

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

February 7, 2022 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No: 2022-03 <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar
ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. Assemblymembers will be meeting in person, to the extent possible. **In-person public participation will be limited on a first come, first served basis in accordance with room capacity protocols. All attendees will be required to wear a mask regardless of vaccination status.** *Attendees in excess of the room capacity protocols may be requested to participate via Zoom webinar.* Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

V. APPROVAL OF MINUTES

A. October 25, 2021 Assembly Reorganization Meeting #2021-25 Draft Minutes

B. November 22, 2021 Assembly Meeting #2021-26 Draft Minutes

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ord. 2022-04 An Ordinance Amending the Parking Requirements of the Land Use Code.**

This ordinance would repeal and replace large portions of the parking regulations in the CBJ. Notably, the existing parking districts would change, and the proposed downtown parking district would no longer have parking requirements. Additionally, this ordinance expands the applicability of parking waivers and fee-in-lieu for most parking requirements.

This ordinance was developed through eleven Title 49 Committee meetings, one Planning Commission Committee of the Whole, and two Planning Commission regular meetings. On January 25, 2022, the Planning Commission recommended the Assembly adopt this ordinance.

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

b. **Ord. 2022-10 An Ordinance Amending the Land Use Code Regarding Marijuana Establishment Requirements.**

This ordinance would remove the five-year conditional use permit review and insert a marijuana establishment abandonment provision. The five-year review requirement has not resulted in any substantive revisions to existing conditional use permits, and repealing it would ease a unique burden imposed on marijuana businesses.

The Planning Commission recommended adopting this ordinance at its meeting on January 25, 2022.

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

c. **Ord. 2022-11 An Ordinance Amending the Street Vending Requirements of Title 62 Regarding Parking.**

The CBJ regulates street vending to specific parking districts with a permit. This is a companion ordinance to the parking ordinance (Ordinance 2022-04) to keep the parking district names consistent. If the new parking districts maps are adopted in Ordinance 2022-04, then this ordinance would amend the street vending opportunities to be consistent with the new parking districts.

This ordinance topic was included in the January 25, 2022, Planning Commission meeting.

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

d. **Ordinance 2022-12 An Ordinance Amending the Comprehensive Plan Related to the Long Range Waterfront Plan.**

The Long Range Waterfront Plan amendment includes direct replacement of text and an image to amend the tidelands portion of planning Area B to allow for a large cruise ship berth and moorage for government vessels. The amendment framework on page 63 of the LRWP contemplates a cruise ship dock at the Subport and includes a set of recommendations for such a development. The revised Appendix B includes the amendment criteria in the LRWP and the criteria established by the Visitor Industry Task Force in context with the proposed amendment.

The Manager recommends the Assembly introduce this ordinance and set it for public testimony at the February 28, 2022 meeting and for public hearing at the March 7, 2022 meeting.

- e. **Ordinance 2022-13 An Ordinance Repealing the Confidentiality Provision for Real Estate Transaction Disclosures and Establishing a Penalty for Failure to Disclose a Real Estate Transaction.**

In late 2020, Ordinance 2020-47 was enacted and it generally required buyers to disclose property sale information to the CBJ Assessor, who was then required to keep those sale disclosures confidential. The confidentiality provision was included to encourage disclosures. Unfortunately, property sale disclosure rates have not increased, and the confidentiality provision has created inequities. This ordinance repeals the confidentiality provision and imposes a civil penalty of \$50 per day if a property sale disclosure is not provided within 90 days. The ultimate goal of property sale disclosures is still to ensure assessments comply with state statute and property taxation is equitable.

The Assembly Finance Committee reviewed this topic on May 28, 2021, and reviewed this ordinance on February 2, 2022.

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

- f. **Ordinance 2021-08(b)(am)(W) An Ordinance Transferring \$720,000 from CIP B55-078 RRC Detox Additions, CIP B55-082 Hospital Deferred Maintenance, and CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-141 Hospital Drive and Site Improvements.**

This request would provide \$720,000 in funding to repair multiple water and wastewater issues associated with the upper hospital campus from the Rainforest Recovery Center to the new Behavioral Health Facility, prior to the new facility's completion. Nearly all of the proposed transfers are reallocating funds from completed projects; the only ongoing project will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

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

- g. **Ordinance 2021-08(b)(am)(X) An Ordinance Appropriating \$20,000,000 to the Manager for the Planning, Design, and Construction of Bond-Funded Capital Improvement Projects at Bartlett Regional Hospital, and Deappropriating \$4,000,000 from the Manager for the Crisis Stabilization Capital Improvement Project; Funding Provided by Hospital Revenue Bond Proceeds.**

This ordinance would appropriate \$20,000,000 of bond proceeds for the planning, design, and construction of the following projects at Bartlett Regional Hospital (BRH):

Emergency Department Addition (CIP B55-083)
\$12,000,000

Crisis Stabilization Center (CIP B55-080)
8,000,000

\$

This ordinance deappropriates \$4,000,000 of BRH fund balance which was previously appropriated to partially fund the Crisis Stabilization CIP. The net effect is a shift of costs from BRH fund balance to bond proceeds, which preserves BRH fund balance for other uses.

The Hospital Board and Assembly Finance Committee have approved the debt issuance which is expected to close in mid-April.

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

- h. **Ordinance 2021-08(b)(am)(Y) An Ordinance Appropriating \$25,000 to the Manager for a Grant to Sealaska Heritage Institute for the 2022 Celebration Event; Funding Provided by General Funds.**

This ordinance would appropriate \$25,000 of general funds for a grant to Sealaska Heritage Institute to support the 2022 Celebration event. Due to uncertainty surrounding the pandemic, this grant was removed from the fiscal year 2022 budget. Prior to this fiscal year, funding for this event has been included biennially in past budgets, and a similar grant will be included biennially in future budgets.

The Assembly Finance Committee reviewed this request at its February 2, 2022 meeting.

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

- i. **Ordinance 2021-08(b)(am)(Z) An Ordinance Appropriating up to \$2,000,000 to the Manager for the Purchase of a Used Gondola for Eaglecrest Ski Area; Funding Provided by General Funds.**

Eaglecrest staff has identified a used gondola (an aerial mountain lift with enclosed cars as opposed to open chairs) in Austria that can be purchased for \$2,000,000; inclusive of the shipping to Juneau. The gondola is appropriately sized and scaled for installation at Eaglecrest to facilitate all-season access to the top of the mountain. This ordinance would appropriate general funds for the purpose of purchasing the gondola and getting it delivered to Juneau. Once received, the gondola could not be installed until Eaglecrest secures additional funding for the necessary mountain improvements—including the base station, towers, and summit station—necessary to facilitate the installation, estimated to be an additional \$4,500,000.

Assembly Finance Committee reviewed this request at the February 2, 2022 meeting.

The 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.

2. Resolutions

- a. **Resolution 2968 A Resolution Naming City and Borough of Juneau Property Legally Described as Archipelago Lot 2A "Peratrovich**

Plaza" in Honor of Elizabeth Peratrovich

In December 2020, Docks & Harbors completed Phase I of the Downtown Waterfront Improvement project which expanded the Seawalk and added a bus staging area. This property owned by CBJ is recognized as Archipelago Lot 2A. The term Archipelago is often used by CBJ staff and downtown patrons to generally describe this area. Docks & Harbors staff has contemplated other appropriate names which would provide wayfinding opportunities to this area along the waterfront, but none were generally descriptive to the new development. In September, Ms. Crystal Worl, in partnership with CBJ and Sealaska Heritage Institute (SHI), created and installed a 60 foot by 28 foot mural of Elizabeth Peratrovich along the face of the southeast wall of the Marine Parking Garage. This mural is now a prominent feature along the waterfront.

At its October 28 regular meeting, the Docks & Harbors Board voted to recommend the Assembly change the name of this area from Archipelago Lot 2A to Peratrovich Plaza. Docks & Harbors has consulted with Elizabeth's son (Roy Jr.) and Elizabeth's granddaughter (Betsy) as well as the artist and SHI. All have had favorable responses to the name change.

The Assembly Human Resources Committee reviewed this at its meeting on January 10, 2021. The Systemic Racism Review Committee considered this ordinance at its December 14, 2021, meeting, and forwarded it to the Assembly.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2977 A Resolution Amending the City and Borough Personnel Rules to Establish a Threshold Wage for All Current and Future Eaglecrest Employees Based on the State of Alaska's Minimum Wage.**

This resolution would approve CBJ personnel rule changes recently approved by the Eaglecrest Board of Directors, so that no current or future Eaglecrest employee will be paid below Alaska minimum wage. An attached memorandum from Director Hargrave describes the changes in more detail.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

- a. **Bid Award: BE22-188 Meadow Lane Improvements**

This project generally includes reconstruction of Meadow Lane between Stikine Street and the southern end.

Bids on this project were opened on January 26, 2022. Results of the bid opening are as follows:

BIDDER	TOTAL BID
Coogan Construction Co.	\$2,088,347.00
<i>Engineer's Estimate</i>	\$2,160,052.00

The City Manager recommends awarding this project to Coogan Construction Co. for the total amount bid of \$2,088,347.00.

4. Liquor License

a. **Liquor License Renewal & Transfers**

These liquor license actions are before the Assembly to either protest or waive its right to protest the license actions.

Liquor License Renewal

License Type: Wholesale-General, License #5294

Licensee: GFA Corporation d/b/a Co-Ho Imports AK

Location: 2092 Jordan Ave. Suite 550, Juneau

Liquor License Transfers of Controlling Interest

License Type: Beverage Dispensary, License #3695

Licensee: South of the Bridge LLC d/b/a Louie's Douglas Inn

Location: 915 3rd Street, Douglas

License Type: Recreational Site-Grandfathered AS04.11.201(d), License #5711

Licensee: South of the Bridge LLC d/b/a The Old Tower Bar @ Eaglecrest

Location: 3000 Fish Creek Rd, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities) and Community Development departments have reviewed the above licenses and recommended the Assembly waive its right to protest the renewal and transfer applications. 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 renewal and transfers.

5. Other Items for consent

a. **Marijuana License Renewal for License #11605**

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal application.

Marijuana License Renewal

License Type: Standard Marijuana Cultivation Facility License: #11605

Licensee: Always Redeye LLC, d/b/a Stoned Salmon Farms

Location: 2005 Anka St., Juneau

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. The Assembly packet contains the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #11605.

6. Transfers

- a. **Transfer Request T-1041 A Transfer of \$1,401,033 from Various Capital Improvement Projects to CIP R72-161 Misty Ln. Reconstruction, CIP R72-156 Harris St. Reconstruction, CIP R72-132 Calhoun Ave. Improvements – Main to Gold, and CIP R72-151 Robbie Rd., Ling Ct., and Laurie Ln.**

This request would transfer \$1,401,033 to capital improvement projects in the design process in preparation for bidding for the 2022 construction season. The requested transfers are in response to significant cost escalation that has occurred over the past year due to inflation, supply chain issues, and other economic factors. This funding is provided by projects nearing completion or that are ready to be closed; any ongoing projects will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

The Manager recommends approval of this transfer.

- b. **Transfer Request T-1042 A Transfer of \$496,725 from CIP U76-115 Kaiser Forcemain Replacement and CIP U76-121 Collection System Pump Station Upgrade to CIP U76-100 Glacier Hwy. Sewer – Anka to Walmart.**

The Kaiser Forcemain Replacement CIP is complete and ready to close with \$296,725 available funding remaining. This request will transfer the remaining funding from the Kaiser Forcemain Replacement CIP and \$200,000 from the Collection System Pump Station Upgrade CIP to the Glacier Highway Sewer – Anka to Walmart CIP. The total transfer of \$496,725 will provide for the relocation of the Gruening Park pump station generator building and associated wastewater infrastructure that the Alaska Department of Transportation (ADOT) has requested be removed from the right-of-way to accommodate ADOT's Glacier Highway reconstruction project.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

The Manager recommends approval of this transfer.

IX. PUBLIC HEARING

- A. **Ordinance 2021-35 An Ordinance Amending the Land Use Code to Create a Mixed Use 3 (MU3) Zoning District, a Neighborhood Commercial (NC) Zoning District.**

The public has expressed an interest to allow small-scale commercial uses in higher density multi-family residential neighborhoods. There is also an interest to allow neighborhood-scale mixed-use development along commercial corridors. The zoning districts currently adopted in Title 49 do not adequately accommodate those interests, and the proposed NC and MU3 zoning districts would change that.

Some key features of these new districts include smaller lot sizes, densities ranging from 15 to 30 dwelling units per acre, a prohibition on new single-family development, building height limits of 35 feet, and increased setbacks and landscaping requirements when abutting a single-family residential zoning district.

The Planning Commission discussed this topic on June 22, 2021, and recommended that the Assembly adopt this ordinance.

The Lands, Housing and Economic Development Committee discussed this topic on August 30, 2021, and recommended that the Assembly adopt this ordinance.

The Systemic Racism Review Committee (SRRC) discussed this ordinance on December 14, 2021, and recommended forwarding to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

- B. Ordinance 2021-43 An Ordinance Providing for the Issuance and Sale of Hospital Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed \$20,000,000 to Provide Financing for Capital Improvements to Bartlett Regional Hospital; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.**

This ordinance would allow Bartlett Regional Hospital to issue up to \$20 million of revenue bonds to partially fund the construction of the Crisis Stabilization Center and renovations to the Emergency Department. These bonds would be repaid entirely from Hospital revenues, and do not commit any CBJ general funds for future repayment. These bonds are expected to be repaid over 20 years.

The Hospital Board reviewed this request at its September meeting. The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting. The Systemic Racism Review Committee reviewed this request at its January 11, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

- C. Ordinance 2021-08(b)(am)(V) An Ordinance Appropriating \$265,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.**

This ordinance would appropriate \$265,000 as funding to partially relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. The Federal Lands Access Program is administered through the Federal Highway Administration to improve access from non-federal lands to federal lands with an emphasis on high-use recreation sites. A local match requirement of \$28,787 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix will reconstruct the trail in 2022 and 2023.

The Systemic Racism Review Committee reviewed this request at its January 11, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

- D. Ordinance 2022-02 An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Private Dock Owners.**

Docks & Harbors does not currently have the authority under to manage private dock reservations. In 2021, Ordinance 2020-38 authorized a one-year pilot program so Docks & Harbors could accommodate Goldbelt Inc.'s request for managing the reservations at the Seadrome Dock and Merchant's Wharf Float. The pilot program was successful. This ordinance would amend Title 85 by making the pilot program permanent.

The Docks & Harbors Board believes a moorage reservation system operated by Docks and Harbors provides both efficiencies and cost savings for the private owner and D&H. The Board considered this action at its December 8 Operations-Planning Meeting and its December 16 regular board meeting. The Docks & Harbors Board will hold a public hearing on for this ordinance on January 19.

The Manager recommends the Assembly adopt this ordinance.

E. **Ordinance 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.**

The ordinance involves a rezone request and Comprehensive Plan amendment for a 15-acre parcel near on North Douglas approximately 1 mile north of the Juneau-Douglas Bridge.

The applicant requested a rezone from D-15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions and a Comprehensive Plan map amendment. On May 11, 2021, the Planning Commission, instead, recommended a rezone from D15 to Light Commercial because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

On August 2, 2021, the Assembly tabled Ordinance 2021-27, which would have amended the Comprehensive Plan for this property from Medium Density Residential to High Density Residential.

The Assembly Committee of the Whole discussed this ordinance on July 19, 2021. On August 2, 2021, the Assembly held a public hearing, amended the ordinance with a public infrastructure condition, and a member gave notice of reconsideration. On August 23, 2021, the Assembly reconsidered the rezone ordinance and referred it back to Assembly Committee of the Whole. On December 20, 2021, the Assembly Committee of the Whole forwarded the ordinance to the Assembly for public hearing.

On January 3, 2022, the Systemic Racism Review Committee concluded the ordinance would likely perpetuate systemic racism. The Committee identified the Light Commercial rezone would benefit the developer; the boat storage intended by the developer would benefit people that have enough income to pay for boat storage; and the Light Commercial zoning district as compared to the D-15 zoning district would likely harm people in need of housing, which are disproportionately racial minorities. The Committee questioned whether the 500 feet of public notice was meaningful, identified the lack of public support in the record, questioned the legal compliance with the Comprehensive Plan, and recommended the Assembly seek additional public input.

The Assembly Committee of the Whole considered this ordinance again on January 24, 2022.

This is a policy matter for the Assembly and the City Manager does not have a recommendation.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS**A. Regulation 05 CBJAC 15.060 Vessel Lightering Fee**

05 CBJAC 15.060 Vessel lightering fee

Docks & Harbors proposes a regulation change to 05 CBJAC 15.060 which is assessed on anchored cruise ships dropping off or picking up passengers at CBJ owned downtown facilities. In calendar year 2019, this fee netted the Docks Enterprise \$16,200. The proposed change would increase the fee charged to the cruise ship from \$600 to \$1700 per day and adjust annually to the Consumer Price Index. This fee has not been changed since 2005. Additionally, the regulation updates the language to reflect the new lightering float which has been relocated to the Port Field Office Float, behind the Goldbelt Tram Building.

New US Coast Guard regulations require additional port security personnel to achieve compliance under the mandatory Facility Security Plan. Docks & Harbors has adjusted the upcoming budgets to reflect additional staffing level needs. This increase will help to improve the revenue forecast. The current 2022 schedule anticipates 55 cruise ship lightering days.

The Board considered this action at its November 9 Finance Subcommittee Meeting, November 10 Operations-Planning Meeting, and November 18 regular board meeting. After the requisite minimum 21-day notice period, the Docks & Harbors Board held a public hearing at a special board meeting on January 19. There were no written or oral comments to this regulation change.

The City Manager recommends the Assembly adopt this regulation.

XII. STAFF REPORTS**XIII. ASSEMBLY REPORTS**

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports
 - 1. **Oral update from the Municipal Attorney**

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**XV. EXECUTIVE SESSION**

- A. **Collective Bargaining Contract Negotiation Strategy**

XVI. SUPPLEMENTAL MATERIALS

- A. Assembly Goals and Objectives 2022

XVII. ADJOURNMENT

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.org