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

June 3, 2013 7:00 PM

City Hall Assembly Chambers, 155 S. Seward St., Juneau, AK 99801
Regular Assembly Meeting 2013-13

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

I. ROLL CALL

II. SPECIAL ORDER OF BUSINESS

III. APPROVAL OF MINUTES

A. May 13, 2013 - Regular Assembly Meeting 2013-12 Minutes

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. 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 2013-14 - An Ordinance Relating to Noise, and Amending the Disturbing the Peace Code.

This ordinance would amend the disturbing the peace code relating to noise. It is a subset of the noise ordinance, which would also make changes to the Land Use Code and has been reviewed by the Planning Commission on several occasions. The disturbing the peace code needs updating and this ordinance would accomplish that. It clarifies the definitions of disturbing the peace and other terms, clarifies the day-time and night-time hours for which differing noise standards are included, and clarifies the standards for a construction noise permit for operating outside of the day-time hours set forth in the code.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2012-20(AS) An Ordinance Appropriating to the Manager the Sum of $16,164 as Funding For The Law Enforcement Liaison Program, Grant Funding Provided by the State of Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

This ordinance would appropriate $16,164 for the Law Enforcement Liaison Program. Grant funding is provided by the Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office. This grant has no match requirements. This program was created by the Alaska Highway Safety Office to increase and stimulate the planning and development of aggressive, highly visible state and local enforcement efforts in the area of impaired driving and seatbelt enforcement.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions

A. Resolution 2646 - A Resolution Reestablishing the Parks and Recreation Advisory Committee and Repealing Resolutions 711 and 1082.

The Parks and Recreation Advisory Committee (PRAC) reviewed its governing documents with the Deputy City Clerk at its April 2, 2013, meeting. This resolution streamlines the governing legislation and PRAC mission as outlined in Resolutions 711, 1082 and its Bylaws.

The Parks and Recreation Advisory Committee reviewed this resolution at its May 7, 2013 meeting and recommended forwarding it to full Assembly for approval.

The Human Resources Committee reviewed this resolution at its May 13, 2013, and recommended forwarding to the full Assembly for approval.

I recommend this resolution be adopted.

B. Resolution 2649 - A Resolution Regarding Personnel Rule

This resolution would approve changes to the Personnel Rules, which, along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. The revised rules are set forth in the attachment to the resolution.

These revisions are proposed to align the Personnel Rules with the changes recently made in the General Government bargaining unit agreement with MEBA.
Changes include a 1% general increase to the wage scale, effective July 1, 2013; a 2% general increase to the wage scale effective with the first day of the first pay period on or after July 1, 2014; and a 2% general increase to the wage scale effective with the first day of the first pay period on or after July 1, 2015.
In addition, the percentage increments between steps 6 and 13 have been increased from 2.2% to 4.4% and an implementation plan has been developed to place employees on the current schedule as close as possible to their current rate of pay without going under it.

The employer's contribution for health insurance remains the same for FY14. In FY15, it increases up to an additional 10% and in FY16, up to an additional 7.5%. Actual increases are subject to the utilization and experience of the plan.

Other small economic increases include changes to tool allowances for automotive mechanics and building maintenance mechanics.

The anticipated impact of the cost of these increases over the course of the three fiscal years referenced is $2,671,235.57.

I recommend this resolution be adopted.

C. Resolution 2650 - A Resolution Ratfying the Labor Agreement Between the City and Borough and the Marine Engineers Beneficial Association (AFL-CIO), Southeast Alaska General Government Unit Number 1

This resolution would provide Assembly ratification of the terms of the tentative agreement negotiated between the CBJ and the Marine Engineers Beneficial Association (AFL-CIO), Southeast Alaska General Government Unit Number 1, for a collective bargaining agreement that will go in effect on July 1, 2013, and expire on June 30, 2016.

The tentative agreement includes economic modifications to the pay plan and to the employer's contribution for health insurance. The total cost increase of these provisions over the life of the contract, are projected to be approximately $3,037,427.28.

In addition, there are minor operational changes that will increase administrative efficiencies and foster a more harmonious and cooperative workplace.

This tentative agreement has been ratified by the MEBA membership and the economic terms are in keeping with Assembly direction.

The Finance Committee reviewed this resolution at its May 22, 2013 meeting and recommended forwarding to the full Assembly for approval.

I recommend this resolution be adopted.

3. Bid Award

A. Bid Award - DH13-437 - Taku Dock Reconfiguration

This project would demolish a portion of the existing dock, drive piles and expand the existing dock, install concrete deck, install new fender piles, reinstall ladders, relocate the existing crane, connect electrical power to the relocated crane, and other related work. The proposed reconfiguration of the Taku Dock results from modifications necessary to safely accommodate access to the dock as a result of construction of new cruise ship berths.

Funding for this project is part of the Cruise Ship Dock project (often referred to as 16B) supported by port development fees.

Bids were opened on May 29, 2013. The bid protest period expired at 4:30 p.m. on May 30, 2013. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Trucano Construction Company	$ 940,517.03
North Pacific Erectors, Inc.	$1,220,804.00
Engineer's Estimate	$ 875,100.00

The Docks and Harbor Board recommended this bid award at a special public meeting held on May 30, 2013.

I recommend award of this project to Trucano Construction Company in the total bid amount, for a total award of $940,517.03.

B. Bid Award - Bid No. E13-243 Lawson Creek Lift Station Replacement

This project consists of installing approximately 1,100 linear feet of 10-inch diameter high density polyethylene pressure sewer; demolition of an existing sewage lift station; and installation of a new sewage pump station with submersible pumps, along with associated electrical work, controls, and other miscellaneous items.

Responsive Bidders	Total Bid
Admiralty Construction, Inc.	$1,063,250.00
Arete Construction Corp.	$1,082,875.00

Engineer's Estimate: $986,900.00

I recommend award of this project to Admiralty Construction, Inc. in the total bid amount, for a total award of $1,063,250.00

VII. PUBLIC HEARING

A. Ordinance 2013-16 - An Ordinance Specifying a Penalty for Engaging in Commercial Solicitation Within the Downtown Historic District and Adjacent Areas.

This ordinance would specify the penalty for violating the recently-adopted commercial solicitation ("hawking") ordinance, at $150 per violation.

I recommend this ordinance be adopted.

B. Ordinance 2013-18 - An Ordinance Amending the Land Management Code

Ordinance 2013-18 is the third in a series of ordinances being prepared as part of a comprehensive review and revision of Title 53, that part of the Municipal Code that addresses the acquisition, management and sale of the CBJ's real property. Specifically, this ordinance proposes changes pertaining to the disposal of CBJ land.

The revisions noted in Ordinance 2013-18 are intended to clarify Title 53 by consolidating the general provisions that are relevant to all methods of land disposals into one location rather than restating the universal provisions under each type of land disposal.

For ease of review, a clean copy of the ordinance, which incorporates all of the proposed changes, is included in your packets.

The Docks and Harbors Board reviewed this ordinance at its March 28, 2013 meeting, and recommended approval. The Airport Board reviewed this ordinance at its April 10, 2013 meeting, and expressed concerns about the relevancy of this ordinance to airport land, because of the restricted status of airport property due to federal grant money. The City Attorney has determined that federal restrictions on property must be addressed regardless whether the land is managed by the airport or other CBJ departments and has further determined that the proposed ordinance, as written, neither diminishes nor compromises the CBJ's obligations or intent to honor the terms of those restrictions. Therefore, no changes are needed to the proposed ordinance.

The Lands Committee reviewed this ordinance at its meetings on November 19, 2012 and April 29, 2013. At its April 29th meeting, the Lands Committee recommended forwarding the ordinance to the full Assembly for approval. To add clarity, minor changes to the proposed text, describing the process concerning pre-authorization to negotiate sales, have been added to the ordinance, in response to concerns expressed at the April 29th Lands Committee Meeting.

I recommend this ordinance be adopted.

VIII. UNFINISHED BUSINESS

A. Ordinance 2013-11(b) - An Ordinance Appropriating Funds From The Treasury For FY14 City and Borough Operations.

This ordinance would appropriate $313,610,300 for the FY14 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 expenditures within the funds themselves. These transfers account for $85,575,700 of the FY14 operating budget. Excluding the transfers and School District, the CBJ FY14 operating budget, debt service, and capital projects is $228,034,600.

Ordinance 2013-11 was introduced at a special Assembly meeting on April 3, 2013 and referred to the Finance Committee.

The Assembly held a public hearing on the ordinance at its April 22, 2013 meeting.

The Finance Committee held six meetings to hear presentations and review the budget details. Based on the outcome of these meetings a "b" version of the ordinance was reviewed at the May 29, 2013 Finance Committee meeting. The committee reviewed this ordinance and recommended the amended ordinance to the full Assembly for approval.

I recommend adoption of this ordinance.

B. Ordinance 2013-12(b)- An Ordinance Establishing the Rate of Levy for Property Taxes For Calendar Year 2013 For Fiscal Year 2014.

This ordinance would establish the mill rates for property taxes for 2013, which funds the City and Borough's FY14 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15, 2013.

This ordinance would adopt a total mill levy of 10.66, including 9.26 mills for operations and 1.40 mills for debt service. The debt service rate is a .11 mill increase from FY13. The operations mill rate is unchanged from FY13 and a reduction of 0.23 mills from the ordinance as originally introduced. The components of the mill rate are:

Area	Introduced Millage	Amended Millage
-	-	-
Roaded Service Area	2.17	2.23
Fire Service Area	0.40	0.39
Areawide -		
Operational	6.92	6.64

Debt Service	1.40	1.40
Total	- **10.89**	- **10.66**

The mill levies presented in this ordinance support the Manager's FY14 Budget as amended by the Assembly Finance Committee.

The Assembly Finance Committee approved a motion on May 29, 2013 to move these proposed mill rates on to the Assembly for action on June 3, 2013.

I recommend adoption of this ordinance.

C. Resolution 2640(b) - A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2014 Through 2019, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2014.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2014 through 2019, as required by Charter Section 9.4, and lists the capital projects that will be undertaken in FY 2014.

The Public Works and Facilities Committee (PWFC) reviewed the CIP at its meetings on February 4, 25, and April 8, 2013, and forwarded the plan to the Finance Committee.

The Planning Commission reviewed the CIP at its March 28, 2013 meeting, and submitted comments to the PWFC.

The Finance Committee reviewed the CIP and resolution at its April 10, 2013 meeting.

Version "b" of the resolution was introduced at the Finance Committee's May 29, 2013 meeting.

The revisions included:
• Project changes: 1) reduction in the Cruise Berth Enhancements & Seawalk SMPF funds of $296,400, and 2) move the Water and Wastewater projects into the Unscheduled section.
• Updated the language in sections 1 (a) (b) & (c), 2 and 3.

The Finance Committee reviewed version "b" and recommended forwarding it to the full Assembly for approval.

I recommend adoption of this resolution.

IX. NEW BUSINESS

A. Regulation Regarding Juneau International Airport Rates and Fees, Title 7, Chapter 10

In response to a projected budget deficit for FY14 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 in several revenue categories: aircraft Fuel Flowage Fees, large aircraft Landing Fees, land lease rents, terminal rents, aircraft parking rates, taxi/bus access fees, rental car parking rates, employee parking fees, and badging fees. Additionally, new fees were established for air carriers to pay an Airline Fee for Airport Security Screening. The anticipated increase to annual revenues for FY 14 is $783,200. A detailed description of the rates and fees regulation changes is addressed in the fiscal note accompanying the regulation.

The Airport received four comments during the public comment period from April 16, 2013, through May 7, 2013. Four commercial tenants requested postponement of the increased rates. The Airport Board considered the comments and allowed further public comments at its May 8, 2013, meeting.

The Airport Board approved the proposed Rates and Fees Regulation (as presented) at its May 8, 2013, meeting.

The Airport Rates and Fees Regulation changes are budgeted to take effect July 1, 2013.

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 Docks and Harbors Board 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.

B. Confirmation of 1% for Art Selection Panel Appointments

CBJ Code 62.65.040 requires the Assembly to approve all appointments to the 1% for Art Selection Panels. Panels for approval include the Mendenhall Library, Juneau Cruise Berth, and the Gastineau Elementary School Renovation Projects. A memo is enclosed in the packet with the details regarding each panel.

I recommend the Assembly approve the 1% for Art Selection Panel appointments as presented in the packet.

X. STAFF REPORTS

XI. ASSEMBLY REPORTS

XII. ASSEMBLY COMMENTS AND QUESTIONS

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

A. Appeal of USE20120019-Lemon Creek Gravel Extraction - Continued Deliberation on Decision

XV. 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