

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

November 7, 2016 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2016-35

Submitted by:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Introduction of Exchange Students
- B. Proclamation - Extending Condolences to Fairbanks, Alaska
- C. Proclamation - Small Business Saturday

IV. APPROVAL OF MINUTES

- A. October 17, 2016 Regular Assembly Meeting 2016-34

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 2016-26 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 subdivisions. If approved, the shared private access option would exempt lots in certain subdivisions 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.

In August, 2015, the Assembly directed staff to codify the existing practice of allowing shared access. Since then, Community Development staff has been working with the Subdivision Review Committee, a subcommittee of the Planning Commission, the Public Works and Engineering Department, the Fire Department, the Law Department, and the Planning Commission to develop the proposed changes.

On October 25, 2016, the Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the Community Development Department's staff report and recommended that the City and Borough Assembly adopt staff's recommendation for approval, with changes.

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

- b. **Ordinance 2016-39 An Ordinance Authorizing the Manager to Negotiate a Sale of the North Franklin Parking Lot, Located at 310 Second Street, to Eagle Rock Ventures, LLC.**

At the Assembly's direction, staff solicited letters of interest and applications for a negotiated sale of the North Franklin Parking Lot located at the corner of Franklin and Second Street.

The Lands Committee reviewed the Eagle Rock Ventures, LLC proposal at its June 27, August 15, August 29, and October 10, 2016, meetings.

At its October 10, 2016, meeting, the Lands Committee considered Eagle Rock Ventures, LLC's proposal but the motion supporting the proposal did not pass.

At its meeting on October 17, 2016, the full Assembly passed a motion, without objection, directing staff to prepare an ordinance for its consideration authorizing the sale of the property to Eagle Rock Ventures, LLC.

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

- c. **Ordinance 2016-40 An Ordinance Authorizing the Port Director to Lease Tract A of Alaska Tidelands Survey 1670 to Angoon Trading Company, Inc.**

CBJ Docks & Harbors proposes entering into a new 35-year lease with Angoon Trading Company for Alaska Tidelands Survey No. 1670, Tract A, located along Channel Drive.

The property was appraised at \$0.10 per square foot with an effective date of August 13, 2015. On October 27, 2016, the Docks & Harbors Board recommended that the Assembly approve a new 35-year lease with Angoon Trading Company for \$6359.80 per year. The Lands Committee reviewed and recommended approval of the new lease at its October 31, 2016, meeting.

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

- d. **Ordinance 2016-41 An Ordinance Amending the Official Zoning Map of the City & Borough to Change the Zoning of a Southeast Fraction of USMS 164, Located near the End of St. Ann's Avenue in Downtown Douglas, from D-5 to D-18.**

In July 2016, the applicant filed to have Southeast Fraction of USMS 164 rezoned from D-5 to D-18.

On August 17, 2016, after receiving a rezone application, staff held an informational meeting to discuss the proposed rezoning with all owners of property in the area of the rezone.

The Comprehensive Plan Map designation of Natural Park Area is not appropriate for this privately owned parcel. Natural Park Area is described as CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development. The adjacent designation of Medium Density Residential and the adjacent D18 zoning is more appropriate for this privately owned lot.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for less than 2 acres, but if approved will expand an existing D-18 zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

The Planning Commission approved this rezone at its September 13, 2016, meeting and recommends that the Assembly approve the rezone of the subject parcel from D-5 to D-18.

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

- e. **Ordinance 2016-42 An Ordinance Amending Non-code Ordinance 2016-34, Authorizing the Port Director to Lease Alaska Tidelands Survey 33 to Andrew's Marina, Inc., to Correct the Initial Annual Rent Amount.**

After Ordinance 2016-34 was adopted in September 2016, authorizing Docks and Harbors to lease tidelands to Andrew's Marina, Inc., staff discovered an error in the appraisal establishing fair market value for the leased property. A corrected appraisal report was received on October 26, 2016.

This ordinance corrects the annual rental amount consistent with the actual fair market value for the leased premises.

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

a. **Resolution 2774 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.**

The Alaska Department of Transportation and Public Facilities makes an annual mobility grant available. In order to be eligible for funding, communities must submit to DOT&PF a list of prioritized mobility projects endorsed by the governing body.

On September 28, 2016, the Juneau Coordinated Transportation Coalition (JCTC) voted to forward the following prioritized projects to the Assembly for FY18 DOT&PF mobility grant funding:

1. Lift-equipped taxi
2. Taxi Voucher Program
3. Dialysis Transportation Program
4. Paratransit Bus

The Public Works and Facilities Committee at its October 10, 2016, regular meeting voted to forward the prioritized list to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

b. **Resolution 2775 A Resolution In Support of Full Funding from the State of Alaska for the School Bond Debt Reimbursement and State Aid for Construction in Regional Education Attendance Areas.**

The City and Borough of Juneau calls on Governor Bill Walker and the Alaska Legislature to fully fund the FY18 and future State of Alaska's moral and constitutional obligation to public schools through both school bond debt reimbursement and state aid for construction in Regional Education Attendance Areas. The City and Borough of Juneau also requests Governor Bill Walker and the Alaska Legislature to adopt an FY17 budget supplemental that reinstates full funding for this year's school debt reimbursement payments.

The City Manager recommends this resolution be adopted.

c. **Resolution 2776 A Resolution Authorizing the Manager to Apply for a Community Development Block Grant from the Alaska Department of Commerce, Community, and Economic Development, with Juneau Housing First Collaborative, to be Used for Construction of a Mixed-Use Residential Facility.**

The Alaska Department of Commerce, Community, and Economic Development annually makes available a community block grant to qualifying entities. Local governments can participate by generating their own project ideas or by soliciting ideas from the general public.

This year, the CBJ received one proposal from the Housing First Collaborative (JHFC). This would be the second time the CBJ has worked with JHFC putting together a grant application for funding. The first application, submitted in 2015, was not successful.

Printed grant applications, with original signatures, must be received in Fairbanks by 5 p.m. December 2, 2016, in order to be eligible to compete.

The Assembly Committee of the Whole reviewed JHFC's proposal at its meeting on October 10, 2016, and made a recommendation to the Assembly to support the JHFC application.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Bid Award – E16-128, Seawalk – Bridge to Gold Creek Phase III**

This project consists of construction of the final phase of the Seawalk from the Douglas Bridge to Gold Creek, including Bridge Park work at the northern terminus of the Seawalk. The Seawalk completion consists of installation of surface materials on the new 2.7 acre island, and the Bridge Park completion includes the installation of hardscapes, lighting, and other park amenities. Also included within the work, and funded by private donations, are construction of the sculpture pool and piping. Bids were opened on the subject project on October 20, 2016. The bid protest period expired at 4:30 p.m. on October 28, 2016. Results of the bid opening are as follows:

Bidders	Base Bid	Alternate No. 1	Total Bid
Admiralty Construction, Inc.	\$2,716,791.00	\$245,000.00	\$2,961,791.00
Dawson Construction, Inc.	\$3,167,000.00	\$210,000.00	\$3,377,000.00
Arete Construction Co.	\$3,480,816.00	\$252,000.00	\$3,732,816.00
North Pacific Erectors, Inc.	\$4,099,428.02	\$294,500.00	\$4,393,928.02
<i>Engineer's Estimate</i>	\$3,183,856.30	\$277,889.60	\$3,460,995.90

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total bid amount of \$2,961,791.00, inclusive of Additive Alternate No. 1.

4. Other Items for consent

a. **CBJ Review of State of Alaska - Marijuana Testing Facility License #10512 Southeast Alaska Laboratories, LLC**

The Alcohol Marijuana Control Office (AMCO) sends local governing bodies notice of marijuana license applications which allows local governing bodies the opportunity to protest or waive its right to protest the issuance or renewal of these licenses.

CBJ received notice of the following marijuana license application:

Marijuana Testing Facility License # 10512 - Southeast Alaska Laboratories, LLC
Location: 5450B Jenkins Drive, Juneau, AK

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license. As to CDD's and Fire Department recommendations, although there are other matters that will still need to be resolved prior to operations beginning, such as a final fire and building inspection and obtaining the local CBJ marijuana license, staff does not feel the need to hold up the state marijuana license for those matters at this time.

Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body

AMCO Marijuana online application forms (redacted)

MJ-01: Marijuana Establishment Operating Plan

Form MJ-02: Premises Diagram

CBJ Planning Commission Conditional Use Permits - Notices of Decision

Copies of all the documents relating to these licenses are available upon request from the office of the Municipal Clerk during regular business hours.

The City Manager recommends the Assembly waive its right to protest the issuance of this marijuana license to Southeast Alaska Laboratories, LLC.

VIII. PUBLIC HEARING

A. **Ordinance 2015-20(AW) An Ordinance Appropriating to the Manager the Sum of \$1,802,195, to Fund Bartlett Regional Hospital's Fiscal Year 2016 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$1,802,195, which is the State's FY16 relief rate of 5.19% for each FY16 employer payroll and 27.19% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB2001 during the 2015 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

The City Manager recommends this ordinance be adopted.

B. **Ordinance 2016-09(O) An Ordinance Appropriating to the Manager the Sum of \$111,125 as Funding for the Juneau International Airport Construct Runway Safety Area Phase 2B Capital Improvement Project; Funding Provided by the Alaska Department of Transportation.**

This ordinance would appropriate \$111,125 to the Construct Runway Safety Area Phase 2B capital improvement project. Funding is provided as follows:

Alaska Department of Transportation (ADOT):	\$111,125
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This project will construct aircraft parking pavement in the northwest development area. The Federal Aviation Administration (FAA) funds 93.75% of the project with the remainder being

provided by Juneau International Airport and ADOT. FAA and Airport funds have previously been appropriated.

The Public Works and Facilities Committee recommended approval of this action at its June 27, 2016, meeting.

The Airport Board approved this action at its September 6, 2016, meeting.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2016-09(P) An Ordinance Appropriating to the Manager the Sum of \$556,467 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Alaska Department of Transportation.

This ordinance would appropriate \$556,467 to the Construct Snow Removal Equipment Building (SREB) capital improvement project. Funding is provided as follows:

Alaska Department of Transportation (ADOT):	\$556,467
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The Federal Aviation Administration (FAA) funds 93.75% of the project with the remainder being split between Alaska Department of Transportation (ADOT) and Juneau International Airport. Airport and FAA funds have previously been appropriated.

The Public Works and Facilities Committee recommended approval of this action at its June 27, 2016, meeting.

The Airport Board approved this action at its August 9, 2016, and September 6, 2016, meetings.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2016-09(Q) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance appropriates \$160,000 from the Alaska Department of Military and Veterans Affairs under the 2016 Emergency Management Performance Grant.

These funds are provided to reimburse the City and Borough of Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ Emergency Programs, Police, and Fire staff in the performance of emergency management functions in planning, training, exercise, and equipment procurement within the grant performance period.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2016-09(R) An Ordinance Appropriating to the Manager the Sum of \$230,000 as Funding for the 2016 State Homeland Security Program/SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

This ordinance appropriates to the manager the sum of \$230,000 from the Alaska Department of Military and Veterans Affairs under the 2016 State Homeland Security Program, awarded to the City and Borough of Juneau.

These funds are provided to reimburse the City and Borough of Juneau for expenses incurred in direct support of the goals and activities of the SHSP.

Projects funded:

1. Purchase and installation of upgrade to the Peterson Hill radio system; including communication tower, backup power generation, radio systems, and wireless datalinks. \$150,000
2. Development, purchase, and installation of a structural collapse simulator at the Hagevig Fire Training Center. Complete NFPA Collapse Level I and II training course in Urban Search and Rescue. \$80,000

There is no match requirement for this grant.

The City Manager recommends this ordinance be adopted.

F. Ordinance 2016-09(S) An Ordinance Appropriating to the Manager the Sum of up to \$23,405 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded up to \$23,405 in grant funding for various training opportunities.

The JPD leadership team is finalizing a plan of what training opportunities will be funded with this grant. The potential opportunities include forensic traffic accident reconstruction training, National Emergency Number Association conference, leadership training, National Incident-Based Reporting System (NIBRS) training, and report builder training.

No local match is required.

The City Manager recommends this ordinance be adopted.

G. Ordinance 2016-09(T) An Ordinance Appropriating to the Manager the Sum of \$114,200 as Funding to Provide for Mobile Data Terminals and Accessories at the Juneau Police Department; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

The Juneau Police Department has received \$114,200 in grant funding from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office to purchase mobile data terminals (MDTs) and required accessories.

MDTs are the computers officers use in the patrol vehicles. They provide immediate access to databases and information that enhances the ability for them to do their jobs.

We estimate the entire project will cost around \$220,000 when it is complete. This project had originally been budgeted to be funded using JPD's equipment replacement reserve fund. This grant greatly reduces the amount of funding needed from the equipment replacement reserve fund. Still, there is a match requirement for this grant of \$23,000, which is included in the total \$220,000 and already in the equipment replacement reserve fund. This equipment will continue to be scheduled on the equipment replacement schedule in future years.

The City Manager recommends this ordinance be adopted.

H. Ordinance 2016-09(U) An Ordinance Appropriating to the Manager the Sum of \$19,360 as Funding for Body-Worn Cameras; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

The Juneau Police Department has received \$25,060 in grant funding from the U.S. Department of Justice as part of the Body-Worn Camera Policy and Implementation Program for the purposes of purchasing body-worn cameras (BWC).

The use of body-worn cameras assists in meeting key operational goals for JPD including the capture of factual interactions with the public; the de-escalation of difficult interactions which minimizes use of force; identification of structural issues within the department; lower the rate of unfounded grievances filed; save time and money on unnecessary investigations and lawsuits; document interrogations and crime scenes; identify training issues; provide high quality digital multimedia evidence to attorneys; and increase transparency and accountability with the citizens of Juneau.

Acceptance of the grant funds exists within the JPD FY17 budget; however, this grant also has a match requirement, of \$26,826.30. \$7,466.30 will be covered through existing personnel services costs, leaving a deficit of \$19,360. JPD will use asset forfeiture funds to cover this balance.

Replacement of the BWCs will be handled through JPD's equipment replacement schedule.

The City Manager recommends this ordinance be adopted.

I. Ordinance 2016-32 An Ordinance Amending the General Penalty Chapter of the City and Borough Code Relating to the Payment of Fines.

This ordinance would adopt language similar to AS 12.55.051(a), which provides a meaningful enforcement tool for the court when defendants willfully refuse to pay fines imposed as part of a sentence in a criminal case.

The court is prohibited from imposing a jail sentence if the failure to pay the fine or restitution is because of an inability to pay, and the judge is required to make a factual finding that inability to pay is not a factor.

The Committee of the Whole approved forwarding this ordinance to the Assembly at its October 10, 2016, meeting.

The City Manager recommends this ordinance be adopted.

J. Ordinance 2016-35 An Ordinance Authorizing the Manager to Convey Lot 3 of the Renninger Subdivision to the Juneau Housing Trust.

Staff recently solicited letters of interest for the disposal of six residential lots in the Renninger Subdivision. The Lands Committee reviewed four letters of interest at its April 24, 2016, meeting, and at its May 16, 2016, meeting recommended authorizing the City Manager to negotiate with the Juneau Housing Trust for the sale of Lot 3.

In accordance with CBJ 53.09.270, this sale is for less than fair market value as the Trust's proposal is to work with the University of Alaska Southeast and the Juneau School District to build affordable single family homes while teaching students in the Educational Home Build Program. Homes built by the program will be held in a 99 year land lease and will service the 80 - 120% median income range.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **Adoption of Assembly Calendar**

XI. STAFF REPORTS

- A. **Public Information Officer**
- B. **Alaska Airlines Essential Air Service**

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

- A. **Bartlett Regional Hospital: Compliance Update**

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