REGULAR ASSEMBLY MEETING 2024-01 AGENDA

January 08, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

https://juneau.zoom.us/j/91515424903 or 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:

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Katie Koester, City Manager

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

D. SPECIAL ORDER OF BUSINESS

1. Recognition of Outgoing Planning Commissioners Paul Voelckers and Michael LeVine and Outgoing Bartlett Hospital Board Member Brenda Knapp

E. APPROVAL OF MINUTES

2. **Correction to November 21, 2022 Assembly Minutes**
3. **January 30, 2023 Regular Assembly Meeting 2023-02 DRAFT Minutes**
4. **April 5, 2023 Special Assembly Meeting 2023-08 DRAFT Minutes**
5. **April 17, 2023 Regular Assembly Meeting 2023-09 DRAFT Minutes**

F. MANAGER'S REQUEST FOR AGENDA CHANGES

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

H. CONSENT AGENDA

Public Request for Consent Agenda Changes, Other than Ordinances for Introduction

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

6. **Ordinance 2023-14(b)(U) An Ordinance Appropriating $900,000 to the Manager for a Loan to Coogan Alaska, LLC for the Island Hills Building LMN Project; Funding Provided by the Affordable Housing Fund.**

   During the 2023, Round Three competition of the Juneau Affordable Housing Fund, the application review committee forwarded a recommendation for funding of $900,000 for Island Hills Building

LMN to the Lands, Housing, and Economic Development Committee on November 6, 2023. Because the requests that were recommended exceeded the available funds in the Affordable Housing Fund, $1.6 million was appropriated from the General Fund to the Affordable Housing Fund through ORD2023-14(b)(R).

This ordinance appropriates funds for a low interest $900,000 loan to Coogan Alaska, LLC to promote the construction of 18 units of new housing in Juneau. The loan will be secured by the property to be developed.

The Lands, Housing, and Economic Development Committee heard this at the November 6, 2023 meeting.

The City Manager recommends the Assembly introduce this Ordinance, refer it to the Committee of the Whole and set it for public hearing at the next regular Assembly meeting.

7. **Ordinance 2023-14(b)(V) An Ordinance Appropriating $2,250,000 to the Manager for a Loan to Chilkat Vistas, LLC for Chilkat Vistas Apartments; Funding Provided by the Affordable Housing Fund.**

During the 2023, Round Three competition of the Juneau Affordable Housing Fund, the application review committee forwarded a recommendation for funding of $2,250,000 for Chilkat Vistas Apartments to the Lands, Housing, and Economic Development Committee on November 6, 2023. Because the requests that were recommended exceeded the available funds in the Affordable Housing Fund, $1.6 million was appropriated from the General Fund to the Affordable Housing Fund through Ordinance 2023-14(b)(R).

This ordinance appropriates $2,250,000 to provide funding in the form of a loan to Chilkat Vistas, LLC to complete this new 45-unit apartment building that includes 18 efficiency and 27 one-bedroom apartments. Fourteen of these units will be designated as affordable. The loan will be secured by the property to be developed.

The Lands, Housing, and Economic Development Committee heard this at its November 6, 2023 meeting.

The City Manager recommends the Assembly introduce this Ordinance, refer it to the Committee of the Whole, and set it for public hearing at the next regular Assembly meeting.

8. **Ordinance 2023-14(b)(X) An Ordinance Transferring $800,000 from CIP F22-027 Juneau Police Department Roof Replacement to CIP P44-090 Deferred Building Maintenance.**

This ordinance would transfer $800,000 from the Juneau Police Department Roof Replacement CIP to the Deferred Building Maintenance CIP. The bid for the roof replacement project came in lower than anticipated. Ordinance 2023-14(b)(G) previously transferred funds from the Deferred Building Maintenance CIP to the Juneau Police Department Roof Replacement CIP. This transfer would return excess project funding back to the Deferred Building Maintenance CIP. The Juneau Police Department Roof Replacement CIP will retain sufficient funding for the project that is scheduled to begin construction in summer 2024.

This transfer of project funding is consistent with the intent of the 2022 1% Sales Tax initiative approved by voters in the October 4, 2022 municipal election.

The Public Works and Facilities Committee will review this request at the January 29, 2024 meeting.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Public Works and Facilities Committee, and set it for public hearing at the next regular Assembly meeting.

9. **Ordinance 2023-36(b) An Ordinance Authorizing the Sale of Foreclosed Property Located at 520 Sixth Street by Sealed Competitive Bid Auction.**

   In June of 2023, the City and Borough of Juneau received a Clerk's Deed for the property located at 520 Sixth Street (downtown/Starr Hill area) after the owners failed to pay property tax for the tax years of 2019-2022. The property consists of a 5,353 square foot lot and a 780 square foot house, which is in poor condition. The current amount owed for tax years through 2023, including penalties and interest, is approximately $22,324.

   This property will be sold through a sealed bid process and if the property sells for more than the amount owed in taxes and penalties and interest, the remainder is forwarded to the former owner and lienholders.

   The Lands, Housing, and Economic Development Committee considered this topic at its meeting on July 13, 2023.

   Version (b) includes a correction to the legal description of the property, and is being re-introduced as a result.

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

J. Resolutions

10. **Resolution 3052 A Resolution Amending the City and Borough of Juneau Personnel Rules**.

    This resolution would approve an amendment to the City and Borough of Juneau (CBJ) Personnel Rules, which, along with the collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. This revision of the Personnel Rules involves changing the pay schedule for management-level sworn officers at the Juneau Police Department (JPD) to include a 6% increase in pay, effective retroactively on December 18, 2023.

    The Assembly is being asked to adopt this change to the CBJ Personnel Rules so that the sworn officers not employed in bargaining unit positions will experience the same pay increase previously approved and implemented by letter of agreement with the Public Safety Employee Association for those sworn officers in the bargaining unit. This includes the Lieutenant, Deputy Police Chief, and Chief of Police job classifications. This increase to sworn officer pay is necessary based on recent changes to the market-based pay for sworn officers in Alaska and a high vacancy rate for sworn officers at JPD. This change to the Personnel Rules is based on previous guidance provided by the Assembly and any additional costs will be within the previously approved Fiscal Year 2024 budget.

    The City Manager recommends the Assembly adopt this resolution.

K. PUBLIC HEARING

11. **Ordinance 2023-14(b)(E) An Ordinance Deappropriating $950,000 from the Manager for Childcare Programs.**

    This housekeeping request would deappropriate $950,000 from the Manager for childcare programs. Since the FY24 budget was adopted, the City and Borough of Juneau was awarded a $2,000,000 grant from the State of Alaska for childcare programs and grants, appropriated under Ordinance 2023-14(b)(B). The deappropriated funds will be added to the FY25 budget as a one-time increment for childcare programs and grants.

    The Committee of the Whole reviewed this request at the August 7, 2023 meeting.

    The Manager recommends the Assembly adopt this ordinance.

12. **Ordinance 2023-14(b)(R) An Ordinance Appropriating $1,600,000 to the Manager for the Affordable Housing Fund; Funding Provided by General Funds.**

    This ordinance would appropriate $1,600,000 for the Affordable Housing Fund. The Lands, Housing and Economic Development Committee (LHED) recently completed the third round of housing project proposals. The committee received six housing project proposals in the amount of $6.3 million. Projects were ranked based on criteria from the 2023 Juneau Affordable Housing Fund (JAHF) program description and guidelines. Due to limited funds available, the committee selected one project and recommended a second project if additional funding was available. This ordinance infuses sufficient funds into the JAHF for the Assembly to consider both Round Three project award recommendations. Funding awards will be brought to the Assembly for consideration through separate appropriating ordinances outlining award terms.

    The Lands, Housing and Economic Development Committee approved this request at the November 6, 2023 meeting. The Committee of the Whole reviewed this request at the December 18, 2023 meeting.

    The City Manager recommends the Assembly adopt this ordinance.

13. **Ordinance 2023-05 An Ordinance Authorizing an Alternative Procurement Method Related to the Eaglecrest Pulse Gondola Construction Project.**

    This ordinance authorizes the Manager to competitively solicit proposals and enter into an alternative procurement method for preconstruction services and construction of the Gondola Installation at Eaglecrest Ski Area consistent with CBJ charter and Alaska statute. General Contractor/Construction Manager is a qualifications- based procurement method that allows the contractor to be involved in the design process to limit risk and cost for complicated projects such as the Gondola Installation. Alternative procurement is preferred for this project in order to be able to cooordinate with specialty conractors with limited availability, timing constraints due to unpredictable weather-dependent construction windows, and the direct involvement of Eaglecrest staff in construction.

    The Eaglecrest Board of Directors approved the use of GC/CM for this project at its October, 2022 meeting.

    The Public Works and Facilities Committee approved use of GC/CM for this project at its November 7, 2022 meeting.

    The Committee of the Whole reviewed this topic at its meeting on December 18, 2023.

    The City Manager recommends the Assembly adopt this ordinance.

L. UNFINISHED BUSINESS

14. ***Potential Reconsideration of Ordinance 2023-14(b)(Q)***

    Ordinance 2023-14(b)(Q) An Ordinance Appropriating $500,000 to the Manager for the Cruise Ship Dock Safety Railing Capital Improvement Project; Funding Provided by Docks Funds.

    The Assembly considered Ordinance 2023-14(b)(Q) at its meeting on December 11, 2023. That ordinance failed to receive enough votes for adoption and Assemblymember Paul Kelly gave notice of reconsideration.

    Since the construction of the new berths in 2017, Docks and Harbors has submitted annual Marine Passenger Fee requests for the installation of safety railings along the downtown waterfront. With increased Seawalk users, there are concerns for the safety and well-being of users in areas without safety railings. This funding would provide approximately 25% of the installation of safety railings along the Seawalk from the CT Dock to Marine Park.

The Public Works and Facilities Committee reviewed and approved this request at the November 6, 2023 meeting.

The roll call vote taken at the December 11 meeting was as follows:

Roll Call Vote on Motion to Adopt Ordinance 2023-14(b)(Q)

Yeas: Woll, Kelly, Adkison, Hale

Nays: Smith, Hughes-Skandijs, Weldon

[Absent: Bryson & Waahlaal Giidaak]

Motion failed to pass: 4 Yeas, 3 Nays

[Clerk’s note: it takes 5 votes in the affirmative to pass a motion.]

M. NEW BUSINESS

N. STAFF REPORTS

O. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

P. ASSEMBLY COMMENTS & QUESTIONS

Q. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

R. EXECUTIVE SESSION

S. SUPPLEMENTAL MATERIALS

T. ADJOURNMENT

U. INSTRUCTION FOR PUBLIC PARTICIPATION

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify***. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.

The Office of the Mayor
City and Borough of Juneau, Alaska

PROCLAMATION

In Recognition of Brenda Knapp

WHEREAS, Brenda Knapp was on the Bartlett Regional Hospital Board of Directors for nine years; and

WHEREAS, during her tenure on the Board, Brenda served as Board President, and Chair of the Governance Committee and the Planning Committee; and

WHEREAS, in addition to chairing committees, Brenda also served as a member of the Finance Committee, the Child Adolescent Mental Health Unit Ad Hoc Committee, the Physician Recruitment Committee, the Quality Committee, and the Compliance Committee; and

WHEREAS, in 2022 when Board Vice President Rosemary Hagevig passed away, Brenda finished out Rosemary's term as vice president of the Board; and

WHEREAS, Brenda served on the Executive Committee from 2017 through the end of her tenure on the Board; and

WHEREAS, Board President Kenny Solomon-Gross lauded Brenda for her wisdom, acumen, and tireless efforts that not only shaped policies, but also influenced lives while on the Board.

NOW THEREFORE, I, Beth A. Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby formally acknowledge and express my sincere gratitude to

Brenda Knapp

for nine years of being an exemplary leader, mentor, and champion for the citizens of Juneau.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 8th day of January, 2024.

Beth A. Weldon, Mayor

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
UNIFIED JULY 1, 1970

The Office of the Mayor
City and Borough of Juneau, Alaska

PROCLAMATION

In Recognition of Michael LeVine

WHEREAS, Michael LeVine served as a dedicated member of the City and Borough of Juneau's Planning Commission for nine years; and

WHEREAS, Michael was chair of the Commission for four years; and

WHEREAS, Michael also chaired or served on the Planning Commission's Title 49 Committee, Governance Committee, the Subdivision Review Committee, the Comprehensive Plan Ad Hoc Committee, and the Downtown Juneau/Downtown Douglas Rezone Committee; and

WHEREAS, in addition, Michael served as the liaison to the Juneau Commission on Sustainability and the Lands, Housing and Economic Development Committee; and

WHEREAS, Michael successfully chaired the Commission through the COVID-19 pandemic, working with staff to keep permitting timely.

NOW THEREFORE, I, Beth A. Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby formally acknowledge and express my sincere gratitude to

Michael LeVine

for his outstanding service, commitment, and leadership.

BE IT FURTHER RESOLVED that this proclamation be recorded in the minutes of the Assembly meeting and a copy presented to Michael LeVine as a token of appreciation.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 8th day of January, 2024.

Beth A. Weldon

Beth A. Weldon, Mayor

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
UNIFIED JULY 1, 1970

The Office of the Mayor
City and Borough of Juneau, Alaska

PROCLAMATION

In Recognition of Paul Voelckers

WHEREAS, Paul Voelckers has served as a dedicated member of the City and Borough of Juneau's Planning Commission for ten years, contributing valuable time, expertise and passion to further the development of Juneau; and

WHEREAS, Paul served as vice-chair of the Commission; and

WHEREAS, in addition, Paul either chaired or served on the following committees: the Title 49 Committee, the Governance Committee, the Subdivision Review Committee, the Capital Improvement Program Committee, the Downtown Juneau/Downtown Douglas Rezone Committee, the Auke Bay Implementation Committee, and the Housing and Development Task Force; and

WHEREAS, Paul served as liaison to the Lemon Creek Area Plan, the Lands, Housing and Economic Development Committee, the Public Works and Facilities Committee, and the Juneau Commission on Sustainability; and

WHEREAS, Paul has contributed and actively participated in key decision-making processes, as well as providing valuable insights while working on the land use code…and always striving to revie the code language in a positive light.

NOW THEREFORE, I, Bèth A. Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby formally acknowledge and express my sincere gratitude to

Paul Voelckers

for his outstanding service, commitment, and the positive influence he has had on the organization.

BE IT FURTHER RESOLVED that this proclamation be recorded in the minutes of the Assembly meeting and a copy presented to Paul Voelckers as a token of appreciation.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 8th day of January, 2024.

Beth A. Weldon

Beth A. Weldon, Mayor

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
UNIFIED JULY 1, 1970

OFFICE OF THE MUNICIPAL CLERK/
ELECTION OFFICIAL
City and Borough of Juneau (CBJ)
155 Heritage Way, Juneau, Alaska 99801
Phone: (907)586-5278 x4175 Fax: (907)586-4552
email: Beth.McEwen@juneau.gov

TO: Mayor Weldon and Assemblymembers

DATE: January 3, 2024

FROM: Beth McEwen, Municipal Clerk

RE: November 21, 2022 Assembly Minutes Correction

It recently came to my attention that we inadvertently left out two actions from the November 21, 2022 Assembly Meeting approved minutes. These actions are found on page 9 of the attached minutes and included below. ***I recommend the Assembly approve the corrected minutes to accurately reflect the action taken by the Assembly at the November 21, 2022 meeting.***

P. NEW BUSINESS

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21. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

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MOTION by Ms. Gladziszewski for the record to reflect that the Assembly considered the two applications from Jeffery Troutt and Karl Vandor separately and referred the late filed applications to the City Assessor for review and action and asked for unanimous consent. *Hearing no objection, that motion was approved.*

Mayor Weldon then called for a 5-minute recess to confer with the City Attorney.

Mayor Weldon reconvened the meeting and noted that they needed to go back to the Consent Agenda for action. She noted that the Bid Award Item **J 15. Bid Award - BRH ED Addition and Renovation, RFP E23-156b** was recommending award to Dawson Construction and since her son worked for Dawson Construction last summer and will likely work for them again this summer, she needs to recuse herself from voting on that matter due to a possible conflict of interest. She said they would need to redo the vote on the Consent Agenda and when they vote on it, she asked the record to show that she would not be voting on the Bid Award.

Mayor Weldon called for any objection to the adoption of the Consent Agenda with the recusal as noted above. Hearing no objection, the Consent Agenda was adopted by unanimous consent with Mayor Weldon's recusal from the Bid Award.

REGULAR ASSEMBLY MEETING 2022-26 MINUTES *(Corrected)*

November 21, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

https://juneau.zoom.us/j/91515424903 or 1-253-215-8782 Webinar ID: 915 1542 4903

MEETING NO. 2022-26: The Regular Assembly Meeting of the City & Borough of Juneau Assembly held at City Hall in the Assembly Chambers and virtually via Zoom webinar was called to order by Mayor Beth Weldon at 7:04 p.m.

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

C. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Deputy Mayor Maria Gladziszewski, Greg Smith, Christine Woll (via zoom until 7:50pm), Michelle Hale, 'Wáahlaal Gíidaak (via zoom), Carole Triem, Alicia Hughes-Skandijs, and Wade Bryson

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Deputy Municipal Clerk Diane Cathcart, Deputy Municipal Clerk Andi Hirsh, Engineering/PW Director Katie Koester, Harbor Master Matthew Creswell

D. SPECIAL ORDER OF BUSINESS

1. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

2. Special Recognition: Mitchell McDonald and Martin Larsen, for collaboration and assistance during the Gastineau Avenue landslide

Mayor Weldon and Eng/PW Director Katie Koester thanked Mitchell 'Mitch' McDonald and Martin 'Mort' Larsen for all the help and expertise they provided during the September landslide event.

3. Special Recognition: Kirby Day, for 25 years of administering the Tourism Best Management Practices (TBMP) program

Mayor Weldon read Kirby Day's proclamation and thanked him for his many years of service to Tourism Best Management Practices (TBMP) and Juneau. Mr. Day thanked the Assembly and staff for all their work over the years around tourism and laughingly noted he had spent MANY hours in the Assembly Chambers over the years at countless meetings since the beginning talks of TBMP in 1997. He felt this is a good time to transition TBMP over to Travel Juneau and that Elizabeth Arnett would do a great job managing it.

E. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested one change to the agenda; under Regulations Amending Title 05 Docks & Harbors, removing change item (1) so it can go back to Docks & Harbors for more discussion {New Business – Agenda Item 22}.

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual.)

Paula Smedley, Twin Lakes: Ms. Smedley spoke to the Assembly regarding the lighting along Twin Lakes that was recently installed. She testified that it has decreased the quality of life in the neighborhood, created needless light pollution with the lights on 24/7 and feels less safe to use the bike path with the new lights.

G. CONSENT AGENDA

Public Request for Consent Agenda Changes, Other than Ordinances for Introduction

None

Assembly Request for Consent Agenda Changes

None

Assembly Action

Ms. Woll noted she has a conflict related to Ordinance 2022-06(b)(W) and Resolution 3006 as they relate to IAFF and will recuse herself from voting on those two items on the consent agenda. Mayor Weldon noted a conflict with the Bid Award to Dawson Construction due to a family member working for Dawson, she recused herself from voting on that item on the consent agenda.

MOTION by Ms. Gladziszewski for the Assembly to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objections, the Consent Agenda was adopted by unanimous consent with the exclusion of Mayor Weldon and Ms. Woll abstaining from the vote on the bid award and ordinance 2022-06(b)(W) and Resolution 3006 respectfully.*

H. Ordinances for Introduction

4. Ordinance 2022-06(b)(V) An Ordinance Transferring $200,000 from CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-141 Hospital Drive Improvements.

This request would provide $200,000 in funding to remedy a conflict with the existing water system and the proposed Bartlett Regional Hospital Emergency Department (ED) Addition. The funding will allow the waterline to be upgraded and relocated away from the proposed ED Addition. This work will connect the new water systems completed from other recent projects. The Douglas Highway water project is complete and in the process of being closed out.

The Public Works and Facilities Committee reviewed this request at the November 7, 2022 meeting.

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

5. Ordinance 2022-21 An Ordinance Related to Property Tax Appeals and Codifying the Board of Equalization Rules of Procedure.

This ordinance would amend the Juneau Board of Equalization's rules of procedure, which govern property tax appeals. The substance of this ordinance comes from three sources: the Anchorage Board of Equalization rules, the existing Juneau Board of Equalization rules, and changes to state law since the existing Juneau property tax appeal code was adopted in the 1970s.

The Juneau Board of Equalization reviewed this ordinance on September 20, 2022. The Assembly Committee of the Whole reviewed this ordinance on September 26, 2022 and November 7, 2022.

The Manager recommends the Assembly introduce this ordinance, refer it to the Committee of the Whole, and schedule it for public hearing at the next regular Assembly meeting.

6. **Ordinance 2022-40 An Ordinance Authorizing the Manager to Lease Space at the Juneau Police Department Headquarters to L3Harris Technologies, Inc. for Aircraft and Air Traffic Control Safety Equipme**nt.

   The Federal Aviation Administration (FAA) is updating safety controls for aircraft collision avoidance. A contractor for the FAA, L3Harris submitted an application to lease cabinet and antenna space at the Juneau Police Station located at 6255 Alaway Avenue. L3Harris would use the leased space to improve the Wide Area Multilateration surveillance system for the airport. Fair market value has been determined by appraisal to be $540 per year.

   The Juneau International Airport Manager reviewed this application and is in favor of granting this lease. The Juneau Police Department Radio Electronics Specialist reviewed this application and is in favor of granting this lease. The LHED Committee reviewed this request at its meeting on June 27, 2022, and provided a motion of support for leasing this property to L3Harris. On August 1, 2022, the Assembly authorize the Manager to negotiate with L3Harris.

   The City Manager recommends the Assembly introduce this ordinance and set it for public hearing the next regular Assembly meeting.

7. **Ordinance 2022-54 An Ordinance Amending the Investments and Collateral Chapter of Title 57 Related to Investment Policies.**

   This ordinance, and a companion resolution (#3022) that will be presented on December 12, 2022, would update the City and Borough of Juneau Investment Policy. Specifically, this ordinance would clarify how the investment policy is updated, would add sustainability to the investment objectives, and would add two more authorized investment instruments.

   On September 7, 2022, the Assembly Finance Committee recommended these changes to the investment policy.

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

8. **Ordinance 2022-61** An Ordinance Amending the Uniform Sales Tax Code to Allow Very Small Businesses to File Sales Taxes Annually.

   This ordinance would allow businesses that have less than $20,000 in gross sales per year the ability to file sales tax returns annually instead of quarterly. If a business opts-in to the annual filing option, the business would be required to file quarterly returns if gross annual sales exceed $20,000.

   The Assembly Finance Committee reviewed this topic on November 2, 2022.

   The City Manager recommends the Assembly introduce this ordinance and schedule it for public hearing at the special Assembly meeting on November 30, 2022.

9. **Ordinance 2022-06(b)(W) An Ordinance Appropriating $3,984,400 to the Manager for the City and Borough of Juneau's Fiscal Year 2023 Employee Negotiated Wage and Health Increases; Funding Provided by Various Sources.**

   This ordinance would appropriate $3,984,400 for CBJ’s fiscal year 2023 employee negotiated wage and health increases for the Marine Engineers Beneficial Associations (MEBA), Public Safety Employees Association (PSEA), International Association of Fire Fighters (IAFF), and un-represented employees. This appropriation funds a 5.5% wage increase for all employees in fiscal year 2023 and a 5% increase to the employer health contribution. Additionally, this ordinance appropriates authority for a 15% increase to attorney salaries and compensation increases for the City Manager and City Attorney, as approved by the Assembly during the September 12, 2022 Regular Assembly meeting.

The Assembly approved the MEBA and PSEA negotiated labor contracts during the Regular Assembly meeting on July 11, 2022. The Assembly will consider the IAFF negotiated labor contract during the November 21, 2022 Regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the special Assembly meeting on November 30, 2022.

10. Ordinance 2022-06(b)(X) An Ordinance Appropriating $116,400 to the Manager as Funding for Eaglecrest's Fiscal Year 2023 Pay Plan Adjustment; Funding Provided by Eaglecrest Revenue.

This ordinance would appropriate $116,400 for Eaglecrest's FY23 pay plan adjustment. The pay plan adjustment increases employee wages by 7%. This adjustment follows two previous pay plan increases Eaglecrest implemented in calendar year 2022 in an effort to increase employee wages over minimum wage and align pay with ski industry standards. The most recent pay adjustment, approved by the Eaglecrest Board on September 15, 2022, is intended to promote employee recruitment and retention. This appropriation also provides for sign-on and returning employee bonuses for seasonal employees.

Funding for this ordinance is provided by Eaglecrest revenue.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the special Assembly meeting on November 30, 2022.

I. Resolutions

11. Resolution 3003 A Resolution of the City and Borough of Juneau Supporting Full Funding in the Amount of Eight Million, Two Hundred Thirty-six Thousand, Eight Hundred Fifteen Dollars ($8,236,815) for the State of Alaska Harbor Facility Grant Program in the Fiscal Year 2024 State Capital Budget.

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately $13 million in harbor grant funding since the program's inception. In June, CBJ was notified of a $2M Tier II grant for the next phase of Aurora Harbor.

Although Docks & Harbors does not have any projects eligible for consideration this year, the municipalities of Sitka, Whittier, and Wrangell/Meyers Chuck have committed to contribute $8,236,815 in local match funding for FY2024 towards three harbor projects of significant importance for Alaska. The Docks & Harbors Board reviewed this resolution at its regular board meeting on October 27, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

12. Resolution 3006 A Resolution Ratifying the Economic Terms Tentative Agreement between the City and Borough and the International Association of Fire Fighters, Local 4303, AFL-CIO.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the International Association of Fire Fighters (IAFF) for a collective bargaining agreement that will go in effect on July 1, 2022, and expire on June 30, 2025. Economic terms will be effective on November 21, 2022.

The tentative agreement includes economic modifications of the annual wage increases of 5.5%, 2%, and 2% during the three fiscal years of the contract. In addition, there are increases to the employer contribution to health insurance of approximately 5% for the first two fiscal years and an employer contribution increase of up to 5% in the third fiscal year of the contract.

In addition, there are increases to two premium pays, additional leave accrual for engineers based on changes to minimum staffing and minor operational changes. Lastly, the CBJ agreed to enter into a procurement process to conduct a market wage study in the 3rd year of the CBA. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by IAFF membership.

The City Manager recommends this resolution be adopted.

13. Resolution 3007 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.

On October 28, 2022, the Juneau Coordinated Transportation Coalition (JCTC) met and reviewed nominations for funding from the SFY23 DOT&PF mobility grants. To be considered for grant funding, each community must prioritize their projects and that priority list must be endorsed by motion or resolution by the local municipal government.

SAIL submitted the only request for funding, which is for a Replacement ADA Taxi. The project was endorsed by JCTC.

On November 7, 2022, the Public Works and Facilities Committee voted to forward a Resolution of support for the SAIL application to the full Assembly.

Upon approval, the resolution would serve as an addendum to the CBJ 2020 Juneau Coordinated Human Services Transportation Plan.

The City Manager recomments this resolution be adopted.

14. Resolution 3008 A Resolution Adopting an Alternative Allocation Method for the FY2023 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.

This resolution would facilitate the CBJ's participation in the State's FY2023 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during calendar year 2021 from fisheries business activities within the CBJ's qualifying area.

Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast area.

It is anticipated that the CBJ's share will be approximately $2,250.

The City Manager recommends the Assembly adopt this resolution.

J. Bid Awards

15. Bid Award - BRH ED Addition and Renovation, RFP E23-156b

This project consists of a construction firm serving in a Construction Manager at Risk capacity to provide pre-construction and construction services for the Bartlett Regional Hospital Emergency Department Addition and Renovation project. This Alternative Procurement method was authorized by the Assembly with Ordinance 2022-51. Two proposals were received for this project. Their scores are outlined in the bid letter included in this packet.

I recommend award of this project to Dawson. In accordance with Ordinance 2022-51, the Manager shall present the recommended Construction Manager at Risk company proposal to the Assembly for approval prior to commencing negotiations with the selected firm. If the Assembly accepts the proposal, the initial contract for pre-construction services will be for $70,000, and the total contract value will not exceed $200,000 without prior Assembly approval.

K. Transfers

16. Transfer Request T-1045 A Transfer of $320,000 from CIP R72-149 Meadow Lane Improvements to CIP R72-150 Cedar Lane Reconstruction.

This request would provide $320,000 in additional funding needed to construct the segment of Cedar Lane between Mendenhall Boulevard and Columbia Boulevard. Cost escalation and additional necessary drainage improvements discovered during design contributed to the need for additional funding. The Meadow Lane project is nearly complete and will retain adequate funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the November 7, 2022 meeting.

The City Manager recommends approval of this transfer.

L. City/State Project Review

M. Other

N. PUBLIC HEARING

17. Ordinance 2022-06(b)(U) An Ordinance Appropriating $500,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Funding Provided by Harbors Funds.

Docks and Harbors has been awarded a $2 million matching harbor facility grant from the Alaska Department of Transportation (ADOT), restricted solely to project construction. This ordinance would appropriate $500,000 of Harbors fund balance to the Aurora Harbor Improvements CIP, increasing the total project balance sufficiently to leverage the full value of the ADOT 50/50 matching grant while ensuring adequate funds are available to award the project bid, which is estimated to exceed $4 million. This project was #13 on CBJ's FY23 Legislative Priority List.

The Docks and Harbors Board approved this request at the September 29, 2022 meeting. The Systemic Racism Review Committee reviewed this ordinance at its October 25, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment: None

Assembly Action:

MOTION by Mr. Bryson for the Assembly to adopt Ordinance 2022-06(b)(U) and asked for unanimous consent.
Hearing no objection, Ordinance 2022-06(b)(U) was adopted by unanimous consent.

18. Ordinance 2022-39 An Ordinance Amending Prohibited Acts within the Boat Harbor Related to Dogs and Other Domestic Animals.

The Docks & Harbors Board has considered and recommends changes to 85.25.090. The intent is to allow pedestrians, without boat ownership, to walk dogs on CBJ harbor floats, which is currently prohibited. Additionally, there is administrative language addressing the curbing of domestic animals on harbor floats.

The proposed changes have been included as publicly noticed agenda items and discussed at Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28. The Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25. The Special Board meeting and intent to propose changes to

85.25.090 was noticed via Juneau EMPIRE, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. The Systemic Racism Review Committee considered this ordinance at its October 25, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment: None

Assembly Action:

MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Ordinance 2022-39 and asked for unanimous consent. *Hearing no objection, Ordinance 2022-39 was adopted by unanimous consent.*

19. Ordinance 2022-43 An Ordinance Amending Boat Harbor Regulations Relating to Vessel Identification.

The Docks & Harbors Board has considered and recommends changes to CBJC 85.25.020. The intent of this change is to require all vessels in the CBJ harbors to display name or other state or federal identification.

The proposed change has been included in publicly noticed agenda items and discussed at the Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28.

The Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25th. The Special Board meeting and intent to propose changes to CBJC 85.25.090 was noticed via the Juneau Empire, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. The Systemic Racism Review Commitee reviewed this ordinance at its meeting on October 25, 2022.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment: None

Assembly Action:

MOTION by Ms. Triem for the Assembly to adopt Ordinance 2022-43 and asked for unanimous consent. *Hearing no objection, Ordinance 2022-43 was adopted by unanimous consent.*

O. UNFINISHED BUSINESS

None

P. NEW BUSINESS

20. Hansen Gress Application to Purchase City Property

Hansen Gress recently purchased the building and property located at 1000 Harbor Way. A portion of this building is located on leased City tidelands. City tidelands are all designated "retain" in the Land Management Plan. Prior to this property being re-subdivided and sold the Plan will need to be amended by ordinance to allow for the disposal of this property. Hansen Gress submitted an application to acquire the City property in order to be able to "make major structural and architectural improvements to the aging building". The applicants are having difficulties redeveloping the property because the building is over the property lines. If the property is acquired, the applicant will consolidate the lots in order to create a property that conforms to City code. This application was reviewed by the Docks and Harbors Board at the August 25th meeting and provided a motion to advance this application. The Lands Housing and Economic Development Committee reviewed this request at the September 26 2022 meeting and forwarded this application to the Assembly with a motion to work with the original proposer in accordance with city code 53.09.260.

The City Manager requests a motion to authorize the City Manager to negotiate the disposal of City property to Hansen Gress.

Public Comment: None
Assembly Action:
MOTION by 'Wáahlaal Gíidaak for the Assembly to authorize the City Manager to negotiate the disposal of City Property to Hansen Gress and asked for unanimous consent. *Hearing no objection, motion passed.*

21. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are two property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

MOTION by Ms. Gladziszewski for the record to reflect that the Assembly considered the two applications from Jeffery Troutt and Karl Vandor separately and referred the late filed applications to the City Assessor for review and action and asked for unanimous consent. *Hearing no objection, that motion was approved.*

Mayor Weldon then called for a 5-minute recess to confer with the City Attorney.

Mayor Weldon reconvened the meeting and noted that they needed to go back to the Consent Agenda for action. She noted that the Bid Award Item **J 15. Bid Award - BRH ED Addition and Renovation, RFP E23-156b** was recommending award to Dawson Construction and since her son worked for Dawson Construction last summer and will likely work for them again this summer, she needs to recuse herself from voting on that matter due to a possible conflict of interest. She said they would need to redo the vote on the Consent Agenda and when they vote on it, she asked the record to show that she would not be voting on the Bid Award.

Mayor Weldon called for any objection to the adoption of the Consent Agenda with the recusal as noted above. Hearing no objection, the Consent Agenda was adopted by unanimous consent with Mayor Weldon's recusal from the Bid Award.

22. Regulations Amending Title 05 Docks and Harbors, Chapters 07, 15, 20, 25 The Docks & Harbors Board has considered and recommends changes to 11 separate regulations under Title 05:

(1) Allow inactive vessels to moor at the National Guard Dock. 05 CBJAC 07.010.

(2) Reservation for more than seven days need to be paid in full. 05 CBJAC 15.035.

(3) Impose a six month threshold for residential vessel leasing arrangement. 05 CBJAC 20.050.

(4) Kayak launch ramp use at Statter Harbor is free. 05 CBJAC 20.060.

(5) Clarifying Statter Harbor Bus lot permit fee. 05 CBJAC 20.090.

(6) Allowing crane use with a key card. 05 CBJAC 20.110.

(7) Clarifying storage fees. 05 CBJAC 10.130.

(8) Clarifying summer parking lot fees at Statter Harbor. 05 CBJAC 20.160.

(9) Repealing Auke Bay Loading Facility Float fee. 05 CBJAC 20.190.

(10) Impose a fee for vessels that do not move every 10 days during the summer. 05 CBJAC 25.060.

(11) Clarify winter moorage processes. 05 CBJAC 25.080.

These omnibus administrative changes have been included as publicly-noticed agenda items and discussed at Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28. After the requisite minimum 21-day public notice period, the Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25. The Special Board meeting and intent to propose omnibus changes to Title 05 regulations was noticed via Juneau EMPIRE, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. Members of the public provided testimony at the August 25 Public Hearing but no changes were made to the advertised language. Prior to the September 12 Assembly meeting, CBJ Law provided legal direction that the proposed changes did not comport with CBJ Code 01.60.220 (Fiscal notes on regulations). As such, Docks & Harbors repeated the process with the inclusion of fiscal notes for each of the regulation changes. The Docks & Harbors regular Board or Operations-Planning Committee discussed the 11 regulations changes with fiscal notes at the following meetings: September 21, September 29, October 19 and October 27. On November 9, after exceeding the requisite 21-day public notice period and making notices through the above media sources, the Docks & Harbors Board conducted the second Public Hearing at a Special Board meeting. Docks & Harbors received email correspondence from a single harbor patron regarding 05 CBJAC 25.060 (Summer management at Statter Harbor) which the Board considered in their deliberations.

The City Manager recommends the Assembly approve the regulations except 05 CBJAC 07.010. Pursuant to CBJC 01.60.260(c)(2), the City Manager recommends the Assembly direct that a resolution be prepared for 05 CBJAC 07.010 and referred to the Assembly Public Works & Facilities Committee for further discussion.

Public Comment: None

Assembly Action:

MOTION by Ms. Gladziszewski for the Assembly to adopt Regulation changes 2-11 Amending Title 05 with regulation change (1) 05 CBJAC 07.010 going back to Docks & Harbors for further discussion. *Hearing no objection, motion passed.*

23. 2023 Assembly Meeting Calendar

The draft 2023 Assembly Meeting Calendar is enclosed in this packet and before the Assembly for amendment and/or approval.

MOTION by Ms. Gladziszewski for the Assembly to adopt the 2023 Assembly meeting calendar as amended. *Hearing no objection, motion passed.*

24. Supplemental Agreement - BRH Campus Waterline Replacement

CBJ 53.50.040 (C) gives the Manager limited authority to approve supplemental agreements to existing capital improvement projects, provided that the Assembly is notified and that there is a best interest finding. A best interest finding memorandum is included in the packet along with a drawing of the area of work. Major benefits of this supplemental agreement are to allow various BRH projects to stay on schedule and to allow close coordination on campus construction activity.

As this supplemental agreement is within the Manager's procurement limits, no action is required by the Assembly and this staff report meets the reporting requirement.

Q. STAFF REPORTS

None

R. ASSEMBLY REPORTS

Mayor's Report

Mayor Weldon wished everyone a Happy Thanksgiving and noted it was an honor to honor Mr. Day. Ms. Woll asked that the Mayor report out on the latest School Board meeting in which it discussed its budget deficits.

Karen Tarver from the school district will attend the next Assembly Finance Committee on November 30th to give a school finance update.

Committee and Liaison Reports

Committee of the Whole (Gladziszewski) – met on November 7 and received an update from Huna Totem, also talked about property tax appeals with updates to the Board of Equalization ordinance, heard about hazard mapping and consideration of the consolidation of some Parks & Recreation advisory boards. Next COW meeting is 11/28 at 6pm.

Assembly Finance Committee (Triem) – met on November 4 and received a great report from JEDC on short-term rentals. Next meeting is on 11/30 at 5:30pm.

Lands, Housing & Economic Development (Hughes-Skandijs) – met on November 7 and forwarded the Huna Totem request to the COW. The committee also looked at a couple of property requests and heard updates from Travel Juneau, Visitor Industry Task Force and an update on Telephone Hill.

Public Works & Facilities Committee (Bryson) – met on November 7 and received updates on Eaglecrest gondola installation, source control presentation and EV charging stations and Basin Rd update. Next meeting is on 11/28 at 12:10pm.

Human Resources Committee (Smith) – met prior to the Regular Assembly meeting this evening. The HRC forwarded the following appointments to the full Assembly for approval:

- Juneau Economic Development Council
  Garrett Schoenberger and Alexander Kotlarov to the two at-large seats for terms beginning immediately and ending October 31, 2025.
- Juneau Human Rights Commission
  Paula Drake to an unexpired seat beginning immediately and ending May 31, 2023.
- Juneau Commission on Sustainability
  Ilsa Lund to a term beginning immediately and ending June 30, 2023.

Hearing no objections, all appointments were approved by unanimous consent.

Chair Smith reported that Empowered Board applications for the Hospital Board and Planning Commission are due to the Clerk's Office by November 30 and asked the Assembly to hold Wednesday, December 14th and Thursday, December 15 open as possible interview and appointment nights beginning at 5:30pm with first interview starting at 5:45pm via zoom.

Presiding Officer Reports

None

S. ASSEMBLY COMMENTS & QUESTIONS

'Wáahlaal Gíidaak – last Planning Commission meeting had discussion on Teal St. road improvements and 7400 Glacier Hwy proposed 444 unit dwelling update. The Systemic Racism Review Committee meets Tuesday 11/22.

Bryson – Docks & Harbors Board met and they have a retreat scheduled for the evenings of 12/7 & 12/8.

Hughes-Skandijs – Eaglecrest Board met but was unable to attend due to travel. Attended as a representative of CBJ, the National Association of Counties Housing Task Force, great meeting with housing experts and we have four more meetings over the next year and will bring that info back to the Assembly.

Triem – went to first BRH Board meeting, the board debated the merits of a new surgical robot and will meet again tomorrow 11/22. Went to the JEDC board meeting, Senator Murkowski joined the meeting. Will take the lead on planning the Assembly and Staff AML dinner.

Smith – attended first Parks & Recreation Advisory Committee meeting, they reviewed the Legislative Priorities list. Attended the Chamber meeting and listened to the new BRH CEO David Keith. Participated in the Juneau Radio Centers Food Drive. Attended the Trail Mix annual dinner and auction, great event. Toured the USCG Cutter Healy and expressed how important the Coast Guard is in our community.

Hale – attended a housing chamber task force meeting were they discussed concerns around CDD support for the Planning Commission and the difficulty of CDD moving Title 49 forward. Attended first Airport Board meeting as the Assembly liaison. Attended the Juneau Commission on Aging meeting; they are a very active and dedicated board and attended the Climate Chamber Concert, it was an incredible concert.

Gladziszewski – attended Juneau Commission on Sustainability meetings as well as the Housing meeting with Ms. Hale. JCOS will submit a memo to the Assembly in time for the retreat.

Weldon – was in Kansas City for the National League of Cities for a childcare event with Mr. Barr. The Salvation Army is hosting a Thanksgiving Dinner at the Yacht Club from 11am – 1pm, all are welcome. The annual Christmas tree lighting in Douglas will take place on 11/25 and Ms. Hughes-Skandijs will have the honor of lighting the tree. Staff submitted a letter and packet to the United States Coast Guard in support of the newest ice breaker potentially being stationed in Juneau, Carl Uchytil is taking the lead on this proposal.

T. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None

U. EXECUTIVE SESSION

None

V. SUPPLEMENTAL MATERIALS

None

W. ADJOURNMENT

There being no further business to come before the Assembly, meeting adjourned at 8:24 p.m.

Signed: ____________________________	Signed: __________________________
Diane Cathcart	Beth A. Weldon
Acting Municipal Clerk	Mayor

REGULAR ASSEMBLY MEETING 2023-02 *DRAFT* MINUTES

January 30, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

MEETING NO. 2023-02: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held at City Hall and virtually via Zoom webinar and called to order by Mayor Beth Weldon at 7:05p.m.

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

Assemblymembers present: Mayor Beth Weldon, Deputy Mayor Maria Gladziszewski, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs, Wade Bryson, Greg Smith, ‘Wáahlaal Gíidaak (via Zoom)

Members absent: Christine Woll

Staff present: City Manager Rorie Watt, Deputy Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Assistant Attorney Sherri Layne, Tourism Manager Alexandra Pierce, Engineering/Public Works Director Katie Koester, Port Director Carl Uchytil, Finance Director Jeff Rogers, Human Resources/Risk Management Director Dallas Hargrave, Lands Manager Dan Bleidorn, Eaglecrest Manager Dave Scanlan, Deputy Parks and Recreation Director Michele Elfers

D. SPECIAL ORDER OF BUSINESS

Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify***. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

E. APPROVAL OF MINUTES

None.

F. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt asked that Item 12: ***Ordinance 2022-06(b)(AD) An Ordinance Appropriating $10,000,000 to the Manager for the Eaglecrest Gondola Capital Improvement Project; Funding Provided by an Investment from Goldbelt, Inc.*** be removed from the agenda for further work.

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)

Teri Tibbett, a Douglas resident and Chair of the Douglas Advisory Board (DAB), spoke about the Douglas Island cemeteries. Ms. Tibbett noted that in 2021, the DAB submitted a packet of material to the Assemblymembers and staff about CBJ taking over ownership and maintenance of the Douglas Island cemeteries. She said that there are 10 cemeteries on Douglas Island, and the owners of two of them have offered to provide them to CBJ at no cost. She said this issue has been explored since 1983 and that it has been a priority of the DAB since she began on the board in 2017. She said that they have tried to communicate with the Assembly about this issue but have not heard anything back so it was decided at their November 2022 to speak during the public testimony to bring light to this issue. She said that the Assembly has two letters in front of them from the DAB, one that was approved at the DAB's November 2022 meeting (dated January 30, 2023) and the other from April 22, 2021. Both letters offer a comprehensive view of what they are talking about and hoping for. She said that as an Assembly-appointed board, they are hoping that they would receive a response from the Assembly. She also asked that the Assembly provide guidance on the best method for the board to communicate with the Assembly.

Mr. Smith asked Ms. Tibbett what the annual costs might be for maintenance expenses. Ms. Tibbett referenced the January 30, 2023 letter saying that CBJ reports put initial clean up fees at approximately $10,500 plus $21,600 labor costs that were estimated in 2019. Those numbers in today's dollars will likely be more expensive due to inflation.

Ed Schoenfeld, a 44-year Douglas resident and Vice-Chair of the Douglas Advisory Board, said that with respect to the Douglas cemeteries, it seems that officials say it will cost too much or say that it is too much hassle to change. He asked why people in Douglas cemeteries are relegated to second class citizenship as compared to those buried at Evergreen Cemetery. He said that there are two groups, the Catholics and the Eagles, who are ready to do quit claim deeds to hand those properties over to the municipality. He said that some of the other cemeteries are in worse shape, and it can be hard to find them due to lack of signage and headstones. He said that volunteers have worked on the Indian Cemetery and they have found markers and monuments and he believes there is other information out there yet to be discovered in old records. The DAB are asking CBJ to look at taking responsibility for these cemeteries. He said that it is important to honor our dead and all those buried in our community should be treated equally across the borough.

Kim Metcalfe, a resident in the Basin Road neighborhood, said that for years she has tried to limit traffic on the Basin Road trestle bridge because of the effect that traffic has on their neighborhood. She spoke about the recent rock slide and closure of trestle bridge to traffic and said that she hoped the repairs would take quite a while to fix. She has enjoyed walking the bridge since the traffic closure since she doesn't have to dodge speeding cars. She strongly encouraged CBJ to close the road permanently to all vehicles except for CBJ and AEL&P vehicles.

Steve Krall, a resident on Basin Road, said that exiting his house is dangerous due to vehicles speeding on basin road at 5 to 10 mph over the speed limit. He encouraged the Assembly to consider this a public safety issue and to close the road past the trestle bridge. He said that he is surprised no one has been killed yet and that every pedestrian who walks on that street is in danger.

H. CONSENT AGENDA

<u>Public Request for Consent Agenda Changes, Other than Ordinances for Introduction</u>

None.

<u>Assembly Request for Consent Agenda Changes</u>

None.

Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda, noting that the Assembly Human Resources Committee recommended adoption of Resolution 3020 as found in the packet, and asked for unanimous consent. *Hearing no objection, the motion passed.*

I. Ordinances for Introduction

1. Ordinance 2022-06(b)(AI) An Ordinance Appropriating $450,000 to the Manager for the Airport Furniture Acquisition Capital Improvement Project; Funding Provided by Airport CARES Act Funding.

This ordinance would appropriate $450,000 in Airport CARES Act funding for the Airport Acquisition CIP. This funding would provide for the acquisition of seating to increase capacity, and replace the less durable soft furnishings in the terminal that are showing their age due to wear and tear.

The Airport Board approved this request at the April 14, 2022 meeting.

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

J. Resolutions

2. Resolution 3014 A Resolution in Support of Transportation Alternative Program Funding for a Replacement Bridge over Montana Creek and Supporting Matching Funds for this Eligible Project.

This resolution supports an application to the Transportation Alternatives Program (TAP) funding through the Alaska Department of Transportation and Public Facilities for the design and construction of a 130 foot bridge. The bridge will replace a failed bridge that connects Montana Creek Road to the Montana Creek Recreation Area. This area is used by hikers, bikers, skiers, anglers, hunters, foragers and dog walkers. The bridge connects the Mendenhall Valley to the Windfall Lake and Eagle Beach Recreational area via the Montana Creek Trail. If awarded, CBJ would need to provide a $25,000 match and DOT has committed to providing the remainder of the 9.03% match. Upon construction completion, CBJ would take over management, maintenance and ownership of the bridge and a short section of trail that is within CBJ parkland.

The City Manager recommends the Assembly adopt this resolution.

3. Resolution 3017 A Resolution in Support of Funding from the Community Transportation Program for the Reconstruction of Vintage Boulevard and Clinton Drive in Juneau's Mendenhall Valley.

This Resolution supports an application to the Community Transportation Program through the Alaska Department of Transportation for design and construction of roadways and pedestrian facilities for Vintage Boulevard and Clinton Drive in Mendenhall Valley. The roadway is 40 years old and has experienced significant development recently that justifies improved facilities. If awarded, CBJ intends on providing a 25% match from road sales tax funds scheduled in the FY204 CIP.

The City Manager recommends the Assembly adopt this resolution.

4. Resolution 3018 A Resolution in Support of Transportation Alternative Program Funding for the Lemon Creek Multimodal Path and Supporting Matching Funds for this Eligible Project.

This Resolution supports an application to the Transportation Alternatives Program through the Alaska Department of Transportation for design and construction of Phase one of a multimodal path through

Lemon Creek commencing near the intersection of Vanderbilt Hill Road and Glacier Highway to the east side of Lemon Creek adjacent Eagan Drive. It should be noted that CBJ has also applied for a separate grant for community outreach and scoping for the full project. If awarded, CBJ will be able to provide a 25% match from funds already appropriated to this project by the Assembly.

The City Manager recommends the Assembly adopt this resolution.

5. Resolution 3019(b) A Resolution in Support of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant for the Juneau Douglas North Crossing.

This resolution supports an application for a RAISE grant for environmental permitting and study for preferred alternatives for a crossing to Douglas Island north of the existing Juneau Douglas bridge. This work will build on the Planning and Environmental Linkages study scheduled to be complete in spring of 2023 and will supplement the recent award of $7M in Congressional Directed Spending for the project. The environmental process will include significant public and stakeholder engagement. If awarded, CBJ will be able to provide a 5% match from funds already appropriated by the Assembly.

This resolution, Res. 3019(b), has minor non-substantive revisions from the version approved by Public Works and Facilities Committee on January 23.

The City Manager recommends the Assembly adopt this resolution.

6. Resolution 3020 A Resolution Amending the City and Borough of Juneau Personnel Rules Related to a Sign-on Bonus Policy.

At the January 4, 2023, Assembly Finance Committee meeting, City and Borough of Juneau (CBJ) management presented the concept adding the ability for the City Manager to implement sign-on bonuses for difficult to fill CBJ positions to the personnel rules. By unanimous motion, the Assembly Finance Committee directed staff to develop proposed changes to the Personnel Rules in a manner that would give the City Manager authority to implement sign-on bonuses for difficult to fill positions in an amount of up to $40,000 for up to a four-year commitment from the employee to work for the CBJ or disbursement schedules that accomplish the same objective. This resolution would establish the sign-on bonus policy.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

7. **BE22-222 Treadwell Arena Roof Replacement**

This project consists of a roof overlay of an existing pre-engineered metal building and re-roof over a wood-framed locker room addition. Project will include limited mechanical work extending existing VTR's and removal and replacement of mechanical equipment and include limited electrical work removing and reinstalling electrical equipment.

Bids on this project were opened on January 18, 2023. The bid protest period expired at 4:30 p.m. on January 19, 2023. Results of the bid opening are as follows:

Bidders	Total Bid
DayNight Construction Inc.	$1,394,000.69
Earhart Roofing Co., Inc.	$1,473,000.00

Carver Construction, LLC $1,565.239.00

Coogan Construction $1,630,640.00

Architect's Estimate *$900,000 - $1,200,000*

The City Manager recommends award of this project to Day/Night Construction, Inc. for the total amount bid of $1,394,000.69.

8. BE23-151 -- Crow Hill Resurfacing and Utility Rehabilitation

This project consists of reconstruction of Crow Hill Drive from Douglas Highway to the end of asphalt prior to gated access, to include the intersection of Crow Hill Drive and Lawson Creek Road.

Bids on this project were opened on January 26, 2023. The bid protest period expired at 4:30 p.m. on January 27, 2023. Results of the bid opening are as follows:

Bidders

Admiralty Construction, Inc.	$1,723,325.00
North40 Construction Corp.	$1,988,315.00
Coogan Construction	$2,284,100.00
Engineer's Estimate	*$1,700,000 - $1,900,000*

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of $1,723,325.00.

9. BE23-176 Design and Fabrication for Perseverance Trail Bridges

Bids on this project were opened on December 14, 2022. The following bid was received:

Bidder	Total Bid
Western Wood Structures	$231,120.00

The protest period ended on December 15, 2022.

The City Manager recommends award of this bid to Western Wood Structures, as they submitted the only responsive and responsible bid. Total awarded amount is based on a readjusted value-engineered cost adjustment reflecting a price of $143,830.00.

L. Transfers

10. Transfer Request T-1050 A Transfer of $298,000 from CIP R72-116 Downtown Street Improvements to CIP R72-156 Harris Street Reconstruction.

This request would provide $298,000 in additional funding needed to construct the segment of Harris Street between 4th Street and 7th Street, including a segment of 7th Street to Gold. Cost escalation, supply chain issues and substantial increases in freight costs have contributed to the need for additional funds. The funds would be transferred from the Downtown Street Improvements CIP, which has been completed.

The Public Works and Facilities Committee reviewed this request at the January 23, 2023 meeting.

The City Manager recommends approval of this transfer.

M. PUBLIC HEARING

11. Resolution 3011 A Resolution Adopting Cruise Ship Tourism Policy Objectives from the Visitor Industry Task Force Final Report.

The Visitor Industry Task Force (VITF) met in 2019 and 2020. The final report was delivered in March of 2020. The Assembly accepted, but never formally adopted the VITF recommendations or the overarching policy objectives because the immediate challenges of COVID-19 required the Assembly's full attention. Staff's approach to date has been to deal with VITF-recommended issues as they arise. Even without adopting the specific recommendations from the VITF Final Report, the management of cruise ship tourism in the community would benefit from the Assembly adopting the five overarching policy objectives in this resolution.

The Assembly Committee of the Whole discussed this topic on November 28, 2022.

The Assembly took public testimony on this resolution at its January 9, 2023 meeting and moved it to the January 30, 2023 Assembly meeting to allow for additional public comment.

The City Manager recommends the Assembly adopt this resolution.

Public Comment

Karla Hart, spoke in opposition to Resolution 3011. Ms. Hart stated that she sent a detailed email that should compel the Assembly to set a four ship or less limit for 2023. She urged the Assembly to initiate studies and mitigation measures going forward. She spoke about pollution and health impacts from cruise ship emissions. She said there will be $17.23 million in health impacts in 2023 if nothing is done.

Susan Schrader, a West Juneau resident, spoke in opposition to Resolution 3011 and highlighted three points. 1) VITF was badly lopsided from the outset with a bias towards the cruise industry which in turn biased all the VITF recommendations; 2) the third whereas clause states that cruise ship tourism can "potentially negatively impact quality of life" needs editing to remove the word 'potentially'; and 3) many residents believe that 5 cruise ships per day is too many. The 2021 Tourism Survey cited 4.2 ships as the preferred average. More respondents to that survey wanted four ships or less than those who preferred more. She said in looking ahead to Juneau's 4th of July celebration in 2023, in looking at the cruise ship schedule, CLIAA shows the total of 27,363 passengers and crew arriving that day if ships are running to capacity. She said that the elected officials have put off controlling this for decades and she encouraged the currently Assembly to make the hard decisions and represent the citizens they were elected to serve.

Bill Leighty, a Gastineau Ave. resident, echoed the health concerns raised by Ms. Hart. He also spoke about the need to not exceed the carrying capacity that Juneau can handle. He spoke about the impacts of cruise ships on global climate change and greenhouse gas emissions. He said that climate change has become an emergency. He is a member of the Pacific NW Hydrogen Hub Advisory Committee, and he provided the Assembly with Leighty Foundation document listing opportunities to decrease greenhouse gas emissions in Southeast Alaska. He encouraged the Assembly to adopt Resolution 3011 and to move forward with additional measures to limit greenhouse gases. He also encouraged them to send a letter to the Pacific NW Hydrogen Hub to include SE Alaska in its projects. Ms. Gladziszewski asked Mr. Leighty if he could please send the Assembly additional information about the Pacific NW Hydrogen Hub.

Kim Metcalfe, a Gold Street resident, said the VITF process was heavily weighted in favor of the visitor industry. She would have liked the VITF to be more balanced. She said CBJ responds when issues arise and she would like to see the Assembly work proactively and collaboratively with visitor industry and the community to ensure Juneau residents are as negatively impacted by the tourism industry. The prediction for the 2023 season is 1.6M visitors, which she feels it is 500,000 visitors too many. She said Juneau has a capacity problem making it dangerous and out of control in the downtown area. Health and safety issues should be paramount and urged the assembly to look at ways to reduce the number of visitors and that CBJ should be the regulatory body to control the impacts, and not Tourism Best Management Practices (TBMP) self-regulation practice currently in place.

Assemblymember Smith asked Ms. Metcalfe about the carrying capacity and if there has been any study with optimal numbers in Juneau.

Ms. Metcalfe said that she does not recall any such study. They have asked for a neutral analysis to be done by an outside entity that is in no way tied to Juneau or the tourism industry. She said that neighborhoods are impacted by the industry and she would like to see an independent study done.

Katherine McCarthy, a resident of 3rd Street in the uptown neighborhood, said that when the cruise ship industry became part of SE Alaska she thought tourism would be a good way to maintain the economy and help meet the needs of the community. She said that when the first cruise ship arrived, it shocked her to see how much the ship blocked out the view. She said that things were easy in the beginning. As time has evolved, the numbers have increased and CBJ needs to address the issues of all the impacts. She encouraged CBJ to do an impartial economic study by an outside entity.

Elaine Schroeder, a resident in the Highlands neighborhood, spoke to limiting the number of cruise ships to well below 4. She has lived here for 40 years and has seen the growth of industrial tourism during that time. She shared anecdotal experiences from tour guides as well as Juneau residents. She spoke to the daily stress of overload capacity severely decreasing the quality of life for Juneauites.

Steve Krall, a Basin Road resident, encouraged the Assembly to limit the number of cruise ships to no more than 4 ships rather than 5. Mr. Krall relayed his experience interacting with too many people in too small of an area and relayed personal safety issues he has experienced walking in the downtown area.

Bob Janes, a Mountainside Drive resident, said that he followed the work of the VITF. He refuted the idea that it was industry weighted. He said that the VITF did a difficult job to come up with their recommendations. While he thinks that 5 ships are tolerable, he understands that others are concerned and don't agree. He said that he has been fortunate enough to raise his family here and they have a tourism business. He said that without tourism in his life and those of other community members, they wouldn't be able to make a livelihood and raise their families in Juneau. He said that Juneau does have congestion and management issues but they can address those. He said this resolution and the recommendations of the VITF are fair and solid.

Bruce Weeb, a Thane resident, spoke to the downtown library being taken over by crew and others during the summer time rendering the library is unavailable to residents. He provided an analogy of a therapeutic window for the tourism situation, there is a very limited amount of time for the Assembly to administer the right level of medication (controls of the tourism industry) and then monitor that impact by the surveys that while biases, are needed. Continuing with the analogy, Mr. Weeb said that once you've exceeding your therapeutic window, there is no going back. He encouraged the Assembly not to shoot the therapeutic window, move carefully, monitor closely, take the surveys, and listen to feedback.

Assembly Action

MOTION **by Mr. Bryson to adopt Resolution 3011 and asked for unanimous consent.**

Objection by **Mr. Smith** for purposes of a question to the Manager. He asked about the possibility of a future Assembly changing the max number of ships per day. Mr. Watt explained that Resolutions express the policy intent of the City & Borough of Juneau and that they can be changed by future Assemblies. He said that future Assemblies would need to consider the infrastructure in place, such as dock or lightering facilities. Mr. Smith said that he appreciated all the work done by the VITF but he hears the concerns about the numbers. He feels there is likely a right number out there but doesn't actually know if that number is to 5 ships and with that, he removed his objection.

Ms. Hughes-Skandijs said that the Assembly had a lot of public input on this resolution. She said that while VITF worked through its process they asked if there could be a cap placed on the numbers of tourists. She said they were consistently told that legally they could not place a cap on the total number of tourists. She asked Mr. Palmer speak about the language in the resolution that caps the number of ships to 5 ships a day.

Mr. Palmer answered that, as Mr. Watt mentioned, this is the document that outlines the Assembly's policy. If the Assembly were to adopt this tonight, CBJ would start to effectuate the limit. If the limit were 5 or 4 or 6 or 8, in this case the number is 5, staff would come back to the Assembly with options on how to work within that number.

Ms. Hughes-Skandijs asked how they are interpreting the 5 ships per day limit and what that looks like with respect to lightering, and/or ships at dock.

Mr. Watt said that he would interpret this as a total of 5 ships per day. He also noted that the VITF report referred to the size of the ship and that the daily limit is referring to 5 large ships per day. He said that as Mr. Palmer noted, if the Assembly passes this resolution, staff would try to implement those changes. They have been having discussions with private dock owners and the cruise ship industry about how to do that and it has been generally a slow conversation.

Ms. Hale said that she appreciates all those who testified and have submitted comments in writing. She said she feels the Assembly is taking a big step forward by taking formal action and they are being responsive.

Ms. Triem said this at the Assembly retreat but wanted to also state it again at this meeting. She said that the language in the resolution using the word "limit" made her uncomfortable as they spent the whole time during the VITF meetings hearing about the reasons why we can't regulate the number of ships. She said that a goal of 5 ships is something they can work towards but not to use the word "limit" because that is not in the control of the Assembly and it is not constitutional and the U.S. Coast Guard controls what happens in the water. She said that she was not going to object to the resolution because overall it is good but she doesn't like the wording and not thrilled with the word "limit" being included.

Ms. Gladziszewski said that she agreed with Ms. Triem. She said we could try to place a 3 or 4 ship limit and it would end up in court which would take years to resolve, cost a lot of money and still not get what they want accomplished. She said that when CBJ was in litigation over the spending of passenger fee monies, no one came to Juneau's assistance. She said this resolution puts us down the path of let's negotiate and get the industry to agree and that is the reason she is supporting this resolution. She said that if she could do something else, she would.

Mr. Bryson thanked everyone for coming and speaking tonight. He was on the VITF and noted that if it seemed the VITF was skewed it may have been a perception of bias due to his strong advocacy for the tourism industry. He said he views the cruise ships similar to a big dump truck that parks and dumps out truckloads of cash into our local economy. He noted that the VITF recommendations they came to is a compromise that took into account businesses, livelihoods, and the money that tourism provides to our community. The non-tourism businesses in the community benefit from tourism dollars.

'Wáahlaal Gíidaak said she wished the Assembly could cap the number of ships but that is not in their authority, but if this Resolution passes they can enter in good faith negotiations with the cruise ship industry. She said she wasn't on the Assembly during the VITF work but there was a lot of time, a lot of public comment, and a lot of work put into this issue to get to Resolution 3011. She is grateful for what has been done and will not be objecting to the resolution even if it is not what she would have arrived at herself.

Ms. Hughes-Skandijs, said she wants to recognize the issue of the limitation language. She agreed with Ms. Triem that putting a cap opened CBJ up to potential legal challenges. She said she will not be objecting to the resolution because she views it as a starting point for further conversation. She noted that this work was put on hold due to the pandemic and there will be future surveys and future testimony will be watched carefully.

Mayor Weldon, said that Resolution 3011 is going to be a living document that changes over time and this is a starting point. She thanked Ms. Triem and all the members of the Visitor Industry Task Force for all their work on this. She thanked all those who testified tonight and those who sent comments to the Assembly via email. She noted that some people say this is not a big enough step and she would say that at least it is a step. They are the first governing body in Alaska to tackle these issues and asked that they be given time to hopefully negotiate with the cruise industry.

Mayor Weldon called for any objection to the passage of Resolution 3011. Hearing no objection, Resolution 3011 passed by unanimous consent.

12. Ordinance 2022-06(b)(AD) An Ordinance Appropriating $10,000,000 to the Manager for the Eaglecrest Gondola Capital Improvement Project; Funding Provided by an Investment from Goldbelt, Inc.

Goldbelt, Inc. has expressed interest in investing $10 million for the installation of the gondola and associated infrastructure at Eaglecrest Ski Area. This ordinance appropriates funds for that purpose. The initial investment will be repaid according to the terms outlined in the revenue sharing agreement between CBJ and Goldbelt, Inc., authorized by Ordinance 2022-63. This appropriation will be effective upon execution of the agreement.

The Committee of the Whole discussed this request at the November 28, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the January 10, 2023, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

This ordinance was removed from the agenda at the request of the city manager at the beginning of the meeting.

13. Ordinance 2022-48(b) An Ordinance Related to City and Borough of Juneau Land Management Plan Duration, Restrictions, and Authority.

This ordinance amends the governing codes related to the CBJ Land Management Plan. Section 2 of this ordinance would extend the viability of a land management disposal determination from two years to ten years, which can remove unnecessary burdens in the land disposal process. Section 3 of this ordinance would amend the general powers of the Docks and Harbors Board to be consistent with the land management provisions of Title 53. Section 4 of this ordinance would remove the requirement for Docks and Harbors to have its own land management plan and would amend the code to clarify what Docks and Harbors should consider when it develops land disposal and land use policies.

If this ordinance is adopted, staff will review the 2016 Land Management Plan to see if any amendments are necessary, especially related to Docks and Harbors managed property.

The Assembly Lands, Housing, and Economic Development Committee reviewed this ordinance on September 26, 2022. The Assembly Committee of the Whole reviewed and amended this ordinance on December 19, 2022, which is reflected in version b (page 4, lines 17-18). The Docks and Harbors Board or committee reviewed this topic on July 20, 2022; July 28, 2022; August 25, 2022; September 21, 2022; and September 29, 2022.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-48(b) and asked for unanimous consent. ***Hearing no objection, the ordinance was adopted.***

14. Ordinance 2022-06(b)(AE) An Ordinance Appropriating $300,000 to the Manager for the Downtown Subport Planning Capital Improvement Project; Funding Provided by Port Development Fees.

This ordinance would appropriate $300,000 of port development fees for cruise ship dock planning at the downtown subport. A coordinated waterfront planning effort led by CBJ ensures the entities involved do so collaboratively and with community mindfulness, and allows CBJ to weigh competing interests in Juneau's Port.

The Committee of the Whole discussed this request at the December 19, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the January 10, 2023, meeting and forwarded it to the full Assembly for public hearing.

[Please see additional backup documents under the Supplemental Materials portion of this agenda/packet.]

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Ms. Karla Hart, a Back Loop Road resident, asked the Assembly for clarification and state on the record that they are not committing to a fifth cruise ship dock in Juneau. She asked them to look at health impacts going forward in any the planning for a fifth dock.

Mr. Aaron Spratt, a valley resident, objected to this ordinance and said he is uncomfortable with the City Manager's recommendation as it is a gross overreach. He asked the Mayor to be mindful of the actions by the City Manager. He said that there is a private entity trying to develop land that they own and the Mayor and Assembly to oversee their employee and keep out of this.

Mr. John Blasco, a valley resident, said he is representing the Juneau Chamber of Commerce as their president. He said the Chamber opposes this ordinance as stated in the letter they sent to the Assembly.

He noted that the city has an extensive planning and project development process in place and any project of this size and scope will go through that process, which should bring to light any areas of concern. He said that CBJ doing a study of the port is duplicative of what the private developer is already doing and instead should engage in a collaborative dialogue. He said they expect that a downtown port that flows cohesively will happen through the planning and permitting process.

Mr. Jason Davis, speaking from Auke Landing, said he is a principal with Turnigan Marine Construction and said that the RFP that is posted is titled Juneau Port Master Planning. He said this is not really a master planning document, it is overreaching spending public money on encroaching onto a private development. He said that it is redundant of what Huna Totem has engaged with a private firm to do and his firm is already doing a land, wave, and current, and mooring analysis. They are being paid much more than $300,000 and are including it in their structural analysis in the rest of the project planning. He said that Item B of the RFP is the safety evaluation for suitability. He said that is a USCG responsibility as part of the evaluation process and the US Army Corps of Engineers will be involved. He said that if CBJ wants to pursue the small cruise ship dock location, electrification and other issues that doesn't duplicate work that would be fine but this ordinance is an overreach.

Mr. Bruce Abel, a Sunny point resident, stated that this ordinance is redundant and public funds should not be spent on this study. He said it delays the private developer and the possibility of the USCG putting an icebreaker here. He said this would jeopardize half a billion dollars of opportunities in our community over the next three years. He said the Assembly needs to develop tax base to pay for the new projects such as a new city hall or a new arts center. He said the purpose of the ordinance is to expand economic opportunities while balancing local priorities. He asked who is the unelected public official who will determine the priorities here. He said the Assembly appears to be abdicating its responsibility by the way this RFP is written. By delaying these things, there is a cooling effect on investment and growth of this community. He strongly encouraged the Assembly to vote against this ordinance.

Ms. Carla Casulucan shared her Tlingit heritage, ancestry lineage and her residency in Juneau. She expressed her support of the development of Huna Totem project at Awk Landing, which she says this ordinance adversely affects. She expressed disappointment with certain members of the Assembly and the staff who have either been critical of this project, wishy washy, or hypervigilant as she has watched Tlingit Aani being disparaged. She and her family have witnessed how many non-indigenous people have commercialized and profited from Tlingit culture as well as Tlingit Aani, including what is now Juneau proper. She said that leads her to wonder of CBJ was as hypervigilant in the demands to the previous private dock projects as they have been with this project by Huna Totem. She said this privately funded project by Huna Totem is going to accomplish the goals of the Sealaska Heritage Institute of trying to re-indigenize the true aesthetic of the Juneau area. She spoke about the benefits the Huna Totem project will bring in providing much needed jobs and economic benefits for the whole community. While Huna Totem represents Huna Tlingit, many of those Huna Tligit are residents of CBJ. She said that those living in Hoonah provide a benefit to our community when they come to town to do their shopping, seek medical assistance, and repair vehicles. She reminded everyone on the Assembly and in key CBJ positions that every single person is a representative of Juneau but also representatives of a governmental institution that, since its inception in 1881, has systematically oppressed the Tlingit people as the rightful landowners; from the wrongful taking of the ancestral lands of the Awk Kwaan to the refusal to allow natives to purchase housing in the white neighborhoods during Elizabeth Peratrovich's time, to the urban renewal period and eminent domain policies, to the present day. Instead of putting up road blocks to Huna Totem, she asked CBJ to please extend an olive branch with the Huna Totem project not only to benefit the indigenous peoples but to all the locals who stand to benefit from Huna Totem's ownership and development of Awk Landing.

Ms. Jamie Rountree – passed on her opportunity to testify.

Mr. Corey Wall, a Douglas resident and a principal of Jensen Yorba Wall, said he is working with Huna Totem on their uplands project. He spoke on the impacts and on the uplands project itself. He said there were a lot of people involved when Norwegian Cruise Line (NCL) had the property and there were at least three large public meetings. He said that every suggestion that came up during the public process was incorporated into the original plan. He said that Huna Totem incorporated many of those concepts within the uplands project which would become a significant asset to Juneau. He urged everyone to look at everything submitted to the city for the proposed Conditional Use Permit which is a public record. The parking for this project would be underground, with a public park, event area, and retail space on top. He said there are many opportunities for new businesses and that the whole site will visually communicate the Awk Kwan and indigenous art. He encouraged the city to continue to work together with Huna Totem on this project.

Assemblymember Bryson asked Mr. Wall, understanding that he has been involved since the beginning of this project, how much of the information in the RFP is already available to Huna Totem or will need to be gathered by that organization.

Mr. Corey Wall referred Mr. Bryson to Mr. Wall's previous testimony. As part of the Conditional Use Permit (C.U.P.) application, they have to do traffic studies and pedestrian movement studies. He noted that a lot of the work has been done but a lot more will happen on the marine side that will be part of a tidelands application.

Mr. Fred Parady, back loop resident, is Chief Operating Officer with Huna Totem Corporation (HTC). He said HTC is eager to work cooperatively with CBJ and the community to permit and build a cruise ship dock at Awk Landing. They are a local, native, participatory corporation and their team won international recognition for Icy Straight Point as port of the year and they have two docks in Hoonah. They are proposing developing a project on land that they own, with the necessary funding, and a team with demonstrated ability to build and complete the project on time. They meet key VITF goals and comply with all applicable ordinances. They do not need any variances with respect to parking, setbacks or height restrictions. He said this legislation began with the City Manager's memo dated December 15 and heard at the December 19, 2022 Committee of the Whole meeting with the purpose of planning the optimal location of a cruise ship dock at the subport. He said this RFP goes beyond the initial recommendation and has not been subject to critical scrutiny. It mixes up issues germane to the Huna Totem dock with much broader port planning issues such as, quoting from the RFP: "The scope of services, is anticipated, will include but not be limited to the following milestone deliverables. The intent of the project is to advance the wholistic benefits to individual partners through an areawide port planning approach. The following task elements should not be considered as a limitation to the goals currently defined by CBJ." Mr. Parady said one task element is dock electrification, which involves AEL&P's capacity which is governed by their rate structure, the rules regarding prudent investment and the rules as governed by the Regulatory Commission of Alaska (RCA). He said it represents paralysis by analysis. He said he hoped that CBJ will continue in a friendly manner, emphasizing partnership; he said that allowing public comment in a meaningful and timely manner is part of that partnership. He said that this RFP's timeline is unrealistic and precludes the planned May 2025 opening of the dock at Awk Landing. He requests that the RFP be referred to the COW and that they be given the chance to work on a phased approach in partnership with CBJ.

Mr. Mickey Richardson, a resident of Douglas Island and representative of Huna Totem Corp, stated that on January 12, 2022, Carl Uchytil came with this RFP to their office and after their meeting stated that development in Juneau is a blood sport and Mr. Richardson is here to tell the Assembly that it doesn't need to be that. He spoke about the experience HTC has within the Hoonah community. They have 120-years of development experience to help create innovative solutions to address tourism challenges in Juneau. While they didn't testify today on VITF resolution, he applauded the Assembly for passing it. He said it is a misconception that this dock will increase the number of large cruise ships. They support the 5 ship limit and by installing the dock at the subport it will remove congestion, reduce pollution, and improve the safety of the harbor. He said that tender guests spend less time and money in the community and by having this dock, they are not increasing the number of ships but rather improving the overall guest experience. He said they are moving forward with dock electrification. He said that CBJ should be looking at innovating and working in partnership with HTC.

Assemblymember Bryson asked if Mr. Richardson could share what Cruise Lines International Association Alaska (CLIAA) feels about the development. Mr. Bryson referenced a letter from 6/10/2019 prior to NCL purchasing the property for $20 million that said CLIAA supported CBJ purchasing the subport property. Since then, NCL purchased the property and then gave it to Huna Totem Corp. Mr. Bryson said that the way he reads this letter is that CLIAA is wanting CBJ to have control of this dock. He asked Mr. Richardson if there was a different CLIAA letter or any indication that they have a different take on this issue now that the ownership has changed?

Mr. Richardson said that he can't testify on behalf of CLIAA, but he is sure they will get an updated letter shortly. He added that they have the best of both worlds, sold for $20M that was given to the Mental Health Trust with the land then donated to local native community ownership.

Assemblymember Smith said that Mr. Richardson had spoken about collaboration, and he will be asking the City Manager the same question: "Why haven't we come up with a collaborative effort to work on this yet?"

Mr. Richardson said that, as mentioned by Jason Davis, there are several redundancies in the RFP. He said that they are more than willing to work together. He said this investment is expensive and that it will be engineer stamped and insured. They are willing to provide that assessment to the city. Going back to the VITF recommendations, he thinks they will help move some of those initiatives forward. He said that even with bus parking downstairs, having a downtown circulator will help move traffic downtown and also provide solutions for those who can't walk.

Assemblymember Hale asked for more information about deck electrification.

Mr. Richardson said it would be ready for dock electrification. He also noted there are some restrictions on power limits and they are third in line for a needed transformer. They believe there are ways to create solutions, but limited power also provides some challenges. He said there are other opportunities that may be available and he would like to pursue those with CBJ and AEL&P.

Ms. Jodi Garza, a valley resident, said that rejecting this ordinance is one of the easier decisions the Assembly can make. She said it is a redundant study and not a good use of public funds. This plan could hinder the Huna Totem dock development. She noted that the cruise season is longer, going now from April to October and that should be something taken into consideration.

Mr. Wayne Coogan, an Auke Bay resident, said he loves this City Manager and he has worked extensively with him over the past couple of decades and while they don't always agree, he will attest to Mr. Watt's integrity without reservation. He said that most people know our local economy is struggling.

He cited statistics that the average home in Juneau in 2018, was $360,000 and in 2022 that same home was $550,000. He said the cost of living is beyond the reach of many of Juneau's citizens, leading to an exodus of young people. He said Juneau is also facing school closures. He said that one key solution is to support key infrastructure and economic initiatives. What is being proposed downtown are significant and bold initiatives for the Huna Totem dock and USCG initiative. It isn't about supply and demand, it is about economy of scale. He asked the Assembly to suspend action on this ordinance or at least delay it to provide time to work something out.

Mr. Dave Hanna, a resident of the Back Loop Road, has concerns about the waterfront, public space, and green space. He said those can be addressed on public land, not private property. His concern is that CBJ is trading some small, known risks for large unknown risks. He said we have no ability to control or regulate the Federal Government. They would be developing on federal property and they would not need to get any permits from CBJ. Huna Totem Corp do have to apply for permits and any delay of their project provides a disincentive to private development. He said that Juneau has two big problems in this town: 1) an aging population, and 2) affordable housing. The USCG has already said that they will bring in money for housing and we know they will be bringing lots of people, some with families and children who will be going to the schools. They have said they will be providing for child care as well. He noted that the visitor industry provides a lot of jobs for young people, many of who stay in Juneau to make it their home. He said that it is ironic that CBJ provides a land acknowledgement but are telling them what they cannot do on their own land.

Mr. Roger Callaway, a Glacier Hwy. resident, spoke in opposition to this ordinance. He said that the RFP is redundant, will likely cost more and take twice as long. He said that they should start with the Long-Range Waterfront Development Plan and that any investments that have been made have been done under the umbrella of that plan.

Mr. Bob Janes, a Mountainside resident, said he cannot support this RFP and this ordinance. He cited the cost of the study. He said that Huna Totem has a great project in mind and they have studies of their own. He said that he hopes the Assembly feels the excitement that this brings for the future of Juneau.

<u>Assembly Action</u>

<u>MOTION</u> by Ms. Gladziszewski to move Ordinance 2022-06(b)(AE) for purposes of amendment that provides Assembly intent.

Ms. Gladziszewski said that at first she did not think it was necessary, but as she researched more she thinks that CBJ has a role. She said that she does not want to delay the Huna Totem project so she will be proposing some amendments. The first thing would be that the Assembly is not committing to a 5th dock. The second is to amend the area to just that covered by the Seadrome over to the AJT and not the whole square that is currently identified in the RFP (page 21 of 21 of the RFP).

Upon request for clarification by the City Attorney, Ms. Gladziszewski explained that her intent clauses would be added as Whereas clauses to the Ordinance.

Ms. Triem asked about postponing this so they didn't make amendments on the fly and wanted time to be able to consider them. Ms. Gladziszewski said she is hoping to keep from delaying the Huna Totem dock any further.

MOTION by Ms. Triem to postpone and refer Ordinance 2022-06(b)(AE) to the next Committee of the Whole meeting.

Mayor Weldon asked if there was room on the COW agenda. Mr. Watt said there was quite a full COW agenda but they would make room for this if the motion passed.

Mr. Smith opposed the motion stating the he feels we should get to certainty as soon as possible.

Ms. Hale also opposed the motion for the same reason. She stated that the testimony given tonight stresses the need for certainty.

Mayor Weldon also objected and feels they need to move forward.

Roll call vote on the motion to postpone and refer the ordinance to the next COW meeting:

Yeas: Triem

Nays: Smith, Hughes-Skandijs, Hale, Bryson, 'Wáahlaal Gíidaak, Gladziszewski, Weldon

Motion failed 1 Yea; 7 Nays

Amendment #1

MOTION by Ms. Gladziszewski to add language: "Whereas the Juneau Assembly has not committed to approving a dock at the subport."

Objection by Ms. Hale and Mr. Bryson.

Ms. Hale said that she agrees the Assembly has not committed to that but she doesn't feel that language is necessary in this ordinance.

Mr. Bryson said that it sends an equally negative message that we are almost saying no to the dock by including that in the ordinance.

Ms. Hughes-Skandijs said that she didn't realize this is what Ms. Gladziszewski had in mind and asked if they could take an at ease so that Ms. Gladziszewski could work with the attorney to draft the amendments rather than do it on the fly.

Mayor Weldon recessed the meeting resumed the meeting at 9:46p.m.

Ms. Gladziszewski withdrew her amendment.

MOTION by Mr. Bryson to postpone Ordinance 2022-06(b)(AE) indefinitely and asked for unanimous consent.

Objections by Ms. Gladziszewski and Mayor Weldon.

Mr. Bryson said we are spending $300,000 of public funds for an unnecessary expense on a duplicative study. He said this study may delay and jeopardize half a billion dollars coming into the community from the Coast Guard. He said that CBJ attempted do something about this in 2019 and failed when we couldn't buy the subport property. He said we need to let the private sector move forward, using private sector money, and not waste a single nickel of taxpayer dollars.

In speaking to her opposition, Ms. Gladziszewski said that she used to feel like Mr. Bryson. She noted that this would be coming from port development fees and not CBJ taxpayer money. She also stated that this is the last piece of our waterfront. She agreed that she would like to see private property owners pay for this. She said this doesn't delay anything but could enhance the plans. She said that the city should have some planning in the development of the last portion of the waterfront. She said that it should have been done two years ago but they were busy with COVID. She said with respect to the USCG and icebreaker coming to Juneau, many in the USCG don't want the icebreaker coming to Juneau. She said that this is to help the icebreaker in coming to Juneau and not to preclude it from coming to Juneau.

‘‘Wáahlaal Gíidaak spoke in support of Mr. Bryson's motion. She agreed with postponing this and that a conversation is needed with Huna Totem.

Ms. Triem said that she supports Mr. Bryson's motion for this ordinance. She said that she also agrees with Ms. Gladziszewski about our need to plan for the whole waterfront. She said it was clear with all the comments and public testimony earlier tonight that CBJ has a duty to the residents of Juneau, and it is on the Assembly to ask the hard questions on behalf of the whole community. It was made clear at the beginning when NCL purchased the property that this process was going to be taking place and not just a green light, regardless of who the land owner was going to be. She said that she thinks it is better to just scrap this idea and accomplish our goals of managing the waterfront through other ways.

Ms. Hale said this specific ordinance and RFP is too rushed. She said that amending the Long Range Waterfront Plan might be a better vehicle to do what they want.

Mr. Smith said that he has some questions to ask the Manager. He said that during testimony there was argument that this work would be redundant asked him to speak to that.

Mr. Watt said they are talking about two different things. Huna Totem Corp. wants to present a dock and uplands project to the Assembly. This ordinance proposes a broader view of the entire port and a process where the Assembly can task their staff for information. He said he thinks Huna Totem Corp. might be disappointed if they came up with a dock proposal and the Assembly asked how it fits with the USCG. Without this ordinance, Mr. Watt would have to say, “I don't know.” He said it is his opinion that this work would increase the likelihood of success of a dock project and accelerate the schedule.

Mr. Smith said that some of the testimony had to do with a potential USCG facility downtown and he asked if this might preclude a USCG facility.

Mr. Watt said that a major point of the ordinance would be to make sure that we can host a USCG icebreaker. He said that CBJ will need to work very hard on coming up with proposals if we want to see an icebreaker coming to Juneau. If we want to see this happen, we will need to put concepts in front of them and advocate for them.

Mr. Smith asked Mr. Watt if he was aware of other communities that have had issues or conflicts with dock location.

Mr. Watt said that every SE Alaskan community has issues. He said the most recent example is the Municipality of Skagway taking over the ore terminal docks. They had been looking to the same contractor and put forward a proposed plan to the Municipality of Skagway to put in a floating berth, but the cruise industry said that there were not sufficient clearances. He thinks a dock at the subport may be less difficult to site but is concerned that the USCG will feel that a cruise ship dock was placed too close to be comfortable in docking an icebreaker in the USCG dock space.

Mr. Smith expressed his concerns with redundancy and delaying the timelines involved. He said it is the Assembly's responsibility to look at the overall picture and evaluate where a dock downtown provides the least effect on others. He said he was not supportive of tabling this ordinance at this time.

Ms. Hughes-Skandijs said they want the USCG in Juneau and know we have economic issues. She said, quoting former assemblymember Mr. Edwardson, that it is the Assembly's job to consider the best and highest use of city property and whether all the interests concerned were being represented. She said that CBJ remains interested in controlling waterfront as they are interested in the best and highest use of the rest of the waterfront. She said that it is incumbent on the Assembly to consider all the people in the community. She said she is not a huge fan of this idea because she does not know how the Assembly will maintain their neutrality and have this ordinance go forward. However, she will vote against tabling this in order to give Ms. Gladziszewski a chance to make her amendments.

Mayor Weldon said that she has met with Huna Totem several times about this. She said she does not question their integrity or their creativity, but this study would provide the federal government with the information they need regarding the icebreaker. She hoped Ms. Gladziszewski's amendments may improve the process. She noted that this is likely to take less than 9 months and this could be done simultaneously with Huna Totem.

Mr. Bryson said that CBJ has asked to do private/public partnerships (PPP). He said that if we do this, why would anyone want to join with CBJ on the PPP. He said we do not need to spend $300,000 and asked to postpone this ordinance indefinitely.

Roll Call Vote on motion to postpone indefinitely.

Yeas: Bryson, Hale, Triem, 'Wáahlaal Gíidaak

Nays: Hughes-Skandijs, Smith, Gladziszewski, Weldon

Motion failed: 4 Yeas, 4 Nays.

Amendment #2 by Ms. Gladziszewski to add the following language: "Whereas the area of study for this Juneau port master planning from the Seadrome to the old standard oil AJT dock,"

Ms. Gladziszewski said that amendment #2 is making the study area smaller. She said that Mr. Uchytil originally included a larger study area to include dock electrification but she is trying to reduce the scope. The new area would be the Seadrome area to the dock area by the Huna Totem property.

Objection by Ms. Triem noting that she does not want Juneau to end up in a similar situation to Skagway. She said if planning needs to include the whole waterfront area. She also noted that by reducing the area of the study, it singles out the Huna Totem dock and may have a negative effect on the relationship with Huna Totem. She would like to keep the study area as broad as possible.

Mayor Weldon said she was in support of the amendment as the smaller area will keep from causing further delays.

Roll Call Vote on Amendment #2:

Yeas: Gladziszewski, 'Wáahlaal Gíidaak, Smith, Hughes-Skandijs, Hale, Bryson, Weldon

Nays: Triem

Motion passed: 7 Yeas, 1 Nay.

Amendment #3 by Ms. Gladziszewski to have the new cruise ship dock portion done in three months.

Ms. Gladziszewski said she is trying to give the Manager and Port Direction time to gather information while also not delaying Huna Totem Corp.

Objection by Ms. Hale for purposes of a question. She said that she understands that 1.4.1.C. talks about evaluation of location with deference to the USCG dock and talks about the Standard Oil Dock, however 1.4.2.A. talks about conceptual options and shoreside requirements for a hypothetical icebreaker. She asked if they would be getting what they want if they just go with 1.4.1.

Ms. Gladziszewski said that this amendment is just stating that the 1.4.1 portion is done in three months and Amendment #4 was going to be that the whole thing would be completed in 9 months but she was remaining silent on the other pieces within the plan as long as the whole thing was completed in 9 months. Ms. Hale removed her objection.

Mr. Smith asked if this would be feasible for CBJ staff.

Mr. Watt said that he understands the intent of the motion and while he can't promise consultant schedules, he can re-prioritize staffing schedules to make this the highest priority. He said they would also work with Huna Totem and their engineer and incorporate their efforts to the best of their ability.

Mr. Smith said he also wanted to check with Huna Totem to see if this would meet with their timeframe but it appears they have left the meeting.

Objection by Mayor Weldon for a question of how the amendment lines up to the other areas of the waterfront.

Ms. Gladziszewski clarified that she spoke with an engineer and was told that these are technical pieces that could be done fairly quickly and the amendment is to put the Huna Totem dock area on the quickest timeline possible during this process so this plan does not delay what they are trying to do. The other areas will also be addressed later in the process.

All objections were removed and Amendment #3 passed by unanimous consent.

Amendment #4 by Ms. Gladziszewski to require this study to be done within a 9 month period.
Hearing no objection, amendment 4 passed by unanimous consent.

Mayor Weldon said they would take a 5 minute recess before voting on the main motion as amended.

Roll Call Vote on adoption of Ordinance 2022-06(b)(AE) as amended.

Yeas: Gladziszewski, Smith, Weldon

Nays: Triem, 'Wáahlaal Gíidaak, Hughes-Skandijs, Hale, Bryson,

Motion failed: 3 Yeas, 5 Nays.

15. Ordinance 2022-06(b)(AF) An Ordinance Transferring $30,000 from Information Technology to Community Development for a GIS Technician.

CBJ's GIS Technician position is currently split-funded between Information Technology (IT) and the Police Department (JPD). To better align the work of the technician with Community Development's (CDD) GIS program objectives, this ordinance would transfer the remaining FY23 authority for the IT-funded portion of this position to CDD while maintaining staffing levels to JPD. This position will be included in CDD's FY24 budget request.

The Systemic Racism Review Committee reviewed this request at the January 10, 2023, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

<u>**Public Comment**</u>

None.

<u>**Assembly Action**</u>

<u>MOTION</u> by Ms. Triem to adopt Ordinance 2022-06(b)(AF) and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

16. Ordinance 2022-06(b)(AG) An Ordinance Appropriating $93,336 to the Manager for a Grant to Travel Juneau; Funding Provided by Hotel-Bed Tax Funds.

The Hotel-Bed Tax Fund has accumulated a sizeable balance as a result of much higher than anticipated tax revenue. Had this revenue been foreseen during the budget process, the annual Assembly grant issued to Travel Juneau for the purpose of tourism marketing would likely have been significantly larger. As such, this ordinance would make a supplemental grant to Travel Juneau for the 2023 fiscal year.

Travel Juneau will use this additional grant to reimburse $93,336 of expenses associated with the 2022 Ironman Alaska event. These expenses include facility and equipment rentals, Ironman staff lodging, JPD and CCFR staff time, and an economic impact analysis of the event.

The Assembly Finance Committee reviewed this request at the January 4, 2023 meeting. The Systemic Racism Review Committee reviewed this request at the January 10, 2023, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

<u>Public Comment</u>

Ms. Karla Hart, a Back Loop Road resident, urged the Assembly to not give the money to Travel Juneau. She said that if there is a surplus of money from bed taxes, to look at adjusting the bed tax back down or to give a tax holiday during legislative session so that Alaskans who are traveling to Juneau to meet with their legislators would receive a reduced tax rate. She stated that Iron Man is a for-profit business and the fact that Travel Juneau incurred expense on behalf of a for-profit business is Travel Juneau's problem and not that of CBJ. She encouraged them not to provide this money to Travel Juneau, especially in light of the fact that this was too big an event for Juneau to host.

<u>Assembly Action</u>

<u>MOTION</u> by Mr. Smith to adopt Ordinance 2022-06(b)(AG) and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

N. UNFINISHED BUSINESS

O. NEW BUSINESS

17. Augustus Brown Pool Request for Supplemental Agreement

Mayor Weldon recused herself from this item due to conflict of interest and passed the gavel to Deputy Mayor Gladziszewski.

Deputy Mayor Gladziszewski said that the Assembly has read the memo in the packet and she asked the Manager if he had any additional comments.

Mr. Watt stated that they are looking for a motion and that a suggested motion is at the bottom of the memo as found on packet page 38 to support a supplemental agreement in the amount of $828,592.

<u>MOTION</u> by Ms. Triem to approve the supplemental agreement for Augustus Brown Pool in the amount of $828,592 and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

Mayor Weldon returned to the meeting and the gavel was passed back to her.

P. STAFF REPORTS

18. FY24 Legislative Capital Priorities

Mr. Watt noted that the Legislative Capital Priorities were forwarded from the Assembly Committee of the Whole and they were looking for a motion to adopt those priorities.

<u>MOTION</u> by Ms. Gladziszewski to approve the FY24 Legislative Capital Priorities as amended with the North Douglas cross ranked as #2 and found in the red folder and asked for unanimous consent.

Objection by Ms. Hale for purposes of clarification. She said that the Telephone Hill redevelopment project mentions various things, including demolition of current structures. She said there has been a request from residents of Telephone Hill that language be changed to "possible demolition" since there hasn't yet been a public process. She said that she discussed this earlier with the City Manager.

Mayor Weldon asked Mr. Watt if he had a comment or if he would just be making that change. Mr. Watt said that they would just be making that change in their solicitation for professional service and asked that people contemplate a "leave it as is" option.

Hearing no objection, the motion passed by unanimous consent.

19. 2022-2023 Assembly Goals for Final Adoption

<u>MOTION</u> by Ms. Gladziszewski to approve the 2022-2023 Assembly Goals and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

20. Employer-Sponsored Dependent Care Account

Mr. Barr noted that they wished to postpone this item to the next regular meeting.

21. Request for Assembly direction on conducting the October 3, 2023 Regular Municipal Election

Ms. McEwen noted that the packet includes a memo outlining the code requirement for the Assembly to pass a motion if they intend to conduct the next Regular Election as a By Mail Election.

The City Manager recommends the Assembly pass a motion to conduct the October 3, 2023, Regular Municipal Election as a By Mail Election.

Ms. Gladziszewski said she didn't realize it would take a motion each time to conduct a By Mail election.

<u>MOTION</u> by Ms. Gladziszewski to conduct the October 3, 2023 Regular Municipal Election as a By Mail Election and to direct staff to draft code changes to make By Mail Elections a permanent change not requiring a motion each time. *Hearing no objection, the motion passed by unanimous consent.*

Q. ASSEMBLY REPORTS

<u>Mayor's Report</u>

<u>Committee and Liaison Reports</u>

<u>Presiding Officer Reports</u>

R. ASSEMBLY COMMENTS & QUESTIONS

Mayor's Report:

Mayor Weldon reported on discussions related to landfill/trash solutions. She requested Assembly approval to have staff draft appropriating ordinances to provide additional trash clean up, sponsoring CBJ clean up days, and other possible solutions. *Hearing no objection, that request was approved.*

Ms. Hale noted that PWFC has been discussing the trash situation extensively as well and Ms. Triem noted that it was scheduled for discussion at the next AFC meeting.

Mayor Weldon noted that Assemblymembers and staff will be attending Southeast Conference over the next three days. She assigned the Douglas Cemeteries topic to the Lands, Housing & Economic Development Committee.

Committee and Liaison Reports:

Ms. Triem reported that she attended the BRH Finance Committee meeting and their CEO reported out the three phase plan to address the financial issues they have been dealing with. It went to the full board on 1/24 and will be coming up during the joint meeting.

Mr. Bryson said in anticipation of Senator Murkowski securing millions of dollars for Alaska as it relates to federal money, he requested Assembly approval to have staff draft an appropriating ordinance to establish a up to $5 million dollar placeholder for the Capital Civic Center to come from the fund balance to be brought for discussion at a future meeting. *Hearing no objection, that request was approved.*

'Wáahlaal Gíidaak said the Planning Commission met and approved a Conditional Use Permit for the Off Road Vehicle park on 565 acres of CBJ land by Bridget Cove on the uphill side of the road.

Mr. Smith forwarded the following recommendation from the Assembly Human Resources Committee for appointments to boards and commissions and asked for unanimous consent:

Juneau Human Rights Commission – Camille Mauch to a term beginning immediately and expiring May 31, 2025

Building Code Advisory Committee – Patrick Gorman to a term beginning immediately and expiring November 30, 2025.

Juneau Commission on Sustainability – Laura Achee to a term beginning immediately and expiring June 30, 2026.

Local Emergency Planning Committee appointments as follows:

Seat 3 – Firefighter/EMS Seat [Primary Member] **Ed Quinto.** Term: 1/1/2023-12/31/2025.

Seat 3a – Firefighter/EMS Seat [Alternate Member] **Travis Mead.** Term: 1/1/2023-12/31/2025.

Seat 5 – BRH Hospital [Primary Member] **Evan Price** {replacing Daniel Wiersma}. Term: Immediately-12/31/2023

Seat 7 – American Red Cross Seat [Primary Member] **Britta Tonnessen.** Term: 1/1/2023-12/31/2025

Seat 7a – American Red Cross Seat [Alternate Member] **Loren Jones.** Term: 1/1/2023-12/31/2025.

Seat 10 – Haz/Mat Transporter Seat [Primary Member] **Jeffrey Garmon** {replacing Jonathan Suk}. Term: Immediately-12/31/2023

Seat 11 – Vulnerable Population Representative Seat [Primary Member] **Eileen Hosey** {replacing Zachariah Fisher}. Term: 1/1/2023-12/31/2025

Seat 11a – Vulnerable Population Representative Seat [Alternate Member] **Erin Walker-Tolles.** Term: 1/1/2023-12/31/2025

Hearing no objections, the above appointments were approved by unanimous consent.

Mr. Smith noted that there will be a meeting of the Full Assembly sitting as the HRC to interview empowered board applicants tomorrow night.

Ms. Hale reported that there will be a joint Assembly/JSD Facilities Committee on February 3 at Noon in the Assembly Chambers.

Ms. Hughes-Skandijs reported that Lands, Housing, & Economic Development Committee will be holding a Special Committee meeting on February 17.

Mayor Weldon reminded everyone about the meetings of the Full Assembly as HRC on Tuesday, Jan. 31 and then the joint meeting with BRH followed by AFC on Wed. Feb. 1.

S. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

T. EXECUTIVE SESSION

22. The Municipal Attorney recommends the Assembly recess into executive session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the municipal attorney.

MOTION by Ms. Triem to adjourn into Executive Session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the municipal attorney and asked for unanimous consent.

There being no request from the public and no objections, the motion was approved by unanimous consent.

MOTION by Mr. Bryson to extend the end time of the meeting to no later than 11:15p.m. *Hearing no objection the motion carried and the Assembly began Executive Session at 10:52p.m.*

The Assembly returned from Executive Session at 11:00p.m.

U. SUPPLEMENTAL MATERIALS

23. RED FOLDER-Ordinance 2022-06(b)(AE) Supplemental Material - Port Planning Proposed RPF

24. RED FOLDER-Ordinance 2022-06(b)(AE) Supplemental Material - 12/19/2022 COW Packet items re: Cruise Ship Dock Waterfront Planning

25. RED FOLDER - FY24 DRAFT Legislative Capital Priorities

V. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 11:01 p.m.

Signed: ___________________________
Elizabeth J. McEwen
Municipal Clerk

Signed: _________________________
Beth A. Weldon
Mayor

ASSEMBLY SPECIAL MEETING 2023-08
DRAFT MINUTES

April 05, 2023 at 5:30 PM

Assembly Chambers/Zoom Webinar

A. CALL TO ORDER

Meeting No. 2023-08: The Special Meeting of the City and Borough Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 5:30p.m.

B. LAND ACKNOWLEDGEMENT

Assemblymember Hale provided the following land acknowledgement: "We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!"*

C. ROLL CALL

Assemblymembers Present: Christine Woll (via zoom), 'Wáahlaal Gíidaak (via zoom), Carole Triem, Greg Smith, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: Maria Gladziszewski

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, Acting City Attorney Sherri Layne, Municipal Clerk Beth McEwen, Finance Director Jeff Rogers, Adrien Speegle, John Nesmith, Angie Flick

D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - *None*

Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

E. **MANAGER'S REQUEST FOR AGENDA CHANGES – *The manager said that there was an updated version of Resolution 3016 A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024 provided as supplemental material; he requested that the supplemental version replace the older version Resolution 3016, which was #4 on the Consent Agenda.***

F. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction - *None*

B. Assembly Requests for Consent Agenda Changes - *None*

C. Assembly Action

MOTION by Ms. Hale to adopt the consent agenda with the one change, Resolution 3016 item 4 to be replaced by the updated version introduced as a supplemental item on 4/5/2023 and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

1. **Ordinance 2023-14 An Ordinance Appropriating Funds from the Treasury for FY24 City and Borough Operations.**

   This ordinance appropriates $519,655,600 in expenditure authority for the City and Borough of Juneau's FY24 operating budget, excluding the School District. This ordinance appropriates all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves.

   This ordinance also recognizes $492,395,600 of forecast revenue and transfers-in and decreases fund balances, across all funds, by $27,260,000 . The forecast revenue and draw from fund balance are sufficient to fund the budgeted expenditures. Budgeted expenditures and revenues will be reviewed in detail with the Finance Committee during the budget process in April and May.

   The Charter requires that a public hearing be held on the FY24 operating budget by May 1, 2023, and the ordinance be adopted by June 15, 2023.

   The Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee for further review, and set it for public hearing at the Special Assembly Meeting scheduled for April 26, 2023.

2. **Ordinance 2023-15 An Ordinance Appropriating Funds from the Treasury for FY24 School District Operations.**

   This ordinance will appropriate to the School District an FY24 operating budget of $96,317,000. This is an overall increase in the budget of $9,658,000 from the FY23 Amended Budget. The FY24 school budget is supported with a combination of funding sources including CBJ local funding of $33,050,800 and state and federal funding of $58,996,000. The local funding consists of $30,775,800 for general operations and $2,275,000 for programs and activities not subject to the state funding cap.

   State statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding cap, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2023.

   On April 26, 2023, a meeting is scheduled for the Assembly to state, by motion, the amount of local funding to be provided to the School District.

   The Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee for further review, and set it for public hearing at the Special Assembly Meeting scheduled for April 26, 2023.

3. **Ordinance 2023-16 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2023 Based upon the Proposed Budget for Fiscal Year 2024.**

   This ordinance establishes the mill rates for property taxes for 2023, which funds a significant portion of the City and Borough of Juneau’s FY24 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY24 Revised Budget that will be reviewed by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviews, amends and recommends to the Assembly the final mill levies.

For FY24, the operating mill rate is proposed to decrease 0.28 mills for a total proposed mill levy of 10.28 mills, the components of which are:

FY2024 Proposed Mill Rate

Areawide: 6.32 (a decrease of 0.28 from FY23 Adopted

Roaded Service Area: 2.45 (flat from FY23 Adopted)

Fire Service Area: 0.34 (flat from FY23 Adopted)

Debt Service: 1.20 (flat from FY23 Adopted)

Total FY24 Proposed Mill Rate: 10.28 (a decrease of 0.28 from FY23 Adopted)

An opportunity for public comment on the proposed mill rate will be provided during the Special Assembly meeting on April 26, 2023.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee for further review, and set it for public hearing at the Special Assembly meeting scheduled for April 26, 2023.

4. Resolution 3016 A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2024 through 2029, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY24.

The Public Works and Facilities Committee reviewed the preliminary CIP at its March 6, 2023 meeting and forwarded the plan to the Assembly. The Planning Commission will review the preliminary CIP at its April 25, 2023 meeting.

The City Manager recommends the Assembly introduce this resolution, refer it to the Assembly Finance Committee for further review, and set it for public hearing at the Special Assembly meeting scheduled for April 26, 2023.

G. ASSEMBLY COMMENTS AND QUESTIONS

H. SUPPLEMENTAL MATERIALS

5. Resolution 3016 RED Folder version

I. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting adjourned at 5:43pm.

Signed: ____________________________ Signed: __________________________

Elizabeth J. McEwen, Municipal Clerk — Beth A. Weldon, Mayor

REGULAR ASSEMBLY MEETING 2023-09 *DRAFT* MINUTES

April 17, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

A. CALL TO ORDER

Meeting No. 2023-09: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers and via zoom, was called to order by Mayor Beth Weldon at 7:00pm.

B. FLAG SALUTE

C. LAND ACKNOWLEDGEMENT

Ms. Hale provided the following Land Acknowledgement: "We would like to acknowledge that city and borough of Juneau is Tlingit land and wish to honor the indigenous people of this land. For more than 10,000 years Alaska Native People have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of the community and to honor the culture, traditions, and resilience of the Lingít people. Gunalchéesh."

D. ROLL CALL

Assemblymembers Present: Christine Woll (via Zoom), Greg Smith, Carole Triem, Alicia Hughes-Skandijs, Michelle Hale, Wade Bryson, 'Wáahlaal Gíidaak, Maria Gladziszewski, and Mayor Beth Weldon.

Assemblymembers Absent: None

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, Acting Municipal Attorney Sherri Layne, Municipal Clerk Beth McEwen, Deputy Municipal Clerk Diane Cathcart, Clerk Staff Elizabeth Kell, Engineering and Public Works Director Katie Koester, Assistant Civil Attorney Emily Wright, Lands Manager Dan Bleidorn, Parks & Recreation Manager George Schaaf, Airport Manager Patty Wahto, Finance Director Jeff Rogers, Port Director Carl Uchytil

E. SPECIAL ORDER OF BUSINESS

1. Special Recognition: Honoring 2023 Arctic Winter Games Participants from Juneau

Mayor Weldon provided a special recognition of Juneau participants of the Arctic Winter Games. These athletes helped Team Alaska finish second, with Team Alaska winning a total of 145 total medals and 58 gold medals.

2. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.*** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

F. APPROVAL OF MINUTES

3. 2022-11-21 Regular Assembly Meeting Minutes – Draft

MOTION by Ms. Hale to approve the 2022-11-21 Regular Assembly Meeting minutes and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

G. MANAGER'S REQUEST FOR AGENDA CHANGES -- *None*

H. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS *(Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)*

Karla Hart, a Mendenhall Valley resident, spoke about cruise tourism in Juneau. Ms. Hart said that having a city cruise manager is not enough. She said the city cruise manager is working on projects like the green cruise corridor which is studying how to do something in the future. Ms. Hart said that action is needed now. Ms. Hart said CBJ should not be making policies that commit to a certain type of action when half of the population of Juneau wants to consolidate tourism downtown and half want to spread it out through the borough.

I. CONSENT AGENDA

Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction -- *None*

Assembly Request for Consent Agenda Changes -- *None*

Assembly Action

MOTION by Ms. Gladziszewski to approve the Consent Agenda and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

J. Ordinances for Introduction

4. Ordinance 2023-08 An Ordinance Repealing Ordinance 2022-63 and Authorizing the Manager to Enter into a Revised Revenue Sharing Agreement with Goldbelt, Inc. to Fund Installation of the Gondola and Associated Infrastructure at the Eaglecrest Ski Area.

This ordinance would repeal ordinance 2022-63 authorizing the Manager to accept $10M from Goldbelt, Inc., for the installation of the gondola and associated facilities and replace it with Ordinance 2023-08. The Assembly previously approved the ordinance on the 9th of January 2023. After approval of the ordinance, Goldbelt, Inc. requested changes to the payment schedule of their contribution to the CBJ. The City Manager, Legal Counsel, and the Eaglecrest Manager have negotiated with Goldbelt, Inc. through revisions to the original revenue sharing agreement that are depicted in Exhibit A. Goldbelt, Inc. has provided a letter of intent to enter into the revised revenue sharing agreement in Exhibit B.

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

5. Ordinance 2023-22 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Alaska Rainforest Sanctuary, LLC dba Kawanti Adventures, for Operating the Alaska Zipline Adventure Canopy Tour.

This ordinance would authorize the Eaglecrest Ski Area to enter into a franchise agreement with Alaska Rainforest Sanctuary LLC to operate their Zipline under the DBA Kawanti Adventures. Eaglecrest has been permitting a third party to operate the Zipline tour at Eaglecrest since 2006 under a commercial use permit. Alaska Rainforest Sanctuary purchased the Zipline infrastructure and took over the previous Commercial Use Permit in 2018. Normally, the CBJ would use the lease process for this type of arrangement, but the federal Land and Water Conservation Fund prohibits the CBJ from issuing leases at Eaglecrest. However, the CBJ can grant a franchise agreement as a mechanism to formalize this business relationship. Eaglecrest contacted six different Zipline Operators to see if there was interest in developing a Zipline Tour and received no affirmative responses. This ordinance would allow Alaska Rainforest Sanctuary to operate the Zipline tour for five consecutive summer seasons.

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

6. **Ordinance 2023-23 An Ordinance Authorizing the Manager to Execute a Lease with GCI Communication Corporation for Approximately 15,500 Square Feet of City Property Located at 1580 Thane Road for a Satellite Communication Earth Station Site.**

   This ordinance would authorize the Manager to lease a fraction of municipal property, Alaska Tidelands Survey No. 556, located at 1580 Thane Road for fair market value. GCI applied to continue to lease this property for the operation of a Satellite Communication Earth Station site. GCI has leased this space from the City since 1983. On January 23, 2023, the Assembly Lands, Housing, and Economic Development Committee passed a motion of support to continue to lease this property to GCI. An appraisal was completed in February and determined market value for this lease to be $29,211 per year.

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

7. **Ordinance 2022-06(b)(AQ) An Ordinance Transferring $7,026,038 from CIP B55-087 Emergency Department Addition to CIP B55-080 Crisis Stabilization, and Deappropriating $7,026,038 from the Manager for the Crisis Stabilization Capital Improvement Project.**

   This request would transfer $7,026,038 from the Emergency Department addition CIP to the Crisis Stabilization CIP for the purpose of releasing Bartlett fund balance currently in the Crisis Stabilization project to improve BRH's available capital to support ongoing operations as well as other ongoing strategic initiatives of the hospital.

   The Hospital Board reviewed this request at the March 28, 2023 meeting.

   The Manager recommends the Assembly introduce this ordinance, refer it to the Public Works and Facilities Committee, and set it for public hearing at the next regular Assembly meeting.

8. **Ordinance 2022-06 (b)(AS) An Ordinance Appropriating $11,944,152 to the Manager for the Bag Belt Replacement, Parking Lot Paving, and Gate K Culvert Reconstruction Capital Improvement Projects; Funding Provided by Airport CARES Act Funding.**

   This ordinance would appropriate Airport CARES Act funding for the Bag Belt Replacement, Parking Lot Paving, and Gate K Culvert Reconstruction capital improvement projects, to be appropriated as follows:

   Parking Lot Paving (A50-106) $ 9,854,010

   Bag Belt Replacement (A50-105) $ 1,419,716

   Gate K Reconstruction (A50-110) $ 670,426

   Funding appropriated for the Parking Lot Paving CIP would rehabilitate the long-term, short-term, employee, and rental car lots and taxi staging areas, and will include the addition of EV charging stations. The Airport Board approved this action at its April 12, 2023 meeting.

   Funding appropriated for the Bag Belt Replacement CIP would provide for the replacement of aging and unreliable components of the outbound baggage conveyor system. The Airport Board approved this request at the March 9, 2023 meeting.

   Funding appropriated for the Gate K Reconstruction CIP would provide for the replacement of the failed culvert on the primary Aircraft Rescue and Fire Fighting (ARFF) response route for the runway and main taxiway. The Airport Board approved this action at its March 9, 2023 meeting.

   These projects are fully funded by federal grants and do not require any local match.

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

9. Ordinance 2022-06(b)(AT) An Ordinance Appropriating $250,000 to the Manager for the Aurora Harbor Improvement Capital Improvement Project; Funding Provided by Harbors Funds.

This ordinance would appropriate $250,000 in Harbors Funds for Phase III of the Aurora Harbor Improvements CIP. The lowest bid for this project came in at $4.3 million, exceeding the available budget in the CIP. This appropriation would provide the necessary funding to award the base bid, which includes a main float and finger floats for 60-foot vessels, electrical build out, and potable water.

The Docks and Harbors Board approved this request at the April 14, 2023 meeting.

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

K. Bid Awards

10. Bid Award 23-193 P25 Radio Communications Upgrade for Capital Transit

Capital Transit drivers have long complained about the inadequacy of the current VHF radios, which have sizeable geographic "dead zones". Radios are the primary method for communications between buses and between buses and base. Therefore, Capital Transit and CAPITAL AKcess are seeking bids from qualified firms to provide an upgrade of the current 2-way radio communications system to an Alaska Land Mobile Radio (ALMR) P25 digital Time Division Multiple Access (TDMA) capable system. All equipment must meet Federal Transit Administration (FTA) requirements, and be listed as an approved make and model with ALMR. Responses were due on this Capital Transit bid on March 15, 2023. The new radios will communicate on the ALMR system used by governments (including municipal governments and the State) and first responders. Both the Juneau Police Department and Capital City Fire/Rescue use P25 radios. The Capital Transit radio upgrade will be primarily funded through a federal grant.

Bids were opened on this project on March 23, 2023. The following bids were received:

Arcticom, Inc.	$192,489.41
REVL, Inc.	$220,114.30

The protest period ended March 30, 2023. The City Manager recommends award to Arcticom, Inc. on the basis of having the lowest responsive and responsible bid in the amount of $192,489.41 based on Total Bid.

11. RFP E22-278 Construction Manager At-Risk (CMAR) Mendenhall Wastewater Treatment Plant (MWWTP) SCADA (Supervisory Control and Data Acquisition) Upgrades

This project consists of a construction firm serving in a Construction Manager at Risk capacity to provide pre-construction and construction services for the Mendenhall Wastewater Treatment Plant (MWWTP) SCADA Upgrades project. SCADA is the computer-based system which gathers data and monitors and controls the treatment equipment and processes at the MWWTP. This Alternative Procurement method was authorized by the Assembly with Ordinance 2022-35 with a guaranteed maximum price (GMP) of $3,900,000.

A competitive process resulted in two firms responding to an RFP. On September 12, 2022, the Assembly approved the selection of Dawson Construction, LLC as the General Contractor for the MWWTP SCADA Upgrade CMAR project.

The project is transitioning from pre-construction services into a guaranteed maximum price for delivery of the project. Staff recommends approval to proceed with the project by amendment for a GMP of $3,722,921.

The City Manager recommends approval of this contract.

L. Transfers

12. Transfer Request T-1055 A Transfer of $1,200,000 from CIP B55-087 Emergency Department Addition to CIP B55-088 Emergency Department Emergency Medical Records Upgrades.

This request would transfer $1,200,000 from the Emergency Department Addition CIP to the Emergency Department Emergency Medical Records Upgrades for the purpose of replacing the Emergency Department Electronic Health Record with Meditech, which is used elsewhere in the organization, to improve patient safety and care, care coordination between hospital units, provider and staff satisfaction and organizational reporting.

The Hospital Board reviewed this request at the March 28, 2023 meeting.

The City Manager recommends approval of this transfer.

13. Transfer Request T-1056 A Transfer of $1,800,000 from CIP U76-119 Mendenhall Wastewater Treatment Plant Improvements to CIP U76-124 Wastewater SCADA Improvements.

This request would transfer $1,800,000 from the Mendenhall Wastewater Treatment Plant (MWWTP) Improvements CIP to the Wastewater SCADA Improvements CIP. The initial budget of $4.1 million for the SCADA project was sufficient for planning, investigation, design, and a significant portion of the construction. This transfer will provide additional funds to cover remaining construction costs, inspections, personnel time, and project contingency for unforeseen issues.

Due to complexity of the work and risk for the utility to keep the MWWTP operational during the SCADA improvements — essentially removing and replacing the brain of the MWWTP while maintaining compliant operation — an Alternative Procurement process for construction (CMAR) was approved by Assembly ordinance Ord 2022-35, capping construction costs at $3.9 million. You will be provided information tonight as a separate item requesting approval of the construction award for the contract.

The SCADA project takes precedence over other MWWTP scheduled improvements.

The Public Works and Facilities Committee reviewed this request at the April 3, 2023 meeting.

The Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses

14. This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

<u>Liquor License Transfer in Ownership</u>
License Type: Restaurant Eating Place License #851
Transfer From: Alaska Travel Adventures d/b/a Gold Creek Salmon Bake
Location: No Premise
Transfer To: Green Lantern LLC. d/b/a No DBA
Location: No Premise

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments have reviewed the above license and recommended the Assembly waive its right to protest the transfer application. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license transfer.

N. PUBLIC HEARING

15. Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.

This ordinance would appropriate up to $2,340,737 of additional outside the cap funding to resolve current and prior year deficits in the School District's special revenue funds, as well as a request for new wrestling mats for middle and high schools totaling $80,000. This appropriation would allocate funding for the purposes outlined in the attached supplemental document.

After consultation with the Alaska Department of Education and Early Development, JSD has removed their request for funding of summer school in 2023; which has been determined to be an instructional cost that must be paid for inside the educational funding cap.

This request does not correct the School District's operating fund deficit of $620,400 on June 30, 2022, as CBJ already contributed the maximum local contribution inside the cap. I am advised that JSD intends to correct that issue with its FY24 budget request.

School funding is complicated and there are three concurrent funding processes that the Assembly should understand as it acts on this request:

First, this Ordinance has been requested for introduction.

Second, the Legislature is seriously contemplating an increased base student allocation, as much as $1,200. The results of that deliberation will not be known for some time.

Third, the JSD budget for FY24 will be received in accordance with Law by April 1, 2023. In that budget, JSD has to anticipate many factors, including an Assembly decision on this Ordinance, action by the legislature, enrollment, and staffing costs.

Last, the Assembly should be informed that due to the increase in the value of real property in Juneau, funding JSD instruction "to the cap" in FY24 will increase CBJ's allowable appropriation by approximately $2.3 Million (about an 8% increase) over the FY23 level. Based on some feedback from DEED on summer school funding, JSD staff have adjusted the request.

This request was reviewed and approved by the Juneau School District Board on January 10, 2023. This request was reviewed by the Assembly Finance Committee at the March 1, 2023 and April 12, 2023 meetings. The Systemic Racism Review Committee reviewed this request at the March 21, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

<u>Public Comment</u>

Dave Hanna, a Mendenhall Valley resident, said that about ten years ago the community was torn about building a new high school. He said at that time it was evident that the school district would need to close an elementary school in the future. He said that now Juneau has more schools than it needs; he said it is not anything the school district is doing wrong, but global demographic change. Mr. Hanna said that the school district is not facing reality and keeps coming back year after year to the Assembly for more money. He requested the Assembly look at amending the Charter to provide greater financial oversight of the school district.

<u>Assembly Action</u>

<u>MOTION</u> by Mr. Bryson to adopt Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds and asked for unanimous consent.

OBJECTION by Mayor Weldon for purposes of making an amendment.

AMENDMENT #1

MOTION by Mayor Weldon to amend Ordinance 2022-06(b)(AR) section 2 to strike ~~up to $2,340,737~~ and insert "$1,920,882";

Mayor Weldon, speaking to her amendment, clarified that the funding is to include the FY22 and FY23 deficit, half of the FY21 deficit, and the high school activity wrestling mats.

OBJECTION by Ms. Hughes-Skandijs, who said CBJ currently is in a position to help the school district.

Mr. Smith asked Dr. Weiss, JSD Superintendent, how this amendment would affect their operations. Dr. Weiss said these accrued deficits would come out of fund balance.

Ms. Triem specifically called out that she disagreed with the process used to fund wrestling mats.

The Assembly continued to discuss this amendment.

ROLL CALL VOTE ON AMENDMENT #1

Yeas: Mayor Weldon, Mr. Bryson, Ms. Gladziszewski

Nays: 'Wáahlaal Gíidaak, Ms. Woll, Ms. Triem, Mr. Smith, Ms. Hughes-Skandijs, Ms. Hale,

Motion for Amendment #1 failed: 3 Yeas and 6 Nays.

AMENDMENT #2

MOTION by Ms. Hale to amend Ordinance 2022-06(b)(AR) section 2 to strike ~~$2,340,737~~ and insert "$2,320,737"

Ms. Hale, speaking to her amendment, said the $20,000 is to come from the student activities fund, for the wrestling mats.

OBJECTION by Ms. Woll.

ROLL CALL VOTE ON AMENDMENT #2

Yeas: Ms. Hale, Mr. Bryson, Ms. Hughes-Skandijs, Ms. Triem, Ms. Gladziszewski, Mayor Weldon

Nays: Mr. Smith, Ms. Woll, 'Wáahlaal Gíidaak,

Motion for Amendment #2 passed: 6 Yeas and 3 Nays.

OBJECTION by Mayor Weldon on the main motion to Adopt Ordinance 2022-06(b)(AR) as amended. Speaking to her objection, Mayor Weldon stated that the school district knew they were running a deficit for many years and they need to take additional responsibility.

ROLL CALL VOTE ON ORDINANCE 2022-06(b)(AR) AS AMENDED

Yeas: Ms. Hale, Ms. Hughes-Skandijs, Mr. Smith, Ms. Triem, Ms. Woll, 'Wáahlaal Gíidaak,

Nays: Mr. Bryson, Ms. Gladziszewski, Mayor Weldon

Motion for Ordinance 2022-06(b)(AR) as amended, passed: 6 Yeas and 3 Nays.

16. Ordinance 2023-19 An Ordinance Authorizing the Manager to Convey Approximately 4,814 Square Feet of Tidelands Located on a Fraction of Lot 3, Block 51, Tidelands Addition Adjacent to 1000 Harbor Way to 1000 Harbor Way, LLC for Fair Market Value.

The owners of 1000 Harbor Way, LLC applied to acquire City property and tidelands under and around their existing building in order to make major structural and architectural improvements. This building houses Hansen-Gress and is adjacent to the Juneau-Douglas Bridge. The Docks and Harbors Board reviewed this application at the August 25, 2022 meeting and provided a motion to advance this application. The Assembly reviewed this application at the November 21, 2022 meeting and provided a motion to authorize the City Manager to negotiate the disposal of City property. The

Planning Commission reviewed this proposed disposal of the CBJ property at the meeting on January 24, 2023, and passed a recommendation that the Assembly approve the disposal. Fair Market Value has been determined by appraisal to be $24.62 per square foot.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment - *None*

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2023-19 An Ordinance Authorizing the Manager to Convey Approximately 4,814 Square Feet of Tidelands Located on a Fraction of Lot 3, Block 51, Tidelands Addition Adjacent to 1000 Harbor Way to 1000 Harbor Way, LLC for Fair Market Value and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

17. **Ordinance 2023-20(b) An Ordinance Amending the Duties of the Systemic Racism Review Committee.**

This ordinance expands the scope of the Systemic Racism Review Committee to include CBJ policies and procedures in its review in addition to ordinances. It also gives the committee the ability to select legislation rather than being required to review every ordinance that is introduced at regular Assembly meetings.

The Assembly Committee of the Whole discussed these proposed changes at its March 6, 2023 meeting, with participation from members of the Systemic Racism Review Committee.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment - *None*

Assembly Action

MOTION by Ms. Triem to adopt Ordinance 2023-20(b) An Ordinance Amending the Duties of the Systemic Racism Review Committee and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

18. **Ordinance 2023-21 An Ordinance Authorizing the Manager to Enter into a Lease of City and Borough Property Located on West Douglas along the West Douglas Pioneer Road to iRide Alaska, LLC, for the Purpose of Offering Guided Electronic Bike Tours.**

The owners of iRide Alaska, LLC, applied for a lease of City property along the West Douglas Pioneer Road located near the end of North Douglas Highway. Their request is for the commercial use of the property for guided electronic-bike "e-bike" tours. The Assembly LHED Committee reviewed this request and forwarded it to the Assembly for discussion. The Assembly considered this lease request as new business at the February 27, 2023 meeting and forwarded it to the Assembly Committee of the Whole for additional review. The Committee of the Whole reviewed this application at the March 6, 2023 meeting and adopted a motion supporting the Manager to enter into negotiations for a one-year lease including renewal options with the original applicant and to draft an ordinance for introduction. The packet for the COW meeting included extensive background material and can be viewed at: Assembly Committee of the Whole Worksession 03/06/2023 06:00 PM | Juneau, AK (municode.com)

The City Manager recommends the Assembly adopt this ordinance.

Public Comment
Wayne Carnes, a North Douglas resident, spoke against this ordinance. He asked the Assembly to put outdoor users first. He said that cruise ship passengers are important to the economy, but come

with a cost to locals. Mr. Carnes said the tour is not about sharing the beauty of Juneau, it's about making money. He said that his property taxes are skyrocketing, and yet tourists seem to remain a top priority. He said he has given up many areas in the summer due to overcrowding. He asked the Assembly to not add Pioneer Road to the list of areas that are affected by tourist overcrowding and to "just say no" to commercial e-bike tours on Pioneer Road.

Paul DeSloover, a North Douglas resident, spoke against this ordinance. Mr. DeSloover said he believes iRide provided incorrect statements to the Assembly regarding the potential impacts of their business. Mr. DeSloover quoted iRide, who said that the Pioneer Road was a "20-foot-wide road allowing users to comfortably pass by one another without having to stop their current activity". Mr. DeSloover said the average safe, useable width of the road was 12 feet and the shoulders are noncompacted sharpshot rock of various dimensions making them unusable. He said that given how narrow the road is, it is likely that people will be forced to the danger shoulders with little warning. Mr. DeSloover also objected to iRide's description of long sightlines. He said that most of the road does not allow for long distance visibility due to the ten large hills on the road.

Erin Willis, a West Juneau resident, spoke in support of the ordinance. Ms. Willis is one of the four partners of iRide Alaska. She said they are asking to operate micro tours; she said they chose this area because it is far away from residences and in an area that can accommodate many people at the same time. Ms. Willis said the Pioneer Road is not a trail and was developed through a grant to create greater economic opportunities. She said they are a small company catering to a small number of tourists and are asking to use the Pioneer Road for a small amount of time. She said they have been receptive to community concerns, including changing their plans to operate tours on Sundays. Ms. Willis said that e-bikes are quiet, there is room on the road, and there will be training for e-bike participants on common courtesy. She said the per person fee paid to CBJ would help with upkeep for the road. She noted that the Assembly does not often hear from people who are satisfied and said that the vast majority of Juneauites are fine with the iRide plan. She said that tourist activities already operate in North Douglas. Ms. Gladziszewski asked Ms. Willis how many guests per tour. Ms. Willis said 10 guests per tour. Mayor Weldon asked what would happen if tours were limited to Monday through Friday. Ms. Willis said that would not pencil out for them. Mayor Weldon asked if the tours could be finished at 5pm. Ms. Willis said she would need to come back to the Assembly with more information to answer that question.

Reuben Willis, a West Juneau resident, spoke in support of the ordinance. Mr. Willis is one of the four partners of iRide Alaska. He said that Pioneer Road was developed with a grant to support economic development. He said iRide's use of this road would create jobs, drive economic growth, and save taxpayer's money. He said about $20,000 a year of taxpayer money is used to maintain the road, and it is unfair to pass up user fees that would decrease taxpayer burden for those who will never use the road. Mr. Willis says that iRide will add to revenue base. Mr. Willis wanted to clarify that no tours have happened on Pioneer Road and that the review on Trip Advisor came from a family member. Ms. Gladziszewski asked about ending tours at 6pm. Mr. Willis said that cruise ships come in a narrow band and that guides their potential tour times. Ms. Hale asked about using Fish Creek Road instead. Mr. Willis said they have not explored Fish Creek Road. They approached CBJ back in October 2022 to start the process for using Pioneer Road. Mayor Weldon asked how much time people would be on the trail. Mr. Willis said an hour on the trail and thirty minutes at the trailhead.

Lucas Johnson, from Idaho and currently living in West Juneau, spoke in support of this ordinance. He has been hired by iRide as an intern. He said he loved his visit to Alaska the previous summer and it had a big impact on his life. He said it is important to have these opportunities for people to come up and experience Juneau, like the trees, eagles, wildlife, and beautiful views.

Chris King, a Sunny Point resident, spoke in support of this ordinance. Ms. King is one of the four partners of iRide Alaska. She said that everyone who lives in Juneau loves this place. She has been doing research on usage on the Pioneer Road. She said that on Friday evening they only passed one person on Pioneer Road; on Saturday they only passed two people. Ms. King said that she understands usage might increase at other times, but in the past few weeks the usage has been low. Ms. King said she hopes that the Assembly hears the silence of all the people who could have attended tonight and chose not to because there is not a problem. Mr. Smith asked if iRide will have a public schedule. Ms. King said that the schedule is strict and can be shared.

Dave Hanna, a Mendenhall Valley resident, spoke in support of this ordinance. Mr. Hanna noted that the Pioneer Road was built to spur economic development and the iRide proposal exactly fits that bill. He said it would be disrespectful to not allow more use. Mr. Hanna said he would like to speak to the users as well; he said he ran into approximately half a dozen people last time he used the Pioneer Road. He said the more it gets uses the better and less maintenance it will need.

Assembly Action

Mr. Bryson declared a potential conflict of interest. He said he has a bike shop that sells e-bikes. He said it is a small percentage of his annual revenue and he does not do tour operations. He said he did not believe he had a conflict of interest and consulted with Acting Municipal Attorney Layne who concurred with that opinion.

MOTION by 'Wáahlaal Gíidaak to adopt Ordinance 2023-21 An Ordinance Authorizing the Manager to Enter into a Lease of City and Borough Property Located on West Douglas along the West Douglas Pioneer Road to iRide Alaska, LLC, for the Purpose of Offering Guided Electronic Bike Tours and asked for unanimous consent.

OBJECTION by Mr. Smith for the purposes of amendment.
See Red Folder-Supplemental Material for Amendment #1 from Assemblymember Greg Smith.

Amendment #1

MOTION by Mr. Smith to amend Ordinance 2023-21 section 4 by adding a new subsection (d) "*(d) the lease holder shall promptly notify the manager of any accident, injury or claim relating to the allowed activity, including injuries of domestic animals"* and renumbering following subsections and asked for unanimous consent.

Hearing no objections, Amendment #1 passed by unanimous consent.

Amendment #2

MOTION by Ms. Gladziszewski to amend Ordinance 2023-21 section 4 by adding a new subsection (e) *"(e) the lease shall allow no more than 10 guests on each of three tours a day"* and renumbering following subsections and asked for unanimous consent.

Hearing no objections, Amendment #2 passed by unanimous consent.

OBJECTION by Ms. Hale on the main motion to adopt Ordinance 2023-21 as amended.
Ms. Hale said she supports the idea in general but not at this time as it should be weighed in the larger context of tourism in general. Ms. Hale also said she believes the final road name should not be the Pioneer Road.

Ms. Woll and other members echoed Ms. Hale's concerns. Ms. Woll said she is excited that comprehensive planning for commercial use of trails that is in the budget.

Mr. Bryson spoke in support of the ordinance as amended and noted that this business applicant has done everything that CBJ asked them to do.

After additional Assembly discussion on the motion, a roll call vote was taken.

ROLL CALL VOTE ON ORDINANCE 2023-21 AS AMENDED

Yeas: 'Wáahlaal Gíidaak, Ms. Triem, Mr. Bryson, Ms. Gladziszewski

Nays: Ms. Woll, Mr. Smith, Ms. Hughes-Skandijs, Ms. Hale, Mayor Weldon

The Motion for Ordinance 2023-21 as amended failed: 4 Yeas and 5 Nays.

Mr. Bryson gave Notice of Reconsideration on Ordinance 2023-21 as amended.

19. Ordinance 2022-47 An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority.

At the Regular Planning Commission meeting on March 14, 2023, the Commission voted to recommend approval of an ordinance to repeal 49.10.700, Wetlands Review Board. The Board's wetland permitting authority has expired, the Board has not met since 2018, and the Board is no longer needed.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment - *None*

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2022-47 An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority and asked for unanimous consent.

OBJECTION by Ms. Triem for the purpose of a question. Ms. Triem asked Ms. Layne if this is a separate section of code from the stream setback issue to which Ms. Layne replied that it was a separate code section from that of the stream setbacks. ***Ms. Triem removed her objection.***

Hearing no objection, the motion passed by unanimous consent.

O. UNFINISHED BUSINESS

P. NEW BUSINESS

20. Regulation 53 CBJAC 09.325 Sand and Gravel Fees Lemon Creek Pricing

This regulation change will amend the rates and fees for the City and Borough of Juneau's sand and gravel pit pricing under the authority of CBJC 01.60.200, CBJC 53.09.015, and CBJC 53.09.325. This change will allow the sand and gravel pits to achieve cost neutral operation. The regulation will allow for annual adjustment to the established fee by the Consumer Price Index – Urban Alaska (CPI), as reported by the Alaska Department of labor and Workforce Development. The implementation of the Sand and Gravel Pricing Regulation would increase the sand and gravel fee schedule from $2.45 per ton to $4.90 per ton. The most impacted will be the City and Borough of Juneau and State of Alaska because the City and Borough of Juneau only opens North Lemon Creek Material Source for public projects and does not sell those resources to the private sector. The Lands Housing and Economic Development Committee reviewed this topic at the June 6, 2022 meeting and passed a motion of support for increasing the cost of sand and gravel.

The Manager recommends the Assembly approve this regulation in accordance with City Codes 01.60, 53.09.015, and 53.09.325.

Assembly Action

Mr. Smith asked about the process of reducing gravel costs for housing developments. Mr. Watt said that they held meetings about this years ago and the idea died after receiving testimony from a private sector gravel supplier. He said if the Assembly wished to revisit that discussion, Lands, Housing, and Economic Development Committee would be a good place to start.

Ms. Gladziszewski asked what private commercial gravel operations charge. Mr. Watt said he did not know, but that CBJ sets the price to cover the cost of the gravel and permitting and does not seek to make a profit.

MOTION by Ms. Hale that the Assembly approve Regulation 53 CBJAC 09.325 Sand and Gravel Fees Lemon Creek Pricing and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

Q. STAFF REPORTS

21. Manager's Report

Mr. Watt officially submitted his notice of resignation, to be effective September 30, 2023, after working for CBJ for about 30 years.

R. ASSEMBLY REPORTS

Mayor's Report

The Mayor nominated a hiring process committee to create a process to hire a new City Manager, which would be chaired by Ms. Woll, with members Ms. Hughes-Skandijs, Ms. Hale, and Mr. Bryson.

Committee and Liaison Reports

Committee of the Whole (COW) the next meeting is Monday, April 24.

Assembly Finance Committee (AFC). Ms. Triem said that they are two meetings into the budget process. She said the previous week they heard from the Juneau School District and Eaglecrest. She said they accepted $128,000 above the Manager's proposed budget for Eaglecrest. She said this week is the Airport and Bartlett Regional Hospital (BRH) budgets. She asked Assemblymembers to review the pending list and ask staff questions in advance of the next meeting.

Public Works and Facilities Committee (PWFC). Mr. Bryson said they talked about a SCADA project which already passed, Airport EV stations, Centennial Hall renovations, and the Basin Road Tressel bridge which was currently out. He said they also had a "Talkin' Trash" worksession and that one important conclusion that came from that was getting a materials study done so they can know the exact makeup of the waste stream. Mr. Bryson requested the materials study be added to the pending list.

Lands, Housing and Economic Development Committee (LHED). Ms. Hughes-Skandijs said that LHED met April 3rd and received updates on Telephone Hill, the 35-mile off-road vehicle park, and land use code revisions. The next meeting is April 24th.

Human Resources Committee (HRC). Mr. Smith said they discussed questions for the new Parks and Recreation Advisory Committee applicants, which currently has 20 applicants.

Presiding Officer Reports

S. ASSEMBLY COMMENTS & QUESTIONS/Liaison Reports

Mr. Byson attended a Docks and Harbors meeting, where discussion was had on the Hansen Gress Property, boat washing at the Auke Bay loading facility, and locked harbors. Mr. Bryson attended a North Douglas Neighborhood Association meeting where they discussed the 2nd Crossing.

Ms. Hughes-Skandijs thanked the Alaska Folk Fest Board of Directors for another great event. She attended an Eaglecrest Board meeting where they discussed their budget request. She attended a Juneau Chamber of Commerce meeting and they sent a letter to the Assembly regarding the mil rate and a new City Hall. She noted that the State has reopened public testimony on SB52 an increase on the Base Student Allocation (BSA).

Ms. Triem attended the Juneau Economic Development Council (JEDC) meeting and reported that the Maritime Festival will be on May 6. She attended a BRH Board meeting, which included a transfer on tonight's consent agenda (Transfer Request T-1055) but it was not a unanimous decision. The BRH Board also talked about the PCR testing machine which includes an annual maintenance contract. Ms. Triem also attended the Juneau Chamber of Commerce luncheon on childcare.

'Wáahlaal Gíidaak attended the Planning Commission COW where they discussed hazard mapping and they approved a flood zone exemption permit for bathrooms at Statter Harbor. She said she missed the last Systemic Racism Review Committee meeting.

‘Wáahlaal Gíidaak said planning is ongoing for the upcoming Hōkūle'a welcoming ceremony June 10th and provided the followed details for a weeklong indigenous education exchange with many international guests as noted below:

The Global Launch will take place June 15. The welcoming and global launch will all take place from Auke Rec. The below countries are a part of the Pacific Consortium and will participate in various portions of the program.

Aotearoa (New Zealand)

Stanley Conrad (Te Aupouri), Captain, Te Aurere; Hekenukumai Busby Trust, Tai Tokerau Ngāti Kawa Taituha (Ngāpuhi), Chairman, Te Tii Marae, Waitangi

Alaska

Kaá Ax Gú, Joe Nelson, Chair, Sealaska Corporation, Yakutat/Juneau Richard Chalyee Éesh Peterson, President, Central Council of Tlingit and Haida Indian Tribes of Alaska

French Polynesia

Heremoana Maamaatuaiahutapu, Minister of Culture and the Environment, French Polynesian Government, Pape‘ete Thomas Moutame, Mayor of the District of Taputapuātea, Ra‘iātea

Taiwan

Chiefess Alingin Zingrur, Tribal Leader, Kaviyangan Paiwan Tribe, Pingtung Cheng-Hsien Pan, Principal, Wutang Elementary School, Jiaping Village, Pingtung Professor Maeva Yuan-chao Tung, National Taiwan University, Anthropology, Taipei

Micronesia

Thomas Raffipiy, Assembly of Pwo Navigators of Micronesia, Satawal/Hawai‘i

Rapa Nui

Lynn Rapu Tuki, President, Foundation Ao Tupuna, Rapa Nui

She noted that the Tribal Assembly will start on Wednesday with a Saturday totem dedication from Sealaska Heritage Institute.

Mr. Smith reported that he attended the PRAC meeting where they received an update on the off-road vehicle park.

Ms. Hale attended the Juneau Commission on Aging meeting where they discussed assessed property values and property taxes on seniors. She attended an Airport Board meeting where they discussed the parking lot upgrades that will happen this summer. Ms. Hale also attended the Joint School Board/Assembly Facilities Committee; goals are to forward a prioritize plan for facilities maintenance to the Assembly and School Board, forward a strategy for addressing declining enrollment which includes a matrix for understanding the funding formula, and to establish a framework for future joint meetings.

Ms. Woll reported that there will be a rally on Thursday at the Capitol Building about the BSA. Ms. Woll also said the Docks and Harbors Board meeting tomorrow at the Yacht Club will include discussion of their potential 9% rate increase.

Ms. Gladziszewski reported that she missed all meetings due to a family emergency.

Mayor Weldon said that National Public Safety Telecommunications Week was April 9-15 and she thanked Juneau’s dispatchers for their hard work.

T. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

U. EXECUTIVE SESSION

None.

V. SUPPLEMENTAL MATERIALS

22. RED FOLDER-Ord. 2023-21 Proposed Amendment 1 from Assemblymember Greg Smith

W. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 9:24pm.

Signed: ____________________________	Signed: __________________________
Elizabeth J. McEwen	Beth A. Weldon
Municipal Clerk	Mayor

Presented by: The Manager
Presented: 01/08/2024
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(U)

An Ordinance Appropriating $900,000 to the Manager for a Loan to Coogan Alaska, LLC for the Island Hills Building LMN Project; Funding Provided by the Affordable Housing Fund.

WHEREAS, during the 2023 Juneau Affordable Housing Fund solicitation, the City and Borough of Juneau received a proposal from a private development group for a construction loan of $900,000 for 18 market rate one-bedroom units to be developed at 401 Cordova Street, Juneau, AK, 99801; and

WHEREAS, the scoring team stated that if additional funding in the Affordable Housing Fund became available, as provided in Ordinance 2013-14(b)(R), this project could be recommended for award; and

WHEREAS, prior to executing a loan agreement with CBJ, Coogan Alaska, LLC, must have secured an appraisal of the Island Hills LMN Project, which indicates that the project is financially feasible given the housing market situation in Juneau and the Southeast Alaska economy; and

WHEREAS, CBJ and Coogan Alaska, LLC, agree that since a bank loan will be used for the development project that a loan from CBJ must be secured in a manner that places CBJ's interests after those of the bank, otherwise a bank will not loan on a development project; and

WHEREAS, given the high demand for housing and the potential benefits for the community if the Island Hills LMN Project is fully developed, the following appropriation terms and conditions are in the best interest of the community.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $900,000 for a loan to the Island Hills LMN Project.

Section 3. Source of Funds.

Juneau Affordable Housing Fund $900,000

Section 4. Loan Purpose and Terms. The Manager is authorized to negotiate a loan contract with Coogan Alaska, LLC, with the following essential terms, in addition to other reasonable contractual and financing provisions deemed necessary by the Manager to protect the City and Borough:

(a) Intent. Housing is in high demand. The purpose of this loan is to provide capital in the form of a construction loan, secured by a mortgage lien, to help encourage and facilitate the development of 18 one-bedroom units to be developed at 401 Cordova Street, Juneau, AK, 99801. The 18 housing units must be developed as described in the application to the 2023 Juneau Affordable Housing Fund; if a provision of this ordinance conflicts with the application, the provision of this ordinance controls.

(b) Restrictions. The Manager must include and the Borrower must agree to the following restrictions, which are necessary to protect the public's interest with this loan:

(1) **Rentable Apartments.** During the term of this loan, the housing units must remain apartments and available to rent. The apartments may be converted to other forms of housing (i.e. condos) upon complete satisfaction of the CBJ loan.

(2) **Short-term rental**. During the term of this loan, no apartment may be used as a short-term rental. The short-term rental restriction expires upon complete satisfaction of the CBJ loan.

(3) **Affordability**. Given that the applicant is not proposing affordable units, rents must remain at $1,400 per month as described in the application, adjusted for inflation annually for the term of the loan.

(4) **Borrower.** The Developer/Borrower is Coogan Alaska, LLC, represented by Wayne Coogan.

(5) **Real Property ("Property").** This appropriation is for an 18-unit building on a portion of the following real property:

> Island Hills II Subdivision, according to Plat 2014-47, Juneau Recording District, First Judicial District, State of Alaska.

(6) **Loan Amount.** A construction loan of $900,000 shall be made to Coogan Alaska, LLC, in a single disbursement.

(7) **Appraisal.** Prior to the Manager executing any loan contract, (i) Coogan Alaska, LLC, must provide a recent appraisal and (ii) the maximum debt allowed between any equity or private commercial loan and the CBJ loan must not exceed a loan to value of 75% of the appraised value of the project.

(8) Payment Term. Coogan Alaska, LLC, shall pay CBJ monthly once repayment of the loan commences. Monthly payments shall begin the first business day of the first month that occurs 6 months after a final certificate of occupancy is obtained from the CBJ Building Official. The loan payments shall be calculated on a 25-year amortization schedule and the full amount of the loan shall be due after 10 years of payments (120 monthly payments).

(9) Interest Rate and Calculation. The loan authorized by the ordinance will be at zero percent (0%) per annum from disbursement and for the first five years of the loan repayment and two percent (2%) per annum for the remaining five years of the loan repayment. After ten years of payments, the loan shall be repaid in full.

(10) Security. Coogan Alaska, LLC, must agree and grant authority to the City and Borough to secure and record a lien for the full loan amount plus interest, costs, and reasonable attorney's fees related to or arising from the mortgage contract against the real property and all personal property owned by the Borrower on or near the real property. Coogan Alaska, LLC, and the City and Borough may renegotiate the terms of the property which provides security for the loan over the life of the loan, but the security must match or exceed the value of the outstanding loan. Coogan Alaska, LLC, must further agree to authorize the City and Borough to secure the loan with liens on any materials purchased with the loaned money; the City and Borough will release the materials liens either upon Coogan Alaska, LLC, completing repayment or upon the permanently installing the materials onto or into the property.

(11) Subrogation. The Manager may subrogate the CBJ's interests to those of the commercial banking lender.

(12) Additional Loan Terms. The Manager may add additional terms consistent with the intent of this ordinance.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________ 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 01/08/2024
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(V)

An Ordinance Appropriating $2,250,000 to the Manager for a Loan to Chilkat Vistas, LLC for Chilkat Vistas Apartments; Funding Provided by the Affordable Housing Fund.

WHEREAS, during the 2023 Juneau Affordable Housing Fund solicitation, the City and Borough of Juneau received a proposal from a private development group for a construction loan of $2,250,000 for 45 apartments (18 efficiency and 27 one-bedroom) to be developed at Chilkat Vistas Subdivision Phase 2, Tract A3 in Juneau, Alaska; and

WHEREAS, the Juneau Affordable Housing Fund Review Committee recommends the Assembly loan $2,250,000 to Chilkat Vistas, LLC, for the Chilkat Vistas Apartment Project; and

WHEREAS, prior to executing a loan agreement with CBJ, Chilkat Vistas, LLC, must have secured an appraisal of the Chilkat Vistas Apartment Project, which indicates that project is financially feasible given the housing market situation in Juneau and the Southeast Alaska economy; and

WHEREAS, CBJ and Chilkat Vistas, LLC, agree that since a bank loan will be used for the development project that a loan from CBJ must be secured in a manner that places CBJ's interests after those of the bank, otherwise a bank will not loan on a development project; and

WHEREAS, given the high demand for housing and the potential benefits for the community if the Chilkat Vistas Apartment Project is fully developed, the following appropriation terms and conditions are in the best interest of the community.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $2,250,000 for a loan to the Chilkat Vistas Apartment Project.

Section 3. Source of Funds.

Juneau Affordable Housing Fund $2,250,000

Section 4. Loan Purpose and Terms. The Manager is authorized to negotiate a loan contract with Chilkat Vistas, LLC, with the following essential terms, in addition to other reasonable contractual and financing provisions deemed necessary by the Manager to protect the City and Borough:

(a) Intent. Housing is in high demand. The purpose of this loan is to provide capital in the form of a construction loan, secured by a mortgage lien, to encourage and facilitate the development of 45 apartments (18 efficiency and 27 one-bedroom) to be developed at Chilkat Vistas Subdivision Phase 2, Tract A3 in Juneau, Alaska. The 45 housing units must be developed as described in the application to the 2023 Juneau Affordable Housing Fund; if a provision of this ordinance conflicts with the application, the provision of this ordinance controls.

(b) Restrictions. The Manager must include and the Borrower must agree to the following restrictions, which are necessary to protect the public's interest with this loan:

(1) **Rentable Apartments.** During the term of this loan, the housing units must remain apartments and available to rent. The apartments may be converted to other forms of housing (i.e. condos) upon complete satisfaction of the CBJ loan.

(2) **Short-term rental**. During the term of this loan, no apartment may be used as a short-term rental. The short-term rental restriction expires upon complete satisfaction of the CBJ loan.

(3) **Affordability**. As described in the application, a minimum of 14 units must be rented or available for rent to people that make 80% or less than the Juneau Area Median Income as follows, as adjusted for inflation annually for the term of the loan:

Efficiency unit	$1,712 per month
1 bedroom unit	$1,834 per month

(4) **Borrower.** The Developer/Borrower is Chilkat Vistas, LLC, represented by Michael Heumann, who is the majority member (49%) of the Limited Liability Company.

(5) **Real Property ("Property").** This appropriation is for a 45-unit development on a portion of the following real property:

> Chilkat Vistas Subdivision Phase 2, Tract A3 according to Plat 2023-07, Juneau Recording District, First Judicial District, State of Alaska.

(6) **Loan Amount.** A construction loan of $2,250,000 shall be made to Chilkat Vistas, LLC, in a single disbursement.

(7) **Appraisal.** Prior to the Manager executing any loan contract, (i) Chilkat Vistas, LLC, must provide a recent appraisal and (ii) the maximum debt allowed between any equity or private commercial loan and the CBJ loan must not exceed a loan to value of 75% of the appraised value of the project.

(8) **Payment Term.** Chilkat Vistas, LLC, shall pay CBJ monthly once repayment of the loan commences. Monthly payments shall begin the first business day of the first month that occurs 6 months after a final certificate of occupancy is obtained from the CBJ Building Official. The loan payments shall be calculated on a 25-year amortization schedule and the full amount of the loan shall be due after 10 years of payments (120 monthly payments).

(9) **Interest Rate and Calculation.** The loan authorized by the ordinance will be at zero percent (0%) per annum from disbursement and for the first five years of the loan repayment and two percent (2%) per annum for the remaining five years of the loan repayment. After ten years of payments, the loan shall be repaid in full.

(10) **Security.** Chilkat Vistas, LLC, must agree and grant authority to the City and Borough to secure and record a lien for the full loan amount plus interest, costs, and reasonable attorney's fees related to or arising from the mortgage contract against the real property and all personal property owned by the Borrower on or near the real property. Chilkat Vistas, LLC, and the City and Borough may renegotiate the terms of the property which provides security for the loan over the life of the loan, but the security must match or exceed the value of the outstanding loan. Chilkat Vistas, LLC, must further agree to authorize the City and Borough to secure the loan with liens on any materials purchased with the loaned money; the City and Borough will release the materials liens either upon Chilkat Vistas, LLC, completing repayment or upon the permanently installing the materials onto or into the property.

(11) Subrogation. The Manager may subrogate the CBJ's interests to those of the commercial banking lender.

(12) Additional Loan Terms. The Manager may add additional terms consistent with the intent of this ordinance.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________ 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by:	The Manager
Introduced:	January 8, 2024
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(X)

An Ordinance Transferring $800,000 from CIP F22-027 Juneau Police Department Roof Replacement to CIP P44-090 Deferred Building Maintenance.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Transfer of Appropriation. It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $800,000 be transferred:

From: CIP

F22-027	Juneau Police Department Roof Replacement	($ 800,000)

To: CIP

P44-090	Deferred Building Maintenance	$ 800,000

Section 3. Source of Funds.

Temporary 1% Sales Tax	$ 800,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this_________ day of _________, 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 11/13/2023
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-36(b)

An Ordinance Authorizing the Sale of Foreclosed Property Located at 520 Sixth Street by Sealed Competitive Bid Auction.

WHEREAS, in connection with the foreclosure process for property tax year 2021, the following property was conveyed to City and Borough of Juneau by Clerk's Deed:

> JUNEAU TOWNSITE Block 109 Lots 3, 5 and 6FR, Juneau Recording District, First Judicial District, State of Alaska

with an address of 520 Sixth Street, Juneau, Alaska; and

WHEREAS, the current amount owed for tax years 2019, 2020, 2021, 2022, and 2023, including penalties and interest, is $22,324.59; and

WHEREAS, AS 29.45.460 provides that tax-foreclosed property conveyed to a municipality and not required for a public purpose may be sold; and

WHEREAS, the property is not needed by the City and Borough for a public purpose; and

WHEREAS, according to the City and Borough's real property tax assessment rolls, Priscilla Corpuz was the last record owner of the property; and

WHEREAS, CBJC 53.09.250 provides for the disposal of City and Borough land by sealed competitive bid auction; and

WHEREAS, AS 29.45.480 describes how the proceeds of a sale must be distributed; and

WHEREAS, the Lands Committee considered this foreclosure at its regular meeting on July 13, 2023, and recommended disposing of the property.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Disposal. The City and Borough of Juneau has determined that a public purpose does not exist for the property. The Manager is authorized to dispose of the property, located at 520 Sixth Street, Juneau, Alaska, and legally described as JUNEAU TOWNSITE Block 109 Lots 3, 5 and 6FR, Juneau Recording District, First Judicial District, State of Alaska, by sealed competitive bid auction in accordance with CBJC 53.09.250. In the event the sealed competitive bid does not dispose of the property, the Manager is authorized to dispose of the property by negotiated sale in accordance with CBJC 53.09.260, CBJC 53.09.200, and such other terms and conditions set by the Manager.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 01/08/2024
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3052

A Resolution Amending the City and Borough of Juneau Personnel Rules.

WHEREAS, the Assembly has adopted personnel rules in accordance with CBJ 44.05.050; and

WHEREAS, the personnel rules apply to non-represented employees of the City and Borough of Juneau and to represented employees when the collective bargaining agreement does not apply; and

WHEREAS, the personnel rules occasionally should be updated to reflect modern human resources practices or to address recruitment and retention needs; and

WHEREAS, the recent market-based pay rates for sworn officers in Alaska have increased; and

WHEREAS, the Juneau Police Department continues to experience a high vacancy in sworn officer positions; and

WHEREAS, the Assembly has approved a pay increase of six percent (6%) for sworn officers in the bargaining unit, effective December 18, 2023; and

WHEREAS, the management sworn officer positions such as Lieutenants, the Deputy Police Chief, and the Chief of Police should also have their pay rates increased by six percent (6%), retroactive to December 18, 2023.

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

Section 1. The Assembly of the City and Borough of Juneau approves the following and hereby modifies the Personnel Rules to reflect a pay increase of six percent (6%), effective December 18, 2023, for those pay ranges assigned to sworn officers on the pay schedule in Appendix I, and referenced in 18 PR 005 of the Personnel Rules.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption and apply retroactively to December 18, 2023.

Adopted this _______ day of _______________________ 2024.

____

Beth A. Weldon, Mayor

Attest:

____

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: December 11, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(E)

An Ordinance Deappropriating $950,000 from the Manager for Childcare Programs.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Deappropriation. There is deappropriated from the Manager the sum of $950,00 for childcare programs.

Section 3. Source of Funds

General Funds	($ 550,000)
Temporary 1% Sales Tax	($ 400,000)

Section 6. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: December 11, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(R)

An Ordinance Appropriating $1,600,000 to the Manager for the Affordable Housing Fund; Funding Provided by General Funds.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $1,600,000 as funding for the Affordable Housing Fund.

Section 3. Source of Funds

General Funds	$1,600,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 12/11/2023
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-05

An Ordinance Authorizing an Alternative Procurement Method Related to the Eaglecrest Pulse Gondola Construction Project.

WHEREAS, the City and Borough of Juneau ("CBJ") owns the Eaglecrest Ski Area and desires to develop and improve the public ski area by installing, deploying, and operating a gondola system and other associated amenities, facilities, and visitor attractions; and

WHEREAS, the Assembly appropriated $2,000,000 for the purpose of a used gondola (Ordinance 2021-08(b)(am)(Z), Feb. 29, 2022); and

WHEREAS, shortly after the $2,000,000 was appropriated, Goldbelt, Inc., a local Alaska Native Corporation, reached out with a $10,000,000 offer to fund installation of the gondola and associated infrastructure (Ordinance 2022-63, Jan. 9, 2023; and Ordinance 2023-08, May 8, 2023); and

WHEREAS, the CBJ acquired a used gondola and needs to complete construction of the gondola system, which will require procurement of construction services and additional goods; and

WHEREAS, the CBJ needs to purchase additional gondola towers and parts (~$1.85M), refurbish the gear box, and purchase additional design work to maximize the benefits of an alternative procurement for construction services; and

WHEREAS, given the current design work plus the anticipated expenditures, the CBJ would have approximately $6.5M remaining for construction services and other necessary purchases; and

WHEREAS, the City and Borough of Juneau's conventional procurement method for construction projects is based on competitive bidding, with awards determined solely on the basis of price; and

WHEREAS, conventional construction projects typically reach 100% design before going out to bid and subsequent construction; and

WHEREAS, the Eaglecrest Pulse Gondola Construction Project, currently in design, is not suited to the traditional low-bid construction contract because of numerous elements of the project which contribute to its complexity; and

WHEREAS, the various component pieces purchased from Austria will form the backbone of the Eaglecrest Pulse Gondola with additional components including towers and the mid-mountain station supplementing the existing components and requiring new components significantly increasing the complexity of the design, installation, and construction work.

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

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

Section 2. CBJ Code 53.50. The provisions of CBJC 53.50 do not apply to this transaction and to the extent the alternative procurement authorized pursuant to this ordinance conflicts with provisions in CBJC 53.50, this ordinance controls.

Section 3. Maximum Dollar Amount. The alternative procurement authorized pursuant to this ordinance shall not exceed six million and five hundred thousand dollars ($6,500,000). The source of funds is the investment made by Goldbelt, Inc., pursuant to the Revenue Sharing Agreement entered into by the City and Borough of Juneau and approved by the Assembly in Ordinances 2022-63 and 2023-08 and any funds appropriated from other sources by the Assembly.

Section 4. Construction Manager at Risk Methodology. With a Construction Manager at Risk (CMAR) design-build procurement process for the Eaglecrest Pulse Gondola Construction Project, a construction management company will assume the risk for the Eaglecrest Pulse Gondola Construction Project, within a Guaranteed Maximum Price as a general contractor, and provide consultation to the City and Borough of Juneau regarding construction during and after design of the Eaglecrest Pulse Gondola Construction Project.

Section 5. Best Interest Finding. The Assembly concurs with the City Manager's best interest finding that a CMAR alternative procurement process is in the best interest of the City and Borough of Juneau and the public based on cost, timing, the benefit to users, and the potential to help Eaglecrest Ski Area become more economically successful and self-sufficient. This finding is premised upon the following:

(a) Eaglecrest Ski Area is a vital CBJ asset that is beloved by the community, which contributes greatly to the quality of life, and physical, mental, and emotional health of the people of Juneau; and

(b) Eaglecrest Ski Area needs to expand its summer operations to generate resources to support the winter-time activities to allow for maximal use and enjoyment by the people of Juneau and also provide an alternative summer visitor activity; and

(c) The Eaglecrest Pulse Gondola Construction Project is complex and includes significant challenges including environment, logistics, safety, timing, expense, and satisfactory completion, all of which must be anticipated and managed; and

(d) The CMAR alternative procurement process can help CBJ meet the numerous and varied challenges by allowing Eaglecrest Ski Area and the design team to anticipate and address issues that arise by close collaboration with the construction team to minimize threats to infrastructure and the environment and to increase the likelihood of a safe, timely, and successful Eaglecrest Pulse Gondola Construction Project.

Section 6. Criteria for Selection of a Construction Manager at Risk Procurement. The procurement shall include qualifications-based selection criteria designed to provide CBJ with the best value, including the following terms:

1. Firm qualifications
2. Experience with similar projects
3. Personnel proposed
4. Safety record
5. Project understanding and approach
6. Quality control program
7. Pre-construction service fees

Section 7. Best and Final Offer Process. The selected vendor shall enter into negotiations with the City and Borough of Juneau to provide a final scope of contracted services with a final guaranteed maximum price.

Section 8. Approval Process. The City Manager is authorized to competitively solicit proposals, rate the proposals consistent with the criteria prescribed by this ordinance, and present a recommended CMAR company proposal to the Assembly for approval.

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ___________________________ 2024.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk