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

July 21, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014-21
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. **June 30, 2014 Regular Assembly Meeting 2014-18 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 2014-24(B) An Ordinance Appropriating to the Manager the Sum of $9,939 as Additional Funding for the Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate an additional $9,938.55 for the Runway Safety Area (RSA) capital project. The original appropriation 2013-11(AM) was less than what the FAA had actually awarded. This increases the FAA Airport Improvement Program grant to match the grant agreement. Funding is provided as follows:

Federal Aviation Administration Grant: $9,938.55
This phase of the RSA project includes a construction contract (SECON), contract administration costs, and a pass-through payment to FAA for FAA facilities installation.
The FAA funds 93.75% of the project with the remainder being split between Alaska DOT/PF and Juneau International Airport.
The Airport Board reviewed this action at its July 9, 2014 meeting, and recommended forwarding to the full Assembly for approval.

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

2. Resolutions

   a. **Resolution 2689 A Resolution Re-establishing the Juneau Local Emergency Planning Committee, Amending its Membership and Bylaws, and Repealing Resolution 2135.**

   The Juneau Local Emergency Planning Committee (LEPC) requested an additional seat and alternate be added to its membership for an individual representing vulnerable populations. In addition to adding those seats to the committee, this resolution would also amend both the committee's governing resolution and bylaws.
   The draft resolution and bylaws were approved by the Assembly Human Resources Committee at its meeting of June 30, 2014, and the Juneau Local Emergency Planning Committee at its July 9, 2014 meeting. If approved by the Assembly, the final documents will be forwarded to the State of Alaska Emergency Response Commission for final approval.

   The resolution included in your packet indicates the substantive changes between this resolution and the resolution that would be repealed.

   The Manager recommends this resolution be adopted.

3. Transfer

   a. **Transfer T-955 Transferring $610,759 of Temporary Sales Tax from Terminal Expansion CIP to Runway Rehab CIP.**

   This would transfer $610,759 from the Airport Terminal Expansion CIP to the Runway Rehabilitation CIP.
   Funds are provided by Sales Tax funds from the Terminal Expansion CIP, on a temporary basis, to match a Federal Aviation Administration (FAA) construction grant. The funds will be transferred back when the final royalty payments are claimed on the fill material from the float pond.
   The Runway Rehabilitation project is funded by FAA (93.75%), State of Alaska match (3.125%), Local match (3.125%).
   At its July 14, 2014 special meeting, the Airport Board approved this transfer.

   The Manager recommends approval of this transfer.

4. Liquor License

   a. **New Liquor License Applications located at Juneau International Airport**

   The following are applications for two new Beverage Dispensary - Tourism liquor licenses located at the Juneau International Airport. Since they are Beverage Dispensary - Tourism licenses issued in accordance with AS 04.11.400(d), they are not subject to the population limitations by which other Beverage Dispensary liquor licenses are limited.

   New Beverage Dispensary - Tourism License #5340: Jacobsen/Daniels Associates, LLC d/b/a The Annex, Location: 1873 Shell Simmons Drive,

Suite 220a, Juneau, AK 99801

New Beverage Dispensary - Tourism License #5341: Jacobsen/Daniels Associates, LLC d/b/a Romeo's Tap Room, Location: 1873 Shell Simmons Drive, Suite 220, Juneau, AK 99801

The Beverage Dispensary - Tourism licenses are before the Assembly to either protest or waive its right to protest the issuance of these new licenses. The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed the applications and found them to be in compliance with CBJ Code.

In the event the Assembly does protest the issuance of this license, 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.

In addition to the Beverage Dispensary-Tourism licenses, each application is accompanied by an application for a Restaurant Designation Permit (RDP). The RDP's are subject to Assembly approval and allow for persons 16-20 years of age to dine unaccompanied, persons under 16 years of age to dine accompanied by a person 21 years of age or older, and persons 16-20 years of age to be employed. Neither the permit, nor the license allows persons under 16 years of age to be unaccompanied on the "licensed premises." The applicants have been working with CBJ staff to make accommodations so each of the leased locations have some area that will be considered outside the "licensed premises" covered by the liquor licenses to allow unaccompanied persons under 16 years of age to purchase food and non-alcoholic beverages from the licensee.

For the Romeo's Tap Room RDP, the darker sections in the attached map indicates those areas open to the public at which alcoholic beverages may be sold and served. The lighter shaded areas marked from the doorway to the cash register and all portions to the left of that line are areas where alcoholic beverages will not be sold or served.

For The Annex RDP, the original application as considered by the Alcohol Beverage Control Board at its meeting on July 8 indicated the entire leased area was to be designated as licensed premises. Following that ABC meeting, CBJ staff discussed the concern with the licensees that no unaccompanied minors under 16 years of age would be allowed on the premises if the license was approved as originally proposed. Following those discussions, the licensee submitted a revised map for the The Annex licensed premises to allow for only a portion of their leased premises to be considered "licensed premises" for the purposes of selling and serving alcoholic beverages. The revised map is attached for your approval.

The Airport Board has been following the progress of these licenses at a number of meetings during the last four months. These licenses were on the

July 8 Alcohol Beverage Control Board agenda and were approved with delegated consent pending the decisions by CBJ.

The Manager recommends the Assembly waive its right to protest the issuance of the above liquor licenses and approve the Restaurant Designation Permit applications as modified per the attached revised map.

b. **Liquor License Transfer of Ownership**

This liquor license transfer is before the Assembly to either protest or waive its right to protest the transfer.

Ownership Transfer FROM: Allan Ahlgren and Michael Corcoran d/b/a Breeze-In Liquor TO: Breeze-In Corporation d/b/a Breeze-In Liquor Location: 2200 Trout Street, Juneau, AK 99801

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, 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.

The Manager recommends the Assembly waive its right to protest this liquor license transfer.

VIII. PUBLIC HEARING

A. **Ordinance 2014-08 An Ordinance Amending Title 20 of the City and Borough Code to Provide for the Regulation of Secondhand Dealers and Providing for a Penalty.**

This ordinance would impose certain record-keeping obligations on secondhand dealers, and would require dealers to retain property purchased for resale for a period of 30 days. This ordinance would codify a similar reporting and hold requirement for secondhand dealers as the State imposes upon pawnshops.

The Assembly Human Resources Committee reviewed this ordinance at its June 30, 2014 meeting, and at a special meeting held on July 17, 2014, and recommends that public hearing on the ordinance be moved to the August 11, 2014 regular meeting to allow the public time to review the amendments being recommended by the Committee.

The Manager recommends public hearing on this ordinance be moved to the August 11, 2014 meeting.

B. **Ordinance 2014-38(b) An Ordinance Repealing the Civil Fine Procedure and Re-establishing Certain Parking and Other Violations as Infractions.**

This ordinance would repeal the civil fine process adopted by the City and Borough in 2013, re-establishing the civil violations as criminal infractions. With the adoption of SB 116 by the State legislature, the reason behind enacting the civil fine process - to avoid the need to personally serve certain citations - has been eliminated.

Last year, when the Alaska Court System's Minor Offense rules were updated, the Court

System reviewed the municipal codes for conflicts with the new rules. That review was not done for the CBJ because the CBJ adopted a civil fine process instead. With the impending repeal of the civil fine process, the Court went forward with its review and contacted the CBJ with suggested changes to Ordinance 2014-38. Version (b), included in your packet, reflects those changes recommended by the Court System, with the newly amended text shown in italics.

Other necessary housekeeping amendments will be brought forward in the ordinance that will result from the code review process currently underway.

The Manager recommends this ordinance be adopted.

C. **Ordinance 2014-41 An Ordinance Proposing an Amendment to Section 3.20 of the Charter of the City and Borough Relating to the Ski Area Board.**

This ordinance would create a ballot proposition to amend section 3.20 of the Home Rule Charter of the City and Borough. The effect of the amendment, if approved by voters, would be to grant the Ski area board the additional authority to manage and oversee the municipally -owned ice rink.

The Assembly Finance Committee reviewed this ordinance at its July 9, 2014 meeting, and recommended forwarding to the full Assembly for approval.

Section 14.2 of the City Charter requires six Assembly votes to change the charter.

As this is a policy decision, the Manager has no recommendation.

D. **Ordinance 2014-42(b) An Ordinance Proposing an Amendment to the Charter of the City and Borough Authorizing the Creation of an Empowered Board to Operate and Manage the Municipally-Owned Aquatics Facilities.**

This ordinance would create a ballot proposition to amend the Home Rule Charter of the City and Borough to establish an empowered Aquatics board. The proposed Charter language is the same that is currently used for the Docks and Harbors board and Airport board. The effect of the amendment, if approved by voters, would be to allow the Assembly to create an "empowered" board free of the restrictions imposed on boards by Charter section 3.16.

Version (b) amends the ordinance by replacing all references to "pools" with references to "aquatics facilities." The revisions are shown in italics.

Section 14.2 of the City Charter requires six Assembly votes to change the charter.

As this is a policy decision, the Manager has no recommendation.

E. **Ordinance 2013-11(BB) An Ordinance Appropriating to the Manager the Sum of $7,830 as Funding to Provide For Commercial Motor Vehicle Inspections, Grant Funding Provided by the Alaska Department Of Transportation and Public Facilities.**

This ordinance would appropriate a $7,830 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections (CMV).

The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

There is no match requirement for this grant.

The Manager recommends this ordinance be adopted.

F. **Ordinance 2013-11(BC) An Ordinance Appropriating to the Manager the Sum of $19,042 as Partial Funding for the Alaska Juneau Gold Mine Power Tower Stabilization Project. Grant Funding Provided by the Alaska Department of Natural Resources, Office of History and Archaeology.**

This ordinance would appropriate $19,042.00 to the Alaska Juneau Gold Mine Power Tower stabilization project.

Two historic power structures located in Last Chance Basin are leaning and need foundation repairs to assure they do not fall over. One of the two towers supplies power to the Last Chance Mining Museum. CBJ was awarded a matching grant from the Alaska Office of History and Archaeology to perform the work. The required 40% match would be provided through in-kind services of volunteers of the Gastineau Channel Historical Society. The work would begin in the summer of 2014 and be completed by fall of 2015.

The Historic Resources Advisory Committee reviewed the project and recommended applying for the grant.

The Manager recommends this ordinance be adopted.

G. **Ordinance 2013-11(BD) An Ordinance Appropriating to the Manager the Sum of $3,137,500 as Partial Funding for the Statter Harbor Launch Ramp; Grant Funding Provided by the Alaska Department of Fish and Game.**

This ordinance would appropriate a federal grant of $3,137,500 administered through the Alaska Department of Fish and Game into the Statter Harbor CIP.

This grant would provide construction funding for the new two-lane launch ramp at Statter Harbor. CBJ is required to provide a 25% match or not less than $1,045,833.34 of non-federal funds. The construction phase is projected to cost approximately $10M and is fully funded with the ADF&G contribution. The CBJ match is currently in the Statter Harbor CIP account provided by city sales tax proceeds.
With the ADF&G grant construction of the project would begin in fall of 2014 and be completed by spring of 2016.
The Docks and Harbors Board reviewed this ordinance, and its requirement for matching funds, at its June 26, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

H. **Ordinance 2014-24(A) An Ordinance Appropriating to the Manager the Sum of $130,700 as Additional Grant Funding for the Alaska Mail Services Program; Grant Funding Provided by the Alaska State Library.**

This ordinance would appropriate an additional $130,700 in grant funds from the Alaska State Library to the CBJ Library Department for the staffing, materials, services, and supplies needed to provide library services by mail to Alaskan residents who live in communities that lack public library services.

The current grant budget in operating is $97,700, this ordinance would increase the grant budget to $228,400.

The Alaska State Library is directed to provide public library services to residents of the State without access to a public library in Alaska Statute 14.56.030(4) and the Library has been participating in this program in differing manners since its inception. This grant would fund 2.75 FTE positions and there is no matching requirement.

The Assembly Finance Committee reviewed this ordinance at its May 21, 2014 meeting, and recommended forwarding to the full Assembly approval.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

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

A. **Gastineau Apartments - information update from City Attorney**

B. **City Attorney Evaluation**

XVI. ADJOURNMENT

Note: Agenda packets are available for review online at www.juneau.org.
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@ci.juneau.ak.us