

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

September 21, 2015 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2015-25

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. August 31, 2015 Regular Meeting No. 2015-24

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 2015-43 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 and 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 CBJ Docks & Harbors to manage.

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

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

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

- 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 this specific equipment and related supplies. Items to be purchased this year include: 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 introduced and set for public hearing at the next Assembly meeting.

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

- e. **Ordinance 2015-20(R) An Ordinance Appropriating to the Manager the Sum of up to \$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 introduced and set for public hearing at the next Assembly meeting.

- f. **Ordinance 2015-20(S) An Ordinance Appropriating to the Manager the Sum of up to \$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. With approximately 55 vehicles to maintain, training will allow him to plan for fleet use, determine future needs and learn valuable tools for our department.

\$2,700 will allow JPD's IT staff to attend a law enforcement technology support seminar to network and learn about up-and-coming technologies available for police departments.

\$4,750 will allow several dispatchers to attend training on active shooter situations, customer service, and progressive supervision.

\$9,975 will be used for officers to attend homicide training to gain knowledge of current investigative standards, crime scene preservation, and evidence gathering.

There is no match required for this grant.

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

- 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 introduced and set for public hearing.

2. Resolutions

- a. **Resolution 2730 A Resolution Expressing Assembly Support for the 2015 Juneau Coordinated Human Services Transportation Plan, an Addendum to the Juneau 2014 Transit Development Plan, and Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.**

In 2012, the Moving Ahead for Progress 21st Century Act (MAP-21) was signed into law, replacing the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). MAP-21 provides for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, which is administered by the states.

Eligibility for the Enhanced Mobility of Seniors and Individuals with Disabilities Program requires each community to prepare a coordinated public transit - human services transportation plan. In 2014, by Resolution 2685, the Assembly adopted the Juneau 2014 Transit Development Plan. Amending the 2014 Transit Development Plan to include the 2015 Juneau Coordinated Human Services Transportation Plan would allow the CBJ to be eligible for the Enhanced Mobility of Seniors and Individuals with Disabilities program. The amended coordinated plan would supersede and replace the coordinated plan adopted in 2008 by Resolution 2451 and amended by Resolution 2511.

The Committee of the Whole considered the 2015 plan at its meeting on August 24, 2015, and recommended that the Assembly adopt it.

Once a plan is adopted, in order to be considered for grant funding, each community must prioritize its transportation projects, and that priority list must be endorsed by motion or resolution by the local municipal government. The Juneau Coordinated Transportation Coalition (JCTC) met on September 8, 2015, and voted on a priority list to be submitted to the Department of Transportation and Public Facilities for FY17 mobility grant funding. The projects identified for priority funding have been approved by the COW. The priority list for FY17 endorsed by JCTC is included as part of the plan that would be adopted by this resolution.

See supplemental materials.

The Manager recommends adoption of this resolution.

3. Bid Award

a. **Bid No. 15-214 - Purchase & Delivery of 35' Accessible Low-Floor Transit Coaches Term Contract**

This bid is for a term contract to provide up to fifteen of the newest accessible 35' low-floor transit coaches within the next five years for the City and Borough of Juneau and the Ketchikan Gateway Borough.

Estimate: \$1,575,000

Bidders	Brand Model	Base Bid	Additive Alternate	Total Bid
			Optional Item	
Gillig	Gillig	\$1,107,924	\$17,493	\$1,125,417
Newflyer	Newflyer	\$1,167,087	\$ 8,553	\$1,175,640

The Manager recommends award of this bid to Gillig LLC on the basis of having the lowest responsive and responsible bid price. Bids opened on September 15, 2015 and two bidders responded. Because of the low bid and based on our funding, Capital Transit may be able to purchase an additional bus.

4. Liquor License

a. **Restaurant-Eating Place Liquor License #5422 Application & Restaurant Designation Permit Application Canton Asian Bistro, LLC**

At its August 31, 2015 meeting, the Assembly passed a motion to waive its right to protest the Restaurant-Eating Place Public Convenience liquor license #5415. A "Public Convenience" license is one which is non-transferable and is not subject to the population limitation restrictions as set out in AS 04.11.400.

On September 4, 2015, CBJ received notice from ABC that Canton Asian Bistro, LLC was submitting an application for a Restaurant-Eating Place Liquor License #5422. If approved by ABC, this license would most likely replace the "Public Convenience" type license #5415 mentioned above.

License #5422, if granted, would take up the one remaining Restaurant-Eating Place License available under the population restrictions within CBJ. If another applicant submits an application for this Restaurant-Eating Place license, it would be subject to the competing application process outlined in 3 AAC 304.112 in the same manner that the licenses for Paradise Bakery and Lunchbox were dealt with in 2014.

Staff has reviewed the applications for the Canton Asian Bistro, LLC d/b/a Canton Asian Bistro Restaurant-Eating Place License and Restaurant Designation Permit (RDP) and recommend the Assembly waive its right to protest the issuance of this license and approve the RDP.

The Manager recommends the Assembly waive its right to protest the application for Restaurant-Eating Place License #5422 and approve the Restaurant Designation Permit application.

VIII. PUBLIC HEARING

A. Ordinance 2015-41(b) An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

Based on recommendations from both the Assembly Tax Exemption Review Committee and the Finance Committee, this ordinance would amend CBJ 69.05.045, Senior Sales Tax Exemption, by limiting the exemption to purchases of essential items (defined as food, heating fuel, electricity, and CBJ water and sewer utilities) except as to those seniors with a gross income at or under 250% of the federal poverty level established for Alaska.

On July 30, 2015, the Finance Committee addressed two significant implementation policies and recommended the following:

1. The ordinance should define essential food items based on the Federal Food Stamp / SNAP definition of food items.
2. As to those seniors with a gross income at or under 250% of the federal poverty level established for Alaska, the ordinance should provide for an annual rebate. The rebate amount would be the estimated amount of sales tax that would be paid by the average, qualifying senior for non-essential purchases.

The ordinance would have an effective date of January 1, 2016, to allow time for senior citizen education and merchant implementation, and in order to allow the Finance Department sufficient time to plan for the implementation and administration of the program.

Version (b) of the ordinance makes the following revisions (indicated by italicized text):

1. Fixes a typographical error (changing the word "are" to "is") in 69.05.045(b) (p. 2, line 2).
2. Changes the eligibility criteria in 69.05.046(b) to remove the age requirement (necessary so as not to unintentionally exclude spouses or partners under the age of 65 who hold a valid tax exemption card from obtaining the rebate) (p. 4, lines 4 - 5).
3. Makes an additional amendment to existing text by changing the word "invalid" to "disabled" in 69.05.045 (c) (p. 2, lines 4 - 7).
4. 69.05.045(g) (p. 2, lines 12 - 16) was amended to clarify that only sales for utilities to the cardholder's principal place of abode are eligible for the exemption.
5. Amends the rebate amount being proposed from \$225 to \$325. 69.05.046(a) (p. 3, line 24). (An explanation as to how the amount of the rebate was determined is included in the packet.)

6. Amended 69.05.046(b)(3) to clarify that eligibility is based on the qualifying applicant's gross income, not household income. (p. 4, lines 7 - 10).

The manager recommends this ordinance be adopted.

B. Ordinance 2015-40 An Ordinance Extending the Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.

On January 12, 2015, the Assembly adopted ordinance 2014-50, establishing a moratorium on the acceptance or approval of any development permit pertaining to marijuana establishments. The purpose of the moratorium was to allow the CBJ time to consider and enact time, place, and manner legislation concerning the operation of marijuana establishments in the CBJ. The moratorium is set to end on October 19, 2015, but the CBJ's work has not yet been completed.

This ordinance would extend the moratorium to December 31, 2015, to allow the CBJ time to adopt land use regulations prior to the deadline set by state law for the State to begin the processing of marijuana establishment registrations.

The Manager recommends this ordinance be adopted.

C. Ordinance 2014-24(AW) An Ordinance Appropriating to the Manager the Sum of \$15,390,272 to Fund the City and Borough of Juneau's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for CBJ. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

The Manager recommends this ordinance be adopted.

D. Ordinance 2014-24(AX) An Ordinance Appropriating to the Manager the Sum of \$13,974,804 to Fund Bartlett Regional Hospital's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

The Manager recommends this ordinance be adopted.

E. Ordinance 2015-20(L) An Ordinance Appropriating to the Manager the Sum of \$543,671 as Funding for the Juneau International Airport Terminal Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.

This ordinance would appropriate \$543,671 to the Terminal Rehabilitation Capital Improvement Project (CIP). Funding is provided as follows:

Federal Aviation Administration grant:	\$526,133
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State of Alaska Department of Transportation: \$ 17,538

The grant funding will reimburse the CIP for the acquisition of a Passenger Boarding Bridge (jet bridge) and an ADA Passenger Loading Ramp. The CIP project forward-funded these items in order to meet the short timeframe before the start of Delta Airlines' new service in 2014.

The jet bridge replaced a 40 year-old unit, which did not have the range of movement to accommodate the Boeing 757 aircraft that Delta Airlines was bringing in, as well as a range of smaller narrow body jets. Associated work included removal and disposal of the old boarding bridge, new foundation footing for support, and electrical work.

The passenger ramp was acquired to comply with FAA grant assurances relating to the Americans with Disabilities Act (ADA). Prior to this acquisition, the airport had no equipment to help board passengers with disabilities at the two gates where passengers load via stairs.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport local match (previously appropriated through Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its April 9, 2014, May 14, 2014, and August 13, 2014 meetings.

The Manager recommends this ordinance be adopted.

F. Ordinance 2015-20(M) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project, and \$300,000 for the Juneau School District Comprehensive Facility Plan; Funding Provided by the 2009 Special Capital Projects 1% Sales Tax Fund's Fund Balance.

This ordinance would appropriate a total of \$800,000.

The Juneau Board of Education requested that the Assembly provide \$1.3 million for districtwide deferred maintenance and minor capital improvement projects at its June 9, 2015, meeting.

Ordinance 2015-37, authorizing the issuance of general obligations bonds in the not-to-exceed amount of \$1.3 million to finance the cost of educational capital improvements and districtwide major maintenance projects, was introduced at the July 20, 2015, Assembly meeting.

The Finance Committee recommended that the Assembly use 1% CIP sales tax proceeds (from the five-year period ending June 30, 2013) in the amount not to exceed \$800,000 to fund both the school district's deferred maintenance and comprehensive facilities plan at its July 30, 2015, meeting.

The manager removed Ordinance 2015-37 from the public hearing section of the August 10, 2015, Assembly agenda per the Finance Committee's directive.

Ordinance 2015-20(M) appropriating to the Manager the sum of \$500,000 for school district deferred maintenance and minor capital improvement projects and \$300,000 for the comprehensive facility plan, was introduced at the August 31, 2015, Assembly meeting.

The Juneau School Board's Facilities Committee recommended approval of this ordinance at its September 14, 2015, meeting.

The Manager recommends this ordinance be adopted.

G. Ordinance 2015-20(N) 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 provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2015 Emergency Management Performance Grant (EMPG), awarded to the City and Borough of Juneau.

Federal Grant Number: EMW-2014-EP-00054

State Grant Number: 20EMPG-GY15

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 Manager recommends this ordinance be adopted.

H. Ordinance 2015-20(O) An Ordinance Appropriating to the Manager the Sum of \$19,018 as Funding for the Local Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2016 Local Emergency Planning Committee Grant (LEPC), awarded to the City and Borough of Juneau.

State Grant Program Number: 20LEPC-GY16

These funds are provided to reimburse CBJ for payroll, benefits, and LEPC program implementation costs incurred in direct support of the goals and activities of the 2016 Local Emergency Planning Committee Grant for the Juneau LEPC. There is no match requirement for this grant.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Senior Citizen Exemption Late File - Isaac

B. Senior Citizen Exemption Late File - Sumdum

C. Alaskan Brewing Co. Rental Space at CBJ Water Utility Building

The Department of Engineering and Public Works has office space available in its Lemon Creek facility that it wishes to rent to the Alaskan Brewing Co. There is no mechanism in code that specifies how such a rental should proceed. It is the Manager's intent to utilize a process similar to the process used for use permits given the similarities between the two (non-consumptive, short-term use). A use permit for a non-exclusive, non-consumptive use of CBJ property may be granted by the manager for a term not to exceed one year.

The Manager proposes to proceed with a rental agreement for the use of office space in the already-existing Lemon Creek facility to the Alaskan Brewing Co. The rental amount will be fair market value and the rental term shall not exceed one year. As there are no other CBJ departments that have a property interest in the space being rented, the Manager does not intend to circulate the rental agreement for review to other CBJ departments or the planning commission (as is the process provided for by CBJ 53.09.310 for use permits).

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. **Juneau Coordinated Human Services Transportation Plan - Final DRAFT for Assembly Approval**

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