

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

Monday, October 25, 2010, 7 p.m.
Assembly Chambers – Municipal Building
Regular Meeting No. 2010-26

Submitted by: _____

Rod Swope
City Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Human Resources Division Recognition

IV. APPROVAL OF MINUTES

- A. September 17, 2010 – Special Assembly Meeting 2010-23
- B. September 20, 2010 – Regular Assembly Meeting 2010-24
- C. October 15, 2010 – Special Assembly Meeting 2010-25

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 2010-31

An Ordinance Amending The Airport Code Regarding Domestic Animals On Airport Premises.

This ordinance would amend the current Airport code regarding animals on the Airport premises. This change updates Title 5, the Airport Code, bringing it in line with CBJ Code 08.05.010 which defines "competent voice control," and adds additional defining language concerning animals in the airport terminal. This change aligns the Airport Code with the common practices on the airport and in CBJ parks and is designed to clarify the rules for the public and animal control.

This proposed ordinance was recommended by the Airport Board at its September 8, 2010 meeting.

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

- b. Ordinance 2010-32
An Ordinance Amending The Sales Tax Code To Remove The Single-Item Cap On Jewelry Purchases.

This ordinance would amend the Sales Tax Code to narrow exemption #21 by excluding the sale of jewelry from the cap on the tax for the sale of a single item. The current exemption is very broad, the tax is on the first \$7,500 of a tangible single item sale; any amount of the purchase price over \$7,500 is exempt from the Sales Tax. The CBJ has exempted, on average per year, for the past 4 years just over \$2 million in jewelry gross sales. In 2009, CBJ exempted \$114,659 in sales taxes. The vast majority of these sales occur in the 2nd and 3rd quarters, 99.58%. The following is the average sales by quarter for the calendar years 2006 through 2009:

1st quarter	\$6,926	0.34%
2nd quarter	413,573	20.37%
3rd quarter	1,608,126	79.21
4th quarter	1,525	0.08%

This item was presented to the Assembly Finance Committee on September 22, 2010. The Committee voted to move this to the Assembly for its consideration.

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

- c. Ordinance 2010-33
An Ordinance Amending the Real and Personal Property Tax Code Relating to Exempt Property, and Providing for the Establishment of Baseline Criteria for the Application of the Hardship Exemption Authorized by State Law.

This ordinance would narrow the eligibility for the senior citizen/disabled veteran hardship exemption. As has been reported by the Finance Department and discussed in the Assembly Finance Committee, this program has been expanding at a high rate, based on its sole financial eligibility that the property tax exceed two percent of the applicant's income. This ordinance would retain the two-percent limit, but add other limiting criteria based on the applicant's income and home ownership status. As forwarded by the Finance Committee, the ordinance sets an income maximum at 300% of the federal household poverty guidelines for Alaska. In addition, the ordinance would set other limiting criteria: ownership of a single parcel (except for adjacent); maximum assessed value of \$500,000; no income-producing properties; two-years ownership prior to application. The Senior Citizen and Disabled Veteran Hardship Exemption is applied in addition to the Senior Citizen/Disabled Veteran Property Tax Exemption which exempts the first

\$150,000 of value for all disabled veterans and all homeowners over age 65 regardless of hardship or income.

I recommend this ordinance be introduced and referred to the Committee of the Whole.

- d. Ordinance 2010-11(U)
An Ordinance Appropriating To The Manager The Sum Of \$13,700 As Partial Funding For A Cold Storage Feasibility Study, Funding Provided By Fiscal Year 2011 Sales Tax Reserve.

The Fisheries Development Committee desires to complete a Cold Storage Feasibility study. This ordinance would appropriate \$13,700 from the Sales Tax Budget Reserve to the Manager to provide partial funding for a Cold Storage Feasibility Study. Additional funding, in the amount of \$11,300, would be provided by donations from private fisheries businesses.

The Public Works and Facilities Committee recommended this action at its September 10, 2010 meeting.

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

- e. Ordinance 2010-11(V)
An Ordinance Appropriating To The Manager The Sum Of \$130,000 For Completion Of The Auke Bay Loading Facility-Phase I, Funding Provided By The Harbors Fund Balance.

This ordinance would appropriate \$130,000 to close out the Auke Bay Loading Facility-Phase I project. Funding is provided by the Harbors Fund Balance.

The \$130,000 will provide funding for final payment to the contractor and allow Phase I of the project to be closed out. As of September 30, 2010 the Harbors Fund Balance has approximately \$2,600,000 in the account.

The Docks and Harbor Board recommended the Assembly approve this transfer request at its regular public meeting on September 30, 2010.

The Assembly Public Works and Facility Committee recommended approval of this request at its regular public meeting of October 11, 2010.

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

- f. Ordinance 2010-11(W)
An Ordinance Appropriating To The Manager The Sum Of \$40,000 Additional Funding For A Camera System For The Capital Transit Buses, Funding Provided By The Bus Barn Maintenance And Site Paving Capital Improvement Project.

This ordinance would appropriate \$40,000 in additional funding for the Capital Transit Bus Camera System. Funding is to be provided by Bus Barn Maintenance and Site Paving Capital Improvement Project.

Capital Transit is working on procuring a camera system for Capital Transit Buses. The system would document activity on the buses and would substantially improve the CBJ's position with regard to insurance claims. This \$40,000 appropriation would be added to the existing \$80,000 in the Capital Transit Budget.

The Public Works and Facilities Committee recommended this action at its September 10, 2010 meeting.

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

g. Ordinance 2010-11(X)

An Ordinance Appropriating To The Manager The Sum Of \$939,400 As Funding For The CT Scan Renovation Capital Improvement Project, Funding Provided By Bartlett Regional Hospital Fund Balance.

This ordinance would appropriate \$939,400 to the CT Scan Renovation Capital Improvement Project, funding provided by the Bartlett Regional Hospital Fund Balance.

The scope of work includes two separate, but related, phases. The first phase consists of renovation of the existing file room for a smaller back-up Siemens CT scan. The second phase will not commence until after the first phase is complete and the back-up CT scan is fully operational. The second phase consists of removing the existing Philips CT scan and related equipment and installation of a new Siemens CT scan and related equipment.

The Hospital Board recommended this appropriation at its September 28, 2010 meeting.

The Public Works and Facilities Committee recommended approval of this action at its October 11, 2010 meeting.

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

2. Resolutions

A. Resolution 2544

A Resolution Authorizing The Manager To Convey A Non-Exclusive, Perpetual, Drainage Easement on Lot 15, For the Benefit of Lot 14, Block D, Greenwood Subdivision.

As part of the site development for the High School Building Program, a natural drainage channel on Lot 14 was redirected to Lot 15 to allow for the creation of a building pad. Now that Lot 14 is changing ownership, a drainage easement is

needed to authorize the new owners of Lot 14 to direct the drainage onto CBJ property. Relocating the drainage channel does not conflict with future use of Lot 15, which has been identified for development of a trailhead and/or road access to adjacent CBJ property.

The Lands Committee recommended granting the easement at its September 20, 2010 meeting

I recommend this resolution be adopted.

B. Resolution 2545

A Resolution Expressing the Assembly's Intent to Fund the Local Match Required for Four Local Projects That Have Been Selected for Inclusion into the Alaska Department of Transportation and Public Facilities (DOT/PF) Statewide Transportation Improvement Plan.

The Alaska DOT/PF has scored four projects high enough that they will go forward if the CBJ agrees to provide a local match of approximately 9% of the project costs. The total match for the four projects is about \$580,000 and would be payable over the next three to four fiscal years. Those funds can be provided through the annual CIP or by closing old projects. A resolution from the Assembly committing to provide the funds is required by the Alaska DOT/PF.

The projects and matching funds are:

- Auke Lake Trail and Wayside (\$150K)
- Capital Transit Enhanced Service Plan (\$142K)
- Industrial Boulevard Widening and Sidewalk (\$30K, plus share of construction costs)
- Riverside Drive Rehabilitation and Widening, Egan Drive to James Blvd., Including Pedestrian Enhancements (\$260K)

I recommend this resolution be adopted.

3. Bid Award

A. Bid 10-199

Purchase and Delivery of 8-Yard Sweeper Truck

Bids were opened on the purchase and delivery of an 8-yard sweeper truck on Tuesday September 14, 2010. The bid protest period expired at 4:30 p.m. on Wednesday September 22, 2010. Results of the bid opening are as follows:

BIDDERS

Yukon Equipment Inc.
Bob's Services
Bob's Services
Quality Equipment Sales & Service
LLC

Eight Yard Sweeper Truck

\$235,961
\$255,000
\$258,000
Non- Responsive, item offered did not meet specifications of the bid.

I recommend award of Bid 10-199 to Yukon Equipment Inc., based on having the lowest responsive and responsible bid price in the amount of \$235,961.00.

B. Bid 11-096
Term Contract for Emulsion Polymer

Bids were opened on the purchase and delivery of emulsion polymer on Thursday October 14 2010. The bid protest period expired at 4:30 p.m. on Wednesday October 20, 2010. Results of the bid opening are as follows:

BIDDERS	Estimate Total Price per Year
Zeroday Enterprises	\$176,308.80
Northstar Chemical Inc.	\$182,160.00
Fort Bend Services Inc.	\$249,215.57

The initial contract period will be in effect from the date of award through June 30, 2011. There is the option to renew for three (3) additional contract periods upon mutual agreement.

I recommend award of award of Bid 101-096 to Zeroday Enterprises, on the basis of having the lowest responsive and responsible bid price.

VIII. PUBLIC HEARING

A. Ordinance 2010-30
An Ordinance Authorizing The Manager To Convey Lot 10, Block L, Pinewood Park 2, To Juneau Housing Trust, Subject To Certain Conditions, In Support Of The Juneau-Douglas High School Home Building Program.

This land sale will support the continuation of the High School Home Building Program. The Assembly has supported the Program for a number of years by conveying land at no less than fair market value. CBJ recently purchased the property at the request of the Juneau School District. Juneau Housing Trust is partnering with the School District and will purchase the lot from CBJ to facilitate development of two affordable residences. An appraisal of the property was performed for the acquisition, which concluded that the fair market value is \$72,500. The appraisal and closing costs for the acquisition of the property were \$1,278.42. CBJ intends to recover these costs as well as the purchase price of the lot.

The Lands Committee recommended the conveyance at its August 23, 2010 meeting. The Assembly authorized the Manager to negotiate the sale of the property to the Juneau Housing Trust at its August 23, 2010 meeting.

I recommend this ordinance be adopted.

B. Ordinance 2010-11(N)
An Ordinance Appropriating To The Manager The Sum Of \$1,742,000 As Funding For the State of Alaska's Designated Legislative Grant Projects, Grant Funding

Provided By Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate \$1,742,000 in six Alaska Department of Commerce, Community, and Economic Development legislative grants to these new or existing Capital Improvement Projects:

School District Technology Infrastructure - \$26,000:

Project Description: The Video Club is building a control room for Juneau-Douglas High School, JDTV Channel 6. This control room can also support the entire community, all grade levels in the Juneau School District.

School District Safety Upgrades - \$116,000:

Project Description: The Juneau School District has experienced a number of incidences of vandalism. As an improved safety and security measure, installing video cameras will assist in preventing further damage and theft. They will provide an additional tool for monitoring schools to ensure the safety of students.

Melvin Park Playground Improvements - \$25,000:

Project Description: Procurement and installation of playground equipment for Melvin Park and associated improvements.

Capital Park Playground Equipment – \$25,000:

Project Description: Procurement and installation of playground equipment for Capital Park and associated improvements.

Sewage System Major Repairs & Expansion - \$1,500,000:

Project Description: Major repairs of J-D Wastewater Treatment Plant incinerator and collection system improvements and expansion.

Juneau Arts & Culture Center Electrical and Facility Upgrades - \$50,000:

Project Description: Renovation, upgrade, or replacement of existing electrical service and/or associated electrical panels, circuits, and related electrical components to comply with modern electrical codes and to provide additional electrical capacity more appropriate to the current building usage.

The Public Works and Facilities Committee reviewed this ordinance at its July 19, 2010 meeting.

I recommend this ordinance be adopted.

C. Ordinance 2010-11(Q)

An Ordinance Appropriating To The Manager The Sum Of \$950,000 As Funding For Renovations To The Radio Room, Located At The Juneau Police Department, Grant Funding Provided By Alaska Department Of Military Affairs Grant (\$600,000) And \$350,000 From The Equipment Replacement Reserve Fund Balance.

This ordinance would appropriate \$950,000 for the purpose of upgrading the Radio Dispatch Room at the Juneau Police Department. This renovation will include four new radio consoles and an upgraded air cooling system.

A \$600,000 grant from the Alaska Department of Military Affairs, Division of Homeland Security and Emergency Management, will be used to purchase three of the four radio consoles.

The remaining \$350,000 would be appropriated from the Equipment Replacement Reserve account; \$225,000 will be used to purchase the fourth radio console, \$125,000 will be added to the previously budgeted funds maintained in the Deferred Maintenance Capital Improvement Project to purchase the new air cooling system.

The Public Works and Facilities Committee reviewed this ordinance at its September 10, 2010 meeting.

I recommend this ordinance be adopted.

D. Ordinance 2010-11(R)

An Ordinance Appropriating To The Manager The Sum Of \$45,000 As Partial Funding For A Consultant To Assist In The Development Of A Safe Routes To Schools Plan; Grant Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities.

This ordinance would appropriate a \$45,000 Safe Routes to Schools (SRTS) Grant from the Alaska Department of Transportation. The SRTS grant program is funded by the Federal Highway Administration. The goal of the program is to enable community leaders, schools, and parents across the United States to improve safety and encourage more children, including children with disabilities, to walk and bicycle to school safely. In the process, programs are working to reduce traffic congestion and improve health and the environment, making communities more livable for everyone.

This grant will fund the use of a consultant to conduct a public process and create a Safe Routes to Schools plan, and make program and infrastructure recommendations to implement the plan. By completing this process, CBJ will then be well positioned to obtain funding for the improvements needed to make our schools safe and accessible.

The Public Works and Facilities Committee heard and approved this action at its May 24, 2010 meeting.

I recommend this ordinance be adopted.

E. Ordinance 2010-11(S)

An Ordinance Appropriating To The Manager The Sum Of \$2,203,834 As Additional Funding For The Juneau International Airport Runway Safety Area Phase I Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration.

This ordinance would appropriate \$2,203,834.15 to the Runway Safety Area (RSA) CIP A345-74. The funds come from an amendment to the Airport Improvement Program (AIP) grant #48. The amendment has been approved by the Federal Aviation Administration (FAA), and the grant has been closed.

At the time this grant was requested, the Airport was instructed by the FAA to apply for the amount they had available, \$14.7 million, rather than estimated project costs, which is standard. Consequently, Construction and Contract Administration could not be fully funded at the time. Instead, the project funding is being spread over several grants as funding has become available. At the closeout of this grant, which is the first for the RSA project, FAA has approved a 15% amendment to account for Construction costs so far, continuation of Contract Administration, and the following unanticipated costs: increased mitigation, utility relocation at Duck Creek, and some emergency runway lighting upgrades and replacement.

The Airport Board recommended this action at its June 9, 2010 meeting.

The Public Works and Facilities Committee recommended this action at its September 10, 2010 meeting.

I recommend this ordinance be adopted.

F. Ordinance 2010-11(T)

An Ordinance Transferring To The Manager The Sum Of \$300,000 As Funding For A Loan To East End Associates, Inc. For The Refrigerated Seawater System At Taku Fisheries, Funding Provided By Marine Passenger Fees.

This appropriation will fund part of the agreement that was negotiated with East End Associates for an easement and construction access for the Seawalk project in the vicinity of Taku Fisheries. As part of that agreement, the City funded a portion of the Refrigerated Seawater System and agreed to loan up to \$300,000 for the remainder of the costs of the installed system.

I recommend this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor Licenses

**1. New Liquor License: #5006 for a Restaurant-Eating Place Public Convenience License and Application For Restaurant Designation Permit.
Universe Cyber Lounge LLC d/b/a Latinos Restaurant
Located at 109 S. Franklin Street, Juneau, AK 99801**

This is an application for a NEW Restaurant-Eating Place Public Convenience liquor license and application for a Restaurant Designation Permit. A Public Convenience license is different from a regular Restaurant-Eating Place license in that it is not subject to the population restrictions of 1 restaurant eating place license for each 1,500 population or fraction of that population [AS 04.11.400(a)(2)(A)] and it is non-transferable. Alaska Administrative Code 13AAC104.340 outlines the following requirements for the Alcohol Beverage Control (ABC) board to issue a public convenience license:

“...2) there is community support, which must be shown by a petition signed by a majority of the residents 21 years of age or over who reside within one mile of the proposed premises; and
3) the governing body of the municipality in which the licensed premises are to be located approves the application. ...”

ABC staff has certified that the applicant has obtained the requisite number of signatures from residents within the one-mile radius and it is now up to the local governing body to decide whether to approve the application.

Staff from the Finance, Police, Fire, and Community Development Departments has reviewed the above business for compliance with CBJ Code and found no basis for protest. In the event the Assembly does protest the above applications, CBJ Code 20.25.025(c) provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

I recommend the Assembly adopt the Human Resources Committee's recommendations for action from tonight's meeting.

**2. Application For Restaurant Designation Permit
Zephyr LLC d/b/a Zephyr
Located at 200 Seward Street, Juneau, AK 99801**

This application for a Restaurant Designation Permit (RDP) was originally received by CBJ in 2007. RDPs are only issued once for the duration of a license once approved. At that time, we were protesting the renewal of the Restaurant-Eating Place license that we filed in both 2007 and 2009 due to delinquent taxes. The delinquent taxes have recently been brought current and our protests of the renewals withdrawn; ABC staff has once again forwarded the RDP to us for approval by the Assembly.

Staff from the Finance, Police, Fire, and Community Development Departments has reviewed the above business for compliance with CBJ Code and found no basis for protest. In the event the Assembly does protest the above application, CBJ Code 20.25.025(c) provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

I recommend the Assembly adopt the Human Resources Committee's recommendations for action from tonight's meeting.

**B. Docks and Harbors
Contract Award - \$235,505 to PND Engineers**

The Docks and Harbors Department seeks approval of a design contract for PND Engineers in the amount of \$235,505 for design and construction documents for Reconfiguration of the Cruise Ship Terminal Staging Area project.

This project consists of reconfiguring the existing parking and staging areas of the Cruise Ship Terminal in accordance with the previously approved conceptual plan. The work of this contract would be to complete the design and contract documents necessary for bidding and construction of the project. A detailed cost estimate would also be prepared.

The Docks and Harbor Board recommended approval of this contract amendment at its regular public meeting on September 30, 2010.

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