

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

February 8, 2016 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2016-08

Submitted By:

Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Introduction of Dallas Hargrave
- B. Proclamation - National Engineers Week

IV. APPROVAL OF MINUTES

- A. December 21, 2015 Regular Assembly Meeting 2015-32
- B. January 11, 2016 Special Assembly Meeting 2016-02
- C. January 11, 2016 Regular Assembly Meeting 2016-03
- D. January 12, 2016 Special Assembly Meeting 2016-04
- E. January 19, 2016 Special Assembly Meeting 2016-05
- F. January 25, 2016 Special Assembly Meeting 2016-06
- G. February 1, 2016 Special Assembly Meeting 2016-07

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 2016-01 An Ordinance Amending the Traffic Code Relating to Driving a Motor Vehicle with a Canceled, Suspended, or Revoked License, and Providing for a Penalty.**

AS 28.01.010 provides that the provisions of Title 28, Motor Vehicles, are applicable within all municipalities, and that municipalities may not enact an ordinance inconsistent with Title 28. State law provides that municipalities may adopt all or part of Title 28 by reference.

This ordinance would amend the CBJ Traffic Code to adopt by reference AS 28.15.291, Driving while license canceled, suspended, revoked or in violation of a limitation, an A misdemeanor. By this reference, the CBJ would also be adopting minimum penalties upon conviction, consistent with, and as required by, State law. A copy of AS 28.15.291 and the CBJ code being repealed and reenacted (72.10.028) are included in the packet for reference.

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

- b. **Ordinance 2016-03 An Ordinance Amending the Public Ways and Property Code Relating to Street Vending.**

This ordinance would amend the Street and Sidewalk Obstructions code to allow the Manager to waive any applicable parking limitations by permit in order to allow vending from a parked vehicle in the downtown area.

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

- c. **Ordinance 2015-20(AC) An Ordinance Appropriating to the Manager the Sum of \$47,708 as Funding for the Juneau International Airport Part 121 Ramp Capital Improvement Project; Funding Provided by Alaska Airlines.**

This ordinance would appropriate \$47,707.69 (rounded to \$47,708) to the Juneau International Airport Part 121 Ramp capital improvement project (CIP A50-068). Funding is provided as follows:

Alaska Airlines:	\$47,707.69
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This is a reimbursement from Alaska Airlines for re-paving the air cargo hardstand, which was done by SECON through a Supplemental Agreement to their runway rehabilitation contract. The re-paving expense was forward funded in the Part 121 Ramp CIP.

The Airport Board approved this action at its January 12, 2016 meeting.

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

- d. **Ordinance 2015-20(AD) An Ordinance Appropriating to the Manager the Sum of \$2,450 as Funding for the Local Emergency Planning Committee (LEPC) 2015 Preparedness Expo; Funding Provided by Local Donations.**

This ordinance appropriates \$2,450 donated by local businesses to help fund the 2015 Preparedness Expo event held on September 11 and 12, 2015, sponsored by the Local Emergency Planning Committee (LEPC).

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

- e. **Ordinance 2015-20(AE) An Ordinance Appropriating to the Manager the Sum of \$2,550 as Funding for a JPD Officer to attend the Lifesavers Conference, Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.**

This ordinance would appropriate \$2,550 as funding for a JPD officer to attend the Lifesavers Conference in Long Beach, California in April. The Lifesavers Conference brings together professionals from around the country who are dedicated to reducing the number of deaths and injuries on the nation's roadways. Sending an officer to the conference allows JPD to stay current with topics related to highway safety. The conference includes 80+ workshops with topics such as driving while intoxicated, vehicle technologies and officer safety issues. The officer we plan to send to the conference is a DWI standardized field sobriety instructor and also teaches winter driving classes. Having the current knowledge from the conference will benefit him when he teaches law enforcement agencies, attends community events and for other job-related tasks.

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

- f. **Ordinance 2015-20(AF) An Ordinance Appropriating to the Manager the Sum of \$4,000,000 as Additional Funding for the Cruise Ship Berth Improvements Capital Improvement Project; Funding Provided by Port Development Fees in the amount of \$2,500,000 and the Dock Fund's Fund Balance of \$1,500,000.**

This ordinance would transfer \$4,000,000 to the Cruise Berth Improvements Capital Improvement Project to support the project as originally budgeted in 2012. This additional funding reduces the amount of revenue bonds that would need to be sold to fully fund the project. This funding would support construction contingency, additional funding for construction administration and inspection, and CBJ project overhead costs.

Funding provided by:

Port Development Fees	\$2,500,000
Dock Fund's Fund Balance	\$1,500,000

The Docks and Harbors Board recommended approval at its regular meeting on January 28, 2016. The Public Works and Facilities Committee also recommended approval at its regular meeting on February 1, 2016.

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

- g. **Ordinance 2015-20(AG) An Ordinance Appropriating to the Manager the Sum of \$3,344,230 as Additional Funding for the Douglas Harbor**

Renovation Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation & Public Facilities for \$2,044,230 and the Harbor Fund's Fund Balance of \$1,300,000.

CBJ Docks and Harbors received notice of award of a Municipal Harbor Facility Grant for reconstruction of the south end of Douglas Harbor. The funding would be used to demolish and remove the failing infrastructure and replace with new infrastructure including; new piling, floats, electrical wiring, pedestals, water lines, and hydrants. Phase one (demolition) is complete. Phase two (funded by the Army Corps of Engineers) is scheduled for completion by March 1, 2016. Phase three would begin in May 2016 and be complete in March 2017.

The total cost estimate of phase three is \$6.1 million. This ordinance would appropriate the \$2 million state grant into the overall budget of the project. The grant requires a \$2 million match which is already on the Douglas Harbor Renovation CIP along with the \$1.3 million from the Harbor Fund's Fund Balance.

The Harbor Fund's Fund has a current balance of \$3,439,607. Subsequent to this ordinance there would remain \$2,139,607 in the Harbor Fund's Fund Balance.

The Docks and Harbors Board recommended approval at its regular meeting on January 28, 2016. The Public Works and Facilities Committee also recommended approval at its regular meeting on February 1, 2016.

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

2. Resolutions

a. **Resolution 2740 A Resolution Adopting Revisions to the City and Borough of Juneau Personnel Rules.**

This resolution would approve changes to the Personnel Rules, which, along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. The revised rules, as well as a summary of changes, are set forth in the attachment to the resolution.

Many of the proposed changes are either "housekeeping" in nature or are minor adjustments proposed to bring language into alignment with current practice.

The following substantive changes are proposed:

3PR has been amended to more precisely articulate the list of factors used to determine whether or not there is a nexus between an applicant's misdemeanor or felony conviction and CBJ employment. The proposed revisions are consistent with EEOC standards.

5PR has been amended to provide for health insurance coverage for employees who work in non-benefited positions but work enough hours to meet the

minimum thresholds for health insurance coverage under the Affordable Care Act.

7 PR has been amended to provide Eaglecrest employees with alternate days of holiday observance. These changes are consistent with how other CBJ employees are treated.

14 PR has been amended to allow the status of the position (non-benefited, part-time or full-time) to be considered when determining the order of layoff in the event of a reduction in force.

16PR has been amended to prohibit the vaping or the use of e-cigarettes on the same basis as CBJ prohibitions on cigarette smoking.

The Manager recommends this resolution be adopted.

- b. **Resolution 2741 A Resolution Urging the Alaska Legislature to Adopt a Balanced, Sustainable, and Predictable State Budget Plan for FY2017 and Future Years.**

This resolution urges the Alaska Legislature to take affirmative and immediate action this year to enact a package of initiatives that will provide for a sustainable and predictable balanced state budget. The Assembly asked the resolution be developed at the January 12 Assembly meeting. The Assembly Committee of the Whole reviewed this resolution on February 1, and forwarded it to the Assembly for approval.

The Manager recommends this resolution be adopted.

- c. **Resolution 2743 A Resolution Supporting the Alaska Department of Fish and Game Fisheries Representatives Serving on the Pacific Salmon Commission.**

The Alaska Department of Fish and Game and representatives of the Pacific Salmon Commission seek support from Southeast coastal communities with respect to their efforts in negotiating the 2019 renewal of the Pacific Salmon Treaty. This resolution, forwarded to the City and Borough by the commission members, asks the Governor, the Alaska Legislature and Alaska Congressional delegation to use all means available to provide assistance and help assure a successful outcome to the current negotiating efforts, in order to provide Alaskan citizens fair and reasonable access to coast-wide salmon stocks.

The Manager recommends this resolution be adopted.

3. Transfer

- a. **Transfer T-974 Transfers \$200,000 of Water Utility Revenues from W75-047 JD-Bridge Waterline to W75-052 Crow Hill Reservoir Improvements**

This transfer would move \$200,000 of Water Utility Revenues from the JD Bridge Waterline CIP (W75-047) to the Crow Hill Reservoir Fill Line Improvements CIP (W75-052). These funds are necessary to allow the entire project to be completed. Additional work and some unforeseen items have

been discovered during the project design that has increased the cost. All of the work on the JD Bridge Waterline Project has been completed.

The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its January 4, 2016 meeting.

The Manager recommends approval of this transfer.

b. Transfer T-975 Transfers \$1.3M of Sales Tax from West Juneau/Douglas Highway CIP to Whittier Street CIP

This transfer would move \$1,300,000 of sales tax funds from the West Juneau/Douglas Highway Access Study (R72-041) to the Whittier Street CIP (R72-124). The CBJ has prioritized the reconstruction of Whittier Street for spring 2016 so that project completion coincides with the opening of the State Library, Archives and Museum this summer. Staff proposes borrowing (transferring) funds, from the West Juneau/Douglas Highway Access Study, until the FY17 CIP is appropriated on July 1, to allow for the construction of Whittier Street this spring.

The FY17 CIP includes \$1,300,000 of areawide sales tax for the Whittier Street CIP. In FY17, a transfer request to return the \$1,300,000 from the Whittier Street project to the West Juneau/Douglas Highway Access Study will be made. The intended work on the West Juneau/Douglas Highway Access Study has been completed and the remaining funds are intended to be transferred to the Pederson Hill Subdivision Development CIP to fund construction. The funds will be returned to the West Juneau/Douglas Highway Access Study CIP and then transferred upon the appropriation of the FY 17 CIP on July 1, 2017. The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its February 1, 2016 meeting.

The Manager recommends approval of this transfer.

4. Liquor License

a. Liquor License Renewals 2016-2017

The following is a list of 2016/2017 liquor license renewal applications that were received from the Alcohol and Marijuana Control Office during the last month. Staff from the Finance, Police, Fire, and Community Development departments have reviewed the below licensees and recommend the Assembly waive its right to protest the below renewals for the 2016/2017 calendar years. The Assembly recently considered the below marked * liquor licenses for transfers or other actions and waived its right to protest those actions. The underlying license applications still need to be considered for renewal in addition to the transfers that have already been reviewed.

Beverage Dispensary Licenses:

License #550 Imperial Bar, Inc. d/b/a Imperial Bar; Location: 241 Front Street, Juneau

License #772 NYT, Inc. d/b/a Rendezvous; Location: 184 S. Franklin St., Juneau

*License #648 YC Baranoff, LLC d/b/a Bubble Room – Westmark Baranoff; Location: 127 N. Franklin St., Juneau

License #3695 South of the Bridge, LLC d/b/a Louie's Douglas Inn; Location: 915 3rd Street, Douglas

License #4349 Fishbone, LLC d/b/a Rockwell; Location: 117 Franklin Street, Juneau

Beverage Dispensary - Tourism License:

License #175 CNH Holding, LLC d/b/a Breakwater Inn Restaurant & Lounge; Location: 1711 Glacier Ave., Juneau

Brewery License:

*License #2534 Alaskan Brewing, LLC d/b/a Alaskan Brewing Co.; Location: 5429 Shaune Drive

Club License:

License #3313 Fraternal Order of Eagles Aerie #4200 d/b/a Fraternal Order of Eagles #4200; Location: 2055 Jordan Ave. #1

Package Store License:

License #3507 Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820; Location: 3011 Vintage Road, Juneau

Restaurant/Eating Place Licenses:

License #3049 Valley Restaurant, LLC d/b/a The Valley Restaurant; Location: 9320 Glacier Hwy., Juneau

License #4192 Jeong Hee Kim d/b/a Seongs Sushi Bar; Location: 740 W. 9th Street, Juneau

*License #5278 Joan Deering d/b/a Paradise Café & Bakery; Location: 9351 Glacier Hwy.

License #5153 Midnight Ninja Ventures Incorporated d/b/a The Rookery Café; Location: 111 Seward Street, Juneau

License #5279 Midnight Ninja Ventures Incorporated d/b/a The Taqueria; Location: 245 Marine Way

Restaurant/Eating Place – Public Convenience License:

License #3643 Clay Kent & Cisco Ramos d/b/a Douglas Café; Location: 916 3rd Street, Douglas

Wholesale-General Licenses:

License #4943 Specialty Imports Inc. d/b/a Specialty Imports; Location: 540 W. 8th Street, Juneau

License #3166 The Odom Corporation d/b/a The Odom Corporation; Location: 5452 Shaune Drive–Bay 1

Wholesale-Malt Beverage & Wine License:

License #4715 The Odom Corporation d/b/a The Odom Corporation; Location: 3143 Channel Drive

The Manager recommends the Assembly waive its right to protest the above listed liquor license renewals for the 2016/2017 renewal period.

VIII. PUBLIC HEARING

A. **Ordinance 2016-02(b) An Ordinance Amending the Nuisance Code Relating to the Manufacturing of Marijuana Concentrate and Providing for a Penalty.**

This ordinance would amend Title 36, the Nuisances Code, to make it a violation to manufacture marijuana concentrates in a residential zone using anything other than water-based or food-based extraction methods. The ordinance is intended to prohibit personal users from manufacturing marijuana concentrate in residential areas via methods that have proven volatile in other communities.

The Marijuana Committee considered this provision within the context of the special use chapter being proposed for Title 49. Though the Committee was supportive of the concept, the Committee believed it would be better included in a different section of code.

This ordinance was considered by the Assembly at its Committee of the Whole meeting on February 1, 2016. The Committee of the Whole approved an amendment to the ordinance making it applicable in all zones. That change is reflected in version(b) of the ordinance.

The Manager recommends this ordinance be adopted.

B. **Ordinance 2015-20(AA) An Ordinance Appropriating to the Manager the Sum of \$562,327.37 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration, Alaska Department of Transportation, and Juneau International Airport Fund's Fund Balance.**

Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$ 527,182.37
Alaska Department of Transportation (ADOT) match:	\$ 17,572.00
Juneau International Airport Fund's Fund Balance:	\$ 17,573.00

The FAA funding comes from an amendment to the construction grant for this CIP. The amendment work includes north side runway safety area survey work as well as runway rehabilitation quantity adjustments through construction change orders.

The FAA funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport. Although ADOT recently advised the CBJ that funds for airport matching grants would be discontinued, they have subsequently agreed to continue funding FY16 airport matching grants.

The Airport Board approved this action at its August 12, 2015 and September 8, 2015 meetings.

The Manager recommends this ordinance be adopted.

C. **Ordinance 2015-20(AB)(b) An Ordinance Appropriating to the Manager the Sum of \$35,000 as Funding for a Special Election; Funding Provided by the General Fund's Fund Balance.**

This supplemental appropriation to the Municipal Clerk's FY16 budget provides for the cost of labor, advertising, printing, supplies, rentals, and other costs associated with the special election called by the Assembly at its regular meeting on December 21, 2015.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Ordinance 2015-51(b) An Ordinance Amending the Personnel Management Code Relating to Partially Exempt and Exempt Service Classifications.

This ordinance would amend the Personnel Management Code relating to the classification of exempt and partially exempt employees. The amendment would clarify the exempt status of the City Manager and City Attorney and the Bartlett Regional Hospital Chief Executive Officer, Chief Financial Officer, and licensed medical staff credentialed by and working at Bartlett Regional Hospital. Version (b) of the ordinance removes the BRH Chief Behavioral Health Officer from the exempt classification and better defines the medical staff to whom the ordinance applies. The version (b) amendments are indicated by italics.

The Bartlett Regional Hospital Board of Directors has reviewed and approved the changes.

The Assembly tabled this ordinance at the last meeting because the revised ordinance was not included in the packet. It must be removed from the table for the Assembly to take action.

The Manager recommends this ordinance be adopted.

X. NEW BUSINESS

A. Regulation Community Development Department Title 4 Repeal

This regulation would repeal obsolete regulations in the Administrative Code, 04 CBJAC 20. Adoption of Ordinance 2015-03, the subdivision ordinance, resulted in consolidation and update of code that had appeared both in Title 4 and Title 49, into Title 49. The final housekeeping piece of these subdivision changes is to repeal portions of Title 04 where duplicate subdivision rules are located.

We also propose to repeal portions of Title 04 that are no longer in effect. Previously, the CBJ provided a design review process that included a design district and design standards that applied to development within that district. A Design Review Board was established to consider development proposals within the design district. The Design Review Board and Design District were disestablished in 1999 by ordinance and Title 49 was amended accordingly. The design review process was eliminated as part of these changes. However, the design review standards in Title 04 that applied to that district were not repealed at that time. These are the portions of 04 CBJAC 20 to be repealed:

Part 2: Survey, Monumentation, and Platting Standards.

Chapter 05. Survey Requirements

Chapter 10. Platting Requirements

Chapter 15. Minor Subdivisions

Part 5: Design Review District Standards

Chapter 60. Lighting

Chapter 65. Signage

Chapter 70. Lighting

Chapter 75. Building Siting, Bulk and Design

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following

adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

The Manager recommends that the regulation be approved.

B. Liquor Licenses Recommended for Protest

The following 2016/2017 liquor license renewal applications are being recommended by staff for protest due to the reasons provided below and outlined in detail in the letters found in your Assembly packets.

Restaurant/Eating Place License Renewals

License #851 Rodfather's, LLC d/b/a The Broiler; Location: 9109 Mendenhall Mall Road, Juneau - *staff is recommending protest based on delinquent sales tax, penalties and interest from the second and third quarters of 2015 totaling \$18,955.43 as of January 29, 2016.*

License #4405 Tides Complex, Inc. d/b/a Dragon Inn; Location: 5000 Glacier Hwy., Juneau - *staff is recommending protest based on non-compliance with the Confession of Judgment signed June 13, 2014.*

These licenses were before the Assembly Human Resources Committee (HRC) at its meeting earlier in the evening and the Manager recommends the Assembly act in accordance with the recommendations from the HRC.

XI. STAFF REPORTS

A. Project Labor Agreements - Seawalk Phase II and Capital Transit Renovation

XII. ASSEMBLY REPORTS

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

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org