

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

Monday, February 11, 2013, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2013-04

Submitted by: _____

Kimberly A. Kiefer
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Friends of the Juneau Public Libraries Proclamation

IV. APPROVAL OF MINUTES

- A. January 23, 2013 – Special Assembly Meeting 2013-02
- B. January 28, 2013 – Regular Assembly Meeting 2013-03

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 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 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/sf or \$11,030 per year. The lease rent was set at \$0.06/sf from 1982 to 2008 and \$0.11/sf 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/sf, 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 introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

A. Resolution 2636

A Resolution Expressing Assembly Support for the Juneau Coordinated Transportation Coalition's 2013 Addendum to the 2008 Transit Development Plan, Coordinated Human Services Element, to Be Submitted to the State of Alaska Department of Transportation.

In order to be eligible for federal funding of capital purchases, agencies that provide human services transportation must participate in coordination of their activities. The Juneau Coordinated Transportation Coalition, which represents and coordinates the efforts of groups including: SAIL, AWARE, JYS, JAMHI, REACH, and CCS/SSS/Care-A-Van, requests that the Assembly endorse its funding priorities so that they may be eligible for federal funding.

I recommend this resolution be adopted.

3. Transfer

a. Transfer T-941

Transfer \$500,000 from the Cruise Ship Tug Moorage Rehab CIP to Aurora Harbor Rebuild.

The transfer of \$500,000 of Marine Passenger Fee funds from the Cruise Ship Tug Moorage Rehab Capital Improvement Project (CIP) to the Aurora Harbor Rebuild CIP is primarily a housekeeping measure as the funds were intended to be used to accommodate cruise ship tugs at Aurora Harbor. The work will create berthing and power service needed for cruise ship tugs. The Cruise Ship Tug Moorage Rehab project account will be closed.

From:	CIP	
H51-096	Cruise Ship Tug Moorage Rehab	\$500,000
To:	CIP	
H51-100	Aurora Harbor Rebuild	\$500,000

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

I recommend this transfer be approved.

b. Transfer T-943

Transfer \$300,000 from Lower West Mendenhall Sewer-Pederson Hill CIP to Auke Lake Sewer 2013 CIP.

This would transfer \$300,000 from the ongoing Lower West Mendenhall Sewer – Pederson Hill, CIP to the Auke Lake Sewer 2013 CIP. The Auke Lake Sewer project is the next phase of the West Mendenhall Valley Sewer Expansion.

The funds being transferred are from an existing ADEC Grant #44951 for the West Mendenhall Valley Sewer Expansion and would provide 60% of funding for the project. The 40% matching funds required would be provided by CBJ Sales Tax and are already in the CIP.

Transfer From

U76-091	Lower W Mend. Valley Sewer Expansion	\$300,000
	Pederson Hill Phase	

Transfer To

U76-006	Auke Lake Sewer 2013	\$300,000
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The Public Works and Facilities Committee reviewed this request at its January 14, 2013 meeting and recommended forwarding it to the Assembly for approval.

I recommend this transfer be approved.

c. Transfer T-944

Transfer \$700,000 from North Douglas Sewer Expansion CIP to Lawson Creek Lift Station Replacement.

This would transfer \$700,000 from the ongoing North Douglas Sewer Extension CIP to the existing Lawson Creek Lift Station Replacement CIP.

The CBJ has recently received ADEC approval to apply \$200,000 of the Grant funding for the North Douglas Sewer extension to the Lawson Creek Pump Station replacement project.

This fund transfer would eliminate the need for the CBJ to use a loan to complete this necessary infrastructure replacement project.

Transfer From

U76-086	N. Douglas Sewer Expansion (grant funds)	\$ 200,000
U76-086	N. Douglas Sewer Expansion (Sales tax funds)	\$ 500,000

Transfer To

U76-003	Lawson Creek Lift Station Replacement	\$700,000
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The Public Works and Facilities Committee reviewed this request at its January 14, 2013 meeting and recommended forwarding it to the Assembly for approval.

I recommend this transfer be approved.

4. Liquor License

Liquor License 2013/2014 Renewals

Beverage Dispensary Licenses:

License #644 – BCM Inc. d/b/a Marlinton's Lounge, Location: 9121 Glacier Hwy. 2nd Floor

License #2533 – Jack D. & Arlene D. Tripp d/b/a Viking Restaurant & Lounge, Location: 216 Front Street

License # 2728 Los Arcos Inc. d/b/a G.W. Teal, Location: 9105 Mendenhall Mall Road

License # 674 – Lucky Lady Inc. d/b/a Lucky Lady, Location: 192 S. Franklin Street

License #2844 – Sandbar Inc. d/b/a the Sandbar, Location: 2525 Industrial Blvd.

Beverage Dispensary – Tourism [AS 04.11.400(d)] Licenses:

License #313 – Juneau Hospitality LLC d/b/a Prospector Hotel/TK Maguire's, Location: 375 Whittier Street

License #586 Yang Sing, LLC d/b/a Zen, Location 51 W. Egan Drive

Restaurant/Eating Place Licenses:

License # 188 – Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, Location: 318 Willoughby Ave.

License # 1690 – Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, Location: 2687 Mendenhall Loop Mall Road

License # 1384 – Alfonso Soriano d/b/a Jovany's Italian Restaurant, Location: 9121 Glacier Hwy.

Recreational Site License:

License # 5095 – Taku Lanes, LLC d/b/a Taku Lanes, LLC, Location: 608 W. Willoughby Ave.

Package Store Licenses:

License # 176 – Allan Ahlgren & Michael Corcoran d/b/a Breeze-In Liquor, Location: 8 Mile Old Glacier Hwy.

License #662 – Breeze-In Corporation d/b/a Douglas Island Breeze-In, Location: 3370 Douglas Hwy.

License #4543 - Breeze-In Corporation d/b/a Breeze-In, Location: 5711 Concrete Way

License #3352 – Costco Wholesale Corporation d/b/a Costco Wholesale #107, Location: 5225 Commercial Way

Wholesale – Malt Beverage & Wine License:

License #4081 – K&L Distributors Inc. d/b/a K&L Distributors, Location: 8420 Airport Blvd.

The above-listed liquor license renewals for the 2013/2014 cycle are before the Assembly to either protest or waive its right to protest. 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 one or more 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 renewals.

VIII. PUBLIC HEARING

A. Ordinance 2012-20(AD)

An Ordinance Appropriating To The Manager The Sum Of \$16,906 As Funding For High Visibility Enforcement Related to Driving Under the Influence and Seatbelt Enforcement; Grant Funding Provided By The Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

This ordinance would appropriate \$16,906 to conduct high visibility enforcement related to driving under the influence and seatbelt enforcement. Funding is provided by a federal pass-through grant from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office. The funding provides for \$15,754 in personnel services and \$1,152 for contractual services, specifically vehicle maintenance.

I recommend this ordinance be adopted.

B. Ordinance 2012-20(AE)

An Ordinance Appropriating To The Manager The Sum Of \$5,434 As Funding for the Purchase of Bullet Proof Vests; Grant Funding Provided By The United States Department of Justice.

This ordinance would appropriate \$5,434 in grant funds from the U.S. Department of Justice, Office of Justice Programs for the purchase of bulletproof vests. The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. The grant funds are anticipated to pay fifty percent of the total costs for nineteen vests with the remaining 50% (the grant match) from JPD's operating budget.

I recommend this ordinance be adopted.

C. Ordinance 2012-12(AF)

An Ordinance Appropriating To The Manager The Sum Of \$881,277 As A Transfer To The Lands Fund; Funding Provided By Various Capital Projects.

This ordinance would appropriate funds back to the Lands Fund from existing capital projects. The Lands Fund was the original source of the funds.

These capital projects are completed and are ready to close. The funds remaining in these projects should revert to the Lands Fund:

Stabler's Water/Scales	\$35,261
Lena Subdivision	26,016
Lemon Creek Rock Quarry	20,000

Two on-going capital projects would have funding reductions:

North Lemon Creek Material Source, \$600,000 – Funding reduced due to a revised longer-term development approach, generated in response to a reduction in material sales. After this transfer, the remaining project funding will be approximately \$475,300.

Lemon Creek Subdivision, \$200,000 – Funding reduced to an amount that would cover planning and design costs only. The Lemon Creek Subdivision is envisioned to occur in the remainder of the old gravel pit, next to Home Depot, when gravel and mining activities cease. Due to reduced material sales, mining activity will continue for several more years. The close out of the gravel pit will occur so as to prepare the property for future subdivision and disposal. After this transfer, the remaining project funding will be \$49,547.

The Public Works and Facilities Committee heard this action at its January 14, 2013 meeting and has recommended forwarding this to the full Assembly for approval.

I recommend this ordinance be adopted.

D. Ordinance 2012-20(AG)

An Ordinance Appropriating To The Manager The Sum Of \$225,000 As Partial Funding For The New Mendenhall Valley Library; Funding Provided By The Friends of the Juneau Public Libraries.

This ordinance would appropriate \$225,000 from the Friends of the Juneau Public Libraries (FOJPL). The FOJPL has committed to donating one million dollars towards construction of the new valley library at Dimond Park. In order to allow planning, permitting and design work to proceed this winter, the FOJPL is ready to provide a first installment of \$225,000 to the project.

The Public Works and Facilities Committee heard this action at its January 14, 2013 meeting and has recommended forwarding this to the full Assembly for approval.

I recommend this ordinance be adopted.

E. Ordinance 2013-04

An Ordinance Amending the Second-Hand Smoke Control Code to Prohibit Smoking in Areas Designated by Appropriate Signage.

This ordinance would amend CBJ 36.60, the “Second-Hand Smoke Control Code,” by extending the smoking ban to areas where posted signs prohibit smoking. This

amendment is in response to the Airport Board's desire to expand the no-smoking area in front of the Airport terminal building.

The Airport has received ongoing complaints about smoking in front of the terminal building. To solve this problem, the Airport is engaging a two-step process. First, it installed two smoking shelters adjacent to the terminal building to accommodate smokers. The second step is to ask the Assembly to amend the code to prohibit smoking where "no smoking" signs are posted.

At its meeting December 12, 2012, the Airport Board passed a motion to prohibit smoking in front of the Airport terminal building and requested the Airport Manager seek the necessary changes to CBJ 36.60 to articulate and enforce that prohibition.

This ordinance would add the areas in which smoking is prohibited, any area so designated, by posted 'No Smoking' signs.

I recommend this ordinance be adopted.

F. Ordinance 2013-05(b)

An Ordinance Restricting Off-site Solicitation Within the Downtown Historic District and Adjacent Areas.

This ordinance would prohibit "hawking," off-site commercial solicitation, within the Downtown Historical District and adjacent areas as shown on Exhibit A. The ordinance is similar to that enacted in Skagway and upheld by the Alaska Supreme Court. It was requested by Tourism Best Management Practices (TBMP) as there have been increasing reports of this conduct recently.

The ordinance exempts from the hawking prohibition sales made under street vending permits, expressive speech permitted under the panhandling restricted ordinance, and sales made under Docks and Harbors Department dock vending permits. Because it would enact a code restriction for certain speech, of course, CBJ has to tread cautiously in this area. As the court allowed in the Skagway ordinance challenge, this ordinance would only restrict commercial speech, and require all commercial solicitation to be conducted within an enclosed structure.

I recommend 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. Airport - Contracting

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