 1500-1800 passengers who won't be milling around downtown trying find where they are supposed to catch their bus. He said it also increases the tourism cash flow. The Archipelago project is to be built with shops and additional restaurants and that will capture additional dollars. Mr. Huemann pointed out that more retail spaces could lower possible rents. He noted that the dividing line that Mr. Jones mentioned includes some of the most expensive rental property in the entire community. By allowing additional facilities, it will create more opportunity for potential Juneau business owners and lower the rents.

Mr. Bryson said right now there is a food cart area with a dirt floor and isn't as fancy as our city is as a tourist destination. This project would have a more modern food facilities that would give a better impression. It would also provide for increased public restrooms and there is currently a shortage of public use restrooms in the downtown corridor for tourists and this plan has plenty of restrooms. The Archipelago project itself, not including the parking area, doing off the cuff estimates, the project will add approximately $500,000 to $750,000 in tax revenues.This creates an increased economy and is a $23 Million project on the books. He said the project itself is has been discussed for approximately 2 years. He said this is a great project for Juneau without taxing the citizens of Juneau and it is a win, win, win project for our community.

Mr. Watt said this project has been discussed for at least 2 years for the formal short view of this process but in reality, this project fits in the waterfront plan going back to 2004 in providing the infrastructure needed for the industry.

Ms. Hale said that Mr. Jones raised some valid points about tourism for us all to consider. She said that the impacts we suspect that the increase in tourism will also have impacts. She noted that Mr. Jones and Ms. Hart raised some valid points that are worth consideration. Ms. Hale said she does not believe that a long-vacant lot is the vehicle for that conversation. She lived across the street from that lot for a number of years. It has been the city's practice to encouraged vacant lots to be developed when possible.

Ms. Triem said she does have a problem with the Right to Object Clause and would like to propose an amendment. Mr. Palmer had copies of Ms. Triem's amendment that were handed out to the members.

AMENDMENT by Ms. Triem to amend Sections 5D and %A of the ordinance to prohibit buying a portion of Lot 1 with Archipelago's right to object. *(See attached* *document -Amendment 1, Ord. 2019-02)*

Ms. Triem spoke to her amendment. She said that she understands that in other waterfront projects, there have have been other incentives or concessions given to make the projects better. She objects to this specific one in that it will exist in perpetuity. It will give the owner of the land the right to object for any uses. This would bind future Assemblies on what they can do on this portion of land. If you want that eternal right to object, it would be worth quite a more than this value. She said it would also set a precedent that they may not want to begin. She asked Mr. Palmer for clarification as to whether CBJ had any similar provisions and he said he was not aware of any quite like this.

Ms. Triem stated this would also distort the free market in a way that these other incentives and concessions have not done. This would give Morris Communications this right that no other Juneau business would have and she doesn't feel it is something the Assembly should be involved in. This locks CBJ in with the owner of the uplands property forever and she did not feel that was what they should be doing.

Mr. Jones said he objects to the amendment and while this is guided by some good principals, he thinks that whenever the city might get around to doing something other than the deck over, negotiations will fix this. This would have decreased the cost to CBJ and it will be a cost to Morris. The purchase and sales agreement puts some real restrictions on CBJ but it does not guarantee that Morris will do a thing on their property.

Mr. Bryson spoke to this stating that he doesn't see this as binding future Assemblies, rather, it protects future Assemblies and future business owners that own and operate businesses here in Juneau. He said that businesses that fail to include some type of competition clause can pay an extreme price for it and he gave the previous example of Wee Fishee shop who did not have a non-competition clause and that eventually put them out of business. He said this area was designed to be an open area. He said in terms of determining what the Archipelago Group decides to do, as long as their use conforms to the Waterfront Commercial zoning, the city doesn't have any say in what type of building can be built there.

Ms. Gladziszewski said she initially agreed with Ms. Triem but she couldn't really see that the city would put any businesses there but while she agrees in theory she feels that this is $200,000 not worth quibbling over.

Ms. Triem provided clarification to Mr. Bryson and Ms. Gladziszewski on her points.

Mr. Edwardson spoke in favor of this amendment and that any kind of encumbrance could stop inventiveness and this is a pretty low price for what we would be giving up.

Ms. Hughes-Skandijs spoke in favor of the amendment as she doesn't think the value of the reduction equals what is being given up. In principal she supports this amendment.

Ms. Hale commented on the clause found on page 4 of the purchase and sale agreement that speaks to the parties would "work in good faith to attempt to resolve the objectionable issues" and she feels that both sides would negotiate in good faith on any objections.

Ms. Becker said that she thought this clause mainly spoke to prohibiting CBJ from going into competition with Archipelago and therefore she didn't see any problem with the language as it currently reads.

Ms. Weldon said she was also concerned with this amendment as her preference would be to keep the space open but also noted the fact that the language in the agreement is that an objection is not binding on the city but rather they would attempt to negotiate in good faith.

Roll Call Vote on the amendment.

Ayes: Edwardson, Hughes-Skandijs, Triem,
Nays: Becker, Bryson, Gladziszewski, Hale, Jones, and Weldon,
Motion failed 3:6

Roll Call Vote on the adoption of Ordinance 2019-02
Ayes: Becker, Bryson, Gladziszewski, Hale, Weldon, Hughes-Skandijs, Triem,
Nays: Edwardson, Jones
Motion carried 3:6

Mayor Weldon recessed the meeting for a break at 9:06 p.m. and returned at 9:15 p.m.

J. Ordinance 2018-11(S) An Ordinance Appropriating to the Manager the Sum of $11,000,000 as Funding for the Downtown Waterfront Improvement Project; Funding Provided by Cruise Passenger Vessel Excise Tax, Port Development Fees, Marine Passenger Fees Fund’s Fund Balance, and Dock Fund’s Fund Balance.

DOWNTOWN WATERFRONT IMPROVEMENT PROJECT – FUNDING PACKAGE

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is $23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost $20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The proposal draws from a variety of funds including: Cruise Passenger Vessel Excise Tax, Marine Passenger Fees, Port Development Fees, Dock Fund Balance and Waterfront Land Acquisition CIP.

The funding for Phase I consists of:
1.) $3.5 million of funds already appropriated,
2.) appropriating $11 million via this ordinance and
3.) $6 million of passenger fees to be transferred in from other CIPs.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Ms. Hale to adopt Ordinance 2018-11(S) for purposes of asking a question.

Ms. Hale asked how funding in this ordinance relates to the Manager's requests for Marine Passenger Fees (MPFs). Mr. Watt explained the funds have already been collected previously and the list will be sent out shortly to request items for the upcoming list.

Mr. Edwardson asked if this ordinance was not approved if we would we be defaulting on Ordinance 2019-02. Mr. Watt explained that while he wouldn't use the term defaulting, if the Assembly did not approve and the Assembly did not provide for a different fund, the purchase and sale agreement does have a clause to which the seller could object.

Mr. Jones objected and said that this is the first spot of spending potentially $23 Million to gain a few parking spots and potentially some open deck. He said there is no guarantee that the Morris portion of the project to be done. He also doesn't agree with the manager's portrayal of the letter they received from CLIAA. He quoted the section of their letter that stated "we are considering an agreement not to object to this particular project as part of a broader settlement on any continuing dispute between CLIAA and CBJ." He said that is not their withdrawing objection to this project in his mind. This ordinance is transferring money that has already been collected to start spending $23 Million for open space and he isn't convinced it will serve the community of Juneau.

Ms. Gladziszewski said that if the funds weren't appropriated, the Manager couldn't sign the purchase and sales agreement. Mr. Watt said there are sufficient funds to sign the purchase and sale agreement for the $922,000 but there would be insufficient funds to complete the envisioned construction project. He said that if the Assembly did not complete the appropriation of these funds, the owner's representative is in the audience so he would not need to convey to them that they would have a new issue to work on so it would come back to the Assembly in some fashion eventually.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Weldon
Nays: Jones, Edwardson
Motion passed 7:2.

K. Transfer 1007 A Transfer of $6,000,000 from Statter Harbor Improvements - Phase III and Open Space Waterfront Land Acquisition Capital Improvement Projects to Marine Park to Taku Uplands Improvement Capital Improvement Project.

Transfer T-1007 transfers $4.5 million, of State Cruise Passenger Vessel Excise Tax, from Statter Harbor Improvements Phase III and $1.5 million, of CBJ Marine Passenger Fees, from Open Space Land Acquisition Fund, to the Marine Park to Taku Uplands Improvement Project.

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is $23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost $20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The funding for Phase I consists of:
1) $3.5 million of funds already appropriated
2) Appropriating $11 million via ordinance 2018-11(S) and
3) $6 million of passenger fees to be transferred, via this resolution, from other CIPs.

The City Manager recommends this transfer be approved.

Public Comment:
None

Assembly Action:

MOTION by Ms. Hughes-Skandijs to approve Transfer T-1007.

Mr. Jones objected.

Mr. Edwardson said he also objected based on the same comments he spoke to earlier. He said this is talking about a $23.5 Million project and that it will take approximately 43 years to make a return on this investment.

Ms. Triem spoke in favor of this transfer and that it is spending MPF funds so why not use the money for this use.

Mr. Jones commented that regarding spending other people's money, this is collecting money from people coming for the experience of being in Alaska and we should be spending it with a policy in mind.

Ms. Gladziszewski agreed that this gets them out of the downtown to be able enjoy their Alaskan experience and we should support this.

Mr. Jones said if they approve this tonight, there will be a fence for 2-3 summers where we can have those conversations.

Ms. Hughes-Skandijs pointed out that in addition to this being good for the cruise industry, it will make a huge difference in the pedestrian traffic and benefit the whole community when it is said and done.

Additional discussion took place from Ms. Hale, Ms. Becker, and Mr. Bryson in favor of the project. Mr. Edwardson said that while he feels it is a good project and one he is favor of, it is not something he sees as a public CBJ project. Ms. Triem and Ms. Gladziszewski also spoke in favor of the project and the public purpose and the types of funds being used are MPF funds and for the purpose of benefiting the cruise passengers.

Mayor Weldon asked what transferring these funds from the Statter Harbor project means. Mr. Watt said the Statter Harbor project is going slower than this project and that they have not done a legal analysis of the use of those funds for Statter in light of Judge Hollands ruling. In light of that, he feels it would be appropriate to transfer these funds from Statter Harbor at this time and then come up with funding for Statter when those issues have been resolved.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Weldon
Nays: Jones, Edwardson

Motion passed 7:2.

L. Bid Award-Downtown Waterfront Improvements-Materials Procurement

This bid award is for material procurement for the downtown waterfront improvements project at the Archipelago property. The materials sought are long lead-time items; procuring them now will assure that the desired construction schedule is met.

Bids were opened on this project on January 15, 2019. Results of the bid opening were as follows:

Bidders	Total Bid
Island Contractors	$783,820
Trucano Construction	$849,017
Western Marine Construction	$840,600
Engineer's Estimate	$833,000

The City Manager recommends approval of this bid to Island Contractors in the amount of $783,820.

Public Comment:
None

Assembly Action:
MOTION by Ms. Triem to approve the bid award to Island Contractors in the amount of $783,820. *Hearing no objections, the motion carried.*

M. Ordinance 2018-11(Z) An Ordinance Appropriating to the Manager the Sum of up to $200,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.

The CBJ Docks and Harbors Board requests approval to transfer $200,000 from the Docks Fund Balance for construction of a new visitor information kiosk.

The current kiosk is over 40 years old, has several safety deficiencies, and does not meet ADA requirements. The kiosk is beyond repair and needs to be replaced.

The proposed funding would replace CBJ Marine Passenger Fees currently remaining in the account. Those funds would be transferred to another project under a separate action. The Docks Fund Balance is currently $4.0M.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this ordinance be adopted.

<u>Public Comment:</u>
None

<u>Assembly Action:</u>
MOTION by Mr. Edwardson to adopt. Ordinance 2018-11(Z).

Mr. Jones objected for purposes of a question. He said that the bid award is for $163,873, and the ordnance amount is for $200,000 and he asked if the extra money was for a contingency fund.

Mr. Watt said that was correct and Mr. Uchytil who was in the audience also indicated his agreement.

Mr. Jones said that $163,000 seemed obsence to replace what we have down there. Mr. Watt asked Mr. Uchytil to provide that information.

Mr. Uchytil said they hired Jensen Yorba Lott for the project to design something that would pop on the waterfront, be ADA compliant and has a heating element that it doesn't have now. He said they anticipated a budget of $150,000 going into the project.

Mr. Jones said he would disagree with Mr. Uchytil's comments but he did remove his objection.

Ms. Becker said she has worked in the kiosk a lot and they will be happy there is heat and windows that will keep out the rain and that kiosk is closed when the weather gets bad so she is in favor of having something volunteers can sit in and not get sick.

Mayor Weldon objected for same reasons as Mr. Jones' comments.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Edwardson
Nays: Jones, Weldon
Motion passed 7:2.

N. Bid Award-Visitors' Information Kiosk Replacement

This bid award would construct a new visitors' information kiosk at the current site on the downtown waterfront. The existing kiosk does not meet ADA requirements and is beyond its useful life.

Bids were opened on this project on January 22, 2019. The results of the bid opening were as follows:

Bidders	Total Bid
Island Contractors, Inc.	$163,873
Dawson Construction, LLC	$204,300
Silver Bow Construction Co.	$219,000
Carver Construction, LLC	$220,642
Engineer's Estimate	$150,000

The City Manager recommends that this bid be awarded to Island Contractors, Inc. in the amount of $163,873.

Public Comment:
None

Assembly Action:

MOTION by Mr. Jones to approve Bid Award to Island Contractors, Inc. in amount of $163,873 and recommended a no vote.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Edwardson
Nays: Jones, Weldon
Motion passed 7:2.

O. Ordinance 2018-11(AA) An Ordinance Appropriating to the Manager the Sum of up to $170,000 as Funding for Dock Security Stations Capital Improvement Project; Funding Provided by Marine Passenger Fees.

The CBJ Docks and Harbors Board requests approval to transfer $170,000 of Marine Passenger Fees from Docks Operations Fund to CIP H51-122 (Dock Security Stations).

The Department of Homeland Security requires Docks personnel secure the vessel at all times it is moored to the cruise berths. Passengers' credentials must be cleared as they enter the vessel security area. Currently there is no orderly vessel security access and queuing location for security checks. The proposed project would construct new security checkpoint facilities (one at the Cruise Ship Terminal and one at Alaska Steamship Wharf).

Funds being transferred are CBJ Marine Passenger Fee proceeds within the approved Docks Operations account that was originally identified for US Coast Guard required TWIC readers. The USCG has since delayed indefinitely the TWIC reader requirement thus the funds are able to support another vessel security project.

The Assembly Public Works and Facilities Committee considered this funding item at its regular public meeting on November 19, 2018 and adopted a motion to prepare an appropriation ordinance for Assembly action.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:

MOTION by Ms. Becker to adopt Ordinance 2018-11(AA) and asked for unanimous consent.

Ms. Hughes-Skandijs objected for purposes of a question. She asked what we have in place now. Port Director Uchytil said they currently have a tent covered area on the dock checking IDs. They would like to have something similar to what is currently in place at the AJ Dock with the covered walkway and a steal-enclosed structure with an adjacent waiting room. Ms. Hughes-Skandijs removed her objection.

Mr. Jones objected for purposes of a question. He was confused and asked for clarification regarding the kiosk transfers and the visitor kiosk and this project. When this came before the PWFC they strictly only discussed the $170,000 for the visitor's kiosk but the transfer under item P on the agenda T-1011 appears to be transferring $129,000 for the security station from the visitor info kiosk.

Mr. Watt explained that these are two entirely separate projects. There is one up on the dock - the dock security project. The second project is closer to the street and that is the visitor info kiosk. The dock security project which had been coming from dock funds which is essentially general fund. The visitor info kiosk had been using Marine Passenger Fees which was the subject of Judge Holland's decision. He explained that the dock security purpose is absolutely a service to the ship and while CBJ believes the visitor info kiosk is also a service to the vessel, they felt it was prudent to switch the funding of the two projects.

Mr. Jones said that made total sense to him explained in that manner. He also stated that the PWFC only discussed the $170,000 but not $300,000 and he would appreciate knowing the full cost of any/all projects involved at the committee meeting. He removed his objection.

Hearing no further objections, the motion carried.

P. Transfer 1011 A Transfer of $129,000 from the Visitor Info Kiosk Capital Improvement Project to the Dock Security Stations Capital Improvement Project.

The CBJ Docks and Harbors Board requests a transfer of funds from CIP account H51-110 (Visitor Information Kiosk) to CIP account H51-122 (Dock Security Stations).

The request is to transfer $129,000 of CBJ Marine Passenger Fee proceeds to support design and construction of two new Dock Security Stations. The security stations would provide a covered area for secure vessel access and queuing for security checks.

The funding being transferred is CBJ Marine Passenger Fee proceeds that were approved previously for a new Visitor Information Kiosk. The funds would be transferred to support the Dock Security Stations project.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this transfer be approved.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Gladziszewski to approve Transfer T-1011 transferring $129,000 from the Visitor Info Kiosk CIP to the Dock Security Stations CIP. *Hearing no objection, the motion carried.*

IX. UNFINISHED BUSINESS

A. Volunteers of America v. CBJ Assessor

This is a property tax appeal. On March 7, 2018, the CBJ Assessor denied a request from the Volunteers of America for a religious or charitable purpose exemption for two parcels with multi-family housing known as the Terraces at Lawson Creek. Volunteers of America filed a timely appeal. On April 23, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The hearing officer held a prehearing conference, had the record compiled, and the parties briefed their positions. The hearing officer issued a proposed decision on January 2. Volunteers of America filed a timely objection. The hearing officer considered that objection and the Assessor's statement of support and updated the proposed decision. The hearing officer reviewed the record, applied Alaska and

CBJ law in light of the record, and ultimately concluded the Terraces at Lawson Creek do not qualify for a religious or charitable purpose tax exemption. CBJ 01.50.150(c) governs this process. Unless rejected or modified by an affirmative vote of the Assembly, the hearing officer's proposed order shall be deemed adopted by the Assembly. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

Assembly Action:

Mr. Jones asked about the decision and any potential for partial or other reduction in the assessment.

Mr. Palmer explained that the appellants already received a reduction in the assessment for the low income housing credit. The hearing officer in this case looked at whether apportionment was proper.

MOTION by Ms. Gladziszewski for orders of the day.

Hearing no objection, the motion carried.

X. NEW BUSINESS

XI. STAFF REPORTS

Mr. Watt provided a verbal report on Chicken Yard Park. They met with owners of the property and discussed whether or not there would be access to through the park. This will be going to Lands Committee on February 4. There is to be an ordinance introduced on February 11 and refer the matter to a Public Hearing on March 4.

Mr. Jones said appreciate that report. He noted that a lease was brought forward that the Lands Committee and then went to the Planning Commission. The Planning Commission then put conditions on something the manager was given direction by the Assembly. He ask the Assembly's permission to work with the City Attorney on determining whether lease needs to go back to the Planning Commission if it has already gone through the Lands and Assembly process.

Ms. Becker and Mr. Jones discussed language drafting which will be done in conjunction with the City Attorney. Ms. Hale expressed her concern that the Planning Commission exists for a purpose different from that of the Assembly and she doesn't want to see this negating the role of the Planning Commission.

Hearing no objection, Mr. Jones will work with the City Attorney on bringing back proposed language to the Assembly.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon said she and staff welcomed Ms. Hughes-Skandijs with a 5-hour boot camp over the weekend. She stated that they have changed up the way they are meeting with the empowered boards and are holding separate meetings with each board. During those meetings, they are having staff sit off to the side and it is an opportunity for the Assembly and board members to talk together.

She noted that during the joint meeting with the Docks and Harbors Board, the Assembly asked the board to look into the Lumberman situation and she said she received an update from their chair this evening.

Mayor Weldon said that since the last regular meeting she has attended the annual Juneau Community Legislative Welcome Reception and she praised the Alaska Committee, Travel Juneau, Chamber of Commerce, CBJ staff and all the sponsors for a great reception. The following morning, there was a Special Assembly Meeting with Assembly and the Juneau Legislative Delegation. The next week she participated with the Martin Luther King Jr. celebration coordinated by Ms. Sherry Patterson who also sang magnificently. She attended the Federal furloughed employees open house at the JACC. and the community is doing an incredible job in reaching out to fellow federal employees. She also noted other events of note that she attended.

She said they have received an invitation to tour St. Vincent De Paul and asked any other members who might wish to attend to notify the Manager's office so they can RSVP.

She has tasked the City Manager and the Port Director to address food truck project and asked for Assembly concurrence with that direction. Hearing no objection, they will proceed accordingly.

Finally she said that she would like staff to look at video streaming Assembly meetings. Hearing no objection, staff was assigned with that task.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Mr. Bryson reported on the January 8 Planning Commission Committee of the Whole meeting during which the new members received board training. The new members are Shannon Crossley, and Ken Alper. He stated that Travis Arndt was present but didn't know at the time if he would able to take his seat on the commission. Following that meeting, he did determine that he could fill the seat and become a member of the commission. That night the Jetty Condos was on the agenda and the height restrictions were lifted from their project.

Mr. Bryson also reported on JEDC's meeting, more information about the January 22 Planning Commission meetings and there were questions raised regarding BnB's and boarding houses.

Ms. Hale reported that she attended her first, and only, Juneau Commission on Aging meeting on January 8. She attended the Blood Bank Grand Opening, the Chamber of Commerce meeting, and the Bartlett Planning meeting at 7am that morning. During their morning meeting, they received information about the Crisis Stabilization grant to help people in mental health crisis.

Ms. Hughes-Skandijs said she had a great training over the weekend and thanked the staff and Mayor who met with her. She said she hasn't been able to attend the committees that she has been assigned to but the Juneau Commission on Aging looking to fill a vacancy. She said they also expect a formal recommendation coming from the Affordable Housing Commission.

Ms. Triem reported on the Aquatics Board and the legislation that was passed during the first part of this meeting. She also reported on meetings by Travel Juneau and all the exciting things they have been working on.

Mr. Edwardson provided a report from the Human Resources Committee (HRC) with the following actions:
Affordable Housing Commission, the HRC held a hearing, talked with their chair and tabled the discussion to the next meeting to allow the commission to come up with their own recommendations.
The HRC recommended the following board appointments:
Douglas Advisory Board - appointed Charles Ward to a term beginning immediately and expiring September 30, 2021;
Jensen-Olsen Arboretum Advisory Board - reappointed Peter Froelich annd Deb Rudis to terms expiring December 31, 2022;
Juneau Commission on Aging - reappointed Katrina Lee and Joanne Flora to a term beginning immediately and expiring December 31, 2020;
Juneau Public Library Endowment Board - reappointed Donna Pierce to a term expiring December 31, 2022;
Wetlands Review Board - appoint Lucas Chambers and Percy Frisby to the Wetlands Review Board to terms beginning immediately and expiring an December 31, 2021.
Hearing no objection, those appointments were confirmed.

Mayor Weldon asked the HRC to take up the application process for the Aquatics Board working with staff.

Mr. Jones reported that there will be a new chair of the PWFC at its February 4 meeting. He reported that the Assembly Finance Committee last meeting wwas on January 9 and the next meeting is on February 6. The School Board met and started their budget process. They also met with the legislative delegation. He gave the list of dates for future School Board meetings and the Child Care Committee meetings whicch will hold its next meeting February 8. Mr. Jones reported on the meetings of DBA, JEDC, and noted that Dana Herndon was leaving DBA and willl be staff to Senators Murkowski and Sullivan.

Mr. Jones also noted that he was approached by a member of the public who had received an abutter's notice about a public meeting being held at which the potential lease of Gunakadeit Park for food truck use would be discussed. He said in light of the Mayor's request to staff to address this issue, he hoped they would send notice to all the Assembly about that meeting.

Ms. Becker reported that the Lands Committee met January 14 and she reported on the various items they discussed including the Vertical Bridge Holdings which has a tower and they want to amend the existing ACS site lease for additional footage. She said the Lands Committee forwarded a recommendation for approval of that lease. She reported on the Alaska Committee held its annual meeting at which they elected boardmembers. They also discussed sponsorship of AML and SE Conference, AK Chamber Fly In, Surveys and funding for Gavel to Gavel among many other other topics. She said they are also encouraging everyone to invite a legislator to dinner in their homes.

Ms. Becker reported that the Chamber of Commerce held its 1/22 annual board meeting at which Mayor Weldon spoke. On January 24, Mr. Jones gave an update on marijuana in Alaska at that Chamber meeting. The next meeting will be held in conjunction with the State Chamber at Centennial Hall after which the regular meetings will switch to the Hangar Ballroom. Ms. Becker reported that she attended the 4-5 graders Any Given Child Symphony.

Ms. Becker asked the City Manager if he has been contacted by taxi companies. She said she thought they would be contacted about being able to have their taxi cabs serve as Uber, Lyft, and Taxi cabs. She said she wanted to learn more about it.

Mr. Jones said the hearing date is February 26 at 7pm in the Assembly Chambers for the city project to lease Gunakadeit Park to Deck Hand Dave's.

Ms. Gladziszewski reported that the Committee of the Whole met with the Planning Commission and heard an updated on Downtown Blue Print. They also heard from JPD and CCFR and their next meeting is February 4. She also reported that she attended the federal workers open house at the JAHC. She also attended the last Downtown Blueprint Walking Tour.

C. Presiding Officer Reports

XIII.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Dennis Harris said that he would hope the Assembly would appeal Judge Holland's decision re: the money benefiting passengers. He would suggest that there is a wonderful appellate attorney who is unemployed and they may wish to hire Ms. Bakalar. He also suggested the Assembly could pay off the bonds early on those docks and also suggested using the MPFs to fund electrification of the docks and require the cruise ships to plug in when they were in port. Lastly he suggested CBJ cease funding restrooms of private docks.

XIV.EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION by Ms. Gladziszewski to discuss CBJ Litigation specifically to discuss strategies regarding the CLIAA lawsuit.

Hearing no public comment or objection, Mayor Weldon recessed the meeting into Executive Session at 10:41 p.m.

XV. ADJOURNMENT

The meeting reconvened at 10:59 p.m. after executive session and Mayor Weldon adjourned the meeting at 11:00 p.m.

Signed:____________________	Signed:________________________
Elizabeth J. McEwen, Municipal Clerk	Beth A. Weldon, Mayor

Beth McEwen

From:	Robert Palmer
Sent:	Sunday, January 27, 2019 5:20 PM
To:	Rorie Watt; Beth Weldon; Beth McEwen
Subject:	FW: Archipelago: Motion to remove Right to Object provision
Attachments:	2019-01-27 Motion to prohibit right to object v1.docx

FYI, Carole asked for a draft amendment but is not sure if she will make it.

From: Robert Palmer
Sent: Sunday, January 27, 2019 5:18 PM
To: Carole Triem
Subject: Archipelago: Motion to remove Right to Object provision

Motion: I move to amend Sections 5.D and 5.A.5 of the ordinance to prohibit buying a portion of Lot 1 with Archipelago's right to object to certain development. (Then hand out the attached and ask to speak to the motion. I'll bring 20 copies for you tomorrow.)

Some of the reasons could be:

- The CBJ has historically balanced the use of its land with the needs of the community without adversely effecting adjoining property owners
- The CBJ should not buy land with development restrictions imposed by prior owners but should use land consistent with community needs
- A right to object provision vests too much power with a property owner instead of with the public's interest
- There is no intention of the CBJ to use this land to adversely affect Archipelago.
- Archipelago's interests are protected with the robust public process afforded by Docks and Harbors Board and the Assembly process if Archipelago ever disagreed with the CBJ's planned use of the property
- This right to object provision invites unnecessary future disputes
- On balance, the corresponding value of $194,625 is not worth the potential headaches of having such a provision.

Handout Amendment to Ordinance 2019-02 from Assemblymember Triem. Amendment failed 3 Ayes 6 Nays.

Motion: Amend Sections 5.D and 5.A of the ordinance to prohibit buying a portion of Lot 1 with Archipelago's right to object.

Section 5. Minimum Essential Terms and Conditions. The Purchase and Sale Agreement is subject to the following minimum terms and conditions:

(A) Transaction Value. The net balance due from the CBJ to Archipelago is $1,116,800 (one million, one hundred and sixteen thousand, and eight hundred dollars) ~~$922,175 (Nine hundred twenty-two thousand, one hundred seventy-five dollars)~~, which was determined by appraisal, given the following:

1. Archipelago land value of $2,850,135.00;
2. Minus $1,252,400.00 for CBJ's land value;
3. Minus $420,935.00 for Archipelago's benefit of fill behind retaining wall;
4. Minus $60,000.00 for Archipelago's benefit of access along northern property line;
5. ~~Minus $194,625.00 for Archipelago's right to object to development on a portion of Lot 1.~~

…

(D) Archipelago Right to Object. Archipelago has requested preserving a right to object to development on a portion of Lot 1 sold to the CBJ. The appraisal valued that right to object as decreasing the property value by fifty percent or $194,625.00. The Manager may not execute a purchase and sale agreement or accept a deed that includes a right to object encumbrance. ~~The Manager may execute the purchase and sale agreement with Archipelago's right to object language, which is in paragraph #14 of Exhibit A.~~

DRAFT

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 3, 2019

MEETING NO. 2019-19: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:30 p.m. by Deputy Mayor Maria Gladziszewski.

I. CALL TO ORDER / ROLL CALL

Assemblymembers Present: Mayor Beth Weldon (telephonic), Loren Jones, Wade Bryson, Carole Triem (telephonic), Maria Gladziszewski, Rob Edwardson, Alicia Hughes-Skandjis and Michelle Hale

Assemblymembers Absent: Mary Becker

Staff Present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Finance Director Bob Bartholomew, Municipal Clerk Beth McEwen, Port Director Carl Uchytil, Incoming Finance Director Jeff Rogers, HRRM Manager Dallas Hargrave, CDD Director Jill Maclean, Parks & Recreation Director George Schaaf, Chief Housing Officer Scott Ciambor, Police Chief Ed Mercer, Deputy Chief David Campbell, Fire Chief Rich Etheridge, Library Director Robert Barr, Engineering/Public Works Director Mike Vigue, Parks and Recreation Administrative Officer Lindsey Foster, Controller Sam Muse, Budget Analyst Elisabeth Jensen, Eaglecrest Manager Dave Scanlan, Chief CIP Engineer John Bohan JSD Superintendent Bridget Weiss, JSD Administrative Services Director Sarah Jahn

II. APPROVAL OF AGENDA

There being no agenda changes, the agenda was approved as presented.

III. AGENDA TOPICS

IV. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Mr. Jones to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the motion carried.*

1. Ordinances for Introduction

   a. **Ordinance 2019-05 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.**

   This ordinance establishes the mill rates for property taxes for 2019, which funds a significant portion of the City and Borough of Juneau's FY20 operating budget. The Charter requires the assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

   The mill levies presented in this ordinance support the Manager's FY20 Revised Budget that will be reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

   For FY20 the operating mill rate remains unchanged there is a change in Service Areas from FY19, and the proposed debt service mill rate is set to decrease by 0.10 mills. This ordinance proposes a total mill levy of 10.56; the components of which are:

Operation Mill Rate by Service Area	Millage	Change from FY19 Adopted
Roaded Service Area	2.45	0.15
Fire Service Area	0.31	(0.05)
Areawide	6.60	(0.10)
Operating Total	**9.36**	**-**
Debt Service	**1.20**	**(0.10)**
Total	**10.56**	**(0.10)**

   The City Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the Special Assembly meeting scheduled for April 24, 2019.

   b. **Ordinance 2019-06 An Ordinance Appropriating Funds from the Treasury for FY20 City and Borough Operations.**

This ordinance appropriates $377,166,800 in expenditure authority for the City and Borough of Juneau's FY20 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for $99,826,300 of the FY20 operating budget. The total appropriated expenditure authorization, net of inter-fund transfers, is $277,340,500 million.

This ordinance also recognizes $371,832,600 of projected revenue and transfers-in and decreases fund balances, across all funds, by $5,334,200. The revenue and fund balance draw are sufficient to fund the budgeted expenditures. During the weekly Finance Committee meetings in April and May we will walk through the components of the budget and the explain changes from the prior year.

The Charter requires that a public hearing be held on the FY20 operating budget by May 1, 2019, and adoption by June 15, 2019.

The City Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the Special Assembly meeting scheduled for April 24, 2019.

c. **Ordinance 2019-07 An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations.**

This ordinance will appropriate to the School District an FY20 operating budget of $87,471,500. This is an overall increase in the budget of $229,700 from the FY19 Amended Budget. The School District's operating budget is.

• General Operations	$71,122,800
• Special Revenue (pupil transportation, food service, etc.)	7,363,500
• Education Restricted Grants	5.728.700
• Student Activities/Other	3,256,500
Total Budget	**$87,471,500**

The FY20 school budget is supported with a combination of funding sources including CBJ local funding of $28,174,300. The local funding consists of: $26,497,800 for general operations, and $1,676,500 for programs and activities outside of the state funding cap. These programs and activities include: $1,181,500 million for student activities, $50,000 for pupil transportation, $50,000 for food service, $95,000 for Community Schools and $300,000 for Kinder Ready. The general

operations support is a decrease of $37,500 over FY19 Amended. The other program and activities funding is an increase of $120,000 over FY19 Amended, for a net funding increase of $82,500.
State Statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. The district's budget was submitted March 29, 2019. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding CAP, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2019. On April 24, 2019, a meeting is scheduled for the Assembly to state, by motion, the amount of local funding to be provided to the School District.

The Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the special Assembly meeting scheduled for April 24, 2019.

d. **Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.**

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of tidelands for construction of the building known as People's Wharf and associated access.
Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. This ordinance would eliminate the administrative burden of processing an annual permit and instead expand an existing lease. If the Assembly adopts this ordinance, the Port Director intends to issue a temporary use permit, pursuant to CBJC 53.09.310, so the applicant can open before the first cruise ship arrives on April 28.
The applicant has also received a license for the last two years for 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment. (CBJC 53.09.350)

The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission is scheduled to review this matter on April 9, 2019.

The City Manager recommends this ordinance be introduced and set for public hearing on April 22, 2019.

2. Resolutions

a. **Resolution 2845 A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 Through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.**

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2020 through 2025, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY20.

The Public Works and Facilities Committee (PWFC) reviewed the preliminary CIP Resolution at its meeting on March 18, 2019, and forwarded the plan to the Assembly.

The City Manager recommends this resolution be introduced, referred to the Assembly Finance Committee on April 3, 2019 for further review, and set for public hearing at the special Assembly meeting scheduled for April 24, 2019.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 5:32 p.m.

Signed: __________________________ Signed:________________________

Elizabeth J. McEwen, Municipal Clerk — Beth A. Weldon, Mayor

Presented by:	The Manager
Introduced:	May 13, 2019
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AL)

An Ordinance Appropriating to the Manager the Sum of $1,535,300 as Partial Supplemental Funding for Various Department's Fiscal Year 2019 Operating Budgets; Funding Provided by General Fund's Fund Balance, Airport Fund's Fund Balance, Docks Fund's Fund Balance, and Lands Fund's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $1,535,300 for the following Department's Fiscal Year 2019 operating budgets:

Department	Amount
Airport	$108,400
Capital City Fire & Rescue (CCFR)	950,000
Docks	35,000
Lands	201,900
Risk	240,000
Total	**$1,535,300**

Section 3. Source of Funds

Department	Source of Funds	Amount
Airport	Airport Fund's Fund Balance	$108,400
CCFR	General Fund's Fund Balance	950,000
Docks	Docks Fund's Fund Balance	35,000
Lands	Lands Fund's Fund Balance	201,900
Risk	Risk Fund's Fund Balance	240,000
Total		**$1,535,300**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: May 13, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AM)

An Ordinance Appropriating to the Manager the Sum of $620.700 as Funding for Fleet and Risk Funds; Funding Provided by General Fund's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $620,700 as follows:

Fleet	Amount
Capital Transit Fleet	$30,200
Capital City Fire & Rescue Fleet	100,000
Police Fleet	100,000
Streets Fleet	20,200
Treadwell Ice Rink Fleet	10,800
Zach Gordon Fleet	10,000
Total Fleet Contribution	**$271,200**
Risk Fund's Health Fund Balance	$349,500
Total Fleet & Risk Contribution	**$620,700**

Section 3. Source of Funds

Defined Contribution Retirement Plan Employer Forfeitures (General Fund's Fund Balance)	$ 620,700

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Duncan Rorie Watt
City and Borough Manager

DATE: May 1, 2019

FROM: Renee Loree *Renee Loree*
Purchasing Officer

SUBJ: BID RESULTS:
Airport Plow Trucks
CBJ Contract No. B 19-140

Bids were opened on the subject project on April 26, 2019. The bid protest period expired at 4:30 p.m. on April 30, 2019. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Oshkosh Airport Products, LLC	**$1,395,034.00**
Construction Machinery Industrial, LLC	$1,463,000.00
Estimate	$1,950,000.00

Project Manager: John Coleman, JNU Administrative Officer II
Project Description Acquire three heavy duty airport runway snow removal plow trucks.
Funding Source: 93.75% federal AIP grant, 6.25% Sales Tax local match
CIP No. A50-093
Encumbrance: $1,950,000.00

Staff recommends award of this project to Oshkosh Airport Products, LLC, for the total amount bid of $1,395,034.00

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval: May 13, 2019

c: John Coleman, JNU Administrative Officer II

CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

DATE: May 3, 2019

FROM: Greg Smith
Contract Administrator

File No.:

SUBJ: BID RESULTS: Rainforest Recovery Center Detox Addition
Contract No. BE19-173

Bids were opened on the subject project on April 30, 2019. The bid protest period expired at 4:30 p.m. on May 1, 2019. Results of the bid opening are as follows:

Responsive Bidders	Base bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
Alaska Commercial Contractors, Inc.	***$2,114,000***	***$115,600***	***$61,900***	***$53,400***	***$2,344,900***
Dawson Construction, LLC	$2,389,900	$79,300	$83,000	$58,500	$2,610,700
F & W Construction Company, Inc.	$2,747,458	$190,263	$61,927	$60,586	$3,070,234
Architect's Estimate	*$2,283,000*	*$115,000*	*$76,000*	*$44,000*	*$2,518,000*

Project Manager: Nathan Coffee, City Architect

Project Description: The project will demolish ~2400 SF of one-story wood framed structure that houses administrative offices, a meeting room and a sleep-off center and is attached to the residential care portion of the Rainforest Recovery Center. The project will construct a new ~4400 SF one-story wood framed addition over the footprint of the demolished space. The addition will house administrative offices, a reception and entry lobby, an assessment center, and a four room Detox Suite. The project will also undertake small selective demolition and renovation at other locations in the facility as funding allows. The project also includes the following work: demolition of back-up generator and transformer and installation of new electrical service and communications wiring from Bartlett Regional Hospital, new paving and site improvements to integrate the enlarged Detox wing into the site, revisions to sewer and water service to the facility, concrete foundations and slab on grade, wood framing, fiberglass windows, vinyl siding, asphalt shingles with an option for asphalt shingle replacement for the entire facility as an alternate bid item, hollow metal frames and doors, wood doors and relites, door hardware including electronic card access systems, gypsum wall board and painting, carpet and sheet vinyl, cabinets and solid surface countertops, bath accessories, plumbing systems, HVAC systems, DDC systems, lighting and power systems, special electrical systems, and a new fire alarm system throughout the facility.

Funding Source: F215 Sales tax; $2,443,000, F550 BRH Fund; $600,000
Total Project Funds: $3,043,000
CIP No. B55-078
Construction Encumbrance: $2,344,900
Construction Contingency: $234,490
Design: $200,000
Contract Administration/Inspection: $188,000
CBJ Administrative costs: $70,400

Staff recommends award of this project, Base Bid and Alternates 1, 2, and 3 to Alaska Commercial Contractors, Inc for the total amount bid of **$2,344,900**.

Approved: ____________________________
Duncan Rorie Watt, City & Borough Manager

____
Date of Assembly Approval:

C: CBJ Purchasing

CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY

THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

April 26, 2019

City & Borough of Juneau
Attn: Beth McEwen
Via Email: beth.mcewen@juneau.org
Cc: City.Clerk@juneau.org

Re: Notice of 2019/2020 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	**License Number:**	4731
Licensee:	DJ LLC		
Doing Business As:	Asiana Gardens		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov

Presented by:	The Manager
Introduced:	4/22/2019
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AH)

An Ordinance Appropriating to the Manager the Sum of $1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $1,150,367 as reimbursement for forward funding previously provided and/or as funding for the following Juneau International Airport Capital Improvement Projects.

Rehabilitate Runway 8/26	$713,745
Terminal Construction	$214,634
Taxiway A, E, D-1	$200,000
Construct Sand, Chemical & Fueling Facility	$ 21,988
Total	**$1,150,367**

Section 3. Source of Funds

FY18/FY19/FY20 Passenger Facility Charge (PFC9) collections: $1,150,367

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 5/13/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1014

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $610,759 be transferred:

From: CIP

A50-079	Runway Rehabilitation CIP	$610,759

To: CIP

A50-102	Terminal Construction CIP	$260,759
A50-096	Terminal Reconstr Design/Const CIP	$350,000

The $610,759 consists of:

	Sales Tax Funds	$610,759

Moved and Approved this______________day of _________________, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by:	The Manager
Introduced:	April 22, 2019
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AI)

An Ordinance Appropriating to the Manager the Sum of $190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $190,643 for a 3D scanner, with accessories, and a thermal imager for the Juneau Police Department.

Section 3. Source of Funds

State of Alaska, DPS	$190,643

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 22, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AJ)

An Ordinance Appropriating to the Manager the Sum of up to $35,000 as Funding for the Visitor Information Kiosk Replacement Capital Improvement Project. Funding Provided by Dock Fund's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $30,000 as Funding for the Visitor Information Kiosk.

Section 3. Source of Funds.

Dock Fund's Fund Balance	$35,000
Grand Total	**$35,000**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by:	The Manager
Introduced:	April 22, 2019
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AK)

An Ordinance Appropriating to the Manager the Sum of $175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $175,000 for the following Department's Fiscal Year 2019 operating budgets:

Department		Amount
Waste Management		$175,000
	Total	**$175,000**

Section 3. Source of Funds

Department	Source of Funds	Amount
Waste Management	Waste Management's Fund Balance	$175,000
Total		**$175,000**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 4/22/19
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(Q)

An Ordinance Appropriating to the Manager the sum of $23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriate. There is appropriated to the manager the sum of $23,992 for bond debt, and various capital improvement projects.

Bond Debt	$18,191
Restrooms, Paving & Concession	1,233
New Terminal Renovation	4,568
Total	**$23,992**

Section 3. Source of Funds

General Obligation Bond Interest Income	$ 23,992

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 3, 2019
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2019-07(b)

An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations

Section1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau School District, for the fiscal year beginning July 1, 2019, and ending June 30, 2020. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

ESTIMATED REVENUE:	
State Support	$ 46,552,900
Federal Support	5,489,000
User Fees, Permits, and Donations	4,300,700
Student Activities Fundraising	2,100,000
Total Revenue	**$ 58,442,600**
TRANSFERS IN:	
General Governmental Fund School District Support:	
Operations	26,497,800
Special Revenue	195,000
Student Activities	1,181,500
~~Kinder Ready~~	~~300,000~~
Total Transfers In	**$ 27,874,300**
~~**Total Transfers In**~~	~~**$ 28,174,300**~~
Fund Balance Decrease	854,600
Total Estimated Funding Sources	**$ 87,371,500**
~~**Total Estimated Funding Sources**~~	~~**$ 87,471,500**~~

Section 3. Appropriation. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

APPROPRIATION:	
General Operations	$ 71,122,800
Special Revenue Programs	**7,063,500**
~~Special Revenue Programs~~	~~7,363,500~~
Education Restricted Grants	5,728,700

Student Activities/Other	3,256,500
Total Appropriation	**$ 87,371,500**
~~**Total Appropriation**~~	~~**$ 87,471,500**~~

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this ___ day of ___________, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 3, 2019
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2019-07

An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations

Section1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau School District, for the fiscal year beginning July 1, 2019, and ending June 30, 2020. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

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Total Transfers In	**$ 28,174,300**
Fund Balance Decrease	854,600
Total Estimated Funding Sources	**$ 87,471,500**

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Special Revenue Programs	7,363,500
Education Restricted Grants	5,728,700
Student Activities/Other	3,256,500
Total Appropriation	**$ 87,471,500**

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this ___ day of ___________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-15

An Ordinance Authorizing the Manager to Amend the Wireless Communications Site Lease with Vertical Bridge S3 Assets, LLC at 3000 Jackson Road.

WHEREAS, the City and Borough of Juneau, as authorized by Ordinance 2012-04, executed a lease with ACS Wireless, Inc. ("ACS") for the lease of certain municipal property to be used as a wireless communications tower site, which lease provided for a term of five years with the option to renew for up to three additional five-year renewal periods; and

WHEREAS, in 2017, Vertical Bridge S3 Assets, LLC ("Vertical Bridge"), a Florida limited liability company licensed to do business in Alaska, legally assumed the lease from ACS (with ACS becoming its sublessee) and timely exercised the first five-year renewal period of the lease; and

WHEREAS, Vertical Bridge has requested that the lease be amended to add 144 square feet of area to the leased premises bringing the total square footage to 2,644 square feet, to allow for an additional sublease on the existing tower; and

WHEREAS, effective on August 23, 2017, the first day of the renewal period, the original base rent was market-adjusted as required by the lease and subsequently adjusted per the three percent annual escalation clause, for an adjusted monthly base rent of eight hundred dollars ($800.00) (the "base rent"); and

WHEREAS, Vertical Bridge has requested a revised rent schedule to reflect that the base rent includes rent owed for the first sublease, consistent with other City and Borough wireless communication site leases, and to add an additional five-year renewal period so the Lessee would have the option for three five-year renewal periods instead of the remaining two; and

WHEREAS, the base rent includes the market value of Vertical Bridge's sublease to ACS and the additional 144 square feet of area that is the subject of the amendment request; and

WHEREAS, Vertical Bridge has remained current on all base rent payments owed since the renewal date of August 23, 2017; and

WHEREAS, the parties concur that all other material terms of the lease will remain the same and that an amendment retroactive to the first day of the renewal period is appropriate; and

WHEREAS, the Lands Committee passed a motion of support for the lease amendment at its meeting on January 14, 2019.

THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Execute a Lease. The Manager is authorized to negotiate and execute a lease with Vertical Bridge S3 Assets, LLC, for approximately 2,644 square feet of City and Borough of Juneau property described as a fraction of Lot 1, U.S. Survey 3853, located at the West Juneau reservoir site on Douglas Island, as generally depicted in Exhibit "A." Ordinance 2012-04 authorizes the lease prior to August 23, 2017. This ordinance authorizes the lease as of August 23, 2017, the first day of the lease's first renewal period.

Section 3. Essential Terms and Conditions. The lease shall include, at a minimum, the following terms and conditions:

(a) The lease term shall be for a period of five years, plus three five-year renewal periods for a total maximum term of 20 years.
(b) The use of the lease site shall be for the sole purpose of operating, maintaining, and leasing a communications tower/facility.
(c) Rent shall be established according to the following schedule:
    (1) $800.00 per month as base rent, which includes the first sublease; plus
    (2) 30 percent of rent charged in any second sublease; plus
    (3) 40 percent of rent charged in any third sublease; plus
    (4) 50 percent of rent charged in any fourth (and each additional) sublease.

(d) The above percentages shall be calculated and payable on a monthly basis. In addition, there shall be an automatic three percent annual escalation of the base rent charged.

(e) In addition to the above, during the lease and lease renewal periods, rent shall be subject to adjustment every five years to reflect changes in the market rent.

(f) Lessee shall ensure all equipment and activities on the leased premises operate in a manner which will not cause unreasonable interference with the operations of the City and Borough or other authorized users in the vicinity of the leased premises.

(g) Lessee shall comply with all applicable federal, state, and local laws and regulations in operating, maintaining, and leasing its communication tower/facility on the leased premises.

(h) Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers, agents, and employees from any claims related to or arising out of Lessee's development, use, operation, or maintenance of the lease or any improvements on the lease.

(i) Dark color. Consistent with the Planning Commission's Notice of Decision, CSP2011-0006 dated September 14, 2011, the tower shall be painted a dark color.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

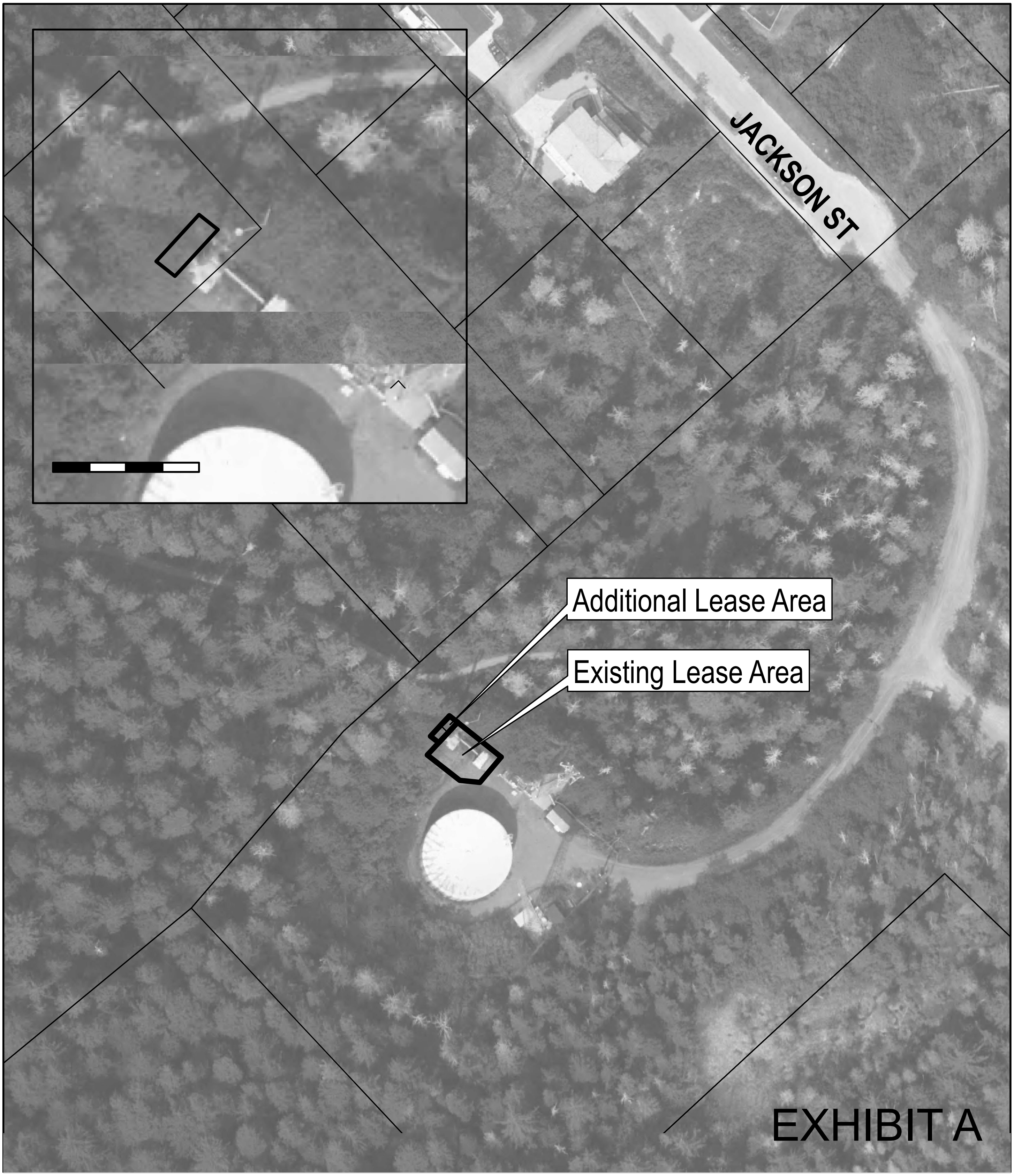
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ______________________, 2019.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk



Ord. No. 2019-15
VERTICAL BRIDGE
LEASE AREA

0 100 200
Feet

The property boundaries are not survey quality.
This map is for general reference only.

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PARKS & RECREATION - AQUATICS FEE SCHEDULE

SALES TAX NOT INCLUDED IN FEES

Activity	Current Fee	Proposed Fee Change/Addition	Percent Increase
Specialized Programming :			
Pre-School/Youth swim lessons	$ 6.67	**$ 7.62**	**14%**
Parent/Child Swim Classes	$ 6.67	**$ 7.62**	**14%**
Adult 1-Day Drop in swim clinic (45 minute class)	$ 14.29	**$ 21.85**	**53%**
Parent/Child 1-Day Drop in clinic (45 minute class)	$ 14.29	**$ 21.85**	**53%**
American Red Cross CPR/AED & First Aid	$ 74.75	**$ 74.75**	**0%**
American Red Cross Lifeguard Full Certification	$ 119.05	**$ 119.05**	**0%**
American Red Cross Water Safety Instuctor	$ 71.43	**$ 71.43**	**0%**
American Red Cross Lifeguard Instructor Training	$ 66.67	**$ 119.05**	**79%**
Addmission fees:			
Child daily fee (age 2-7 yrs)	$ 2.86	**$ 2.86**	**0%**
Youth daily fee (age 8 - 17 yrs)	$ 5.71	**$ 5.71**	**0%**
Adult daily fee (age 18 +)	$ 7.62	**$ 7.62**	**0%**
Senior daily fee (age 65 +)	$ 5.71	**$ 5.71**	**0%**
Accessibility daily fee (ADA/Handicap)	$ 5.71	**$ 5.71**	**0%**
Child 10 visit punch card (age 2 - 7yrs)	$ 18.10	**$ 18.85**	**4%**
Youth 10 visit punch card (age 8 - 17yrs)	$ 46.67	**$ 48.42**	**4%**
Adult 10 visit punch card (age 18+ yrs)	$ 65.71	**$ 68.40**	**4%**
Senior 10 visit punch card (age 65+ yrs)	$ 46.67	**$ 48.42**	**4%**
Accessibility 10 visit punch card (ADA/Handicap)	$ 46.67	**$ 48.42**	**4%**
Child monthly pass (age 2 - 7 yrs)	$ 14.29	**$ 16.15**	**13%**
Youth monthly pass (age 8 - 17 yrs)	$ 37.14	**$ 40.85**	**10%**
Adult monthly pass	$ 46.67	**$ 51.30**	**10%**
Senior monthly pass (65 +)	$ 37.14	**$ 40.85**	**10%**
Accessibility monthly pass (ADA/Handicap)	$ 37.14	**$ 40.85**	**10%**
Child annual pass (age 2 - 7 yrs)	$ 94.29	**$ 102.60**	**9%**
Youth annual pass (age 8 - 17 yrs)	$ 189.52	**$ 205.20**	**8%**
Adult annual pass (age 18+)	$ 284.76	**$ 308.75**	**8%**
Senior annual pass (65 +)	$ 189.52	**$ 205.20**	**8%**
Accessibility annual pass (ADA/Handicap)	$ 189.52	**$ 205.20**	**8%**
Special Events:			
Regular Facility Rental (ABP)	$ 150.00	**$ 150.00**	**0%**
Moonlight Facility rental (ABP)	$ 175.00	**$ 175.00**	**0%**
1.5 hour Sponsored Community Swim (DPAC)	$ 437.50	**$ 712.50**	**63%**
Locker Rental:			
Lockers (small)	$ 0.25	**$ 0.25**	**0%**
Lockers (large)	$ 0.50	**$ 0.50**	**0%**