

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

September 13, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No. 2021-23 <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. 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. July 28, 2021 Special Assembly Meeting #2021-18 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 2021-38 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Honsinger Pond Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11; Located Near 7900 Honsinger Drive.**

The developer of the Honsinger Pond Subdivision requested to rezone nine lots (2, 3, 4, 5, 6, 10, 11, 12 and 13) from Industrial to General Commercial. The Planning Commission, on August 10, 2021, found the proposal was for more than two acres, expanded an existing zoning district, and substantially conformed to the Resource Development designation of the Comprehensive Plan maps. However, the Planning Commission recommended the Assembly rezone different lots (~~2~~, 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~12, and 13~~) because of the noise concerns from the airport, height compatibility with the airport, wildlife conflicts at the airport, visibility from Egan, and align with nearby existing land uses.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Lands, Housing, and Economic Development Committee.

b. **Ordinance 2021-42 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.**

The existing COVID-19 Community Mitigation Strategies (Ord. 2021-33am) are set to expire on October 31, 2021. Due to a surge of COVID-19 case activity, increased community spread, and significantly restricted medevac capacity, the Emergency Operations Center believes it is in the best interest of the community to extend the current COVID mitigation measures until June 1, 2022.

The Community Mitigation Measures are the same as adopted in Ordinance 2021-33 except the penalty section has been reinserted. The lack of a penalty provision has decreased the effectiveness of the mitigation measures and confused community messaging.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next special or regular Assembly meeting. A tentative special Assembly meeting can be scheduled for September 29, 2021.

c. **Ordinance 2020-09(BC) An Ordinance Appropriating to the Manager the Sum of \$7,260,772 to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2021 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$7,260,772 for the State of Alaska's FY2021 8.85% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	\$3,576,682
Bartlett Regional Hospital	\$3,684,090

Funding is provided by the Alaska Department of Administration, authorized by passage of HB205 during the 2020 legislative session.

This is a housekeeping ordinance to properly account for these on-behalf contributions

to the state-managed retirement fund and has no impact on the CBJ or BRH's finances.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

- d. **Ordinance 2020-10(C) An Ordinance Appropriating \$700,000 for a Portion of the Juneau School District's Fiscal Year 2021 Public Employees' Retirement System (PERS) and Teacher Retirement System (TRS) Contribution; Funding Provided by State Revenue.**

This ordinance would appropriate \$700,000 for a portion of the State of Alaska's FY2021 8.85% PERS and 17.91% TRS benefit rate paid on-behalf of the Juneau School District.

Funding is provided by the Alaska Department of Administration, authorized by the passage of HB205 during the 2020 legislative session.

The Juneau School District is required to budget these on-behalf contributions in their annual request. However, the FY21 budget was inadvertently based on prior-year rates. This ordinance reconciles the differences between the appropriated FY21 budget and the actual on-behalf contributions made by the state. This is a housekeeping ordinance to properly account for these on-behalf contributions, and has no impact on JSD or CBJ finances.

The Juneau School District Board will review this request at the September 14, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting. The Assembly Finance Committee will review this request at the September 29, 2021 meeting.

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

- e. **Ordinance 2020-09(BD) An Ordinance Transferring \$350,964 from the Marine Passenger Fee Fund to the Port Development Fee Fund for Port Management and Customs Operations.**

In FY2021 the City and Borough of Juneau was awarded a \$2.4 million designated legislative grant from state marine passenger fees to support the marine enterprise in responding to and mitigating the risk of COVID-19. Of this amount, \$2.1 million was used to offset lost passenger fee revenue by paying the debt obligation on the 16B dock bond. The remaining amount paid a portion of the Dock Department's port management and customs operational costs, which typically would have been supported by marine passenger fees.

This housekeeping ordinance would transfer \$350,964 of budget authority from the Marine Passenger Fee Fund to the Port Development Fee Fund to fund a portion of the Dock Department's operational costs from state marine passenger fees.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the

September 14, 2021 meeting.

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

f. **Ordinance 2020-09(BE) An Ordinance Appropriating to the Manager the Sum of \$20,900,000 as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2021 Operating Budget; Funding Provided by Various Sources.**

This ordinance would appropriate \$20,900,000 as partial funding for Bartlett Regional Hospital's (BRH) FY21 operations. BRH's operating costs increased substantially in FY21 due to the addition of a mental and behavioral health program, retention of staff for COVID-19 screening and triage, and elevated costs for personal protective equipment, oxygen, and medication. Additional unanticipated expenses included an upgrade to the hospital's HVAC system and the setup of a molecular lab.

This supplemental appropriation will be funded as follows:

Federal Revenue - CARES Act Provider Relief Funds & Misc. Grants	\$
7,100,000	
State Revenue - COVID-19 Response Funding	\$
4,000,000	
Private Grant – Premera (for Behavioral Health Facility)	\$
1,000,000	
Private Grant – Alaska Community Foundation	\$
900,000	
Additional Outpatient Revenue	\$
5,000,000	
Draw on Hospital Fund Balance	\$
2,900,000	

The Bartlett Regional Hospital Finance Committee reviewed this request at the September 10, 2021 meeting. The Bartlett Regional Hospital Board will review this request at the September 28, 2021 meeting. The Assembly Finance Committee will review this request at the September 29, 2021 meeting.

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

g. **Ordinance 2020-09(BF) An Ordinance Appropriating to the Manager the Sum of \$24,750,000 as Funding for the City and Borough of Juneau's Fiscal Year 2021 COVID-19 Related Costs; Funding Provided by State and Federal Revenue.**

This ordinance would appropriate \$24,750,000 for the City and Borough of Juneau's FY2021 COVID-19 related costs. State revenue from the Department of Health and Social Services (DHSS) is provided for COVID-19 screening costs at the Juneau International Airport and community testing and vaccination. Federal revenue is provided for public safety salaries, emergency hires, and commodities and services related to the pandemic. Federal revenue is comprised of funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Federal Emergency Management Agency (FEMA), American Rescue Plan Act (ARPA), and the U.S. Department of Justice (DOJ). Funding for this appropriation is estimated as follows:

<u>State Revenue:</u>	
DHSS COVID-19 Community Grant	\$ 423,600
DHSS Airport Screening	<u>\$ 1,100,000</u>
Total State Revenue:	\$ 1,523,600

<u>Federal Revenue:</u>	
CARES/FEMA Funding	\$ 20,267,500
ARPA Funding	\$ 2,858,900
DOJ Coronavirus Emergency Grant	<u>\$ 100,000</u>
Total Federal Revenue:	\$ 23,226,400

Total Revenue: \$ 24,750,000

Any expenditures ineligible for reimbursement from the funding sources listed above will be covered by general funds.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

- h. **Ordinance 2021-08(b)(am)(E) An Ordinance Appropriating \$24,000 to the Manager as Funding for a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.**

The Juneau Townsite Historic Neighborhood is a mixed-use commercial and residential neighborhood, located between the Downtown and Chicken Ridge historic districts. This ordinance would appropriate \$24,000 of grant funding to survey and inventory approximately 87 structures in the area and document their historical significance. This survey will determine whether the Juneau Townsite Historic Neighborhood is eligible to be listed on the National Register of Historic Places. The benefits of becoming a listed district include access to Historic Tax credits and Historic Preservation Fund grants. These benefits would be available for property owners for rehabilitation and maintenance work.

CBJ's Community Development Department, City Museum, and Historic Resources Advisory Committee will partner with a historic architecture consultant to perform the scope of work for this project. Total project costs are estimated to be \$41,659. The 40% local match requirement will be met with CBJ personnel service costs, for which expenditure authority has already been appropriated in the FY22 operating budget.

The Historic Resources Advisory Committee recommended CBJ staff apply for this grant at the February 3, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

- i. **Ordinance 2021-08(b)(am)(F) An Ordinance Appropriating \$24,730 to the Manager as Funding for Facility Security Enhancements for**

Docks and Harbors; Grant Funding Provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY21 Port Security Grant Program.

This ordinance would appropriate \$24,730 for the purchase and installation of security camera equipment for Docks and Harbors' Auke Bay Loading Facility. Grant funding in the amount of \$24,730 is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency. There is no local match requirement for this grant.

The Docks and Harbors Board will review this request at its September 30, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

j. **Ordinance 2021-08(b)(am)(G) An Ordinance Appropriating \$1,000,000 to the Manager for COVID-19 Emergency Response Management; Funding Provided by General Funds.**

This ordinance would provide \$1,000,000 of general funds for expenditures necessary to respond to the COVID-19 pandemic that are not otherwise reimbursed by the Federal Emergency Management Agency (FEMA) or the State of Alaska Department of Health and Social Services (DHSS). Anticipated response costs include COVID-19 testing, vaccination, public communications, personal protective equipment, sheltering of vulnerable populations, and quarantine and isolation.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

k. **Ordinance 2021-08(b)(am)(H) An Ordinance Appropriating \$120,000 to the Manager as Funding for a Grant Writer; Funding Provided by General Funds.**

In response to the economic downturn resulting from the COVID-19 pandemic, the federal government is infusing the economy with an unprecedented amount of federal stimulus. A significant amount of funding will be made available in grants to municipal governments and agencies. CBJ should make every effort to apply for grant opportunities that would bring funding to Juneau in support of established community priorities. To that end, this ordinance would appropriate \$120,000 of general funds for a centralized grant writer position to identify, prioritize, and pursue funding opportunities available to the city.

The Assembly Finance Committee reviewed this request at the September 1, 2021 meeting and directed CBJ staff to draft an appropriating ordinance for introduction. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

The City Manager recommends the Assembly introduce this ordinance and set it

for public hearing at the next regular Assembly meeting.

2. Resolutions

a. **Resolution 2964 A Resolution Authorizing the City and Borough of Juneau to Participate in Alaska Opioid Settlements.**

The State of Alaska independently sued four opioid producers and distributors: Johnson & Johnson, Amerisource Bergen, Cardinal Health, and McKesson. Those four opioid businesses have reached a tentative settlement agreement with the State that would provide up to \$26 billion in payments over eighteen years to the State and the nine municipalities that submitted claims, including the City and Borough of Juneau, if the CBJ participates in the settlement. Use of the settlement funds would be limited to opioid abatement, which has not been defined. Currently, the settlement agreements provide a distribution plan as follows: 70% general opioid abatement fund; 15% State opioid abatement fund; and 15% municipal opioid abatement fund. Given the proposed settlement agreements and assuming all nine municipalities participate, 15% would equate to about \$10 million to all nine municipalities. However, there is still room to negotiate with the State and the other municipalities to develop a stable distribution plan and define how the funds can be used to abate the current and future harm caused by opioids in the City and Borough of Juneau.

The City Manager recommends the Assembly adopt this resolution.

b. **Resolution 2965 A Resolution Renaming “Capital School Park” to “Capitol Park.”**

This resolution renames “Capital School Park” to “Capitol Park” in recognition of the park’s integral role in the Capitol Complex. Many Capitols around the nation include buildings and public outdoor spaces such as parks and plazas. The Juneau Community Foundation supported the reconstruction of the park with a donation from the Juneau Capitol Fund. This fund was established to enhance and improve the State Capitol Complex. At the September 7, 2021 meeting, the Parks and Recreation Advisory Committee recommended the park be renamed to “Capitol Park”.

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. **Liquor License Transfers & Liquor License Renewal**

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

Liquor License Transfers

Transfer of Ownership

License Type: Package Store, License #300

Transfer From: DeHart's LLC d/b/a DeHart's Grocery

Transfer To: Statter Harbor Food & Fuel LLC, d/b/a DeHart's Grocery

Location: 11735 Glacier Hwy, Juneau

Transfer of Controlling Interest

License Type: Restaurant/Eating Place, License #816

Licensee: El Sombrero Inc. d/b/a El Sombrero Mexican & American Food
Transfer From: Fritz Moser & Patricia Moser
Transfer To: Ryan Fagerstrom
Location: 157 S. Franklin St., Juneau

Liquor License Renewal

License Type: Restaurant/Eating Place, License #4493

Licensee: Kwang LLC d/b/a Little Tokyo

Location: 140 Seward St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest the transfer application and the renewal 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 transfers for liquor licenses #300 and #816 and the above-listed liquor license #4493 renewal.

4. Other Items for consent

a. **Marijuana License Renewals for Licenses: #25190 & #12176**

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

Marijuana License Renewals

License Type: Retail Marijuana Store License: #25190

Licensee: Alaskan Coffee Pot, LLC. d/b/a Alaskan Coffee Pot

Location: 2219 Dunn St., Juneau

(AMCO 60-day comment period ends: 10/24/2021)

License Type: Standard Marijuana Cultivation Facility License: #12176

Licensee: Taku Horticulture Company, LLC

Location: 1758 Anka Street Building B Suite A1., Juneau

(AMCO 60-day comment period ends: 10/1/2021)

The above marijuana license renewals are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed these renewals and found the businesses to be in compliance with CBJ Code. The assembly packet contains the AMCO notices 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 renewals of AMCO marijuana license #25190 and #12176.

IX. PUBLIC HEARING

- A. **Ordinance 2021-08(b)(am)(D) An Ordinance Appropriating \$700,000 to the Manager as Funding for the City and Borough of Juneau Ballot Processing Center Capital Improvement Project; Funding Provided by General Funds.**

At the August 9, 2021 Committee of the Whole meeting, the Assembly directed staff to draft an appropriation of \$700,000 to establish a Juneau ballot processing center. This ordinance would appropriate general funds to configure the Thane Warehouse as a ballot processing center, and fund the purchase and set up of election equipment to operate a vote-by-mail election. The work is anticipated to be complete in time to conduct the 2022 municipal election at the new processing center.

This request has been discussed during various Assembly and committee meetings since November, 2020.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

The Title 49 amendments in this ordinance are necessary to keep Title 49 consistent with state law, remove duplicative regulations, and provide greater certainty for regulating development near shoreline habitat. This ordinance would repeal the CBJ Coastal Zone Management provisions because the associated and dependent state law was repealed. This ordinance would also clarify the CBJ shoreline habitat provisions with the ordinary high water mark standard and exempt water-dependent uses.

The Lands Committee generally discussed shoreline habitat regulations at its meetings on April 12 and May 10, 2021. The Planning Commission discussed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The Assembly held a public hearing on this ordinance at its August 2, 2021 regular Assembly meeting and adopted a motion to refer this ordinance to the Committee of the Whole. The Committee of the Whole discussed this ordinance in a joint meeting with the Planning Commission on August 30, 2021 and recommended it be referred back to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-29(b) An Ordinance Amending the Sales Tax Code and the Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.

This ordinance would change the current sales tax incentive for sellers timely filing and remitting sales tax in the CBJ from a percentage-of-tax to a flat \$30 discount, regardless of filing frequency. Starting February 2022, this ordinance would also require sellers to timely file sales tax returns through the CBJ's eGov Portal to receive the discount. Approximately 12,350 paper returns are filed each year and wider use of the online eGov portal would improve the efficiencies in the CBJ Sales Tax Office. This ordinance would also repeal the duplicative incentive for the timely filing of Hotel-Motel Room Tax returns.

The Assembly Finance Committee discussed this ordinance at its meetings on June 2, 2021, August 18, 2021 and September 1, 2021.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2021-39 An Ordinance Removing or Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages.

In the spring of 2017, Ordinance 2017-02 was enacted, which created licensing standards for use of certain rights-of-ways for selling food and beverages. Section 5 of Ordinance 2017-02 imposed an automatic repeal clause (sunset date) of December 31, 2018, which was extended to December 31, 2021, by Ordinance 2018-46. The licensing standards created by Ordinance 2017-02 have been

used by food and beverage vendors without issue in the last four years.

Due to uncertainty on the success and public support on the use of rights-of-ways under this ordinance, it was a policy choice of the Assembly to adopt the sunset date. The Manager is unaware of adverse effects or substantive negative public comments and recommends that the sunset date be extended or eliminated as proposed in this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

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

There are four 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 these applications.

B. EDA Grant Opportunity/Eaglecrest Summer Operations

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. Assembly Salary Compensation Subcommittee Recommendation re: City Manager & City Attorney Compensation (Verbal Report)

XVI. SUPPLEMENTAL MATERIALS

A. New City Hall

Please see the attached supplemental materials related to a new City Hall, which will be discussed under Committee Reports.

B. RED FOLDER: BRH-Assembly Joint Committee Created

C. RED FOLDER: Housing and Development Task Force Created

D. Proclamation: Good Neighbor Day - September 28, 2021

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