

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

April 28, 2014 7:00 PM

Assembly Chambers - Municipal Building
Regular Meeting No. 2014 - 14

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

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Delta Air Lines Representative - Mike Medeiros, Vice President, SEA Delta

IV. APPROVAL OF MINUTES

- A. April 7, 2014 Regular Assembly Meeting 2014-11

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 2013-11(AQ) An Ordinance Appropriating to the Manager the Sum of \$85,128 as additional Funding for the 2012 State Homeland Security Programs; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

This ordinance would appropriate an additional \$85,128 for the 2012 State Homeland Security Programs (SHSP) Grant per Amendment 4 from the Alaska Department of Military and Veterans Affairs. Amendment 4 increases the grant budget from \$138,500 to \$223,628. This grant was originally adopted in FY13 with ordinance number 2012-12(X).

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

These items include:

Microwave Data Links for JPD/CCFR and the 911 System (increase) =
\$74,289.94

CCFR Mobile Data Terminals (new) = \$10,837.24

The term of this grant is October 1, 2012 through June 30, 2014.

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.

- b. Ordinance 2013-11(AR) An Ordinance Transferring \$37,692 to the Open Space Waterfront Land Acquisition Capital Improvement Project, the funding source is unexpended FY13 Marine Passenger Fees from the General and Visitor Services Funds

This ordinance would transfer \$37,692 of unexpended Marine Passenger Fees (MPF) revenues budgeted for specific purposes in FY13 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY13 budget but were not fully expended by the end of FY13.

Downtown Business Association - Downtown Security Program	\$5,273
Seasonal BLS-EMS Transport Program	\$27,829
Juneau Convention & Visitors Bureau - Crossing Guard Program	\$4,591
Total:	\$37,692

For accounting purposes, the funds would first be refunded to the Marine Passenger Fee Fund and then transferred to the Open Space Waterfront Land Acquisition CIP.

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

- c. Ordinance 2014-13 An Ordinance Amending the Purchasing of Supplies and Services Code Related to the Disposal of Surplus Property.

This ordinance would streamline and modernize how the City and Borough deals with surplus property. It would remove from the Purchasing Code most of the administrative process requirements while authorizing the City Manager to establish an administrative policy to administer and control the program. This amendment also changes the section specifying when the Assembly must approve, by resolution, a transfer of surplus property to a another governmental or non-profit organization, by increasing the threshold property value from \$3,000 to \$50,000.

Finance Department staff developed an administrative policy for surplus property with an emphasis on utilizing web-based technology to communicate and facilitate the disposal process, while maintaining property control throughout the

process. The policy clarifies operating departments' roles and responsibilities for disposal, and outlines procedures for how to manage the property until its final disposal. The policy incorporates the Code's original intent to dispose of surplus property by selling it to the highest bidder.

The Committee of the Whole reviewed the revised Code and administrative policy at its April 14, 2014 regular 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.

- d. Ordinance 2014-18 An Ordinance Amending the Personnel Management Code Relating to the Applicability of the City and Borough Personnel Rules to Bartlett Regional Hospital.

This ordinance would eliminate an inconsistency currently existing in the City and Borough Code relating to the applicability of Title 44.05, Personnel Plan, to the employees of Bartlett Regional Hospital.

While the more specific Hospital Code at Title 40 provides that the personnel ordinances apply to hospital employees except to the extent modified by regulations issued by the hospital administrator pursuant to CBJ 01.60 and upon approval by the City Manager, CBJ 44.05.010, specifying the scope of the personnel code, exempts Bartlett Regional Hospital.

In addition, this ordinance clarifies that partially exempt employees are not subject to the reduction in force personnel rule regulations.

The proposed ordinance changes have been reviewed with the Bartlett Regional Hospital Board of Directors.

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

- e. Ordinance 2014-27 An Ordinance Amending the Penal Code Relating to Harassment.

This ordinance would amend the City and Borough code related to criminal harassment, by expanding the types of harassment prohibited to include harassment by electronic means. Currently, harassing another person by electronic means, such as texting, is only prohibited by State law. This amendment would bring the City and Borough code in line with State law. Additionally, this amendment would make it unlawful to threaten another with sexual contact, in addition to threatening physical injury, which is already prohibited.

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

- f. Ordinance 2014-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Douglas Townsite, Block 46, Lots 1 and 1A, Located at Dock Street and 1st Street in Downtown Douglas, from Waterfront Industrial (WI) to D-18.

In January 2014, an applicant applied to have Lots 1 and 1A, Douglas Townsite Block 46, located at the Northeast corner of Dock Street and 1st Street, rezoned from WI (Waterfront Industrial) to D-18. On February 26, 2014, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area.

The size of the lots and the development is similar to the surrounding areas, both as currently zoned and as proposed. The area surrounding the lots at issue are either zoned D-18 or WI. There are multi-family and single-family developments in the D-18 neighborhood and the proposed rezone would be consistent with the neighborhood and the rest of the block zoned D-18. Southeast across Dock Street is zoned WI. Southwest is zoned LC (Light Commercial).

The requested rezone conforms to CBJ Land Use Code requirements as follows:

1. The request is for less than 2 acres, but if approved will expand an existing D-18 zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the Land Use Maps of the 2013 Comprehensive Plan.

The Planning Commission heard this request at its March 25, 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 2681 A Resolution De-appropriating the Sum of \$139,900 General Fund Funding Appropriated to the School District for Fiscal Year 2014 Operating Budget.

This resolution would de-appropriate \$139,900 in local funding for School District FY14 general operations. The School District has determined that the amount of general operating funds provided by the CBJ for FY14, \$24,134,400, exceeds the maximum amount allowed under the State funding formula due to lower than anticipated student enrollment. The School District is requesting that the City reduce the District's FY14 funding support by the \$139,900.

The Manager recommends adoption of this resolution.

- b. Resolution 2687 A Resolution De-Appropriating \$185,063 From the Auke Bay Loading Facility, Phase II, Capital Improvement Project.

This resolution would de-appropriate \$185,063 in Transportation Investments Generating Economic Recovery (TIGER) Discretionary grant funds previously budgeted to the Auke Bay Loading Facility, Phase II Capital Improvements Project (CIP).

Ordinance 2009-08(AK) appropriated a \$3,640,000 grant from the TIGER grant program as funding for the Auke Bay Loading Facility, Phase II CIP.

The Auke Bay Loading Facility TIGER Grant is now closed. This resolution will close the project.

The Docks and Harbors Board reviewed this resolution at its April 24, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of this resolution.

3. Bid Award

a. Bid Results E14-051 Mendenhall Valley Public Library

This project consists of construction of the Mendenhall Valley Public Library, an approximately 20,600 square foot facility on an unimproved site at Dimond Park. Site construction work includes: earthwork, site improvements, utilities, lighting, landscaping, paving, geothermal loop field, signage, and construction of building.

Additive alternate no. 2 includes all work associated with furnishing and installing a metal roof in lieu of PVC membrane roof. Additive alternate no. 3 includes all work associated with furnishing and installing spandrel glazing in lieu of metal wall system.

The bidders were as follows:

<u>Bidders</u>	<u>Total Bid</u>
Dawson Construction, Inc.	\$11,047,000
Cornerstone General Contractors, Inc.	\$11,664,992
ASRC McGraw Constructors, LLC	\$12,284,000

Architect's Estimate: \$10,300,000

The Manager recommends award of the base bid and additive alternate no. 2 and 3 to Dawson Construction, Inc. for a total award amount of \$11,031,000.

b. Bid Results E14-188 Centennial Hall Roof Replacement

This project would include removal of the existing roof system down to the structural roof deck; installation of a sloping insulated fully-adhered single-ply roof membrane system over the existing structural roof deck; associated sheet metal flashings and trim; extending plumbing vents through roofs; roof drainage work; removal and reinstallation of mechanical roof caps and exhaust fan on insulated curbs; and related work required for a complete installation.

Bids were as follows:

<u>Bidders</u>	<u>Total Bid</u>
North Pacific Erectors, Inc.	\$1,440,000
DayNight Construction, Inc.	\$1,450,069
Coogan Construction Co.	\$1,495,000
Earhart Roofing Company, Inc.	\$1,512,000
EP Roofing, Inc.	\$1,623,426
Silver Bow Construction	\$1,692,000
Wolverine Supply, Inc.	\$1,694,000

Architect's Estimate \$1,102,399

The Manager recommends award of this project to North Pacific Erectors,

Inc. for the total bid amount of \$1,440,000.

4. Transfer

- a. T-953 Transfer of \$20,984 in DEC grant funds from West Juneau Sewer to Lawson Creek Lift Station Replacement Capital Improvement Project. T-953 transfers \$20,984 of Alaska Department of Environmental Conservation (ADEC) Grant funding from the completed West Juneau Sewer Capital Improvement Project (CIP) to the existing Lawson Creek Lift Station Replacement CIP.

The West Juneau Sewer CIP is completed and this transfer would move the remaining ADEC Grant funding to the Lawson Creek Lift Station CIP so it can be fully expended and the ADEC Grant can be closed.

The CBJ has received ADEC approval to apply this remaining Grant funding to the Lawson Creek Pump Station replacement project.

Transfer From

U76-005	West Juneau Sewer	\$20,984
---------	-------------------	----------

Transfer To

U76-003	Lawson Creek Lift Station Replacement	\$20,984
---------	---------------------------------------	----------

The Public Works and Facilities Committee reviewed this request at its April 14, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends approval of this transfer.

VIII. PUBLIC HEARING

- A. Ordinance 2013-11(AP) An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for the State of Alaska's Brotherhood Bridge Project; Funding Provided by Alaska Department of Transportation.

This ordinance would appropriate \$50,000 from the Alaska Department of Transportation (DOT) for the inspection of the waterline replacement necessary due to the State of Alaska's Brotherhood Bridge replacement project.

DOT has requested that CBJ inspect the water line replacement that is part of the Brotherhood Bridge Replacement Project. DOT will pay CBJ for staff time and an inspection consultant to ensure the work is completed to CBJ specifications. If the work requires more inspection than the \$50,000 initially provided, DOT will provide additional funds to cover the expense.

The Public Works and Facilities Committee reviewed and approved this request at its March 24, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of this ordinance.

- B. Ordinance 2014-16 An Ordinance Amending the Land Use Code Relating to

Lands Available for Leasing.

This ordinance would clear up an ambiguity in the CBJ Code related to the leasing procedure used for CBJ property.

CBJ 53.20.020 provides that no CBJ property may be leased unless the Assembly has declared the property to be available for leasing either by resolution or by identifying it in the land management plan, unless the lease is specifically authorized by ordinance.

CBJ 53.09.260 allows for an exception to the general leasing procedure upon application by an interested person or business, and final approval by the Assembly by ordinance.

This ordinance clarifies that CBJ 53.09.260 is an exception to the general leasing procedure codified in CBJ 53.20.

The Lands Committee unanimously adopted a motion supporting this Code change at its March 24, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of this ordinance.

C. Ordinance 2014-23 An Ordinance Approving the Creation of Local Improvement District No. 60 to Improve the Roadways Within Tanner Terrace Subdivision.

This ordinance would create Local Improvement District No. 60, for the purpose of improving the roadway in Tanner Terrace Subdivision by replacing the gravel roadway with asphalt pavement; installing sidewalks, gutters and curbs; and improving the water, sewer and underground storm drainage systems. Tanner Terrace Subdivision is located in Auke Bay, and consists of Bayview, Seaview and Cross Streets. The total cost of the project is estimated to be \$1,000,000. \$933,400 was appropriated with FY14 CIP – R72-065 Tanners Terrace LID. The remaining \$66,600 would come from assessments against the properties to be benefitted. The proposed assessment per lot is \$3,700.

An informal poll was conducted of the property owners in this proposed LID area. Out of a total of fifteen, six responses were received. Six responded in favor, with none opposed.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that this ordinance would be introduced on April 7, 2014, and the public hearing held on April 28, 2014. The notices informed property owners that they would have this opportunity to make their views known to the Assembly.

At the public hearing the Assembly shall hear objections from any owner affected by the formation of the district and may make changes in the proposed boundaries or in the plans for the proposed improvements. The Assembly may not change the boundaries of the district to include property not previously included without first giving new notice to owners in the manner and form and within the time provided for the original notice.

The Manager recommends adoption of this ordinance.

D. Ordinance 2014-24 An Ordinance Appropriating Funds from the Treasury for FY15 City and Borough Operations.

This ordinance would appropriate \$307,406,400 for the City and Borough of Juneau's FY15 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as

the associated expenditure within the funds themselves. These transfers account for \$81,927,900 of the FY15 operating budget. Excluding the transfers and School District, the CBJ FY15 operating budget, debt service and capital projects is \$225,478,500.

The Charter requires that a public hearing be held on the FY15 operating budget by May 1, 2014, and adoption by June 15, 2014.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral to the Assembly Finance Committee for further review.

E. Ordinance 2014-25 An Ordinance Appropriating Funds from the Treasury for FY15 School District Operations.

This ordinance would appropriate to the School District an FY15 operating budget of \$95,915,700. The FY15 school budget is supported with a combination of funding sources that includes local funding of \$24,904,400. This consists of \$24,134,400 for general operations, \$565,000 for student activities, \$70,000 for pupil transportation, and \$135,000 for Community Schools. The \$24,134,400 in general operating support is the same level of funding as provided in FY14, and is \$200,000 less than the maximum amount allowed under the State's Education Foundation Funding Formula.

State Statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission.

On April 23rd, the Assembly approved funding the School District under the State Education Foundation Fund Formula at \$24,134,400.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral to the Assembly Finance Committee for further review.

F. Ordinance 2014-26 An Ordinance Establishing the Rate of Levy for Property Taxes.

This ordinance would establish the mill rates for property taxes for 2014, which funds the City and Borough of Juneau's FY15 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY15 Proposed Budget that is currently being reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

This ordinance proposes a total mill levy of 11.20.

The Manager recommends holding the charter required public hearing for this ordinance, followed by referral to the Assembly Finance Committee for further review.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Yankee Appeal of Planning Commission Decision in APL2013 0004

On March 20, 2014, the Planning Commission issued a final decision denying an appeal filed by Bill Yankee in the matter of APL2013 0004, regarding the construction of a fence in a “no-build structure setback.” Mr. Yankee filed a timely Notice of Appeal of this decision with the Municipal Clerk’s Office on April 9, 2014. The appellant, the homeowner whose fence is at the center of the dispute, and the Planning Commission 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.

A memo from the Law Department on the issue of standing has been included in your packet. Because Mr. Yankee is not an aggrieved person with respect to this case, he does not have standing to bring this appeal. For this reason, you may properly decline to accept the appeal.

B. Regulation Airport Rates and Fees

In response to a projected budget deficit for FY15 and beyond, the Airport has adjusted its rates and fees to help offset the shortfall. Rates and fees are established through the Airport’s financial model.

Rate increases are proposed for aircraft Fuel Flowage Fees and Airline Fee for Airport Security Screening. The anticipated increase to annual revenues for FY15 is \$126,867. A detailed description of the rates and fees regulation changes is addressed in the fiscal

note accompanying the regulation.

The Airport received one (email) comment during the public comment period, open from March 14, 2014, through April 3, 2014. The Airport Board considered the comment at its April 9, 2014 meeting, and approved the proposed Rates and Fees Regulation (as presented) at that meeting. The Airport Rates and Fees Regulation changes are budgeted to take effect June 1, 2014.

C. Donation of JPD Ambulance to City of Angoon

XI. STAFF REPORTS

A. Airport Supplemental for Passenger Loading Bridge

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. APARC Negotiations Report

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

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

April 7, 2014 Regular Assembly Meeting 2014-11

ATTACHMENTS:

Description	Upload Date	Type
☐ DRAFT Assembly Meeting Minutes - April 7, 2014	4/12/2014	Cover Memo