THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 31, 2017

MEETING NO. 2017-16: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon (telephonic) and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Chad Cameron, Asst. Chief, CCFR; Dave Scanlan, Eaglecrest Ski Area Manager; Bob Bartholomew, Finance Director; Robert Barr, Library Director; Carl Uchytil, Port Director; Roger Healy, Engineering and Public Works Director.

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. June 26, 2017 Regular Meeting No. 2017-15

Hearing no objection, the minutes of the June 26, 2017 Regular Assembly Meeting 2017-15 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested that Item B under New Business, Docks and Harbors Regulations regarding Shorepower Access Fees, be removed from the agenda for consideration at a future date. Hearing no objection, the item was removed.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle spoke about his interest in allowing pedicab service at night. The permit can be used year-around. Today he paid for his insurance and he was looking forward to obtaining his permit. He continues to turn down rides. He is saving his money for his permit. He would like to be able to pay for his permit on an incremental basis. He would like to see the Assembly create the regulations, not the police. The police should just enforce the law.

Mel Perkins, owner of two Best Western properties, said he has a sense of the independent traveler and said an increase in the bed tax was punitive to independent travelers. That type of traveler is here all year and should be our lifeblood. If this tax goes forward we are 2% higher than Anchorage and 6% higher than Fairbanks. He would like to see how the bed tax is expended.

Elaine Schroeder said she is a recently retired psychotherapist and spoke about denial in the face of an overwhelming threat and likened this to people's reaction to climate change. She spoke about climate change and the hope that "someone else" will take care of it. She spoke about the signs of global warming in Juneau. Juneau is getting wetter and there is no denying the climate change is a local issue. She asked if the city has the moral courage to stand with over 360 other cities to sign the mayor's climate accord and encouraged them to do so.

Dana Owen spoke about the local response to global climate change, which is creating challenges to our way of life. He asked the Assembly to support the mayor's climate agreement. Juneau is perfectly positioned to join. Our citizens are well informed and talented, and he spoke about ongoing efforts locally to address climate change. There is much reason to hope and cheerleading from our local elected officials helps youth feel they are being supported in their futures.

Jamie Bursell asked the Assembly to join the climate mayor's network if the measure is reconsidered. There are no binding commitments in this action but it requires developing a community greenhouse gas inventory, setting targets to reduce emissions, and developing a climate action plan, actions which the Assembly took ten years ago. She said this would be sign to the world that Juneau is forward thinking and attract people to the community to help solve problems.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

Ms. Becker asked to remove Resolution 2800, regarding park naming, to the regular agenda.

C. Assembly Action

MOTION, by Nankervis, to adopt the consent agenda, with the removal of Resolution 2800. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2017-18 An Ordinance Amending the Penal Code

This ordinance aligns the CBJ penal code with state statutes and adds penalty provisions. An annotated version of this ordinance, which explained each amendment, was presented to the Committee of the Whole on July 12, 2017. The Committee of the Whole approved a motion to forwarding the ordinance to the assembly for introduction.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2017-21 An Ordinance Amending the Discharging Firearms Ordinance.

This ordinance would amend the code section prohibiting the discharging of firearms in certain areas to remove an incorrect geographic reference. CBJ 42.20.050 prohibits the discharge of firearms within a quarter mile of the Mount Roberts Trail. In describing the trail, the code specifically identifies the trailhead as beginning at Sixth Street. Although that trailhead still exists and is still in use, the official trailhead is now at Basin Road. Eliminating the specific reference to Sixth Street would result in both trailheads being recognized for purposes of CBJ 42.20.050.
At the April 3, 2017, meeting, an Assembly member questioned the reference to Sixth Street and asked staff to look into the question. This ordinance is a result of that inquiry.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2017-22 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2018, and Providing for a Ballot Question Ratifying the Levy.

This ordinance would place the question of extending the 1% temporary sales tax on the ballot at the next regular municipal election. The current 1% temporary sales tax expires on September 30, 2018. If approved, the temporary 1% tax would be extended five years, until September 30, 2023.

It is estimated that the temporary tax would generate a total of $43.3 million in sales tax revenue. It is intended that this revenue be used for a variety of capital projects focused on addressing deferred maintenance needs of public utilities and facilities. These projects would improve the condition of city owned assets, thereby helping to hold down operating costs and allowing for smaller utility rate increases moving forward. The earmarked projects include the following:

- Wastewater: infrastructure maintenance and improvements
- CBJ-owned building maintenance
- Water: infrastructure maintenance and improvements
- Airport: matching funds for federally funded projects
- Augustus Brown Pool deferred maintenance
- Centennial Hall upgrades and deferred maintenance
- Schools: major building maintenance
- Bartlett Regional Hospital: Rainforest Recovery Center upgrades
- Information Technology: infrastructure upgrades
- RecycleWorks: Wastewater diversion program
- Affordable Housing Fund
- Park deferred maintenance
- Aurora Harbor reconstruction

This issue was reviewed by the Assembly Finance Committee at its meetings on June 14, June 28, and July 13, 2017. The Finance Committee recommended the ordinance be brought to the full Assembly for consideration.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

d. Ordinance 2017-24 An Ordinance Increasing the Hotel-Motel Room Rental Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.

This ordinance would place the question of increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would generate an estimated additional $400,000 per year in revenue. The intent is to use the funding initially for renovations to the Juneau Arts and Cultural Center, and then for improvements to Centennial Hall, the CBJ's parking infrastructure, visitor information and marketing services, and other tourism and visitor services and facilities.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting and be referred to the Finance Committee.

2. Bid Award

a. Mendenhall Wastewater Treatment Plant Biosolids Dryer Facility BE17-133

The project consists of the demolition of the existing ABF building and construction of a new ~18,734 GSF metal-clad CMU building atop the existing foundations.

Bids were opened on the subject project on July 11, 2017. The bid protest period expired at 4:30 p.m. on July 12, 2017. Results of the bid opening were as follows:

Responsive Bidders	Base Bid	Additive Alternative No. 1	Additive Alternative No. 2	Additive Alternative No. 3	TOTAL BID
Dawson Construction, LLC	$15,414,000	$546,000	$25,000	$55,000	$16,040,000
Alaska Commercial Contractors	$16,525,000	$540,000	$29,750	$37,000	$17,131,750
Engineer's Estimate	$14,217,000	$525,000	$24,000	$34,000	$14,800,000

The City Manager recommends award of this project to Dawson Construction, LLC for the total amount bid of $16,040,000.

3. Liquor License

a. Liquor License #4493 - Renewal Kwang LLC dba Little Tokyo

The above liquor license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code.

In the event the Assembly does protest this renewal, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Saturday, August 12.

The City Manager recommends the Assembly waive its right to

protest the above-listed liquor license renewal.

b. Liquor License #4584 - Transfer From Doug Trucano d/b/a Zephyr (No Premises) to Genuine Ventures LLC d/b/a Tracy's King Crab Shack (Juneau Subport Location) and an Application for a Restaurant Designation Permit

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

In the event the Assembly does protest this transfer, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Monday, August 21.

The City Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the application for a Restaurant Designation Permit.

c. Liquor License #4742 - Transfer From Wal-Mart Stores, Inc. to Glacier Hwy LLC

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

In the event the Assembly does protest this transfer, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Saturday, August 12.

The City Manager recommends the Assembly waive its right to protest this liquor license transfer.

VIIIPUBLIC HEARING

A. Resolution 2800 A Resolution Naming the Site of the Whale Sculpture, Located on the Tidelands at West Ninth Street, the "Mayor Bill Overstreet Park."

This resolution would name the area located around the whale sculpture as "Mayor

Bill Overstreet Park". Bill Overstreet served as mayor of Juneau for three terms in the 1970s and 80s. Among many other good deeds and significant professional and volunteer achievements, Bill was instrumental in defeating the capital move vote in the critical 1982 election.
After serving as mayor of Juneau, Governor Bill Sheffield tapped him to be Alaska's trade representative in Tokyo. While living there, Overstreet saw a full-scale humpback whale sculpture at the Tokyo Museum of Natural History and Science, which inspired him to undertake efforts to have a similar sculpture placed on Juneau's waterfront.

Because of his tireless efforts on behalf of Juneau, it is appropriate to honor Mayor Overstreet by naming the park in his memory.

A motion recommending the park be named for Mayor Overstreet was approved by the Parks and Recreation Advisory Committee at its June 6, 2017, meeting. The Lands Committee considered the resolution at its July 10, 2017, meeting and approved a motion to forward it to the full Assembly for its consideration.

The City Manager recommends this resolution be adopted.

MOTION, by Becker, to adopt Resolution 2800. Hearing no objection, it was so ordered.

Ms. Jean Overstreet thanked the Assembly for their kind words and said the Mayor Overstreet was looking over us all. She was escorted by Mayor Bruce Botelho.

B. Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of $1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

The City Manager recommends this appropriation ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2016-09(AR). Hearing no objection, it was so ordered.

C. Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.

This ordinance appropriates $16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum through donations made for this purpose by the Benito & Frances C. Gaguine Foundation, Michelle & Robert Storer, Alison E. Browne, and the Friends of the Juneau-Douglas City Museum. These funds were raised to increase hours of operations at the museum. The funds will allow an increase in museum staffing from 0.75 FTE to 1.00 FTE for FY18. The grant fully funds salaries and benefits for this increase; there is no impact to support from the general fund.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-06(A). Hearing no objection, it was so ordered.

D. Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of $15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.

This ordinance appropriates $15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Big Read broadens our understanding of our world, our communities, and ourselves through the joy of sharing a good book.

Grant funding is provided by Arts Midwest. This federally funded grant is contingent upon funds to be received by Arts Midwest from the National Endowment for the Arts: CFDA (Catalog of Federal Domestic Assistance) #45.024.

This program has a dollar-for-dollar matching requirment and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2017-06(B). Hearing no objection, it was so ordered.

E. Ordinance 2017-14(b) An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment, and services. The CBJ Charter states that all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.
This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017, and June 12, 2017. The committee approved moving it forward to the full assembly. The Committee of the Whole considered the ordinance at its July 12, 2017, meeting, also approving a motion to forward the ordinance to the full assembly..

Version (b) of the ordinance makes one small change (shown in underlined italics) to the proposition language in Section 4. This change, recommended by the Clerk, is intended to make the proposition question clearer to the voters.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2017-14(b). Hearing no objection, it was so ordered.

F. Ordinance 2017-17(b) An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance would create that procedural process.

The Committee of the Whole considered the ordinance at its July 12, 2017, meeting and recommended it be forwarded on to public hearing, with one small change to correct a typographical error in 01.70.080(d)(3), shown in underlined italics.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2017-17(b).

Ms. Becker spoke in support of the request.

Ms. Gladziszewski felt the intention was good but the ordinance went too far. She understood that the requests can be burdensome but she felt this ordinance would require more costs to the requestor and she felt it would make it too hard for the public to obtain public records. In a time when trust in government was not high, this was not the right move.

Mr. Kiehl said the current law does need some changes and the current law puts the cost of large requests entirely on the city. This change says that if you have a large request, CBJ might waive $500, but after that, the requestor pays the entire cost. He felt that shifted the burden too far in the other direction. He preferred to have more specific deadlines for provision of records in the ordinance.

Mr. Nankervis said he did not believe this will prohibit citizens from getting information, it will prevent fishing expeditions that can put a grinding halt to the law department. He supported the motion.

Roll call
  Aye: Becker, Gregory, Nankervis, Weldon, White, Koelsch
  Nay: Gladziszewski, Jones, Kiehl
Motion passed 6 ayes, 3 nays.

IX. UNFINISHED BUSINESS

Mr. Kiehl asked about the appropriateness of bringing up the matter of the Granite Mountain appeal. A short recess was taken to review the matter.

MOTION, by Gladziszewski, to reconsider the ruling on the appeal by Granite Mountain LLC to reject the appeal.

Mr. Gregory said he had a personal conflict of interest due to a professional relationship with the appellant's attorney and stepped away from the discussion.

Hearing no objection, the matter was before the Assembly for review.

Ms. Mead said that there was another appeal on the agenda and the same rules and standards applied as outlined in the agenda. She said the Assembly must liberally construe the notice of appeal to preserve the rights of the appellant. She referred to a memo she had provided to the Assembly outlining the matter and said this was not the time to weigh the sufficiency of evidence, but only to determine whether or not, if everything the appellant states in the notice of appeal were true, if the Assembly could grant whatever relief is being requested.

Mr. Kiehl clarified with Ms. Mead that the motion to reject the appeal was on the table.

Mr. Kiehl said since the last meeting, he re-read the attorney's memo and said despite his last vote, he would vote against the motion based on the attorney's reasoning.

Ms. Becker asked for a brief update of the memo and Ms. Mead responded.

Mr. Nankervis said he agreed with Mr. Kiehl regarding the word "grudgingly" in reference to withdrawing his support to reject the appeal. The code unnecessarily handcuffs us.

Mr. Nankervis withdrew his motion to reject the appeal.

<u>MOTION</u>, by Nankervis, to accept the appeal. Hearing no objection, the appeal was accepted.

<u>MOTION</u>, by Kiehl, to assign this appeal to a hearing officer.

Mr. Nankervis asked what the options were. Ms. Mead said the Assembly can assign it to themselves and appoint a presiding officer, or appoint a hearing officer to hear the case and issue a decision for the Assembly to review, issue or reject. The Assembly budgeted $10,000 in a line item specifically for hire of a hearing officer.

Ms. Gladziszewski discussed the cost to hire a hearing officer. She asked if there was a volunteer among the membership to serve as Presiding Officer. No hands were raised.

Hearing no objection, a hearing officer will be appointed.

Mr. Jones asked, for future consideration, as he is a board member of the Alcohol Marijuana Control Office (AMCO), if the attorney could let him know if he has a conflict in this matter.

Ms. Gladziszewski asked if it is possible to request changes to 01.50 regarding the criteria of appeal review. Ms. Mead said she could do that work at the will of the Assembly. There were many heads nodding to ask Ms. Mead to review potential options for amending the code.

X. NEW BUSINESS

A. Docks & Harbors Regulation Amending Fees for Commercial Use of Boat Launches 05 CBJAC 20

As part of the Docks & Harbors comprehensive fee review process, the Board proposes adding a daily commercial use fee for boat launches. The existing regulation requires commercial haulers to secure an annual permit fee of $250 per trailer. This new regulation would allow commercial haulers to purchase a daily permit fee for $30. This regulation would align the options similar to the recreational boat launch fees which provides for an annual or daily fee, currently $90 and $15 respectively.
These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations allowing a daily commercial use permit for boat launches.

<u>Public Comment</u>:

None.

Assembly Action:

MOTION, by Becker, to allow the regulations to become effective. Hearing no objection, the regulations were allowed to become effective.

B. Docks & Harbors Regulation Amending Shorepower Access Fees 05 CBJAC 30

As part of the Docks & Harbors comprehensive fee review process, the Board proposes changes to the daily shorepower access fee. These fees have not been adjusted since 2005 and are imposed on vessels that do not have metered accounts with the local electrical utility. This fee is typically assessed to visiting, transient vessels. The proposed rates were calculated by assuming 80% of the stated amperage load for a 24 hour period. The Board also reviewed the fees for summer monthly and fees for winter monthly, including live aboard electrical fees. The Board is recommending no changes to the monthly fees.
These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations pertaining daily shorepower access fees.

Per a request from the Port Director, the Manager requested that this regulation be removed from the Assembly's agenda for further consideration by the Docks and Harbors Board. Hearing no objection, the matter was removed from the agenda.

C. Docks & Harbors Regulation Adding Wastewater Discharge - Marine Sanitation Devices / Requirements 05 CBJAC 45

Three new regulations collectively work to prohibit the discharge of raw sewage into the Juneau harbors. Although the federal Clean Water Act under 33 CFR Section 312 provides the statutory framework under which the EPA and the U.S. Coast Guard regulate sewage discharges from vessels, there are no local laws requiring the same within the harbors. To achieve Docks & Harbors' goal of attaining Alaska Clean Harbors recognition, the local governing body is required to establish regulations strictly prohibiting sewage discharge.
05 CBJAC 45.005 (Wastewater discharge) defines wastewater, provides a non-monetary penalty, and issues guidance to approved discharge methods. 05 CBJAC 45.010 (Marine Sanitation Devices) provides technical definition of the three types of Marine Sanitarian Devices certified by the Coast Guard for use aboard vessels. 05 CBJAC 45.015 (Marine sanitation requirements for vessels) requires that vessels in the harbors which have permanently installed toilet facilities must be compliant with Coast Guard certified Marine Sanitation Devices. Vessels in the

harbors with portable toilets are not considered permanently installed and are exempt from this regulation. However, live aboard vessels registered with Docks & Harbors must be equipped with an operable Marine Sanitation Device. These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations pertaining to wastewater discharge, marine sanitation devices and marine sanitation requirements.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to allow the regulations to become effective. Hearing no objection, the regulations were allowed to become effective.

D. SEAL Trust v CBJ Assessor 2017 - Notice of Appeal

On June 16, 2017, the CBJ Assessor denied a request from the Southeast Alaska Land Trust for charitable use exemption status for 14 properties. On July 14, 2017, an appeal of the Assessor's decision was filed.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

As this is a quasi-judicial matter, the City Manager makes no recommendation.

Ms. Mead said this appeal was related to a remand by the Assembly to the Assessor regarding the SEAL Trust property tax exemption request appeal case.

MOTION, by Jones, to accept the appeal.

Mr. Nankervis said he was not seeing anything different in this appeal. Ms. Mead said she spoke to Assistant Attorney Sebens. Pursuant to the last SEAL Trust case, the Assembly remanded the matter to the Assessor, and allowed SEAL Trust to submit evidence in support of the charitable use exemption. SEAL Trust did submit additional information, and the Assessor considered it and rejected the request for a charitable purpose status. So before the Assembly is that additional information and the rejection of the request.

Hearing no objection, the appeal was accepted.

MOTION, by Jones, to refer the matter to a hearing officer.

Mr. Jones said that the Assembly had reviewed this matter and many issues ended up on discussions on points of law. Having a hearing officer that is an attorney may be better approach. The attorney may be better able to sort through the issues.

Hearing no objection, the motion carried.

E. Approval of the Supplemental Agreement for the Pump Room and Restroom Construction under contract E16-128, Seawalk Bridge to Gold Creek, Phase III

The Supplemental Agreement will increase the Seawalk Bridge to Gold Creek, Phase III contract by $1,264,470 or 43% of the original contract award amount. CBJ Code 53.50.040 allows for supplemental agreements on existing contracts and requires Assembly approval, if the amount is greater than $250,000, and a public interest finding. The public interest finding shows that cost savings will be realized in construction, contract administration, operations and maintenance costs. Additional benefits include accelerating the construction timeline to allow for the project to be constructed in the fall and winter with a spring opening of the park, restroom and fountain.

The Assembly Public Works and Facilities Committee reviewed this request on July 13, 2017 and forwarded it to the Assembly for adoption.

The City Manager recommends the Supplemental Agreement be approved.

Public Comment:

Valerie Kelton asked for the source of funding for the project.

Mr. Watt said there is detail in the packet and the work is split between passenger fee and sales tax based on elements of the contract, and is broken down to $650,000 in sales tax and $614,470 in passenger fees. Ms. Kelton said there is a current lawsuit regarding the expenditure of passenger fees on this project and wondered why more passenger fees were being approved for this purpose.

<u>MOTION</u>, by Gregory, to approve the supplemental agreement.

Mr. Nankervis said he objected and was concerned about the source of funds for the project, as he thought the Assembly had stated that it would not be spending more tax money on this project. He did not object to the project being finished.

Roll Call:
Aye: Becker, Gladziszewski, Gregory, Jones, Kiehl
Nay: Nankervis, Weldon, White, Koelsch
Motion passed, 5 ayes, 4 nays.

F. ADOT Request to Purchase CBJ Property

The Alaska Department of Transportation and Public Facilities (ADOT) has requested to purchase a 507 square foot fraction of Lot 3, USS 3566 which is across Egan Drive from Centennial Hall. The Division of Lands & Resources received an application from ADOT to acquire the property from the City as part of the Egan Drive reconstruction project between 10th Street and Seward Street. ADOT has requested a series of easements along the reconstruction path, but since this property is 507 square feet, of which a majority will be incorporated as ROW, ADOT has requested to purchase this parcel. *Title 53.09.260(a) – Negotiated Sales, Leases and Exchanges* states that "the proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations…" If supported by assembly motion, the proposal will go before the Lands Committee for discussion and will return to the Assembly for adoption by Ordinance.

The City Manager requests a motion of support to further consider this disposal with the original proposer, the Alaska Department of Transportation and Public Facilities.

<u>MOTION</u>, by White, to allow the manager to enter into negotiations with the DOTPF for disposal of said property, and that the matter be returned to the Lands Committee. Hearing no objection, it was so ordered.

G. CSP2017 0006 - Notice of Recommendation from Planning Commission re: Auke Bay Statter Harbor Improvements

Mr. Watt said that when the Planning Commission reviews projects under the City-State Project (CSP) review process, the commission issues a notice of recommendation. The handling of the recommendation to the Assembly has been done in an inconsistent manner in the past. Sometimes they have been referred to a committee for a city project, sometimes if the comments are innocuous we have forwarded by email to the Assembly. In this matter, a member of the public requested to know of the process for when the Assembly would be notified and we realized the better course of action on these types of actions was to provide the notice of recommendation from the commission under New Business. If the Assembly chooses to take this up then I would recommend that this or others be referred to committee for work if it can't be dispensed with in short order. This is a new process to provide these notices of recommendation (NOR) under new business.

Ms. Gladziszewski asked what were the Assembly's options for action.

Mr. Watt referred to the NOR and the two recommended conditions from the Planning Commission. The Assembly could follow, alter or discard the recommendations.

<u>MOTION</u>, by Gladziszewski, to direct the construction of the project as outlined to the Planning Commission with the two recommendations outlined in the Notice of Recommendation.

Mr. Kiehl asked if the scope of this review included a potential self-fueling dock. Mr. Uchytil said the CUP was very broad and called for the installation of floats and associated upland development including the potential for a second floor building over what we call the "gateway" that will lead down to the for-hire floats and also requested and received approval for the potential for a second fueling station at Auke Bay.

Ms. Gladziszewski asked if a potential fueling dock would appear before the Planning Commission in the future, or if that matter was discussed during the CUP at the Planning Commission. Mr. Uchytil was not present at that meeting and was not sure.
Ms. Mead said that normally the way this works, prior to appropriating funding for a capital improvement project - a city project - the project plan goes to the Planning Commission and the PC gives a recommendation on the plan and then the Assembly funds the project. That is the action. I was told this project is partially funded. One of the conditions does not make sense in regard to non-public funding. The Assembly does not direct the issuance of building permits, so she was not sure why this project went through the CSP process and what the end result was supposed to be. She did not understand what the Assembly's options were in this case. She believed the next option the Assembly would take in this case would be to appropriate funds to the project.

Ms. Gladziszewski said that the recommendations were similar to conditions on a permit, which the Assembly did not involve itself with. If this is a broad permit and if this allows a 24-hour fueling operation without discussion of it at the Planning Commission, she would rescind her motion.

Mr. Uchytil said he had seen an email with concern about hours of operation and said there was some misunderstanding of the D&H proposal of the 2nd fueling float. D&H

sought information from the local fuel providers in Juneau regarding an inquiry about providing a second fuel float for the exclusive use of the charter operators. The concept is to be a self-serve operation for a variety of reasons, but it was never envisioned to be a 24-hour operation. We have no intentions of moving forward in the next phase with the fuel float. With the CUP process, we want to air everything we might consider in the future. This is an idea that is not driving this project.

Ms. Mead said that this CSP process does not give a right to proceed if there are other permits that are required, for example, a conditional use permit and that process. Even if you approve this recommendation there is nothing that happens from this.

Mr. Jones said he reviewed the CUP and did not see any reference to a fuel dock, so he was surprised to see the emails regarding a fuel operation. The staff report covers the CSP and the CUP. He asked if the Assembly has already funded a good portion of this project. Mr. Uchytil said that the plan was to be an 85 / 15 split between docks and harbors and state marine passenger fees. The corps of engineer's permit for dredging was under review.

There was some confusion regarding the combining of a staff report for both the CSP and the CUP. Ms. Mead said the CSP allows for Planning Commission review of large dollar city and state projects. There is no Assembly action that flows from this recommendation with the exception of the appropriation of funds, therefore, the recommendations have not always come before the Assembly and there was a desire to fix that. This process should be looked at more closely to determine the goal of the CSP, what the Planning Commission and Assembly's roles are in the review, and perhaps clarify this in code.

Ms. White explained some neighborhood concerns about the D&H Board construction of retail space that would compete with local merchants, thus some of the "odd" wording in the recommendation.

Ms. Gladziszewski clarified that she rescinded her motion. The Assembly took a brief recess.

<u>MOTION</u>, by Jones, for orders of the day. Hearing no objection, it was so ordered.

XI. STAFF REPORTS

A. Borough Annexation

Mr. Watt said Mr. Chaney has been unsuccessful in his attempts to arrange a meeting with Angoon officials. Mr. Watt recommended the issue be placed on the August 10 Committee of the Whole agenda. There was no objection.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch established the CBJ Public Safety Task Force to examine the increasing crime rate and offer possible solutions to combat and alter this trend. The committee is composed of five members appointed by the Mayor: an Assemblymember to act as chair, a representative of of the Police Department, Law Department, Bartlett Regional Hospital / Rainforest Recovery, and from the Juneau Re-entry Coalition. The task force will serve up to six months unless extended. He provided statistics on crimes. He appointed Deputy Mayor Nankervis to serve on this committee as chair.

Mayor Koelsch commented about a successful 4th of July celebration. He attended the Change of Command Ceremony for Sector Juneau with Janet Green being replaced by Captain Phillip Thorne. He toured Taku Smokeries and Alaska Glacier Seafood. He attended the Downtown Business Association annual meeting and Alaska Start-up Week. He attended the 10th Birthday of the Jensen Olson Arboretum and the Alaska National Guard Reunion on Sunday, and watched the last showing of the live broadcast of "Wild Alaska" on BBC/PBS. Today he attended the swearing in of Police Chief Ed Mercer.

B. Committee and Liaison Reports

Committee of the Whole: Chair Nankervis said the committee met on July 12 and discussed the Meander Way LID, public records, competitive bidding, misdemeanor prosecutions and Law Department staffing, and discussed the City Manager's evaluation. The next meeting is set for August 10, and the Mayor will chair in Mr. Nankervis' absence. The agenda will include a legislative update, Pederson Hill subdivision, a presentation by Hecla/Couer, annexation and Meander Way LID.

Public Works and Facilities: Chair Becker said the committee met and discussed airport construction projects. The next meeting is set for August 7.

Docks and Harbors: Liaison Becker said the artwork for project 16b will be erected in September. Corvus Designs will draft and present options for review regarding the urban plan. A contract has been awarded to PND to evaluate the little rock dump as a potential marine services location. UAS and the Board are getting closer to an agreement to share the former NOAA lab facility in Auke Bay. Tlingit Haida and the Board had agreed to a control burn of the Thane Ore House. The Planning Commission reviewed a CSP/CUP for Statter Harbor upland development and new floats. The next meeting is set for August 31.

Chamber of Commerce: Liaision Becker said Senator Egan would speak to the Chamber at its next meeting.

School Board: Liaison Kiehl said following a summer break, the board will next meet on September 6.

Finance Committee: Chair Kiehl said the committee considered the 1% sales tax extension at its meeting on July 13. The next meeting was set for August 9 and will review the potential increase of the hotel bed tax, Ms. Becker's draft ordinance on sales tax exemptions, and the question of a central treasury loan to the Pederson Hill project.

UAS Campus Council: Liaison Kiehl said the next meeting was set for August 7.

Alaska Municipal League: Liaison Kiehl said the AML will meet in Haines in Mid-August. The capital budget just passed by the legislature included an additional $8 million for distribution through the "Community Assistance Program" (formerly known as Revenue Sharing.

Human Resources Committee: Chair Jones said the HRC met and discussed changes to the structure of the Juneau Commission on Aging and will return a resolution to the full Assembly on August 21.

The HRC recommended and without objection, the Assembly made the following board appointments:

> Local Emergency Planning Committee:
> Recommend to the State to appoint Zachariah Fisher to Seat 11A, Vulnerable Populations, for a term to expire December 31, 2019.
>
> Treadwell Advisory Board:
> Leah Farzin to a term to expire May 31, 2020.
>
> Youth Activity Board:
> Tim Wilson as a representative of the Juneau Sports Association - term to end concurrent with his service on the JSA.

Downtown Business Association: Liaison Jones said the next meeting is set for August 1 and the DBA would hold its retreat in October.

Airport Board: Liaison Jones said the next meeting is set for August 8. At the July 11 meeting there was discussion about Alaska Airlines and Delta Airlines frustration with delays in TSA passenger screening and equipment breakdowns and they are hoping the city can help facilitate repairs. There is also concern about the lack of a separated TSA Pre-Check line.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC met on July 11 and discussed the Treadwell Ditch trail work with Trail Mix, the master plan for Chicken Yard Park, and work to maintain Mt. Jumbo Gym facilities. She said the next meeting will be in the form of a tour of parks with P&R staff, meeting at 6pm in the

Chambers August 1 and moving on from there. She provided the tour route.

Bartlett Regional Hospital Board: Liaison Gladziszewski said the BHR Board met July 25 and recently hired a new Behavioral Health Officer, Bradley Griggs and a new Chief Financial Officer, Joe Wanner. The next meeting is set for August 22.

Juneau Commission on Sustainability: Liaison Gladziszewski said JCOS met July 19 and continued work on the energy strategy and plans completion of that work in a few weeks. The commission also discussed a "livestock" ordinance and is investigation membership in "Energy Secure Cities." The next meeting is set for August 9.

Planning Commission: Liaison White said the next meeting is set for August 8. At the last meeting, the PC reviewed lot disposals in Renninger subdivision and operation of a hydroponic facility.

Assembly Task Force on Homelessness: Liaison White said the next meeting is set for August 8 in Room 237, City Hall.

Travel Juneau: Liaison White said that the live television show, "Wild Alaska" has shown a spotlight on Juneau. She believes there will be an upsurge in independent travelers due to that show.

School Board: Liaison Weldon said the next meeting is set for August 8 at JDHS. The first day of school is August 16.

Juneau Economic Development Council: Liaison Weldon spoke about JEDC Alaska Start-Up week which focused on entrepeneurship. The next meeting is set for September 6.

Eaglecrest Board: Liaison Gregory said the next meeting is set for August 3 and will be the first meeting with the new Ski Area Manager Dave Scanlan.

Affordable Housing Commission: Liaison Gregory said the commission met and discussed workforce housing, seasonal housing, the 80% - 120% area median income market, a community lands trust, and Pederson Hill development. The next meeting is set for August 29.

Assembly Mining Committee: Liaison Gregory said the committee met on July 21 and directed the law department to review the current ordinance and the proposed changes by Jim Clark. The committee discussed adding two Planning Commissioners to serve on the committee and two members of the public. The committee will accept applications until August 7. The committee hopes to complete its work by November.

C. Presiding Officer Reports

None.

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Gregory said he attended a LYFT kick-off party at the new Pier 49, formerly known as Tracy's Crab Shack.

Ms. Weldon offered her congratulations to new Police Chief Ed Mercer.

Ms. White asked the Assembly for its approval to have the City Manager or Mayor sign and send a letter of introduction for some local investors who are interested in keeping the local power company stay in local hands. First AEL&P was sold to a Spokane based company called AVISTA, and now it is being sold to a Canadian company. She believed it would be better to have local control and ownership. The investors asked the Mayor for support, the Mayor deferred to the City Manager, who told her he needed to speak with the rest of the Assembly. Through the Regulatory Commission of Alaska, the power company is allowed to get a return on equity, not a return on investment. She said there is a great management team but she doesn't know how effective it will be working for a company in Canada and she would like to see our power company return to local control. She distributed one copy of a draft letter for the Assembly to review. She said the letter is not asking for an endorsement. She said it was also possible, with their backing from Aeries Financial, which is one of the biggest companies of that type which finds investments for people, that the municipality could be a stockholder. She was not sure if the Assembly was interested in pursuing that. This is planting a seed. She said she brought forward the letter in this manner, publicly, to avoid complications with the Open Meetings Act. She said if the Assemblymembers had any questions they could come to her privately.

Ms. Gladziszewski asked Ms. White for clarification. She said the letter was addressed to Hydro One, not Avista. Ms. White said that Hydro One would need to be the one to approach as they had to get four different states to approve - it was a process to get ownership. When something as big as Avista is sold, their lawyers have drawn up documents stating that they don't want assets sold. We would need to contact the potential buyer. Ms. White said she did not have any financial incentive to get this done.

Ms. Gladziszewski said that the BBC "Wild Alaska Live" show was tremendous for the Tongass and for Juneau.

Mr. Jones clarified that CBJ/JSD Joint School Facility meeting would be meeting September 6 at Noon and the Assembly Homeless Task force would meet August 8 at 5pm. He said he had difficulty finding them on the Assembly's calendar.

Mr. Jones noted the 5th Annual Douglas Block Party would be held on Saturday, August 6, from 3 - 9 p.m. at the corner of 5th and Summer and it was a potluck sponsored by the Douglas Island Neighborhood Association. The Downtown Business Association is holding a neighborhood party August 19 at Capital Park.

Mr. Kiehl said he attended the JPD quarterly awards ceremony, the swearing in of Chief Mercer, and the National Guard Day dinner. He appreciated steps taken by Docks and Harbors and Tlingit Haida and asked staff if there were buildings, other than the Thane Ore House, that might not meet city codes. Mr. Watt said he was not aware of any, but could provide a report. Mr. Kiehl asked the Assembly if there was any objection to asking the School Board to review the child care proposal made by the Best Starts group to determine if there are opportunities to increase efficiencies, effectiveness, and make recommendations about the management of space, administration or any other opportunities. Hearing no objection, it was so ordered.

Mr. Nankervis asked the permission of the Assembly to meet with the Finance Department and possible changes to some exemptions to sales tax as it applies to non-profit organizations, such as the Sealaska Heritage Institute and the Juneau Arts and Humanities Council. He wondered about the appropriateness of having these organizations selling merchandise and the tax equity between them and other local businesses. Hearing no objection, it was so ordered.

Regarding the draft letter Ms. White presented to the Assembly, Mr. Watt said he and Mayor Koelsch met with the CEO of Avista a week ago to discuss the pending sale by Hydro One. He said the matter is complicated. He also met with the businessmen Ms. White referred to and Ms. White. The concept is a big one, and no small part is the concept that perhaps the City & Borough should consider pursuing a stake in the local utility. If the Assembly wants to pursue that route, we would need to allocate staff resources to financial and legal analysis.

Mr. Nankervis asked Ms. White what a "letter of introduction" means. On the face of the letter it seems like an endorsement. I don't think we disagree that local control is important. Ms. White said a letter of introduction might help them if they fly to Toronto. They wanted to do that last week but they were waiting for this meeting to happen. Mr. Nankervis asked for clarification of "we" and "they." Ms. White did not want to provide the names of the investors, as they may not want the public to know. These investors are looking at several different possibilities. They have financial backing from Aeries Investments to outright purchase but they also want to offer the CBJ an equity position. It is possible that $12 - 15 million a year that is straight profit from that company could be used to pay down some bonds. But we can't even explore some of that - the investors didn't want to show up on Hydro One's doorstep, without something in their hands. Does the Assembly want to pursue this? Depending on how the finances are structured, CBJ could pay it off in a fairly reasonable period of time, and instead of that $12 - 15 million leaving our economy and community, a future Assembly might have an easier time trying to figure out which projects to support. She said part of the reason the Municipality of Anchorage does not have a sales tax is because they own an electric company. Ketchikan and Petersburg also own electric companies. If the city had part ownership, doing something like Best Starts might not be a problem. She asked the Assembly to explore the matter.

Mr. Kiehl said he was intrigued and shared Ms. White's preference for local control and the idea of cash flow coming into the local economy. It struck him that this might be doable. If the AEL&P assets are for sale and if we have local residents interested in looking into that, it is worth exploring. He was amenable to have staff investigate this and see if this is in the realm of possibility.

Mr. Jones said he had some concern that the letter says that the investors will be CBJ's representatives. He supported some kind of a letter to say that the people of Juneau are interested in what the options might be but he did not want to go much further than what was in the letter. It is very premature for us to decide on sending the letter based on whether we would or would not support potential investment in the electric utility whether it is CBJ or someone else. We were all excited when Avista purchased AEL&P, and they kept to their promises of keeping the local management team, but now we are dealing with a company out of Toronto and I don't know how much equity the Canadian government has in it but it exists. Whether they are willing to let go of the assets is worth finding out and it takes someone to be able to ask the right questions. This letter should only go forward to find out what the answers might be.

Ms. Becker agreed and said she was in favor of proceeding based on Mr. Kiehl and Mr. Jones comments.

Ms. Gladziszewski said a this was the first she had heard of this it was hard to form an opinion and the names of the individuals would be known as soon as the letter was public. We are all for local control. She did not know the business experience of the two investors named and what type of investments or plans they have so it is very premature to make any commitments. It is much supposition without information. If the assets were for sale, why wasn't the inquiry made to Avista?

Ms. White gave Ms. Gladziszewski a copy of a letter inquiring to Avista if they were interested in selling and they said no, they were going to be here forever. Ms. White had some more documentation that she provided to Ms. Gladziszewski. She said she hesitated in pre-talking to other Assemblymembers as there was so much concern about following the open meetings act.

Mayor Koelsch said that when we were able to meet with AVISTA, the sale did not sound imminent. He was not ready at this time to ask the manager to sign any letters. He preferred to spend time to talk with the former owner of AEL&P and get some advice from him.

Ms. Weldon said she was not comfortable sending a letter at this time and would like to tread cautiously. When Avista was bought out by Hydro One, Avista was to retain control of their corporation and AEL&P would retain control over our utilities, and the two people mentioned in the letter, although they have the financial backing, she did not believe they had expertise in running a utility. She did not want to discourage Ms. White from looking into this further.

Mr. Gregory said it was his understanding that the Canadian government held 49% ownership of the other utility company.

Ms. Weldon said she spoke with people at AEL&P and while it is scary to go to a larger company, there are also benefits, for one, their liability insurance was reduced by $600,000. She did not believe the municipality could offer the same deal.

Ms. White said that more discussion appeared necessary, with the investors, and asked about the rules surrounding that type of meeting.

Ms. Mead said a meeting in open session would be needed because of the Anchorage case which held that the individual meeting between an Assemblymember and a contractor, outside of an Assembly meeting, prior to a bid award, was a violation of the open meetings act. If it is going to be a meeting for the purpose of garnering support for the letter, then it should probably be an open meeting instead of an individual, one-on-one meeting.

Ms. White said she would speak to the investors and see if they are interested. Now that the cat is out of the bag there are eight more people that have the names, it is no longer a secret, and she thought CBJ could lose the ability to do something good for this community in the long term.

Ms. Becker said she did not feel the letter created any obligation. It only added a credibility to the persons named to meet with another company.

Mr. Nankervis said he was okay with a letter of introduction but was not okay with them being a representative for CBJ. He said that did not create an obligation to anything other than stating they are residents of the community. Ms. White said she would like to see this move forward.

Mr. Kiehl said he didn't see anything in the letter that suggested commitment or representation of the city. He thought that opening a door is not objectionable.

Ms. Weldon said the first paragraph reads that the people are representing the community.

Ms. Gladziszewski read, "I have asked [these people] to lead the initial efforts for the City and Borough of Juneau regarding our community's energy future." She suggested deleting that sentence.

Ms. White said she was sure it would be okay to remove that sentence and did not read any contractual obligation in that letter. She said this is a last ditch effort to try to keep local control over our utility. This consolidation is big in our industry.

Ms. Gladziszewski said we all agree local control is a good idea and she doesn't mind a letter of introduction but she does not want to imply any level of CBJ commitment.

Mayor Koelsch asked Mr. Watt if he would be able to compose a non-committal letter. Mr. Watt said he could draft a letter of introduction expressing a desire to explore the idea of local ownership with no commitment on behalf of the city towards any particular course of action. Ms. Mead said that sounded like what some of the members requested.

Mayor Koelsch said he would be okay if the manager and attorney drafted the letter and it did not obligate the community. Ms. Mead said that once the Assembly sent a letter, it would be a public record and the names would not be kept confidential. Ms. White said that was understood by the investors.

Hearing no objection, the letter, as revised, would be sent.

Mayor Koelsch passed the gavel to Deputy Mayor Nankervis.

<u>MOTION</u>, by Koelsch, to reconsider the vote at the previous meeting regarding the Mayor's signature on the Paris agreement adoption toolkit.

Mr. Koelsch said he reviewed Paris Agreement adoption toolkit and it does speak to a number of actions that we are taking and we do have a lot of the actions done. There was a community greenhouse inventory, near and long term goals were made. What it requires is occasional letters and statements of substantive actions, monthly conference calls to share progress, a press release on joining the Climate Mayors and an assembly resolution. All of those things are additions and he hoped the Assembly has read his "My Turn" column in the newspaper as to why he did not support this action. The Assembly would receive the energy report from its local Commission on Sustainability and that is the time to hold the discussion about its involvement. He did not want to debate an international agreement.

Mr. Jones objected to reconsideration.

Roll call:
Aye: Becker, Gregory, Nankervis, Weldon, White,
Nay: Gladziszewski, Jones, Kiehl
Motion passed, 6 ayes, 3 nays.

Ms. Gladziszewski rescinded her previous motion.

MOTION, by Gladziszewski, to introduce a resolution for the next Assembly meeting affirming Juneau's Commitment to Climate Action.

She distributed a draft resolution and information from the Climate Mayor's website. She understood the objection to the process and confusion regarding what supporting Climate Mayors means and she wanted an opportunity for the Assembly to understand and debate the matter. Joining Climate Mayors involves developing a greenhouse gas inventory, which has been done, setting near and long term targets to reduce emissions, which has been done, and to develop a climate action plan aligned with the targets, which has been done. This returns us to ten years ago when the Assembly began its work on this issue locally. We joined ICLEI - local communities learning from each other how to do this work. Juneau was an early adopter. Apparently the words "Paris Accord" sets people off, but she asked for support so the community can see this work.

The Assembly took a short recess to read the material.

Ms. Gladziszewski asked the Assembly to let her know if there was anything in this that was objectionable - she was happy to work on it to gain broad agreement.

Ms. White asked when the energy plan from the Juneau Commission on Sustainability would appear before the Assembly. Ms. Gladziszewski said it would be approximately in two weeks time. Ms. White expressed frustration that she was working on a project that could make a long term difference for the community and everything has to be all out in the open and due to that possibly has blown the whole deal just because we have to tell everyone the details before we get a signature on a letter. We have this report coming in a few weeks and we work hard to get people on boards and commissions. We are putting the cart before the horse if we sign this now before receiving the commission's report.

Mr. Kiehl clarified that the motion is to add this to the August 21 meeting. He said that gives the Assembly time to receive the report and to act in a deliberative manner. He would add a specific mention of the local fisheries economy in regard to the climate. He noted the letter from the Juneau Commission on Sustainability advising the Assembly take action. He said it was worth extending the courtesy to introduce and set for public hearing, debate and vote on the merits at the appropriate time.

Mayor Koelsch asked if the resolution obligated CBJ to join the Paris Agreement. Ms. Gladziszewski said the third paragraph spoke to joining with other cities in the Climate Mayors Network in undertaking local action to contribute to the world wide effort to mitigate and manage climate change, with the goal of limiting global temperature increases to less than 2 degrees. She would like Juneau to join with other communities to do this work. She said this is a public pledge to do the commitments CBJ has already committed to. CBJ can't join the Paris Climate Agreement, it is not a country. She wanted CBJ to sign the Mayor's Climate Agreement, but if the Assembly objected to that, her intention is that the Assembly show the community that Juneau is leading this area with its efforts to address climate change. This would be a reminder and this is done within the limits of existing funds and available personnel.

Ms. Becker questioned the documents Ms. Gladziszewski provided and said it appears that the Assembly would be signing up.

Mayor Koelsch said in reading through his information, one of the things he noted was a statement "climate mayors recently released an open letter to President Trump to oppose his action thus far against climate action." He said the Assembly needed to be aware that that is part of what it would be joining.

Mr. Kiehl asked for a copy and urged the Assembly to follow the normal course of action to allow members to introduce legislation.

Mr. Nankervis supported introduction and debate following further study.

Mayor Koelsch objected to the motion.

Roll call:
  Aye: Becker, Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon, White
  Nay: Koelsch
Motion passed, 8 ayes, 1 nay.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XV. EXECUTIVE SESSION

A. Executive Session: CLIA

MOTION, by Nankervis, to enter into executive session to discuss pending litigation, specifically the CLIAA lawsuit. Hearing no objection, the Assembly entered into executive session at 10/25 p.m. and returned to regular session at 10:55 p.m. In attendance along with the Assembly were Mr. Watt, Ms. Mead, Ms. Cosgrove and Mr. Bartholomew.

Upon returning to regular session, Mr. Nankervis said the Assembly discussed the CLIAA litigation, received an update from staff and provided direction to staff on the subject.

XVI.ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:55 p.m.

Signed:_________________________ Laurie Sica, Municipal Clerk

Signed:_________________________ Kendell D. Koelsch, Mayor