SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA
August 24, 2020 – Meeting Minutes

MEETING NO. 2020-40: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held virtually, and was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. CALL TO ORDER / ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Wade Bryson, Rob Edwardson, Maria Gladziszewski, Michelle Hale, Alicia Hughes-Skandijs, Loren Jones, Greg Smith, and Carole Triem.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, Municipal Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers, Engineering/Public Works Director Katie Koester, Library Director Robert Barr, Parks and Recreation Director George Schaaf, Community Development Director Jill Maclean, CDD Senior Planner Irene Gallion, CDD Planning Manager Alexandra Pierce

II. APPROVAL OF AGENDA

III. SPECIAL ORDER OF BUSINESS

A. Celebrating Assemblymember Hale's Birthday

Mayor Weldon recognized that today is Michelle Hale's birthday. The Assembly wished Ms. Hale a happy birthday.

B. 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. 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 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.

IV. APPROVAL OF MINUTES

A. April 20, 2020 Special Assembly Meeting #2020-18 DRAFT Minutes

B. April 22, 2020 Special Assembly Meeting #2020-19 DRAFT Minutes (Corrected)

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

V. MANAGER'S REQUEST FOR AGENDA CHANGES

There were no changes to the agenda.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Laurie Craig, an Auke Bay resident shared that she was concerned about bears and people, particularly regarding garbage. She encouraged the public to avoid using smelly food items in their trash, and to put out trash only on the morning of pickup. She referenced an Urban Bear Ordinance passed by the Assembly around twenty years ago, which educates the community to be aware of bears. Ms. Craig urged for the renewal of this ordinance.

Mr. Bryson mentioned that a few years ago over a dozen cubs were born in a single season, and asked Ms. Craig if the population increase in bears have played a contributing factor to the bear problem. Ms. Craig said that female bears tend to stay close to where they were raised as cubs, whereas male bears tend to wander other parts of town.

Mr. Smith asked Ms. Craig about her thoughts on bear-proof containers and their effectiveness. Ms. Craig said that she had been working with the Alaska Waste Company, which provides the garbage cans in Juneau, and they have developed what they believe is a secure, bear-resistant trash can.

Aaron Spratt, a Valley resident asked why residents are not given bear-proof trash cans to begin with. He requested for Alaska Waste Company to give out bear proof cans, considering the predominant bear problem in Juneau.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
   None.

B. Assembly Requests for Consent Agenda Changes

Mr. Jones requested for Marijuana License #2519 for Alaska Coffee Pot to be moved from the Consent Agenda to Item D.

C. Assembly Action

<u>MOTION</u> by Ms. Gladziszewski for the Assembly to adopt the Consent Agenda as amended, and asked for unanimous consent. *Hearing no objection, the Consent Agenda was approved by unanimous consent.*

1. Ordinances for Introduction

a. Ordinance 2019-06(AL): An Ordinance Appropriating to the Manager the Sum of $88,969 as Funding for the City and Borough of Juneau's Fiscal Year 2019 and 2020 Public Employees' Retirement System (PERS) Past Service Liability Cost for Centennial Hall; Funding Provided by the General Fund's Fund Balance.

In 2018, CBJ removed a classification of Centennial Hall employees from the State of Alaska's Public Employees' Retirement System. As the employer, CBJ is obligated to pay a percentage of the withdrawn employees' salaries on an ongoing basis until the unfunded past service liability cost is satisfied. This ordinance would appropriate general funds to pay this liability for fiscal year 2019 and 2020 as follows:

Fiscal Year	Rate	Cost
FY2019	16.53%	$43,292.34
FY2020	17.44%	$45,675.76
Total		**$88,968.10**

This request was reviewed by the Assembly Finance Committee on August 5, 2020. **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(D): An Ordinance Appropriating to the Manager the Sum of $47,746 as Funding for the City and Borough of Juneau's Fiscal Year 2021 Public Employees' Retirement System (PERS) Past Service Liability Cost for Centennial Hall; Funding Provided by the General Fund's Fund Balance.

In 2018, CBJ removed a classification of Centennial Hall employees from the State of Alaska's Public Employees' Retirement System. As the employer, CBJ is obligated to pay a percentage of the withdrawn employees' salaries on an ongoing basis until the unfunded past service liability cost is satisfied. This ordinance would appropriate $47,746 of general funds to pay this fiscal year 2021 liability at a past service cost rate of 18.23%.

This request was reviewed by the Assembly Finance Committee on August 5, 2020.

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

c. Ordinance 2020-09(E): An Ordinance Appropriating to the Manager the Sum of $196,832 as Funding for PFAS Contamination Cleanup at the Juneau International Airport; Funding Provided by the Airport Fund's Fund Balance.

The Airport Board has approved Phase 2 of Cox Environmental's PFAS contract, which has to take place and be approved by ADEC before drilling/testing can occur. Cox Environmental has prepared a lump sum budget for the plan submittal to ADEC, and a plan for perimeter wells, testing, and monitoring at a cost of $196,831.60. The Airport requests supplemental spending authority for this work.

A PFAS update was provided at the March 2, 2020 Public Works and Facilities Committee meeting. This request was reviewed and approved by the Airport Board at its July 16, 2020, meeting.

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

d. Ordinance 2020-09(F): An Ordinance Appropriating to the Manager the Sum of $50,000 as Funding for the Manager's Office to Support the Systemic Racism Review Committee; Funding Provided by the General Fund's Fund Balance.

This ordinance would appropriate $50,000 for the Manager's Office to support the Systemic Racism Review Committee proposed under Ordinance 2020-32. If established, the committee would evaluate pending legislation and existing code and policy, and make recommendations to the Assembly to reduce the perpetuation of systemic racism.

At its meeting on August 10, 2020, the Committee of the Whole requested this appropriating ordinance be drafted and introduced at the next regular Assembly 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(G): An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the Voice-over-Internet-Protocol (VoIP) Phone System Replacement Capital Improvement Project; Funding Provided by the Fleet Fund's Fund Balance.

CBJ's telephone system and handsets have been in continuous use for more than two decades, and modernization will bring future operational savings. CBJ Libraries have piloted new phone technology using voiceover-internet-protocol (VoIP), and the results have been very positive. Implementation of the new system is projected to save 20% annually in telephone system costs. Funding for the new system will be provided by Fleet/Equipment Reserve Fund.

Information on this topic will be provided to the Assembly Finance Committee at its September 2, 2020, meeting.

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

f. Ordinance 2020-43: An Ordinance Appropriating up to $500,000 to the Manager for a COVID-19 Juneau ArtWorks Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

This ordinance appropriates $300,000 of CARES Act funding for the purpose of supporting artists who have been substantially negatively impacted by the COVID-19 pandemic. Proposals for the creation of artworks in any media would be evaluated and selected by a review committee, and the resulting artworks would become public property.

The Assembly Finance Committee reviewed this ordinance at its meeting on August 5, 2020 and requested that it be introduced and set for public hearing.

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

2. Liquor License

a. Liquor License One New: 5924 & Two Transfers: 4192 & 2728

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

Liquor License New Application
License Type: Wholesale-General, License #5924
Licensee: GFA Corporation d/b/a Co-Ho Imports AK
Location: 2092 Jordan Ave Suite 550, Juneau

Liquor License Regular Transfer
License Type: Restaurant/Eating Place, License #4192
Transfer From: *Jeong Hee Kim*
Jeong Hee Kim d/b/a Seongs Sushi Bar JH Inc., 740 W. 9th St., Juneau
Transfer To: *Jeongkwi Hwang*
JH Inc. d/b/a Seongs Sushi Bar JH Inc., 740 W. 9th St., Juneau

Liquor License Transfer with Security Interest
License Type: Beverage Dispensary, License #2728
Transfer From: *Tracy LaBarge*
Molly Ventures Inc., d/b/a McGivney's Sports Bar & Grill, 9101 Mendenhall Mall Rd., Juneau
Transfer To: *David McGivney*
Molly Ventures Inc., d/b/a McGivney's Sports Bar & Grill, 9101 Mendenhall Mall Rd., Juneau

CBJ 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 upon request to the Clerk's Office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license new application and transfers.

3. Other Items for Consent

a. CSP2020-0005 Juneau Douglas Bridge and roundabout; portions of North and South Douglas Highway

The Alaska Department of Transportation and Public Facilities (ADOT&PF) will rehabilitate and reconstruct the surfaces of the road and sidewalks on the Juneau Douglas Bridge, the roundabout, and part of South Douglas Highway. This project will include repairing the joints on the Juneau Douglas Bridge, ADA improvements to sidewalks, replacement of guard rail, and improved drainage.

One comment regarding bike accommodations was received. The comment is outside of the scope of this project, as the project funding is limited to rehabilitation and associated reconstruction, and the comment proposes new construction. ADOT&PF can consider the comment when construction funds are available. The Planning Commission approved the project at its regular meeting on July 28, 2020.

The Planning Commission's decision will stand unless the Assembly chooses to take up the project and find differently.

b. Marijuana Licenses: One New Application, Two Renewal Applications

<u>Marijuana License - New</u>
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: September 14, 2020}

<u>Marijuana License - Renewals</u>
License Type: Marijuana Product Manufacturing Facility License #10271
Licensee: Top Hat Concentrates, LLC d/b/a: Top Hat Concentrates, LLC
Location: 2315 Industrial Blvd Suite B, Juneau
{AMCO 60 day comment period ends: September 27, 2020}

License Type: Standard Marijuana Cultivation Facility License: #10270
Licensee: Top Hat, LLC d/b/a Top Hat, LLC
Location: 2315 Industrial Blvd Suite A, Juneau
{AMCO 60 day comment period ends: September 27, 2020}

The above marijuana licenses are before the Assembly to either protest or waive its right to protest. CBJ departments have reviewed these licenses and found the businesses to be in compliance with CBJ Code. Your packet contains the redacted renewal applications along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest any of these licenses, 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 above-listed new marijuana application and renewals.

VIII. PUBLIC HEARING

A. Ordinance 2020-32(c) An Ordinance Establishing a Systemic Racism Review Committee.

Ordinance 2020-32 was discussed by the Assembly Committee of the Whole on July 20, 2020. The Assembly referred it to the August 3 Assembly Human Resources Committee meeting for further discussion, set it for introduction at the August 3 regular Assembly meeting, and referred it to the August 10 Committee of the Whole for further discussion.

Version (c) of the ordinance reflects changes proposed by the Committee of the Whole / Assemblymember Edwardson since the July 20 meeting.

Depending how the charge is implemented, this committee could affect substantial changes in Assembly ordinance and resolution workflow. As most ordinances and resolutions considered by the Assembly are deliberated in committees, there is often a substantial legislative history to each Assembly action. Due to the provision in this ordinance that requires comments six days prior to an Assembly meeting, it is most probable that there will be a need for meetings and information by this proposed committee right up until that deadline. Usually when committees are unsure of the answer to a question, they naturally ask for more time and more information.

As written, the Assembly should be prepared for a potentially large staffing burden and large effort by the Assembly itself.

As this is a policy matter regarding Assembly workflow, the City Manager has no recommendation.

<u>**Public Comment**</u>

Liz La Quen nay Medicine Crow a Kake, Alaska resident, shared that she is currently working as the Executive Director of First Alaskans Institute, a statewide Alaska Native nonprofit organization. She commended Mr. Edwardson for putting this ordinance forward, which she described as a bold initiative.

She said that it takes a lot of effort to confront racism in our society. She provided her own personal experience with discrimination here in Juneau: a principal accusing her and her sister of not being “socially adjusted” enough to be accepted into a school program. Ms. Medicine Crow acknowledged systemic racism as a critical issue – not just a Juneau issue, an Alaskan issue, or an American issue: this is a global issue. She believes that this is an opportunity for good citizen centered governance. She said that she understands that duration is a part of this discussion and she stated that she feels this should be kept in perpetuity, as it will help Juneau be a better community. She also suggested that First Alaskan Institute could provide a training course to the Assembly, and assist as needed. Ms. Medicine Crow thanked the Assembly for listening to her testimony, and for considering this ordinance.

Ms. Triem thanked Ms. Medicine Crow for calling in, and hoped the Assembly would be able to participate some of the training she mentioned. She asked if Ms. Medicine Crow was aware of any other similar efforts being done by other communities. Ms. Medicine Crow said she was not aware of any similar programs. She said that there are other efforts taking place in other cities, such as the City of Nome having a Citizen Review Board for the Nome Police Department, which is grounded in understanding and addressing institutional racism.

Mr. Bryson thanked Ms. Medicine Crow for sharing her testimony. He said that some of the suggestions that have come through have been for the Assembly to conduct an audit for past legislation. He asked Ms. Medicine Crow if First Alaskans Institute would be able to conduct an audit like that, and if Juneau's legislative policies have ever been accused of including racist legislation. Ms. Medicine Crow said she thinks that would be part of the hard work of this committee that it is being proposed. She said there are groups out there that can help facilitate that work regarding racial equity audits. She emphasized the importance of community discussions centered on racial equality, and referenced the Black Lives Matter march in Juneau that was just organized by word of mouth. She said that First Alaskans Institute has an Alaska Native Racial Equity Dialogue process to talk about these issues. Ms. Medicine Crow said that First Alaskans Institute is interested in helping people connect and help transform society. She said that she would be happy to provide resources related to this topic to the Assembly.

Ms. Gladziszewski said that she received a letter from First Alaskans Institute, and expressed interest in some of the programs featured in that letter, particularly the Alaska Native Governance and Protocols Training. She asked Ms. Medicine Crow to give the Assembly some more information about the programs offered by First Alaskans Institute.

Ms. Medicine Crow explained that the Alaska Native Governance and Protocols Training was created as a result of the last governor's administration. She said this course was designed as a specialized training course which educated participants about the political relationship which stems from the inherent sovereignty of Alaska Natives, which predates colonialism. The training also teaches participants how to culturally engage with various Native tribes and groups. Ms. Medicine Crow added that they do not shy away from having difficult conversations about race, they create a space in order to have those conversations; she said we have to have those conversations because they are hard.

John Sisk, a Douglas resident, spoke in support of the ordinance, and mentioned that he also expressed his support at an earlier COW meeting. He said that he is not an expert in systemic racism, but he has learned that it is an unfortunate reality even in our own community. He supported the proposal as it can help ensure the elimination of and avoid racism in Juneau. He said that the ordinance as proposed has a strong case for being effective for implementation and will be cost effective and very efficient. He appreciated Ms. Medicine Crow's testimony and encouraged the Assembly to follow up with First Alaskans Institute. He shared that he had personally taken their racial equity dialogue a couple of years ago, and believes it was highly informative and an eye-opening experience. He thank the Assembly for their time, and encouraged them to pass this ordinance.

Rae Romberg, a Juneau resident, said she cared about this issue and encouraged the Assembly to take action to pass this ordinance for the Systemic Racism Review Committee. She acknowledged the potential staffing burden, but said that expense would be a small price to pay to make our community more equal for all citizens. She urged the Assembly to take this action and she fully agreed with Ms. Medicine Crow. Ms. Romberg reiterated that there may be some difficulties in workflow and staffing, but the benefits would far outweigh the potential hardship. She said that perfectionism cannot be a barrier to progress. She encouraged the Assembly to set a great precedent and to lead the way for other communities with this ordinance.

Martin Stepetin Sr., a Juneau resident, spoke to the testimony provided by Liz Medicine Crow. He shared that he has participated in the First Alaskans Institute racial equity course and highly recommended it. He said the community has already begun the work and needs to continue the work through this committee. He thinks it is worth the staffing and the energy for the CBJ to implement this program to try to correct past inequalities. He encouraged the Assembly to support this ordinance.

Richard Peterson, President of Tlingit & Haida Central Council, reported that Tlingit and Haida people make up approximately 20% of the community in Juneau, not including other minorities in Juneau. He said it is important to be recognized and see ourselves in the work that the city is doing. He spoke in support of this ordinance, and thanked them for taking the time to consider this. He asked them to think of the community members they represent who will be most affected by this action.

Meryl Connelly-Chew, a Downtown Juneau resident, spoke in support of passing this ordinance. She said it is important to recognize that Mr. Edwardson has put in a lot of time and effort in putting this ordinance forward. She acknowledged that this will affect the workflow of how things work, but added that it is beneficial to dismantle a system that needs improvement. She thanked the Assembly for their time, and for considering this ordinance.

Sandy Demmert, a Valley resident spoke in favor of the Systemic Racism Review Committee. She shared that she participated in the Black Lives Matter march and it touched her heart so much. She said she was in awe of the Assembly's willingness to discuss ways to fight racism, and she hoped that this ordinance would pass. Ms. Demmert believes this country needs to pull together to overcome racism. She thanked Mr. Edwardson and encouraged the Assembly to pass this ordinance.

Assembly Action

MOTION by Mr. Edwardson to Adopt Ordinance 2020-32(c) and asked for Unanimous consent. Objection by Mr. Jones for purposes of an amendment.

AMENDMENT #1 by Mr. Jones to amend Part 1: Amend Section 2(a)(1) to read:
"The Assembly shall appoint members of the Committee at the same time to an eighteen month term."

Mr. Jones shared that he had struggled with this ordinance ever since it was introduced by Mr. Edwardson, and after listening to all of the testimony, he said that he has not been able to come to a position of support for this ordinance. He said that instead of having a committee for three years, this amendment would establish a committee similar to a task force that would work for eighteen months. The amended committee would approach the Assembly at the end of their work period with a report, which would detail the committee's evaluations and recommendations moving forward. Mr. Jones said that he would like to see a committee formed that features the expertise that Mr. Edwardson suggested.

Ms. Hale asked Mr. Jones to clarify that there was nothing that would preclude a future Assembly from forming a permanent committee if this amendment passes. Mr. Jones answered that was correct.

Mr. Edwardson mentioned that nothing has precluded past Assemblymembers from forming this type of a committee, and this is the time to do it. He said that creating a temporary committee that may eventually become permanent would go against what experts in the field of racial equity are currently suggesting.

Mr. Bryson noted that the Juneau Human Rights Commission has completed its work on an Anti-Racism Resolution that includes an audit component. He said that the Anti-Racism Resolution puts the burden on the elected officials, as opposed to the Systemic Racism Review Committee putting the burden on volunteers.

Mr. Smith said that this is an unprecedented program and he sees having a sunset date as a positive for review. He also asked if the Assembly wanted to make changes if this ordinance was adopted, and if additional changes could be made to the ordinance. Mr. Palmer confirmed that the Assembly could make changes in the future to the ordinance, and could make the amendments necessary to do so.

Ms. Hughes-Skandijs said that she does not support this amendment, and does not want to see an ad hoc committee structure that would set this up for failure. She also said that she liked the second version of this ordinance.

Ms. Triem said she shared some of the same concerns that have been expressed by those testifying and she does not support of this amendment. She noted that the ordinance already has a review period process built into it. She also mentioned that if workflow or process becomes an issue, that can be addressed as they arise.

Mr. Edwardson objected to the amendment for many of the same reasons previously stated. He said he doesn't think it will attract the type of people they want to attract, and would imply that the Assembly is not serious about this committee. He acknowledged that receiving training as an Assembly will not make them experts, but the Assembly switches out too rapidly to retain that training to achieve expertise.

Mr. Bryson spoke in support of Mr. Jones' amendment. He mentioned that the Juneau Human Rights Commission recommended an audit of current legislation in place, featured an ad-hoc committee similar to what Mr. Jones had proposed.

Ms. Gladziszewski said she absolutely wants to do something about this issue and make some progress. She shared that she struggled with figuring out how they can make progress, and is supportive of progress that can be deemed "good enough" instead of perfect. Ms. Gladziszewski spoke in favor of the amendment, and said it is a good idea to come up with criteria to figure out the technical questions within 18 months rather than five days. She suggested that the committee could be given four months to develop a criteria for the Assembly to follow, and then begin to look forward from there. She said that would support this amendment, and would support the ordinance in the end however it comes out. Ms. Gladziszewski concluded by reminding the Assembly that they have not yet figured out how the committee can move forward and proceed.

Mayor Weldon wished that they had this conversation at the Committee of the Whole meeting. She said that Mr. Jones' amendment is interesting if you take all of them as a whole and it sets the criteria for how the work is done. She said that she agreed with Mr. Edwardson and would like for the committee to look forward rather than backwards. Mayor Weldon said that she would like to see a blend of the two committees, one that works to develop a criteria that would then morph into the Systemic Racism Review Committee.

Mr. Jones said that systemic racism has been around for a long time, he will be long gone and people will still be talking about it, it is a never-ending conversation. His vision is to see how the Assembly will look at this work 18 months from now. He mentioned that he and Mr. Edwardson will both be off the Assembly at that time and he cannot answer what that future Assembly may choose to do.

Mr. Smith said that he does not like the implication of the committee itself being impermanent. He suggested Mr. Jones add language to his amendment to ensure that the committee will be permanent.

Ms. Triem mentioned that the Assembly does not micromanage the work of their other boards and committees. She wondered if the Assembly could ask the committee to come up with its criteria and provide that to the Assembly for approval. She asked Mr. Palmer if that has to be legislated in this ordinance.

Mr. Palmer clarified Mr. Jones' initial point of order. The focus right now is the amendment regarding 18 month term. Going to the criteria on page 2. He confirmed that does not have to be legislated, and that amendment has not yet been moved so they are not at that amendment at this point in the process.

Mr. Edwardson reminded the Assembly that they have heard from experts who work on these things every day. His solid belief is that those people would establish the committee better than the Assembly would. He said he is feeling disheartened by the fact that this is becoming about the Assembly, and it should be about the people who will be serving on the committee.

Ms. Hale called for a point of order. She noted that the Assembly has been discussing all the amendments that Mr. Jones had included in the packet, when they should just be speaking to the one amendment before the body.

Ms. Gladziszewski asked Mr. Jones if he would like to go in the listed order of the amendments that were included in the packet. Mr. Jones explained that he introduced this amendment because if it fails, then the rest of the amendments would not make any sense.

ROLL CALL VOTE on Amendment #1
Ayes: Jones, Bryson, Gladziszewski, Hale.
Nays: Smith, Triem, Edwardson, Hughes-Skandijs, Mayor Weldon.
Motion failed. Four (4) Ayes, Five (5) Nays.

The Assembly took a break at 8:23p.m. and resumed the meeting at 8:31p.m.

Objection by Mr. Jones to the main motion. He said that he tried to offer a solution to the ordinance and it was rejected, and that he will be a "no" vote. He said he understands the desire of people wanting to do something, but he does not believe this committee will do anything in his mind, so he will not support it.

Mr. Bryson asked Mr. Palmer if this committee would have jurisdiction that would oversee the school board or the Juneau School District. Mayor Weldon said that she did not believe so since they are a separate elected body.

Mr. Palmer said that the Assembly has limited control of the school board through the adoption of the budget. The relationship between Assembly and JSD Board is fairly limited except the joint facilities committee. He shared that he is not aware that the Assembly has in recent past tried to create an advisory body, nor has the Assembly ever provided suggestions to the JSD. However, Mr. Palmer said that the Assembly could provide recommendations to the JSD, and they would have the discretion to treat that recommendation as any other public comment that the School Board would receive.

Mayor Weldon gave the gavel to Ms. Gladziszewski for the purposes making an amendment.

AMENDMENT #2 by Mayor Weldon to amend Section 29(b) to read:
"Duties. The Committee is charged with: 1. Developing criteria to devise whether legislation likely includes a systemic racism policy or implication. The committee must present the proposed review criteria to the Assembly for approval before substantially reviewing any legislation."

Mayor Weldon shared that this is something she liked from Mr. Jones' amendments, and would effectively lessen their workload by narrowing their focus.

Objection by Ms. Hale for purposes of striking the language "for approval" from that section. She said that she liked the amendment, however she did not like the words "for approval". She added that this committee is helping the Assembly see if the legislation they pass contain systemic racism, and the Assembly needs to listen to the experts which should not need approval. Mayor Weldon modified her amendment to remove the words "for approval" from that section.

Mr. Edwardson asked Mayor Weldon to explain the practicalities of her amendment.
Mayor Weldon said the purpose of her amendment is for the committee to set its own criteria for the review.

Ms. Gladziszewski said the amendment would mean the committee would first come up with the criteria befor*e* they begin review of the legislation.

Mr. Edwardson removed his objection.

Objection by Mr. Jones. He explained his objection, which was partly due to the removal of the words "for approval". He said that the Assembly is the elected body, and if a group reviews their legislation with a criteria they may or may not approve of is unacceptable to Mr. Jones. He added that he thinks Ms. Hale is correct that the Assembly needs to listen and learn to the experts, but that does not necessarily mean that they should give up their rights as elected officials.

Ms. Hughes-Skandijs said that there is nothing in this ordinance that would bind the Assembly when the committee makes a recommendation. She hoped the Assembly would truly take into consideration what this committee is going to come up with, and hoped that they will listen to the committee.

Ms. Hale echoed Ms. Hughes-Skandijs, and shared that one of her main concerns is by creating this committee is that the Assembly will become bound up in endless controversy. The Assembly needs to be able to use what this committee will give them to inform their decisions and to keep moving forward. She said that this ordinance will not bind the Assembly, and this committee will help the Assembly make better decisions.

Roll call vote on Amendment #2
Ayes: Mayor Weldon, Gladziszewski, Edwardson, Bryson, Hale, Triem, Hughes-Skandijs, Smith.
Nays: Jones
Motion passed. Eight (8) Ayes. One (1) Nay.

Objection by Ms. Hale to Ordinance 2020-32(c) as amended.

Ms. Hale spoke to her objection. She would like to have a committee do an audit and have a backwards look at past legislation. This is a committee they are talking about creating and the community has not been part of this discussion and that discussion has not been visible to the Assembly. They are looking at creating this committee that is creating an incredible amount of workload and she is gravely concerned about how this committee will operate. She said that she has not lived with this in the same way that the people who testified has had to live with this, and she worries about this mechanism.

Mr. Edwardson addressed the issues regarding the workload. He referenced logic models: there are inputs, process, outputs, and outcomes. Outcomes are the widgets that you create and that outcome is a linking construct. He would start with looking at the linking constructs: what do people expect them to do and how is it best to do it. He said it is going to be as large of a workload as anticipated, and even if it is, it should be worthy of working on.
Mr. Edwardson added that through the public testimony, they have found that systemic and institutional racism does exist in Juneau. He advised the Assembly to vote against this ordinance if they do not agree with the notion of systemic racism being a prevalent issue, instead of putting a "no" vote due to the potential workload.

Mr. Edwardson also addressed concerns regarding community involvement, and said that the public was just as much a part of this process as the BLM and police listening session was part of the public process.

Ms. Hughes-Skandijs said that the public is watching this proceed and people see this as a natural step that the Assembly is taking. She agrees with Mr. Edwardson that the Assembly has no choice but to do something. Not everyone knows that the City has a variety of boards that has experts such as the Utility Advisory Board. They provide advice to the Assembly and give recommendations. She said that she hoped this is not the end but rather the beginning of the work on this issue, whether or not this ordinance passes. This is a step towards improvement.

Ms. Gladziszewski said that all along she has hoped that this ordinance could create a space for this work to be done. She is glad they have worked on this as much as they have. She feels every person on this Assembly supports addressing the issue overall and they have just been disagreeing on how best to make that happen. Ms. Gladziszewski said she believes the community is calling out for this, and the Assembly has to try to make progress. She said she will support this ordinance.

Mayor Weldon thanked Mr. Edwardson for bringing this forward and thanked Mr. Jones for providing his amendment language. She agreed with Ms. Gladziszewski that this is not perfect but it is movement in the right direction. She expressed concern about the workload, but said she will remain optimistic and will support this ordinance.

Roll Call vote on Ordinance 2020-32(c) as amended:
Ayes: Edwardson, Bryson, Smith, Hughes-Skandijs, Triem, Hale, Gladziszewski, Mayor Weldon.
Nays: Jones
Motion passed. Eight (8) Ayes, One (1) Nay.

The Assembly took a brief recess and resumed the meeting at 9:15p.m.

B. Ordinance 2020-42: An Ordinance Amending the Land Use Code Relating to Floodplain Maps and Regulations.

The National Flood Insurance Program allows property owners in the CBJ to continue obtaining flood insurance. To participate in the National Flood Insurance Program, the CBJ must adopt updated floodplain maps, a flood insurance study, and enforce a floodplain management ordinance.

The Federal Emergency Management Agency (FEMA) dictates much of the process and standards. Based on the flood insurance study, the flood map revisions have gone through an extensive public review process beginning in April 2018.

The Planning Commission reviewed this item multiple times, including most recently on June 23, 2020.
The Flood Insurance Rate Maps and the Flood Insurance Study are available online: https://beta.juneau.org/community-development/specialprojects/flood-map-revisions.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Mr. Smith for the Assembly to adopt Ordinance 2020-42 and asked for unanimous consent. *Hearing no objection, the ordinance is adopted by unanimous consent.*

C. **Emergency Ordinance 2020-44: An Emergency Ordinance Amending Ordinance 2020-36 related to the COVID-19 Nonprofit Sustainability Grant Program Terms.**

The Assembly adopted Ordinance 2020-36 on August 3, 2020, which created the COVID-19 Nonprofit Sustainability Grant Program. After August 3, the grant administrator identified an eligibility condition in Ordinance 2020-36 that would significantly limit the nonprofits that could benefit from this program if the nonprofit received federal or state CARES Act money. This emergency ordinance expands the eligibility condition, which is similar to what the Assembly did in the Business Sustainability Grant Program Phase 2, Section (f) of Ordinance 2019-06(AG)(d).

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Mr. Palmer shared that this has been a fast-moving process, and extends his "kudos" to the grant administrator for catching this.

Assembly Action:
MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Emergency Ordinance 2020-44 and asked for Unanimous consent.

Objection by Mr. Jones for purposes of a question. Mr. Jones asked Mr. Palmer to clarify if a nonprofit business is still eligible to receive a grant even if they have been awarded similar grants.

Mr. Palmer clarified that this ordinance would allow for a nonprofit who received a different grant or loan to be eligible for this grant, as long as they could provide documentation necessary that receiving this grant would help sustain their business operations. *Hearing no objections, the motion passed by unanimous consent.*

D. **Marijuana License - New**
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: September 14, 2020}

Mr. Jones explained that the Alaskan Coffee Pot had applied to the Alaska Marijuana Board. As a member of the AMB, Mr. Jones had asked the applicant if they had applied for a conditional use permit with CBJ. Mr. Jones said the applicant thought he had applied for the permit, however, Mr. Jones explained that he spoke with CDD and had been informed that the applicant had not applied for a conditional use permit, which is required. He said that under Marijuana Control Board rules, municipalities may conditionally protest a license if they do not have all of the local requirements fulfilled.

MOTION by Mr. Jones for the Assembly to conditionally protest this license until the applicant completes the required process of going through CDD and applying for a conditional use permit.

Mr. Palmer explained that there is no public hearing required for this motion tonight, because the Code states that if the Assembly were to protest, they would have to provide notice to the applicant at least ten days prior. The applicant can then decide if they would like to have a hearing. Mr. Jones' motion is recommend a protest, which would then trigger the hearing rights, and the applicant can respond within the allotted timeframe.

Ms. Maclean mentioned that this situation had happened before, in which an applicant did not complete the process required by the City. She shared the language that the CDD used: "As to CDD's recommendation, although Alaskan Coffee Pot does not yet have a local license and does not yet have a conditional use permit, CDD recommends allowing the applicants to move forward to obtain the State license. The applicant will not be allowed to operate in the Borough until the conditional use permit is approved and the license is issued."

Mr. Jones said that he was not aware of when CDD sent that message to the Marijuana Control Board, and this was not brought up at their last discussion.

Ms. Triem said that she would object to protesting this or any other license that is in the process of working with CDD to apply for a permit.

Ms. Gladziszewski commented that if the Assembly has not protested applicants in this position before, then she does not think they should start doing that here either. She agreed with Ms. Triem and will not protest this permit.

Mayor Weldon asked Ms. Maclean to describe the application as it currently stands in the process.

Ms. Maclean explained that the applicant has reached out and scheduled a pre-application conference, and they are aware that they are required to have a conditional use permit from the CBJ before they can open, and for needing a City and State license. Ms. Maclean said that she did not see the need for CDD to protest their application.

Ms. McEwen asked Mr. Palmer to clarify if this conditional protest were to pass, would they have to schedule an informal hearing before it goes to the State Marijuana Control Board.

Mr. Palmer said that if this motion passed, then they would have to give notice to the applicant by tomorrow. If the applicant invokes the hearing, then they would have to have a hearing with the Assembly sometime before September 14, 2020. If the applicant waived their hearing rights, then the conditional protest would go through the State.

Roll Call Vote to file a conditional protest with the State:
Ayes: Jones, Mayor Weldon
Nays: Smith, Triem, Hughes-Skandijs, Hale, Edwardson, Bryson, Gladziszewski.
Motion failed. Two (2) Ayes, Seven (7) Nays.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Taku Terrace Land Purchase Project

In June of 1970, the City of Juneau adopted Resolution 404 authorizing the lease of City property located adjacent to Evergreen Cemetery to John Rader, now Taku Terrace Condo Association. The lease agreement was signed in June of 1970 and has a term of ninety (90) years. Taku Terrace Association applied to purchase this property from the City as private financing has become problematic with the Association not owning the land. This property was listed in the 2016 Land Management Plan as "retain" which will be updated prior to a disposal of this property. The Lands Committee provided a motion of support to work with Taku Terrace Association as the original applicant towards a negotiated sale.

The Planning Commission recommended updating the Land Management Plan and disposal of this property. If a motion of support is received this item will go to the Lands Committee before returning to the full Assembly for adoption of an ordinance.

The City Manager recommends the Assembly pass a motion of support for updating the Land Management Plan and to work with Taku Terrace Condo Association towards the disposal of City property.

Mr. Edwardson said that if this were to pass, the matter would go back to the Lands Committee on August 31.

MOTION by Mr. Bryson for the Assembly to forward the Taku Terrance Land Purchase Request to the Lands Committee, and asked for unanimous consent. *Hearing no objections, the motion passed by unanimous consent.*

XI. STAFF REPORTS

A. BRH Facility Planning

Due to the COVID pandemic, BRH faces difficult facility needs to address social distancing requirements. To meet social distancing on a permanent basis, improvements are necessary during intake and delivery of medical services. BRH anticipates that renovations to the hospital could cost on the order of four million dollars. Improvements to the hospital could include replacement of the triage tent with a permanent structure, improvements to electronic scheduling, telemedicine and other intake procedures and areas, improvements to air handling systems and other similar upgrades.

BRH requests $400,000 in CARES Act funding to begin planning, design and cost estimating for these improvements. As the CARES Act funds must be expended by 12/31/2020, at this time it does not appear that construction costs would be eligible.

The City Manager recommends that the Assembly request an appropriation ordinance or forward this issue to committee.

MOTION by Ms. Gladziszewski for the Assembly to send this to the Public Works and Facilities Committee and asked for unanimous consent. *Hearing no objections, that motion passed by unanimous consent.*

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon acknowledged that today was the first day of school for the Juneau School District, and hoped that students could return to in-person teaching sometime soon. She also mentioned that today was National Hydropower Day. This week is Juneau Pride Week, and Mayor Weldon said that there will be several activities going on this week, which will end this Saturday with the Glitz Drive-In performance. She advised the public to visit the SEAGLA Facebook page to check out the activities schedule.

Mayor Weldon informed the Assembly that she is forming a salary committee with the City Manager and City Attorney, and Mr. Jones will chair that committee. She also mentioned that she recently attended the Alaska Municipal League conference, along with many other Assemblymembers.

B. Committee Reports

Committee of the Whole (COW) Chair Gladziszewski reported that the COW last met on August 10. They discussed the Systemic Racism Review Committee, COVID Risk Metrics and Child Care. The next scheduled COW meeting is August 31.

Assembly Finance Committee (AFC) Chair Jones shared that the AFC last met on August 8. They talked about CARES Act funding for the Arts, which was introduced tonight. The next AFC meeting is scheduled on September 2.
Mr. Jones, under Presiding Officer Reports, stated that the Lee Appeal hearing is scheduled for 5:30p.m. on September 2. Mr. Jones mentioned that Ms. McEwen sent out an email asking for Assemblymembers to inform her of the method by which they wish to receive their appeal materials.

Lands and Resources Committee Chair Edwardson shared that the Lands Committee last met on August 10. They discussed Taku Terrance Condos, and received an informal verbal water testing quality update. Their next meeting is scheduled to be on August 31.

Public Works and Facilities Committee (PWFC) Chair Hale shared that the PWFC last met on August 10. Norton Gregory spoke about 5th Street Douglas flooding. They also discussed parking and tax abatement. Ms. Maclean explained that the Assembly has complete control of parking at CBJ. Fee in lieu of parking is not working, so this issue is expected to come before the Assembly. The next PWFC meeting is scheduled for August 31.

Human Resources Committee (HRC) Chair Bryson shared that the HRC had met just prior to this meeting and were forwarding the following recommendations for board appointments and asked for unanimous consent to making these appointments:

> ***Aquatics Board:*** Will Muldoon & Tom Rutecki, to terms beginning immediately and ending June 30, 2023. Mr. Bryson also noted that Mr. Rutecki also serves on the Parks and Recreation Advisory Committee (PRAC) and the Youth Activities Board and that Mr. Muldoon also serves on the PRAC.

Hearing no objections, those appointments were approved by unanimous consent.

Mr. Bryson said that the Juneau Human Rights Commission has done a phenomenal job on the Anti-Racism Resolution, and he requested that it be included on the next COW agenda.

Mayor Weldon noted two items that she forgot to mention during her Mayor's Report.
She said that the Labor Day Holiday will be observed on September 7 and that this year's 9/11 observance ceremony will be celebrated virtually this year.

C. Liaison Reports/Assembly Comments & Questions

Mr. Smith shared that the Planning Commission (PC) met once since the last Assembly meeting, during which they approved the conditional use permit for a transitional housing facility on Alaway Ave. He noted that the PC will meet again on August 25 to discuss another conditional use permit for another transitional housing facility on Shaune Drive. The Planning Commission Title 49 Committee was scheduled to meet last week to look at parking. Mr. Smith shared that he spoke with some local business owners about parking and suggestions to improve Downtown Historical Buildings. He said that there may be tax abatement in code and it may help to revitalize downtown.

Mr. Smith said he watched UA Board of Regents meeting where they rescinded their move to consolidate UAF/UAS.

Ms. Hughes-Skandijs attended the Docks & Harbors Operations meeting, where they discussed many things of interest including the CDC requesting information for cruise ships resuming service. Scuttling of the Lumberman continues. The Docks and Harbors board next meeting was scheduled for August 27 at 5p.m.

Ms. Hughes-Skandijs noted that the Juneau Commission on Sustainability has not met since the last Assembly meeting. She echoed Mayor Weldon's remarks about World Hydropower Day, and said it is something to make us grateful about the rain. She also acknowledged Labor Day, and wished everyone happy union support.

Mr. Bryson reported that the PRAC met at beginning of the month, the main topic of discussion was ATV vs. cross country skiers in the Montana Creek area. The Eaglecrest Board also met at the beginning of the month and are having good pre-season pass sales due to financing options.

Eaglecrest reported that their summer revenue is up at an all-time high and Dave Scanlan is very busy with all the projects to prepare for the upcoming season. Dimond Field House is closed right now and Eaglecrest manages it. Mr. Bryson shared that his daughter left for college this weekend. He also mentioned that Ray Cox is retiring after 25-30 years of being in business, and his last day of business was tomorrow.

Ms. Hale attended a lot of AML meetings last week. She also attended a JHRC meeting last week, and appreciated their gentleness and thoroughness to process the issues in order to draft the resolution that came to HRC. She also attended a Fred Meyer intersection focus group meeting on August 21, there is a public meeting scheduled for September.

Ms. Hale said she has been attending weekly testing group meetings for testing equipment for use in Juneau. She shared that they have been looking at all of the various options out there and working on this on multiple fronts. They are also looking at what kind of testing will be needed for the legislature to be able to reconvene. Ms. Hale said that she missed last Downtown Business Association and Bartlett Regional Hospital board meetings.

Ms. Triem reported that Travel Juneau has not held a Board meeting since the last Assembly meeting, however, they have recently received an Alaska CARES Grant. The Aquatics Board will meet tomorrow, where they will discuss facility schedules and their annual report. She also attended a Chamber of Commerce meeting to provide them an update on Assembly business, and they also discussed the state CARES program and the ferry service. Ms. Triem shared that she is sick of the rain and took last Wednesday off to enjoy the sunshine.

Mr. Edwardson attended an Airport Board meeting on August 13. They introduced their newest board member and reorganized committee assignments. There were over 400,000 enplanements in 2019. They are predicting lower numbers for 2020. He said that the Finance Chair of the Airport Board expressed concern about GO Bond debt after the Airport Board held three special finance meetings regarding that issue.

Mr. Jones reported that the School Board held a meeting on August 11. They had a self-assessment workshop, and approved a CIP grant request to the State Dept. of Education. They have a retreat scheduled for August 29, and the next regular meeting is scheduled for September 8. They discussed potentially having a hybrid meeting with some attendees in person and others online, but they are not sure what they are going to do at this point.

Mr. Jones reported that the Alaska Municipal League (AML) held its summer meetings August 10 – August 14, with the AML Board meeting on August 14. He noted that the November AML meeting will be held virtually and Newly Elected Officials will be held possibly at a different time. They also said that AML Board elections will be held remotely, and the district realignment will have no “At Large” seat and no “Juneau specific” seat. He said they spent a lot of time talking about remote sales tax; Mr. Jones said that more and more consolidators are coming on board so may see more revenues from that.

Mr. Jones expressed concern regarding Cope Park and Montana Creek winter closures, and is aware that they have asked for public comment. He said he was surprised about all the things going on that he was not aware of at Cope Park. He shared that he visits Cope Park every day, and reported that he never once saw any signs similar to the ones mentioned in public comment during those walks.

Ms. Gladziszewski asked Mr. Watt if some of the Business Sustainability Grants could be directed towards bars, restaurants, and theaters, given that the EOC has just reduced the capacity limits of those facilities. Mr. Watt agreed that there are some businesses that are disproportionately affected more by EOC COVID-19 guidelines, and he will try to provide updates with Mr. Mertz and Mr. Holtz.

Ms. Gladziszewski wished good luck to all the teachers and students who are trying to navigate this difficult time.

Mayor Weldon shared that the Economic Stabilization Task Force (ESTF) was planning to work on bars and restaurants at their next meeting on August 27.

D. Presiding Officer Reports

Mr. Jones already provided his Presiding Officer Report during his committee report.

XIII. CONTINUATION OF NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

A. Litigation Updates and Strategies

MOTION by Ms. Triem for the Assembly to move into Executive Session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the Municipal Attorney.

Ms. McEwen explained to the public that when the Assembly adjourns into Executive Session, they will end the public Zoom session and will not reconvene the Zoom broadcast.

Hearing no objections, the Assembly moved into Executive Session at 10:26p.m.

XV. ADJOURNMENT

The Assembly ended Executive Session at 10:45p.m., noted that they provided direction to the Municipal Attorney and adjourned the Assembly meeting at 10:46p.m.

Signed: ______________________________
Elizabeth J. McEwen, Municipal Clerk

Signed: ______________________________
Beth A. Weldon, Mayor