

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

June 30, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014-18

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. JPD Officer, Russell Haight
- B. Senior Wastewater Treatment Supervisor, Cort Franklin

IV. APPROVAL OF MINUTES

- A. June 9, 2014 Regular Meeting 2014-17

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 2014-38 An Ordinance Repealing the Civil Fine Procedure and Re-establishing Certain Parking and Other Violations as Criminal Infractions.

This ordinance would repeal the civil fine process adopted by the City and Borough last year, 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.

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

- c. Ordinance 2014-42 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 Pools.

This ordinance would create a ballot proposition to amend the Home Rule Charter of the City and Borough to establish a pool board. The proposed Charter language is the same as that 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.

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

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

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

- f. 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 appropriates a federal grant of \$3,137,500 administered through the Alaska Department of Fish and Game into the Statter Harbor CIP.

The 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 can 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.

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

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

2. Bid Award

a. Bid Results E14-259 JNU Runway 8/26 Rehabilitation

This project consists of three phases of work, each with distinctive work elements and deadlines which will result in the rehabilitation of the main runway at Juneau International Airport.

Bids were opened on the subject project on June 3, 2014. The bid protest period expired at 4:30PM on June 5, 2014. Results of the bid opening are as follows:

<u>RESPONSIVE BIDDERS</u>	<u>TOTAL BID</u>
SECON	\$15,920,520.00
Knik Construction Co.	\$23,461,040.00

Engineer's Estimate: **\$19,386,195.00**

The Manager recommends award of this project to SECON for the total bid amount of \$15,920,520.00, contingent on approval of Ordinance 2013-11 (AZ) appropriating FAA funding for this project, to be heard under public hearing later this evening.

VIII. PUBLIC HEARING

A. Ordinance 2014-14 An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

This ordinance would address two issues related to the CBJ's rezoning process. First, it would reconcile an inconsistency between CBJ 49.75.130 and CBJ 49.10.170. While the latter provides that the Planning Commission's role with respect to rezoning is only to "make recommendations to the Assembly on all proposed . . . zonings and rezonings," 49.75.130 authorizes the Planning Commission to make "final" decisions on rezonings that are then only reviewable by the Assembly on appeal.

Second, it would eliminate the reference to "appealing" the denial of a rezoning request to the Assembly. Small scale rezoning decisions are legislative acts, not quasi-judicial, and are not subject to appeal.

The Planning Commission reviewed this ordinance at its April 22, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Committee of the Whole reviewed this ordinance at its June 16, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

B. Ordinance 2014-17(b) An Ordinance Amending the Commercial Passenger Vehicle Code.

This ordinance would prohibit persons who have been convicted of certain criminal sex offenses from holding commercial passenger vehicle permits. Currently, the CPV ordinance authorizes the immediate suspension of a Professional Driver's Permit upon the

receipt of a criminal charging document or verifiable information disclosing the circumstances of an arrest of the driver for criminally offensive sexual behavior.

The current ordinance does not allow JPD to immediately deny an application under the same circumstances. Thus under the current code, the application would theoretically need to be issued, and then immediately revoked.

The Human Resources Committee reviewed this ordinance at its May 19, 2014 hearing and recommended forwarding it to the full Assembly for approval with a minor amendment (deletion of the word "offensive"). Version (b) of the ordinance reflects that amendment.

The Manager recommends this ordinance be adopted.

C. Ordinance 2014-19(c) An Ordinance Amending the Building Regulations Code.

This ordinance would amend CBJ Title 19, the Building Regulations Code, by deleting references to the 2006 model codes and replacing them with references to more recent model codes, as modified by the Building Code Advisory Committee (BCAC).

The model codes addressed are the 2009 International Building Code, Fire Code, Fuel Gas Code, Property Maintenance Code, Existing Building Code, and Mechanical Code, the 2009 Uniform Plumbing Code, and the 2011 National Electrical Code.

The International Residential will remain as the 2006 version. The BCAC, CBJ Building Code Official, and the CBJ Fire Marshal met over the past 3.5 years and carefully reviewed each of the model codes listed above, making modifications as they deemed appropriate.

At its meeting on April 14, 2014, the Public Works and Facilities Committee recommended an ordinance be prepared for the Assembly's consideration. With this ordinance, the CBJ code would reference and incorporate the same edition of the model codes currently utilized by the State of Alaska, which would greatly assist designers, contractors, and CBJ staff.

Version (c) of this ordinance differs from the version reviewed by the Public Works and Facilities Committee by making two changes to the section adopting the International Property Management Code: it reverses the deletion of 304.1.1, 305.1.1, and 306.1.1 (Unsafe Conditions), and it amends the ordinance to include Section 106, Violations. It differs from the version that was introduced by incorporating a revision requested by the Municipal Clerk to change the number of copies of the various codes required to be kept by the clerks' office, and by replacing a reference to the 2006 edition with a reference to the 2009 edition that was inadvertently missed.

Amendments to the fee schedule will be brought forward in a separate ordinance.

The Manager recommends this ordinance be adopted.

D. Ordinance 2014-32(b) An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

This ordinance would establish regulations for the placement, construction and modification of wireless communication facilities within the City and Borough. It would also adopt a master plan to guide future decision making with respect to the permitting and

accommodation of wireless communication facilities within the CBJ.

The Planning Commission reviewed this ordinance at its May 28, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Committee of the Whole reviewed this ordinance at its June 16, 2014 meeting and recommended forwarding to the full Assembly for approval with some minor revisions.

Version (b) of the ordinance includes the minor revisions, which appear in italics, requested by the Committee of the Whole. Also included in your packet is a memo from the City Attorney with proposed language requiring photo-simulated renderings of any proposed wireless communication facility in lieu of a balloon test, as requested by the Committee of the Whole.

The Manager recommends this ordinance be adopted.

E. Ordinance 2014-34(b) An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Electronic Cigarette Vapor.

This ordinance would amend the Second-hand Smoke Control Code, Chapter 36.30, to include in the definition of "smoking" the use of electronic cigarette vapor. The rationale for expanding the City and Borough's non-smoking ordinance to include electronic cigarette vapor is as follows:

1. The contents of electronic cigarettes are presently unregulated by the Food and Drug Administration (FDA) and electronic cigarettes are not approved as smoking cessation devices.
2. A study by the American Heart Association has shown that the exhaled vapor can contain chemicals that increase indoor air pollution and, depending on the specific manufacturer of the product, contain toxins and carcinogens in the exhaled vapor.
3. A study by the Center for Disease Control determined that e-cigarette use more than doubled among US middle and high school students from 2011-2012 and that e-cigarette use led to new or increased traditional cigarette use.

The Committee of the Whole reviewed this ordinance at its June 23, 2014 meeting, and recommended forwarding to the full Assembly for approval.

Version (b) revises the definition to address evolving technology, as was discussed at the Committee of the Whole meeting.

The Manager recommends this ordinance be adopted.

F. Ordinance 2014-35 An Ordinance Amending the City and Borough Code Relating to Penalty Classifications and the Traffic and Animal Control Fine Schedules.

This ordinance would amend the General Penalty Code relating to penalty classifications by increasing the maximum penalty amount for an infraction from \$300 to \$500, and would amend the Traffic and Animal Control fine schedules in order to make the penalties imposed by the CBJ more consistent with penalties imposed for similar offenses by the State of Alaska and other Alaska municipalities.

The purpose of imposing fines is to bring about voluntary compliance through

deterrence. Fines work both as a specific deterrence to the individual wrongdoer and as a general deterrence for the public. Neither the Traffic fine schedule nor the Animal Control fine schedule has been adjusted in many years.

After comparing the CBJ's fine schedule to the State of Alaska's, it was found that our fines were 40% lower for the same violations. In comparison to other municipalities (such as Anchorage and Fairbanks), with respect to many violations, other municipalities have a much more aggressive fining schedule.

The Assembly Finance Committee reviewed this ordinance at its June 11, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

G. Ordinance 2014-36(b) An Ordinance Increasing the Rates for Water and Wastewater Utility Services.

This ordinance would increase the water and wastewater customer service rates by 9.5 percent per year for fiscal years 2015, 2016, and 2017, with effective dates of September 1, 2014, July 1, 2015, and July 1, 2016.

Financial elements taken into consideration in the revenue requirement analysis included: ongoing operations and maintenance expenses; capital-related system replacement through depreciation funding less debt principal; debt service (repayment of existing bonds and loans); debt financing; revenue growth through increased customer base; inflation; operating and capital reserve fund balances; and cash sufficiency and coverage testing for bond health.

At its April 2014 Utility Advisory Board (UAB) meeting, the Board approved recommending to the Assembly that it implement the top scenario for funding improvements contained within the rate study in regards to the rate increases.

At its May 2014 meeting, the UAB voted to recommend an “across the board” rate increase in lieu of adopting a “cost of service” model.

The Committee of the Whole reviewed this ordinance at its May 5, 2014 meeting, and recommended forwarding to the full Assembly the proposal to increase the water and wastewater rates by 9.5 percent for fiscal years 2015, 2016, and 2017.

Version (b) corrects a typo with respect to one of the referenced commencement date for one of the increases.

The Manager recommends this ordinance be adopted.

H. Ordinance 2014-37(b) An Ordinance Amending the Election Code.

In addition to minor changes to 29.07.150 and 29.10.080 made for clarity, this ordinance would propose the following amendments to the election code:

1) Amends section 29.07.050(e) Candidates relating to the final date to withdraw. The final date to file for office is 50 days before the election and is always on a Monday. Currently the final date to withdraw from the ballot is 40 days prior to the election, or the following Thursday. This amendment would reduce the time for a candidate to withdraw from the ballot from 10 days to 4 days. This change could provide the Election Official

more time to prepare and print the ballot, as in some years the ballot measures are finalized and the only issue pending is the candidate withdrawal date before approving the ballot to print;

2) Adds a requirement that initiative and referendum petitions contain the petition signers' mailing and residence addresses (currently only residence is required);

3) Adds a new section to allow for on-line publication of an official candidate statement provided by the candidate, similar to that published by the State of Alaska. The intent of this change is to provide the voters with more information about candidates. The labor to post this information to the city's election website is a minimal cost; and

4) Amends 27.05.100 by removing the 15 day window for voting by absentee ballot. This amendment would allow for absentee ballot voting upon the receipt of a completed application, as soon as the ballots are available as determined by the election official, but no less than 15 days prior to the election and through the close of polls on election day.

The Committee of the Whole reviewed the ordinance at its June 23, 2014, meeting and approved moving the ordinance forward to the Assembly with a few amendments. Version (b) includes those revisions, shown in italics.

The Manager recommends this ordinance be adopted.

- I. Ordinance 2014-39 An Ordinance Amending the Official Zoning Map of the City and Borough to Amend the Remote Subdivisions Area Map to Include Hidden Valley Tract B, Located in the Upper Lemon Creek Valley.

In April 2014, the applicant applied to have Hidden Valley Tract B, located in the upper Lemon Creek valley, to be designated as remote per the Remote Subdivision Area map of the City and Borough of Juneau Zoning Atlas.

The Planning Commission reviewed the applicant's request at its May 13, 2014, meeting and recommended forwarding it to the full Assembly for approval. Since this ordinance was introduced however, new information has been received regarding the existence of, or request for, easements to access the subject parcel. Because the Planning Commission was not aware of the easement issues when it recommended the amendment to the Assembly, and as the information related to easement access is relevant to the question that was originally before the Planning Commission, I recommend the ordinance be referred back to the Planning Commission for its consideration.

The Manager recommends ordinance 2014-39 be referred back to the Planning Commission.

- J. Ordinance 2013-11(AN) An Ordinance Appropriating to the Manager the Sum of \$1,514,583 as Additional Funding for the Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided by the Lands Fund Fund Balance.

This ordinance would transfer \$1,514,583 to the Open Space Waterfront Land Acquisition capital project from the Lands Fund Fund Balance reserved for noise abatement loans.

Ordinances 2003-19(L), 2004-14(O), and 2007-21(C) transferred a total of \$1,514,583 to the Lands Fund from the Heliport Plan and Flightseeing Noise Abatement Capital Improvement Project, funded with Marine Passenger Fee funds, for the purpose of providing loans to reduce the noise impact of small aircraft in the downtown area.

No noise abatement loans have been applied for in the past several years. There have been loans and interest paid to the Lands fund and now Lands is returning Marine Passenger Fee funds into the Open Space Waterfront Land Acquisition capital project.

In 2002 the Assembly moved that any marine passenger funding not allocated for any other purpose will be placed in the Open Space Waterfront Land Acquisition capital project fund.

The Assembly Finance Committee reviewed this ordinance at its May 7, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

- K. Ordinance 2013-11(AT) An Ordinance Transferring \$10,030,792 of Budget Reserve Fund Balance from the Roaded Service Area and Sales Tax Special Revenue Funds to the General Fund.

This ordinance would transfer \$10,030,792 to the General Fund from the Roaded Service Area (\$1,000,000) and Sales Tax funds (9,030,792). The CBJ "Budget Reserve" balance currently resides in 3 separate funds: 1) the General Fund, 2) Roaded Service Area and 3) Sales Tax Special Revenue funds. The Finance Director recommends consolidating the reserve in the General Fund so the reserve balance is easy to identify for the Assembly, public and bond rating agencies.

Over the years, the reserves have followed various rules, retained in various funds, and had several names (e.g. Rainy Day reserve & Sales Tax Budget Reserve).

On October 8, 2012 the Assembly adopted Resolution 2629 establishing the CBJ "Budget Reserve" and adopting rules for the size of the reserve and defining rules for when funds could be withdrawn from the reserve.

At its May 21, 2014 meeting, the Assembly Finance Committee reviewed the ordinance and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

- L. Ordinance 2013-11(AU) An Ordinance Appropriating to the Manager the Sum of \$6,086 as Partial Funding for the National Alliance of Preservations Commissions Conference; Grant Funding Provided by the Alaska Department of Natural Resources.

This ordinance would appropriate \$6,086 as partial funding to send two CBJ employees to a National Alliance of Preservations Commissions 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 the City for conference registration fees, food (per diem), air fare, hotel and transportation costs. The City provides their 40% match in staff time. The entire estimated cost of this project is \$10,144.

The Manager recommends this ordinance be adopted.

- M. Ordinance 2013-11(AV) An Ordinance Appropriating to the Manager the Sum of \$12,015 as Additional Funding for the 2012 State Homeland Security Program; Grant Funding Provided by the Alaska Department of Military and Veterans Affairs.

This ordinance would appropriate an additional \$12,015.00 for the 2012 State Homeland Security Programs (12SHSP) Grant from the Alaska Department of Military and Veterans Affairs. Amendment 6 increases the budget from \$223,628 to \$235,643 to cover approved cost over-runs that were on the 11SHSP Grant. The 12SHSP Grant was originally adopted in FY13 with ordinance number 2012-12(X) and additional funding was appropriated in FY14 with ordinance number 2013-11(AQ).

These funds would be used to support the goals and activities of the Emergency Management through funding of training, exercises and equipment purchases.

These additional funds pay approved over-runs that were on the 11SHSP Grant for the following items:

Video Surveillance for JPD/CCFR = \$187.91
Digital Fingerprint Scanner for JPD = \$4,742.59
Night Vision Equipment for JPD = \$2,596.00
ID Tracking & Credentialing System for CCFR = \$4,278.39
Thermal Imaging Equipment for CCFR = \$ 232.00
Kodiak HAZMAT Exercise with AK Shield for CCFR = \$6,272.23

The term of this grant is October 01, 2012 through June 30, 2014.

There is no match requirement for this grant.

The Manager recommends this ordinance be adopted.

- N. Ordinance 2013-11(AW) An Ordinance Appropriating to the Manager the Sum of \$25,000 as Funding for the Retro-fit of the City and Borough of Juneau's Valley Street Sweeper to Meet the PM-10 Certification; Grant Funding Provided by the State of Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate to the Manager the sum of \$25,000 as funding for a retro-fit to CBJ's valley street sweeper to meet the PM-10 certification which was a grant requirement of the initial purchase. Funding provided by the State of Alaska Department of Transportation and Public Facilities (DOTPF).

In 2011, CBJ purchased a street sweeper with funding received from the Federal Government Congestion Mitigation/Air Quality program and received through the Alaska Department of Transportation and Public Facilities. These funds were appropriated with ordinance number 2011-11(G). These funds were to be used for projects that could be proven to reduce traffic congestion and/or improve air quality in federally designated non-attainment areas. The Mendenhall Valley is a non-attainment area.

In March of 2014, DOTPF notified CBJ that they were unable to close out the grant as the street sweeper was not PM-10 certified. DOTPF acknowledged they failed to inform CBJ of the requirement. The retro-fit will result in PM-10 certification of the street sweeper.

DOTPF will reimburse CBJ for the cost of the retro-fit and draft an addendum to the memorandum of agreement between DOT and CBJ to increase the original grant amount to \$275K to allow for the cost of the retro-fit.

The Public Works and Facilities Committee reviewed this ordinance at its June 2, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

- O. Ordinance 2013-11(AX) An Ordinance Appropriating to the Manager the Sum of \$5,257 as Funding for the Purchase of Law Enforcement Equipment and licenses; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

This ordinance would appropriate \$5,257 from the Asset Forfeiture Reserve, of the Roaded Service Area fund balance, to the Juneau Police Department, of which \$2,395 will cover an annual license fee for the period June 5, 2014 to June 5, 2015. The license fee allows the Juneau Police Department to securely store investigative recordings on the Law Enforcement Telephone System, and have immediate access to the recordings.

The remaining \$2,862 will be JPD's match for a Forensic Recovery Evidence Device, (Internet Crimes Against Children program will match 50% of the total \$5,724 purchase price). This device is a highly specialized computer system that has the ability to gather forensic evidence of criminal activity from computer software. Most often used in drug cases, child pornography cases, and child sexual abuse cases.

If this ordinance is approved the Asset Forfeiture Reserve account will have a balance of \$303,394.

The revenue source for this expenditure is from asset forfeiture and seizure monies JPD has received as a result of major drug investigations. Under state and federal asset seizure statutes, monies that are realized as a result of the seizure and disposal of personal assets of individuals in drug trafficking can be equally divided among the various agencies involved in the investigation. Once those assets are allocated to the agencies involved, the monies seized must be expended in the area of law enforcement/drug enforcement efforts.

The Manager recommends this ordinance be adopted.

- P. Ordinance 2013-11(AZ) An Ordinance Appropriating to the Manager the Sum of \$22,281,250 as Partial Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project, Grant Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.

This ordinance would appropriate \$22,281,250 for the Runway Rehabilitation capital project.

Funding is provided as follows:

Federal Aviation Administration grant:	\$21,562,500
Alaska Department of Transportation match:	\$ 718,750

This project will resurface the runway, and install new drainage.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport. Airport matching funds, which will be close to the DOT amount, will be appropriated later.

The Airport Board approved this action at its March 5, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Public Works and Facilities Committee reviewed this action at its March 17, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

- Q. Ordinance 2013-11(BA) An Ordinance Appropriating to the Manager the Sum of \$5,740 as Partial Funding to Send Two CBJ Employees to an Association of State Floodplain Managers Conference; Grant Funding Provided by the State of Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate \$5,739.80 as partial funding to send two CBJ employees to an Association of State Floodplain Managers Conference. Grant funding is provided by the State of Alaska Department Commerce, Community and Economic Development.

This travel and training grant is a 75/25 match. The State of Alaska will reimburse the City for conference registration fees, food (per diem), air fare, hotel and transportation costs. The City provides their 25% match in staff time.

The estimated cost of this project is \$9,321.43.

The Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

- A. Resolution 2682(c) - A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2015 Through 2020, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2015.

Resolution 2682(b) was adopted on May 19, 2014. A section of wording was inadvertently left off of the adopted version. This version corrects that oversight.

Version "c" adds the wording on page 4 "(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2015 - 2020," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY15, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:", which was referenced in Section 3. of the original resolution.

The Manager recommends this resolution be adopted.

- B. Appeal - Sealaska Heritage Institute v CBJ Assessor Regarding a Determination of the Taxable Portion of the Walter Soboleff Cultural Center.

On May 12, 2014, the CBJ Assessor issued a final decision regarding the taxable portion of the Walter Soboleff Cultural Center. The petitioner, Sealaska Heritage Institute, represented by Simpson, Tillinghast, Sorensen, & Sheehan, P.C., filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Tuesday, May 27, 2014. The appellant and the CBJ Assessor have been advised that this matter is before the Assembly.

The Notice of Appeal and the Notice of Decision are in your packet. The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the Appellate Code.

The Code requires that upon receiving an appeal, the Assembly must first decide whether to accept or reject it. The standards applicable to this decision are set out at CBJ01.50.030 (e). You must liberally construe the notice of appeal in order to preserve the rights of the

appellant. If, after doing so, you find that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If you decide to accept the appeal, you must then decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer.

If you decide to hear the appeal yourselves, you will be sitting in your quasi-judicial capacity and must avoid discussing the case outside of the hearing process. Additionally, you must comply with section 01.50.230 on Impartiality.

CBJ 01.50.230 Impartiality: “The functions of hearing officers and those appeal agency members participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings. Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties.”

As a matter on appeal before the Assembly, the Manager made no recommendation.

X. NEW BUSINESS

- A. Docks and Harbors Contract Award for Professional Services - Cruise Ship Berths Project
- 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. Much of the Cruise Ship Berths project involves prefabrication of components including floating pontoons, piling, steel pile caps, ramps, catwalks, etc. Therefore the construction administration and inspection services was broken into four tasks: Task 1 – Submittal Review; Task 2 - Fabrications Inspection; Task 3 – On-site construction administration and inspection (Sept 2015-May 2016); and Task 4 – On-site construction administration and inspection (Sept 2016-May 2017). PND Engineers, Inc. proposes a Time and Materials fee of \$1,061,590 for CA/I services for Task 1 & 2 (Submittal Review and Fabrication Inspections). Subsequent fee proposals for Tasks 3 & 4 will be submitted prior to the start of on-site construction. The project is funded with State Cruise Passenger Excise Tax and Port Development Fees.

The Docks and Harbors Board will review this contract proposal at its regular public meeting of June 26, 2014. The Board's recommendation will be presented at the Assembly meeting.

The Manager recommends approval of this contract.

- B. Regulation Amending the Commercial Passenger Vehicle Administrative Code
- The amendments proposed by this regulation are necessitated by Ordinance 2014-17(b), and clarify the circumstances under which a permit can be denied when an applicant or permittee has a criminal history of committing certain criminal sex offenses.

The Juneau Police Department posted notice of the proposed regulation amendments. No comments were received.

CBJ Ordinance 01.60.260 provides the Assembly with three courses of action:

1. The Assembly may take up consideration of the regulation and approve it;
2. The Assembly may choose not to take up consideration of the regulation, in which case the regulation shall be deemed approved; or
3. The Assembly may disapprove the regulation. If the Assembly disapproves the regulation, it shall return the regulation to the Commercial Passenger Vehicle Administrator or direct the regulation be considered as an ordinance or resolution.

If the Assembly returns the regulation, it may state the reasons for disapproval but shall not establish explicit conditions for subsequent approval or direct particular amendment to the regulation.

The Manager recommends adoption of this regulation.

XI. STAFF REPORTS

- A. Staff Evaluation of Proposal to Assembly for Purchase of the CBJ North Franklin Lot

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

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