

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

December 14, 2020 7:00 PM

Zoom Webinar, Telephonic, & FB Live Stream

Meeting No: 2020-47; Zoom Webinar Link <https://juneau.zoom.us/j/97387362470> or Call
1-669-900-6833 or 1- 253-215-8782 or 1-346-248-7799 and enter Webinar ID: 973 8736
2470

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

Anyone wishing to provide public comment during the meeting is asked to call the Municipal Clerk's public testimony request phone line at 586-0215 by 3 p.m. the day of the meeting or send an email to City.Clerk@juneau.org providing their name, email address, and phone number they will be calling from. Testimony time will be limited by the Mayor based on the number of participants. The public is encouraged to send comments in advance of the meeting to BoroughAssembly@juneau.org.

If you have not notified the Clerk's Office ahead of time you may still be able to participate. When attending the zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

B. EOC Update

IV. APPROVAL OF MINUTES

A. March 22, 2020 Special Assembly Meeting #2020-10 DRAFT Minutes

B. **June 17, 2020 Special Assembly Meeting #2020-32 Draft Minutes**

C. **August 3, 2020 Regular Assembly Meeting #2020-39 Draft Minutes**

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. 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 2020-09(AA) An Ordinance Appropriating \$45,000 to the Manager for Parks and Recreation's Fiscal Year 2021 Dimond Park Field House Operating Costs; Funding Provided by the General Fund's Fund Balance.**

This ordinance would appropriate \$45,000 for Parks and Recreation's FY21 Dimond Park Field House (DPFH) operating costs, estimated to be allocated for the following purposes:

Facilities Maintenance	\$20,000
Immediate Repairs to Fire System/Building	\$25,000
TOTAL	\$45,000

This supplemental appropriation is needed as a result of the transference of management of DPFH from Eaglecrest to Parks and Recreation beginning January 1, 2021. Funding for this request would be provided by the General Fund's fund balance.

The Assembly Finance Committee reviewed this request at the December 9, 2020 meeting.

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

- b. **Ordinance 2020-09(AB) An Ordinance Appropriating \$376,000 to the Manager for the Planning and Design of Bond-Funded Capital Improvement Projects; Funding Provided by General Obligation**

Bond Proceeds.

This ordinance would appropriate \$376,000 for the planning and design of bond-funded capital improvement projects, estimated to be allocated to the full design phase of the following projects:

Crest Avenue Reconstruction (R72-155)	\$ 175,000
Eagle Valley Center Improvements (P46-115)	\$ 51,000
Downtown & Glacier Fire Stations - Mechanical/Electrical Upgrades (F21-041)	<u>\$ 150,000</u>
Total	\$ 376,000

This appropriation of project funding is consistent with the intent of the \$15 million general obligation bond package approved by voters in the October 6, 2020 municipal election.

Funding for this request would be provided by General Obligation Bond Proceeds.

The Public Works and Facilities Committee reviewed this request at the December 7, 2020 meeting. The Assembly Finance Committee reviewed this request at the December 9, 2020 meeting.

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

- c. **Ordinance 2020-60 An Ordinance Authorizing the Manager to Convey Approximately 22,000 Square Feet of Property Located at Lot 2, USS 3559 to the Owners of the Adjacent Property Located at 11259 North Douglas Highway.**

Dwight Scott Williams and Carol Colp have submitted an application to purchase City property on USS 3559 LT 2, which is adjacent to their property located at 11259 N. Douglas Highway. At the November 9, 2020 meeting, the Lands Committee provided a motion of support for this land disposal. The Planning Commission provided a positive recommendation with the condition that the new lot created by this sale meet the dimensional requirements of the Rural Reserve zoning district. The purchase price of the property shall be the fair market value, which has been determined to be \$34,600.00.

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

meeting.

- d. **Ordinance 2020-38(b) An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Goldbelt, Inc. for Seadrome Dock and the Merchant's Wharf Float.**

This ordinance would allow Docks and Harbors to manage the reservations on behalf of Goldbelt, Inc. at the Seadrome Dock for the 2021 season. Title 85 only allows Docks and Harbors "the development and marketing of municipality owned facilities", which includes the Intermediate Vessel Float, the Port Field Office Float and Statter Harbor Breakwater.

This authorization would allow Docks and Harbors to evaluate, alongside with Goldbelt, whether a moorage reservation call center operated by Docks and Harbors would provide efficiencies and cost savings for the two entities.

The Docks and Harbors Board favorably recommended this matter at its meeting on February 27 and again on November 19, 2020. The Assembly Human Resources Committee favorably recommended this matter at its meeting on July 1, 2020. The original intent was to execute this authorization in calendar year 2020. However because of the pandemic, both parties agreed to wait until 2021 to evaluate opportunities.

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 2928 A Resolution Adopting an Alternative Allocation Method for the FY2021 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ's participation in the State's FY2021 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during calendar year 2019 from fisheries business activities within the CBJ's qualifying area.

Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast area. It is anticipated that the CBJ's share will be approximately \$2,750.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2929 A Resolution of the City and Borough of Juneau Declaring a Local Emergency in Response to the 2020 Complex Weather System and a Request for State and Federal Assistance.**

This resolution would declare a disaster emergency, like the one by the Governor, due to the complex storm system that started on November 30, 2020. People were evacuated from their homes, trees damaged houses, roads were damaged, mass wasting events damaged public and private property, a power generation facility was damaged, and a hatchery lost a water supply forcing the loss of fish for the region. This disaster declaration may be able to open up additional state and federal funding sources to recover from this complex storm system.

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

- a. **Liquor License Renewals**

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

Liquor License Renewal

License Type: Brewery, License #5729

Licensee: Forbidden Peak Brewery LLC

Location: 11798 Glacier Hwy, Juneau

License Type: Package Store, License #3352

Licensee: Costco Wholesale Corporation d/b/a Costco Wholesale #107

Location: 5225 Commercial Way, 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 applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the renewal of these liquor licenses.

4. Other Items for consent

- a. **Marijuana License Renewals**

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

documents relating to a license are available upon request from the Municipal Clerk's Office]:

MARIJUANA LICENSE RENEWALS

Retail Marijuana Store, License #10050

Licensee: Rainforest Farms LLC d/b/a Rainforest Farms LLC

Location: 216 2nd Street, Juneau

(60-day comment period ends Monday, December 21, 2020)

Retail Marijuana Store, License #13217

Licensee: ForgetMeNot Enterprises, Inc. d/b/a Glacier Valley Shop

Location: 8505 Old Dairy Rd, Suite 1, Juneau

(60-day comment period ends Saturday, December 20, 2020)

Standard Marijuana Cultivation Facility, License #13221

Licensee: ForgetMeNot Enterprises, Inc. d/b/a Green Valley Enterprises

Location: 8505 Old Dairy Rd, Suite 2, Juneau

(60-day comment period ends Saturday, December 20, 2020)

Marijuana Product Manufacturing Facility, License #13222

Licensee: ForgetMeNot Enterprises, Inc. d/b/a Southeast Essentials

Location: 8505 Old Dairy Rd, Suite 3, Juneau

(60-day comment period ends Saturday, December 20, 2020)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses. In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana licenses: #10050, #13217, #13221 and #13222.

5. Transfers

- a. **Transfer Request T-1031 A Transfer of \$500,000 from Various Capital Improvement Projects to CIP P47-073 Centennial Hall Renovation Phase II.**

This transfer of \$500,000 to the Centennial Hall Renovation Phase II CIP

will provide for the schematic design phase of renovations to Centennial Hall. The transfer consists of sales tax funding and comes from the following projects:

Project	Sales Tax
Mt. Jumbo Gym Roof	\$250,000
ZGYC & AB Pool Improvements	\$ 55,000
AB Pool Covers	\$100,177
Deferred Bldg. Maintenance	\$ 94,823
Transfer Total	\$500,000

The Aquatics Board received information regarding this transfer request and chose not to make a recommendation.

The Public Works and Facilities Committee reviewed this request at the November 9, 2020 meeting and forwarded it to the full Assembly for approval.

The City Manager recommends approval of this transfer.

b. Transfer T-1033 A Transfer of \$20,000 from CIP R72-147 Goodwin Road Reconstruction to CIP R72-142 Savikko Road Improvement.

This transfer of \$20,000 from the Goodwin Road Reconstruction CIP to the Savikko Road Improvement CIP will fund the completion of the Savikko Road Improvement project. The project has been a success, but encountered unforeseen work that requires an additional \$20,000 of funding to complete and close out the project.

The Goodwin Road Reconstruction project is estimated to come in slightly under budget, and therefore has funding available to provide the required \$20,000 for the Savikko Road shortfall. This transfer consists of sales tax funding.

The Public Works and Facilities Committee reviewed this request at the December 7, 2020 meeting.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

A. Ordinance 2020-57 An Ordinance Authorizing the Manager to Accept the Reconveyance of a Fraction of U.S. Survey 381, Located at 9290 Hurlock Avenue, from Alaska Legacy Partners.

This ordinance would enable the CBJ to regain title of the Hurlock property at no cost to the CBJ. Upon the CBJ receiving title to the Hurlock property three notable

things occur:

- (1) the CBJ would retain the \$35,000 down payment paid by Alaska Legacy Partners;
- (2) the debt owed to the CBJ by Alaska Legacy Partners would be extinguished; and
- (3) the senior assisted living facility condition on Ordinance 2018-42 would terminate.

The Committee of the Whole reviewed this topic on November 9, 2020, and also took public testimony during the Committee of the Whole meeting of December 7.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2020-58 An Ordinance Authorizing the Manager to Lease the Property at a Fraction of U.S. Survey 381, Located at 9290 Hurlock Avenue, to Tlingit Haida Regional Housing Authority for Youth Services.

Upon regaining title to the Hurlock property, this ordinance would enable the CBJ to lease the property to Tlingit Haida Regional Housing Authority for less than fair market value for youth services. While this ordinance would authorize a lease for \$100 per year, this ordinance does not require or suggest that the CBJ would provide other financial support; Tlingit Haida Regional Housing Authority would be required to improve, operate, and maintain the property at its own expense.

The Committee of the Whole reviewed this topic on November 9, 2020, and also took public testimony during the Committee of the Whole meeting of December 7.

The City Manager recommends the Assembly adopt this ordinance.

C. Emergency Appropriation Resolution 2926 An Emergency Appropriation Resolution Appropriating up to \$85,738 to the Manager as a Grant to Perseverance Theatre to Offset Economic Hardship Experienced as a Result of the COVID-19 Pandemic; Funding Provided by the CARES Act Special Revenue Fund.

This emergency appropriation resolution would authorize an \$85,738 grant to Perseverance Theatre to offset economic hardship experienced as a result of the COVID-19 pandemic. The purpose of the grant extends to offsetting losses in ticket sales and donations in support of sustained personnel and overhead expenses, with the intention of stabilizing the organization at this phase of the pandemic. Support to Perseverance Theatre would help preserve Alaskan artists and plays celebrating Alaskan culture by Alaska's only professional theater.

This request would be funded by the CARES Act Special Revenue Fund.

Funding for this request is needed as soon as possible to ensure payment can be issued prior to the December 30, 2020 deadline for eligible CARES Act

expenditures. For this reason, this is an emergency resolution.

This request was reviewed by the Assembly Finance Committee at the December 9, 2020 meeting.

The City Manager recommends the Assembly adopt this emergency resolution.

D. Emergency Ordinance 2020-61 An Emergency Ordinance Extending Use of a Masks or Face Coverings in Certain Indoor Settings, on Capital Transit, and in Close Proximity to Others, and Providing a Penalty.

The CBJ has two mask mandate ordinances that expire on December 20. Ordinance 2020-45 specifically requires a face mask when using Capital Transit or when in CBJ-owned facilities. Ordinance 2020-49 requires face masks more broadly like in publicly accessible indoor locations and businesses. This ordinance would consolidate the different mask mandates into one ordinance to eliminate confusion. There are exemptions for people with disabilities and young children. This ordinance would also extend the mask mandate for six months unless terminated earlier by the Assembly.

Although the community is on the verge of providing the first batch of COVID-19 vaccines, we still need to be vigilant and protect each other until the vaccines are widely available.

The City Manager recommends the Assembly adopt this emergency ordinance.

E. Emergency Appropriation Resolution 2927 An Emergency Appropriation Resolution Appropriating up to \$3,000,000 to the Manager for COVID-19 Pandemic Emergency Response Management; Funding Provided by the General Fund's Fund Balance.

This emergency appropriation resolution would provide \$3,000,000 of funding for COVID-19 pandemic emergency response management for the remainder of FY21 after CBJ's CARES Act funding expires on December 30, 2020. These funds are required for the CBJ Emergency Operations Center to continue responding to the pandemic including COVID-19 testing, public communications, personal protective equipment, sheltering of vulnerable populations, and quarantine and isolation.

This request would be funded by the General Fund's fund balance. CBJ will also seek FEMA reimbursement of eligible costs.

This request was reviewed by the Assembly Finance Committee at the December 9, 2020 meeting.

The City Manager recommends the Assembly adopt this emergency resolution.

F. Ordinance 2020-54 An Ordinance Amending Title 53 Regarding Easement Valuation.

This ordinance would increase the easement application fee from \$15 to \$100 and

adjust the easement valuation standard to fair market value as determined by the Manager. If the Manager, or designee, is unable to determine the fair market value, the applicant would still be required to pay for an appraisal. These amendments were proposed because the existing appraisal requirements discourage easements when the cost of the appraisal exceeds the cost of the easement.

The Lands Committee reviewed this ordinance on November 9 and recommended forwarding it to the Assembly.

The City Manager recommends the Assembly adopt this ordinance.

G. Ordinance 2020-09(Z) An Ordinance Appropriating \$5,900,000 to the Manager as Partial Funding for the City and Borough of Juneau's Fiscal Year 2021 Required Debt Service; Funding Provided by the General Fund's Fund Balance.

This ordinance would appropriate \$5,900,000 as partial funding for CBJ's required debt service in FY21. This subsidy is necessary as a result of the State of Alaska reimbursing 0% of the current fiscal year's school construction bond debt, as the current debt service mill rate does not generate sufficient revenue to cover CBJ's FY21 debt obligations.

Funding for this request is provided by the General Fund's fund balance.

This request was reviewed by the Assembly Finance Committee at the December 9, 2020 meeting.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Finance Department Protest of Marijuana License Renewal ISG Inc d/b/a Juneau's Green Market

The State of Alaska Alcohol & Marijuana Control Office (AMCO) allows municipalities a 60 day comment period on all liquor and marijuana licenses throughout the borough. CBJ's comment period to recommend protest or waive protest ends December 20, 2020.

On December 4, 2020 ISG, Inc d/b/a Juneau's Green Market was notified by the Municipal Clerk's Office via certified mail and email that the Finance Department was recommending protest of its marijuana retail license renewal. The recommended protest is based on the following: **a balance due of \$74,763.82 for 2019 2nd, 3rd and 4th Quarter and 2020 1st Quarter Sales Tax, unfiled 2020**

2nd and 3rd Quarter returns and unremitted sales tax, marijuana tax, late fees, penalties and interest.

Upon receipt of the email notification, the licensee contacted the Clerk's Office via phone Friday afternoon 12/4/2020 and was directed by the Clerk's Office to work directly with Finance/Sales Tax Office to rectify the situation and transferred them to the Sales Tax Office.

As of publication of the agenda packet, Friday, December 11, 2020, the Sales Tax Office has yet to be contacted by licensee.

The City Manager recommends protest until the licensee's tax accounts are brought into full compliance.

B. Centennial Hall Expansion/Joint Facility

C. Assembly Discussion on State COVID Mandates Expiring December 15, 2020

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor's Report

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

C. Presiding Officer Reports

1. Sealaska Heritage Institute v. Planning Commission

On May 13, 2020, the CBJ Planning Commission granted a conditional use permit to the Sealaska Heritage Institute for an arts campus building and plaza. The parties are trying to resolve this case and have until March 15, 2021, to provide an update to the Assembly.

No action is needed at this time.

2. Wille and Weldon v. Planning Commission and CCTHITA

This appeal relates to a Planning Commission decision granting a conditional use permit for transitional housing at 6205 Alaway Avenue (Lemon Creek/Midtown) for the Central Council of the Tlingit and Haida Indian Tribes of Alaska. The Assembly accepted this appeal and appointed Mr. Bryson as the Presiding Officer. Since the last Assembly meeting, Ms. Keri Weldon has been added as an intervener. **The hearing date is currently set for 5:30 p.m. via Zoom on March 8, 2021.**

No action is needed at this time.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. SUPPLEMENTAL MATERIALS

- A. EOC COVID-19 Update for December 14, 2020

XVIADJOURNMENT

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