

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

July 11, 2018 5:30 PM

City Hall, Assembly Chambers
Meeting 2018-20

I. CALL TO ORDER / ROLL CALL

II. AGENDA TOPICS

- A. Public Hearing: Ordinance 2018-37 An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough's Recycleworks Program.

This ordinance authorizes the Manager to complete an alternative procurement that would allow the CBJ to locate all of its waste programs at the privately owned and operated Waste Management landfill.

Under this authorization the Manager intends to complete a number of activities. First, the Manager intends to execute a ten-year contract with four five-year renewals that will result in the construction of a purpose-built recycling building. The Assembly will annually be asked to appropriate funds for the recycling program. Appropriation Ordinance 2018-11 (b) will appropriate supplemental FY19 funding for the recycling program. Waste Management will operate the recycling program.

Second, the Manager intends to lease land from Waste Management at the landfill at fair market value and construct a purpose-built household hazardous waste (HHW) collection center on that land. At a future date the Assembly will be asked to approve an appropriating ordinance to fund the land lease and construction costs of the building. The HHW program services will be competitively bid by CBJ.

Third, the Manager and staff intend to develop a composting or other organics management program that could also be located at the landfill, also on leased land. The program details have not yet been developed. The Assembly will have the opportunity to consider funding this program through a future appropriation process.

The City Manager recommends this ordinance be adopted.

- B. Resolution 2826 A Resolution of the City and Borough of Juneau in Support of the Juneau Marine Services Center.

This resolution would affirm the Assembly's support for Docks & Harbors to submit a \$25M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for \$1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In March 2017, Docks & Harbors completed a master planning document, the Juneau Downtown Harbors Uplands Master Plan: Bridge Park to Norway Point. This document, adopted with public input, described elements desired at the Juneau Marine Service Center that would be included in the BUILD grant application. The Docks & Harbors Board reviewed the resolution and recommended adoption at its June 28, 2018 meeting.

The City Manager recommends this resolution be adopted.

- C. Resolution 2827 A Resolution of the City and Borough of Juneau in Support of the Auke Bay Non-Motorized Coastal Transportation Link.

This resolution would affirm the Assembly's support for Docks & Harbors to submit a \$12M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for \$1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In January, the federal government transferred two acres of the former NOAA Auke Bay Laboratory to the CBJ. Docks & Harbors, in its planning efforts, has envisioned this location to be a portal to a new wave attenuator which would eventually replace the existing Statter Breakwater. Additionally, Docks & Harbors believes it would be advantageous to have a connecting elevated 1400 foot-long "bay walk" connecting the Statter Harbor parking lot to the newly acquired CBJ Auke Bay Marine Station and future portal. The Docks & Harbors Board reviewed the resolution and recommended its adoption at its June 28, 2018, meeting.

The City Manager recommends this resolution be adopted.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. ADJOURNMENT

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

Public Hearing: Ordinance 2018-37 An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough's Recycleworks Program.

MANAGER'S REPORT:

This ordinance authorizes the Manager to complete an alternative procurement that would allow the CBJ to locate all of its waste programs at the privately owned and operated Waste Management landfill.

Under this authorization the Manager intends to complete a number of activities. First, the Manager intends to execute a ten-year contract with four five-year renewals that will result in the construction of a purpose-built recycling building. The Assembly will annually be asked to appropriate funds for the recycling program. Appropriation Ordinance 2018-11 (b) will appropriate supplemental FY19 funding for the recycling program. Waste Management will operate the recycling program.

Second, the Manager intends to lease land from Waste Management at the landfill at fair market value and construct a purpose-built household hazardous waste (HHW) collection center on that land. At a future date the Assembly will be asked to approve an appropriating ordinance to fund the land lease and construction costs of the building. The HHW program services will be competitively bid by CBJ.

Third, the Manager and staff intend to develop a composting or other organics management program that could also be located at the landfill, also on leased land. The program details have not yet been developed. The Assembly will have the opportunity to consider funding this program through a future appropriation process.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

	Description	Upload Date	Type
☐	Ordinance 2018-37	7/5/2018	Non-Code Ordinance
☐	Exhibit A - WM Recycleworks Contract Public Interest Finding	6/20/2018	Exhibit

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Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-37

An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough’s Recycleworks Program.

WHEREAS, the City and Borough’s (CBJ’s) waste programs, specifically its recycling and household hazardous waste programs, reduce environmental contamination in the community through safe disposal of materials, and reduce the amount of waste going into the landfill, thus preserving capacity and extending the life of the landfill; and

WHEREAS, increasing diversion of waste from the landfill through the City and Borough’s waste programs keeps solid waste disposal costs low for the community; and

WHEREAS, it has long been a goal to consolidate the City and Borough’s waste programs, including its recycling and household hazard waste programs, to one location to realize public convenience and operational efficiencies and where:

- The building currently housing the existing recycling program is no longer safe for public use and in order to allow for a new building to be constructed prior to the winter season, timing is of the essence; and
- The household hazardous waste program is currently housed in a facility that is not advantageous for the program for a variety of reasons including traffic patterns on Commercial Boulevard and isolation from other refuse programs; and

WHEREAS, co-locating the City and Borough’s waste programs with the community’s solid waste landfill powerfully conveys to the public the consequences of their disposal choices and the need to reduce, re-use, and recycle to help preserve the capacity of the landfill for future generations; and

WHEREAS, Waste Management, which currently operates the CBJ’s recycling program and the landfill, has proposed a partnership with the CBJ that would allow for such co-location as follows:

- Waste Management would continue to run the CBJ’s recycling program, purchasing a new building for that purpose, with the CBJ to enjoy the benefit of the building for the lifetime of the facility at the CBJ’s discretion;

- 1
- 2 • Waste Management would lease property to the CBJ at the Waste Management
- 3 facility for the CBJ’s household hazardous waste program;
- 4 • Waste Management would lease additional property to the CBJ for the CBJ’s
- 5 organic materials management programs;
- 6 • Waste Management would conduct a “Litter Free” event in the fall, in addition
- 7 to the event held by Waste Management in the spring; and
- 8 • Waste Management would provide educational materials, designed to educate
- 9 the public about the benefits of recycling and for use on social media platforms,
- 10 for the CBJ’s use; and

11 WHEREAS, Waste Management has demonstrated market strength and is powerfully
12 situated to find markets for recycled products; and

13 WHEREAS, while a global tightening on recyclable material standards has caused other
14 Southeast Alaska communities to stop accepting mixed paper as a recyclable material, Waste
15 Management continues to accept mixed paper for recycling and is able to provide all recycling
16 services required by CBJ; and

17 WHEREAS, the areas of land that would be used for the City and Borough programs at
18 the landfill have no other competing uses, thus expanding the use of that site; and

19 WHEREAS, unlike all other options considered by the CBJ, the location at the landfill
20 would leave valuable industrially zoned land available for other community uses and avoids
21 the need for the City and Borough to purchase expensive land; and

22 WHEREAS, Waste Management (through its entity Capitol Disposal, Inc.) was the
23 successful bidder on the request for proposals for the recycling program (formally the Fixed
24 Facility & Services for CBJ’s Municipal Solid Waste Programs, RFP 13-107) and was awarded
25 the contract in 2013 for a three year term, with three additional one-year optional extensions;
26 and

27 WHEREAS, the CBJ has extended the term of the contract every year since 2016; and

28 WHEREAS, the purpose of the City and Borough’s purchasing process is to provide for a
29 fair and equitable method of procuring services and improvements while maximizing the value
30 of public funds and benefit to the community; and

31 WHEREAS, Section 9.14 of the Home Rule Charter of the City and Borough of Juneau
32 requires that public improvements be procured by competitive bid except that the assembly
33 may adopt an alternative procurement method upon the Manager finding it would be in the
34 best interest of the City and Borough to do so based on cost, timing, and other relevant criteria;
35 and

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2 WHEREAS, when it is impracticable to do otherwise, the Charter allows for services to be
3 procured by methods other than competitive bid; and

4 WHEREAS, the Manager has determined in writing (attached as Exhibit A) that
5 renewing the recycling contract with Waste Management under the proposed terms would be in
6 the best interest of the CBJ based on cost, timing, and benefit to the customers, and that
exercising his authority under CBJ 53.04.010 to acquire land at fair market value through this
agreement would similarly be in the best interests of the CBJ.

7 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
8 ALASKA:

9 **Section 1. Classification.** This ordinance is a non-code ordinance.

10 **Section 2.** The provisions of Title 53 Chapter 50 of the City and Borough of Juneau
Code of Ordinances do not apply to this transaction.

11 **Section 3.** As it would be in the best interest of the City and Borough of Juneau and
12 public based on cost, timing, the benefit to the users, and the leasing opportunity presented by
13 this proposal, and given that it appears Waste Management is uniquely capable of doing the
14 necessary work, the Manager is authorized to extend the recycling contract with Waste
Management (through Capitol Disposal, Inc.). The contract shall include the following terms:

- 15 1. Over the course of the initial ten-year term of the contract, the CBJ will pay no
16 more than \$27,500 per month for the operation of the recycling program and for
17 access to and use of a new recycling facility, which shall be provided and
18 maintained by Waste Management for primarily the CBJ's use, subject to
appropriations by the Assembly for this purpose in accordance with Section 9.13
of the Charter. (The previous contract cost for operation of the old facility was
\$17,000 per month.)
- 19 2. The CBJ will have the option of exercising four five-year renewals, for a total of
20 thirty years, which is the design life of the building, subject to appropriation.
- 21 3. If Waste Management terminates the recycling contract prior to the envisioned
22 30 year total term for any reason except the CBJ's un-cured breach of contract,
Waste Management will lease the recycling facility (land and building) to the
23 CBJ for fair market value for the CBJ's sole use.
- 24 4. The recycling facility will be open five days per week for commercial and non-
25 commercial users. (The previous contract provided for the facility to be open
three days per week for non-commercial users and 2.5 days per week for
commercial recycling.)
5. Waste Management shall continue to operate the CBJ-owned baler, to be used
primarily for the CBJ's recycling program.

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- 6. Waste Management shall lease property at its facility to the CBJ at fair market value for the CBJ’s household hazardous waste and organic materials management programs, to be managed by the CBJ or the CBJ’s contractors. If the lease is terminated for any reason other than the CBJ’s un-cured breach of contract, Waste Management will reimburse the CBJ the value of the household hazardous waste building and any improvements.
- 7. Waste Management shall conduct a “Litter Free” event in the fall, in addition to the event held by Waste Management in the spring.
- 8. Waste Management shall provide educational materials, designed to educate the public about the benefits of recycling and for use on social media platforms, for the CBJ’s use.

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elisabeth J. McEwen, Municipal Clerk



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

DATE: June 18, 2018

TO: Mayor & Assembly

FROM: Rorie Watt, City Manager

A handwritten signature in black ink, appearing to read 'Rorie Watt', written over the printed name.

RE: Public Interest Finding – Waste Management RecycleWorks Contract

The Committee of the Whole forwarded the following recommendation at their May 21, 2018 meeting to the full Assembly:

Recommend to the full Assembly that the manager negotiates an agreement with Waste Management under these terms to operate the recycling program and lease land for HHW and composting operations.

The Assembly may pass an Ordinance authorizing an alternative procurement that will allow CBJ to contract with Waste Management. A best interests finding for this authorization must be provided by the Manager. This contract is in the best interests of the CBJ for the following reasons:

1. Cost.
 - a. Consolidation of our recycling and hazardous waste programs allows for operational efficiencies that will result in savings to our citizens.
 - b. Locating these services at the Waste Management landfill allows CBJ to avoid the cost of purchasing land for this purposes, leaves valuable industrially zoned land on the tax role.
 - c. Cost of Living: Diversion of solid waste from the landfill extends the life of the landfill and keeps solid waste disposal costs low for the community. When the landfill reaches capacity, solid waste will be shipped out of Juneau and the cost to the community will increase for waste disposal.
2. Timing.
 - a. There is a need to act now to preserve our existing programs. The existing recycling program has been housed in the old incinerator building for many years and the building is no longer safe for use. Acting now will allow a new building to be constructed prior to the winter season.
3. Customer Benefit.
 - a. Co-locating the programs allows for one-stop disposal by CBJ.
 - b. Co-locating the programs at the landfill will provide our citizens a powerful reminder of the need to reduce and re-use products to reduce our landfill footprint.
 - c. Reducing the amount of waste that goes into the landfill will help preserve capacity for the next generation of citizens.
 - d. Public Convenience: Maintaining solid waste services at the landfill allows for public convenience in disposal of trash and recyclables. The broader agreement will also

provide for extended disposal services including HHW and organics at the same location.

4. Land Use.
 - a. Maintaining the location of the recycling program at the landfill does not require new industrial land to be occupied; it extends an existing use of land that does not appear to have other uses.
 - b. Other sites remain available for private sector purposes. It has been an Assembly goal to locate additional industrially zoned land for the community. By locating our programs at the landfill, this Assembly goal is supported.

Recommendation:

It is my recommendation that a contract with Waste Management is in the best interests of the City and Borough.

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

Resolution 2826 A Resolution of the City and Borough of Juneau in Support of the Juneau Marine Services Center.

MANAGER'S REPORT:

This resolution would affirm the Assembly’s support for Docks & Harbors to submit a \$25M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for \$1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In March 2017, Docks & Harbors completed a master planning document, the Juneau Downtown Harbors Uplands Master Plan: Bridge Park to Norway Point. This document, adopted with public input, described elements desired at the Juneau Marine Service Center that would be included in the BUILD grant application. The Docks & Harbors Board reviewed the resolution and recommended adoption at its June 28, 2018 meeting.

RECOMMENDATION:

The City Manager recommends this resolution be adopted.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution 2826	7/5/2018	Resolution

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2826

A Resolution of the City and Borough of Juneau in Support of the Juneau Marine Services Center.

WHEREAS, the CBJ Docks & Harbors is an enterprise organization under the direction of the Assembly; and

WHEREAS, Docks & Harbors plays an integral role in advancing economic opportunities for marine related businesses, tourism, and commercial fisheries; and

WHEREAS, Docks & Harbors receives no direct sales tax or property tax in the operational budget and, as an enterprise operation, is expected to self-generate revenue for annual expenses and to explore all opportunities for grant funding where it exists; and

WHEREAS, the development of marine infrastructure to support local businesses has been minimal over the past 30-50 years with Juneau lacking the capacity to haul-out or service vessels greater than 45 tons, requiring 15 percent of Juneau's commercial fleet to seek services outside the community or the state; and

WHEREAS, Docks & Harbors has developed conceptual plans to develop marine and boat services to better meet the needs of commercial vessels in Juneau by constructing a 150-ton vessel lift, a four-acre boatyard facility, and a 120-foot moorage float and wash down pad as part of a new Juneau Marine Service Center; and

WHEREAS, the U.S. Department of Transportation (U.S. DOT) has announced \$1.5 billion in funding under the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program, which provides a unique opportunity for the U.S. DOT to invest in road, rail, transit, and port projects that promise to achieve national objectives; and

WHEREAS, Docks & Harbors intends to submit an application to U.S. DOT for BUILD Transportation Discretionary Grant consideration to construct the Juneau Marine Services Center.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly supports the submission of a grant application to the U.S. DOT for BUILD Transportation Discretionary Grant funding for the Juneau Marine Services Center.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elisabeth J. McEwen, Municipal Clerk

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

Resolution 2827 A Resolution of the City and Borough of Juneau in Support of the Auke Bay Non-Motorized Coastal Transportation Link.

MANAGER'S REPORT:

This resolution would affirm the Assembly’s support for Docks & Harbors to submit a \$12M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for \$1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In January, the federal government transferred two acres of the former NOAA Auke Bay Laboratory to the CBJ. Docks & Harbors, in its planning efforts, has envisioned this location to be a portal to a new wave attenuator which would eventually replace the existing Statter Breakwater. Additionally, Docks & Harbors believes it would be advantageous to have a connecting elevated 1400 foot-long “bay walk” connecting the Statter Harbor parking lot to the newly acquired CBJ Auke Bay Marine Station and future portal. The Docks & Harbors Board reviewed the resolution and recommended its adoption at its June 28, 2018, meeting.

RECOMMENDATION:

The City Manager recommends this resolution be adopted.

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 2827	7/5/2018	Resolution

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2827

A Resolution of the City and Borough of Juneau in Support of the Auke Bay Non-Motorized Coastal Transportation Link.

WHEREAS, the CBJ Docks & Harbors is an enterprise organization under the direction of the Assembly; and

WHEREAS, Docks & Harbors plays an integral role in advancing economic opportunities for marine related businesses, tourism, and commercial fisheries; and

WHEREAS, Docks & Harbors receives no direct sales tax or property tax in the operational budget and, as an enterprise operation, is expected to self-generate revenue for annual expenses and to explore all opportunities for grant funding where it exists; and

WHEREAS, in January 2018, the City and Borough of Juneau was the beneficiary of two acres of the former National Oceanic and Atmospheric Administration (NOAA) Laboratory at the Auke Bay Marine Station; and

WHEREAS, the Auke Bay Marine Station has limited connectivity between the Don D. Statter Harbor Facility, which is currently serviceable only by Glacier Highway; and

WHEREAS, Docks & Harbors has developed conceptual plans to develop a 1400 foot long non-motorized coastal transportation link consisting of a pile-supported timber and structural deck with architectural guardrail and lighting to connect the existing parking area at Statter Harbor to the newly acquired Auke Bay Marine Station; and

WHEREAS, the U.S. Department of Transportation (U.S. DOT) has announced \$1.5 billion in funding under the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program, which provides a unique opportunity for the U.S. DOT to invest in road, rail, transit, and port projects that promise to achieve national objectives; and

WHEREAS, Docks & Harbors intends to submit an application to U.S. DOT for BUILD Transportation Discretionary Grant consideration to construct the Auke Bay Non-Motorized Coastal Transportation Link.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly supports the submission of a grant application to the U.S. DOT for BUILD Transportation Discretionary Grant funding for the Auke Bay Non-Motorized Coastal Transportation Link.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elisabeth J. McEwen, Municipal Clerk