

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

April 24, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-08

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Special Recognition - Marlene Love Retirement**
- B. **Proclamation - Letter Carriers' Stamp Out Hunger Food Drive Day**
- C. **Proclamation - Public Service Recognition Week May 7-13, 2017**
- D. **Proclamation - Litter Free Clean Up Week**

IV. APPROVAL OF MINUTES

- A. **April 3, 2017 Regular Assembly Meeting 2017-06**
- B. **April 5, 2017 Special Assembly Meeting 2017-07**

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 2017-09 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of a Portion of USS 1568 TR B, Locally Known as Honsinger Pond, from Rural Reserve**

to Industrial.

On January 24, 2017, the Planning Commission approved the forwarding of an ordinance to the Assembly rezoning 23 acres of an 83 acre lot, locally known as the Honsinger Pond, from Rural Reserve to Industrial, with the following condition:

Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

The Commission determined this condition was necessary because the Alaska Department of Transportation and Public Facilities will not approve use of the current access (a driveway on Yandukin Drive).

After the Commission voted to recommend the rezone, the applicant verified the boundaries of the proposed rezone area with an engineering firm. The applicant has since explained that the 23 acres originally identified in the application was based on a rough approximation. When the applicant verified final boundaries with the engineering firm, the firm noted that the original boundaries extended into the Yandukin/Egan Drive right-of-way, and therefore adjustments were necessary. The revised estimation is 26.21 acres. The Community Development Department notes that this change would not alter the analysis and findings in the AME20160007 staff report.

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

2. Resolutions

a. **Resolution 2797 A Resolution Amending the City and Borough of Juneau Personnel Rules.**

This resolution would approve one change to the Personnel Rules that would allow the overtime threshold for certain public safety employees to be set in accordance with the Fair Labor Standard Act 7k exemptions. The proposed change would amend 10 PR 120 to allow management to set a higher hours threshold for alternate FLSA workweeks applicable to specific types of police and fire employees. As an example, CCFR firefighters work a 56 hour work week, 24 hours on followed by 48 hours off. Alternate overtime thresholds, consistent with the FLSA, are set out in their collective bargaining agreement. This Personnel Rule change would allow the same thresholds to apply to non-covered employees working the same alternate work schedules. This change would assure covered and non-covered employees are treated equally in terms of pay

provisions and should result in a small cost savings for the department.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Aspen Avenue Pavement & Drainage Improvements, CBJ Contract No. BE17-165**

Bids were opened on the subject project on March 2, 2017. The initial apparent low bidder was Pacific Coast Paving. The CBJ received a timely letter of protest on March 10, 2017 from SECON. The Purchasing Officer upheld the protest, awarding the bid to SECON on March 31, 2017. The Purchasing Officer deemed Pacific Coast Paving's bid as non-responsible based on Pacific Coast Paving's substantial association with an unqualified entity that is non-compliant with the CBJ's Good Standing requirement. Pacific Coast Paving has filed a protest of that decision. Although there is a protest pending, Engineering requested the award to SECON be approved.

The Manager finds that the award of the contract pending resolution of the protest is in the best interests of the CBJ and adopts as his written findings the memorandum from the Engineering and Public Works Director included in your packet, in accordance with CBJ 53.50.062(f).

The revised bid results are as follows:

Bidders	Base bid	Additive Alternate No. 1	Total bid
SECON	\$826,333.00	\$603,967.00	\$1,430,300.00
Arete Construction Corp	\$945,675.00	\$653,214.00	\$1,598,889.00
Glacier State Contractors	\$1,117,258.00	\$804,251.00	\$1,797,051.00
Admiralty Construction Engineers Estimate	\$1,061,183.00	\$735,868.00	\$1,921,509.00
	\$913,140.00	\$656,194.00	\$1,569,334.00

The City Manager recommends award of this project to SECON for the Base Bid and Additive Alternate No. 1 in the amount of \$1,430,300.

4. Liquor License

a. **Liquor License Renewals for 2017**

The following 2017/2018 Liquor License Renewals are before the Assembly for action:

Beverage Dispensary Licenses:

License # 76 The Narrows Bar LLC d/b/a The Narrows Bar, 148 S. Franklin Street, Juneau, AK 99801

License # 644 Wolfpack Ventrues, LLC d/b/a Salt Alaska, 200 Seward Street, Juneau, AK 99801

License #2844 The Sandbar Inc. d/b/a The Sandbar, 2525 Industrial Blvd., Juneau, AK 99801

Restaurant Eating Place Licenses:

License # 816 El Sombrero Inc. d/b/a El Sombrero Mexican & American Food, 157 S. Franklin Street, Juneau, AK 99801

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.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2017/2018 renewal period.

VIIIPUBLIC HEARING

A. Ordinance 2016-09(AK) An Ordinance Transferring \$2,760 to the Jensen-Olson Arboretum Endowment Fund, Funding Provided by Unexpended Capital Project Funds from the Closure of the Jensen-Olson Arboretum Capital Improvement Project P42-075.

This ordinance would close one Capital Improvement Project (CIP P42-075) and return funds totaling \$2,759.88 to the original funding source, the Jensen-Olson Arboretum Endowment Fund.

The Jensen-Olson Arboretum Advisory Board approved this request at its February 8, 2017, meeting.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2016-09(AL) An Ordinance Appropriating to the Manager the Sum of \$120,000 as Funding for the Relocation of the Gruening Park Sewer Pump

Station Generator Building in the Glacier Highway Sewer-Anka to Walmart Capital Improvement Project; Funding Provided by Alaska Department of Transportation and Public Facilities.

The Alaska Department of Transportation and Public Facilities (ADOT) has requested the CBJ relocate the generator building as it is in the way of their new construction plans for Glacier Highway. This appropriating ordinance provides \$120,000 for design, construction estimate and bid document preparation. Funding for construction and associated work will be provided by ADOT upon completion of the design and construction cost estimate.

The Public Works and Facilities Committee heard this issue and reviewed project timelines at its March 20, 2017, meeting and forwarded this ordinance to the full Assembly for approval.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2016-09(AM) An Ordinance Appropriating to the Manager the Sum of \$700,000 as Funding for the Juneau Housing First Collaborative (JHFC) Capital Project, Funding Provided by the Sales Tax Fund's Fund Balance.

In January, 2016, the Assembly approved Ordinance 2015-20(Z) providing \$1.8 million in "bridge funding" to Juneau Housing First Collaborative (JHFC), for construction of the Housing First facility. The bridge funding had the potential to become a permanent increase in funding, provided by the CBJ to the JHFC project, if other planned fundraising sources did not work out.

Construction of the JHFC is nearly done and tracking towards opening in July, 2017. The total estimated cost for design, construction (including change orders) and administration is projected to be \$7.6 million. Total construction costs are \$6.7 million (which includes a health clinic). To date JHFC has collected or has committed funding of \$6.4 million, including a \$1.5 million grant from CBJ. There remains a current funding shortfall of \$1.2 million. At this point JHFC has no additional sources of funding they are highly confident are available.

JHFC is requesting that \$1.2 million of the bridge financing be converted to an increased CBJ grant. On June 30, 2016, the CBJ Finance Department encumbered \$500,000 of the original financing (estimating a potential future request) and reduced available fund balance. To provide the total increased grant of \$1.2 million this ordinance for a \$700,000 FY17 supplemental appropriation is needed.

The Assembly Finance Committee reviewed this request at its April 5, 2017, meeting and forwarded it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2016-09(AN) An Ordinance Appropriating to the Manager the Sum

of \$125,000 as Funding for the Treadwell Mine Park Preservation, Office Building Rehab, Phase 2, Capital Improvement Project; Funding Provided through a Grant from the Rasmuson Foundation.

The request is to approve the \$125,000 grant for the purpose of rehabilitation of the “New Office Building” at the Treadwell Historic Park. CBJ Parks and Recreation is working with the Treadwell Historic Preservation and Restoration Society to rehabilitate the “New Office Building” into an open air shelter for public use.

The Parks and Recreations Advisory Committee recommended approval of this ordinance at its regular public meeting on April 4, 2017. The Assembly Public Works and Facilities Committee recommended approval of this ordinance at its regular public meeting on April 10, 2017.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2017-08 - An Ordinance Amending the Penal Code Relating to the Discharge of Firearms in the Mendenhall Wetlands.

At its meeting on February 13, 2017, the Assembly directed an ordinance be drafted to amend City and Borough code to allow for shotgun use on accreted parcels formerly part of the Mendenhall State Game Refuge.

This ordinance amends the City and Borough of Juneau's penal code in accordance with the Assembly's direction.

The City Manager recommends this ordinance be adopted.

F. Ordinance 2017-10 - An Ordinance Authorizing the Sale of Foreclosed Property Located at 15860 Glacier Highway by Public Auction.

This ordinance address the final step in the foreclosure process of real property located at 15860 Glacier Highway. The back property taxes owed on the property total \$16,356.10 and are from tax years 2014, 2015, and 2016.

State law provides that tax-foreclosed property conveyed to a municipality and not required for a public purpose may be sold. This ordinance would establish that the property is not needed for a public purpose, and authorizes the manager to dispose of it by public outcry auction held in accordance with CBJ 53.09.230.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Authorization for the Manager to Enter into a Fair Market Value Negotiated Sale of City property from USS 3559 Lot 2.

The Lands Office received an application to purchase approximately 14,000 square feet of City property on each side of the applicants' existing lot located at 11259

North Douglas Highway. The applicants' legally non-confirming 14,000 square foot lot does not meet the minimum dimensional standards for a lot located in a rural reserve zoning district. The applicants would like to purchase adjacent City property to increase their current lot size. The Lands Committee encouraged the applicants to purchase additional property so that their lot would conform with the area's rural reserve zoning designation, which requires lots to be a minimum of 36,000 square feet and 150 feet in depth.

On April 10, 2017, the Assembly Lands Committee adopted a unanimous motion of support to the Assembly for a Fair Market Value Negotiated Sale ranging from approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2 (CBJ LND-1421) to the original applicants. The applicants indicated they would purchase as much property as they could afford but were unable to commit to purchasing 22,000 square feet until a sale price was established.

As established in CBJ 53.09.260(a) staff recommends that this proposal be pursued by direct negotiation with the original proposers because this land sale would not create new lots, only add to an existing lot.

The Manager requests a motion of support to enter into direct negotiations for the disposal of approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2.

XI. STAFF REPORTS

- A. **Auke Bay Marine Station**
- B. **CCTHIA Fee to Trust**

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. **CBJ v. Gastineau Apartments, LLC, et al**

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-