

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

December 13, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No. 2021-28 <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar
ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Report on JPD Accreditation

B. Public Participation Instructions

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. Members who are participating via Zoom should raise their virtual hand when wishing to speak on an item open for public testimony. Participants calling into the meeting via Zoom will need to press #9 to raise their virtual hand and then press #6 to unmute their phone when they are called upon to speak.

For up to the minute meeting calendar/details with links to the Zoom webinars, check our online CBJ Meeting Calendar at <https://juneau.org/calendar>.

V. APPROVAL OF MINUTES

A. August 2, 2021 Regular Assembly Meeting #2021-19 DRAFT Minutes

B. September 13, 2021 Regular Assembly Meeting #2021-23 DRAFT Minutes

- C. **December 1, 2021 Special Assembly Meeting #2021-27 DRAFT Minutes**
- D. **December 4, 2021 Special Assembly Meeting Retreat-Worksession 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. **Ordinance 2021-08(b)(am)(S) An Ordinance Appropriating \$2,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds.**

This ordinance would appropriate \$2,000,000 of general funds for the Capital Civic Center CIP. This project is an expansion of Centennial Hall that will include upgrades to satisfy the goals of the business community, the travel industry, and the arts economy. This appropriation would provide funds for a 30% complete plan set that would be adequate for a more detailed cost estimate of the entire project.

The Committee of the Whole reviewed this request at its November 29, 2021 meeting. The Assembly Finance Committee will review this request at the January 5, 2022 meeting.

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

- b. **Ordinance 2021-08(b)(am)(T) An Ordinance Appropriating \$2,500,000 to the Manager for the Augustus Brown Pool Capital Improvement Project; Funding Provided by General Funds.**

Delaying renovation of Augustus Brown Pool has substantially increased costs due to inflation, supply chain issues, and limited competition in the pool specialty trade. This ordinance would provide \$2,500,000 of general funds to satisfy the additional funding needs of completing the project scope of work.

The Public Works and Facilities Committee reviewed this request at the November 29, 2021 meeting. The Assembly Finance Committee will review this request at the January 5, 2022 meeting.

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

- c. **Ordinance 2021-08(b)(am)(U) An Ordinance Appropriating \$500,000**

to the Manager for the Centennial Hall Renovation Phase 2 Capital Improvement Project; Funding Provided by General Funds.

The design and bid process for renovations to Centennial Hall are proceeding, but as a result of inflation and supply chain issues, the costs are estimated to be higher than anticipated. Seismic bracing has also been identified as an additional recommended improvement. This ordinance would provide \$500,000 of general funds to satisfy the additional funding needs of completing the project scope of work.

The Public Works and Facilities Committee reviewed this request at the November 29, 2021 meeting. The Assembly Finance Committee will review this request at the January 5, 2022 meeting.

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

d. **Ordinance 2022-01 An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power.**

In 2008, a massive avalanche damaged the hydroelectric lines. Electrical power costs for CBJ residents and businesses increased dramatically. The Assembly responded and temporarily exempted the cost of power adjustments on electrical power from sales tax. (Em. Ord. 2008-17; Ord. 2008-31). However, the exemption has inadvertently remained in the sales tax code. Because the Assembly in 2008 only intended the exemption for cost of power adjustments to be temporary, this ordinance would repeal that sales tax exemption.

The Manager recommends the Assembly introduce this ordinance, and refer it to the Finance Committee.

e. **Ordinance 2022-03 An Ordinance Authorizing the Municipal Attorney to Update Monetary Values Pursuant to Adjustment Provisions in Previously Adopted Legislation.**

Various CBJ ordinances, resolutions, and regulations have automatic monetary adjustment provisions tied to the Consumer Price Index or other inflation metrics. This ordinance would clarify that the Municipal Attorney is authorized to update those monetary values in the published CBJ Code pursuant to the previously adopted legislation.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Finance Committee.

2. Resolutions

a. **Resolution 2971 A Resolution Supporting New Broad-based Taxation as Part of a Long-term State Fiscal Plan, and Opposing a Statewide Sales Tax.**

Continued reductions to state services threaten the health of Juneau's economy and the well-being of Juneau's residents. To avoid continued reductions to state services, the State of Alaska must adopt and implement a long-term fiscal plan. The adoption and implementation of a long-term fiscal plan that fully funds essential government services

will require new broad-based revenues. The Legislature is currently considering a statewide sales tax, an income tax, and other revenue measures as part of a long-term fiscal plan. Municipalities have long funded local government services by imposing local sales taxes carefully tailored to the needs of their local residents and economies. A statewide sales tax combined with existing local sales taxes will eventually result in communities reducing local sales tax rates and increasing local property tax rates to continue delivering essential municipal services and an income tax would tax workers in Alaska based on income and ability to pay.

The Assembly Finance Committee recommended this resolution at its meeting on December 1, 2021.

The Manager recommends the Assembly adopt this resolution.

3. Bid Award
4. Liquor License

a. **Liquor License Transfer of Location**

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

Liquor License Transfer of Location

License Type: Restaurant/Eating Place, License #5278

Licensee: Abigail May LaForce Barnett d/b/a Zerelda's Bistro

Transfer From Location: 9351 Glacier Hwy, Juneau

Transfer To Location: 9106 Mendenhall Mall Rd Suite B, Juneau

Staff from the 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 this license 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 of location.

5. Other Items for consent

a. **CSP 2021-0003 Meadow Lane Improvements**

The Meadow Lane Improvements project will reconstruct the roadway between Stikine Street and the southern end loop. Improvements will include replacement of the road base and asphalt with the addition of a valley gutter along both sides of the roadway. The water main and sanitary sewer main will be replaced, including service laterals up to the property line. The existing deep ditches will be filled in with shallow swales, and drainage will be collected via curb inlets and area drains into an underground system.

The City Manager recommends the Assembly approve this project consistent with the Planning Commission's recommendation.

b. **Marijuana License Renewal**

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

Marijuana Renewal License

License Type: Limited Marijuana Cultivation Facility License: #15209

Licensee: Herb'n Legends LLC d/b/a Herb'n Legends LLC

Location: 2771 Sherwood Lane Unit D, Juneau

(AMCO 60-day comment period ends: 1/8/2022)

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 #15209.

IX. PUBLIC HEARING

A. Ordinance 2021-40 An Ordinance Amending Title 40 Regarding the Hospital Board of Directors Authority.

Over the last few years, Bartlett Regional Hospital has seen high demand for certain medical services, especially behavioral health services. The BRH Board has been reviewing its campus plan and determined the increased demand on medical services is best met by buying or leasing property off of the hospital campus. This ordinance is one step to allowing the BRH Board of Directors to buy or lease property away from the hospital. If the BRH Board of Directors wants to buy property, the Board would also need to request a specific appropriation from the Assembly, which would need to be approved by a separate ordinance. (See CBJC 53.04.020). If the BRH Board of Directors wants to provide emergency medical services, like emergency behavioral health services, outside of the City and Borough of Juneau, the Board would also need to request specific authority from the Assembly, which would likely need to be approved by the other municipality. (See CBJ Charter 2.3 and A.S. 29.35.020).

The Systemic Racism Review Committee reviewed this ordinance on October 26, 2021, and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-44 An Ordinance Amending the Uniform Sales Tax Code Related to the Sale of Goods and Services Aboard Cruise Ships.

This ordinance would require the collection of sales tax on the sales of goods and services on-board cruise vessels while in the Gastineau Channel. Sales that occur inside the borough boundary but outside the Gastineau Channel would remain exempt.

The Assembly or Assembly Finance Committee considered this ordinance and its predecessor (Ord. 2020-48) on September 2, 2020; October 27, 2020; and November 3, 2021.

The Systemic Racism Review Committee reviewed this request at the November 23, 2021, meeting and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-45 An Ordinance Authorizing the Docks and Harbors Board to Lease ATS 615 in Tee Harbor to Lisa Haffner-Ritter on behalf of Donohue's Marina LLC.

This ordinance would allow the current lessee to exercise preferential rights to enter into a new 35-year lease with the City & Borough of Juneau. The existing 55-year lease was authorized by the State of Alaska in 1966, transferred to the City & Borough of Juneau in February 2001 and is currently managed by Docks & Harbors. The lessee, Lisa Haffner, is requesting to exercise preferential lease rights for the 3.18 acre parcel which is located in Tee Harbor. 35 years is the maximum lease length authorized under CBJ code. An appraisal was completed by Horan & Company on October 12 with a recommended lease rent of \$5,545.12 annually. The Docks & Harbors Board reviewed the lease request and appraisal at its October 28 regular board meeting. The Systemic Racism Review Committee reviewed this ordinance on November 23, 2021, and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2021-08(b)(am)(P) An Ordinance Appropriating up to \$2,880,000 to the Manager for the Purchase of 2.8 Acres from the University of Alaska Southeast for the Juneau Fisheries Terminal; Funding Provided by General Funds.

This ordinance would appropriate partial funding for the purchase of approximately 35,000 square feet of uplands and two acres of tidelands from the University of Alaska Southeast (UAS). Docks and Harbors is currently leasing this property from UAS to support commercial fisheries and commercial boat repair activity. Continuation of the lease after expiration in May 2022 will result in a significant increase in leasing costs to the Docks and Harbors enterprise, which cannot be recovered through existing subleases. Investment in the purchase of this property will reduce ongoing operating costs and alleviate pressure on Docks and Harbors user fees.

The total cost of the property is \$2,880,000, of which \$2,000,000 would be funded with general funds and appropriated at this time. The remaining \$880,000 would be funded by the Harbors Fund and appropriated once an available fund source has been determined.

The Committee of the Whole reviewed this request at the November 1, 2021 meeting. The Assembly Finance Committee reviewed this request at the December 1, 2021 meeting. The Systemic Racism Review Committee reviewed this ordinance on November 23, 2021, and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2021-08(b)(am)(O) An Ordinance Appropriating \$5,500,000 to the Manager as Funding for the Seawalk and Statter Harbor Phase IIIC Capital Improvement Projects; Funding Provided by General Funds.

This ordinance would appropriate \$5,500,000 of general funds for the Seawalk and Statter Harbor Phase IIIC capital improvement projects, to be appropriated as follows:

Statter Harbor Phase IIIC (H51-108)	\$3,000,000
Seawalk (H51-113)	\$2,500,000

This appropriation provides for CBJ's commitment to the cruise industry of \$3 million of non-passenger fee funding towards the completion of the Statter Harbor Phase IIIC project. Funding appropriated for the Seawalk project provides for a triangular shaped portion of marine walk in front of Marine Park.

The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting. The Systemic Racism Review Committee reviewed this request at the November 23, 2021 meeting and

forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly forward this ordinance to the January 5, 2022 Assembly Finance Committee for further discussion.

F. Ordinance 2021-08(b)(am)(Q) An Ordinance Appropriating \$150,000 to the Manager for a Grant to the Juneau Community Foundation to Support Sheltering Operations at The Glory Hall; Funding Provided by General Funds.

This ordinance would appropriate \$150,000 of general funds for a grant to the Juneau Community Foundation (JCF) to support sheltering operations at The Glory Hall. Future funding for this purpose may be considered upon a request from JCF as part of CBJ's annual budget process.

The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting. The Systemic Racism Review Committee reviewed this request at the November 23, 2021 meeting and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

G. Ordinance 2021-08(b)(am)(R) An Ordinance Appropriating \$570,000 to the Manager for Expanded Mobile Integrated Health Services in Fiscal Year 2022; Funding Provided by State Revenue and a Private Grant.

This ordinance would appropriate \$570,000 for expanded Mobile Integrated Health services in fiscal year 2022, to be funded as follows:

Southern Region EMS Council, Inc. (SREMISC)	\$540,000
Juneau Community Foundation Grant	\$ 30,000

The SREMISC is providing ARPA funds from the State of Alaska to contract CBJ to perform mobile integrated health services in the community. The Juneau Community Foundation is providing grant funding from Norwegian Cruise Lines for a community paramedic vehicle in support of the expanded services.

Revenue received from the contracted services will partially offset the use of general funds for CBJ's Mobile Integrated Health Program's fiscal year 2022 budgeted expenditures.

The Systemic Racism Review Committee reviewed this request at its November 23, 2021 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

A. Draft 2022 Assembly Goals

XI. NEW BUSINESS

A. Commercial Use of Municipal Aquatics Facilities Regulation 11 CBJAC 02

The proposed regulations would authorize the Aquatics Manager to issue permits for commercial use of aquatics facilities.

Staff presented the proposed regulations at the Aquatics Board meeting in November, 2019, and they were discussed among the full board at seven meetings over the course of 2020 and 2021.

The Assembly Human Resources Committee reviewed the proposed regulations at its November

22, 2021 meeting and recommended forwarding to the full Assembly for action.

The City Manager recommends that the Assembly approve the regulation.

B. Passenger-For-Hire Fee Regulation Change 05 CBJAC 20.080

This regulation would increase the per charter vessel and per passenger fees by 10%. The newly completed Statter for Hire Floats offer substantial economic benefits for the charter vessel companies. The D&H Board delayed this regulation amendment in 2021 due to COVID uncertainty and has proactively informed charter operators that a modest rate increase would be proposed, which gives the business community ample time to adjust their 2022 rates. The 10% change is expected to raise \$15,000 in revenue to the Harbor Enterprise.

The D&H Board has discussed this topic 11 times in the last year. On December 8, 2021, the D&H Board held the required public hearing.

In addition to the publicly noticed Docks & Harbors meetings, the proposed changes were advertised via Docks & Harbors Facebook, the monthly newsletter THE TIDE LINE and discussed on monthly episodes of Action Line with Pete Carran. The TBMP coordinator also notified the membership of Docks & Harbors' proposed changes.

The City Manager recommends that the Assembly approve the regulation.

XII. STAFF REPORTS

XIII.ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

A. Collective Bargaining Contract Negotiation Strategy

The Manager recommends the Assembly recess into executive session to discuss matters the immediate knowledge of which could have a detrimental effect on city finances, specifically an update on collective bargaining.

B. Litigation Strategy Discussion

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.

XVI.SUPPLEMENTAL MATERIALS

- A. JPD Accreditation Award 2021-2024

XVIIADJOURNMENT

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