THE CITY AND BOROUGH OF JUNEAU, ALASKA

DRAFT Meeting Minutes – September 16, 2019

MEETING NO. 2019-31: The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

Assembly Members Present: Mayor Beth Weldon, Maria Gladziszewski, Mary Becker, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem, Michelle Hale and Alicia Hughes-Skandijs

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Lands Manager Greg Chaney, Airport Manager Patty Wahto, Engineering/Public Works Director Mike Vigue, Community Development Director Jill Maclean, Parks and Recreation Director George Schaaf, Port Director Carl Uchytil, Docks & Harbors Engineer Erich Schaal

III. SPECIAL ORDER OF BUSINESS

A. Introduction of Exchange Students

Mayor Weldon welcomed the AFS and Rotary exchange students and each of the students introduced themselves and the country they are from. She asked each of the students to share what they were surprised by the most in coming to Juneau and what has been their favorite food so far.

B. Proclamation: Energy Efficiency Day 2019

Mayor Weldon presented Steve Benhke with the Energy Efficiency Day proclamation.

IV. APPROVAL OF MINUTES

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested the removal of item 2A – Resolution 2865 *A Resolution Authorizing the Manager to Provide Temporary Law Enforcement Aid to the City of Craig at No Cost to the City & Borough of Juneau,* as that is no longer needed.

Mr. Watt also requested that the Public Hearing item G. Ordinance 2019-06(B)(d) *An Ordinance Appropriating to the Manager the Sum of $4,500,000 in Grant Funding for the Juneau Arts and Culture Center, Funding Provided by the Sales Tax Fund Balance* be removed and postponed to the October 14, 2019 meeting. He said that members of the public expressed concern and confusion as to why this ordinance was being acted upon prior to the election and Mr. Watt felt it would be best to postpone action on this ordinance until after the election and schedule it for public hearing at the October 14 regular Assembly meeting.

Hearing no objections, those two changes were made to the agenda.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Mike Clemens spoke about voter information and expressed his concern that the voter information pamphlet needs to be provided in advance of absentee voting. He said that absentee voters voted 21% of ballots last year. He expressed his concerns regarding the new JACC vs. Centennial Hall and suggested that maybe Centennial Hall should just be torn down. He said that the big picture questions need to be answered first.

VII. 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 Ms. Gladziszewski to adopt the Consent Agenda as amended and asked for unanimous consent. ***Hearing no objection the consent agenda was adopted as amended.***

1. Ordinances for Introduction

a. Ordinance 2019-38 An Ordinance Amending Ordinance No. 87-28 Vacating the Reversion Clause Relating to the Conveyance Agreement and Quit Claim Deed for Property Located at 1968 Lemon Creek Road, Further Described as Lot 20, Block D, Glacier View Subdivision.

Ordinance 87-28 authorized the CBJ to convey property to JAMHI Health and Wellness, Inc. so it could provide housing for people receiving mental health services. Ordinance 87-28 included a reversion clause that required title to revert back to the CBJ if JAMHI ceased to use the property.

JAMHI requests that the reversion clause be removed because it is considering selling the property and using the sale proceeds to provide better community housing and support services in more suitable locations in town. The CBJ has not identified another public use for this property and due to recent State funding reductions, allowing JAMHI to retain and sell this property would be a simple way for CBJ to provide support to help the program relocate to better locations.

At its August 26, 2019, meeting, the Lands Committee unanimously passed a motion of support to remove the reversion clause.

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

b. Ordinance 2019-39 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1, Glacier Lands Subdivision, Located Near 5611 Montana Creek Road, from D3 to D5.

The Planning Commission, at its regular meeting held on August 13, 2019, recommended that the Assembly approve a request to rezone approximately 17.34 acres from D3 to D5. The Planning Commission found that the proposed rezone to D5 substantially conforms to the Urban Low Density Residential designation of the land use maps of the Comprehensive Plan and Title 49. Furthermore, the proposed rezone is consistent with the Comprehensive Plan vision, policies and its implementing actions, standard operating procedures, and development guidelines, which support increased residential densities when appropriate infrastructure is in place to serve the development.

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

c. Ordinance 2018-11(AQ) An Ordinance Appropriating to the Manager the Sum of $2,322,800 to Fund the City and Borough of Juneau's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate $2,322,800, which is the State's FY19 5.58% on-behalf PERS benefit rate paid for CBJ. Funding is provided by the Alaska Department of Administration, which was authorized by passage of HB286 during the 2018 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

d. Ordinance 2018-11(AR) An Ordinance Appropriating to the Manager the Sum of $2,176,791 to Fund Bartlett Regional Hospital's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate $2,176,791, which is the State's FY19 5.58% on-behalf PERS benefit rate paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration, which was authorized by passage of House Bill 286 during the 2018 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH’s finances.

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

e. Ordinance 2018-11(AT) An Ordinance Appropriating to the Manager the Sum of $2,200,000, as Partial Funding for Bartlett Regional Hospital’s Fiscal Year 2019 Operating Budget; Funding Provided by Hospital Revenues, and Hospital Fund’s Fund Balance.

This ordinance will appropriate an additional $2,200,000 to Bartlett Regional Hospital for FY19 operations. BRH experienced increased patient activity that required both additional staff and supplies. This appropriation is being funded from FY19 hospital revenues in excess of the budget of $1,700,000 and Hospital Fund’s fund balance of $500,000.

The Bartlett Finance Committee was informed of the year-end operating expense authorization shortfall, and the need to obtain Assembly budget authorization, at its September 30, 2019, meeting.

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

f. Ordinance 2019-06(D) An Ordinance Transferring $147,000 from the Juneau Renewable Energy Strategy (JRES) Implementation Capital Improvement Project, to the Manager for the Purpose of Providing a Grant to HeatSmart.

This ordinance would transfer $147,000 of Areawide Street Sales Tax funding from the JRES Implementation CIP D12-083 to the Mayor & Assembly’s budget, providing a grant to HeatSmart, a newly organized non-profit established to assist Juneau households reduce energy costs. The program would provide critical data and experience needed to successfully accelerate heat pump usage in Juneau.

The Assembly Committee of the Whole approved this action, and forwarded it to the Assembly for action at its August 26, 2019, meeting,

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

g. Ordinance 2019-06(E) An Ordinance Appropriating to the Manager the Sum of $25,402,903 as Funding for the Juneau International Airport Taxiways A, E, & D-1 Capital Improvement Project; Funding Provided by the Federal Aviation Administration Airport Improvement Program Grant.

This funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant and covers 93.75% of the project. Matching funds in the amount of $1,693,277 (6.25%) will be provided by Passenger Facility Charge (PFC) collections; $1,281,000 was appropriated at the August 13, 2018 meeting, and the remaining $412,277 will be temporarily funded with a transfer of airport revolving funds at the next meeting and reimbursed later from an amendment to PFC9 collections.

The project will rehabilitate Taxiway A pavement, realign Taxiway E, and relocate Taxiway D-1, replace the remaining section of the Jordan Creek culvert as required by the EIS Record of Decision, as well as improve drainage and replace lighting.

The Public Works and Facilities Committee (PWFC) reviewed this action at its April 8, 2019 and September 23, 2019, meetings.

The Airport Board approved this action at its September 10, 2019, meeting,

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

2. Resolutions

a. Resolution 2865 A Resolution Authorizing the Manager to Provide Temporary Law Enforcement Aid to the City of Craig at No Cost to the City & Borough of Juneau. ***(NOTE: This item was removed from the agenda at the request of the City Manager as this support was no longer needed.)***

The City of Craig, Alaska has a temporary need for an additional police officer and the City & Borough of Juneau has the capability of providing a police officer temporarily to Craig. The provision of a Juneau police officer, at no cost to Juneau, fills a critical need for a neighboring community, provides a training opportunity for the Juneau Police Department, and establishes a means of reciprocity if Juneau develops a temporary need for police officers. Craig has requested one police officer to assist with police coverage, in Craig from October 7, 2019 through October 20, 2019. The Juneau Police Department has an officer that is ready, willing, and able to volunteer for this task.

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. Liquor License Transfer for License 1384

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

Liquor License Transfer

License Type: Restaurant/Eating Place, License #1384
TRANSFER FROM: Alfonso Soriano d/b/a Jovany's Italian Restaurant
TRANSFER TO: Haienadangle LLC d/b/a Bowl of Pho
Location: 9121 Glacier Hwy Suite 107, 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 application. Copies of the documents associated with this license are in the Assembly's e-packet or available in hard copy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the transfer of liquor license 1384.

4. Other Items for consent

a. Marijuana License Renewals for the following licenses: #13279, #10844, #10315 and #11605

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 #13279, The Mason Jar LLC, d/b/a THE MASON JAR LLC located at: 2771 Sherwood Lane Unit E, Juneau

(60-day comment period ends Sunday, September 22, 2019)

Retail Marijuana Store, License #10844, Green Elephant LLC, d/b/a GREEN ELEPHANT, LLC located at: 101 Mill St. Suite B, Juneau

(60-day comment period ends Sunday, September 22, 2019)

Standard Marijuana Cultivation Facility, License #10315, Green Elephant, LLC, d/b/a GREEN ELEPHANT LLC located at: 101 Mill St. Suite A, Juneau

(60-day comment period ends Sunday, September 22, 2019)

Standard Marijuana Cultivation Facility, License #11605, Always Redeye LLC, d/b/a Stoned Salmon Farms located at: 2005 Anka Street, Juneau

(60-day comment period ends Friday, October 11, 2019)

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 the following AMCO marijuana licenses: License #13279, License #10844, License #10315 and License #11605.

VIII. PUBLIC HEARING

A. Transfer T-2024 A Transfer of $200,000 from CIP H51-116 Marine Park to Taku Upland Improvement/Archipelago to CIP H51-122 Docks Security Stations

This request is to transfer $200,000 in additional funds for the construction award, contingency, construction administration and inspection for security check points at the approach docks to the Alaska Steamship and Cruise Ship Terminal facilities.

With evolving Coast Guard security requirements and the need to better manage passenger embarkation to cruise ships, Docks & Harbors commenced design efforts to create security check points. Currently there is $450K in Marine Passenger Fees available for the project. Due in part to uncertainty with steel tariffs, the most recent construction estimate places the construction award at $550K.

The Docks & Harbors Board reviewed and recommended approval of this grant funding at its August 29, 2019 meeting.

The City Manager recommends approval of this transfer.

<u>Public Comment</u>

None.

<u>Assembly Action</u>

<u>MOTION</u> by Ms. Becker to adopt Transfer T-2024 and asked for unanimous consent. ***Hearing no objections, the motion passed.***

B. Bid Award: Cruise Ship Security Checkpoint (DH19-050)

With evolving Coast Guard security requirements and the need to better manage passenger embarkation to cruise ships, there is a need to create security check points at the approach docks to the Alaska Steamship and Cruise Ship Terminal facilities. The project consists of all activities necessary to construct two Downtown Cruise Ship Security facilities as shown in the contract documents. The work generally includes manufacturing and erection of steel framing, installation of glass paneling, roofing, lighting and other associated improvements.

Bids were opened on this project on September 10, 2019. The Docks & Harbors Board recommended award of this project at a special board meeting on September 11, 2019.

The bidders and their total bids are as follows:

Bidders	Total Bid
Southeast Earth Movers	$596,600.00
Island Contractors, Inc.	$647,674.00
Alaska Commercial Contractors, Inc.	$779,395.00
Engineer's Estimate	$550,000.00

The City Manager recommends award of this project to Southeast Earth Movers in the total amount bid of $596,600.00.

<u>Public Comment</u>

Mr. Ben Murray, a Douglas resident, asked who will be staffing this security checkpoint once it is built and operational.

Mayor Weldon stated that generally, they only take testimony rather than questions but she asked staff if they might provide an answer to Mr. Murray's questions. Mr. Watt stated that it would likely be a combination of cruise ship staff and Docks and Harbors staff.

<u>Assembly Action</u>

<u>MOTION</u> by Mr. Jones to award the bid for the cruise ship security check point to Southeast Earth Movers in the amount of $596,600.00.

Ms. Gladziszewski objected for purposes of a question. She asked why the two buildings are costing $600,000.

Mr. Uchytil provided photos and explained the bidding process as well as the shortage of steel and recent high cost of steel due to tariffs. Assemblymembers then asked Mr. Uchytil a series of questions related to the construction and design of the security checkpoints as well as the potential availability of funding sources such as the FEMA grant. Mr. Uchytil explained that he had heard that only Anchorage had received the FEMA grant funds. Mayor Weldon thanked Mr. Uchytil for bringing the photos and for his information.

Ms. Gladziszewski removed her objection and the bid award was approved by unanimous consent.

C. Ordinance 2019-32 An Ordinance Authorizing the Sale of City and Borough Land Located at Pederson Hill and Establishing the Terms and Conditions Related to the Sale.

The 86 lot Pederson Hill Subdivision will be constructed in three stages. The first stage consists of 17 lots and is anticipated to be completed late this summer. The Planning Commission approved the final plat on July 9, 2019. The Lands Division desires to offer the lots for sale in advance of next year's building season. Minimum lot prices will be established by appraisal. City financing is available for all lots sold.

Three disposal methods are proposed for this land sale:

- Sealed Competitive Bid – 5 Lots
- Block Sale – One Unit Composed of 6 Lots
- Fixed Price Lottery – 6 Lots

Any remaining lots that do not sell through the initial process would be made available through over the counter sales on a first come first served basis.

The July 8, 2019 Assembly Committee of the Whole reviewed this disposal proposal and recommended approval.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Edwardson to adopt Ordinance 2019-32 and asked for unanimous consent.

Mr. Jones objected for purposes of a question. He and other members asked about the process for the sale of lots if they are not sold in the lottery as well as the status of the two Lena lots that had not yet sold. Mr. Watt answered the process questions and invited Mr. Chaney to come and answer the questions regarding the status of the Lena lots. Mr. Chaney explained that those lots are offered through over the counter sales and earlier in the day, they did have a party come to their office and submit paperwork to purchase one of the two lots. He felt that both lots would likely be sold within a one-year period.

Mr. Jones removed his objection and Ordinance 2019-32 passed by unanimous consent.

D. Ordinance 2019-33 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

The State recently adopted a suite of criminal justice reform legislation. The State legislation clarified ambiguous terms, reclassified crimes, and generally lengthened penalties. The CBJ criminal codes generally mirror the applicable State criminal laws to avoid confusion and to enable the CBJ to independently prosecute cases to protect the community.

On July 25, 2019, the Committee of the Whole directed the City Attorney to prepare an ordinance that updates the CBJ criminal justice codes. A memo from the City Attorney summarizes the changes.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Don Habeger spoke as the community coordinator for the Juneau Reentry Coalition. He stated that the mission of the Juneau Reentry Coalition is to promote public safety by identifying and implementing strategies that increase the successful reentry into the community and reduces the likelihood of their return to prison through recidivating. The coalition believes that minimizing barriers for reentry improves our community's public safety. He stated that Ordinance 2019-33 addresses the criminal offenses, penalties code, and his comments focus on a few items that might increase barriers to success reentry into the community after incarceration.

He asked the Assembly to look into these concerns and, if necessary, make appropriate modifications or simply set sidebars through intent language so that we do not create additional barriers to those trying to rebuild their lives after incarceration. The coalition does not say that there should be no sanctions for criminal behavior, only that we should not impede successful reentry with artificially high barriers.

Mr. Habeger said that the two areas of most concern are maximum fine amounts for a Class A misdemeanor at $25,000 and adding new sections of code outside of those already in alignment with state changes found in HB49. He said that many of those returning to the community, post-incarceration, receive minimum wage employment and have no financial resources to draw from.

He said that the other area of concern is adding additional sections of code that only serve to pile on charges and do not clearly address public safety needs. He gave the example of criminalizing the possession of motor vehicle theft tools.

Assemblymembers asked Mr. Habeger and Mr. Palmer questions regarding the portions of the ordinance that Mr. Habeger was referring to and specifically the new section of the ordinance 42.05.100 "Attempt."

Mr. Palmer said that he appreciated that Mr. Habeger did reach out to his office to alert them to the coalition's concerns. Mr. Palmer said that the prosecution staff, in his memory at the Law Department, has never asked for the maximum fine but he did provide some examples of instances in which the "attempt" language may have been used in cases that JPD has investigated. Mr. Palmer also explained that the cases in which they might end up using the high maximum fine amount will likely end up being repeat offenders who do not pay their sales tax.

Mr. Palmer went on to provide additional information regarding the issues that Mr. Habeger raised during his testimony about the portions of the ordinance that he objected to.

<u>MOTION</u> by Ms. Triem to adopt Ordinance 2019-33 and asked for unanimous consent.

Mr. Jones objected for purposes of a question. He said that CBJ code primarily deals with misdemeanors and he asked why they are passing ordinances that deal with what would be felonies. Mr. Palmer explained that the ordinance is targeted to "attempts" and will be used primarily when working on plea bargaining negotiations.

Mr. Jones asked about the types of crimes and Assistant City Attorney Emily Wright provided information about the types of crimes and the frequency with which Juneau citizens are experiencing thefts and how the new "attempt" language would assist with prosecutions.

<u>AMENDMENT</u> by Mr. Jones to remove section 42.05.100 regarding "Attempts" from Ordinance 2019-33.

Ms. Gladziszewski asked for Ms. Wright to explain the plea bargaining process in more depth.

Ms. Wright explained a variety of ways and reasons that they may wish to plea bargain using this "attempt" grounds rather than try to prosecute on the more serious crimes.

Mr. Bryson objected to Mr. Jones' amendment and said that this language would aid the police as well as the prosecutors in stopping crimes from happening in the first place.

Mr. Edwardson spoke in favor of the amendment and said that while he understands Mr. Bryson's comments, he thinks this is adding to the criminal pool and it is bigger than just a housekeeping thing and needs to be addressed individually.

Ms. Hughes-Skandijs spoke against the amendment, based on the discussion tonight, that the need for including this language in the ordinance has been explained to her satisfaction.

ROLL CALL VOTE on the amendment.
Ayes: Jones, Edwardson, Triem
Nays: Hughes-Skandijs, Bryson, Becker, Gladziszewski, Hale, Weldon
Motion failed 3:6

Mr. Edwardson asked about the language related to intent vs. attempt. He referred to the example that Mr. Palmer had given of someone with the motor vehicle theft tools walking by, looking in a car but for some reason didn't try to break into the vehicle how that could be prosecuted. Mr. Edwardson also asked about probable cause. He said that probable cause concerns an offense and that intent is an element of an offense but only one of its elements. Mr. Edwardson gave an example using a charge of serious bodily harm, you have ability, opportunity, jeopardy, and manifest intent. If you are missing one of those, you don't have an offense. He said that coming from an enforcement background, you would have to prove intent and that is not all that easy to prove and he would like to know how we can say there is probable cause for intent when intent is only an element of crime and not a crime itself.

Mr. Palmer explained that if this is in relation to the possession of motor vehicle theft tools, the crucial element would be to prove possession of the tool with the intent to use that tool to commit a theft of the vehicle or contents of the vehicle. He said the two elements they would have to have probable cause for would be that you have that tool that is recognizable as a vehicle theft device and secondly that there is intent. He said that all of our criminal offenses have some type of intent language.

Mr. Edwardson and Mr. Palmer went into a greater discussion of scenarios under which the charges might be brought using the grounds in this ordinance. Mr. Edwardson expressed his concern that citizens might have to prove their innocence vs. the government having to prove the guilt of the person charged with the crime. Mr. Palmer clarified that the burden of proof is on JPD and his staff to prove someone guilty and not up to citizens to prove their innocence.

ROLL CALL VOTE on the adoption of Ordinance 2019-33:
Ayes: Becker, Bryson, Gladziszewski, Hale, Hughes-Skandijs
Nays: Triem, Edwardson, Jones
Motion passed 6:3

Mayor Weldon recessed for a break 8:15-8:27 p.m.

E. Ordinance 2018-11(AS) An Ordinance Appropriating to the Manager the Sum of $35,000 as Funding for the Downtown Wayfinding Capital Improvement Project; Funding Provided by the Rasmuson Foundation and the Alaska Humanities Forum.

The CBJ has received, through the Rasmuson Foundation and the Alaska Humanities Forum, grant awards to further the Downtown Wayfinding project. The Rasmuson Foundation awarded CBJ $25,000 and the Alaska Humanities Forum awarded CBJ $10,000 to create and install the Community Voices Audio Wayfinding project as part of the Downtown Wayfinding project. The installations will be linked to the wayfinding and interpretive system to be installed throughout downtown in spring of 2020. This project will illuminate the lesser-known histories of Juneau: its original and ongoing Tlingit community, gold rush era, fisheries, political histories, and geographical features, awakening Juneau residents and visitors to a deeper understanding of place and community.

At the Public Works and Facilities Committee (PWFC) meeting on August 6, 2018, the Committee approved staff to pursue the grants for this aspect of the Downtown Wayfinding project with matching funds identified: $15,000 from Downtown Streets project CIP R72-116 and $5,000 from the Downtown Wayfinding project CIP D12-097.

At the July 1, 2019, PWFC meeting, the appropriations and downtown streets fund transfer were recommended to the Assembly for approval.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

Ms. Hale declared a potential conflict of interest due to her financial involvement in a business that would be in close proximity to one of the Wayfinding stations, which may lead to her financial benefit. She discussed it with the City Attorney and he suggested she declare the potential conflict and whether she felt she could proceed in the matter impartially. She stated that while she feels she could be impartial in this matter, she would recuse herself from the discussion if the Assembly deemed it was warranted.

Mr. Bryson also declared a potential conflict of interest for reasons similar to those of Ms. Hale.

Mayor Weldon asked if anyone objected to Ms. Hale and Mr. Bryson continuing to participate in the discussion/deliberation of this ordinance. Hearing none, Ms. Hale and Mr. Bryson were allowed to continue to participate in the discussion and vote in this matter.

Mayor Weldon asked Ms. Becker if she would like to move this ordinance since it would be her last opportunity to ask for an ordinance adoption during her Assembly service.

MOTION by Ms. Becker to adopt Ordinance 2018-11(AS) and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

F. T-2025 A Transfer of $15,000 from CIP R72-116 Downtown Streets to CIP D12-097 Downtown Wayfinding.

This request is to transfer $15,000 in matching funds for the grant awards to further the Downtown Wayfinding project as described in Appropriating Ordinance 2018-11(AS). There are $5,000 in additional matching funds already available in the Downtown Wayfinding project. At the Public Works and Facilities Committee (PWFC) meeting on August 6, 2018, the committee approved pursuit of the grants, and identified matching funds as described. At the July 1, 2019, PWFC meeting, the transfer was recommended to the Assembly for approval.

The City Manager recommends approval of this transfer.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to approve Transfer T-2025 and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

G. Ordinance 2019-06(B)(d) An Ordinance Appropriating to the Manager the Sum of $4,500,000 in Grant Funding for the Juneau Arts and Culture Center, Funding Provided by the Sales Tax Fund Balance. ***[Note: During the Manager's request for agenda changes, this ordinance was postponed to the next Regular Assembly meeting on October 14, 2019.]***

This ordinance would appropriate $4,500,000 in grant funding for the JACC.

At its June 15, 2019, meeting, the Assembly Committee of the Whole approved funding for the JACC grant. Direction from the Committee was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next four years it is necessary to initially use fund balance and then reimburse the fund as revenues come in.

On August 19, 2019, the Assembly amended the grant conditions and then adopted Ord. 2019-34(c)(am), which authorized an advisory ballot proposition for grant funding to the New JACC. Consistent with the amended grant conditions in Ordinance 2019-34, the Assembly requested an amendment so the grant conditions in this ordinance would be consistent with Ordinance 2019-34. Accordingly, the Manager has proposed version 2019-06(B)(d).Because version (c) was introduced and Charter 5.3 does not allow substantive amendments to an ordinance at introduction, the Assembly would need to make the amendments depicted in version (d) and then consider adopting version (d).

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Senior Citizen and Hardship Late File Property Tax Exemptions

1. Late filed Senior Citizen/Disabled Veteran Exemption
Andrew Gamble Jr., Parcel Number B51001020240

MOTION by Ms. Gladziszewski to accept the late file application from Mr. Gamble and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

2. Diane Mayer and Nancy Simpson, Senior Hardship Exemption, Parcel Number 4B1801010040

Ms. Hale ask to recuse herself due to the property owner being a close personal friend. Ms. Hale said she didn't feel she could be fair and impartial in this matter. Mayor Weldon asked the Assembly if anyone objected to Ms. Hale recusing herself from this matter. Hearing none, Ms. Hale stepped down.

MOTION by Ms. Gladziszewski to accept the late file application from Ms. Mayer and Ms. Simpson and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

XI. STAFF REPORTS

Mr. Watt requested that he be allowed to add a second staff report to provide an update on the subport property bid status. That was added as item B. below.

A. Hazard Mapping Update

In July 2018, CBJ received a grant from the Federal Emergency Management Agency to conduct a study and update CBJ's adopted hazard maps from 1987. Tetra Tech, a consulting and engineering firm, has been selected through the CBJ bidding process to conduct the study. The study will provide separate hazard maps for landslide and avalanche areas, supported by a technical engineering report. If grant timelines remain as expected, the first draft of the maps and report will be available to the public for review and comment in approximately November 2020. In addition, the CBJ Planning Commission will hold public hearings to consider adoption of the maps and the supporting analysis. The study area extends from approximately two miles south of downtown Juneau to three miles north of downtown Juneau. The grant covers all contract expenses, and no CBJ match is required.

The need for a detailed avalanche/landslide hazard analysis is documented in the 2013 Comprehensive Plan and Resolution 2813. In addition, CBJ development of the new area plan for downtown Juneau requires accurate identification of hazards to promote appropriate land use regulations and ensure public safety.

No Assembly action is needed at this time. More information is available at the Community Development Department.

Mr. Jones asked if there are any hazards in Juneau outside of this area. He expressed concern about areas such as Eaglecrest, Thunder Mountain and why are we only concentrating on the downtown area and not across the whole borough.

Mr. Watt explained that this is related to avalanche and landslide hazards and in the earliest hazard mapping from the early 1970s, there were avalanche areas identified in the valley from the side of Thunder Mountain. Those areas have not been near developable areas. The focus of mapped hazard areas and development areas is in the downtown corridor and for that reason the grant was sought after and won to study those areas further. That is not to say that there are no other hazard areas in the borough but these are the ones that are in closest proximity to homes and development areas.

Mr. Jones asked if this project would help identify any hazards that would be similar to what happened in Sitka a couple of years ago when they had a mass wasting landslide where lives were lost. As we develop more lands, we are starting to go up mountains for some of our developments and he asked if any areas that we are developing in should be looked at for these hazards.

Mr. Watt said that is something he has worried about also but that Sitka has different geology related to the pre-modern era due to past eruptions from Mt. Edgecumbe that have created different soil conditions that have made it harder for Sitka to identify their threat areas. Mr. Watt said that he does not think Juneau has the same geological threat that would give us that kind of exposure. At a staff level, they have discussed this issue; however, this grant is not available for that wider look.

Ms. Triem asked if during this process, there would be any specific look at the impact on property values and the potential to secure financing to buy real estate in potentially hazardous areas.

Mr. Watt explained that this grant is to provide for the hazard mapping. The financing of property and the potential change for valuation of properties would be a separate issue. He said he knows of at least one property owner who is trying to sell property but it is encumbered by the appraiser's view of the 1972 hazards report, which was adopted. That property owner does not feel like they have a clear path to creating clear title to the property. He said there are few engineers available and none locally who are interested in doing hazard-mapping work because it is a high cost, high-risk area of activity. He said that this particular property provides an interesting case for us, demonstrates that having hazard maps and developed areas side by side can present problems particularly when banks and lending institutions change the way they look at hazard analysis. This is likely a subject the Assembly will want to look into and it could become an Assembly goal so this question of disclosure, financing, and insurance presents a real problem to property transfer in hazard areas but is not the purpose of this grant.

The purpose of this grant is to better understand our hazard areas so the public is aware when they go to purchase property.

Mr. Jones said that one example of that might be the Aurora Arms property.

Mr. Watt stated that the Aurora Arms has a financing issue relating to property recovery in the event of a fire or other loss in which they could not rebuild the structure. He said this is a matter being addressed by the non-conforming ordinance, which is currently going through the process, and he anticipates that ordinance will be coming to the Assembly in the near future at a Committee of the Whole meeting, which would hopefully solve those issues. This ordinance is intended to address those situations that have been affected by changes in the banking world that would give property owners the tools they need.

B. Staff Report added on CBJ BID on Subport Property.

Mr. Watt said that the $20 million bid by Norwegian Cruise Lines (NCL) for the subport property not only caught local attention and that of the local media but he even received calls about it from national media outlets. He said it invites further discussion on tourism in general and planning for waterfront activities. He stated that Mr. Sherman, an Executive Vice-President from NCL, reached out to Mr. Watt and advised that he will be coming to Juneau during the next month to begin discussions about what their plans broadly are. They are interested in a cruise ship dock and he assured Mr. Watt that don't have a plan and that their approach was to demonstratively show that they would like to invest in the community and work towards what is possible. Mr. Watt said he would be meeting with Mr. Sherman later in the month. Mr. Watt anticipates bringing a more complete update at an upcoming COW to provide a framing for a more in depth discussion related to tourism growth both locally and in the region.

Ms. Becker asked if Mr. Watt would share with NCL that the community voted overwhelmingly to not allow for any docks or ships in the location. Mr. Watt explained that Mr. Sherman has read our documents and is aware of the community's planning decisions. Mr. Watt said that the company made the decision to make their aggressive bid anyway and that the view from Norwegian is that they would like to grow their business and the aggressive bid has provided them with a seat at the table. Mr. Watt said that Mr. Sherman has read Mr. Watt's memos and the community plans, and that Mr. Sherman stated to him that it would be a heavy lift to develop that property.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon extended her and CBJ's condolences to the City of Soldotna in the death of Mayor Nels Anderson. She said she and other Assemblymembers met Mayor Anderson at the recent AML meetings and his passing is a loss to many and especially the citizens of Soldotna.

Mayor Weldon reported that she attended and represented CBJ at the following events: Palmer State Fair at the Alaska Committee booth, the Pederson Hill ribbon cutting event at Karl Reishus Blvd., meeting with Kathy McDonald of Army Divers who recently completed an exercise tying down the Lumberman, the International Forum of Sovereign Wealth Funds, Combating Climate Change Science event with Dr. Katharine Hayhoe, the monthly Filipino Community dinner, the meeting on dock electrification, Airport Board and Hospital Board meetings and she toured the oyster farm out at Bridget Cove.

Mayor Weldon said that she attended the 9/11 Ceremony at Rotary Park as part of her rotary functions and she thanked Mr. Edwardson for laying the wreath during the ceremony on behalf of CBJ.

Mayor Weldon reported the following upcoming events:
9/22 at 2 p.m.: Treadwell Office Building Renovation Ribbon Cutting
9/21 from 1:30-2:30 p.m.: National Recovery Month hands across the nation event at the Federal Building. Also related to National Recovery Month is the Juneau Recoveryfest on 9/28 from 2:30-4:30 p.m. with the theme: Change Yourself, Change the World.
9/21 from 11:30 a.m. – 2 p.m. the Electric Car Round Up
9/29 is Gold Star Family Day
9/18-9/20 is Southeast Conference in Sitka
9/16-9/30 CBJ Early/Absentee voting being held at City Hall (M-F 8a.m.-4:30p.m.) and at the Mendenhall Mall annex (M-F 11a.m.-6p.m. and Saturdays 12-4p.m.)

Mayor Weldon said that she is also hoping on putting together a task force similar to that of the Child Care Committee to look at tourism related issues. She asked Assemblymembers to put on their thinking caps of what kind of group that might be, what their mission will be, and what recommendations the Assembly might want them to come back with. She asked Assemblymembers to get any suggestions back to her by Sunday, September 22.

Mayor Weldon said it has been a pleasure serving on the Assembly with Ms. Becker and they will miss having her amongst them. The official send off with recognition of Ms. Becker will be at the October 14 meeting but this is Ms. Becker's final Assembly meeting at which she is a voting member of the body.

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

Mr. Bryson reported that the Juneau Economic Development Council met on September 4. He also attended the Pederson Hill ribbon cutting. He noted that he missed the Planning Commission meeting due to traveling to celebrate his Mother's 70th birthday and his brother's 40th birthday celebrations. He attended the 9/11 ceremony and the Central Labor Council picnic on September 2 and attended a number of campaign events and forums.

Ms. Hale stated that at the last Assembly meeting she reported that BRH was working on a possible RFP for a potential affiliation study. She said that had caused something of a stir and it will be coming up at the BRH governance committee meeting. It is still very much in draft form and they are looking at an RFP to do a SWOT analysis but she will continue to keep the Assembly informed as the process goes along. Ms. Hale said that related to BRH, the ophthalmologist has started and will be performing cataract surgery starting on Saturday. He will be doing surgeries and macular degeneration injections.

Ms. Hale reported that Juneau Commission on Sustainability (JCOS) is working on a proposal for sustainability awards. They are drafting criteria right now and it will be a long way out but she wanted to give the Assembly a heads up that JCOS is working on that. They appreciate the funding to update the climate impacts report. Dr. Jim Powell indicated that although the university is starting to lose staff and people are volunteering less, they have gotten volunteers to work on the report.

Ms. Hale reported that there was no Public Works and Facilities Committee since the last Assembly meeting. She will be attending Southeast Conference in Sitka and she will be doing the hands across the bridge celebration as she is also celebrating her sobriety.

Ms. Hughes-Skandijs said she also attended many of the events others mentioned including the 9/11 ceremony, the Pederson Hill ribbon cutting, Dr. Hayhoe's climate events, the Filipino dinner, and the Central Labor Council picnic. She also attended one of the Community Voices audio wayfinding stories circles and it was filled with great stories talking about Juneau history and neat to see it in the early stages. She was on Action Line this morning with some of her fellow Assemblymembers. She attended the ice cream social at the Pioneer Home. She attended the Downtown Business Association meeting at which they discussed the downtown ambassador program and how they might be shifting that for the next tourist season and were discussing how they may be shifting to employees instead of contractors to provide those services. The Juneau Commission on Aging is full of activity and JEDC is taking a lead with the senior survey and commissioners taking step back and providing guidance. They also discussed ways to consider assisting CBJ on the Vintage Park senior project.

Ms. Triem reported that they had lots of fun on Action Line earlier in the day with Ms. Hughes-Skandijs. The Aquatics Board met on August 27 and elected new officers and Will Muldoon was voted chair. The Aquatics Board has been discussing changes to the private swim lessons policy. She said there have been some emails to the Assembly about this and she wanted them to know that there are no plans to stop offering private lessons at the Juneau pools. The changes they are discussing would require anyone providing private lessons at a CBJ facility to be an employee of CBJ and that is to ensure that all the instructors have the right training and certifications and pass background checks. Those changes are just a proposal right now and no one is talking about eliminating private swim lessons from the pool.

Ms. Triem provided the following report from Travel Juneau:

- National Association of Social Workers biennial conference will be held 9/24-9/27
- Alaska Association of Harbor Masters and Port Administrators will meet 9/30-10/4 and Travel Juneau will be participating in a panel at that conference.
- Liz Perry will also be attending Southeast Conference to participate in a panel about tourism.

Ms. Triem reported that she also attended many of the same events as other members. She was invited to be a guest speaker at Dr. Lora Vess' social problems class at the UAS. She said that the students were very engaged and interested in hearing her talk about city government for an hour. They were particularly focused on tourism and the pollution on the cruise ships.

Mr. Edwardson said he did a lot of travel in August and September. He said that he hopes to be able to give reports next month about the Airport and Eaglecrest Boards and the LEPC.

Mr. Edwardson reported that the Assembly Human Resources Committee (HRC) met just before this meeting. During that meeting, they received the annual report from the Americans with Disabilities Act (ADA) Committee. He agreed to write a cover letter or memo to the city pointing out the areas where the ADA Committee has some recommendations for education or awareness on ways to improvement for municipal interactions with persons of disabilities. Becky Harrington gave a very thorough report and she offered her assistance for anyone needing it to address the concerns they raised. The HRC also provided the following recommendations for appointments to the following boards and commissions:

ADA Committee – the reappointment of Pam Mueller-Guy to a term beginning immediately and ending August 30, 2022.

Douglas Advisory Board – the reappointments of Mary Kay Pusich and Teri Tibbet to terms beginning October 1, 2019 and ending September 30, 2022.

Hearing no objections, the above appointments were approved by the Assembly.

Mr. Edwardson reported that the HRC also heard a presentation on the Community Development Block Grant (CDBG) and recommends approval of CDD's recommendation to approve the St. Vincent dePaul application.

<u>MOTION</u> by Mr. Edwardson to request staff to draft a resolution to be brought back to the Assembly for consideration of the CDBG project. ***Hearing no objections, the motion passed.***

Mr. Edwardson thanked Glacier Valley Rotary for all the work over the years to construct and hold the 9/11 memorial at Rotary Park. He thanked Mary Becker for all her years of service to the citizens of the City and Borough of Juneau, not just her time on the Assembly.

Mr. Jones reported that the Assembly Finance Committee (AFC) met August 21 during which time they went over revenue updates and some sales tax reports and impacts from the state budget. The next regular AFC meeting is September 25 and the Mayor will be chairing that meeting since he will not be present. He asked members to check in with Ms. Cosgrove if they cannot attend any of the special meeting dates for the Financial Sustainability review. The first meeting of the AFC to look at the Finance Sustainability Review is scheduled for October 2.

Mr. Jones reported that the Juneau School Board held a retreat on August 24 and it was the first meeting to start work on their next five-year strategic plan. They also held a regular board meeting and a worksession on September 10. At that meeting, they extended the superintendent's contract and they set goals and priorities for the 2019-2020 school year. They set five goals for the superintendent for this next year. In the Superintendent's report at that meeting, she mentioned that their enrollment is up this year by about 80 students from their projections. In actuality, they are up by only 10 students more than last year. However, the fact that they budgeted low, if that holds through the October-December calculations from the state, it could mean a potential of an additional request of approximately $150,000 more from CBJ coming through in January for CBJ to fund to the cap. Mr. Jones said that the legislative operating grant for FY20, which was part of the governor's discussions and the governor's vetoes that ended up in, court so if it loses in court, the potential is that JSD may end up in a deficit situation of approximately $422,000. If it wins in court, that number is already built into the budget. He said that could affect the amounts we owe but he did send the Superintendent's report to Finance Director Jeff Rogers and he will be working with JSD staff on this. He said there are a lot of moving parts on JSD budget that will affect the Assembly over time.

Mr. Jones said that he has attended many meetings related to CDD. The neighborhood meeting on the rezone at the top of Cordova St. was held at the Douglas Library and there were lots of questions and it was not too well received by the neighborhood. He attended the CDD FEMA Flood Map revision meeting. He said when he and Ms. Gladziszewski first came on the Assembly, they were dealing with flood map revisions and this is a continuation of that process. They made a couple of changes and he thought there were more staff and FEMA personnel there than there were public members. He talked with the staff that when it comes back to the Assembly they need to provide some education through the COW to help our new members learn more about that process.

Mr. Jones said he has attended several meetings of the ad hoc committee on the non-conforming ordinance and it is close to bringing it to the Planning Commission. He pointed out that a lot of the Planning Commissioners will be traveling in October and they may have quorum issues. They also have a committee on overlay district zoning which is due to expire for the downtown area and they have been working a lot on that.

Mr. Jones said that he has missed the last three meetings of the Blueprint Downtown group but he has been able to keep up to speed by reading their minutes. He does have some concerns with the Planning Commission not being able to get quorums for PC meetings. He recommended that there be at least two Assembly COW meetings to discuss these ordinances, as it will be a steep learning curve to bring the Assembly up to speed.

Mr. Jones reported that he and his wife voted in the municipal election today. He said that he looks forward to the meeting of October 14 with the official send off for Ms. Becker but expressed his appreciation for his 7 years of service with Mary Becker on the Assembly.

Ms. Gladziszewski reported that the Committee of the Whole (COW) met on August 26 and forwarded to Assembly the JRES HeatSmart ordinance for introduction today. They also talked about disposal of Vintage Park Subdivision Land for assisted living development and possible ways to do that. Staff will be doing an RFP and moving that forward. They also received an update on the Assembly goals, which will be updated again at the December retreat.

Ms. Gladziszewski reported that the next COW meeting was scheduled for September 23. She also noted that the COW meeting on November 18 is a Monday that is right before AML and a lot of the staff will already be gone to AML so they will be moving the November 18 COW meeting December 2.

Ms. Gladziszewski reported that she attended many of the same events that others attended including the Labor Day picnic, Pederson Hill ribbon cutting, and Dr. Hayhoe's talk at Chapel by the Lake.

Ms. Gladziszewski said she had some questions about sustainability. There are many different threads. The current JCOS is focused on energy. In the past, they worked for a long time on a livestock ordinance and then they sent it to the Law Department and the Planning Commission and she asked if they could find wherever it is in the process and let them know. She said that community gardens have come up off and on in the past at this level. There is one in downtown Douglas as well as the big one by the rifle range and hopefully they can work on finding more options in the future.

Ms. Gladziszewski said that she recently read an article in the World Economic Forum about millennials getting more involved in government and they mentioned that Houston, Grand Rapids, Philadelphia, and Omaha all have millennial boards or commissions. She stated that Juneau has a Commission on Aging but we do not have anything on the other end to get more people involved so she asked Mr. Edwardson to think about that in his work with the HRC.

Mayor Weldon noted that they did find out from Mr. Chaney that there was a green space in the Pederson Hill area that could potentially be made into a community garden.

Mr. Jones noted that during the school board meeting, they had the first reading of a boundary change based on the potential of Pederson Hill lot sales having children that would be moving in and attending schools. He said that they would likely have second reading on the boundary change at their October meeting so the boundary is in place before people begin to purchase the lots.

Ms. Becker reported that the Lands Committee met last week and the main topic was the district heating. Ms. Becker said she hoped everyone had a copy of the packet that she provided. She said the papers were copies of what was given to the Lands Committee. There was a motion made to send the ordinance to the Assembly and to the Committee of the Whole.

<u>MOTION</u> by Ms. Becker to send this ordinance and all the papers that are connected to it to the COW meeting on September 23.

Mayor Weldon noted that Ms. Hale's motion at Lands Committee referred the matter to the Committee of the Whole so she did not think Ms. Becker's motion at this time was necessary.

Ms. Becker stated that Ms. Hale's motion was to refer it to the Assembly and then likely to the COW so Ms. Becker wanted to make sure there were not any mistakes made on it since it did not come to the Assembly and she wanted to make sure it made it to the next COW meeting.

Ms. Gladziszewski said that it would not make it to the September 23 meeting as the City Attorney has not had a chance to review it thoroughly and the September 23 agenda is already full. She stated that it would be coming to the COW but not at this next meeting.

Ms. Becker expressed her disappointment that it will not be coming before them while she is still on the Assembly.

Ms. Becker reported that the UAS Campus Council met the previous week. The Chancellor discussed the operating budget impacts and the Governor and Board of Regents agreed to a three-year reduction of the budget. She said that would not be a loss of the budget as it was already established but there will be a cut of $2.59 million as a proportion of a share of the $70 million in reductions across the three campuses. She said that the Chancellor reported consideration for the UAS will include administration realignment and statewide they will be going from three campuses to one statewide accredited campus.

Ms. Becker reported that there were a number of Docks and Harbors issues that passed at this meeting including the dock security station and bid award. The Alaska Committee is planning a retreat and the legislative reception is planned for January 22, 2020. The Alaska Committee annual meeting will be in January after the legislative reception at which time new members of the Alaska Committee will be elected. Ms. Becker said that she is an elected member of the Alaska Committee and not serving as an appointed Assemblymember so she will continue to serve on the Alaska Committee after her Assembly service.

Ms. Becker said that the Chamber of Commerce luncheon meetings have had some great speakers including Kirby Day and Liz Perry talking about tourism, Midgi Moore talking about the Juneau Food Tours, and District Attorney Angie Kemp talking about changes in the law and that the new law helps prosecutors.

Ms. Becker said that she attended two ribbon cuttings: the JAHMI pharmacy at the Housing First building and the ribbon cutting for Pederson Hill. She said the September 11 remembrance ceremony was one of the nicest ones she has attended. She was on Action Line with Pete Carran. She attended the Dr. Hayhoe talk and enjoyed her very much. She will be leaving tomorrow to attend Southeast Conference. She wished the candidates the best of luck.

C. Presiding Officer Reports – None.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT – 9:32p.m.

There being no further business to come before the Assembly, the meeting was adjourned at 9:32 p.m.

Signed: ___________________________	Signed: _________________________
Elizabeth J. McEwen	Beth A. Weldon
Municipal Clerk	Mayor