I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS
   A. Introduction of Deputy City Manager

IV. APPROVAL OF MINUTES
   B. March 5, 2012 – Regular Assembly Meeting 2012-05
   C. March 14, 2012 – Special Assembly Meeting 2012-06

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 2012-18
            An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of Alaska Tidelands Survey No. 893, Located At Approximately 3890 North Douglas Highway, To Juneau Alaska Communications, LLC.

            This ordinance would lease ATS 893, Plat 83-222, Juneau Recording District, First Judicial District, State of Alaska containing 0.3323 acres (14,461.92 square feet) to Juneau Alaska Communications, LLC (lessee). The tidelands property is located at approximately 3890 North Douglas Highway and has been used by the lessee to maintain a commercial radio antenna. The previous 25-year lease expired on
February 27, 2011 and the current lease rent is $1,250 per year. The property has been appraised by Horan and Company, and the Docks and Harbors Board recommends accepting the appraised annual lease rent of $2,170.95 plus sales tax. The lessee requests a lease term of 35 years.

This item is scheduled to be presented at the April 9, 2012 Lands Committee meeting.

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

b. Ordinance 2012-19


This ordinance is housekeeping in nature and amends the description of the services provided by Roaded Service Area #9. There are two wording changes recommended:

- First, it would remove the word “subsidy” for public transportation services. In past years, the Transit activities were in a separate operating fund and the reference to subsidy was correct. This past year, in compliance with Governmental Accounting Standards Board pronouncement 54 and CBJ Resolution 2594, adopted on November 28, 2011, the Transit services are now included within the Roaded Service Area.

- Second, it would remove the reference to “fire capital acquisitions.” CBJ practice has been to have the fire apparatus provided by funding support from the Fire Service Area and EMS apparatus from the General Fund. The funding support is placed in CBJ’s Equipment Replacement Fund. Removing this reference in the Roaded Service Area deletes a funding reference conflict.

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

c. Ordinance 2011-11(AG)

An Ordinance Transferring Of $21,877 To The Open Space Waterfront Land Acquisition Capital Improvement Project, From Unexpended FY 11 Marine Passenger Fees Budgeted To The General, Visitor Services, And Roaded Service Area Funds.

This ordinance would transfer $21,877 of unexpended Marine Passenger Fees (MPF) revenues budgeted for specific purposes in FY11 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 FY11 transfer consists of:

- Downtown Ambassador Program Funds $1,811
- AJ Dock Federal Security Grant Match $16
- Downtown Sidewalk Maintenance $9,425
- JCVB Crossing Guard Program $10,625

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

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

d. Ordinance 2011-11(AH)
An Ordinance Appropriating To The Manager The Sum Of $5,000,000 As Funding For Statter Harbor Improvements, Grant Funding Provided By The Alaska Department Of Transportation And Public Facilities.

This ordinance would appropriate a $5 million grant from the Alaska Department of Transportation/Public Facilities (ADOT/PF) under the Municipal Harbor Grant Program to fund improvements at Statter Harbor. The project would include deferred maintenance improvements at the existing moorage facility and the construction of a new boat launch ramp with associated uplands staging and parking.

The grant requires a 50/50 match, which would be provided by sales tax revenues obtained from 2005 and 2007 1% sales tax funds. ADOT/PF has issued a letter of award that will be followed up with a grant contract after bids are received for the project on April 10, 2012. The grant contract will be available prior to the hearing of this ordinance.

The CIP/Planning Committee of the Docks and Harbors Board reviewed this ordinance at its March 22, 2012 meeting and recommended approval. The Docks and Harbors Board is scheduled to review this item at its March 29, 2012 meeting.

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

e. Ordinance 2011-11(AI)
An Ordinance Appropriating To The Manager The Sum Of $280,000 As Funding For The State Homeland Security Program, Grant Funding Provided By The State Of Alaska Department Of Military And Veterans Affairs.

This ordinance would appropriate $280,000 from a reallocation of grant funds from the 2009 State Homeland Security Grant Program, 2009-SS-T9-0007. These grant funds require no local match.

The funds being appropriated will be used to purchase a trailer-mounted, diesel-fired generator with enclosures and accessories for the Centennial Hall Emergency/Standby Generator project.
This appropriation is for equipment that supports local and regional need for an emergency back-up generator to support emergency shelter operations during power outages. Funding this project supports Local, and State Preparedness Strategy, Homeland Security Strategy goals and objectives, Target Capabilities, and National Priorities through strengthening preparedness planning.

The funding source is reallocated funds that have a very short performance period and must be encumbered by June 30, 2012.

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

2. Liquor Licenses

A. Liquor License

1. Beverage Dispensary License #4349 Transfer of Ownership, Location, and Name Change

From: Senate Partnership, Inc. d/b/a The Penthouse location: 434 3rd Street (Bergmann Hotel)

To: Senate Partnership, Inc., No d/b/a, No premises

The above-listed liquor license transfer is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and found them to be in compliance with CBJ Code. In the event the Assembly does protest 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.

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

VIII. PUBLIC HEARING

A. Ordinance 2012-11

An Ordinance Amending The Land Use Code Relating To Appeals Of Rezoning Decisions.

In 2011, the Planning Commission recommended that a proposal to rezone property on Atlin Drive be denied. A property owner in the area suggested that pursuit of the matter to the Assembly should be as an appeal of the Commission’s decision, not as a hearing on a recommendation. Although Title 49 is clear that when the Planning Commission approves a rezoning, the action is a recommendation, the Code is silent as to whether the action is a recommendation or a final decision if the Commission denies the rezoning. Because only final decisions of the Commission can be appealed to the Assembly, the Code could be clarified if the Commission’s action is a recommendation or a final decision. The proposed ordinance would establish that the Commission’s decision for denial is a final decision that may be appealed to the Assembly.

I recommend this ordinance be adopted.
B. Ordinance 2012-12(b)

An Ordinance Providing For The Issuance And Sale Of A General Obligation School Bond In The Aggregate Principal Amount Of Not To Exceed $13,190,000; And Providing For The Form And Terms Of The Bond And For Unlimited Tax Levies To Pay The Bond.

The Finance Director is recommending the substitution of version “b” for 2012-12. The ordinance, if adopted, would authorize the issuance of a portion of the Auke Bay School and the Adair Kennedy Turf Field bonds. The original ordinance would approve the issuance of all of the voter approved bond authorization, $21.29 million, as a single issue. After reviewing options, the project cash flow, and our future debt service, it was determined to be in the best interest of CBJ to divide the Auke Bay School Bonds into two issues.

The first issue would be for a total of $13.19 million and the second for $8.1 million. The second issue would occur in June or July of 2013. Splitting the bonds will result in an overall lower debt service mill levy for FY13 and FY14, and reduce the debt service mill levy change between FY14 and FY15 due to the maturing of our 2004 school bond issues. The bonds being issued consist of the following voter authorizations:

- A portion, $11.3 million, of the $18.7 million approved by the voters on October 5, 2010 for the Auke Bay School renovation,
- A portion, $700,000, of the $1.4 million approved on October 4, 2011 for the Auke Bay School ground source heating system,
- All of the $1.19 million approved on October 4, 2011 for resurfacing the Adair Kennedy Turf Field.

The bonds will be issued for a 10-year term. Ten years is the minimum term to qualify for the State’s School Construction Bond Debt Reimbursement Program. All three authorizations qualify for 70% reimbursement under the State’s Reimbursement Program. However, the reimbursement under the State’s Program is subject to annual appropriation by the Legislature.

The remaining debt service, after state reimbursement, will be paid from property tax levies. The estimated total cost of the debt service, including interest at an average rate of 2.4% for the 10-year bonds is $15.03 million. CBJ should receive reimbursement from the State of $10.52 million, assuming full state funding, leaving $4.51 million to be paid from local property tax levies. The maximum estimated annual property tax mill levy needed to fund the local share, assuming full state funding, is 0.1 mills or $10 per $100,000 in assessed value.

I recommend version b of this ordinance be adopted.

C. Ordinance 2012-13

An Ordinance Amending the Land Management Code.

The Lands and Resources Office has been working with the Law Department to update and improve Title 53, pertaining to the management of the CBJ’s real property. Title 53 has not undergone a comprehensive review since the early 1980s. Proposed amendments are
being developed incrementally, starting at the beginning of Title 53. The first portion of Title 53, addressing land acquisitions, was amended by ordinance in January 2011.

Ordinance 2012-13 addresses the next sections, 53.09.010-.170, pertaining to policy, status maps, land classification, and the Land Management Plan. The ordinance does not modify CBJ’s policy on how real property will be managed; it focuses on eliminating redundant and/or outdated processes including deleting status maps and classification, overhauling the Land Management Plan, and establishing a new biennial reporting system to replace the land disposal schedule. A new section authorizes promulgation of regulations. Background information, including an analysis of the proposed changes, is included in your packets.

Due to references to the Planning Commission in sections 53.09.100-.180, covering land classification, the Land Management Plan, and the new biennial report, the Planning Commission was invited to review and comment on those sections of the proposed ordinance. At its February 14, 2012 meeting, the Planning Commission recommended adoption of the ordinance.

The Lands Committee recommended this action at its February 27, 2012 meeting.

I recommend this ordinance be adopted.

D. Ordinance 2012-14

An Ordinance Amending The Comprehensive Plan By Adopting Chapter 5 Of The Willoughby District Land Use Plan.

This ordinance would amend the CBJ Comprehensive Plan to include Chapter 5 of the Willoughby District Land Use Plan. On February 28, 2012, the Planning Commission recommended the Assembly adopt Chapter 5 of the Willoughby District Land Use Plan as part of the CBJ Comprehensive Plan. At its meeting on March 15, 2012, the Lands Committee passed a motion of support to the Assembly to adopt chapter 5 of the Willoughby District Land Use Plan, with amendments as recommended by the Planning Commission.

The Comprehensive Plan must be amended to adopt Chapter 5 of the Willoughby District Land Use Plan to support proposed changes to Title 49 and to identify a conceptual “blueprint” for investment and redevelopment in this area. The State of Alaska and the City and Borough of Juneau own significant public facilities in this area, several of which are, or will be, considered for expansion or improvement in the near future. In addition, this area provides significant opportunity for increased residential housing development to satisfy a portion of the affordable housing demand in the community. With coordinated planning and development concepts, the Willoughby District Land Use Plan can also address challenges to safe, efficient pedestrian, bicycle, transit, and vehicle circulation. Certain portions of the Plan have been implemented in advance of adoption, including the extension of the PD-1 parking zone to include this area. The Lands Division and Community Development Department are currently working on Title 49 revisions to building heights and development bonuses.

I recommend this ordinance be adopted.
E. Ordinance 2012-15
An Ordinance To Designate A Tax Foreclosed Property Located At 5871 Churchill Way For A Public Purpose For The Benefit Of The Juneau-Douglas High School Home Building Program.

The CBJ Finance Department foreclosed on Lot 8, Block A, Glacierview Subdivision, also identified as 5871 Churchill Way, for failure to pay property taxes. The property is improved with a partially completed residential structure that has not received a building permit. The property is desirable for a Juneau-Douglas High School (JDHS) Home Building Program. If the project were to proceed, the property would be cleared of improvements and redeveloped. The property would be sold to Juneau Housing Trust, a partner of the JDHS Home Building Program, for the amount necessary to satisfy the delinquent property taxes, plus any other expenses or demolition costs incurred by the CBJ to convey the property for redevelopment. These costs are anticipated to be significantly less than market rate for the property, resulting in a cost savings to the project. This ordinance would identify the property for a public purpose.

Resolution 2608 will be presented to the Assembly at the April 23, 2012 meeting to authorizing the manager to convey the property to Juneau Housing Trust at less than fair market value in support of the Juneau Douglas High School Home Building program.

The Assembly Lands Committee, at its February 27, 2012 meeting, recommended that the Assembly approve this ordinance.

I recommend this ordinance be adopted.

F. Ordinance 2012-16
An Ordinance Authorizing The Disposal Of Gravel From Municipal Property To Secon Through A Negotiated Sale.

The CBJ has gravel resources in Hidden Valley that have been permitted for extraction but have yet to be mined. Secon has a gravel extraction operation in Hidden Valley that adjoins the CBJ extraction area. Secon proposes to amend its gravel extraction plan to include a portion of municipal property, so that the toe of the final mining slope is at the common property line. This will allow Secon to maximize the use of its property and gravel resources, and accomplish an improvement to the CBJ property in preparation for the full utilization of municipal gravel resources at a later date. Secon will incur the cost of developing this area, including clearing, mining, drainage and final contouring. Due to the configuration of land ownership and access, Secon holds the only legal access to this mining face. Therefore, the sale of the material would be a negotiated sale with Secon.

The Assembly Lands Committee, at its February 27, 2012 meeting, recommended this action.

I recommend this ordinance be adopted.
G. Ordinance 2012-17

**An Ordinance Amending The Building Code Relating To Application For A Permit.**

This amendment would allow the Building Division to protect landowner’s properties from development without their consent. CBJ has had several complaints from property owners concerning permit applicants not obtaining the landowner’s permission to set up vending structures and various improvements on their property. It is ultimately the landowner’s responsibility to maintain and limit the use of their properties as required by city ordinance.

The Public Works and Facilities Committee recommended this action at its March 12, 2012 meeting.

**I recommend this ordinance be adopted.**

H. Ordinance 2011-11(AE)

**An Ordinance Appropriating To The Manager The Sum Of $4,610 As Funding To The Juneau Police Department For Officer Training On 3D Crash Reconstruction Software, Grant Funding Provided By The Alaska Highway Safety Office.**

This ordinance would appropriate a $4,610 grant from the Alaska Highway Safety Office to provide training on 3-D crash reconstruction software.

Juneau has been awarded a $4,610 grant to train two police officers who are designated as Crash Reconstruction Specialists. This training will provide instruction on new software that provides a 3-D reconstruction of the crash.

CBJ will provide in-kind matching funds in the form of officers’ salaries while they attend the training.

**I recommend this ordinance be adopted.**

I. Ordinance 2011-11(AF)

**An Ordinance Appropriating To The Manager The Sum Of $136,870.47 As Funding To Capital Transit for Mobility Management, Grant Funding Provided By The Alaska Department of Transportation and Public Facilities.**

This ordinance would appropriate a $136,870.47 grant from the Alaska Department of Transportation and Public Safety State Transit Match Funds program to provide matching funds to the Federal Transit Administration grant, as follows:

- $1,780.53 of the grant would be used to replace a portion of the $10,000 CBJ match required for the Mobility Manager Grant (2011-11(M)) adopted on September 19, 2011.

- $135,089.94 of the grant would be used to replace a portion of the CBJ match requirement ($768,706) for the $1,000,000 Alaska Department of Transportation and Public Safety, Federal Transit Administration pass-through grant.
CBJ will provide the remaining matching funds in the form of Capital Transit staff salaries and benefits.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. E12-205 - Marie Drake School Renovation Bid Award

The bid opening for this project is on Friday, March 30, 2012 and a recommendation will be presented via red folder at the meeting. The recommendation will reflect the 10-day protest period for all school projects.

The work for this project is as follows: Renovation of portions of the existing Marie Drake School. Construction to include elevator replacement, extensive renovation of four classrooms, four restrooms, the nurse’s suite, one janitor’s closet, and miscellaneous related work.

The Additive Alternate work includes replacement of ceiling finishes and lighting in the gymnasium, replacement of wall finishes in the gymnasium, and extensive renovations to two additional janitor’s closets.

All work would include abatement of hazardous materials, selective demolition, minor structural modifications, and upgrades to mechanical, electrical, and architectural building systems in the project areas.

The Architect’s Estimate is approximately $1,670,000.

B. E12-216 - Auke Bay Elementary School Renovation Bid Award

Bids were opened on March 8, 2012. The 10-day bid protest period expires at 4:30 p.m. on April 2, 2012. Results of the bid opening are as follows:

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Project Manager: Catherine Wilkins, AIA

Project Description: This project consists of renovation of the existing Auke Bay Elementary School, which is a two-story, primarily wood-framed structure, with a gross area of 50,525 square feet.

Funding Sources: General Fund, Interest Revenue, General Obligation Bonds and Bond Proceeds. This project qualifies for State of Alaska Department of Education and Early Development debt reimbursement.

CIP No.: S02-095
Design Consultant: Jensen Yorba Lott, Inc.

Total Project Funds: $22,174,670
Construction Encumbrance: $16,844,000
Construction Contingency: approximately $1.4 million
Planning and Design Costs: approximately $1.4 million
Consultant Contract Administration/Inspection: approximately $690,000
CBJ Administrative Costs: approximately $500,000

I recommend, if no protest is received during the Department of Education and Early Development ten-day protest period, award of this project to ASRC McGraw Constructors, LLC for the Base Bid and Additive Alternate Nos. 6 and 7, for a total award of $16,844,000.

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