

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - September 26, 2016

MEETING NO. 2016-33: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. ROLL CALL

Assembly Present: Mary Becker, Loren Jones (teleconference), Jesse Kiehl, Ken Koelsch, Kate Troll and Debbie White.

Assembly Absent: Jamie Bursell, Maria Gladziszewski, Jerry Nankervis.

Staff Present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Roger Healy, Engineering Director; Patricia Wahto, Airport Manager; Bryce Johnson, Police Chief; Teena Larson, Port Administrative Officer.

II. SPECIAL ORDER OF BUSINESS

A. Educator Recognition

Amy Jo Meiners presented a Champion of the Arts - "Arts Advocate" award to Mandy Scribner Mallott. Ms. Mallott responded by saying some words on behalf of Mayor Koelsch and the community for Ms. Meiners as Alaska's Teacher of the Year.

Mayor Koelsch said both women were graduates of the Juneau School System. He said they were both exemplary representatives of teachers and parents and their work has been recognized statewide. He presented Ms. Mallott with a gift of crayons and Ms. Meiners with a gift of apples.

III. APPROVAL OF MINUTES

A. August 31, 2016 Special Meeting No. 2016-30

Hearing no objection, the minutes of the August 31, 2016 Special Assembly Meeting 2016-30 were approved.

B. September 8, 2016 Special Meeting No. 2016-31

Hearing no objection, the minutes of the September 8, 2016 Special Assembly Meeting 2016-31 were approved.

C. September 12, 2016 Regular Meeting No. 2016-32

Hearing no objection, the minutes of the September 12, 2016 Special Assembly Meeting 2016-32 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt noted the red folder items including a version (b) of Ordinance 2016-37.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle asked the Assembly to address the changes that he provided to the City Manager regarding the ordinance and regulations regarding Commercial Passenger Vehicles and pedicabs.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
None.

B. Assembly Requests for Consent Agenda Changes

Mayor Koelsch requested that Resolution 2767 be removed from the Consent Agenda. Hearing no objection, it was so ordered.

C. Assembly Action

MOTION, by Kiehl, to adopt the consent agenda, with the removal of Resolution 2767. Hearing no objections, the consent agenda was adopted as amended.

1. Ordinances for Introduction

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

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

- c. 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 Fees (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	<u>47,557</u>
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 introduced and set for public hearing at the next regular Assembly meeting.

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

2. Resolutions

- a. Resolution 2761 A Resolution Reestablishing the Youth Activities Board, and Repealing Resolution 2410.

This resolution makes changes to the Youth Activities Board's governing legislation, as requested by the Board. Specifically, the Board requested removal of some of the 'whereas' clauses and changes to the criteria the Board must use in considering the allocation of funds to youth activity programs.

The original changes requested by the Board were shown by underlining new language and striking-through deleted language. Changes requested by the Assembly Human Resources Committee after it reviewed the resolution at its June 13, 2016, meeting are shown by italicized text.

The Youth Activities Board reviewed the amended resolution at its August 9, 2016, meeting and requested one final change: to strike through **“in order of importance”** from Section 4, subsection (e).

At its September 12, 2016, meeting, after discussion, the HRC decided to reject the final requested change, and approved moving the resolution forward for Assembly approval.

The Manager recommends this resolution be adopted.

- b. Resolution 2767 A Resolution Establishing the Fees for Animal Control and Protection Services, and Repealing Resolution No. 2081.

The Gastineau Humane Society and Juneau Police Department request increases to the dog license fees. Dog licenses allow GHS to track dogs within the City and Borough of Juneau, as well as return them to their rightful owner when found. The current license fee for each dog over the age of 6 months is \$35, or \$15 for spayed females and neutered males. The dog license fee has not been increased since 2000. GHS and JPD are requesting the license fee be increased to \$45 for unaltered dogs and \$20 for altered dogs. Any increased revenue could be used to help offset the costs for animal control and protection services in the CBJ.

The City Manager recommends this resolution be adopted.

- c. Resolution 2768 - A Resolution Establishing the Senior Citizens Sales Tax Hardship Rebate Appeal Fee.

Current language in CBJ 01.50 specifies a \$500 filing fee is due when an appeal is filed. Finance staff is requesting that the appeal filing fee be waived with respect to a senior citizen's appeal of a denial of a sales tax hardship rebate.

Per CBJ 01.50.030, it is within the Assembly's discretion to establish separate fees and charges for particular appellate services.

The Manager recommends this resolution be adopted.

- d. Resolution 2769 - A Resolution Ratifying the Labor Agreement Between the City and Borough and the Marine Engineers Beneficial Association.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for a collective bargaining agreement that will go in effect on July 1, 2016, and expire on June 30, 2019.

The tentative agreement includes economic modifications of a lump sum payment in fiscal year 2017 and the commitment to provide parking to all bargaining unit members during the three years of the collective bargaining agreement. The total cost of these provisions over the life of the contract are projected to be approximately \$332,000.

In addition, there are minor housekeeping language changes to the collective bargaining agreement.

This tentative agreement has been ratified by the MEBA membership and the economic terms are in keeping with Assembly direction.

The City Manager recommends this resolution be adopted.

- e. Resolution 2770 - A Resolution Approving Economic Terms Between the City and Borough and the City and Borough of Juneau to Non-represented Employees.

This resolution would provide Assembly approval for certain economic terms of employment in FY17 for non-represented employees. specifically a \$950 lump sum payment and parking provided at no cost to the employee. The estimated total cost of these items is \$326,000.

This resolution is in accordance with previous Assembly direction.

The City Manager recommends this resolution be adopted.

3. Bid Award

- a. BE17-039 West Douglas Pioneer Road

This project consists of construction of 2.4 miles of 14-ft wide, single-lane-with-turnouts, shot rock surfaced pioneer road, through forested terrain on the west side of Douglas Island and miscellaneous items of work.

Identified as a CBJ Assembly goal since 2011, this project is identified in the Juneau Economic Development Plan under the initiative of Enhancing Essential Infrastructure with the goal of connecting to the West Douglas Future Growth Area, as referenced in the 2013 Juneau Comprehensive Plan Update.

Bids were opened on the project on September 21, 2016. The bid protest period expired at 4:30 p.m. on September 22, 2016. Results of the bid opening are as follows:

ENCO Alaska	\$1,505,064.00
SECON	\$1,569,810.00
Glacier State Contractors	\$1,629,002.50
McG Constructors	\$1,743,324.21
Arete Construction	\$1,812,581.00
Miller Construction Co.	\$1,973,495.00
Engineer's Estimate	\$2,030,843.00

The City Manager recommends award of this project to ENCO Alaska for the total amount bid of \$1,505,064.00.

4. Other Items for consent

- a. Contract Amendment for Construction Administration and Inspection Services for Construction of the Cruise Ship Berths Project

In 2014 CBJ Docks and Harbors issued a Request for Proposals for construction administration and inspection services for the Cruise Ship Berths project. PND Engineers was selected to perform the work.

Due to the scale of the project and the cruise ship season, the project is being constructed in phases with completion of the South Berth in May 2016. The North Berth is scheduled to begin on September 21, 2016 with completion in May 2017. Professional services has also been phased as the project progresses. The proposed contract amendment will be for construction administration and inspection for completion of the North Berth.

PND Engineers, Inc. proposes a time and materials fee of \$995,496 for construction administration and inspection services related to the North Berth construction. The project, including professional services contracts, is funded with existing project budget.

The Docks and Harbors Board will review this contract amendment at its regular public meeting on September 22, 2016.

The City Manager recommends approval of a contract amendment with PND Engineers, Inc. in the amount of \$995,496 for construction administration and inspection services related to the North Berth completion.

Removed from Consent Agenda:

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

Mayor Koelsch asked for more information regarding the process and asked why there were so few dogs licensed.

Mr. Watt said the total number of dogs was an estimate. The fees were collected by the Humane Society and the Animal Medical Center. If CBJ is to increase the number of dogs licensed it would require a vigorous enforcement campaign.

MOTION, by Kiehl, to adopt Resolution 2767. Hearing no objection it was so ordered.

VII. PUBLIC HEARING

- A. Ordinance 2016-33 An Ordinance Authorizing the Port Director to Lease Tracts B-1 and B-2, Alaska Tidelands Survey 1328, to Central Council Tlingit and Haida Indian Tribes of Alaska, d/b/a Tlingit & Haida Immersion Park, LLC.

Docks & Harbors has managed the 1.21 acre property at 4400 Thane Road, formerly known as the Thane Ore House, since 2001. The property became available for lease in 2014 after the former lease was terminated.

In 2015, Docks & Harbors posted a Request For Proposal (RFP) to determine the best qualified to enter into negotiations with CBJ for a long term lease. Based on an appraisal conducted by Horan & Company, the value of the property is \$86,000. Docks & Harbors set the annual lease rent at a minimum of 10% of the appraised value.

Three proposals were received and the Central Council of Tlingit & Haida Indian Tribes of Alaska (CCTHITA) was determined to have submitted the highest scored proposal. CCTHITA proposed creating a Tlingit & Haida Immersion Park and offered the minimum lease rent plus a \$1 per "participant rate" for all customers entering the park.

CCTHITA applied for and received a Conditional Use Permit for the Immersion Park at the June 14, 2016, Planning Commission meeting.

The lease was approved by the Docks & Harbors Board at its August 18, 2016, meeting.

The Assembly Lands Committee reviewed the lease at its August 29, 2016, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-33.

Ms. Troll said the Lands Committee had reviewed the matter and recommended approval.

Hearing no objection, Ordinance 2016-33 was adopted.

- B. Ordinance 2016-34 An Ordinance Authorizing the Port Director to Lease Alaska Tidelands Survey 33 to Andrew's Marina, Incorporated.

On February 8, 2001, the ATS 33 lease (also known as ADL 2480) was transferred to the City and Borough of Juneau. This area has been leased - first by the State and then by the CBJ - since 1961. The proposed lessee, Andrew's Marina, has leased the area since 2015.

An appraisal with effective date of February 24, 2016, was conducted by Horan & Company establishing the fair market rent of \$0.10/SF or \$5,549.50/year for the 55,495 square foot property. Under CBJ 53.20.100, Andrew's Marina has a preferential privilege to re-lease the property and desires to exercise this right.

The Docks & Harbors Board approved this lease at its meeting on July 28, 2016.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by White, to adopt Ordinance 2016-34. Hearing no objection, it was so ordered.

- C. Ordinance 2016-09(I) An Ordinance Appropriating to the Manager the Sum of \$2,311,219 as Funding for the Juneau International Airport Design & Construct Geothermal Loop Field for Snow Removal Equipment Facilities Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$2,311,219 to the Snow Removal Equipment Building Phase 1A capital improvement project, to design & construct the geothermal loop field. Funding is provided as follows:

Federal Aviation Administration grant:	\$2,311,219
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This ordinance is an increase to the recent \$14.3 million appropriation for construction of the Snow Removal Equipment Building (SREB 1A), and results from the FAA decision to combine the SREB 1A components (building and geofield) into a larger, single grant. The FAA funds 93.75% of the project with the remainder being provided by Juneau International Airport (3.125%) through a legislative grant that has previously been appropriated, and a State of Alaska Department of Transportation (ADOT) (3.125%) matching grant.

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 adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2016-09(I).

Mr. Kiehl said he thought the legislative grant was \$3.1 million and sought clarification of what could be an error in the manager's report at a future date. He had no objection.

Hearing no objection, Ordinance 2016-09(I) was adopted.

- D. Ordinance 2016-09(J) An Ordinance Appropriating to the Manager the Sum of \$700,000 as Funding for the Juneau International Airport Taxiway A & Runway Incursion Mitigation (RIM) Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the Juneau International Airport Fund's Fund Balance.

This ordinance would appropriate \$700,000 to the Taxiway A & Runway Incursion Mitigation (RIM) Capital Improvement Project. The FAA funds 93.75% of the project with the remainder being provided by Juneau International Airport. The Alaska Department of Transportation (ADOT) will not be providing matching funds on this project.

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 adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2016-09(J). Hearing no objection, it was so ordered.

- E. Ordinance 2016-09(K) An Ordinance Appropriating to the Manager the Sum of \$3,746,000 as Funding for the Juneau International Airport Runway Safety Area Phase IIB Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Juneau International Airport Fund's Fund Balance.

This ordinance would appropriate \$3,746,000 for the Runway Safety Area Phase IIB Capital Improvement Project. The FAA funds 93.75% of the project with the remainder being provided by Juneau International Airport as forward funding for the anticipated

State funding to follow. The matching grant from the Alaska Department of Transportation, estimated at \$111,125, is anticipated to follow shortly.

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 adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-09(K). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch said he welcomed the Alaska Realtor's Conference and attended the Southeast Conference annual meeting in Petersburg. He noted a food drive that would be happening and an open house at the expanded Food Bank. He asked everyone to vote in the October 4 municipal election and Ms. Sica noted the hours for the absentee voting station.

B. Committee and Liaison Reports

Affordable Housing Commission: Liaison Troll said the Mobile Home Loan program is available and is being advertised.

Juneau Commission on Sustainability: Liaison Troll said the JCOS would next meet October 5 and it had established a "chicken committee" to review the regulations regarding raising chickens.

Assembly and School Board Joint Facilities Committee: Chair Becker said the committee met and reviewed the scope of work. The committee will use estimated numbers for school enrollment as a baseline for the work.

Chamber of Commerce: Liaison Becker said the JCOC held a candidate forum and there have been many opportunities for candidates to speak to the community.

Planning Commission: Liaison White said the agendas have been light. The September 13 meeting was very short and there was no regular meeting scheduled for the September 27.

Committee of the Whole: Chair Kiehl said the next meeting was set for October 10.

School Board: Liaison Kiehl said the next meeting was set for October 13, at which time the new members would be sworn in and the board would hold its election of officers.

Alaska Municipal League: Liaison Kiehl said the AML conference will be held in Mid-November and anyone wishing to attend should work with staff to book travel - the theme is "Picking up the Pieces." He asked to propose an AML resolution to fully fund school bond debt obligations and rural school maintenance. He asked for permission to work with the attorney on this matter. Hearing no objection it was so ordered.

Human Resources Committee: Chair Jones noted that the September 26 meeting was cancelled and the next meeting would take place following the formation of new Assembly committees.

Juneau Economic Development Council: Liaison Jones said the next meeting was set for October 4.

Downtown Business Association: Liaison Jones said the next meeting was set for October 3.

Juneau Commission on Aging: Liaison Jones said the next meeting was set for October 13.

Airport Board: Liaison Jones said the next meeting was set for October 11.

C. Presiding Officer Reports

Meek v Planning Commission: Presiding Officer Jones said he met with Ms. Mead and would be finalizing decisions on motions in the coming week.

Nestler v Planning Commission: Presiding Officer Jones said the clerk was still determining a date for a pre-hearing conference.

SEAL Trust v CBJ Assessor: Presiding Officer Kiehl said matters are on track for an appeal hearing date of February 1.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Kiehl said he had participated in community events including the St. Vincent Walk for the Poor, the Alaska Historical and Museums Alaska Conference, at which he thanked them for their work on the SLAM Project. He attended the celebration for the 1 millionth cruise passenger and that sector of the economy is growing. He volunteered for the security team at the Capital City Brewfest, which supported the Stop Heroin, Start Talking program. He asked to follow up on the subdivision ordinance and the intent to work on clarity for which standards can be waived by the Planning Commission and which cannot, and the issue of shared driveways, and would like to see a status report on those issues. Regarding the request of the Juneau Commission on Aging to support expansion of skilled nursing at Wildflower, Wildflower Court is working on a cooperative application and there is not competition with other projects in town, so he would like to see the CBJ support this project. Hearing no objection, Mayor Koelsch said he would get it taken care of.

Ms. White attended Southeast Conference and she congratulated Steven Pfister at Centennial Hall and his crew for hosting the Alaska Realtors.

Ms. Troll said she attended an event for relief for the Louisiana flood victims. She asked for a status report on the Bergman Hotel and about the issues regarding the status of the building and crime she had heard about from area residents. Mr. Watt said he would schedule it for a meeting soon. Ms. Becker said that she had heard that residents in the area were having water problems.

Mayor Koelsch asked about a working group for Egan Drive 10th to Main project. Mr. Healy said that Engineering staff walked the corridor, collected a lengthy list of contacts and has been sending out daily updates on the activities on the project. CBJ would work with DOT to get this group together to explain the impacts of the project through this year and next.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 7:45 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

XVI. SUPPLEMENTAL MATERIALS