

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

September 12, 2016 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2016-32

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Recognition - Dan Jager

B. Homelessness Awareness

IV. APPROVAL OF MINUTES

A. August 22, 2016 Assembly Minutes

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 2016-33 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 Cultural Immersion Center and offered the minimum lease rent plus a \$1 per “participant rate” for all customers entering the Immersion Center.

CCTHITA applied for and received a Conditional Use Permit for the Immersion Center 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 introduced and set for public hearing at the next regular Assembly meeting.

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

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.**

The FAA funds 93.75% of the project with the remainder being provided by Juneau International Airport through a legislative grant that has 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.

- 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.**

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

- 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.**

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 is anticipated to follow shortly (est. \$111,125.)

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 meeting.

2. Resolutions

- a. **Resolution 2766 A Resolution Adopting the Emergency Operations Plan for the City and Borough of Juneau, and Repealing Resolution 2219.**

This resolution provides for the adoption of an updated City and Borough of Juneau Emergency Operations Plan (EOP). The CBJ is required to adopt an emergency plan by CBJ 03.25.040 and AS 26.23.060.

The primary changes to the plan were done so that the plan maintains compliance with the National Response Framework (NRF) and so that it includes changes made at the Federal level to the National Incident Management System (NIMS) and the Incident Command System (ICS).

The Committee of the Whole was briefed on this item on August 29, 2016.

The City Manager recommends this resolution be adopted.

b. **Resolution 2767 A Resolution Establishing the Fees for Animal Control and Protection Services, and Repealing Resolution 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. It is intended that any increased revenue will be used to help offset the costs for animal control and protection services in the CBJ.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **JNU Runway Safety Area Improvements, Phase 2B - BE17-045**

This project consists of drainage improvements, utility installation and relocations, geothermal loop piping and well field, aircraft tie-downs, hot mix asphalt pavement, taxiway edge lights and reflective markers, pavement marking, and placement of recycled asphalt pavement.

Bids were opened on August 24, 2016. The bid protest period expired on August 26, 2016. Results of the bid opening are as follows:

Bidders	Total Bid
SECON	\$3,974,321.00
Miller Construction Company Ltd.	\$4,020,072.00
Admiralty Construction, Inc.	\$4,243,578.00
Glacier State Contractors, Inc.	\$4,514,412.90
Engineer's Estimate	\$4,362,263.20

The City Manager recommends award of this project to SECON for the total amount bid of \$3,974,321.00.

4. Liquor License

a. **Liquor License Transfers**

The following liquor license transfers are before the Assembly to either protest or waive its right to protest these transfers. The Finance, Police, Fire, and Community Development departments have reviewed these businesses and found them to be in compliance with CBJ Code.

In the event the Assembly does protest either of these license transfers, 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.

Transfer of Restaurant/Eating Place Liquor License #4584 Zephyr LLC, d/b/a Zephyr, Location: No Premises TO: Doug Trucano, No d/b/a, No Premises.

Transfer of Beverage Dispensary Liquor License #76 Arctic Bar, Inc., d/b/a Arctic Bar Location: 148 S. Franklin Street TO: The Narrows Bar LLC d/b/a, The Narrows Bar LLC, Location: 148 S. Franklin Street.

The City Manager recommends the Assembly waive its right to protest the above liquor license transfers.

VIII. PUBLIC HEARING

A. **Ordinance 2016-31 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed \$18,900,000; and Providing for the Form and Terms of the Bond and for Unlimited Tax Levies to Pay the Bond.**

This ordinance would authorize the issuance of up to \$18.9 million in bonds to refund (refinance) the 2006A general obligation school bonds. The original \$44 million in bonds were sold September 15, 2006. The original bonds were sold directly into the market by CBJ but the refunding is being done through the Alaska Municipal Bond Bank.

The amount being refunded is \$18.8 million plus issuance costs. If CBJ issues the refunding bonds in October 2016 the refunding will result in an estimated total savings of \$1.4 million over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment December 2021).

These bonds qualify for 70% reimbursement under the state's School Construction Bond Debt Reimbursement Program. However, the reimbursement under the State's Debt Reimbursement Program is subject to annual appropriation by the Legislature. The debt service component of the property tax mill rate funds the remaining portion of the payments.

An informational update was provided to the Assembly Finance Committee at its September 8, 2016, meeting.

The City Manager recommends this ordinance be adopted.

B. **Ordinance 2016-09(F) An Ordinance Appropriating to the Manager the Sum of \$14,382,817 as Funding for the Juneau International Airport to Construct a Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$14,382,817 to construct a Snow Removal Equipment Building (SREB) capital improvement project. Funding is provided as follows: Federal Aviation Administration grant: \$14,382,817. The FAA funds 93.75% of the project with the remainder being split between State of Alaska Dept. of Transportation (ADOT) and Juneau International Airport local match. Airport local match has been previously appropriated, and an ADOT matching grant is anticipated shortly.

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

The Airport Board approved this action at its July 28, 2016, special meeting.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2016-09(H) An Ordinance Appropriating to the Manager the Sum of \$73,344 as Funding for the Juneau International Airport Aircraft Rescue and Fire Fighting (ARFF) Building Modifications Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.

This ordinance would appropriate \$73,344 in State of Alaska Department of Transportation (ADOT) funding to the Aircraft Rescue and Fire Fighting (ARFF) Building Modifications capital improvement project. Funding from the FAA and Juneau International Airport has previously been appropriated. The FAA funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport. The total project cost is approximately \$2.3 million.

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, meeting.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor License Transfer #851 Rodfather's, LLC

The State of Alaska Alcohol Beverage Control staff has notified the City and Borough of Juneau of the following liquor license transfer:

Restaurant/Eating Place Liquor License #851

Transfer FROM: Rodfather's LLC d/b/a The Broiler

Transfer TO: Rodfather's LLC d/b/a Papa Rod's located at 356 S. Franklin, Juneau, AK

As is our practice in these matters, staff from the Fire, Finance, Police, and Community Development departments reviewed this license establishment for compliance with city code. Following is the recommendation from the Finance Department to the Assembly: All Finance Divisions other than Sales Tax show the business/license owner is in good standing with their payments to CBJ.

The Sales Tax Division opposes the license transfer action. The policy for the Sales Tax Division is to recommend protest of any liquor license action if there is an outstanding balance due. This position does not change even when there is an approved payment plan in place. The Finance department's policy to protest license accounts with outstanding balances, whether or not a payment plan is in place, has been consistently applied for many years and has been a very effective tool in collecting funds due to CBJ.

The Sales Tax Division entered into a payment plan with the license owner in October 2015 for an outstanding sales tax liability of \$26,000. A \$5,000 down payment was made at signing, with an agreement for \$1000 monthly payments until the debt was satisfied. The license owner requested and was approved to defer one payment and was delinquent on four payments. The current outstanding balance is \$14,788 in sales tax, penalties and interest. At the February 8, 2016, Assembly meeting, this same state liquor license was up for renewal; at that time there was an outstanding balance on the payment plan. The Assembly decided to waive its right to protest the renewal as long as the collection agreement was followed. As noted above, the business owner is not in good standing with payment plan conditions.

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

CBJ Code 20.25.025 provides the licensee with the right to an informal hearing before the Assembly to address this issue. This matter was initially considered at the Assembly Human Resources Committee (HRC) meeting immediately preceding this Assembly meeting and the HRC will forward its recommendation to the Assembly for action. Should the applicant wish to participate in an informal hearing before the Assembly, this is the time for that to occur.

The City Manager recommends the Assembly conduct the informal hearing, if one is requested by the licensee, and act in accordance with the recommendations of the Assembly Human Resources Committee.

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

- A. **Update from City Attorney on CLIAA Litigation**

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