MEETING NO. 2019-20: 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, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Housing/Homelessness Coordinator Irene Gallion, Engineering/Public Works Director Mike Vigue, Community Development Director Jill Maclean, Parks and Recreation Director George Schaaf, Port Director Carl Uchytil, Deputy Lands Manager Dan Bleidorn, Airport Manager Patty Wahto, CDD Planner II Tim Felstead

III. SPECIAL ORDER OF BUSINESS

Mayor Weldon delivered two proclamations:
Proclaiming April 30, 2019 Children’s Day at the request of Montessori kindergartner Gracie Blair.
Proclaiming May 5-11, 2019 Public Service Recognition Week and highlighting the 50th Anniversary of Municipal Clerk's Week.

A. Children's Day proclamation

B. Public Service Recognition Week proclamation

IV. APPROVAL OF MINUTES

V. MANAGER’S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle requested the Assembly have staff issue permits to allow for commercial use in parks including an allowance for pedicabs to go past the apron in

Overstreet Park. He noted that due to ambulatory issues for many of his customers, once they get in his pedicab, they don't want to get out.

Mr. James Houck of Juneau Pedicab company, the green pedicab said he and Susan York have been part of the Juneau business community since 2015 and employ up to nine people per summer running four pedicabs a day. He said they are thankful for doing business in Juneau and want to continue to do so. He said that Juneau Pedicab supports the Juneau Energy plan by providing renewable and sustainable pedicab services.

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 and asked for unanimous consent. *Hearing no objection, the Consent Agenda was adopted.*

1. Ordinances for Introduction

   a. Ordinance 2018-11(Q) An Ordinance Appropriating to the Manager the sum of $23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

   This ordinance would appropriate $23,992.23 in bond interest income that was earned on general obligation bond proceeds allocated to the projects listed below. Per CBJ Charter and direction of Bond Counsel, the interest income is available to: 1) cover original projects expenditures, 2) pay bond debt service & IRS arbitrage fees or 3) other eligible Capital Improvement Projects. The proposed expenditures are in compliance with the guidance.

Gastineau Elementary Reno CIP	$ 1,332.83	To Bond Debt
Eaglecrest Learning Center CIP	$ 203.50	To Bond Debt
Centennial Hall Reno CIP	$ 191.32	To Bond Debt
Dimond Loop Field Repair CIP	$ 3,033.40	To Bond Debt
Waterfront Seawalk II CIP	$13,430.24	To Bond Debt
Bond Debt Subtotal	$18,191.29	
Restrooms, Paving & Concessions CIP	$ 1,233.30	IN CIP

New Terminal Reno CIP	$ 4,567.64 IN CIP
TOTAL	$23,992.23

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

b. Ordinance 2018-11(AH) An Ordinance Appropriating to the Manager the Sum of $1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate $1,150,367 to the Capital Improvement Projects (CIPs) listed below.

Rehabilitate Runway:	$713,745
Terminal Reconstruction:	$214,634
Taxiway A, E, D-1:	$200,000
Sand/Chemical/Fuel Facility Construction:	$21,988

Funding is provided by Passenger Facility Charge (PFC) collections. It will be used to provide new construction funds, and reimburse forward-funded amounts in these CIPs.

At their April 8, 2019 meeting, the Public Works and Facilities Committee approved this action.

At their April 9, 2019 meeting, the Airport Board approved this action.

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

c. Ordinance 2018-11(AI) An Ordinance Appropriating to the Manager the Sum of $190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.

The State of Alaska, Department of Public Safety was allotted funds for crime prevention and response and equipment. Through this program, they have approved reimbursing the Juneau Police Department for $190,643. This includes $183,643 for a 3D scanner, supporting equipment, software and training. In addition, the remaining $7,000 funding will be used to purchase a new thermal imager.

A 3D scanner is a tool used to accurately map complex crime scenes and locations. Use of a 3D scanner significantly reduces the time spent at an investigation, and increases the accuracy of the forensic data collected, improving the efficiency and accuracy of an investigation.

Thermal imagers are used at night or in dark locations to locate suspects, or people who are unable to verbally respond. JPD has a thermal imager; however, it is near the end of its life cycle.

There is no match requirement for this reimbursement agreement.

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

d. Ordinance 2018-11(AJ) An Ordinance Appropriating to the Manager the Sum of up to $35,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.

The CBJ Docks and Harbors Board requests approval of an appropriation ordinance to transfer $35,000 from the Docks Fund's Fund Balance for construction of a new visitor information kiosk. The kiosk project is currently under construction. During the course of excavation for the foundation and drainage system unknown underground utilities including phone, data, and electrical vaults and cabling were discovered. The management of these systems within the design required additional work to prepare the site for the completion of the project. The Docks Fund's Fund Balance is currently $2M.

The Docks and Harbors Board will consider this item at its regular meeting on April 24, 2019.

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

e. Ordinance 2018-11(AK) An Ordinance Appropriating to the Manager the Sum of $175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.

Increased public use of the Waste Management Program has resulted in higher operational costs that require supplemental funding of $175,000 in FY19. The CBJ Junk Vehicle Disposal Program, operated by Channel Construction, saw an 84% increase in vehicles surrendered to date for FY19, and we expect to see similarly higher usage April through June. $100,000 is requested to keep this program working for the remainder of FY19. The recycling program contract with Capitol Disposal Inc. has experienced increased shipping costs, and as a result of global market pressures, revenue from the sale of the recyclable material is down

$75,000 from the prior year. Both of these programs are important to keeping Juneau clean and extending the remaining life of the landfill.

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

2. Resolutions

a. Resolution 2853 A Resolution Authorizing the City Manager to enter into a Memorandum of Agreement with the Alaska Department of Transportation & Public Facilities for the Conveyance of the Brotherhood Park Parking Area.

This resolution would authorize the Manger to accept the conveyance of the Brotherhood Bridge parking lot from ADOT&PF. ADOT&PF received federal funds to replace the bridge and relocate the parking lot area, which substantially improved traffic safety, access, and the parking lot for CBJ residents. The parking lot is the main access point for Brotherhood Park and the Kaxdigoowu Heen Dei Trail. The access road from Wildmeadow Lane is already owned by CBJ. CBJ ownership of the parking lot will simplify the realignment of the trail and relocation of the trailhead to the northwest end of the parking lot due to erosion at the Mendenhall River bank. Ownership of the parking lot will also help the Parks and Recreation Department manage use in the area.

The federal fund investment requires that the project be maintained for 20 years. After 20 years, the CBJ would own the property free and clear of the federal maintenance obligation. This resolution would allow the CBJ to become the owner of the parking lot in exchange for maintaining the parking lot for 20 years. The CBJ's maintenance obligations would still be subject to appropriations by the Assembly.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License Renewals for Licenses: 447, 816

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

<u>Renewal of Liquor Licenses</u>
License Type: Beverage Dispensary, License #447
David McGivney, no d/b/a
Location: No Premises

License Type: Restaurant or Eating Place, License #816
El Sombrero Inc., d/b/a El Sombrero Mexican & American Food
Location: 157 S. Franklin St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest these applications. Copies of the documents associated with each 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 above-listed liquor license renewal applications.

4. Transfers

a. Transfer T-1012 A Transfer of $281,001 from the 'PRISM Core Financial Conversion II' CIP D12-017 to the 'Accounting Systems Upgrade' CIP M15-004.

This request is to transfer $281,001 of funds remaining in a completed financial systems conversion project to a project to upgrade the Land Management & Revenue Enterprise Software system (MS Govern). The intent is to sign an agreement with Govern by the end of April 2019. Signing the agreement commits both CBJ and the vendor to start the project in January 2020.

These CIP proceeds in conjunction with the Key Bank lease proceeds, approved with Appropriating Ordinance 2018-11(AG), provide sufficient funds to sign an agreement with Govern.

The City Manager recommends this transfer be approved.

b. Transfer T-1013 A Transfer of $35,000 from the Parks Deferred Building Maintenance CIP to the Centennial Hall Renovation Phase 2 CIP.

This transfer of $35,000 of Temporary Sales Tax from P44-088, Deferred Building Maintenance CIP, to P47-073, Centennial Hall Renovation Phase 2 CIP, will provide funding to assess the long range facility needs to maintain current Centennial Hall uses and improve its marketability for larger group use, develop a conceptual plan for the desired improvements, and develop a cost estimate for a capital improvement project.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

c. Transfer T-1016 A Transfer of $300,000 from the ‘Deferred Building Maintenance’ CIP P44-088 to the ‘JSD Deferred Building Maintenance & Minor Improvements’ CIP S02-102.

This transfer will provide temporary funding to enable the Juneau School District to award summer 2019 work projects, in particular the Marie Drake School Fan Replacement & HVAC Control Upgrades project. The transfer is to be repaid to P44-088 when the Juneau School District receives their FY2020 maintenance funding allocation.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019. The Juneau School Board recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

d. Transfer T-1017 A Transfer of $675,000 from the the Airport Revolving Capital Improvement Projects including, ‘Airport CIP Project Design’ CIP A50-001 & from the ‘Airport Construction Cont. Reserve’ CIP A50-031 & from the ‘Airport Revolving Capital Reserve’ CIP A50-033 to the ‘Terminal Construction’ CIP A50-102.

This Ordinance transfers $675,000 from the Airport CIP Revolving Funds to the Airport Terminal Design & Construction CIPs. It provides temporary funding for design and construction activities, in advance of the sale of approved bonds for the Terminal project; the temporary funding will be returned at that time.

At its April 8, 2019 meeting, the Public Works & Facilities Committee approved this transfer.

At its April 9, 2019 meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

e. Transfer T-1018 A transfer of $83,754 from the ‘Under Thunder Trail’ CIP P46-091 to the ‘Trail Improvements’ CIP P46-102 CIP.

This transfer of sales tax funds, will provide funding for upgrades and improvements to Juneau trails.

This funding was planned to extend the Under Thunder Trail to Glacier Highway. This phase of the project was contingent on securing access through private property, which was not possible. Transferring these funds to the Trail Maintenance CIP is consistent with the voters’ intent for temporary 1% sales tax funds, and will simplify the administration of these CIP projects.

The Parks and Recreation Advisory Committee recommended approving the transfer at its April 2, 2019, meeting.

The Public Works and Advisory Committee recommended approving the transfer at its April 8, 2019, meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2019-08 An Ordinance Amending the Land Use Code Related to Street Standards.

This ordinance would amend the Land Use Code regarding standards for temporary cul-de-sacs and stub streets. A temporary cul-de-sac and stub street are used when the street design of a new subdivision ends at an adjoining property that could be developed. Currently, the land use code requires a developer of a subdivision designed with a stub street to construct it or provide a financial guarantee for five years to cover construction of it. This ordinance would remove that five-year financial guarantee requirement and clarify the procedures and standards for when a temporary cul-de-sac and a stub street are required.
The Planning Commission recommended the Assembly adopt this ordinance at its meeting on December 11, 2018. Public Works and Facilities discussed this on February 25, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
MOTION by Mr. Bryson to adopt Ordinance 2019-08 amending the Land Use Code and asked for unanimous consent. *Hearing no objection, the motion carried.*

B. Ordinance 2019-12 An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.

Dockless transportation devices (scooters and e-bikes) have become a growing management and policy concern in communities in the lower 48. The dockless nature of these devices can clutter sidewalks. Additionally, while the scooters can be operated in a more nimble fashion than bikes, they are not well designed for uneven surfaces which can result in riders being thrown from the devices. There are positives to dockless transportation devices as well. For example, they can extend the comfortable range of pedestrian commutes.
This proposed ordinance would institute a temporary moratorium for commercial use of dockless vehicles to give the community an opportunity to develop

reasonable regulations.

The Committee of the Whole discussed this topic at its meeting on February 25, 2019. The Planning Commission reviewed this ordinance on April 9, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Hale to adopt Ordinance 2019-12 and asked for unanimous consent. *Hearing no objection, the motion carried.*

C. Ordinance 2019-16 An Ordinance Authorizing the Manager to Convey Approximately 600 Square Feet of Property Located at Lot 1, USS 3559 to the Owners of the Adjacent Property Located at 9223 North Douglas Highway.

Thomas Daugherty requested to purchase a small fraction of City owned property in order to have enough area to subdivide his existing lot into two residential lots. Mr. Daugherty's lot is approximately 512 square feet below the minimum size needed to subdivide and requests buying 600 square feet of City property. The Land Management Plan allows for this type of disposal. The Lands Committee provided a motion of support at the November 19, 2018 meeting. The Planning Commission recommended that the Assembly approve the sale at the January 22, 2019 meeting. The value of this property has been determined by the Manager and Assessor to be $2,400. The applicant will pay market value and all surveying, subdivision, recording and closing costs.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2019-16 and asked for unanimous consent. *Hearing no objection, the motion carried.*

D. Ordinance 2019-17 An Ordinance Authorizing the Sale of Four City and Borough Parcels Located at Lena Point Near 16550 Ocean View Drive and 16550 Pt. Lena Loop Road and Establishing the Terms and Conditions Related to the Sale.

The South Lena Subdivision was recorded in 2006 and set aside a large lot to protect an eagle nest. The plat included a note describing that if the eagle nest was abandoned, the lot may be subdivided and developed. In 2017, the United States Fish and Wildlife Service determined the eagle's nest had been abandoned. The lot was then subdivided into four lots. The four lots were appraised and determined to have fair market values between $90,000 and $101,000.

This ordinance would authorize the sale of the four lots by sealed bid. Sealed bids

for the lots are tentatively scheduled to be accepted until July 12. Details are available at CBJ's Lands and Resources web page or by calling 586-5252.
If any lot remains unsold after the sealed competitive bid sale, an over-the-counter sale of the remaining lots would be authorized.

The Lands Committee passed a unanimous motion of support to sell these lots at its meeting on January 14, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Triem to adopt Ordinance 2019-17 and asked for unanimous consent. *Hearing no objection, the motion carried.*

E. Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of CBJ property for construction of the building known as People's Wharf. Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. The proposed additional leased area was appraised to have a fair market value of $6,405 per year.
If the Assembly adopts this ordinance, the Port Director intends to issue an early entry authorization, pursuant to CBJC 53.09.310, so the leased area can be used when the first large cruise ship arrives on April 28.
The applicant has also received a license for the last two years to use 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment and is governed by a different process. (CBJC 53.09.350).
The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission reviewed this matter on April 9, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:

MOTION by Mr. Edwardson to adopt Ordinance 2019-18 and asked for unanimous consent.

Ms. Becker objected for purposes of asking questions. Ms. Becker asked about the length of the lease as she felt that 35 years was too long of a lease period.

Discussion took place regarding the terms of the lease and the frequency of review. It was clarified that the ordinance is amending an existing lease and it will be up for review every five years. Mr. Uchytil explained that the 35 year lease is the greatest length of time for a lease. He explained that Mr. Heumann owns all the uplands with the exception of the additional footage covered by this lease and they review the value of the ownership of that section under lease every five years. Additional discussion took place regarding the map and the new portion vs. the previous portion that was leased. Ms. Becker stated that she maintained her objection.

ROLL CALL VOTE
AYES: Mayor Beth Weldon, Maria Gladziszewski, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem , Michelle Hale and Alicia Hughes-Skandijs
NAYS: Mary Becker
Motion carried 8:1

F. Ordinance 2018-11(AG) An Ordinance Appropriating to the Manager the Sum of $800,000 as Partial Funding for the Upgrade of the City and Borough of Juneau's Land Management and Revenue Enterprise System; Funding Provided by Lease Proceeds.

This ordinance provides up to $800,000 in funding for the project to upgrade the core Land Management & Revenue Enterprise Software system (MS Govern). The funding for this increase will be provided through our master lease arrangement with Key Bank. We are planning on entering into a 4-year lease. A 4-year lease would result in annual lease payments of approximately $200,000 plus interest. The actual interest cost and total lease amount will be determined at the time of leasing.

The total projected project cost is between $900,000 and $1.08 million. There is $280,000 of funding remaining in a technology upgrade CIP, which will be transferred to this project.

The lease payments are proposed to be funded from the voter approved (2017 election) 1% sales tax program. The voters approved $2 million to be allocated to CBJ technology infrastructure upgrades.

Staff is currently negotiating with the vendor, MS Govern. Negotiations are anticipated to be complete by the end of April. In order to sign the contract full funding needs to be secured. The lease provides an immediate source of project cash and the repayment can be spread out over 4 years, while the sales tax is being collected.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
Ms. Triem asked for information on how the funding pieces work with respect to lease proceeds vs. the 1% Sales Tax funding.

Mr. Bartholomew explained that what the lease is doing is to provide the authority to immediately be able to commit $800,000. Under CBJ rules, before we can sign a contract, we have to secure all the funding. The Sales Tax will be coming in over the next four to five years and it is not necessarily 100% available today. To get that authority to sign the contract, staff is doing a master lease agreement. If they needed to make payments immediately, they would do that and borrow against the lease line of credit, and when those sales tax funds came in, they would pay back the draw on the lease. It is a cash flow mechanism that will ultimately be paid by sales tax and that is the source of the project upgrade with temporary financing. Mr. Bartholomew clarified that they are using it for lease financing and technically they are leasing the software until they pay off the vendor. He explained that this software is primarily used to manage our revenue systems, some of which are leases, but it is primarily property tax, sales taxes, utility billing.

Mr. Bryson said this strikes him as the most expensive way to finance this project. He asked if they looked at purchasing the software outright rather than utilizing a lease payment system.

Mr. Bartholomew explained the process they have gone through with this project and an alternative option would have been to use fund balance or savings and redirect that next four years of sales tax to pay back the general fund. There are three phases of the project, and they need to sign a contract by May to secure a slot in the queue for the software. He provided additional explanation on the timing of the project as well as the borrowing timelines.

MOTION by Mr. Jones to adopt Ordinance 2018-11(AG) and asked for unanimous consent. *Hearing no objection, the motion carried.*

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Proposed Regulation Amendment of 20 CBJAC 40 Related to Class C Permits

(Pedicabs).

Currently, the Commercial Passenger Vehicle Regulations only allow for annual certificates. Class C certificates only apply to human powered vehicles, like pedicabs. This regulation proposal would reduce the length of operation for Class C certificates from an annual certificate to a six month summer certificate. This change would also reduce the certificate fee for Class C businesses from $1500 to $750 and set Class C renewal dates consistent with the six month certificate.

If this regulation amendment is adopted, two items may be of interest. First, the Manager will refund $750 for any Class C business that paid the $1500 fee for the 2019 season prior to this regulation taking effect. Second, consistent with CBJC (CBJ Code of Ordinances) 01.60.330, this regulation would take effect in seven days, which could be April 30. The only authority for a regulation to take effect sooner than seven days is for an emergency regulation “necessary for the immediate preservation of the public peace, health, safety, or general welfare,” CBJC 01.60.420, and such emergency regulations are only effective for 120 days. CBJC 01.60.430. This regulation amendment does not qualify as an emergency regulation. Thus, the earliest this regulation can be effective is April 30.

In reviewing proposed regulations, CBJC 01.60.260 provides that the Assembly may:

1. Allow the regulation to take effect. (The Assembly’s historical practice is to move ‘orders of the day,’ requiring the body to consider the next item on its agenda without active consideration of the regulation.)

2. Take affirmative action to approve the regulation.

3. Take affirmative action to disapprove the regulation. (The Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)

4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

The City Manager recommends that this regulation proposal be approved.

MOTION by Mr. Jones to move orders of the day. *Hearing no objection, the motion carried.*

Mayor Weldon began to move forward with the next item on the agenda. She then asked Mr. Palmer if they needed to take public testimony on the regulation topic. Mr. Palmer said that technically it is up to the Assembly to decide if they wished to take any public comment on the CPV Regulations. Mayor Weldon asked if any of the Assembly wished to hear public testimony on this item. Ms. Gladziszewski asked that the Mayor request if any member of the public wished to speak to these regulations.

Mr. James P. Houck with Juneau Pedicabs thanked the Assembly for passing these regulations.

Mr. William Quayle said that with respect to the CPV Regulation, there is a public safety issue that would constitute an emergency with respect to the adoption date, since they are beginning tourist season before these regulations become effective. He said that every time a pedicab is required to leave the seawalk, it is creating a public safety risk and he requested the Assembly waive the seven-day effective date and make it effective as of April 23 instead.

Mayor Weldon said this matter has already been acted upon. No members indicated a willingness to change the previous motion so Mr. Jones motion for orders of the day stood as previously passed.

B. Liquor License Protest - Sandbar Inc., d/b/a The Sandbar License #2844

The following 2019-2020 liquor license renewal application is being recommended for protest by the Finance Department/Collections Division.

License Type: Beverage Dispensary, License #2844
Sandbar Inc., d/b/a The Sandbar
Location: 2525 Industrial Blvd, Juneau

The Finance Department/Collections Division is recommending the Assembly protest this license renewal due to 2018 Real Property Tax and Utility Billing having outstanding balances.

The 60-day comment period for local governing body action ends as of April 28, 2019. The licensee has reached out to CBJ and will contact AMCO as well. The licensee stated that the balance due will be paid in full but is unable to pay before the CBJ protest period ends.

The next meeting of the AMCO Board is April 29-30, 2019. The board agenda has not yet been posted to show whether liquor license #2844 is on the AMCO April agenda.

The Assembly Human Resources Committee also considered this matter at its meeting immediately preceding this Assembly meeting and will provide a recommendation to the Assembly for action. Packet items for this action are contained in the Assembly Human Resources Committee packet and include copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statues pertaining to this matter.

The City Manager recommends the Assembly follow the Assembly Human Resources Committee recommendation.

Mr. Watt deferred to HRC Chair Edwardson to report on the action taken at the HRC meeting just prior to the Assembly meeting.

Members had a discussion regarding the amount owing vs. the amount remaining due. Mr. Jeff Rogers was invited to provide information about the amounts still owing. Mr. Rogers confirmed Mr. Edwardson's report that the initial amount owing was approximately $10,500 and they received a $5,000 check so the balance of that remains due.

Members asked what the protest process is. Ms. McEwen explained that the practice in the past has been to protest when an outstanding balance is due, the Assembly protests the renewal of the license and the Clerk's office sends notice to the ABC Board of the protest and the basis for the protest. The cure for that action is to pay the outstanding amount in full and then the Clerk sends notice that the protest is removed since the basis for the protest no longer exists. Ms. McEwen said that there have been some past instances in which the Assembly via the HRC has asked Finance staff to work with the licensee to come up with a payment plan, confession of judgement, and provided the payment plan was adhered to, the Assembly waived its right to protest the renewal.

Additional discussion occurred regarding the process as well as the timing of both the ABC Board action and the Assembly window of time in which to protest a license. Mr. Watt explained that historically, staff has taken the position that people should be current in their property, sales tax, and utility billing and that it has only been the Assembly who has chosen to relax that standard in a few cases due to extenuating circumstance. Staff has not found any criteria under which a payment plan would be appropriate in some circumstances and not in others. This exact question was the subject of debate earlier during the HRC meeting. He said he would defer to the Chair of the HRC to report on the committee's discussion and recommendation on this.

Mr. Jones said in his seven years on the Assembly, he has never seen a payment plan on delinquent property taxes. He has seen payment plans on sales tax. He said he has seen the finance department protest a license as a formality, even when there has been a payment plan, because that is the way the rules read and it is up to the Assembly to waive that. He noted that Louie's Douglas Inn was not only property tax but also federal income tax and may have had some other tax and the Assembly did protest that renewal. That business did end up shutting down and it was two years before they had a buyer reopen and it was cured by a sale and the taxes were all paid. He said in this instance, the Assembly is being asked to not protest if they set up a payment plan on property taxes and he said he isn't aware that the Assembly has ever set up a payment plan for property taxes because they are due every year.

Mr. Edwardson said he will expand on the HRC meeting but they did have dissenting views and those should be heard as well. He said that the discussion was mainly about the letter they received from Ms. Niemi. There were two parts of the letter: 1) talking about the process of the waiver, and 2) complaint about the process for notification and the opportunities to correct the situation. He said they heard from the city finance director who said the same thing that Mr. Jones just said. He also mentioned the payment plan and some possibilities about how to do it. Mr. Edwardson said the underlying issue itself is that this would be something new and we would be treating this applicant differently than they have treated applicants in the past and perhaps how they might treat applicants in the future. In the letter, there was what Mr. Edwardson would call a 'hint' towards extenuating circumstances but there was no linking construct between the illness and the lateness of paying the taxes due. He said that where his vote was concerned, he looked at the fact that we have a process and that they need to follow the process unless there is compelling evidence to say that they should do something different and he didn't see compelling evidence that they should do something different in this case. He noted that Mr. Bryson had a different viewpoint and he could speak to that.

Mayor Weldon asked if they could first have a motion to put this before the body and then hear from Mr. Bryson.

MOTION by Ms. Gladziszewski to ask the business to get a confession of judgement or make a payment plan for these taxes. She noted that the letter, to her, has extenuating circumstances and the letter states that they will make sure that the rest of it is paid as soon as they can. She thinks the business has every intention of doing that and the amount remaining is roughly $5,000 and it seems like they could pay it according to the letter.

Mayor Weldon asked Ms. Gladziszewski to clarify her motion. Ms. Gladziszewski asked Mr. Palmer if there needed to be a date specified by which the confession of judgement needed to be made. Mr. Palmer said this is the first time we've handled a property tax matter in this manner and he would be cautious due to the state statutes relating to foreclosure laws.

Mr. Jones asked Mr. Palmer about foreclosure laws.

Mayor Weldon adjourned for a 5 minute recess to give the attorney time to look at the foreclosure laws.

Mayor Weldon brought the meeting back to order at 8:15 p.m. She also noted that the Clerk determined that the ABC Board Meeting will begin at 1p.m. on Monday, April 29.

Ms. Gladziszewski withdrew her previous motion so she could offer a replacement motion.

MOTION by Ms. Gladziszewski to protest the renewal of The Sandbar Liquor License #2844 unless payment is paid in full Noon (12p.m.) as of Monday, April 29, 2019. Mayor Weldon asked if there were any objection to the motion.

Ms. Hale objected to the motion. In speaking to her objection, Ms. Hale noted that in the letter from the licensee, it noted that during the last renewal, The Sandbar was delinquent and CBJ did not protest the renewal at that time. Ms. Hale said she would like to know if that is the case. Mr. Bartholomew said his understanding is that they were delinquent and it was not something the collections department picked up on; they discovered that oversight during this review. Collections inquired from the Law Department the appropriate process to protest because of property taxes due as opposed to sales taxes due. The direction from the Law Department was that the Collections division did have the authority to do that so this was different from the previous renewal period.

Ms. Hale said that for the members of our community who have to comply with an amazing number of laws and requirements, for us to have not protested this when they were delinquent during the last renewal period, to protest unless it is paid in full by Noon on April 29 is inconsistent and it doesn't provide a fair playing field for members of our regulated community.

Mayor Weldon said in the letter from the owners, it states that she can pay by April 29. She said that with respect to the non-protest of the previous renewal, that was an error on our part but two wrongs don't make a right in this case.

Ms. Hale asked to clarify if we would be sending a letter to the ABC Board stating that we will protest unless payment is received by Noon on April 29.

Ms. McEwen explained that staff would be sending a letter the next day specifying whatever action was taken by the Assembly using the language of whatever motion passes.

Ms. Gladziszewski said the motion is to protest the license unless the paid in full. Ms. Hale asked for further clarification on how that would be communicated to the ABC Board. Mr. Bartholomew confirmed that a letter would be sent to the ABC board the next day, (April 23) to alert the ABC Board that the Assembly has made a decision to protest unless payment is received by Noon on Monday, April 29. CBJ would then update the ABC Board as soon as we receive any additional information so they would be on record that it is protested unless payment is received. Mr. Bartholomew said we would then provide a final word to ABC on April 29.

Mayor Weldon asked Ms. Hale if she maintained her objection, Ms. Hale said she maintains her objection.

ROLL CALL VOTE on the Motion to protest the renewal of Liquor License 2844

The Sandbar unless paid in full by Noon on April 29.
Yeahs: Maria Gladziszewski, Mary Becker, Wade Bryson, Rob Edwardson, Alicia Hughes-Skandijs, Loren Jones, Carole Triem, Mayor Beth Weldon
Nay: Michelle Hale
Motion carried: 8:1

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon reported on the following various activities and events she has been involved with:

- Ribbon Cutting of the new Electric Vehicle Chargers at Fred Meyer in honor of Earth Day
- Picking up garbage at Duck Creek for Litter Free Day
- Welcomed 84th Tribal Assembly for Central Council Tlingit & Haida, she and her husband attended the awards dinner
- Welcomed the Alaska League of Women Voter's Convention
- Welcomed the Emergency Search & Rescue Exercise which was a Joint Emergency Preparedness exercise of search and rescue teams including the National Guard, Fire Department, SEADogs and some members from Haines and possibly other communities. She gave a shout out to Tom Mattice for organizing that and doing a great job
- She spoke at the Gastineau Rotary Club as a Guest Speaker
- She spoke at the final D.A.R.E. Graduation at Glacier Valley School - she thanked Ms. Gladziszewski for attending one of the D.A.R.E. Graduation ceremonies that she had to miss
- She attended the Downtown Business Association Board of Director's meeting for a Q&A Session
- She attended the Pillars of America Speaker Series and she wanted to highlight Jesse LeBeau since he comes from Ketchikan
- She attended the Sustainability Session that involved the Cruise Ships/Tourism put on by the Juneau Commission on Sustainability
- She visited the Adair-Kennedy site and the anniversary of Ofc. Adair and Ofc. Kennedy's deaths in the line of duty on April 17, 1979
- In happier news, she attended the JPD promotion of Matt DeBois to Sgt. and they also celebrated National Telecommunicators Week and she gave a shout out to our Dispatchers

Other events of note coming up in the future:

- JEDC Visitor Cluster & TBMP are going to talk about tourism growth in general

on Tuesday, April 23 at 5pm at the Elizabeth Peratrovich Hall
- Sunday, April 28 will be the first large cruise ship of the season and a celebration will be held as it docks at the Franklin Dock at 9:00am. Ms. Gladziszewski will be representing CBJ there as Mayor Weldon will be in Skagway attending Mayor Monica Carlson's funeral
- May 4 is the Blessing of Fleet and the reading of the names at the Fisherman's Memorial at 10 a.m.

At the end of the meeting, Mayor Weldon thanked everyone for reminding her of all the things she'd left out of her report earlier. She also attended the Juneau Parks Foundation newest non-profit organization. She also attended the Willoughby District meeting, the Folk Festival, the Juneau Travel Fair, and the Clink wine tasting in support of the JACC.

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

Mr. Bryson reported on the recent meetings of the Parks and Recreation Advisory Committee (PRAC), the Juneau Economic Development Council (JEDC), the Planning Commission, and a meeting he had with Mr. Watt regarding the amount of resources CBJ provides to programs involving our less fortunate citizens. He said he learned that $950,000 goes to agencies through the Juneau Community Foundation and $1.5 Million to Bartlett Regional Hospital (BRH). He also attended Sgt. Dubois' JPD promotion. He was the guest on Action Line on April 16 and he went to the Juneau Park Foundation Grand Opening. On April 20, he attended the Travel Juneau event at the JACC to see all the local tour options. He also attended the electric vehicle charging station ribbon cutting at Fred Meyers with Mayor Weldon. On Saturday, he celebrated 15 years as the owner of his company.

Ms. Hale reported she was on Action Line on April 12. She attended an open house dinner at Haven House which is a transitional living situation for women who have left the half way house or perhaps left AWARE. She was invited by one of the residents many times and ran into her on a bus ride. She said it was very moving listening to their struggles and the successful transitions they have made in becoming productive members of society. Last week, she attended the Hospital Governance Conference in Scottsdale, AZ. She attended with several board members and she said it was very productive and she was grateful to have a better understanding of all the changes in the hospital world.

Ms. Hale reported the Juneau Commission on Sustainability (JCOS) continues to be active on many fronts. She reported that the Assembly Public Works and Facilities Committee (PWFC) has been having special meetings on the new JACC possibility. They have one set for April 30 but that may be rescheduled to a later date after she discusses it further with Mr. Vigue.

Ms. Hughes-Skandijs reported the Juneau Commission on Aging (JCOA) met and its subcommittee has been meeting about the senior survey. The Assembly Finance

Committee (AFC) will likely see a funding request pertaining to the survey soon. JCOA is looking to do some work with the census to make sure seniors are counted accurately. Ms. Hughes-Skandijs said she attended the Downtown Business Association (DBA) meeting and got to learn about what they do. She suggested members mark their calendars for May 5 at 1:00 p.m. as DBA will be doing its annual Color Run fundraiser. She missed the Sister Cities Committee (SCC) meeting due to illness so she looks forward to meeting with them at the next opportunity. She noted that there was a Willoughby District/Auke Village District stakeholders update hosted by JEDC. She attended the informal decommissioning of the M/V Fairweather. She attended the first Friday, Nathan Jackson retrospective opening at Walter Soboleff Center. She also got to see Ms. Hale perform at 45th Annual Alaska Folk Fest and it was great to see. Lastly, she attended the Parks Foundation kick off and the Travel Fair.

Ms. Triem reported that Travel Juneau has a lot of exciting things happening and all Assemblymembers are invited to welcome the passengers of the first large cruise ship arriving on April 28 at 9a.m. Tourism Best Management Practices (TBMP) community meeting is being held on April 23 at 5p.m. at Elizabeth Peratrovich Hall to continue the discussion about sustainability. She also attended the Travel Fair and over 1300 people attended the travel fair.

Ms. Triem said they are continuing to recruit for Aquatics Board applicants. Dates of note for pool users: The Dimond Park Aquatic Center annual closure will be April 29 through May 5 and the Augustus Brown annual closure will be June 3 through June 9. She said that she was traveling for work to Anchorage a lot and she was able to attend some Anchorage local government action. Anchorage had its election earlier in the month and Ms. Triem went to their election central. She said that while they may have more balloons than we do, ours has a better vibe and she thanked the Clerk staff for their work on elections. She said that she met with two Anchorage Assemblymembers with whom she compared notes on On-site Marijuana Consumption. She also attended an Anchorage Assembly Finance Committee meeting.

Mr. Edwardson forwarded the following recommendations from the Assembly Human Resources Committee (HRC) for appointments to boards and commissions and asked for unanimous consent:

Appointment of Dorene Lorenz to the Historic Resources Advisory Committee for a term beginning immediately and ending June 30, 2021.

Appointment of Annie Bartholomew to Sister Cities Committee to a term beginning immediately and ending January 1, 2021.

Hearing no objections, the appointments were confirmed.

Mr. Edwardson reported that he attended the JCOS cruise ship panel presentation. He also attended the opening of the Parks Foundation. As the Mayor reported, he attended the Tlingit Haida Tribal Assembly President's Awards Banquet. He said the banquet was to benefit the three indigenous languages that Tlingit Haida helps fund all over Southeast. He said he thinks it isn't limited to just S.E. but that it is also in Seattle and San Francisco and maybe in Anchorage. Mr. Edwardson said Robert David Boxely was the auctioneer and of the things he talked about was how hard it is to be a language advocate and saving languages that have been wiped out for a long time. He echoed President Peterson's saying that "healthy tribes lead to healthy communities" and they do and language is a big part of that.

Mr. Edwardson said he did not attend the Eaglecrest Board meeting as he attended Native Elder Nathan Jackson's reception instead, a famous carver from Ketchikan. He noted that the LEPC was cancelled due to the ICS training. He reported that the Juneau Human Rights Commission is suggesting and the Assembly HRC recommends the Assembly recognize the achievements of Rosalee T. Walker. She was a former Assemblymember, longtime Juneau resident and State of Alaska employee. There was a letter from the commission included in the HRC packet, and four of the members of the Juneau Human Rights Commission attended the HRC meeting to request the Assembly create a significant memorial. Mayor Weldon suggested that Mr. Edwardson work with Ms. Phillips or Ms. McEwen to draft up a proclamation honoring Ms. Walker. Mr. Edwardson said he will coordinate with the JHRC on the appropriate timing for a proclamation.

Mr. Jones reported that the next Assembly Finance Committee (AFC) meeting will be held on Wednesday, April 24. There will also be a Special Assembly meeting that evening which will be the public hearing on the appropriation/budget ordinances. That Special Meeting will be followed by AFC meeting. The big topics on the AFC meeting are the school district budget and funding above the cap. He reported that the Child Care Committee held its last meeting on April 19. They approved the report and that report has been transmitted to the Mayor so that task force is done. He said that some of that will be coming back to the AFC. He reported that the Juneau School District (JSD) met April 9 with its normal meeting. He said they had quite a bit of discussion re: Marie Drake. The meeting was held on a Tuesday and the Friday prior to that, Marie Drake had a pipe burst and the basement flooded. He said that the Superintendent discussed their disaster response, training, etc. and since their central IT system was in basement of Marie Drake, the school system lost their computers, emails, and their phone system. He said that while they worked around all that, in some discussion with Mr. Vigue, they asked a number of questions about disaster recovery and what would have happened if the servers got wet. He said the Superintendent replied that the computer system and some other things would have been OK but they were most concerned about loss of their phone system. As it was, they were relying heavily on cell phones to reach each other. The next JSD meeting is May 14.

Mr. Jones reported that he attended the DBA meeting which was his last meeting as the

Assembly liaison to the DBA and he appreciates Ms. Hughes-Skandijs willing to take that over. He reported that the Alaska Municipal League has been doing a lot of work up on the hill with budget and he appreciated the City Manager not willing to take any prisoners on the governor's budget. He said that AML usually has their board meeting in May in Anchorage but they have changed that to be held May 8 - 9 here in Juneau since session is likely to still be going on. He said he attended many of the same meetings other mentioned. He said that the Mayor mentioned the Blessing of the Fleet on May 4 at 10 a.m. and following that at 11 a.m. is the Maritime Festival and they have had over 5,000 attend over the past couple of years. He encouraged people to make a day of it in downtown starting with the Blessing of Fleet and ending with the Maritime Festival.

Ms. Becker reported that the Lands Committee said they are negotiating a land trade with Aurora Arms to get access to the upper part of the land behind their building so there could be room for residential space if it was decided to be used in that way. She said they received an update on the senior housing project. There has been a request for an appraisal so they know what that land is worth now. She said she was told by someone that the river has moved and it is not hitting the land by where the seniors wish to build and she asked if anyone else had heard that.

Mr. Watt said the land that has long be envisioned for the senior housing project is more beneficially situated because of the cut through the oxbow. He said it is not that there is no river hazard potential but rather there is less hazard potential. He said that other engineers who have looked at the property for the consideration of the development of senior housing have felt there were engineering solutions to bank protection for a facility there.

Ms. Becker said that the senior housing development is also requesting funds from the Assembly. Ms. Becker then reported that Docks and Harbors (D&H) approved giving $35,000 for the new visitor information kiosk downtown. They met with the Territorial Sportsmen about Amalga Harbor and they will continue to meet to try to resolve some of the issues. She said that with respect to the M/V Lumberman, Docks and Harbors is looking for someone to haul it away as it is not a solution to sink it. She said the next D&H Board meeting is April 25.

Ms. Becker then reported that the Joint Assembly/JSD Facilities Committee had an excellent meeting. The Superintendent discussed school space and said there is really no school spaces left for new rooms for pre-school use. She said there may be room to expand and add more students to the spaces they already have in use. She reminded them that there are already 13 spaces currently being used for pre-K spaces, three of which are for the Kinder Ready program, two are being used for Head Start, seven are integrated special ed and peer program and one is the Montessori pre-K. They discussed legal implications for private operators in school buildings and the City Attorney was there to provide additional information. The next meeting of the joint group is scheduled for April 30.

Ms. Gladziszewski reported that the Committee of the Whole (COW) met on April 8 and heard an update on TBMP. They also discussed the sleep off center and heard about a moderate drought happening in Southeast. They briefly discussed onsite marijuana consumption and they will continue to consider that issue. The next meeting of the COW is Monday, April 29. Ms. Gladziszewski said the Parks and Recreation Master Plan with revisions will be a discussion at the next COW. She noted that she attended many of the same meetings that others had reported on. She spoke at the D.A.R.E. graduation at Gastineau Elementary School and she said the program is still going on and the kids love it. She thanked all those who volunteer and put on the Folk Festival including a board member that sits on the Assembly for all their work.

Ms. Gladziszewski said that Ms. Becker mentioned the D&H Board and the Amalga issue and she asked the City Manager if he had any information on what the next steps might be on that topic.

Mr. Watt said he does not think they have brought that issue to conclusion. They are still working to try to develop a project and from what he hears, the neighbors are not interested in a project at all. Mr. Watt said there is some tension around that issue and he doesn't think it will come to a resolution soon. When they are done with it, it should be coming back to the Assembly.

Mr. Jones said he had attended the public meeting with the neighborhood and it was scheduled for an hour and half and it lasted 2.5 hours. He said that his impression was that approximately 10:1 of the neighbors were opposed to project as it was designed. He said it would likely be 5:1 in favor of removing the fish cleaning station that is there now. He said that the D&H at that public meeting stated they would be working to consolidate the public comments that they received at that meeting plus any other public comments that they received and it would likely try to take it up for a decision sometime in May. He said that he was surprised that Ms. Becker said D&H would be meeting with Territorial Sportsman on a solution since the neighborhood has said they are pretty opposed to any project. He asked Mr. Watt to pass on to Mr. Uchytil that if he is going to be holding meetings with Territorial Sportsman that hopefully it is in a public forum that the neighborhood can attend.

Ms. Gladziszewski said her understanding was that Territorial Sports feels similar to the neighborhood.

Ms. Triem reported that she attended the Ice Show put on by the Juneau Skating Club.

Ms. Hale also reported that she spoke at the M/V Fairweather decommissioning.

C. Presiding Officer Reports

Ms. Gladziszewski noted that they are holding a pre-hearing conference on two matters:

the Mountainside Estates Neighborhood Association on Tuesday and a pre-hearing conference on on the Volunteers of America on Thursday. Both meetings are to lay out the schedule for briefings.

XIII.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 8:57 p.m.

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