

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

June 26, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-15

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Recognition: Masoud Abdi's Citizenship**

IV. APPROVAL OF MINUTES

A. **June 5, 2017 Regular Assembly Meeting 2017-13**

B. **June 7, 2017 Special Assembly Meeting 2017-14**

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 2017-14 An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.**

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment and services. The CBJ Charter states that

all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.

The State of Alaska, the Municipality of Anchorage, and the City of Ketchikan all currently have this flexibility in their procurement code. There are times when the ability to use alternate procurement methods would save the CBJ considerable amounts of time and money.

This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017 and June 12, 2017 and forwarded to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2017-17 An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance would create that procedural process.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of \$1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

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

- d. **Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of \$16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.**

This ordinance appropriates \$16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum through donations made for this purpose by the Benito & Frances C. Gaguine Foundation, Michelle & Robert Storer, Alison E. Browne, and the Friends of the Juneau-Douglas City Museum. These funds were raised to increase hours of operations at the museum. The funds will allow an increase in museum staffing from 0.75 FTE to 1.00 FTE for FY18. The grant fully funds salaries and benefits for this increase; there is no impact to support from the general fund.

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

- e. **Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of \$15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.**

This ordinance appropriates \$15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Big Read broadens our understanding of our world, our communities, and ourselves through the joy of sharing a good book.

Grant funding is provided by Arts Midwest. This federally funded grant is contingent upon funds to be received by Arts Midwest from the National Endowment for the Arts: CFDA (Catalog of Federal Domestic Assistance) #45.024.

This program has a dollar-for-dollar matching requirement and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

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

2. Resolutions

a. **Resolution 2792 A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution No. 2751**

The Fisheries Development Committee (FDC) was originally created in 1985 as an ad hoc committee. A permanent committee was established in 1989 through Resolution 1399. In 2007, Resolution 1399 was repealed and replaced by Resolution 2418 which reduced the number of FDC members from nine to seven. Then in May 2016, the committee was further reduced from seven to five members through the adoption of Resolution 2751 which repealed Resolution 2418.

Membership and quorum challenges have plagued the committee for a number of years and the FDC chair and Assembly Human Resources Committee have worked on this issue for the past six months. HRC and FDC chairs met with the Docks and Harbors Board to see if it would be feasible to recreate the FDC as a subcommittee or ad hoc group under the Docks and Harbors Board. The Docks and Harbors Board did not favor this move.

Other attempts to find alternative solutions were also unsuccessful. The Assembly Human Resources Committee, at its meeting on June 5, 2017, passed a motion requesting the Law Department draft a resolution to disestablish the Fisheries Development Committee.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Term Contract for Juneau International Airport Runway Painting**

This is a four year term contract to provide painting of runways and aircraft movement areas at the Juneau International Airport. The contractor will provide all paint, materials, equipment, and labor to complete the project. The initial estimate was \$105,000. The higher amount of the bid is due to the re-evaluation of unit quantities and new FAA requirements such as outlining certain markings. In most cases, the unit cost of the bid items actually decreased.

Bids were opened on the subject project on June 2, 2017. Upon review of the specification the award posting occurred on June 5, 2017. The bid protest period expired on June 6, 2017. Results of the bid opening were as follows:

Specialized Pavement Marking, Inc.	\$132,044.92
Pacific Asphalt	\$248,828.73

The bid amount is based on need and may increase or decrease in succeeding years.

The City Manager recommends the award of bid no. 18-015, term contract for Juneau International Airport runway painting, to Specialized Pavement Marking, Inc. in the amount of \$132,044.92 per year.

b. **Cruise Ship Berths Safety Improvements**

Bid Award for Cruise Ship Berths Safety Improvements – DH17-045

Construction of this project would remove and replace existing decking in two areas of the dock: at the sloped ramp south of the parking garage, and seaward of the Visitor's Center. The new sloped dock area would comply with ADA requirements while the other decking is being replaced as it is deteriorated. A guardrail section north of the Port Field Office will also be installed.

A public bid opening was held on June 8, 2017. The Docks and Harbors Board reviewed the bids at a special board meeting on June 22, 2017 and recommended awarding the bid to Alaska Commercial Contractors in the amount of \$364,900.

The City Manager recommends the total bid be awarded to Alaska Commercial Contractors in the amount of \$364,900.

4. **Liquor License**

a. **Liquor License Renewal - Southern Glazer's Wine & Spirits of Alaska**

**Wholesaler-General Liquor License # 4859 Southern Glazer's Wine & Spirits of Alaska d/b/a Southern Wine & Spirits of Alaska
Location: 5452 Shaune Drive - Bay 2, Juneau, AK 99801**

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above renewal and recommends the Assembly waive its right to protest this renewal.

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

5. Transfers

a. **Transfer T-988 Transfers \$31,863 from the Augustus Brown Pool HVAC CIP P46-100 and \$120,000 from the AB Pool Short Term Repairs CIP P44-086 to Provide Funding for the Augustus Brown Pool Covers CIP P46-106 to Procure and Install Pool Covers at Augustus Brown Swimming Pool.**

This transfer of \$151,863 of sales tax funding from existing CIP Augustus Brown Pool HVAC and CIP AB Pool Short Term Repairs will provide the necessary funds to procure and install pool covers at both the leisure and lap pools at the Augustus Brown Swimming Pool. The Parks & Recreation department has determined that this will offer significant benefits including energy savings and reduction of relative humidity in the building.

The preliminary estimate of total project costs is approximately \$150,000.

The Assembly Public Works and Facilities Committee reviewed this request on May 22, 2017 and forwarded this to the Assembly for adoption.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. **Ordinance 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.**

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration. The Lands Committee considered the ordinance at its meeting on June 12, 2017, and recommended forwarding it to the Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit “all security plans to the manager for review,” prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the “Facility Security Officer.” The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are “need to know.” Because the board is not “need to know” with respect to the plan, and as it does not oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community’s vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for

Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration. The Committee of the Whole considered this ordinance at its June 12, 2017, meeting and approved forwarding it to the full Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Resolution 2799 A Resolution Supporting the Disposal of Lot C1, Juneau Subport Subdivision by the Alaska Mental Health Trust Authority.

The Mental Health Trust Authority, through its Trust Land Office, is in receipt of a proposal to purchase the subport property from a local private investor. This resolution would voice the Assembly's support for the sale of the property.

The City Manager recommends this resolution be adopted.

B. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017-0006

On May 23, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an Industrial zone at 1758 Anka Street. On June 14, a timely appeal of the Planning Commission's decision was filed.

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.

C. Late Filed Application for Community Purpose Exemption - Perseverance Theatre

XI. STAFF REPORTS

XII.ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee and Liaison Reports
- C. Presiding Officer Reports

XIIIASSEMBLY COMMENTS AND QUESTIONS

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

- A. CLIA Litigation Update

XVIADJOURNMENT

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