

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

Monday, March 04, 2013, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2013-07

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. February 11, 2013 – Regular Assembly Meeting 2013-04

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

(Not to exceed a total of 20 minutes nor more than 5 minutes for any individual).

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 2012-20AI

An Ordinance Transferring \$34,604 To The Library Endowment and Lands Funds, Funding Provided By Unexpended Capital Project Funds From The Closure Of Two Capital Projects.

This ordinance would close two Capital Improvement Projects (CIP) and return funds totaling \$34,064 to the projects' original funding sources. The Library Server Room project would be closed and \$30,001 will be returned to the Library Endowment Fund, and the Lena Subdivision CIP would be closed and \$4,603 would be returned to the Lands Fund.

As part of a large package of closeouts, this transfer ordinance was heard and forwarded to the Assembly by the Public Works and Facilities Committee at its February 4, 2013 meeting. Most of the project closeouts will be considered under

Transfer T-942, but these two closeouts transfer between funds, which requires that the transfer be completed by ordinance.

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

b. Ordinance 2012-20P

An Ordinance Appropriating To The Manager The Sum Of \$850,000 As Funding For An Extended Stay Shelter for Battered Spouses and Abused Children, Grant Funding Provided by The Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate \$850,000 in Community Development Block Grant funds to support AWARE, Inc., in the development of a new building adjacent to the emergency safe shelter. The new construction will provide six temporary living quarters for women and children transitioning from AWARE's emergency shelter.

Grant funding is provided by the Alaska Department of Community and Economic Development.

The Human Resources Committee reviewed this item at its October 2011 meeting and recommended that the Community Development Department apply for the grant with the proposal submitted by AWARE.

The full Assembly adopted Resolution 2592 on November 14, 2011 authorizing the Manager to apply for the block grant.

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

c. Ordinance 2013-07

An Ordinance Creating Local Improvement District No. 97 Consisting of Construction of a Municipal Water Distribution System Within the Eagles Edge Subdivision.

This ordinance would create LID No. 97 for the purpose of providing a municipal water main serving the property owners within the Eagles Edge Subdivision Water System Replacement, LID 97 boundary. The proposed assessment per lot is \$3,300.

An informal poll was conducted of the 89 property owners in this LID area. By the time the packet was printed, 20 of the 89 property owners responded with 19 in favor and 1 opposed.

Prior to introduction of this ordinance on March 4, 2013, notices were published in the newspaper and sent to residents in the LID area so they would be aware that they would have this opportunity to make their views known to the Assembly.

At the public hearing on April 1st, 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.

The Public Works and Facilities Committee reviewed this ordinance at its February 4, 2013 meeting and recommended forwarding it to the Full Assembly for approval.

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

d. Ordinance 2013-08

An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease With Harbor Enterprises, Inc., d/b/a Petro Marine, for Upland Areas at the Don Statter Harbor Facility, Including an Easement for Fuel Lines Extending Through City and Borough Property to Connect Fuel Storage Tanks to the Fuel Float.

At the November 30, 2012 Docks & Harbors Regular Board Meeting, the Board approved a new fuel float lease at the Don Statter Harbor Facility with Harbor Enterprises (d.b.a. Petro Marine). The lease would include approximately 1100 sq. feet of CBJ owned uplands necessary for the expansion of the tank farm from 10,000 gallons to 13,000 gallons for dispensing marine fuel. The lease would contain language authorizing the lessee the privilege to install a Petro Marine-owned fuel float at the end of a Statter Harbor float, depicted in enclosure (1). The lessee would also be afforded the opportunity to run fuel lines through CBJ owned property, including through the CBJ owned floats. The costs associated with the investment for the fuel float and upgraded fuel facility, including fuel lines, is to be solely borne by Petro Marine.

Petro Marine entered into a lease agreement with the then-privately owned Deharts Marina in 2001. CBJ purchased Deharts Marina in 2005 and the lease terminated in 2006 but allowed for two optional five-year extensions. Petro Marine was provided the right to participate in the ongoing “renewal project” in exchange for waiving its right of first refusal to purchase DeHarts Marina. CBJ Law has confirmed the process to enter into sole source negotiations with Petro Marine was done appropriately and in accordance with previously agreed to legal documents.

At its November 30, 2012 meeting, the Docks & Harbors Board recommended a 35-year lease and a throughput fee of \$0.05/gallon adjusted every seven years based on the Anchorage Consumer Price Index.

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

2. Resolutions

a. Resolution 2635

A Resolution De-Appropriating \$2,752 from the Hagevig Fire Training Center Capital Improvement Project.

This resolution would de-appropriate \$2,752 from the Hagevig Fire Training Center Capital Improvement Project.

Ordinance 2007-21(AB) appropriated, on December 17, 2007, a \$1,000,000 grant from the Alaska Department of Commerce and Economic Development as funding for the Hagevig Fire Training Center Design and Repair capital improvement project. The project is now complete and \$2,752 of unexpended grant funds must be de-appropriated.

The Public Works and Facilities Committee recommend approval of this request at its February 4, 2013 meeting.

I recommend this resolution be adopted.

3. Transfer

a. T-942

A Transfer of \$1,395,542 from Various Completed Capital Projects to Various On-Going Capital Projects.

This request would authorize the transfer of \$1.395 million from a number of completed Capital Improvement Projects (CIP) into ten on-going CIPs. The capital project transfers are listed in detail in the attached Impact of Budget Action worksheet. The worksheet details the effect of the transfer on the projects' budgets and the available funds within each project.

The Public Works and Facilities Committee recommended approval of this request at its February 4, 2013 meeting.

I recommend this transfer be approved.

4. Liquor License

Beverage Dispensary License Transfer:

License #2728 Transfer of Ownership and Name Change

Transfer FROM: Los Arcos Inc. d/b/a G.W. Teal, Location: 9105 Mendenhall Mall Road, Suite A

Transfer TO: Molly Ventures, Inc. d/b/a McGivney's Sports Bar & Grill, Location: 9105 Mendenhall Mall Road, Suite A

Package Store 2013/2014 License Renewal

License # 828 – Jack D. Tripp d/b/a Tripp's Viking Liquor, Location: 151 S. Franklin Street, Juneau

The above-listed liquor license renewal and license transfer are before the Assembly to either protest or waive its right to protest these actions. The Finance, Police, Fire, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code.

In the event the Assembly does protest the renewal or transfer of one of the above mentioned liquor licenses, 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.

I recommend the Assembly waive its right to protest the above liquor license renewal and transfer.

VIII. PUBLIC HEARING

A. Ordinance 2013-06

An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of ATS 1170, Located at Approximately 13395 Glacier Highway.

Mr. John Gitkov and Ms. Jane Hawkins filed a timely application for renewal of an expiring CBJ tideland lease. The lease expired in September, 2012. ATS 1170, plat 82-43 is located at 13395 Glacier Highway and consists of 73,529 sq. feet of CBJ-managed tidelands. The previous 30-year tideland lease was issued in 1982 by the State of Alaska and transferred to CBJ in 2001. An October, 2012, appraisal conducted by Horan and Company recommended a lease rent of \$0.15/s.f. or \$11,030 per year. The lease rent was set at \$0.06/s.f. from 1982 to 2008 and \$0.11/s.f. from 2008 to 2012.

At its December 20, 2012 meeting, the Docks & Harbors Board approved the application for a 35-year lease and the appraised lease rent of \$0.15/s.f., effective October 2012.

At its January 14, 2013 meeting, the Lands Committee reviewed the Docks & Harbors lease recommendation and recommended forwarding to the full Assembly for approval.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor License 2013/2014 Renewal

Restaurant/Eating Place License:

License #2641 Sprazzo, LLC d/b/a Sprazzo, Location: 112 N. Franklin Street

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its renewal. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance and Fire Departments are recommending the Assembly protest the license renewal based on the grounds outlined in the letter dated February 11, 2013, (in the packet).

In the event the Assembly does protest the renewal of the above mentioned liquor 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

letter mentioned above meets that requirement, and this would be the time for the licensee to address any issues to the Assembly.

The Assembly Human Resources Committee considered this issue at its meeting just prior to tonight's Assembly meeting and will be forwarding its recommendation to the Assembly for action.

I recommend the Assembly proceed according to the recommendations of the Assembly Human Resources Committee in this matter.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports
- C. Liaison Reports
- D. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

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