

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

October 20, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-26

Submitted By: _____
Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Recognition - Travis Mead
- B. Recognition - Meg Thordarson
- C. Recognition - Outgoing Mayor Sanford
- D. Swearing-In of Newly Elected Officials
- E. Selection of Deputy Mayor

IV. APPROVAL OF MINUTES

- A. September 21, 2015 Regular Meeting No. 2015-25

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 2015-39 An Ordinance Amending the Land Use Code Relating to Marijuana Establishments.**

This ordinance would amend CBJ Title 49, the Land Use Code, as it relates to marijuana establishments by adding four new uses to the Table of Permissible Uses: marijuana cultivation; marijuana product manufacturing; marijuana testing; and marijuana retail.

After a number of meetings and discussions, the Marijuana Committee forwarded to the Planning Commission a draft ordinance providing for the addition of marijuana establishments to the Table of Permissible Uses. The Planning Commission's Title 49 Subcommittee reviewed the Marijuana Committee's recommendations and forwarded a revised version of the ordinance to the Planning Commission for its consideration. The amended draft ordinance was heard before the Planning Commission on September 8, 2015, but failed to pass. The proposed ordinance was heard again on September 22, 2015, at which time the Planning Commission approved forwarding the ordinance with the Commission's revisions to the Assembly for its approval.

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

- b. **Ordinance 2015-20(U) An Ordinance Appropriating to the Manager the Sum of \$427,029 as Funding for the 2015 State Homeland Security Program / SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.**

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 State Homeland Security Program. 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 within the grant performance period from September 1, 2015 to September 30, 2017.

Projects to be funded are:

1. Purchase and installation of a bi-directional radio amplification system for the airport.
2. Purchase and installation of an alerting and communication system for the fire stations.
3. Purchase of ballistic helmets, body armor and CBRN negative pressure respirators for the SWAT Team.
4. Travel costs for participants in the State of Alaska's Alaska Shield 2016 Exercise.
5. Transportation costs to move Western shelters to and from the Alaska Shield 2016 Exercise location.
6. Backfill for participants in the Alaska Shield 2016 HazMat Symposium.
7. Travel costs for personnel to attend Mid Planning, Final Planning and After Action Report meetings for Alaska Shield 2016.

There is no match requirement for this grant.

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

- c. **Ordinance 2015-20(V) An Ordinance Appropriating to the Manager the Sum of \$25,000 as Funding for Portable Breath Testers, Training and**

Accreditation Expenses; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve

The Juneau Police Department is requesting \$25,000 from the Asset Forfeiture Reserve to support various programs.

JPD needs to replace 30 Portable Breath Testers and one calibration kit, which will cost approximately \$13,000. The Department is in the process of becoming accredited with the Oregon State Accrediting Agency and hopes to have this complete in early 2016. The cost for becoming accredited is \$7,000. In addition, JPD wants to continue to have staff attend the Arbinger Mindset Training. The cost for materials for the next round of participants is \$5,000.

All of the above expenses are allowable and appropriate expenses from JPD's equitable sharing/asset forfeiture reserve account. The current balance of the U.S. Justice Asset Forfeiture account is \$299,124.

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

- d. **Ordinance 2015-20(W) An Ordinance Appropriating to the Manager the Sum of \$37,789 as Funding for the Master Plan Study Capital Improvement Project; Funding Provided by Juneau International Airport Fund's Fund Balance.**

This ordinance would appropriate \$37,789 from the Airport Fund's Fund balance to the Sustainable Master Plan CIP.

These funds will cover costs in the Sustainable Master Plan CIP that are not eligible for Federal Aviation Administration grant funds, including engineering consultant contracts and administrative staff time.

The Airport Board approved this action at its July 8, 2015 and October 7, 2015 meetings.

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

2. Resolutions

- a. **Resolution 2731 A Resolution Amending the Retention Schedule for Certain City and Borough of Juneau Records of the Community Development Department, and Repealing Resolution 2356.**

The Municipal Clerk has been working with department staff on a comprehensive update to the CBJ records retention schedule, adopted in 2006 with Resolution 2356. Although that work is underway, it was determined that due to seasonal workload cycles and staffing schedules in the Community Development Department (CDD), it would be in the CBJ's best interest to amend CDD's records retention schedule changes in advance of the comprehensive records retention update.

Specifically, this resolution would amend CDD's records retention schedule to allow for the separation of residential building files and commercial building files. It would also further distinguish between files of significant and

insignificant importance so that unnecessary and obsolete paperwork would no longer be required to follow the requirements of the permanent retention schedule, but would instead follow the "until superseded plus six years" retention schedule.

This resolution would also repeal Resolution 2356 and readopt the remainder of the retention schedule unchanged until the comprehensive update is complete.

The Manager recommends adoption of this resolution.

3. Bid Award

a. **BID E16-083 Gastineau Apartments Demolition**

The project consists of demolition of the Gastineau Apartments, including all related work.

ENGINEER'S ESTIMATE: \$1,200,000

Bids were opened on the subject project on October 14, 2015. The bid protest period will expire at 4:30 p.m. on October 16, 2015. Results of the bid opening are as follows

<u>Bidders</u>	<u>Total Bid</u>
CBC Construction	\$1,366,743.00
Central Environmental	\$1,636,402.00
Coogan Construction	\$2,027,000.00
Arete Construction	\$2,702,500.00

Staff recommends award of this project to CBC Construction for the total amount bid of \$1,366,743.00.

The manager recommends approval of the bid as recommended by staff.

VIII. PUBLIC HEARING

A. **Ordinance 2015-43 An Ordinance Amending Non-Code Ordinance 96-14, Authorizing the Port Director to Agree to a Lease Amendment to the 1998 Lease of a Portion of Block 87, Tidelands (A.T.S. 3).**

Goldbelt Inc. leases Docks and Harbors property near the Seadrome Complex. Titled the Cultural Preservation Lease, the lease went into effect in 1998. The lease required a review and adjustment of the annual rental payment every three years with the lease rent set by the assessor at ten percent of the appraised value. During the most current review, Goldbelt Inc. raised concerns about the lease. At the same time, Docks and Harbors recognized some changes it would like to see made. As a result, the parties agreed to request a lease amendment.

Under the proposed amendment, the following changes would be made:

- (1) The lease amount would be set at nine percent of the appraised value;
- (2) The lease rent review would be conducted every five years, consistent with CBJ code and Docks and Harbors regulations; and

(3) The leased tidelands would be reduced in size, as Goldbelt is returning Parcel “A” (1684 sf of uplands) back to the CBJ.

The Docks & Harbors Board approved the proposed lease amendment at its May 21, 2015 regular board meeting. The Lands Committee approved the proposed lease amendment at its August 24, 2015 meeting.

The Manager recommends this ordinance be adopted.

B. Ordinance 2014-24(AY) An Ordinance Appropriating to the Manager the Sum of \$92,955 as Partial Funding for Fire Equipment and to Maintain Compliance with NFPA Physicals; Grant Funding Provided by the United States Department of Homeland Security and Federal Emergency Management Agency.

This ordinance appropriates \$102,250 to the 2016 Capital City Fire/Rescue (CCFR) operating account to purchase equipment and provide training for employees that will allow them to assist with physical fitness assessments and annual fitness evaluations. This grant will help CCFR comply with NFPA requirements as well as those set forth in Alaska Statute AS 23.30.121, the Firefighters' Presumptive Health Bill of 2012.

The local match requirement is \$9,295 or 10% of the federal contribution of \$92,955. The local match is included in the FY16 annual budget.

The Manager recommends this ordinance be adopted.

C. Ordinance 2015-20(P) An Ordinance Appropriating to the Manager the Sum of up to \$8,500 as Funding for Hazmat Equipment for Capital City Fire/Rescue; Grant Funding Provided by a Memorandum of Understanding with the Alaska Department of Environmental Conservation.

This ordinance appropriates up to \$8,500 to the 2016 Capital City Fire/Rescue operating account for the purchase of equipment to support emergency response to hazardous materials incidents. The funding is provided pursuant to an agreement with the State of Alaska Department of Environmental Conservation. The CBJ will be reimbursed up to \$8,500 for purchase of Level A Hazmat suits, Level B Hazmat suits, calibration gas & sensors, decantation supplies, and a range finder.

There is no match requirement for this grant.

The Manager recommends this ordinance be adopted.

D. Ordinance 2015-20(Q) An Ordinance Appropriating to the Manager the Sum of \$1,343,862 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:	\$1,259,871
Alaska Department of Transportation match:	\$ 41,995
Juneau International Airport Fund's Fund Balance:	\$ 41,996

The FAA funding comes from two amendments to the construction grant for this CIP. The amendment work includes material quantity adjustments, installation of the taxiway edge lights (the actual light purchases were on a previous grant amendment), repainting of the

runway (commonly done with new pavement due to ‘bleeding’) and north side runway safety area survey work, as well as conversion of the runway designation (from 8-26 to 9-27) resulting from the slow change in magnetic variation over time.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport.

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

The Manager recommends this ordinance be adopted.

E. Ordinance 2015-20(R) An Ordinance Appropriating to the Manager the Sum of \$500 as Funding for the Juneau Police Department Crisis Intervention Team Operations; Funding Provided through a Donation from North Star Behavioral Health.

The Juneau Police Department received a \$500 donation from North Star Behavioral Health in support of its Crisis Intervention Team (CIT) program. The CIT will enhance community partnership in addressing mental health issues in our community by utilizing designated resources to assist persons with mental health disorders. These funds will be used for the operational costs of the program.

The Manager recommends this ordinance be adopted.

F. Ordinance 2015-20(S) An Ordinance Appropriating to the Manager the Sum of \$20,575 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, FY15 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded \$20,575 in grant funding for various training opportunities. The estimated breakdown for the grant award is as follows:

\$3,150 will be used for training the JPD fleet mechanic; \$2,700 will allow JPD's IT staff to attend a law enforcement technology support seminar; \$4,750 will allow several dispatchers to attend training on active shooter situations, customer service, and progressive supervision; and \$9,975 will be used for officers to attend homicide training.

There is no match required for this grant.

The Manager recommends this ordinance be adopted.

G. Ordinance 2015-20(T) An Ordinance Appropriating to the Manager the Sum of up to \$2,214 as Partial Funding to Send Two CBJ Employees to an Alaska Historic Preservation Conference; Grant Funding Provided by the State of Alaska Department of Natural Resources.

This ordinance appropriates \$2,214 as partial funding to send two CBJ employees to an Alaska Historic Preservation conference. Grant funding is provided by the Alaska Department of Natural Resources. This travel and training grant is a 60/40 match. The State of Alaska will reimburse CBJ for conference registration fees, food (per diem), airfare, hotel and transportation costs. The CBJ provides its match in staff time. The entire estimated cost of this project is \$4,243.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS**X. NEW BUSINESS****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. Proposals were received from five firms. The selection committee, comprised of the Port Director, Port Engineer, Deputy Port Engineer, a member of the Docks and Harbors Board, and an Assembly member, ranked PND Engineers as the top proposer.

Due to phasing of the project, the professional services work was broken into four tasks: Task 1 – Submittal Review; Task 2 - Fabrications Inspection; Task 3 – On-site construction of the South Berth (September 2015-May 2016); and Task 4 – On-site construction of the North Berth (September 2016-May 2017). A contract was executed with PND Engineers for Tasks 1 and 2. Now that the construction of the South Berth has begun a contract amendment is necessary to retain PND's services.

PND Engineers, Inc. proposes a Time and Materials fee of \$994,410 for CA/I services for Task 3 related to the South Berth construction. The project, including professional services contracts, is funded with State Cruise Passenger Excise Tax and Port Development Fees.

The Docks and Harbors Board reviewed this contract proposal at its regular public meeting on September 24, 2015 and recommended the Assembly approve the T&M contract to PND Engineers in the amount of \$994,410.

The manager recommends this amendment be approved.

B. Liquor License #447: Suite 907, LLC De-Designation Permit Application

A liquor license de-designation application is subject to written approval by the local law enforcement agency, and will be approved by the Board only after finding that the local governing body has certified the premises as being appropriate for the proposed event. Suite 907, LLC has submitted an application to de-designate its liquor license for certain dates/times to allow the business to hold youth-related events for persons between the ages of 17 and 20. Before the Assembly is the application for certification, which must be approved as part of the de-designation permit process.

Similar de-designation certification applications have been approved for this applicant in the past, with the Assembly considering the issue at its August 11, 2014 and January 12, 2015 meetings. (At its August 11, 2014 Assembly Human Resources Committee meeting, the HRC delegated the review and approval process of these applications directly to the Assembly.)

If the Assembly approves the certification application and the de-designation permit is ultimately approved by the Board, the event dates/times would be as follows:

November 13, 2015 beginning at 9:00 pm and ending at 1:00 am, November 14, 2015

December 30, 2015 beginning at 9:00 pm and ending at 1:00 am, December 31, 2015

February 25, 2016 beginning at 9:00 pm and ending at 1:00 am, February 26, 2016

March 21, 2016 beginning at 9:00 pm and ending at 1:00 am, March 22, 2016

The Assembly may withdraw its approval of certification at any time by written notice to the Board and licensee. Additionally, under state law, any peace officer whose jurisdiction includes the licensed premises to be de-designated may terminate a de-designation permit at any time if it is within the public's interest to do so.

The Manager recommends the Assembly approve this certification.

C. Regulation Docks and Harbors Recreational and Commercial Boat Launch Fees

Docks & Harbors, as part of an ongoing comprehensive fee review process, evaluated the regulations pertaining to 05 CBJAC 20.060 (Recreational boat launch fees) and 05 CBJAC 20.070 (Fees for commercial use of boat launches). The proposed amendments to the regulations were made available on the CBJ's website, at the harbor offices, and at the CBJ public libraries. Following the requisite 21-day public comment period, the Docks and Harbors Board held a public hearing on September 21, 2015. At that meeting, the Board approved the draft regulations.

The amendments include, in part:

- The \$90 fee for a single trailer permit is unchanged; however, there will be a \$5 administrative fee for the second and third registered trailers. Owners desiring to register a fourth trailer must pay another \$90.
- Daily recreational boat launch fees were changed from \$14 to \$15 per day.
- Applicants are now required to validate a residence address matching the trailer registration address.
- Clarification language requiring vehicles launching "non-trailerable vessels" at launch ramps to have requisite permits was added.
- Commercial launch ramp permits have increased from \$225 to \$250 per trailer.

XI. STAFF REPORTS

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

XVII. SUPPLEMENTAL MATERIALS

- A. **Ordinance 2015-43-Exhibits A (Lease) & B (Map)**
- B. **Ordinance 20(Q)(b) - Revised Version for Assembly Consideration - JIA Runway Rehab CIP Funding**

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