THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes – August 2, 2021

MEETING NO. 2021-19: 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 7:00p.m.

I. FLAG SALUTE

II. LAND ACKNOLWEDGMENT

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!

III. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Deputy Mayor Loren Jones, Maria Gladziszewski, Wade Bryson, Michelle Hale, Christine Woll, Alicia Hughes-Skandijs, and Carole Triem (via Zoom).

Assemblymembers Absent: Greg Smith

Staff Present: City Manager Rorie Watt, Deputy City Managers Robert Barr and Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers, Parks and Recreation Director George Schaaf, Assistant City Attorney Sherri Layne, Community Development Director Jill Maclean.

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: Deputy Manager Mila Cosgrove

Each of the Assemblymembers expressed their gratitude for Ms. Cosgrove's service and role in their Assembly journey. They spoke to her steadfast belief in public service, her roles as a mentor and leader and the impact she has made at CBJ and the community as a whole.

Mayor Weldon recounted the wisdom from Ms. Cosgrove when she was employed in the Fire Department to "Be thoughtful, be fair, and be consistent" and she said she hopes she has lived up to that advice. Mayor Weldon thanked Ms. Cosgrove for several years of leadership, mentorship, and friendship.

Deputy Manager Robert Barr spoke to Ms. Cosgrove's exceptional efforts in leading the Emergency Operations Center as the Incident Commander (IC), and her genuine consideration of community wellbeing in her decision-making.

Ms. Gladziszewski thanked Ms. Cosgrove for her service and dedication to the City and Borough of Juneau.

Mr. Jones shared that he learned a lot from Ms. Cosgrove, especially from her attitude, her approach and appreciated everything she has done for the City. He wished her a happy retirement.

Mr. Bryson said that Ms. Cosgrove retirement was a significant loss for CBJ, speaking to the wisdom and thoughtfulness present in her approach to problem-solving. He added that she has been a wonderful person to work with, and she will be dearly missed.

Ms. Hughes-Skandijs thanked Ms. Cosgrove for her leadership and support, and recounted how welcoming Ms. Cosgrove was to her as a newly elected Assemblymember inviting her in for tea and chocolate for a calm and grounding tutorial filled with nuggets of wisdom with all things city related. Ms. Hughes-Skandijs commended Ms. Cosgrove for her everything she has done for the community, that calm demeanor and wise approach has been something she carried through in all she has accomplished at CBJ.

Mayor Weldon noted that while they are all public servants, Ms. Cosgrove's family members are also public servants in all that they have done to support Ms. Cosgrove's work on behalf of the community.

Ms. Woll said that while she hasn't had the opportunity to know Ms. Cosgrove as long as some of the other members, she appreciated getting to know her through their work with the Assembly Retreat during the Racial Equity trainings as well as her work with the Systemic Racism Review Committee. She lightheartedly joked that Ms. Cosgrove was indeed "woke" when it comes to racial equity.

Ms. Triem extended gratitude and appreciation towards Mila for her thoughtfulness and her dedication to public service, especially after this past year. She wished Ms. Cosgrove a relaxing, wonderful retirement.

Ms. Hale said she first met Ms. Cosgrove during mediation sessions and that Ms. Cosgrove needs more of that calm and relaxation as she enters retirement. Ms. Hale spoke to the gratitude and appreciation the Assembly felt towards Ms. Cosgrove, and presented her with a handmade quilt as a gift from the Assembly.

Mr. Watt recounted Ms. Cosgrove's tenure with the City, beginning in February 2006 when she filled out a job application as Personnel Director. She later became the Department Director of CBJ Human Resources and Risk Management and was so good that she also became the HR Director for both CBJ and Bartlett Regional Hospital at the same time. She has spent the past five and a half years as Deputy City Manager. Mr. Watt described Ms. Cosgrove as a star performer, not just by CBJ but nationwide. She has been credentialed and nationally recognized as an expert in her field. He said she has spent 15 years doing more than her share of the work and getting less than her share of the credit. During her time at CBJ, she modernized HR procedures, developed new tools to recruit, train, develop, and retain new employees. She developed a supervisory academy which has translated to much better supervisors, she jointly developed a leadership development program. Out of that program, there are several department directors who have graduated and are serving in leadership roles at CBJ. He said the backbone of any organization is its people and Ms. Cosgrove has been dedicated to its people and CBJ is a much stronger organization because of her. He commended her for her role as the Incident Commander (IC) since March 2020 and though that was not what she would have wanted her last year and half of CBJ employment to have been, she put her heart and soul into being an incredible IC.

Mr. Watt thanked Tom Cosgrove and their children Natalie and Coleman for sharing their wife and mother with the city and the community.

Ms. Cosgrove said she has been in public service for 30 years and it is what she really loves to do. She said she really fell in love with it when she began her work with CBJ due to the great culture and people of CBJ. She said that she hopes she left it a little bit better than when she started but it was already pretty darned good when she began. She said we all do what we do because we love the place in which we live and she said it is satisfying to serve our friends and our neighbors. It is important to leave it better than how we found it and to hold that future vision in mind, even when the waters are murky. She said that Ms. Watt was right in that she loves the organizational structure of things and she has felt honored to serve. She extended her gratitude to the employees of CBJ and told the community if they don't know what a treasure the community has in CBJ staff, they need to know how amazing the staff is and how hard they work on behalf of the community. She said the same thing about our Leadership Team and that Robert Barr may have big shoes to fill but he has big feet and is already doing a great job in filling those shoes. She extended her thanks and appreciation to Mr. Watt and to all the Assemblymembers.

B. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform.

V. APPROVAL OF MINUTES

A. July 12, 2021 Special Assembly Meeting DRAFT Minutes

B. July 12, 2021 Regular Assembly Meeting #2021-17 DRAFT Minutes

MOTION by Ms. Hale for the Assembly to approve of the above meeting minutes, and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested that Consent Agenda Item 4(A) – Marijuana Licenses be corrected from "Renewal" to "New Business", as it is not a license renewal. *Hearing no objections, that request was granted by unanimous consent.*

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VI. 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 Mr. Jones for the Assembly to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objections, the Consent Agenda was adopted by unanimous consent.*

1. Ordinances for Introduction

a. Ordinance 2021-28 An Ordinance Amending Title 49, the Land Use Code, Related to Minimum Lot Depth.

This ordinance would remove the minimum lot depth requirement from Title 49. The minimum lot depth requirement has created unnecessary prohibitions on properties, especially infill subdivisions that otherwise need a variance. The community will continue to benefit by maintaining the minimum lot width and minimum lot size requirements for future subdivisions.

On July 13, 2021, the Planning Commission recommended the Assembly adopt this ordinance.

The City Manager recommends the Assembly introduce this ordinance; refer it to the Lands, Housing, and Economic Development Committee; and set it for public hearing at the next regular Assembly meeting.

b. Ordinance 2021-30 An Ordinance Amending the Sales Tax Code Regarding the Taxability of Services.

Recently adopted changes to the Uniform Alaska Remote Sellers Sales Tax Code (the Uniform Code) require CBJ to align the tax treatment of services performed locally but delivered outside of the borough. This ordinance achieves that alignment by exempting those services from the imposition of CBJ's local sales tax.

The Assembly Finance Committee reviewed and discussed this concept on June 2, 2021, and the ordinance is scheduled for review by the Assembly Finance Committee on August 18, 2021.

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

c. Ordinance 2021-34 An Ordinance Amending the Land Use Code to Extend the Sunset Dates for the Alternative Development Overlay Districts.

This ordinance would extend the sunset date for the downtown Juneau alternative overlay district from August 1, 2021, to August 1, 2022.

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This extension provides necessary time for the final review and adoption of new zoning for the downtown neighborhoods.

On July 27, 2021, the Planning Commission recommended this extension as it continues to work through substantive code amendments to the alternative development overlay district.

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

d. Ordinance 2021-08(b)(am)(C) An Ordinance Appropriating $150,000 to the Manager as Funding for a Tourism Manager; Funding Provided by Marine Passenger Fees.

The Visitor Industry Task Force has recommended that CBJ should establish a centralized tourism management function to guide implementation of the Tourism Management Plan. This ordinance would appropriate $150,000 of passenger fees for a tourism manager position for the remainder of FY22. This position would coordinate diverse activities and entities involved in public outreach, cruise scheduling, planning, permitting, infrastructure development, operations and maintenance, monitoring and reporting, and enforcement. Creating this position ensures that CBJ will take a more central role in managing outcomes and collaborating with the various active players in the community.

The Committee of the Whole reviewed this request at the July 19, 2021 meeting and recommended CBJ staff draft an appropriating ordinance for introduction.

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

2. Bid Award

a. Bid Award - BE21-264 Gruening Park Lift Station Stand Alone Lift Station

This project includes installing approximately 50 linear feet of pressure sewer; installing approximately 70 linear feet of gravity sewer and new sewer manhole; demolition of an existing sewage lift station; installation of a new sewage pump station; and installation of a new portable generator, pump controls, pump controls rack, along with associated electrical work; and site development. Additive Alternate No. 1 includes installation of 2" water service.

Bids were opened on this project on July 15, 2021. The bid protest period expired at 4:30p.m. on July 16, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	BASE BID	ADDITIVE ALTERNATE NO. 1	TOTAL BID
ENCO Alaska, Inc.	$1,135,275	$35,000	$1,170,275
Admiralty Construction, Inc.	$1,194,150	$50,000	$1,244,150
Architect's Estimate	$884,050	$18,000	$902,050

The City Manager recommends award of this project, base bid and Alternate No. 1, to ENCO Alaska, Inc. for the total amount bid of $1,170,275.

3. Liquor License

a. Liquor License Renewal - License #5747

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

<u>Liquor License Renewal</u>

License Type: Club, License #5747

Licensee: Juneau Yacht Club, Inc. d/b/a Juneau Yacht Club

Location: 1301 Harbor Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development Departments have reviewed the above license and recommend the Assembly waive its right to protest the renewal 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 renewal.

4. Other Items for consent

a. New Marijuana Licenses: #27471 & 27532

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

<u>New Marijuana Licenses</u>

License Type: Limited Marijuana Cultivation Facility License: #27471

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

License Type: Retail Marijuana Store License: #27532

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

The above marijuana licenses 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 business to be in compliance with CBJ Code. 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 issuance of AMCO marijuana license #27471 and AMCO marijuana license #27532.

IX. PUBLIC HEARING

A. Ordinance 2021-08(b)(am)(A) An Ordinance Appropriating $34,240 to the Manager as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Program, FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded $34,240 in grant funding from the U.S. Department of Justice for various training opportunities.

The JPD Leadership Team has identified the following training opportunities to apply this funding to in FY22: employee wellness, school threat assessment, National Incident-Based Reporting System (NIBRS), and a digital evidence workshop.

No local match is required for this grant.

The Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
<u>MOTION</u> by Mr. Bryson for the Assembly to adopt Ordinance 2021-08 (b)(am)(A) and asked for unanimous consent. *Hearing no objections, Ordinance 2021-08(b)(am)(A) was adopted by unanimous consent.*

B. Ordinance 2021-08(b)(am)(B) An Ordinance Appropriating $42,300 to the Manager as - Funding for Tourism-Related Services in the Summer of 2021; Funding Provided by Marine Passenger Fees.

The FY22 budget anticipated no large cruise ship visitation this summer; however, with pandemic-related restrictions lifting and the economy normalizing, Juneau is now expected to receive some cruise ship traffic in the last half of the summer. This ordinance would appropriate $42,300 of marine passenger fees for tourism-related services this summer, allocating $27,300 to Travel Juneau for crossing guards and $15,000 to the Downtown Business Association for the Ambassador Services program.

Both Travel Juneau and the Downtown Business Association have already been appropriated funds for these services for the April through June, 2022 period.

The Manager recommends the Assembly adopt this ordinance.

Public Comment:
Paul Kelly, a Juneau resident, addressed the growing concerns surrounding post-pandemic tourism in his neighborhood. He suggested ways in which Juneau could attract independent travelers to visit in "off season" months, such as late Winter and early Spring. Mr. Kelly found that tourism can often lead to congestion in Downtown areas, and hoped that the Tourism Coordinator position could help resolve this problem.

Kirby Day, a valley resident, urged the Assembly to support this ordinance. Mr. Day said that Travel Juneau had put together a conservative budget that focused on safety. He noted the importance of crossing guards, as some crossing sections have not been fully painted yet.

Assembly Action:
MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Ordinance 2021-08(b)(am)(B) and asked for unanimous consent.

Objection by Mr. Jones. Mr. Jones spoke to his objection, saying that Travel Juneau had kept almost $130,000 in funds that were meant for the 2020 Tourism season. The Downtown Business Association's additional $26,000 in funding was held back by the city. He questioned the purpose of allocating additional funding to Travel Juneau when they already have $130,000 in funds. Mr. Jones shared that he spoke with Mr. Rogers about this, to which Mr. Rogers explained that the funding numbers were estimates from Goldbelt International.

Mr. Rogers explained that funding was held aside for Travel Juneau and other organizations that were appropriated via grants, adding that these funds were appropriated in FY20. Mr. Rogers clarified that half of those funds were spent during part of summer 2019, and the remaining half of these funds were not spent in 2020. He said that this decision depends on Assembly choices; the Assembly has already agreed to carry over the funds to Summer 2023. He added that this summer was expected to have a nonexistent tourism season when this budget was developed.

Mr. Jones thanked Mr. Roger's for his explanation, and asked if the remaining amount of unused funding from FY20 could be found within a passenger fee fund balance. Mr. Rogers explained legislature appropriating allocations of American Rescue Plan Act funds accumulated State Marine Passenger Funds (CPV) in a "hold harmless" position. CBJ has confirmed that these funds will be received through $5.9M in State Marine Passenger Fees for FY21 and FY22. Mr. Rogers confirmed that funding is available for allocation, and he will provide an update at the next Assembly Finance Committee meeting.

Further discussion took place on funding from FY20 and FY23.

Mr. Jones felt that the State funding was good news, and felt that there might be a better idea of what the budget will allow in the Spring of 2022. Mr. Jones withdrew his objection.

Hearing no objections, Ordinance 2021-08(b)(am)(B) passed by unanimous consent.

C. 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 City Manager recommends that the Assembly adopt this ordinance.

Public Comment:
Katherine Cohen, a West Juneau resident shared that this ordinance deals with environmentally sensitive areas, and felt that this item called for more public participation and testimony. She referenced needless destruction of stream habitats in the past, and said that this could have been avoided through more public participation and awareness. Ms. Cohen urged the Assembly to postpone this ordinance to allow for further discussion.

Assembly Action:
MOTION by Mr. Jones for the Assembly to postpone Ordinance 2021-13 until the September Assembly meeting and to refer it to the August 30 Committee of the Whole (COW) joint meeting with the Planning Commission.

Mr. Jones spoke to his motion, saying that the Assembly does not have a thorough enough understanding of this ordinance to act upon it. He added that the Department of Law recommended deleting this section entirely. He recommended referring this ordinance to the COW to allow for more time for the Assembly to work on it thoroughly.

Ms. Gladziszewski supported this motion, and felt that it was appropriate to refer it to the COW for further discussion.

Objection by Mr. Bryson. Mr. Bryson spoke to his objection, saying that postponing the ordinance for further discussion would be redundant, as it had been discussed at length at Planning Commission public testimony. He questioned the reasoning of referring this item back to the COW, noting the lack of streamlined efficiency he felt by putting this item backwards for even further discussion.

Ms. Hale shared that the Coastal Management Zone is very complex, and she believes that more discussion would benefit the Assembly and the public. She supported referring this to the COW, and then bringing it back to the Assembly for action.

Ms. Hughes-Skandijs spoke in support of sending this back to committee, and would appreciate a better understanding of this ordinance.

Roll Call Vote on referring Ordinance 2021-13 to August 30 COW Meeting:
Ayes: Jones, Triem, Hughes-Skandijs, Woll, Gladziszewski, Hale, Mayor Weldon.
Nays: Bryson.
Motion passed. Seven (7) Ayes, One (1) Nay.

D. Ordinance 2021-19 An Ordinance Establishing the Planning Commission as the Board of Adjustment.

This is a housekeeping ordinance to eliminate confusion by renaming the Board of Adjustment to the Planning Commission. Currently, for example, when a variance application is ready for public hearing, the Planning Commission convenes, temporarily adjourns as the Planning Commission, reconvenes as the Board of Adjustment, considers the variance application, and then adjourns as the Board of Adjustment to reconvene as the Planning Commission. This ordinance would eliminate those unnecessary procedural steps and give the public certainty that the variance will be considered by the Planning Commission.

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

The Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
<u>**MOTION**</u> by Ms. Hale for the Assembly to adopt Ordinance 2021-19 and asked for unanimous consent.

Objection by Ms. Gladziszewski for purposes of a question. She asked Mr. Palmer to clarify how eliminating procedural steps would ensure public certainty.

Mr. Palmer explained that the public does not understand that the Board of Adjustment is the Planning Commission, and this ordinance would clear up any confusion.

Ms. Gladziszewski removed her objection.

Hearing no objections, Ordinance 2021-19 was adopted by unanimous consent.

E. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann’s Avenue at the Mayflower Building.

This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale to the DOT&PF for fair market value.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Woll for the Assembly to adopt Ordinance 2021-31 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-31 was adopted by unanimous consent.*

The Assembly took a break at 8:01p.m. The meeting resumed at 8:16p.m.

F. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance would amend the Comprehensive Plan for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre. The Planning Commission also recommended the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly not adopt this ordinance.

Public Comment:
Travis Arndt, a valley resident (and a member of the Planning Commission), spoke in support of this ordinance, and said that he was surprised that the City Manager recommended the Assembly to not adopt this ordinance. He noted that there had been no negative public comment or objections against this ordinance whenever the Planning Commission asked for public comment.
Mr. Bryson asked if Mr. Arndt was directly involved with Items F and G.

Mr. Arndt confirmed that was correct, as it is a map amendment in the area where he is asking for a rezone.

Mr. Bryson asked Mr. Arndt that if the Assembly were able to make the zoning correction without making a change in the Comprehensive Map, would that avoid impacting his project. Mr. Arndt said that was correct.

Mayor Weldon asked Mr. Arndt if he was speaking on behalf of the Planning Commission. Mr. Arndt said that he was not, rather he was speaking on behalf of himself as an applicant for the rezone.

Assembly Action:
<u>MOTION</u> by Mr. Bryson for the Assembly to table Ordinance 2021-27 and asked for unanimous consent.

Mr. Bryson said that it was not necessary to change the Comprehensive Plan at this time. Assembly and Planning Commission charge to use "owner's manual" i.e. the Comprehensive Plan. He added that it was the Planning Commission's responsibility to designate between commercial and residential areas.

Objection by Ms. Hale for purposes of a question. She asked for Mr. Palmer to clarify that the Assembly did not need to pass Item F in order to adopt a rezone.

Mr. Palmer confirmed that was correct.

Objection by Ms. Woll for purposes of a question. She asked what would happen if the Assembly were to table this ordinance.

Mr. Palmer explained that tabling this item would indefinitely kill this ordinance.

Hearing no further objections, Ordinance 2021-27 was tabled indefinitely by unanimous consent.

G. Ordinance 2021-26 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 would rezone a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions 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.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.
The City Manager recommends that the Assembly adopt the staff recommendation, as heard at the Planning Commission on May 11, 2021, to change the zoning from D-15 to D-15/Transition to Light Commercial.

Public Comment:
Mandy Cole, a valley resident, shared that she is a member of the Planning Commission, but was not testifying on behalf of the Planning Commission. She spoke to the difficulty CDD experienced in regards to this project developer. She strongly felt that the developer has no way to meet the conditions recommended by staff, and that it would be appropriate for the Assembly to adopt the recommendations made by CDD staff.

Ms. Gladziszewski asked Ms. Cole if she recalled the vote made by the Planning Commission on this matter. Ms. Cole reminded the Assembly that she could not speak on behalf of the Planning Commission, and could not confirm if the vote was unanimous.

Mr. Bryson asked if the unanimous vote was for Light Commercial or General Commercial.
Ms. Cole explained that the unanimous vote was for Light Commercial.

Travis Arndt, a valley resident, spoke to the transitions and conditions related to this project. He clarified that he was not asking to increase residential density (such as boat condos), but rather a combination of buildings, both with and without residences.

Mr. Bryson asked Mr. Arndt asked if the transition to Light Commercial would be adequate for his project. Mr. Arndt explained that General Commercial would be preferred, but Light Commercial would also be sufficient.

Assembly Action:
MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-26 and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs. She said that this was discussed at the July 12 COW, and she watched the Planning Commission meeting. She said it is on the Assembly to look at the Comprehensive Plan, entirety of uses and to look long range rather than a single project proposed by an applicant. She also expressed concern regarding North Douglas traffic infrastructure. Ms. Hughes-Skandijs shared that in looking at the land use maps and the area overall, she did not think Light Commercial would be in agreement with Comprehensive Plan and land use maps for this area.

Objection by Mr. Jones.

Ord 2021-26 Amendment #1 (via Assemblymember Jones)

Motion by Mr. Jones to amend Ordinance 2021-26 as follows (three parts):

1. *Amend the last Whereas clause, page 2 lines 8-9:*

"~~WHEREAS, the Planning Commission separately recommended the Assembly amend the Comprehensive Land Use Map from MDR to HDR for the subject property, which is the purpose of Ordinance 2021-31.;~~"

2. *Add an additional Whereas clause, page 2:*

"WHEREAS, the Manager recommended following the Community Development Department's recommendation to rezone of the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety."

3. *Amend Section 2, page 2 lines 13-15:*

"Section 2. Amendment to the Official Zoning Map. *The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway."*

He said this ordinance is trying to "shoehorn" in commercial development in residential area. He spoke to the reversal of Planning Commission recommendation, not their decision. He added that the decision lies with the Assembly.

Objection by Ms. Gladziszewski. She explained that TPU 49.25.300 (CUPs) would fail traffic at the bridge. She discussed at length the inherent requirements and permissions that come with General Commercial projects and CUPs. Light Commercial versus General Commercial by Right under General Commercial versus CUP. She felt that it was appropriate to be Light Commercial for North Douglas Hwy. She said that she supported the rezone, and for this reason she objected the amendment.

Ms. Triem asked if Amendment #1 would fulfill the Manager's recommendation.
Mr. Watt said that this is fundamentally the issue in his recommendation.

Mr. Bryson said that this would stop development on North and West Douglas. There are people who are trying to build. The conditions would stop the project, and described this amendment as splitting hairs with Comprehensive Plan. He added that CDD has a playbook and they must follow the rules.

Further discussion about the Light Commercial and General Commercial Conditional Use Permits.

Objection by Ms. Hale. She felt that this amendment would reverse the Planning Commission's decision, and does not believe the Assembly should negate the work they put into their decision.

Mr. Jones agreed with Ms. Gladziszewski's comments regarding the Light Commercial designation. He felt that "shoehorning" would be an appropriate term, as they were not fully aware of the project's intended results with the developed area. He confirmed that this was a reversal of the Planning Commission's recommendation; however, he clarified that this was not the PC's decision, it is the Assembly's decision.

<u>Roll Call Vote on Amendment #1:</u>
Ayes: Jones, Triem, Hughes-Skandijs, Woll, Mayor Weldon.
Nays: Gladziszewski, Hale, Bryson.
Amendment passed. Five (5) Ayes, Three (3) Nays.

Ms. Gladziszewski said that she would support the ordinance as amended, but believed that the Assembly in doing so had done a great disservice to the community; effectively turning neighborhoods into deserts that are increasingly difficult to develop.

Mayor Weldon shared that she had issues with the ordinance. She noted that Mr. Arndt could come back to the Assembly with a parcel smaller than the current fifteen acres of land. She added that one of the Assembly Goals was to address Housing, and wiping out fifteen acres of residential land for commercial was concerning. She also expressed concern with the project and with the Planning Commission recommendations. She said that she would object to this ordinance.

Ms. Gladziszewski asked Mr. Palmer to explain what the consequences were for the Assembly if they were to deny this ordinance.

Mr. Palmer referred to 49.75.120, which would permit the applicant to return to the Planning Commission with a substantially different rezone request after twelve months had passed.

Roll Call Vote on Ordinance 2021-26 as amended:
Ayes: Gladziszewski, Jones, Triem, Hughes-Skandijs, Bryson, Woll.
Nays: Hale, Mayor Weldon.
Motion passed. Six (6) Ayes, Two (2) Nays.

Ms. Gladziszewski gave Notice of Reconsideration. Mayor Weldon noted the Reconsideration.

The Assembly took a break at 9:13p.m. The meeting resumed at 9:25p.m.

X. UNFINISHED BUSINESS

None.

XI. NEW BUSINESS

A. NCL Request to Lease Municipal Tidelands

In June 2021, the City received an application from Norwegian Cruise Lines (NCL) to lease City owned tidelands. NCL acquired an upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office. In January 2021, the City Manager provided the Assembly Committee of the Whole with the attached Subport Development Memo on the topic of Assembly consideration process, discussion and draft approach.

Because an application has been received, the Assembly must determine “whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

If the Assembly provides a motion of support to work with the original proposer, staff will direct NCL to apply for City permits, outline the public process, and negotiate terms and conditions of a lease. Staff will provide regular reports to the Lands, Housing and Economic Development (LHED) Committee on progress of this lease. If the Assembly fails to provide a motion to work with the original proposer and determines a lease should not be considered, then the application process will be concluded. If the Assembly provides a motion to seek further proposals then a request for proposals will be advertised and the results will be brought forward to the LHED for review.

The Manager recommends the pass a motion of support to work with NCL as the original proposer in accordance with City Code 53.09.260.

Public Comment:
Karla Hart, a Juneau resident, urged the Assembly to vote against this motion under no conditions. She said that any other response at this time would not benefit the community at this time. She referenced

the City Manager's January 2021 memo regarding the Long Range Waterfront Plan. She felt that this motion did not respect public process, and noted that Juneau was still recovering from the pandemic.

Bob Janes, a valley resident, asked the Assembly to support this motion as he felt it supported the community. He described this as an unprecedented opportunity, and spoke to the community's support of the tourism industry. He urged the Assembly listen to the Visitor Industry Task Force (VITF) recommendations, and to listen to public comment on this issue.

Assembly Action:
MOTION by Ms. Triem for the Assembly to pass a motion of support for the Manager to work with Norwegian Cruise Lines as the original proposer in accordance with 53.09.260 and asked for unanimous consent.

Objection by Mr. Jones. He appreciated the new map, but was concerned about the boundaries of current leases with federal agencies such as the United States Coast Guard, the National Oceanic and Atmospheric Administration, and Goldbelt International.

Mr. Watt explained that the new map was accurate. There is no lease for federal agencies: Goldbelt lease with the Merchant's Wharf owners. The issue is that NCL has not put forward an exact footprint of their proposal. Mr. Jones asked if there was a streamlined process for State tidelands to be leased to the city for this project. Mr. Watt clarified that there is a statute for a municipality to acquire tidelands for economic development purposes. He identified two benefits to this: 1) this permittee would only have one entity to work with, and 2) this would direct income to the city from lease payments.

Objection by Ms. Hale. She noted that Ms. Hart raised an important piece about the project. She said that we are still in a pandemic and we need time; putting the horse before the cart.

Mr. Watt agreed that the lease was complicated, and recommended the Assembly to move to support the beginning of negotiations with NCL. These negotiations would then trigger the public process through the Planning Commission.

Mr. Bryson spoke to the importance of keeping the process moving forward so that the City Manager and NCL can coordinate the logistics of this plan. He referenced the VITF recommendation of removing hot berthing and restricting the ship limit amount from seven to five. He added that building the NCL dock would reduce congestion, and benefits the community and Docks & Harbors. Mt. Bryson also felt that this issue has received a lot of public input via VITF, and saying no once more would send a negative message to the community and the tourism industry.

Ms. Gladziszewski commented that this motion would support the beginning of a process.

Mr. Jones removed his objection.

Ms. Hale felt that it was important that they allow for public process, and choosing to work on this process slowly would not send a negative message to the community – but rather would show that the Assembly is willing to work with the public. Ms. Hale removed her objection.

Hearing no objections, the motion passed by unanimous consent.

B. A&S Rentals LLC v. CDD - Assembly Appeal #2021-03 (Enforcement Action Appeal)

This appeal relates to a code enforcement action for three properties near downtown Douglas. The Community Development Department determined the three properties were noncompliant with CBJ code and initiated enforcement action. The property owner, A&S Rentals LLC managed by Adam Brown, timely appealed to the Planning Commission. After conducting a hearing, the Planning Commission affirmed the CDD compliance orders. A&S Rentals LLC has filed a timely appeal to the Assembly.

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

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

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

The City Attorney recommends the Assembly accept this appeal and assign it to a presiding officer.

Mr. Jones shared that he once lived in these apartments from 1975 to 1982. He sat through the Planning Commission meetings on this topic. He believed he was able to act on this tonight without a conflict of interest or impartiality, and wanted to state these things for the record. Mr. Palmer felt that Mr. Jones would be able to participate in tonight's questions objectively.

Assembly Action:

<u>MOTION</u> by Mr. Jones for the Assembly to accept this appeal and assign to a hearing officer.

Mayor Weldon asked Mr. Jones why he chose a hearing officer rather than a presiding officer.
Mr. Jones notes that the Assembly has two more Regular Assembly meetings before the 2021 Municipal Election, with at least one new Assemblymember. He felt that it would be a disservice to the new Assembly, as well as CDD, to choose a presiding officer over a hearing officer.

Objection by Ms. Gladziszewski for purposes of a question. She asked Mr. Palmer to clarify how much this would cost, and how much the Assembly has to spend towards funding this. Mr. Palmer clarified that the amount could be somewhere within $3,000 to $12,000.

Ms. Hale added that she did not wish to add to their workload at this time.

Ms. Woll asked Mr. Palmer to explain the timing of the appeal. Ms. Palmer said that the process typically takes about three months.

Ms. Gladziszewski removed her objection.

Hearing no further objections, the motion passed by unanimous consent.

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

There are nine 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.

Assembly Action:

MOTION by Ms. Gladziszewski that the Assembly, considering each of the applications on an individual basis, and refer them to the Assessor for consideration. *Hearing no objections, the motion passed by unanimous consent.*

XII. STAFF REPORTS

None.

XIII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon attended the 20th anniversary of Shore Power at the Franklin dock. She also had a teleconference with Governor Dunleavy regarding the Special Session. Mayor Weldon attended the Raven Stamp unveiling by Rico Worl. She also participated in Alaska Municipal League (AML) meetings this week.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Committee of the Whole Chair Jones shared the Committee of the Whole last met on July 19 and discussed tourism and zoning. The next scheduled COW meeting is on August 9. The next meeting will feature a presentation from the Reapportionment Board, a Vote By Mail Election update, and a PWFC Artworks Presentation. The COW will also meet with the Systemic Racism Review Committee on August 30 to discuss the finalization the legislative review process. There will also be a joint meeting with Planning Commission.

Assembly Finance Committee Chair Triem reported that the AFC cancelled their last meeting. The meeting has been rescheduled to August 19.

Lands Housing and Economic Development Committee Chair Gladziszewski shared that the LHEDC met on July 19 to discuss the NCL lease. They also referred the Franklin Street Pocket Park to PRAC. They also discussed scheduling a meeting with the Title 49 Land Use Committee, although the exact meeting date has not be specified yet.

Public Works and Facilities Committee Chair Hale shared that PWFC met on July 19 to talk about solid waste issues. The next meeting is scheduled to be held on August 9. The current agenda consists of short term odor solutions, composting, ArtWorks, and Vote by Mail Election update.

Human Resources Committee Chair Bryson explained that the HRC meeting was cancelled tonight. The next scheduled HRC meeting will be held on August 11 for Airport Board interviews.

Ms. Hughes-Skandijs reported that the UAS Campus Council met earlier this afternoon to discuss lower student enrollment and concerns regarding the retention rate of Native Alaskan faculty. They are also preparing for New Student Orientation later this month. Ms. Hughes-Skandijs also shared that she recently became the new Southeast State Fair axe-throwing champion.

Ms. Triem shared that the Aquatics Board was in need of new officers for their upcoming meeting as they prepare to send their annual report to the HRC. She acknowledged Lydia Jacoby from Seward who recently won the Gold Medal at the 2021 Summer Olympics. She noted that Juneau will be hosting the Alaska High School State Championships this year. Ms. Triem also attended the Raven Stamp unveiling, and enjoyed it. She shared that she was excited to facilitate the Fairbanks Conference of Young Alaskans to assist forty young adults (16 to 25) who will be reporting to Conference of Mayors on Wednesday, August 4.

Ms. Hale shared that she missed the Housing and Homelessness meeting. She toured the new Glory Hall facility on July 26, she spoke to the amount of space and privacy available in the building. She missed the BRH Board meeting on July 27.

Ms. Woll shared that she had missed all of her meetings, but she has caught up by reviewing their respective recordings. The SRRC has met twice since the last Assembly meeting to review several kinds of legislation. The committee intends to undergo additional training in regards to CBJ budgeting and departments. Travel Juneau met to discuss independent travelers, they are anticipating the Iron Man announcement, which will be made on Monday, August 9. Ms. Woll also shared that the Juneau Commission on Aging has started to work with AARP. She informed the Assembly of an upcoming Downtown Business Association meeting scheduled on Tuesday, August 3.

Ms. Gladziszewski shared that there will be a Juneau School District meeting next week to review appeals. She explained that there are very few things that the Assembly can do, they are only permitted to accept or deny the appeals. Ms. Gladziszewski would like to work with the City Attorney to look at the Appeals Code.

Mr. Jones reported that the Planning Commission had three meetings since the last Assembly meeting. They held a COW meeting on July 13 to discuss off-road vehicles. They had a special meeting regarding Lot Depth. The PC meeting on July 27 to discuss the Accessory Apartments Ordinance. The next Planning Commission meetings will be held on August 10 and August 24. He attended the SRRC meeting and the BRH Board meeting on July 27. He attended the CLIAA Update, which had approximately 30-35 attendees. The new Glory Hall facility had approximately 20-25 attendees.

Mr. Jones thanked everyone who filed for public office, He believes that it is important for people to participate in the Assembly process, and said that running for office is one way to do that. He encouraged the listening public to review the open positions for Boards and Commissions. He wished all who are running for office to have interesting campaigns.

XIV. CONTINUATION ON PARTIICPATION FOR NON-AGENDA ITEMS

None.

XIV. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 10:21p.m.

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