

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

January 8, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-1

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. **December 18, 2017 Regular Meeting 2017-23**

B. **December 28, 2017 Special Meeting 2017-24**

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(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 have previously been appropriated.

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

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

- b. **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 will be used to match a 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 introduced and set for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2018-01 An Ordinance Amending the Airport Operations Code Relating to Parking, Standing, and Stopping for the Active Loading and Unloading of Passengers and Providing for a Penalty.**

The Airport Operations Committee determined that vehicles parking and waiting at the curb for passengers to load and unload presents both a public safety problem as well as a security compliance issue. After its meeting on September 29, 2017, the Committee directed staff to consider an amendment to the Airport code to address the issue.

At its meeting on October 10, 2017, the Airport Board considered staff's recommendation to amend the Airport parking code to prohibit the standing or parking of vehicles unless actively engaged in the loading and unloading of passengers and the proposed \$100 fine, and approved moving the issue forward to the Assembly. The relevant minutes from the

October 10 meeting have been included in the agenda packet.

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

2. Bid Award

a. **BID BE18-098 Downtown Street Improvements - Phase II**

Bids were opened on December 12, 2017. The protest period expired on December 15, 2017. Results of the bid opening were as follows:

Responsive Bidders	Total Bid
CBC Construction	\$1,736,902.50
K & E Alaska	\$1,813,429.90
Admiralty Construction	\$1,843,075.00
Arete Construction	\$1,953,924.00
Glacier State Contractors	\$2,307,342.50
Engineer's Estimate	\$1,996,980.00

The City Manager recommends award of the project to CBC Construction for the total amount bid of \$1,736,902.50.

3. Liquor License

a. **Liquor License Renewal #4842 - Up the Creek dba Twisted Fish Beverage Dispensary License**

2018-2019 Renewal

Up the Creek d/b/a Twisted Fish Beverage Dispensary License #4842

Location: 550 S. Franklin Street, Juneau

The above Beverage Dispensary liquor license renewal is 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.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed this license for code compliance and recommend the Assembly waive its right to protest this license renewal.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license renewal. The Assembly has until February 4, 2018, to take final action on this liquor license.

The City Manager recommends the Assembly waive its right to protest the renewal of liquor license #4842.

VIIIPUBLIC HEARING

- A. Ordinance 2017-06(X) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.**

This ordinance would appropriate \$250,000 of unrestricted sales tax revenue. The CBJ strongly supports and welcomes cruise ship tourism, and will continue to work cooperatively with the industry to address impacts caused by the visitation of approximately one million visitors to the CBJ per year. At the same time, the CBJ must defend its marine passenger and port development fees against the constitutional challenges raised by the industry in the litigation brought by the Cruise Lines International Association (CLIA).

These funds would be appropriated in FY18 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA. The Assembly Finance Committee took up this matter at its meeting on December 13, 2017.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2017-06(Y) An Ordinance Appropriating to the Manager the Sum of \$400,000 to begin Replacement of the Maier Drive Forcemain Emergency Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Lexington Insurance Company.**

The CBJ has received initial funding from our insurance company for \$400,000 to begin the replacement of the failed Maier Drive sewer forcemain. These funds need to be appropriated into a CIP in order to spend them. The funds will be appropriated into the existing CIP created to begin the planning and design work for the forcemain repair.

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

The City Manager recommends this ordinance be adopted.

- C. Ordinance 2017-29 An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.**

This ordinance would amend CBJ Title 49 to delete the prohibitions of development near eagle nests and eagle habitat. Existing CBJ code prohibits development within 330 feet of eagle nests on public land and within 50 feet of eagle nests on private land during the nesting period. This ordinance would remove those development prohibitions.

The existing CBJ code related to eagles is difficult to enforce and is unnecessary. The CBJ does not have an inventory of eagle nests nor the capability to determine if a nest is in use or will be used in the future. Although the U.S. Fish and Wildlife Service provided this information to the CBJ in the past, the USFWS has not had the personnel to make those determinations for many years. This ordinance is anticipated to reduce costs of development near eagle nests and habitat without any adverse impact on eagles because the eagle population in Juneau is healthy.

CBJ staff has consulted with the USFWS. The Planning Commission recommends the Assembly adopt this ordinance. The Lands Committee reviewed this ordinance at its meeting on November 20, 2017, and unanimously moved that it go before the full Assembly.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2017-34 An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.

The Lemon Creek Area Plan was reviewed by the Assembly Committee of the Whole at its November 20 and December 4, 2017, meetings. At the latter meeting, the Committee of the Whole voted to send the Plan, as amended, to the full Assembly for adoption as an addendum to the Comprehensive Plan.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2017-36 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

State law requires that if a municipality prescribes a penalty for a violation of a municipal ordinance and there is a comparable state crime under either AS 11 (the state's criminal code) or AS 28 (motor vehicle and driving offenses) with elements that are similar to the municipal ordinance, the municipality may not impose a greater punishment than that imposed for a violation of the state crime. This provision applies to all municipalities, including home rule.

This ordinance would amend CBJ Code to make it consistent with state law, including changes required by SB 54.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor License #2533 - Jack and Arlene Tripp d/b/a Viking Restaurant and Lounge

Staff from the Finance and Engineering/Public Works departments recommend the Assembly file a mid-cycle protest of the Jack and Arlene Tripp dba Viking Restaurant & Lounge Liquor License #2533 in accordance with AS 04.11.480 which states the following:

“The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application....”

The basis for staff’s recommendation of protest is listed below:

- Sales Tax is recommending protest based on the unfilled July – November 2017 monthly sales tax returns, plus unremitted sales taxes, liquor taxes and associated late filing fees, late payment penalty and interest.
- Utility Billing is also recommending protest due to the account being 2 months delinquent on their utility payments.

CBJ Code 20.25.025 provides the licensee an opportunity for an informal hearing before the Assembly as follows:

“(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.”

Your packet contains copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statutes pertaining to this matter. 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.

The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its January 8, 2018, meeting.

B. Eagle Valley Center Ropes Course Lease

Southeast Alaska Independent Living (SAIL) has applied to lease the Ropes Course at the Eagle Valley Center. This facility is located at 24600 Amalga Harbor Road and is managed by the CBJ Parks and Recreation Department. SAIL plans to maintain and upgrade the course to make it more accessible for people with mobility restrictions. Since the Ropes Course was not advertised for general leasing, as stipulated in CBJ§53.09.260 Negotiated sales, leases, and exchanges, the Assembly needs to determine if SAIL’s proposed lease should

proceed by direct negotiation or if Parks should invite other groups to submit proposals to lease the facility. No competing inquiries have been received at this time. Completing this lease will make SAIL eligible for additional grant funding that will help support its mission.

The City Manager recommends that the Assembly adopt the following motion:

The Assembly authorizes the City Manager to commence lease negotiations with Southeast Alaska Independent Living (SAIL) to lease the Eagle Valley Center Ropes Course.

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

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