ASSEMBLY REORGANIZATION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA

October 17, 2016 7:00 PM

City Hall - Assembly Chambers

Submitted By:

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Mila Cosgrove
City and Borough Deputy Manager

I. FLAG SALUTE

II. SPECIAL ORDER OF BUSINESS ASSEMBLY REORGANIZATION

A. **Recognition of Outgoing Assemblymembers**

B. **Swearing-In of Newly Elected Officials**

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. **Selection of Deputy Mayor**

V. APPROVAL OF MINUTES

A. **September 26, 2016 Regular Meeting No. 2016-33**

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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

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

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

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

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

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

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. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazard events through planning, training, exercise, and equipment procurement.

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

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

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

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.

JPD will use the grant funds to purchase body-worn cameras. The goal is to outfit 40 officers with BWCs to allow us to meet our operational goals of capturing factual interactions with the public; de-escalating situations to lower the rate of use of force; identify any 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 be accountable and transparent with the citizens of Juneau.

The grant funds already fit within JPD's budget; however, this grant has a matching requirement, which is not currently in JPD's budget. The required match is $26,826.30. Of that amount, $7,466.30 is budgeted in personnel costs. This leaves $19,360 to be funded. JPD would like to use asset forfeiture funds to cover the balance of $19,360.

The BWCs have a warranty of three years. In conjunction with purchasing the new equipment, they will also be placed on our equipment replacement schedule to be replaced every three years; however, as we find with a lot of our equipment, they generally last longer than they are guaranteed. After three years' time, the cameras will be evaluated for replacement determination and each year after until they need to be replaced.

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

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

2. Resolutions

a. **Resolution 2771 - A Resolution Authorizing the Manager to Enter into an Amendment to the City and Borough PERS Participation Agreement.**

This resolution would request from the State an amendment to the current CBJ PERS participation agreement contract to exclude hospitalist medical director, advance practice registered nurse, and nurse practitioner from the PERS retirement system. The Bartlett Regional Hospital (BRH) Board of Directors has passed a motion requesting exclusion of these job classifications from PERS participation. These job classifications have not been created at BRH; however, it is anticipated that they may be created in the future.

In addition, the Eaglecrest Board has passed a motion requesting that the only Eaglecrest limited position that remains in PERS is the Patroller III (senior patroller). This amendment would allow Eaglecrest to keep employees currently occupying Patroller III (senior patroller) positions in the PERS service, while removing other Eaglecrest limited positions that are currently vacant.

The City Manager recommends this resolution be adopted.

b. **Resolution 2772 - A Resolution Providing For Interest Rates For The General Obligation School Refunding Bond Being Issued Through The Alaska Municipal Bond Bank.**

On October 17 & 18, 2016 CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately $18.9 million in year general obligation bonds in order to refund/refinance bonds originally issued in September 2006.

The issuance of the bonds was authorized by the Assembly in Ordinance 2016-31 (adopted September 12, 2016). The final Assembly action, per CBJ Charter, related to these bonds is to "prescribe" (set/accept) by resolution the interest rates and annual principal maturity payment dollar amounts.

CBJ legal counsel K&L Gates has prepared Resolution 2772 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution lists the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for all of the bonds is estimated to be 1.5% and result in a net present value savings of $1.3 million.

The City Manager recommends this resolution be adopted.

c. **Resolution 2773 - A Resolution Providing For Interest Rates For The General Obligation Bond Being Issued Through The Alaska Municipal Bond Bank.**

On October 17 & 18, 2016, CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately $3.05 million in year general obligation bonds. This bond sale is a portion of the $25 million authorized by the voters in October 2012 and by Ordinance 2012-44 in December 2012. The proceeds will be used to fund a portion of the Capital Transit bus maintenance facility. The sale consists of 10-year bonds.

The final Assembly action, per CBJ Charter, related to these bonds is to "prescribe" (set/accept) by resolution the interest rates and annual principal maturity payment dollar amounts.

CBJ legal counsel K&L Gates has prepared Resolution 2773 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution lists the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for all of the bonds is estimated to be 1.9%.

The City Manager recommends this resolution be adopted

3. Bid Award

a. **Bid Award Approval for B17-116 - Purchase and Delivery of Submersible Chopper Pumps.**

The CBJ seeks purchase and delivery of five submersible chopper pumps to be used for the Public Works Department Utilities Division. The estimate was $175,000.

Bids were opened on October 4, 2016. Upon review of the specification, the award posting occurred on October 11, 2016. The bid protest period expired at 4:30 p.m. on October 12, 2016. Results of the bid opening are as follows:

Alaska Roteq Corporation	$198,800
Delta Pump and Equipment	$200,290
Alaska Pump & Supply	$204,139

The City Manager recommends award of Bid No. 17-116 to Alaska Roteq Corporation on the basis of having the lowest responsive and responsible bid price in the amount of $198,800 based on Total Bid.

4. Transfer

a. **Transfer T-981 Transfers $488,600 from Runway Safety Area to Airport Revolving Capital Reserve Account.**

This ordinance transfers $488,600 from the Runway Safety Area (RSA) CIP to the Airport Revolving Capital Reserve Account (ARCRA).

The transfer replaces funds that were borrowed from the ARCRA (transfer # T-918 dated June 28, 2010) for temporary local match in the RSA project until dirt royalties ($2.1m) were received. The final dirt royalties were appropriated to the project at the May 26, 2016, Assembly meeting (2015-20(AN)). $500,000 was originally borrowed, and $11,400 has since been replaced, leaving $488,600 for this transfer.

At its October 11, 2016, meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

5. Liquor License

a. **New Brewery Liquor License #5517 - Devil's Club Brewing, LLC**

This application for Devil’s Club Brewing, LLC to be located at 100 N. Franklin Street, Juneau, is before the Assembly to either protest or waive its right to protest the issuance of this new brewery license. As is our practice for all license actions, the Finance, Police, Fire, Engineering/Public Works and Community Development departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the issuance of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the issuance of Brewery Liquor License #5517.

6. Other Items for consent

a. **CBJ Review of New State Marijuana Licenses**

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 Licenses:

i. Retail Marijuana Store License # 10050 - Rainforest Farms, LLC
Location: 216 2nd Street, Juneau, AK

ii. Retail Marijuana Store License #10800 - The Fireweed Factory, LLC
Location: 237 Front Street, Juneau, AK

iii. Marijuana Product Manufacturing Facility License #10271 - Top Hat Concentrates, LLC
Location: 2315 Industrial Blvd., Suite B, Juneau, AK

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommend that the Assembly waive its right to protest the issuance of these licenses. As to CDD's recommendation, although the applicants do not yet have a local license and The Fireweed Factory, LLC does not yet have a conditional use permit, CDD recommends allowing the applicants to move forward to obtain the state license. The applicants will not be allowed to operate in the borough until the conditional use permit is approved and the license is issued.

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 the above state marijuana licenses.

IX. PUBLIC HEARING

A. **Ordinance 2016-09(L) An Ordinance Transferring $155,892 of Unexpended FY16 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.**

This ordinance would transfer $155,892 of unexpended Marine Passenger Fee (MPF) revenues, budgeted for specific purposes in FY16 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY16 budget but were not fully expended by the end of FY16.

Franklin Dock	$ 28,824
AJ Juneau Dock	39,151
Goldbelt	9,837
Tug Assists	30,000
Streets	523
CCFR	47,557
Total	**$ 155,892**

For accounting purposes, the funds will first be refunded to the Marine Passenger Fee Fund and then be transferred to the Open Space Waterfront Land Acquisition CIP.

The City Manager recommends this ordinance be adopted.

B. **Ordinance 2016-09(M) An Ordinance Appropriating to the Manager the Sum of $18,139 as Funding for the Local Emergency Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.**

This ordinance provides funding from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management under the 2017 Local Emergency Planning Committee grant awarded to the City and Borough of Juneau.

These funds are provided to reimburse the CBJ for payroll benefits and LEPC program implementation costs incurred in direct support of the goals and activities of the 2017 Local Emergency Planning Committee grant for the Juneau LEPC.

There is no match requirement for this grant.

The City Manager recommends this ordinance be adopted.

C. **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. This lot will service the program for between six and eight years.

The City Manager recommends this ordinance be adopted.

D. **Ordinance 2016-36 An Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Domestic Animals.**

The Animal Hearing Board and Gastineau Humane Society request several amendments of CBJ Chapter 8.30 relating to potentially dangerous and dangerous domestic animals. The changes clarify some of the requirements that go with owning a potentially dangerous and dangerous domestic animal, and add an additional requirement to have potentially dangerous and dangerous animals microchipped.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2016-37(b) An Ordinance Amending the Uniform Sales Tax Code Relating to the Appeal Process for the Senior Citizen Sales Tax Exemption Hardship Rebate.**

CBJ 69.05.046(d) allows Senior Citizen Sales Tax Hardship Rebate applicants to appeal a denial of their application directly to the Assembly.

Finance staff requests that CBJ 69.05.046(d) be amended so that rebate appeals are governed by CBJ 69.05.180. CBJ 69.05.180, the general appeal section under the Sales Tax Code, provides for an initial informal appeal before the Treasurer. The Treasurer's decision is then appealable to the Sales Tax Board of Appeals, and ultimately to the CBJ Assembly.

The City Manager recommends this ordinance be adopted.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. **Liquor License #447 Involuntary Re-transfer of Ownership FROM: Suite 907, LLC TO: Alaska Promotions, LLC**

In 2014, Liquor License #447 was transferred from Alaska Promotions, LLC d/b/a Brandi's Airport Bar to Suite 907, LLC located at 9121 Glacier Highway. According to a conversation the Deputy Clerk had with AMCO Director Cynthia Franklin, Alaska Promotions, LLC maintained a security interest in the license and this application is for an involuntary retransfer of the license back to Alaska Promotions, LLC. Per Ms. Franklin, this involuntary retransfer is done in accordance with AMCO policies and procedures established relating to AS 04.11.670, AS 04.11.360(4)(B), and 3AAC 304.107.

As is our practice in these matters, staff from the Fire, Finance, Police, and Community Development departments reviewed this license to insure compliance with city code. All Finance Divisions other than Accounts Receivable show the business/license owner is in good standing with their payments to CBJ. All other departments forwarded recommendations for the Assembly to waive its right to protest this retransfer.

The Accounts Receivable department of the Treasury Division opposes the license transfer action. The basis of this protest is that the license owner, Suite 907 LLC, has an outstanding balance of $2,644.08 on their account. This amount represents the outstanding billing plus finance charges for two events that occurred at Centennial Hall on 2/27/16 and 3/25/16. Suite 907 did sign a contract with Centennial Hall for these

events but have failed to make payments in full as agreed, resulting in this delinquent balance.

Therefore the Finance Department is recommending the Assembly protest the transfer of this license until such time that all outstanding balances are paid in full.

In the event the Assembly does protest the issuance of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. That notice was sent on Friday, October 7, 2016 and a copy of the letter is included in your packet.

The City Manager recommends the Assembly protest the transfer of this license until such time that all outstanding balances are paid in full.

XII. STAFF REPORTS

A. **2nd/North Franklin Lot**

XIII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee and Liaison Reports

C. Presiding Officer Reports

XIV. ASSEMBLY COMMENTS AND QUESTIONS

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. EXECUTIVE SESSION

XVII. 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