

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

April 3, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-06

Submitted By:

Mila Cosgrove
City and Borough Deputy Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Honorary Mayors**
- B. **Recognizing Riley John and Seth Gerrin**
- C. **Recognizing the Salvation Army**
- D. **Proclamation - Commemorating Douglas Days**

IV. APPROVAL OF MINUTES

- A. **March 6, 2017 Regular Assembly Meeting 2017-05**

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 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 introduced and set for public hearing at the next regular Assembly meeting.

- 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 introduced and set for public hearing at the next regular Assembly meeting.

- 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 will review this request at its April 5, 2017, meeting.

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

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

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 introduced and set for public hearing at the next regular Assembly meeting.

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 introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. **Resolution 2795 - A Resolution In Support of Legislation Authorizing the Creation and Enforcement of Municipal Liens.**

This resolution would express Assembly support for SB 100, a bill intended to return to municipalities the authority to provide for the creation, recording, and enforcement of municipal liens.

The City Manager recommends adoption of this resolution.

b. **Resolution 2796 - A Resolution Approving Amendments to the Bylaws of the Board of Directors of Bartlett Regional Hospital.**

CBJ 40.05.030 requires the hospital board to recommend bylaws for the administration and government of the hospital, which become effective upon Assembly approval by resolution. This resolution would accept the hospital board's recommended amendments to its bylaws that were approved by the board at its regular meeting on February 28, 2017. Highlights of the amendments include:

1. Revision to BRH's non-discrimination policy statement per §1557 of the

Affordable Care Act (p. 1)

2. Establishment of a standing board Governance Committee and setting out duties of same (p. 8)

3. Establishment of a standing board Compliance and Audit Committee and setting out duties of same (p. 8 - 9)

4. Provision of telephonic participation meeting rules (p. 11, 14)

The Human Resources Committee reviewed this resolution at its April 3, 2017, meeting and will forward its recommendation to the Assembly for action.

The City Manager recommends Assembly action according to the recommendation of the Human Resources Committee.

3. Bid Award

a. **Bid Award for Aurora Harbor Re-Build-Phase II – DH17-021**

Construction of this project would remove and replace main walks, and finger floats for moorage areas E through G at Aurora Harbor. New lighting, electrical, fire suppression, and domestic water systems would be installed.

A public bid opening was held on February 8, 2017. The bidders and their total bids are as follows:

Bidders	Total Bid
Northern Construction Service	\$3,452,060.00
Trucano Construction Company	\$3,594,442.00
Tamico, Inc.	\$3,619,500.00
Western Dock and Bridge	\$3,667,950.00
Western Marine Construction	\$3,778,000.00
Turnagain Marine Construction	\$4,076,700.00
Engineer's Estimate	\$4,110,922.00

The Docks and Harbors Board reviewed the bids at a special board meeting on March 16, 2017, and a regular board meeting on March 30, 2017.

The City Manager recommends the total bid be awarded to Northern Construction Services in the amount of \$3,452,060.00.

4. Liquor License

a. **Liquor License Renewals 2017/2018**

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

Club License #5414 BPO Elks Lodge \$320 d/b/a Juneau Elks Club No. 420,
9321 Glacier Hwy., Juneau, AK 99801

Restaurant Eating Place License #4584 Doug Trucano no d/b/a and no premises. This license was formerly held by Zephyr and the Assembly waived its right to protest the license transfer of ownership to Doug Trucano on September 12, 2016.

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.

VIII. PUBLIC HEARING

- A. **Ordinance 2016-09(AG) An Ordinance Appropriating to the Manager the Sum of \$100,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.**

This ordinance would appropriate \$100,000 of Unrestricted Sales Tax from the Sales Tax Fund's Fund Balance in FY17.

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 FY17 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA.

The City Manager recommends this ordinance be adopted.

- B. **Ordinance 2016-09(AH) An Ordinance Appropriating to the Manager the Sum of \$309,578 as Funding for the Juneau International Airport Part 121 Ramp Capital Improvement Project; Funding Provided by Passenger Facility Charges.**

This ordinance would appropriate \$309,578 to the Juneau International Airport Part 121 Ramp capital improvement project (CIP). Funding is provided as follows:

Passenger Facility Charges (PFC):	\$309,578
-----------------------------------	-----------

The funding will be used with existing PFC funding to construct an Air Cargo Hardstand, and a concrete slab at Gate 5.

The Airport Board approved this action at its March 14, 2017, meeting.

The City Manager recommends this ordinance be adopted.

- C. **Ordinance 2016-09(AI) An Ordinance Appropriating to the Manager the Sum of \$15,000 as Funding for the Jensen-Olson Arboretum Parking & Conservatory Capital Improvement Project; Funding Provided by the Jensen-Olson Arboretum Fund's Fund Balance.**

This ordinance would appropriate \$15,000 to Jensen-Olson Arboretum Parking & Conservatory CIP, for parking lot improvements.

Funding is provided from the Jensen-Olson Arboretum fund's fund balance.

The Public Works and Facilities Committee forwarded this recommendation to the Assembly for approval at its meeting on February 27, 2017.

The City Manager recommends this ordinance be adopted.

- D. **Ordinance 2016-09(AJ) An Ordinance Appropriating to the Manager the Sum of \$127,000**

as Funding for the Jensen-Olson Arboretum Residence Deferred Maintenance Capital Improvement Project; Funding Provided by the Jensen-Olson Arboretum Fund's Fund Balance.

This ordinance would appropriate \$127,000 to Jensen-Olson Arboretum Residence Deferred Maintenance CIP, for Arboretum Manager home repairs.

Funding is provided from the Jensen-Olson Arboretum fund's fund balance.

The Public Works and Facilities Committee forwarded this recommendation to the Assembly for approval at its meeting on February 27, 2017.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2016-26(b) An Ordinance Amending the Land Use Code Relating to Access Standards.

The primary purpose of this ordinance is to create a new access option for certain subdivisions by allowing shared private access. This would allow for an exception from the requirement that lots have frontage on a public right of way, and instead allow the lots to be accessed via private shared access located in a private easement. Private shared access ways would be maintained solely by the homeowners.

On October 25, 2016, the Planning Commission approved moving the ordinance to the Assembly for its consideration.

The ordinance was introduced at the November 7, 2016, Assembly meeting and referred to the Committee of the Whole. It was heard by the Committee at its November 21, 2016, January 9, 2017, January 30, 2017 (which was a joint meeting with the Planning Commission), and March 13, 2017, meetings. The Committee of the Whole requested a few changes to the ordinance, and approved moving the amended ordinance to the next Assembly meeting for public hearing. The memorandum in your packet from the Municipal Attorney explains the changes made by the Committee.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Southeast Alaska Land (SEAL) Trust v CBJ Assessor - Decision on Appeal

The proposed decision in this appeal was provided to the parties on March 14, 2017. Written objection was received on March 21, 2017, and is included in your packet. In accordance with CBJ 01.50.140, the decision is now before you for adoption.

The City Manager recommends that the decision be adopted.

X. NEW BUSINESS

A. Request for Authorization for the City Manager to Enter into a Negotiated Fair Market Value Sale of Juneau Townsite, Block 115, Lot 6, with the Adjacent Property

The Lands Office received an application to purchase Juneau Townsite, Block 115, Lot 6. The applicants are the owners of lot 7, which neighbors the property requested for purchase. The applicants wish to acquire the lot to make structural improvements to their existing home for mitigation against natural hazards and to better develop single-level living to assist a family member who is unable to navigate stairs.

On February 27, 2017, the Assembly Lands Committee reviewed and adopted a motion of support to

the Assembly for a fair market value sale of Lot 6 to the applicants. The land sale is subject to review by the Planning Commission and authorization by the Assembly by ordinance.

As established in CBJ§53.09.260(a) staff recommends that this proposal be pursued by direct negotiation with the original proposers because the hillside behind the subject property is very steep and has been designated as a hazard zone. Due to the “hazard” designation, it is listed in the Land Management Plan for retention. However, by selling this lot to the original proposers who are adjacent to the property, a defensive structure could be built to help reduce the risk to the applicants' existing home as well as neighboring homes downslope.

The City Manager requests a motion of support to enter into direct negotiations for the disposal of Juneau Townsite, Block 115, Lot 6 to the applicants.

B. Request for Authorization for the City Manager to Enter into Negotiations for the Disposal of a Fraction of ATS 14 for Fair Market Value

The Lands Office received an application to acquire approximately 5,000 square feet from Savikko Park in Douglas. The applicant is the owner of 522 St. Ann's Avenue which is adjacent to Savikko Park. This part of Savikko Park it is not being actively used for park functions. The applicant has requested this property be conveyed at no cost because of an understood verbal agreement from the 1960's made with the previous Mayor of Douglas. Verbal agreements to sell or convey real property are not legally enforceable. Staff believes it is appropriate to sell the property to the applicant for fair market value for the reasons explained in the memorandum included in your packet.

The Lands Committee and the PRAC reviewed the application and both passed motions of support to the Assembly for this disposal.

Title 53.09.260 *Negotiated sales, leases, and exchanges* states that once an application has been received, the proposal “shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.” In this case, an invitation for further proposals is not a valid option because the lot to be acquired is an extension of the applicant's backyard.

The City Manager requests a motion of support to enter into negotiations for the disposal of a Fraction of ATS 14 to Ruth Pedersen for fair market value.

C. Regulation Docks & Harbors Title 5 Chapter 15 Fees and Charges

Docks & Harbors properly noticed the proposed changes consistent with CBJ ordinance. Docks & Harbors received no comments regarding the proposed regulations change. The Docks and Harbors Board hearing on these regulations was held on March 30, 2017, and they forwarded the proposed regulations as found in your packet.

In reviewing proposed regulations, CBJ 01.60.260 provides that the Assembly may:

1. Take affirmative action to approve the regulation.
2. Take affirmative action to disapprove the regulation. (If the Assembly disapproves the regulation, the Assembly may state its reasons for doing so, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)
3. Allow the regulation to take effect and be deemed approved by not actively considering the regulation. (The Assembly’s historical practice is to move ‘orders of the day,’ requiring the body to consider the next item on its agenda without active consideration of the regulation in order to allow

the regulation to take effect without explicit Assembly action.)

4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

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

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

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