

City of Kodiak Regular Council Meeting Agenda for March 27, 2014
7:30 p.m., at 710 Mill Bay Road, Assembly Chambers (Room 232)

- I. Call to Order/Roll Call**
Pledge of Allegiance/Invocation

- II. Previous Minutes**
Approval of Minutes of the March 13, 2014, Regular Council Meeting.....1

- III. Persons to Be Heard**
 - a. Proclamation: Mayors Day of Recognition for National Service8
 - b. Public Comments (limited to 3 minutes) (486-3231)

- IV. Unfinished Business**
None

- V. New Business**
 - a. First Reading, Ordinance No. 1317, Amending Kodiak City Code 8.68.010, Definitions, to Conform to the Naming of the New City Library12
 - b. Resolution No. 2014-13, Authorizing the Kodiak Public Library Association to Conduct Fundraising Activities at Selected City Facilities16
 - c. Authorization of Bid Award for Construction Services for Pier III Replacement, Project No.11-07/802420

- VI. Staff Reports**
 - a. City Manager
 - b. City Clerk

- VII. Mayor’s Comments**

- VIII. Council Comments**

- IX. Audience Comments** (limited to 3 minutes) (486-3231)

- X. Adjournment**

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<p>DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, MARCH 13, 2014
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE/INVOCATION

Mayor Pat Branson called the meeting to order at 7:30 p.m. Councilmembers Randall C. Bishop, Charles E. Davidson, Terry J. Haines, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

After the Pledge of Allegiance, Salvation Army Sergeant Major Dave Blacketer gave the invocation.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the February 4, 11, 21, and March 4, special and February 13, 2014, regular meeting as presented.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Declaring Women’s History Month

Mayor Branson read the proclamation, which recognizes the contributions of women to the growth and strength of our Nation and urges residents to increase their knowledge and appreciation of the valuable role women play in our lives.

Sandra Wilkins from the Kodiak Women’s Resource and Crisis Center accepted the proclamation. She thanked Mayor Branson and Councilmembers for their continued support. She announced there will be a walk beginning at the high school and ending at Sun’aq on March 27, 2014, to support the Governor’s Initiative to end the domestic violence and sexual assault and child abuse.

Mayor Branson shared that Commissioner of Health and Social Services William Streur will be participating in the walk.

b. Public Comments

None

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS**a. Resolution No. 2014–11, Accepting Amendment No. 1 to the Alaska Municipal Matching Grant Program, Grant No. 50339, From the Alaska Department of Environmental Conservation for the Design and Construction of the Monashka Pumphouse Replacement**

Mayor Branson read Resolution No. 2014–11 by title. Monashka reservoir and pumphouse are the primary sources of water for the City of Kodiak’s public water system. Records show that construction of the pumphouse began sometime in 1972. Since the initial start up of operations, only minor changes have been made, such as adding additional pumps and the replacement of the original motor start systems. In October 2010, Council authorized CH2MHill to do a feasibility study of an upgrade to the Monashka pumphouse. The City received an Alaska Municipal Matching Grant (AMMG) for the design and upgrade to the pumphouse of \$420,000 in December 2012 from remaining grant funds from the City’s UV water treatment project. Staff continued to work with DEC on the project funding and received notice of an amended award of an additional \$1,465,534 for design and construction of the pumphouse.

Councilmember Davidson MOVED to adopt Resolution No. 2014–11.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

b. Resolution No. 2014–12, Authorizing the Issuance of a Permit to the High School Soccer Team for the Use of Public Property for Its Soccer Clinic Fundraiser

Mayor Branson read Resolution No. 2014–12 by title. The high school soccer coach, Eric Waltenbaugh, requested the use the Baranof Park turf field to run a soccer clinic and lessons on March 21 and March 22 as a fundraiser. The purpose is twofold – to promote the sport and use of the field and to raise money for the high school soccer team. The soccer team is a club sport that is completely self-funded. The team raises money to cover the cost of travel and other costs.

Councilmember Walker MOVED to adopt Resolution No. 2014–12.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

c. Authorization of Amendment No. 1 to Professional Services Contract for Preliminary Design and Permitting of Snow Dump Storage Yard, Project No. 13-07/5030

In January 2013, Council approved DOWL HKM to perform a snow disposal site selection study. DOWL completed the study and presented the results to Council at the January 14, 2014, work session. Council agreed that Site 12, the old Lower Reservoir site, was the best location for the new snow disposal site. The next step is to proceed with Phase 1 65 percent design, environmental permitting, and geotechnical investigation services for Site 12.

Councilmember Haines MOVED to authorize Amendment No. 1 to the Professional Services Contract for Preliminary Design and Permitting of Snow Dump Storage Yard, Project No. 13-

07/5030, with DOWL HKM in the amount of \$44,500, with funds coming from the Streets Improvement Capital Fund and authorize the City Manager to sign the agreement on behalf of the City.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

d. Authorization of ABC Board Restaurant Designation for Aquamarine LLC

Aquamarine LLC (formerly Angelo’s Restaurant) filed an application for a restaurant designation permit with the State of Alaska Alcoholic Beverage Control (ABC) Board. State regulations require the ABC Board to forward the application to the City Council for approval before a permit can be issued.

Councilmember Bishop MOVED to approve the Restaurant Designation Application for Aquamarine LLC.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Kniaziowski advised the public that there was a blizzard warning for Kodiak that evening.

Manager Kniaziowski stated she attended the Alaska Municipal League meetings in Juneau with the Mayor recently. She said they had a successful lobbying trip and reception and commented that numerous legislators were in attendance. She gave a brief overview and stated she met with the Office of Management and Budget, Department of Transportation, and Governor Parnell. She said there was discussion on the on the Public Employee Retirement System (PERS) and Teachers’ Retirement System (TERS), the Governor’s budget, and revenue sharing. She said if retirement contributions increase, the City would have to pay an additional \$138,500 annually. She shared updates on the vessels the Wolfstad and the Stimson.

She gave an update on the Southwest Alaska Municipal League Conference (SWAMC) and stated the theme was accessing opportunities in Southwest Alaska and the conference was well attended.

Manager Kniaziowski said staff is working on budget entries that are due to be completed by the end of the month. She commented that bids were received for Pier III, and all the bids were higher than the budgeted amount. She said Roe Sturgulewski will negotiate with the lowest bidders for Pier III. She said the Monashka pumphouse is out to bid, and the award is due to occur in April.

Manager Kniazowski said Harbormaster Marty Owen will retire in May 2014 after 19 years; she wished him well and stated she was pleased he is able to stay until after the budgetary process this year.

She announced the Kodiak Lions Club will have a ceremony on April 5, 2014, at the harbor to place a memorial plaque dedicated to those that lost their lives in the 1964 Good Friday earthquake.

Manager Kniazowski indicated the City, Kodiak Island Borough, and the Kodiak Soil and Water Conservation District entered into a short-term joint non-exclusive agreement for a community garden that will be located on Larch Street.

She said the University of Alaska Board of Regents will be in Kodiak on April 3 and 4 to discuss the future of the Fisheries Technology center. She stated there are public hearings scheduled from 9:30 a.m. until 10:30 a.m. on both days. She said there will also be a reception on April 3 from 5:30 p.m. until 8 p.m.

b. City Clerk

City Clerk Marljar informed the public of the next scheduled Council work session, regular meeting and joint work sessions and their locations.

VII. MAYOR'S COMMENTS

Mayor Branson said there is a need to follow discussion on the PERS liability issue and encouraged the public to get in contact with their legislators. She said she participated in a Marine Highway Board teleconference with DOT Commissioner Kemp, Deputy Yost, and AHMS Captain Falvey and said the Tustemena is scheduled to provide service for the next five to ten years. She noted that state rooms for the ferry are sold out for this summer. Mayor Branson encouraged participation for the planning and design of the new ferry; she asked that outreach occur in the smaller communities, not only the hub communities. She said the SWAMC meeting had good discussion on fisheries issues.

She indicated the Joint Fisheries Work Group is meeting Monday, March 17, 2014, at 6 p.m.

She stated she looks forward to the upcoming budgetary process.

She thanked Chief Wallace for presenting at the Rotary Club and Councilmember Walker and City staff for their work on the Horizon Lines contracts.

VIII. COUNCIL COMMENTS

Councilmember Walker said he appreciated the work of the City Manager and staff to obtain additional funding for the Monashka pumphouse. He congratulated the girls' and boys' basketball teams for winning regions and advancing to state. He said he enjoyed going to SWAMC to network and get updated on statewide activities.

Councilmember Bishop congratulated the girls’ and boys’ basketball teams for winning regions; he wished them good luck at state.

Councilmember Haines commented there was discussion in Juneau on the PERS and TERS liability and said the Governor’s set aside of three billion dollars is not doing as well as planned. He was pleased with the progress on the Monashka pumphouse. He said the Parks and Recreation Advisory Board gave an update on proposed bike and walking trails and stated the Downtown Kodiak Revitalization Committees are working on good improvements for the future. He encouraged the community to be involved and gave an update on the upcoming fisheries meeting schedule.

Councilmember Saravia thanked the Engineer and Chief of Police for their service. He gave a fishing update, stating it has been very busy with Pollock. He shared that housing has been limited for the cannery workers due to the high demand.

Councilmember Davidson stated he had the privilege to attend the Juneau lobbying trip and SWAMC and shared that networking is valuable for the community. He thanked the native corporations and processors for their contributions to the reception in Juneau. He thanked Tuck Bonney for gathering the seafood for the dinner at the reception, and he thanked Harbormaster Marty Owen for his work and service.

Councilmember Whiddon said that Kodiak has maintained the third largest fishing port in the nation, and he thanked Harbormaster Owen and Deputy Harbormaster White for the large role they play in the Kodiak community.

IX. AUDIENCE COMMENTS

None

X. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The roll call vote was Councilmembers Bishop, Davidson, Haines, Saravia, Walker, and Whiddon in favor. The motion passed.

The meeting adjourned at 8:15 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK
Minutes Approved:

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PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: March 27, 2014

Agenda Item: III. a. Proclamation: Mayors Day of Recognition for National Service

SUMMARY: This proclamation encourages recognition of the positive impact of national service in our City and thanks those who serve and give back to their communities.

NOTES/ATTACHMENTS:

Attachment A: Proclamation Declaring Mayors Day of Recognition for National Service

PROCLAMATION

Declaring April 1, 2014, Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and AmeriCorps and Senior Corps address the most pressing challenges facing our cities; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities.

NOW, THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim April 1, 2014, as

MAYORS DAY OF RECOGNITION FOR NATIONAL SERVICE
in Kodiak and encourage local residents to recognize the positive impact of national service in our city, to thank those who serve, and to find ways to give back to their communities.

Dated this 27th day of March 2014.

City of Kodiak

Pat Branson, Mayor

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager
Thru: Katie Baxter, Library Director
Date: March 27, 2014

Agenda Item: V. a. **First Reading, Ordinance No. 1317, Amending Kodiak City Code 8.68.010, Definitions, to Conform to the Naming of the New City Library**

SUMMARY: This ordinance corrects the name of the new library facility as the Kodiak Public Library where it is referenced in Kodiak City Code 8.68.010 to define the word “library.” When the City Council formalized the name change from the A. Holmes Johnson Public Library to the Kodiak Public Library in April of 2013, this section of code was not amended to reflect the change. Staff recommends Council adopt Ordinance No. 1317 in the first reading and advance to the second reading and public hearing at the next regular or special Council meeting.

PREVIOUS COUNCIL ACTION: On April 25, 2013, Council adopted Resolution No 2013–14, Authorizing the Naming of the New Library as the Kodiak Public Library.

DISCUSSION: In December, the Library Director was informed that the online version of the City Code, §8.68.010, had not been amended to reflect the name change from A. Holmes Johnson Memorial Library to the Kodiak Public Library. The Library Director reported the information at a weekly Department Head meeting. The City Clerk asked the City Attorney to review and prepare the language for an ordinance to amend the City Code. Ordinance No. 1317 meets the City’s requirement to amend the Kodiak City Code 8.68.010 to conform to the naming of the City’s library as the Kodiak Public Library.

ALTERNATIVES: Council may adopt, amend, postpone, or fail to adopt the ordinance. However, adoption of the ordinance makes the new library name consistent with Council’s intent when Resolution No. 2013–14 was passed and is the staff recommendation.

FINANCIAL IMPLICATIONS: There are no financial implications related to adopting this ordinance.

LEGAL: Amending this section of the City Code will support and clarify the new library’s name. The City Attorney drafted the ordinance.

STAFF RECOMMENDATION: Staff recommends that Ordinance No. 1317 be passed in the first reading and advanced to the second reading and public hearing at the next regular or special Council

meeting. This change will ensure the Code accurately reflects the language in the City's resolution renaming the library facility, Resolution No. 2013-14, which was adopted on April 25, 2013.

CITY MANAGER'S COMMENTS: Staff wasn't aware that this one section of the City Code referred to the library by its former name, the A. Holmes Johnson Memorial Library. Once it was discovered, staff worked with the attorney to prepare the amendment to reflect the official name change of the new facility to the Kodiak Public Library. I recommend Council pass this ordinance in the first reading and advance it in the second reading.

ATTACHMENTS:

Attachment A: Ordinance No. 1317

Attachment B: Resolution No. 2013-14, Authorizing the Naming of the New Library as the Kodiak Public Library

PROPOSED MOTION:

Move to pass Ordinance No. 1317 in the first reading and advance to the second reading and public hearing at the next regular or special Council meeting.

**CITY OF KODIAK
ORDINANCE NUMBER 1317**

**AN ORDINANCE AMENDING KODIAK CITY CODE 8.68.010, DEFINITIONS,
TO CONFORM TO THE NAMING OF THE NEW CITY LIBRARY**

WHEREAS, on April 25, 2013, the Council adopted Resolution No. 2013–14 naming the new City library; and

WHEREAS, Kodiak City Code 8.68.010 should be amended to reflect the adoption of Resolution No. 2013–14.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, that:

Section 1: Kodiak City Code 8.68.010, Definitions, is hereby amended to read as follows:

8.68.010 Definitions. As used in this chapter:

“Fine” or “fines” means penalties imposed by library rules for failure to return library material.

“Library” means the **Kodiak Public** ~~A. Holmes Johnson Memorial~~ Library in Kodiak, Alaska.

“Library property” means any material which is the property of or in custody of the library.

“Willfully mutilate” means to cut, tear, deface, break, injure, disfigure, damage, or destroy library property intentionally, recklessly, or with criminal negligence.

“Without authorization” means contrary to rules which set forth policies governing access to library materials including, but not limited to, eligibility for library patronage and lending procedures.

Section 2: This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2–13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

[**Bold and underlined added.** Deleted language stricken through.]

**CITY OF KODIAK
RESOLUTION NUMBER 2013-14**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING THE NAMING OF THE NEW LIBRARY AS THE KODIAK PUBLIC LIBRARY

WHEREAS, a new public library is being built and will open to the public this fall; and

WHEREAS, the existing public library is named the A. Holmes Johnson Memorial Library; and

WHEREAS, members of the public have requested the new library be named the Kodiak Public Library; and

WHEREAS, the Johnson family has been consulted and supports the naming of the new library; and

WHEREAS, the new library will have a display outlining the Johnson family's role in the development of the Kodiak library; and

WHEREAS, Resolution No. 13-94 outlines a policy for naming City facilities, and naming the new library the Kodiak Public Library meets the intent of Resolution No. 13-94.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the new Kodiak library shall be named the Kodiak Public Library.

BE IT FURTHER RESOLVED that the 30-day public comment period outlined in Resolution No. 13-94 is deemed unnecessary due to many meetings and discussions over the past 18 months and the public support for the name change that was generated from the grass-roots level.



CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted: April 25, 2013

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniazowski, City Manager
Thru: Katie Baxter, Library Director
Date: March 27, 2014

Agenda Item: V. b. Resolution No. 2014–13, Authorizing the Kodiak Public Library Association to Conduct Fundraising Activities at Selected City Facilities

SUMMARY: The Kodiak Public Library Association (KPLA) submitted a request to the Library Director requesting continued permission to conduct fundraising activities on the site at the Kodiak Public Library, and, other City property as opportunities arise. This organization raises funds to support the existing library and its programs. The Council has granted KPLA and other non-profit organizations the ability to raise funds at City-owned property on occasion. Staff recommends the Council approve KPLA's request to be allowed to conduct fundraising at the Kodiak Public Library and other City-owned property by adopting Resolution No. 2014–13.

PREVIOUS COUNCIL ACTION: As provided for in City Code, the Council periodically approves resolutions for various non-profit organizations to conduct fundraising activities on City property. On February 25, 2010, Council adopted Resolution No. 2010–04 authorizing the Kodiak Public Library Association to conduct fundraising activities at selected City facilities, but the resolution expired a year later in February 2011.

DISCUSSION: KPLA has actively supported the City's Kodiak Public Library Association and its programs through fundraising efforts for many years, having contributed over \$750,000 in funds and in-kind donations towards the new library. KPLA was a strong advocate for the new library facility, and the City worked with them as a partner in this effort. KPLA wants to continue its role in fundraising for library materials, programs and facility needs. They made a formal request (Attachment B) to continue selling logo-type items at the library and by being able to charge for special functions such as gala dinners and silent auctions at the Library and other City-owned property.

Kodiak City Code, §5.04.050(d), allows non-profit organizations to conduct fundraising on City property by resolution of the Council. The Council periodically grants non-profits the ability to sell items or conduct other fundraising activities on City-owned property. Staff supports KPLA's request and recommends that Council grant them the ability to fundraise at the Kodiak Public Library or other City-owned property if they work with staff to provide advance notice and obtain permission for events. They would be responsible for complying with any applicable provisions in §5.04.050 and §5.04.060.

ALTERNATIVES: There are two alternatives for Council to consider:

- 1) Adopt Resolution No. 2014–13 to allow KPLA to conduct fundraising activities at the Library and other City-owned property as opportunity arises, which would increase fundraising opportunities and directly benefit the City’s existing programs and help the City’s funding of a new facility. This is the staff recommendation.
- 2) Amend or choose not to approve Resolution No. 2014–13 and have KPLA continue to conduct fundraising activities elsewhere. This is not recommended.

FINANCIAL IMPLICATIONS: If Council approves the resolution, KPLA’s fundraising efforts will benefit the Library’s existing programs and provide assistance in obtaining community funds for materials and library facilities needs.

LEGAL: KCC §5.04.050(d) allows the City Council to approve fundraising activities on designated City-owned property by non-profit groups through passage of a resolution. Resolution No. 2014–13 complies with that requirement.

STAFF RECOMMENDATION: Staff recommends Council grant KPLA permission to fundraise at the Kodiak Public Library or other City-owned property providing that they provide advance notice to the City, obtain permission for each event, and comply with all applicable sections of KCC §5.04.050 and §5.04.060.

CITY MANAGER’S COMMENTS: KPLA demonstrated its commitment to the City’s library and the new library building project over many years. They continue to be a key partner in our efforts to provide quality programs, materials and facilities in the new library. Along with the Library Director, I support their ongoing efforts to fundraise in keeping with their supportive role at the library. Their request to sell small items in the Library and to charge for special functions at the Library or City-owned property is reasonable, and their efforts will provide direct benefit to the City and the community.

ATTACHMENTS:

Attachment A: Resolution No. 2014–13

Attachment B: Letter of Request from KPLA received March 19, 2014

PROPOSED MOTION:

Move to adopt Resolution No. 2014–13.

**CITY OF KODIAK
RESOLUTION NUMBER 2014-13**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
AUTHORIZING THE KODIAK PUBLIC LIBRARY ASSOCIATION TO CONDUCT
FUNDRAISING ACTIVITIES AT SELECTED CITY FACILITIES**

WHEREAS, the Kodiak Public Library Association (KPLA) is a local nonprofit organization dedicated to the support of the Kodiak Public Library Association; and

WHEREAS, KPLA provides financial support to the library programs and materials through its fundraising activities; and

WHEREAS, KPLA has raised over \$750,000 in funds for the City’s library programs, materials and new library facilities; and

WHEREAS, KPLA wishes to support the library with programs, materials, and facilities through its volunteer and fundraising activities; and

WHEREAS, KPLA has requested permission to continue their support and advocacy to include fundraising through the sale of logo-type items at the library and during special events at the Library and City-owned property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska that a permit be issued, with the permit fee waived, as provided in Kodiak City Code Section §5.04.050(d), to the Kodiak Public Library Association to conduct fundraising events and to sell small items at the Kodiak Public Library and, possibly, other City-owned property.

BE IT FURTHER RESOLVED that permission is granted for KPLA to charge admission to special events, hold fundraisers, such as silent auctions and gala dinners, and to sell small items at the Library and other City-owned property, providing KPLA provides advance notification to the City and receives approval, and complies with applicable stipulations set forth in Kodiak City Code Section §5.04.050 and §5.04.060.

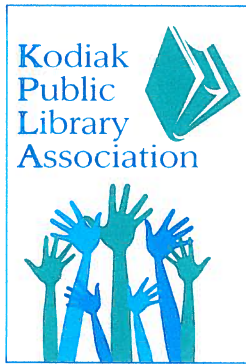
CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:



Kodiak Public Library Association
P.O. Box 1824
Kodiak, AK 99615

March 19, 2014

Aimee Kniaziowski
City Manager
710 Mill Bay Road
Kodiak, AK 99615

Dear Aimee:

The Kodiak Public Library Association (KPLA) requests authorization to conduct fundraising at the Library and on other City-owned property when opportunity arises. The Association continues to be a strong supporter of library efforts pertaining to programs, materials, and facilities needs. Over the past years, through fundraising efforts at the library and other City facilities such as the Teen Center, KPLA raised over \$750,000 in donations and in-kind gifts to help the City with its new building project.

KPLA is approaching the City at this time because it has come to our attention that the **City of Kodiak Resolution 2010-04, Authorizing Kodiak Public Library Association to Conduct Fundraising Activities at Selected City Facilities** has expired.

The community is enjoying the new library, and KPLA wishes to continue fundraising activities such as the selling of small items, collecting donations and memberships, and holding events, such as book sales, a silent auction, or other gala event at the Library or other City-owned property. It is our understanding that KPLA would request permission from the City to use City-owned property for specific KPLA fundraising activities. Monies raised from KPLA-sponsored activities would go towards funding programs, acquiring library materials, and purchasing specific items to enhance the library facilities.

Thank you for considering KPLA's request.

Respectfully,

A handwritten signature in black ink, appearing to read "Kaia Henrickson", is written over a light blue horizontal line.

Kaia Henrickson
Chair, Kodiak Public Library Association

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Council members
From: Aimée Kniaziowski, City Manager
Thru: Glenn Melvin, City Engineer
Date: March 27, 2014

Agenda Item: V. c. Authorization of Bid Award for Construction Services for Pier III Replacement, Project No. 11-07/8024

SUMMARY: This memo recommends authorization of a construction contract between the City and Pacific Pile and Marine LP (PPM) Construction in the amount of \$25,841,720 for the construction of the Pier III Replacement Project No. 11-07/8024 project. The City pursued the bids through a competitive bid process conforming to the City of Kodiak's Code, Title 3. Five bids were opened on March 6, 2014, and all bids exceeded the project construction budget. Per City Code section 3.12.050 the project manager initiated negotiations with the three low bidders with the goal of bringing the construction cost in alignment with the available budget. The revised bids were received on March 17, 2014, and PPM is the low responsible and responsive bidder.

PREVIOUS COUNCIL ACTION:

- Jan 13, 2011, Council approved a Conceptual Design Study for replacing Pier III.
- Nov 17, 2011, Council approved a Wave and Current Measurements Study for Pier III.
- Feb 23, 2012, Council approved a Wave Modeling Study for the replacement of Pier III.
- Jul 12, 2012, Council adopted Resolution No. 2012-18 accepting the legislative grant for \$18.1 million and accepting the additional \$15 million if the bond package passed, which it did.
- Dec 13, 2012, Council approved the RISE Alaska proposal for initial project management services for Pier III; and Council approved a professional services contract for geotechnical work.
- Jan 24, 2013, Council approved Amendment No. 1 to the PND professional services contract for survey and preliminary engineering.
- May 23, 2013, Council approved Amendment No. 2 to the PND professional services contract for additional geotechnical work.
- Jun 27, 2013, Council approved Amendment No. 3 to the PND professional services contract for full design and permitting work.
- Dec 12, 2013, Council approved Amendment No. 5 to the PND professional services contract for construction administration; and Council approved Amendment No. 1 to the ARCADIS professional services contract for Pier III project management through construction.
- Feb 13, 2014, Council authorized Pre-Purchase Pipe Pile and Sheet Pile materials for Pier III Replacement project.

DISCUSSION: In accordance with the City of Kodiak procurement provision in the Kodiak City Code, Title 3, a public invitation to bid was published in a general circulation newspaper on December 27, 2013, and posted on the City’s Engineering Bid Projects page.

The procurement process included three steps. The first was a Request for Qualifications (RFQ) for construction services, which was posted on the City’s procurement website on December 27, 2013. Statements of Qualifications (SOQs) were received from five firms on January 27, 2014. SOQs were reviewed by the technical project team and references were checked with this information and provided to an evaluation committee consisting of City and Horizon Lines staff. All five construction companies submitting SOQs were found to be qualified to bid the project.

An Invitation for Bid (IFB) was issued on February 6, 2014, to the pre-qualified contractors. Sealed bids were received from all pre-qualified bidders, publicly opened, and read aloud on March 6, 2014. All five bids were determined to be responsive and responsible. The Engineer’s Construction Estimate, based on the 100 percent bid documents was \$24,951,800. Bids received from the contractors ranged from \$28,813,555 (PPM) to \$42,240,540. The second to fourth lowest bids ranged from \$34,044,921 to \$37,284,192. The original bid tabulation is included (Attachment A). With all bids exceeding available construction funds, negotiations were undertaken in accordance with City Code 3.12.050[d] with the three firms submitting the lowest bids. The three bidders moving into negotiations were Pacific Pile & Marine, Manson Construction, and American Construction Company. A primary negotiation goal was to identify reductions in project scope or quantity sufficient to meet the budget constraints while preserving project structural and operational objectives. The negotiated bid tabulation is included (Attachment B).

An analysis of the bids revealed the greatest cost differences between the Engineer’s Estimate and the contractor bids were cast-in-place concrete, pier sub-caps, dolphins, and mobilization/demobilization bid items.

The project technical team identified a number of reductions in the scope, quality, and quantity of the project to align construction costs and available budget while preserving essential structural and operational properties of the pier. The working length of the pier was reduced by deleting about 55 feet of crane rail. The connection between the new and the old dock, a poured-in-place trapezoidal shape with many complicated elements, was also removed. Additional reductions included eliminating the top-coat epoxy from the pipe piles and removing the mooring dolphin. The primary purpose of the latter element was to berth larger ships in the future. The zinc pile coating beneath the epoxy was not changed. Additional cost reductions occurred from modifying the measurement and payment mechanisms for the underwater rock work. The type C material was modified to increase the in-place yield and improve retention in the structural prism.

Additional deleted elements included fencing, crane rail heat trace, and an asphalt thickness reduction. It is anticipated some of these elements may be added back in the event adequate contingency remains after completing the higher risk subsurface elements.

These changes were reflected in modifications to the bid documents, and the negotiating contractors revised their bids accordingly. Revised bids were received on March 17, 2014, with the lowest bid received from Pacific Pile and Marine LLP with a total bid of \$25,841,720. Manson Construction's bid was \$29,304,431 and American Construction's bid was \$30,782,968.

ALTERNATIVES:

- 1) Council may authorize the construction contract as per the negotiated amount noted above. This is the recommendation of staff.
- 2) Delay or do not authorize the contract, which is not recommended. A delay of the project would require that the project to be placed on hold, which would result in loss of at least one season of construction at a minimum. This would result in increased cost and place the project at risk. Non award may result in a potential rebid that would likely exceed the allowable budget again. At this point the contactors know the bid amounts and would most likely increase their bids.

FINANCIAL IMPLICATIONS: Total funding for the Pier III Replacement project includes \$33.6 M in state grants and bond funding and previously appropriated City funds. With approval of this contract, the unallocated contingency is at about \$1.9 M or about 7.4 percent of the construction bid. This unallocated contingency includes an anticipated reduction in the Dominion Pipe & Piling contract related to decreasing the required amount of piling. It is anticipated there may be some additional negotiations with PPM to further reduce construction costs. There are additional identified modifications, which will not significantly affect the quality of the project, but are anticipated to decrease the cost. Additional engineering work is required to evaluate and potentially implement these elements.

LEGAL: The procurement process and documents have been reviewed by the City attorney and the Code was followed when negotiating with the lowest bidders.

STAFF RECOMMENDATION: Staff and the project manager recommend award of the bid for construction of the Pier III Replacement to Pacific Pile and Marine in the amount of \$25,841,720, with funds coming from the Pier III Replacement Project No. 11-07/8024.

CITY MANAGER'S RECOMMENDATION AND COMMENTS: All five bids received and opened in March were well above the project budget. I am pleased that Roe Sturgulewski and the project team were able to go through the project and identify elements that could be value engineered or eliminated to keep the project within budget. I am also pleased he was able to successfully negotiate with the low bidders to make this bid award possible. Therefore, I support the recommendation from City staff and the project manager that Council authorize the bid award to Pacific Pile and Marine as negotiated.

ATTACHMENTS:

- Attachment A: Original Bid Tabulation
- Attachment B: Negotiated Bid Tabulation
- Attachment C: ARCADIS Memorandum dated March 18, 2014, Kodiak Pier III Construction Contract Award
- Attachment D: Kodiak Pier III Budget, March 18, 2014

PROPOSED MOTION:

Move to authorize the bid for construction of the Pier III Replacement Project to Pacific Pile and Marine in the amount of \$25,841,720, with funds coming from the Pier III Replacement Project No. 11-07/8024 and authorize the City Manager to execute the documents on behalf of the City.



CITY OF KODIAK BID TABULATION

Project Name: **Pier III Replacement-Construction**

PN: **11-07/8024**

Date: **March 6, 2014**
 Time: **2:00 p.m.**
 Date of Invitation: **February 6, 2014**
 Opened By: **Glenn Melvin**

Addendum No.	Date Issued
1	February 20, 2014
2	February 28, 2014

BIDDER	BASE BID	ADDITIVE ALTERNATES
ENGINEERS ESTIMATE	\$ 24,951,800.00	1. \$ 260,000.00
		2. \$ 21,000.00
		3. \$ 0.00
		4. \$
Kiewit Infrastructure West Co.	\$ 42,240,540.00	1. \$ 220,000.00
<input type="checkbox"/> Addendums Acknowledged		2. \$ 12,500.00
<input type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input type="checkbox"/> Contractors Certificate		4. \$
Pacific Pile & Marine, LP	\$ 28,813,555.00	1. \$ 430,000.00
<input type="checkbox"/> Addendums Acknowledged		2. \$ 10,300.00
<input type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input type="checkbox"/> Contractors Certificate		4. \$
Manson Construction Co.	\$ 34,044,921.00	1. \$ 470,000.00
<input type="checkbox"/> Addendums Acknowledged		2. \$ 43,000.00
<input type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input type="checkbox"/> Contractors Certificate		4. \$
	Modified Base Bid	Modified Additives
American Construction Co.	\$ 35,600,661.00	1. \$ 230,000.00
<input type="checkbox"/> Addendums Acknowledged		2. \$ 24,000.00
<input type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input type="checkbox"/> Contractors Certificate		4. \$
West Construction Co.	\$ 37,284,192.00	1. \$ 575,000.00
<input type="checkbox"/> Addendums Acknowledged		2. \$ 9,500.00
<input type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input type="checkbox"/> Contractors Certificate		4. \$



CITY OF KODIAK BID TABULATION

Project Name: **Pier III Replacement-Construction**

PN: **11-07/8024**

Date: **March 17, 2014**
 Time: **2:00 p.m.**
 Date of Invitation: **February 6, 2014**
 Opened By: **Glenn Melvin**

Addendum No.	Date Issued
1	February 20, 2014
2	February 28, 2014
3	March 12, 2014
4	March 14, 2014

BIDDER	BASE BID	ADDITIVE ALTERNATES
ENGINEERS ESTIMATE	\$ 24,951,800.00	\$
		2. \$
		3. \$
		\$
Pacific Pile & Marine, LP	\$ 25,841,720.00	\$
<input type="checkbox"/> Addendums Acknowledged		2. \$ 10,300
<input checked="" type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input checked="" type="checkbox"/> Contractors Certificate		\$
Manson Construction Co.	\$ 29,304,431.00	\$
<input type="checkbox"/> Addendums Acknowledged		2. \$ 43,000
<input checked="" type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input checked="" type="checkbox"/> Contractors Certificate		\$
American Construction Co.	\$ 30,782,968.00	\$
<input type="checkbox"/> Addendums Acknowledged		2. \$ 24,000
<input checked="" type="checkbox"/> Bid Bond & Business License		3. \$ 0.00
<input checked="" type="checkbox"/> Contractors Certificate		\$



Memorandum

TO: Aimee Kniazowski
FROM: Roe Sturgulewski
DATE: March 18, 2014
RE: Kodiak Pier III
Construction Contract Award

This recommends award of a contract with Pacific Pile & Marine, LP (PPM) for Pier III Replacement construction (COK Project No. 11-07/8024) in the amount of \$25,841,720. PPM is the low responsible and responsive bidder as determined through a competitive bidding process conforming to City of Kodiak Code, Title 3.

The procurement process included three steps. The first was a Request for Qualifications (RFQ) for Construction Services which was posted on the City's procurement website on December 27, 2013. Statements of Qualifications (SOQs) were received from five (5) firms on January 27, 2014. SOQs were reviewed by the technical project team and references were checked with this information provided to an Evaluation Committee consisting of City and Horizon Lines staff. All five (5) construction companies submitting SOQs were found to be qualified to bid the Project.

An Invitation for Bid (IFB) was issued on February 6, 2014, to the pre-qualified Contractors. Sealed bids were received from all pre-qualified bidders, publicly opened and read aloud on March 6, 2014. All five bids were determined to be responsive and responsible. The Engineer's Construction Estimate, based on the 100% bid documents was \$24,951,800: Bids received from the Contractors ranged from \$28,813,555 (PPM) to \$42,240,540. The second to fourth lowest bids ranged from \$34,044,921 to \$37,284,192. With all bids exceeding available construction funds, negotiations were undertaken in accordance with City Code 3.12.050[d] with the three (3) firms submitting the lowest bids. The three bidders moving into negotiations were Pacific Pile & Marine, Manson Construction and American Construction Company. A primary negotiation goal was to identify reductions in project scope, quality, or quantity sufficient to meet the budget constraints while preserving project structural and operational objectives.

An analysis of the bids revealed the greatest cost differences between the Engineer's Estimate and the Contractor bids were cast-in-place concrete; pier sub-caps; dolphins; and mobilization/demobilization bid items.

The project technical team identified a number of reductions in the scope, quality and quantity of the project to align construction costs and available budget while preserving essential structural and operational properties of the pier. The working length of the pier was reduced by deleting about 55 feet of crane rail. The connection between the new and the old dock, a poured-in-place trapezoidal shape with many complicated elements, was also removed. Additional reductions included eliminating the top-coat epoxy from the pipe piles and removing the mooring dolphin. The primary purpose of the latter element was to berth larger ships in the future. The zinc pile coating beneath the epoxy was not changed. Additional cost

reductions occurred from modifying the measurement and payment mechanisms for the underwater rock work. The Type C Material was modified to increase the in-place yield and improve retention in the structural prism.

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Total funding for the Pier III Replacement project includes \$33.6 M in State grants and bond funding and previously appropriated City funds. With approval of this contract, the unallocated contingency is at about \$1.9 M or about 7.4% of the construction bid. The unallocated contingency includes an anticipated reduction in the Dominion Pipe & Piling contract related to decreasing the required amount of piling. It is anticipated there will be some additional negotiations with PPM to further reduce construction costs. There are some additional identified modifications which will not significantly affect the quality of the Project but are anticipated to decrease the cost. Additional engineering work is required to evaluate and potentially implement these elements.

Please contact me if you have any questions on this issue.



Kodiak Pier III Budget 3/18/14



Draft Budget		EAC	Obligations	Spent (as of 3/13/14)
DESIGN				
Wave Modeling	\$ 64,000	\$ 64,000	\$ 63,348	\$ 63,348
Geotech	\$ 348,000	\$ 348,000	\$ 347,683	\$ 347,683
Survey	\$ 31,000	\$ 31,000	\$ 30,600	\$ 30,600
Design	\$ 691,000	\$ 691,000	\$ 690,210	\$ 683,871
Permitting	\$ 111,000	\$ 111,000	\$ 110,155	\$ 106,212
CA	\$ 1,000,000	\$ 1,000,000	\$ 996,021	\$ 43,813
Subtotal Design	\$ 2,245,000	\$ 2,245,000	\$ 2,238,017	\$ 1,275,526
ADMINISTRATION				
City	\$ 50,000	\$ 50,000	\$ 20,740	\$ 20,740
Professional Services	\$ 625,000	\$ 625,000	\$ 623,509	\$ 270,018
Legal	\$ 20,000	\$ 20,000	\$ 4,838	\$ 4,838
Other	\$ 30,000	\$ 30,000	\$ 3,452	\$ 3,452
Subtotal Administration	\$ 725,000	\$ 725,000	\$ 652,539	\$ 299,048
CONSTRUCTION				
Dock	\$ 25,850,000	\$ 25,850,000	\$ -	\$ -
Material	\$ 2,850,000	\$ 2,850,000	\$ 494,396	\$ -
Mitigation	\$ 32,000	\$ 32,000	\$ -	\$ -
Subtotal Construction	\$ 28,732,000	\$ 28,732,000	\$ 494,396	\$ -
CONTINGENCY	\$ 1,865,445	\$ 1,865,445		
Total	\$ 33,567,445	\$ 33,567,445	\$ 3,384,952	\$ 1,574,573