

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

April 22, 2019 7:00 PM

Assembly Chambers
Meeting No. 2019-20

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Children's Day proclamation**

B. **Public Service Recognition Week proclamation**

IV. APPROVAL OF MINUTES

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

- a. **Ordinance 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 introduced and set for public hearing at the next regular Assembly meeting.

- b. **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.

At their April 8, 2019 meeting, the Public Works and Facilities Committee approved this action.

At their April 9, 2019 meeting, the Airport Board approved this action.

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

- 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 for \$190,643. This includes \$183,643 for a 3D scanner, supporting equipment, software and training. In addition, 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 introduced and set for public hearing at the next regular Assembly meeting.

- 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 will consider this item at its regular meeting on April 24, 2019.

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

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

2. Resolutions

- a. **Resolution 2853 A Resolution Authorizing the City Manager to enter into a Memorandum of Agreement with the Alaska Department of Transportation & Public Facilities for the Conveyance of the Brotherhood Park Parking Area.**

This resolution would authorize the Manger to accept the conveyance of the Brotherhood Bridge parking lot from ADOT&PF. ADOT&PF received federal funds to replace the bridge and relocate the parking lot area, which substantially improved traffic safety, access, and the parking lot for CBJ residents. The parking lot is the main access point for Brotherhood Park and the Kaxdigoowu Heen Dei Trail. The access road from Wildmeadow Lane is already owned by CBJ. CBJ ownership of the parking lot will simplify the realignment of the trail and relocation of the trailhead to the northwest end of the parking lot due to erosion at the Mendenhall River bank. Ownership of the parking lot will also help the Parks and Recreation Department manage use in the area.

The federal fund investment requires that the project be maintained for 20 years. After 20 years, the CBJ would own the property free and clear of the federal maintenance obligation. This resolution would allow the CBJ to become the owner of the parking lot in exchange for maintaining the parking lot for 20 years. The CBJ's maintenance obligations would still be subject to appropriations by the Assembly.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. **Liquor License Renewals for Licenses: 447, 816**

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

Renewal of Liquor Licenses

License Type: Beverage Dispensary, License #447

David McGivney, no d/b/a

Location: No Premises

License Type: Restaurant or Eating Place, License #816

El Sombrero Inc., d/b/a El Sombrero Mexican & American Food

Location: 157 S. Franklin St., 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 hard-copy upon request to the Clerk's Office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewal applications.

4. Transfers

a. **Transfer T-1012 A Transfer of \$281,001 from the 'PRISM Core Financial Conversion II' CIP D12-017 to the 'Accounting Systems Upgrade' CIP M15-004.**

This request is to transfer \$281,001 of funds remaining in a completed financial systems conversion project to a project to upgrade the Land Management & Revenue Enterprise Software system (MS Govern). The intent is to sign an agreement with Govern by the end of April 2019. Signing the agreement commits both CBJ and the vendor to start the project in January 2020.

These CIP proceeds in conjunction with the Key Bank lease proceeds, approved with Appropriating Ordinance 2018-11(AG), provide sufficient funds to sign an agreement with Govern.

The City Manager recommends this transfer be approved.

b. **Transfer T-1013 A Transfer of \$35,000 from the Parks Deferred**

Building Maintenance CIP to the Centennial Hall Renovation Phase 2 CIP.

This transfer of \$35,000 of Temporary Sales Tax from P44-088, Deferred Building Maintenance CIP, to P47-073, Centennial Hall Renovation Phase 2 CIP, will provide funding to assess the long range facility needs to maintain current Centennial Hall uses and improve its marketability for larger group use, develop a conceptual plan for the desired improvements, and develop a cost estimate for a capital improvement project.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- c. **Transfer T-1016 A Transfer of \$300,000 from the ‘Deferred Building Maintenance’ CIP P44-088 to the ‘JSD Deferred Building Maintenance & Minor Improvements’ CIP S02-102.**

This transfer will provide temporary funding to enable the Juneau School District to award summer 2019 work projects, in particular the Marie Drake School Fan Replacement & HVAC Control Upgrades project. The transfer is to be repaid to P44-088 when the Juneau School District receives their FY2020 maintenance funding allocation.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019. The Juneau School Board recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- d. **Transfer T-1017 A Transfer of \$675,000 from the the Airport Revolving Capital Improvement Projects including, ‘Airport CIP Project Design’ CIP A50-001 & from the ‘Airport Construction Cont. Reserve’ CIP A50-031 & from the ‘Airport Revolving Capital Reserve’ CIP A50-033 to the ‘Terminal Construction’ CIP A50-102.**

This Ordinance transfers \$675,000 from the Airport CIP Revolving Funds to the Airport Terminal Design & Construction CIPs. It provides temporary funding for design and construction activities, in advance of the sale of approved bonds for the Terminal project; the temporary funding will be returned at that time.

At its April 8, 2019 meeting, the Public Works & Facilities Committee approved this transfer.

At its April 9, 2019 meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

- e. **Transfer T-1018 A transfer of \$83,754 from the ‘Under Thunder Trail’ CIP P46-091 to the ‘Trail Improvements’ CIP P46-102 CIP.**

This transfer of sales tax funds, will provide funding for upgrades and improvements to Juneau trails.

This funding was planned to extend the Under Thunder Trail to Glacier Highway. This phase of the project was contingent on securing access through private property, which was not possible. Transferring these funds to the Trail Maintenance CIP is consistent with the voters’ intent for temporary 1% sales tax funds, and will simplify the administration of these CIP projects.

The Parks and Recreation Advisory Committee recommended approving the transfer at its April 2, 2019, meeting.

The Public Works and Advisory Committee recommended approving the transfer at its April 8, 2019, meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

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

This ordinance would amend the Land Use Code regarding 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. Public Works and Facilities discussed this on February 25, 2019.

The City Manager recommends this ordinance be adopted.

- B. **Ordinance 2019-12 An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.**

Dockless transportation devices (scooters and e-bikes) have become a growing management and policy concern in communities in the lower 48. The dockless nature of these devices can clutter sidewalks. Additionally, while the scooters can be operated in a more nimble fashion than bikes, they are not well designed for

uneven surfaces which can result in riders being thrown from the devices. There are positives to dockless transportation devices as well. For example, they can extend the comfortable range of pedestrian commutes.

This proposed ordinance would institute a temporary moratorium for commercial use of dockless vehicles to give the community an opportunity to develop reasonable regulations.

The Committee of the Whole discussed this topic at its meeting on February 25, 2019. The Planning Commission reviewed this ordinance on April 9, 2019.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2019-16 An Ordinance Authorizing the Manager to Convey Approximately 600 Square Feet of Property Located at Lot 1, USS 3559 to the Owners of the Adjacent Property Located at 9223 North Douglas Highway.

Thomas Daugherty requested to purchase a small fraction of City owned property in order to have enough area to subdivide his existing lot into two residential lots. Mr. Daugherty's lot is approximately 512 square feet below the minimum size needed to subdivide and requests buying 600 square feet of City property. The Land Management Plan allows for this type of disposal. The Lands Committee provided a motion of support at the November 19, 2018 meeting. The Planning Commission recommended that the Assembly approve the sale at the January 22, 2019 meeting. The value of this property has been determined by the Manager and Assessor to be \$2,400. The applicant will pay market value and all surveying, subdivision, recording and closing costs.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2019-17 An Ordinance Authorizing the Sale of Four City and Borough Parcels Located at Lena Point Near 16550 Ocean View Drive and 16550 Pt. Lena Loop Road and Establishing the Terms and Conditions Related to the Sale.

The South Lena Subdivision was recorded in 2006 and set aside a large lot to protect an eagle nest. The plat included a note describing that if the eagle nest was abandoned, the lot may be subdivided and developed. In 2017, the United States Fish and Wildlife Service determined the eagle's nest had been abandoned. The lot was then subdivided into four lots. The four lots were appraised and determined to have fair market values between \$90,000 and \$101,000.

This ordinance would authorize the sale of the four lots by sealed bid. Sealed bids for the lots are tentatively scheduled to be accepted until July 12. Details are available at CBJ's Lands and Resources web page or by calling 586-5252.

If any lot remains unsold after the sealed competitive bid sale, an over-the-counter sale of the remaining lots would be authorized.

The Lands Committee passed a unanimous motion of support to sell these lots at its meeting on January 14, 2019.

The City Manager recommends this ordinance be adopted.

E. 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 CBJ property for construction of the building known as People's Wharf. 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. The proposed additional leased area was appraised to have a fair market value of \$6,405 per year. If the Assembly adopts this ordinance, the Port Director intends to issue an early entry authorization, pursuant to CBJC 53.09.310, so the leased area can be used when the first large cruise ship arrives on April 28.

The applicant has also received a license for the last two years to use 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 and is governed by a different process. (CBJC 53.09.350).

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

The City Manager recommends this ordinance be adopted.

F. Ordinance 2018-11(AG) An Ordinance Appropriating to the Manager the Sum of \$800,000 as Partial Funding for the Upgrade of the City and Borough of Juneau's Land Management and Revenue Enterprise System; Funding Provided by Lease Proceeds.

This ordinance provides up to \$800,000 in funding for the project to upgrade the core Land Management & Revenue Enterprise Software system (MS Govern). The funding for this increase will be provided through our master lease arrangement with Key Bank. We are planning on entering into a 4-year lease. A 4-year lease would result in annual lease payments of approximately \$200,000 plus interest. The actual interest cost and total lease amount will be determined at the time of leasing.

The total projected project cost is between \$900,000 and \$1.08 million. There is \$280,000 of funding remaining in a technology upgrade CIP, which will be transferred to this project.

The lease payments are proposed to be funded from the voter approved (2017 election) 1% sales tax program. The voters approved \$2 million to be allocated to CBJ technology infrastructure upgrades.

Staff is currently negotiating with the vendor, MS Govern. Negotiations are anticipated to be complete by the end of April. In order to sign the contract full funding needs to be secured. The lease provides an immediate source of project cash and the repayment can be spread out over 4 years, while the sales tax is being collected.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Proposed Regulation Amendment of 20 CBJAC 40 Related to Class C Permits (Pedicabs).

Currently, the Commercial Passenger Vehicle Regulations only allow for annual certificates. Class C certificates only apply to human powered vehicles, like pedicabs. This regulation proposal would reduce the length of operation for Class C certificates from an annual certificate to a six month summer certificate. This change would also reduce the certificate fee for Class C businesses from \$1500 to \$750 and set Class C renewal dates consistent with the six month certificate.

If this regulation amendment is adopted, two items may be of interest. First, the Manager will refund \$750 for any Class C business that paid the \$1500 fee for the 2019 season prior to this regulation taking effect. Second, consistent with CBJC (CBJ Code of Ordinances) 01.60.330, this regulation would take effect in seven days, which could be April 30. The only authority for a regulation to take effect sooner than seven days is for an emergency regulation “necessary for the immediate preservation of the public peace, health, safety, or general welfare,” CBJC 01.60.420, and such emergency regulations are only effective for 120 days. CBJC 01.60.430. This regulation amendment does not qualify as an emergency regulation. Thus, the earliest this regulation can be effective is April 30.

In reviewing proposed regulations, CBJC 01.60.260 provides that the Assembly may:

1. Allow the regulation to take effect. (The Assembly’s historical practice is to move ‘orders of the day,’ requiring the body to consider the next item on its agenda without active consideration of the regulation.)
2. Take affirmative action to approve the regulation.
3. Take affirmative action to disapprove the regulation. (The Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)

4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

The City Manager recommends that this regulation proposal be approved.

B. Liquor License Protest - Sandbar Inc., d/b/a The Sandbar License #2844

The following 2019-2020 liquor license renewal application is being recommended for protest by the Finance Department/Collections Division.

License Type: Beverage Dispensary, License #2844

Sandbar Inc., d/b/a The Sandbar

Location: 2525 Industrial Blvd, Juneau

The Finance Department/Collections Division is recommending the Assembly protest this license renewal due to 2018 Real Property Tax and Utility Billing having outstanding balances.

The 60-day comment period for local governing body action ends as of April 28, 2019. The licensee has reached out to CBJ and will contact AMCO as well. The licensee stated that the balance due will be paid in full but is unable to pay before the CBJ protest period ends.

The next meeting of the AMCO Board is April 29-30, 2019. The board agenda has not yet been posted to show whether liquor license #2844 is on the AMCO April agenda.

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

The City Manager recommends the Assembly follow the Assembly Human Resources Committee recommendation.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

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

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org