

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

January 22, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-3

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. January 8, 2018 Regular Meeting 2018-1

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(AB) An Ordinance Appropriating to the Manager the Sum of \$74,918 as Funding for the 2015 State Homeland Security Program/SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.**

These funds are being provided to reimburse the CBJ for additional expenses incurred in direct support of the goals and activities of the State Homeland Security Program. The grant performance period is from

September 1, 2015 to March 31, 2018.

There is no match requirement for this grant.

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

- b. **Ordinance 2018-02 An Ordinance Authorizing the Manager to Convey Property Located on Egan Drive between West 10th Street and Main Street to the Alaska Department of Transportation and Public Facilities.**

The Alaska Department of Transportation & Public Facilities applied for a direct negotiated sale of 507 square feet (a fraction of Lot 3, USS 3566) across Egan Drive from Centennial Hall in order to facilitate the State's reconstruction of Egan Drive between Tenth Street and Main Street.

Along with the negotiated sale, ADOT&PF requested the CBJ grant the State eight permanent easements and ten temporary easements along Egan Drive for the same purpose.

The Assembly passed a motion authorizing the manager to negotiate the sale at its July 31, 2017, meeting. The Harbor Board heard the issue at its August 7, 2017, meeting and adopted the Lands Division's recommendation for approval. The City/State Project proposal in its entirety (encompassing both the sale and the easements) was brought to the Planning Commission at its August 8, 2017, meeting. The Commission voted to recommend to the Assembly approval of the project with two conditions to the disposals of land (both the negotiated sale and the easements.)

After the Commission considered the project and while negotiating the direct sale, it was determined that in lieu of the eight permanent easements, it was in the best interest of both parties for the CBJ to instead sell the property that had been contemplated for the permanent easements. (ADOT&PF's federal grant requires it to have exclusive control over the property. If that condition were granted the State as part of an easement, the CBJ would carry liability exposure for property over which it would have no control.)

This ordinance would authorize the sale of all property previously identified for disposal by permanent easement, as well as the fraction of Lot 3, USS 3566 originally sought by ADOT&PF, for the appraised, fair market value.

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

- c. **Ordinance 2018-05 An Ordinance Authorizing the Manager to Execute Approach Road Approval to Construct Permit Agreement (#27037) with the Alaska Department of Transportation and Public Facilities.**

In order to complete construction of a road leading from the Pederson Hill Subdivision to Glacier Highway as required by Title 49, the CBJ must obtain approval (an approach road permit) from the Department of Transportation and Public Facilities (ADOT&PF).

State regulations (17 AAC 10.020(c)) require ADOT&PF to include an indemnity provision from the permittee to the State in all approach road permits.

Normally the CBJ is prohibited by Charter section 9.13(a)(which is substantially similar to Article IX, section 13 of the Alaska Constitution) from contractually agreeing to indemnify another party. (Charter sec. 9.13 prohibits the CBJ from incurring an obligation absent an appropriation for that purpose. An indemnity provision is an agreement to compensate the other party for any harm or loss arising out of the agreement, such as paying any judgment or damages, and oftentimes defending the other party in any legal action.) The Charter carves out a limited exception, however, allowing the Assembly, by ordinance, to require the payment of funds from appropriations of a later year (or for more than one year) for any federal or state grant, contract, lease, program, etc., without which the municipality would not be able to participate.

This ordinance would allow the City Manager to execute the approach road permit, which includes an indemnity provision, in accordance with Charter section 9.13(c), as required by 17 AAC 10.020(c).

The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole.

2. Resolutions

- a. **Resolution 2816 A Resolution Certifying that the City and Borough of Juneau Suffered Significant Effects During Calendar Year 2016 from Fisheries Business Activities Occurring within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ's participation in the State's FY2018 shared fisheries business tax program by certifying to the State that the CBJ suffered significant effects during calendar year 2016 from fisheries business activities within the CBJ's qualifying area. Pursuant to this program, the State distributes to each participating community in the affected management area a share of state fishery

revenues.

It is anticipated that the CBJ's share this year will be approximately \$5,610.

The City Manager recommends this resolution be adopted.

- b. **Resolution 2818 A Resolution Urging the United States Coast Guard and the Alaska Congressional Delegation to Assign Sentinel-class Fast Response Cutters to Facilities within the City and Borough of Juneau.**

This resolution reaffirms the CBJ's support for Coast Guard units to be homeported within the City & Borough of Juneau. The Coast Guard Cutter LIBERTY has been homeported in Juneau since 1988 and is expected to be decommissioned in FY2023. The Coast Guard has not revealed whether a replacement cutter will be homeported in Juneau to assume the search & rescue, law enforcement and protection of natural resources in the northern end of the Alaska Panhandle. Two new 154 foot fast response cutters have recently been homeported in Ketchikan.

Several other Alaskan communities have indicated their desire to have the four remaining new fast response cutters homeported in their respective ports. This resolution would signal to the US Coast Guard and our federal delegation that Juneau continues to be an optimal location to support the operational needs of the future fast response cutters in Alaska.

The City Manager recommends this resolution be adopted.

3. Liquor License

- a. **Liquor License Renewals 2018/2019**

The following is a list of 2018/2019 liquor license renewal applications that have been received from the Alcohol Beverage Control Board and are before the Assembly for one of the following actions: to protest, waive its right to protest, or refer this matter to the Assembly Human Resources Committee for additional review and recommendation. Those licenses marked by an asterisk (*) must be acted upon at the January 22 Assembly meeting in order to fall within the 60-day local governing body comment period. Any license without an asterisk may be continued to the next meeting on February 12 and still meet the 60-day deadline for comment.

License #2541 MGO, Inc. d/b/a Juneau Airport Travel Lodge; 9200 Glacier Hwy., Juneau (Beverage Dispensary Tourism License)

***License #3755 Tailwind, Inc. d/b/a Hangar on the Wharf;** #2 Marine Way, Juneau (Beverage Dispensary License)

***License #4788 Tailwind, Inc. d/b/a Pizzeria Roma;** #2 Marine Way, Ste. 106, Juneau (Beverage Dispensary Duplicate License)

***License #4797 Tailwind, Inc. d/b/a Hangar on the Wharf Ballroom;** #2 Marine Way, Ste. 105, Juneau (Beverage Dispensary Duplicate License)

License #648 YC Juneau Hotel d/b/a Westmark Baranof Hotel; 127 N. Franklin Street, Juneau (Beverage Dispensary License)

***License #271 Alaska Cache Liquor, Inc. d/b/a Alaska Cache Liquor;** 156 S. Franklin Street, Juneau (Package Store License)

License #661 Thibodeau's Market Inc. d/b/a Kenny's Liquor Market; 619 Willoughby Ave., Juneau (Package Store License)

License #1129 Thibodeau's Market Inc. d/b/a Liquor Barrel; 5235 Glacier Hwy., Juneau (Package Store License)

License #4422 Thibodeau's Market Inc. d/b/a Thibodeau's Valley Liquor; 9106 Mendenhall Mall Road, Juneau (Package Store License)

License #521 Thibodeau's Market Inc. d/b/a Home Liquor; 465 W. Willoughby Ave., Juneau (Package Store License)

***License #5482 Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's;** 356 S. Franklin St., Juneau (Restaurant Eating Place Public Convenience Seasonal License)

***License #3733 Catapult, Inc. d/b/a Flight Deck;** #2 Marine Way, Ste. 128, Juneau (Restaurant Eating Place License)

***License #4192 Jeong Hee Kim d/b/a Seongs Sushi Bar;** 740 W. 9th Street, Juneau (Restaurant Eating Place License)

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above list of renewals and recommend the Assembly waive its right to protest these renewals. CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license renewal.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2018/2019 renewal period.

VIIIPUBLIC HEARING

A. Resolution 2817 A Resolution Authorizing the Filing of an Annexation Petition with the Local Boundary Commission.

This resolution would authorize the Manager to amend (or refile, if warranted) the CBJ's pending annexation petition before the Local Boundary Commission to narrow the current petition to unincorporated property between the CBJ's southern boundary and Petersburg's northern boundary, and to expand the petition to include the following areas, identified on the map attached as an exhibit to the resolution:

- Lands abutting and in Seymour Canal beginning with the Pack Creek watershed and including all lands to the north that drain into Seymour Canal;

- The Glass Peninsula;
- All of the lands on Admiralty Island to the north of Hawk Inlet, including Horse and Colt Islands;
- An area south of the Greens Creek Mine and the existing Borough boundary that encompasses all lands that drain into Wheeler Creek and lands to the west of the Wheeler Creek basin that drain directly into Chatham Strait (identified on the map included in your packet).

This resolution directs that the petition be filed under the legislative review process.

The City Manager recommends this resolution be adopted.

B. Ordinance 2017-06(Z) An Ordinance Appropriating to the Manager the Sum of \$290,765 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$290,765 to the Construct Snow Removal Equipment Building (SREB) capital improvement project A50-086. Funding is provided as follows:

Federal Aviation Administration grant:	\$290,765
--	-----------

Local matching funds of 6.25% have previously been appropriated.

The Airport Board approved this action at its October 10, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2017-06(AA) An Ordinance Appropriating to the Manager the Sum of \$131,938 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-Alignment Design Capital Improvement Project; Funding Provided by Sales Tax Revenue.

This ordinance would appropriate \$131,938 to the Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design capital improvement project A50-090. Funding is provided as follows:

Sales Tax Revenue:	\$ 131,938
--------------------	------------

This funding represents the customary 6.25% to match for the Federal Aviation Administration grant.

The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **Appoint City Manager to the Snettisham Committee**

XI. STAFF REPORTS

- A. **Staffing Update for New Assembly Goals and Priorities**
- B. **Assembly Options Related to Proposed Sale of AEL&P/AVISTA to Hydro One**

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. **Executive Session - Gastineau Apartments**

XV. ADJOURNMENT

XVI. SUPPLEMENTAL 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