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

August 13, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-24

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: Honoring Dan Austin**
B. **Special Recognition: Ronna Craig**
C. **Special Recognition: Amy Mead**

IV. APPROVAL OF MINUTES

A. **July 19, 2018 Special Assembly Meeting 2018-21**

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 2017-06(AY) An Ordinance Appropriating to the Manager the Sum of Up to $16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).**

The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff to cover the cost of rent to operate the CBJ Cold Weather Emergency Shelter program from Dec. 1, 2017 to April 15, 2018. Total rental costs for this time period were $16,425 which is the amount covered by the grant.

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

b. **Ordinance 2018-11(H) An Ordinance Appropriating to the Manager the Sum of $74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.**

Various community members and organizations are donating $74,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to CBJ. These donated funds will be appropriated into the Playground Rebuild Capital Improvement Project, P41-095. The Public Works & Facilities Committee forwarded this request to the full Assembly at its August 6, 2018, regular meeting.

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

2. Resolutions

a. **Resolution 2831 A Resolution Amending the City and Borough of Juneau Personnel Rules.**

This resolution would approve changes to the Personnel Rules, which, along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. The revised rules, as well as a summary of changes, are set forth in the attachments to the resolution.

Many of the proposed changes are either "housekeeping" in nature, and include minor adjustments proposed to bring language into alignment with current practice or needed to configure and implement a city wide time & attendance system. To the extent that the rules govern pay practices for employees represented by collective bargaining, the unions have been kept apprised of the needed changes and are in agreement.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **JNU RSA Improvements Phase II-C Rebid**

Bids were opened on the project on July 27, 2018. SECON was the sole bidder. The bid protest period expired on July 30, 2018. Results of the bid opening are included in your packet.

The City Manager recommends this bid be awarded to SECON for the total amount bid of $8,754,856.00.

4. Other Items for consent

a. **The Fireweed Factory LLC Standard Marijuana Cultivation Facility License AMCO #10266-Renewal**

Renewal of Marijuana License 10266 - Standard Marijuana Cultivation Facility Licensee: The Fireweed Factory LLC at 8415 Airport Blvd. Space B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10266.

b. **The Fireweed Factory LLC Retail Marijuana Store License AMCO #10800-Renewal**

Renewal of Marijuana License 10800 - Retail Marijuana Store Licensee: The Fireweed Factory LLC at 237 Front Street, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are

available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Tuesday, September 11.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10800.

c. **The Green Elephant, LLC Retail Marijuana Store License AMCO #10844-Renewal**

Renewal of Marijuana License 10844 - Retail Marijuana Store Licensee: Green Elephant LLC at 101 Mill Street, Suite B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10844.

d. **The Green Elephant, LLC (Cultivation-Mill St.) Standard Marijuana Cultivation Facility License AMCO #10315-Renewal**

Renewal of Marijuana License 10315 - Standard Marijuana Cultivation Facility: Green Elephant LLC (Cultivation-Mill St.) at 101 Mill Street, Suite A, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to

the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10315.

e. **Top Hat, LLC Standard Marijuana Cultivation Facility License AMCO #10270-Renewal**

Renewal of Marijuana License 10270 - Standard Marijuana Cultivation Facility: Top Hat, LLC at 2315 Industrial Blvd. Suite A, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Monday, August 27.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10270.

f. **Top Hat Concentrates, LLC Marijuana Product Manufacturing Facility License AMCO #10271-Renewal**

Renewal of Marijuana License 10271 - Marijuana Product Manufacturing Facility: Top Hat Concentrates, LLC at 2315 Industrial Blvd. Suite B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet

contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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 sixty-day comment period for local governing body action will expire as of Monday, August 27.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10271.

5. Transfers

   a. **T-1004 - Transfer Request of $160,000 from the Pavement Management Capital Improvement Project to the Industrial Boulevard Match Capital Improvement Project.**

   This is a transfer request of $160,000 from the Pavement Management CIP to the Industrial Boulevard Match CIP to provide additional funding for the Alaska Department of Transportation and Public Facilities' (ADOT) Industrial Boulevard Reconstruction Project.

   The Industrial Boulevard reconstruction project was funded in ADOT's Statewide Transportation Improvement Plan (STIP) a number of years ago with the CBJ committing to providing 25% match. ADOT has committed to bidding the project this fall for construction of the project during the 2019 construction season. CBJ is required to pay ADOT the 25% match for construction and contingency, which totals $1.3 million, in advance of ADOT bidding the project. This transfer of $160,000 is required to provide adequate funding in the CIP to allow the CBJ to make this payment.

   The Public Works and Facilities Committee reviewed this transfer at its July 9, 2018, regular meeting.

   The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. **Ordinance 2017-06(AV) An Ordinance Appropriating to the Manager the Sum of $9,387 as Partial Funding for the Industrial Boulevard Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.**

The State of Alaska, Department of Transportation and Public Facilities (ADOT)

has refunded $9,387.37 to the City & Borough of Juneau (CBJ) for matching funds attributed to the ADOT reconstruction of Riverside Drive. The CIP was included in the CBJ's FY13 CIP program, and eventually closed out in FY16.

The refunded amount was originally made available with sales tax funding, and will now be added to the Industrial Boulevard CIP.

This item was heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

The City Manager recommends this ordinance be adopted.

B. **Ordinance 2018-11(D) An Ordinance Appropriating to the Manager the Sum of up to $29,492 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.**

The grant funds are not available for appropriation; the City Manager recommends tabling this ordinance at this time. When grant funding is available, the issue will be brought forward. Given that the funding is not available, this ordinance cannot be acted upon at this time.

The City Manager recommends that this item be pulled from public hearing.

C. **Ordinance 2018-11(E) An Ordinance Appropriating to the Manager the Sum of $2,245,538 as Funding for various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.**

This ordinance would appropriate $2,245,538 to various Airport capital improvement projects (CIPs). These funds will reimburse amounts that were forward-funded from the Airport Fund Balance and Airport revolving CIP accounts, and will also provide new match for grants.

Funding is provided by FY18 & FY19 Passenger Facility Charge (PFC9) collections, for the following CIPs:

Conduct Master Plan Study	$ 61,227
Rehabilitate Taxiways A & E (Design and Construction)	$1,125,000
Rehabilitate Airport Access Road	$ 64,610
Construct NE and NW Apron	$ 228,251
Rehabilitate ARFF Building	$ 50,000
Construct Snow Removal Equipment Building (SREB)	$ 72,750
Construct Sand and Chemical Building	$ 643,700

Total approved collections for PFC9 are over nine-million dollars, and anticipated to take 8 years. They will be appropriated year-to-year; this is the first.

At its July 10, 2018, meeting, the Airport Board approved this action.

This item was heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

The City Manager recommends this ordinance be adopted.

D. **Ordinance 2018-11(F) An Ordinance Appropriating to the Manager the Sum of $1,972,000 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.**

This ordinance would appropriate $1,972,000 to the Airport Gate 2 Passenger Boarding Bridge capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	$1,801,875
Sales Tax Revenue:	$ 170,125

The FAA funds 93.75% of the project with local match provided by Juneau International Airport from sales tax revenue, which also includes $50,000 contingency funds.

The Airport Board approved this action at its March 13, 2018, meeting. The Assembly approved forward funding this project in the amount of $1,801,875 via Ordinance 2017-06(AJ) at its meeting on April 4, 2018. If the Assembly adopts Ordinance 2018-11(F), the forward funding of $1,801,875 will be refunded to the Airport Fund's fund balance.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2018-11(G)(b) An Ordinance Appropriating to the Manager the Sum of $361,000 as Supplemental Funding for Capital City Fire & Rescue; Funding Provided by General Fund's Fund Balance.**

This supplemental appropriation of $361,000 provides funding to support an immediate need to add additional staffing to Capital City Fire & Rescue (CCFR) operations. The additional staffing is being added for the purpose of providing expanded EMS service and fire response readiness.

This ordinance will appropriate the funds needed to pay for the additional personnel costs within CCFR. The funds will come from the general fund’s fund balance.

This issue was discussed with the Committee of the Whole (COW) at its July 11, 2018, meeting. The COW directed staff to prepare an appropriating ordinance and move it to the full Assembly for introduction and public hearing.

At the Assembly meeting held on July 23, 2018, the Assembly referred the ordinance to the Assembly Finance Committee (AFC) for review at its meeting on August 8, 2018.

The City Manager recommends this ordinance be adopted.

F. **Ordinance 2018-28 An Ordinance Amending the Land Use Code Relating to Mining.**

This ordinance would amend the City and Borough's Land Use Code as directed by the City and Borough of Juneau Mining Committee. As instructed by the Committee, Title 49.65 was rewritten and reorganized to improve clarity, without removing any substantive provisions.

The Planning Commission considered the ordinance at its meeting on June 26, 2018, recommending it be forwarded to the Assembly with one substantive change: to require the release of the financial warranty relating to mining exploration to occur within six months. That change is shown by strikethroughs and italics.

The City Manager recommends this ordinance be adopted.

G. **Ordinance 2018-42 An Ordinance Authorizing the Manager to Sell City and Borough of Juneau Property, Located at 9290 Hurlock Avenue, to Alaska Legacy Partners.**

This ordinance would authorize the Manager to sell the 9290 Hurlock Avenue property to Alaska Legacy Partners for $350,000 for the development of a senior assisted living housing project.

After a lengthy committee process, on April 16, 2018, the Assembly Committee of the Whole chose the Alaska Legacy Partners (ALP) proposal. ALP proposes to purchase the property and redevelop it into a senior assisted living facility; this ordinance requires development that conforms with ALP's proposal.

The City Manager recommends this ordinance be adopted.

H. **Resolution 2824(b) A Resolution Calling for an Advisory Ballot Proposition on City and Borough Financial Support for Improving and Expanding Access for all Juneau Families to Affordable High Quality Child Care and Early Learning/Pre-school.**

This resolution places before the voters of Juneau, on October 2, 2018, an advisory question regarding CBJ providing financial support for improving and expanding access for all Juneau families to affordable high quality child care and early learning/pre-school. This is a non-binding measure.

This effort is expected to cost up to $2.8 million of CBJ funding in the fifth year when the program is fully implemented, thereafter adjusted for inflation annually. In accordance with the taxable value in the CBJ in 2018, a $2.8 million expenditure would ultimately require the equivalent of 0.58 mill rate increase, resulting in a property tax increase of $58 for each $100,000 of assessed property value.

The Assembly Finance Committee discussed this resolution at its July 25, 2018, meeting.

Whether to place this on the ballot or not is a policy question for the Assembly. The City Manager has no recommendation at this time.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Tom Williams vs. Airport Board - Appeal #2018-04**

On July 30, 2018, the Clerk's office received an appeal of the Airport Board's decision regarding the Terminal Reconstruction Phase II project.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

As this is a quasi-judicial matter, the City Manager makes no 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

A. **City Attorney Replacement**

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