

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

January 7, 2019 7:00 PM

Assembly Chambers
Regular Meeting 2019-01

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. **October 15, 2018 Assembly Meeting 2018-30 Minutes**

B. **December 13, 2018 Special Assembly Meeting 2018-36 Minutes**

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 2019-01 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 introduced and set for public hearing at the next regular Assembly meeting.

b. 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 future 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 permanently removes 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 swim 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.

The Human Resources Committee discussed this ordinance on January 7, 2019.

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

c. Ordinance 2019-04 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.

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

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

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

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

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

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

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

- j. **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 introduced and set

for public hearing at the next regular Assembly meeting.

2. Resolutions

- a. **Resolution 2844 A Resolution Supporting a Project to Repair the Kaxdigoowu Heen Dei Trail through the Alaska Transportation Alternatives Program and Maintenance Commitment.**

The Kaxdigoowu Heen Dei Trail (also known as the Brotherhood Bridge Trail) is Juneau's longest paved pathway. A section of the trail collapsed into the Mendenhall River earlier this summer, and much of the asphalt surface is failing in other areas. Several bridges and culverts also need to be replaced, and the trail does not meet current guidelines for accessibility.

Funding to repair the trail and improve access for people with disabilities is available from the Alaska Department of Transportation and Public Facilities through the "Alaska Transportation Alternatives Program" (ATAP). If approved, the project would be completed by DOT in cooperation with CBJ. The ATAP program requires a 9.03% local match, which would be met with previously appropriated CIP funds. A resolution of support from the Assembly is required for all ATAP project nominations.

The City Manager recommends this resolution be adopted.

3. Liquor License

- a. **Liquor License Renewals for Licenses #'s: 4881, 5506, 188, 662, 4543, 176**

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

Renewal of Liquor Licenses

License Type: Recreational Site-Seasonal, License #4881

Alaska Travel Adventures Inc. d/b/a Alaska Travel Adventures

Location: 9999 Glacier Hwy (Mendenhall River Site), Juneau

License Type: Distillery, License #5506

Amalga Distillery, LLC d/b/a Amalga Distillery

Location: 134 N. Franklin St. Juneau

License Type: Restaurant Eating Place, License #188

Bullwinkles, Inc. d/b/a Bullwinkles Pizza

Location: 318 Willoughby Ave., Juneau

License Type: Package Store, License #662

Breeze-In Corporation d/b/a Douglas Island Breeze-In

Location: 3370 Douglas Hwy., Juneau

License Type: Package Store, License #4543

Breeze-In Corporation d/b/a Breeze-In (Lemon Creek)

Location: 5711 Concrete Way, Juneau

License Type: Package Store, License #176

Breeze-In Corporation d/b/a Breeze-In Liquor

Location: 8 Mile Glacier Hwy., 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 renewal applications.

4. Other Items for consent

a. **New License-Standard Marijuana Cultivation Facility License #12176**

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license application [Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office]:

Standard Marijuana Cultivation Facility, License #12176, Taku Horticulture Company, LLC, located at: 1758 Anka Street Building B, Suite A1, Juneau (The 60-day comment period for local governing body action expires Saturday, January 26, 2019.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of this license.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the

Assembly.

The City Manager recommends the Assembly waive its right to protest the issuance of the following AMCO marijuana license: License #12176.

b. Transfer of Marijuana Licenses #'s: 12311, 12313, 12315

CBJ received notice from the Alcohol and Marijuana Control Office (AMCO) regarding **Transfer of Controlling Interest** for the following three (3) marijuana licenses [*Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office*]:

Standard Marijuana Cultivation Facility, License #12311, ISG, Inc. d/b/a Juneau's Green Garden, located at: 5011 Short Street Suite 1, Juneau

(The 60-day comment period for local governing body action expires Monday, February 4, 2019)

Retail Marijuana Store, License #12313, ISG, Inc. d/b/a Juneau's Green Market, located at: 263 Marine Way, Juneau

(The 60-day comment period for local governing body action expires Tuesday, February 5, 2019)

Marijuana Product Manufacturing Facility, License #12315, ISG, Inc. d/b/a Evergreen Extracts, located at: 5011 Short Street Suite 2, Juneau

(The 60-day comment period for local governing body action expires Monday, February 4, 2019)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the transfer of controlling interest of the following AMCO marijuana licenses: License #12311, License #12313 and License #12315.

A. Ordinance 2018-47 An Ordinance Amending the Health and Sanitation Code Relating to Smoking Limitations.

The CBJ has code provisions that restrict smoking. The State recently enacted SB63 to restrict smoking state-wide. Although most of the SB63 provisions are the same or similar to CBJ code, there are slight differences. This ordinance would amend the CBJ code to be consistent with SB63, which minimizes confusion as to where people can smoke and makes it easier for the smoking restrictions to be enforced.

The Committee of the Whole discussed this matter at its meetings on October 22 and November 15, 2018.

Note: On December 20, 2018, the Marijuana Control Board voted to adopt regulations to allow marijuana consumption in certain retail premises with an endorsement. The draft regulations allow for local options to prohibit onsite consumption (3 AAC 306.200). In addition, the draft regulations allow local government to protest specific onsite consumption endorsements. (3 AAC 306.060). The CBJ currently prohibits smoking marijuana in private clubs and in enclosed marijuana retail premises (CBJ 36.60.010.a.1 and a.6). Ordinance 2018-47 does not alter those existing marijuana smoking prohibitions. The City Manager intends to discuss the onsite marijuana consumption regulations with the Committee of the Whole on February 4, 2019.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2018-11(T) An Ordinance Appropriating to the Manager the Sum of \$380,000 as Funding for the Juneau International Airport's Replace Exit Lane System Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance.

The secured exit lane is the primary egress from the departure lounge, and a controlled access point. This project is ineligible for funding through the Airport Improvement Program, and requests for TSA and port grants have been denied.

At its November 13, 2018, meeting, the Airport Board approved this action. The Public Works and Facilities Committee reviewed this ordinance at its meeting on December 10, 2018 and forwarded it to the full Assembly for approval.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

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

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

- A. **Harris Homes LLC v CDD**
- B. **CLIAA Litigation Strategy Update**

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