THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 28, 2019

MEETING NO. 2019-06: 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

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

Assemblymembers absent: None.

Staff present: City Manager Rorie Watt, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Housing/Homelessness Coordinator Irene Gallion; Parks and Recreation Director George Schaaf, Engineering/Public Works Director Mike Vigue, Port Director Carl Uchytil, Aquatics Manager Kollin Monahan, Code Enforcement Officer Nate Watts, Harbors staff Jennifer Shinn,

III. SPECIAL ORDER OF BUSINESS

Mayor Weldon welcomed Rear Admiral Matthew Bell from the US Coast Guard who personally thanked everyone in the community of Juneau for their support during the recent federal government shutdown.

Deputy Regional Forester Jerry Ingersoll also came forward to thank everyone and to express how much it has mattered to every federal employee to be so supported by our community. They are glad to be back to work for Juneau and our nation.

IV. APPROVAL OF MINUTES

A. Special Assembly Meeting Minutes 2019-05, January 23, 2019

MOTION by Ms. Becker to approve the minutes of the January 23, 2019 Special Assembly meeting and asked for unanimous consent. *Hearing no objection, the motion carried.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Russ Pagenkoff spoke regarding downtown parking and parking passes at the

Downtown Transportation Center (DTC). His concerns related to the overselling of the spaces at the parking garage being morally and ethically wrong and that for those who work on a time schedule that is other than 8-5, it is difficult, if not impossible to find an open spot that isn't located on the 3rd floor during the legislative session..

Mr. Dennis Harris asked them to fix Capital Ave. which has been a constant mine field of potholes. It is a highly used route when coming to and from the flats going uptown and he encouraged the city to move it up on the CIP list of priorities.

Mr. Doug Woodby said the Juneau Renewable Energy Strategy was adopted a year ago and he asked what kind of progress has been made since adoption. He requested that a progress report be compiled on how we are doing, particularly on fossil fuel use by CBJ and for those to be published periodically in the Juneau Empire. Ms. Hale asked if he was aware that the Assembly included Sustainability as one of its major goal topics. Mr. Woodby said that Assemblymember Triem informed him of that at a recent meeting they both attended.

Ms. Karla Hart requested the CBJ to do a comprehensive tourism plan looking at the cruise industry, independent travel and any other type of tourism and figure out what we are spending, where the money is coming from, and how we are going to go forward. She said with the recent lawsuit somewhat settled, she is hearing that we cannot spend cruise passenger money on toilets and a lot of other things. She said as a taxpayer, she does not want to pay for those things that directly benefit the cruise industry. She said she has researched the cruise industry for years and they are masters at externalizing every cost that they can and we as a community need to say no. She said the time right now is good to say no, the industry is making a pile of money off us and they are trying to maximize their profits. We, the residents of Juneau, should not pay to subsidize the industry in any way whatsoever. She urged the city to do a cost review analysis into what we are spending, what we are receiving and how we can get more, such as charging more for our valuable water resources.

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 motion passed.*

1. Ordinances for Introduction

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

      This ordinance would amend the Land Use Code regarding the 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.

      The City Manager recommends this ordinance be introduced and referred to the Public Works and Facilities Committee.

   b. Ordinance 2018-11(AB) An Ordinance Appropriating to the Manager the Sum of $1,474,553 as Funding for the New Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

      This ordinance would appropriate $1,474,553, the majority of the proceeds from the recent sale of the Shaune Drive public property, to create a new CIP that will consolidate the Recycleworks program and Household Hazardous Waste program at a central location at the Waste Management owned and operated landfill.

      The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.

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

   c. Ordinance 2018-11(AC) An Ordinance Appropriating to the Manager the Sum of $300,000 as Funding for the Deferred Building Maintenance Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

      This ordinance would appropriate $300,000, a portion of the proceeds from the recent sale of the Shaune Drive public property, to reimburse the Deferred Maintenance CIP for funding the renovations made to the old Valley Shop at 2520 Barrett Avenue to allow the Water Department to occupy the facility.

The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.

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

2. Liquor License

   a. Liquor License Renewals for Licenses: 1081, 1384

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

   <u>Renewal of Liquor Licenses</u>
   License Type: Restaurant Eating Place, License #1384
   Alfonso Soriano d/b/a Jovany's Italian Restaurant
   Location: 9121 Glacier Highway, Juneau

   License Type: Beverage Dispensary, License #1081
   Shayz, LLC, d/b/a Squirez
   Location: 11806 Glacier Highway, 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 hardcopy upon request to the Clerk's office.

   The City Manager recommends the Assembly waive its right to protest the above-listed liquor license applications.

VIIIPUBLIC HEARING

A. Ordinance 2019-03 An Ordinance Amending the City and Borough of Juneau Code Related to Aquatics Facilities and Repealing the Associated Sunset Date.

In October 2014, Juneau voters authorized the Assembly to adopt an ordinance to establish a board to direct the operation of CBJ's aquatics facilities. Subsequently, Ordinance 2015-23(b) created the seven-member Aquatics Board. That ordinance specified the Aquatics Board would automatically sunset on May 28, 2018. Ordinance 2018-18 extended this sunset date to June 30, 2019, to allow for further consideration of better governance options. Since April 2018 the Aquatics Board, in consultation with the City Manager and Parks & Recreation staff, considered different governance options, which culminated in Ordinance 2019-03.

This ordinance would permanently remove the sunset provision and makes several other changes. It increases the number of board members from seven to nine, and designates one seat each for representatives from the Juneau School District and a local aquatics organization that rents a pool facility. The Director of the Parks & Recreation Department would sit on the board as a non-voting member. The ordinance further clarifies that the Aquatics Manager reports to the Parks & Recreation Director and provides staff support to the Aquatics Board. The Board would continue to have the ability to establish fees and charges for the use of aquatics facilities, review and approve annual operating and capital budget submissions, and adopt regulations subject to Assembly approval.

Upon adoption of this ordinance, the Assembly would then need to address the Board's membership. Of the seven current members, two (Max Mertz and Pat Watt) have terms that expire in 2020 and the remaining five have terms that expire this June. I understand that some members are not interested in serving for additional terms. Thus, I recommend the Assembly open an application process and select three people to fill three-year terms, three people to fill two-year terms, one person to fill a one-year term, and keep the existing two members with terms that expire in 2020. This ordinance would not change the term limits for any member that continues after the new Board is formed.

The Human Resources Committee discussed this ordinance on January 7, 2019. The Aquatics Board discussed this ordinance on January 15 and 22, and recommends the Assembly adopt version (b). A memo from the City Attorney describes the changes in version (b).

The City Manager recommends version (b) of this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Mr. Bryson to adopt Ordinance 2019-03 version (b) and asked for unanimous consent.

Objection by Mr. Jones. Mr. Jones stated that his objection relates to the addition of the employment prohibition language. Mr. Jones explained that during the initial creation of the Aquatics Board they discussed the membership criteria in depth and were very purposeful in the language currently proposed for removal on page 2 lines 1-18 of version (b).

AMENDMENT by Mr. Jones to use the language originally found in 67.10.010(b) and found on page 2 lines 17-18 of Ordinance 2019-03(b) and to remove the strike-through from that line so that it would again read: **"(b) No board member, or member of a**

board member's immediate family or household, may be employed by an aquatics facility owned by the City and Borough."

Discussion took place regarding the Assembly Human Resources Committee recommendations with respect to the Aquatics Board. Mr. Jones also explained the history behind the language being in the original ordinance and why he would like it to remain.

Roll Call Vote on the amendment.

Ayes: Edwardson, Gladziszewski, and Jones
Nays: Becker, Bryson, Hale, Hughes-Skandijs, Triem, and Weldon
Motion failed 3:6

Roll Call Vote on motion to adopt Ordinance 2019-03(b) as initially presented.

Ayes: Becker, Bryson, Hale, Hughes-Skandijs, Triem, Gladziszewski, and Weldon
Nays: Edwardson and Jones
Motion carried 7:2

B. Ordinance 2018-11(Y) An Ordinance Appropriating to the Manager the Sum of up to $230,000 as Funding for Phase II of the Amalga Fish Cleaning Station Project; Grant Funding Provided by the Alaska Department of Fish and Game.

The Alaska Department of Fish and Game (ADF&G) has provided $230,000 for the purpose of design and construction of a new fish cleaning float.

This project received a previous ADF&G grant of $50,000 for feasibility and planning purposes. The additional funds will cover the final design, permitting, bidding, and construction of the fish cleaning station at Amalga Harbor. The Docks and Harbors Board referred this item to the Assembly at its regular meeting on December 20, 2018.

The Assembly Public Works and Facilities Committee discussed this matter on January 14, 2019, and recommended to postpone consideration of the ordinance until more public process occurred.

The City Manager recommends the Assembly allow public testimony tonight and then refer this ordinance to the Public Works and Facilities Committee to allow staff more time to facilitate public process.

Mr. Jones asked for a point of order before holding public hearing. He noted that the ordinance was introduced, referred to the Public Works and Facilities Committee (PWFC) but was also set for public hearing. The PWFC recommended they not take testimony until the process was finished in committee. He said the he had discussed this with the City Attorney. When an ordinance is introduced, referred to committee, and set for public hearing all at once, it sets up a dynamic with the committee that they don't feel they can hold it in committee since it had already been set for public hearing.

When the PWFC discussed this ordinance, they voted unanimously to request the Assembly NOT to hold public hearing at the Assembly level until it was done in committee. He said he didn't know if it was appropriate for the Assembly to follow its rules related to public comment until the Assembly deals with a motion that came from its own committees.

Mr. Palmer said the short answer to Mr. Jones' question is that it is the Assembly's discretion as to whether to take public testimony at this time or not. He suggested it would be prudent to take public testimony because it was introduced and set for public hearing but it is entirely at the Assembly's discretion.

Mayor Weldon said that having spoken with some of the residents of the neighborhood, they intended to have one spokesperson speaking on their behalf at this meeting.

Ms. Gladziszewski noted that this issue will be going back to PWFC and it will come back to the Assembly for additional public testimony so this would not be their only opportunity to give public testimony.

Public Comment:
Mr. Doug Larson said that he was one of several property owners present and he was chosen to speak on their behalf. He said they appreciate what the PWFC did when they met with the neighbors two weeks ago and in asking for a postponement. They support the work of the City Manager on this and the neighbors feel there is more to be explored and details to be worked out in the PWFC.

Mr. Bryson asked Mr. Larson if they see the proposed fish cleaning station as solving some of the issues caused by the fish carcasses or if he feels there will there still be a problem.

Mr. Larson said that he feels it is safe to say, without any data, that when you have one cleaning station open, you have some carcasses, but when you have more than one station, you have more carcasses. He said when the one station is in use, there are many folks who take their fish home or elsewhere to clean. He said they are concerned this has the capacity to exacerbate things and make for a bigger problem if another station were added.

Assembly Action:
MOTION by Ms. Hale to refer Ordinance 2018-11(Y) back to the Public Works and Facilities Committee and asked for unanimous consent. *Hearing no objection, the motion carried.*

C. Ordinance 2019-04(b) An Ordinance Repealing Ordinance 2015-18(am) and Re-establishing the Treadwell Arena Advisory Board.

The Treadwell Arena Advisory Board (TAAB) was established by the Assembly in 2015 and tasked with reviewing operations at the Treadwell Arena, including financial performance, marketing, and facility usage. The TAAB recently developed mission and vision statements for the board, and has proposed amending ordinance 2015-18(am) to provide better alignment between the TAAB's work and its reports to the Assembly. This ordinance would better identify objective reporting criteria that align with the TAAB's vision "to ensure continued opportunities for the community to use Treadwell Arena," and its mission to "work with Treadwell Arena to ensure operations are consistent with cost recovery goals, identify opportunities to generate net revenue, and identify ways to improve the user's experience."

The TAAB discussed these changes at its meeting on October 16, 2018 and recommended forwarding them to the Assembly for action. The Human Resources Committee discussed this ordinance on January 7, 2019, and recommended that the TAAB report to the Human Resources Committee instead of the Committee of the Whole. That change is reflected in version (b) of this ordinance.

The City Manager recommends that version (b) of this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2019-04(b) and asked for unanimous consent. *Hearing no objection, the motion carried.*

D. Ordinance 2019-01 An Ordinance Amending the City and Borough Code Relating to the Criminal Penalty for Violating Conditions of Release.

This ordinance would amend the CBJ's violating conditions of release penalty to be consistent with the maximum penalty allowed under State law. State law (AS 29.25.070(g)) requires that a penalty for a municipal ordinance may not be greater than for a violation of a similar State law. This ordinance would reduce the maximum term of imprisonment from 10 days to 5 days for the crime of violating conditions of release and clarify that the maximum fine is still $2000, which is consistent with State law (AS 11.56.757, AS 12.55.135(b)(3), and 12.55.035(b)(6)).

The City Manager recommends this ordinance be adopted.

Public Comment:
Mr. Dennis Harris stated that there is movement in the state legislature to revise or revoke SB91 and his hope is that if/when the state makes changes to the statutes, that CBJ adopt the highest possible penalties and conditions of release. He gave an example of a case that recently happened in the flats in which a person was arrested for theft,

placed in jail, served his 5 days before being sentenced and was then released. He said that individual then immediately began the same behavior all over again after leaving jail. He said when the city prosecutes someone, he hopes they will serve the maximum sentence allowed before being released to re-offend.

Assembly Action:
MOTION by Ms. Triem to adopt Ordinance 2019-01 and asked for unanimous consent.

Ms. Gladziszewski asked for clarification about not seeing any strikethrough text in the ordinance.

Mr. Palmer explained that the original code is as appears in this ordinance but the default penalty was in another code section. This now adds the language in this code section as shown by the underlined text in Ordinance 2019-01.

Hearing no objection, the motion carried by unanimous consent.

E. Ordinance 2018-11(U) An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the Electronic Fare Boxes Capital Improvement Project for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate grant funding in the amount of $600,000 as provided by federal funds through the Alaska Department of Transportation and Public Facilities. A local match requirement of $150,000 has already been appropriated to the capital project under D71-090 – Electronic Fare Boxes.

This funding will provide Capital Transit with a data management and fare collection system that enables automatic passenger counters to track ridership and loads on an ongoing basis and a fare collection system to help reduce collection time, ultimately providing improved customer service.

The Public Works and Facilities Committee reviewed this topic at its meeting on December 10, 2018, and referred it to the Assembly.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Mr. Edwardson to adopt Ordinance 2018-11(U) and asked for unanimous consent.

Objection by Mr. Bryson for the following questions:

1) Have these been tried in other communities as he would hate to see this go the same way the downtown parking equipment went.
2) Will there be options for passengers to still pay cash if they need to?

Mr. Watt said this ordinance is to appropriate funds and does not specify the exact technology manufacturer and he would imagine there would be a robust consideration of the options available. He asked Engineering/Public Works Director Mike Vigue to come forward and provide additional information.

Mr. Vigue stated that once they get the grant funding from State DOT and Federal Transit Administration, they would pursue, likely through a consultant, to determine what technology they'd like to buy for this use. In answer to Mr. Bryson's questions, there are a number of communities using technology like this and it should be better than the parking machine experience. He also noted that they will be sure that using cash to pay the fare would still be an option.

Mr. Bryson removed his objection.

Hearing no objection, the motion carried by unanimous consent.

F. Ordinance 2018-11(V) An Ordinance Appropriating to the Manager the Sum of $479,653 as Partial Funding for Bus Replacement for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, With Local Match Funding Provided by the Equipment Replacement Reserve's Fund Balance.

This ordinance would appropriate grant funding in the amount of $407,630 as provided by federal funds through the Alaska Department of Transportation and Public Facilities. A local match requirement of $72,023 will be funded from the equipment replacement reserve fund balance.

This Lo-No Bus grant, and local match, will be combined with remaining funding of $397,339 from the recent diesel bus replacement grant that was previously appropriated by the Assembly, along with the associated local match of $99,335 available in the equipment replacement reserve fund balance. These combined funds, totaling $976,327 will allow Capital Transit to replace a 2006 35 foot diesel powered bus with a 35 foot electric bus and associated charging infrastructure for the Mendenhall Valley Transit Facility.

The Public Works and Facilities Committee reviewed this topic at its meeting on December 10, 2018, and referred it to the Assembly.

The City Manager recommends this ordinance be adopted.

Public Comment:

None

Assembly Action:

Ms. Becker asked about the age of the bus being replaced and which year the electric bus is that is replacing the diesel bus. Mr. Watt replied that they are replacing a 2006 diesel bus with a new 2019 or 2020 bus, depending on whichever vehicle year it is that they end up expending the funds.

MOTION by Mr. Jones to adopt Ordinance 2018-11(V) and asked for unanimous consent.

Ms. Hale noted objection for purposes of discussion. She asked if we didn't already receive funding for a Lo-No bus and if so, where is that bus and what was the status of that bus?

Mr. Vigue said that this is the first grant they have actually received from Federal Transportation for an electric bus. He explained that there is a second grant they have applied for and been approved for, but have not yet received the funds. Those funds will be used for a second electric bus.

Ms. Hale asked if he could explain why there is such a long delay in purchasing the bus. Mr. Vigue explained the timelines involved but that they could not proceed with the bus purchase until the grant funding had been received.

Mr. Bryson asked Mr. Vigue if the grant funding for the first bus includes funding for a charging station for the bus and asked that when they get the second bus, if there will be a cost savings since they will be using the same charging station.

Mr. Vigue responded that they have included funding in the second grant request to include a second charging station so both buses can be charging at the same time if needed. Mr. Watt also responded to Ms. Hale's question stating that although the grant application process delayed the funding, they did place an order quite a while ago to be able to get in the manufacturing que for an electric bus when one became available. He said his understanding is that the manufacturing que time was 20-22 months from time of order so he anticipates they will be receiving the bus for delivery sometime in the fall.

Ms. Hale and Mr. Bryson removed their objections.

Hearing no objection, the motion carried by unanimous consent.

G. Ordinance 2018-11(W) An Ordinance Appropriating to the Manager the Sum of Up to $30,000 as Partial Funding for the Cold Weather Emergency Shelter (FY19); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).

The Alaska Mental Health Trust Authority approved a $30,000 grant request submitted by CBJ staff to cover the costs of operating the cold weather emergency shelter. Last year CBJ received $16,425 to cover rent at the facility. The increased amount recognizes the CBJ's additional costs in taking over ownership of the building, but is $6,000 short of that requested. The Housing Office will be looking for operational efficiencies to address the shortfall.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
Ms. Becker asked about the notification process for the cold weather shelter other than just the sign on the side of City Hall that the shelter is open.

Housing/Homelessness Coordinator Irene Gallion came forward and reported that there are six signs that are electronically controlled to turn on via cell phone whenever the shelter is open. Their staff also sends out an email blast that goes out to everyone who have requested to receive notifications.

Ms. Gladziszewski asked for the location of the six signs. Ms. Gallion noted there are four downtown and two in the valley at the following locations:
1) City Hall
2) Resurrection Lutheran Church
3) Polaris House
4) Cold Weather Shelter
5) St. Vincent DePaul's
6) St. Vincent's Thrift Store

Mr. Bryson asked if there have been any discussion about the possibility of increasing the temperature at which the shelter is open. Ms. Gallion said there has been discussions but would deferred that topic to the City Manager. Mayor Weldon noted that is not part of this ordinance and should be discussed at a different time.

Mr. Edwardson commented that in addition to the notification methods above, notice is also sent out via facebook.

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

H. Ordinance 2018-11(X) An Ordinance Appropriating to the Manager the Sum of $52,763 as Partial Funding for the Housing and Homelessness Services Coordinator Project; Grant Funding Provided by the Alaska Mental Health Trust Authority.

The Alaska Mental Health Trust Authority approved a $52,763 "house-keeping" grant submitted by CBJ at the request of the Trust. This grant streamlines travel funding and re-establishes a fiscal year grant cycle. One element of this grant is for $36,355. The original award was for $100,000 a year for up to three years, beginning in FY2018. Our Housing and Homelessness Services Coordinator was hired seven months into the fiscal year. This funding fills the gap between fiscal years and allows the Trust to assume a regular grant cycle in FY2020. The other element of this grant is $16,398 in travel and training dollars for the Housing and Homelessness Services Coordinator and the Chief Housing Officer to participate in homelessness-related training and conferences. Rather than approve them individually, the Trust requested they be submitted as a plan.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:

MOTION by Ms. Gladziszewski to adopt Ordinance 2018-11(X) for purposes of discussion.

Ms. Gladziszewski asked if due to the timing of the hire, we will receive the full grant amount or if it will be prorated. Ms. Gallion responded that we will receive the full funding amount and the position will be funded for the full three years.

Ms. Gladziszewski then asked for unanimous consent on adoption of the ordinance. *Hearing no objection, the motion carried.*

Mayor Weldon called for a 5 minute break at 7:56 p.m.

I. Ordinance 2019-02 An Ordinance Authorizing the City Manager to Execute a Purchase and Sale Agreement with Archipelago Properties LLC for Real Property located at Lots 1, 2 and 4, Archipelago Subdivision, Plat No. 2013-22, Juneau Recording District, near 356 South Franklin Street.

The rapidly growing visitation of cruise ships and their passengers necessitates additional facilities to serve the industry. Since the opening of the new floating berth at Alaska Steamship Wharf, dockings have increased 44% and the number of passengers visiting has increased 182%.

Cruise ship vessels exist to take passengers on vacations, and their sole purpose for entering the port of Juneau is to allow passengers to disembark for the day and to enjoy walking about downtown and/or getting on ground transportation to their tours. This project would provide necessary services to the vessel, to the passengers, and will advance the marine enterprise of the cruise ship industry.

The Ninth Circuit Court of Appeals concluded that the provision of the same services as are proposed in this project was lawful. *Barber v. State of Hawaii*, 42 F.3d 1185, 1196 (1994) (providing restroom facilities, parking, trash disposal, and security services to boaters in exchange for moorage and anchoring fees did not violate the Tonnage Clause).

This ordinance would authorize the Manager to enter into an agreement to purchase private property and sell municipal property resulting in a net cost to the CBJ of $922,175.

The City Manager recommends this ordinance be adopted.

Mayor Weldon resumed the meeting at 8:09 p.m.

Public Comment:

Mr. Watt stated that since the packet was published, there was a letter received this morning from CLIA Alaska not objecting to the project.

Mr. Dennis Harris said he agreed that they need more facilities in the area but not for buses but rather more facilities for taxis, limousines, tour vans and small vehicles. He said we are getting more stuff for the cruise industry but not for the small businesses. He encouraged them to take Ms. Hart's comments and do a study to see what it takes for people to have a quality experience. He encouraged them to keep in mind as the way the fees are structured, per seat he pays 5 times as much as the cruise lines pay for the tour buses.

Mr. Kirby Day spoke in favor of the ordinance on behalf of TBMP. He said a number of organizations have supported the packet, these are not new discussions, when we talked about 16B project, there was a need for more staging space. This project fits nicely. Docks and Harbors has done a good job with public process and he agrees with Mr. Harris that we have a need for smaller lots and this will provide for some of those smaller vehicles. TBMP has worked hard to alleviate congestion and Docks and Harbors will be tasked with managing this site. He said that growth is coming and we want to do it in a manner that is prudent and handles pedestrians and vehicles in a manner that is good for citizens and visitors alike.

Mr. Bryson asked how many passengers will this funnel through the facility in a given day. Mr. Day responded that there may be 200 passengers rolling through 8-10 times a day in and out. It will be a management issue for Docks and Harbors to take up and it may be 1500-1800 visitors in this location on a busy day.

Mr. Edwardson said this is a component of a larger project and the questions that he will pose to everyone on this topic will be "What public interest does this serve? What public purpose does this serve?"

Mr. Day said it serves the public purpose of moving visitors to and from and in and around downtown. It serves a public purpose for our community with challenges in the downtown traffic flow. This would give another drop off/pick up stop to get vehicles off the road and not circulating around town waiting for an open spot which serves the traveling public as well as the local residents alike. He said they are always looking for ways to be proactive around our waterfront.

Mr. Edwardson said we have a lot of visitors coming and Mr. Kiehl raised a good point at his last meeting in asking how that would help solve the downtown traffic congestion when it creates yet another choke point for traffic. He said we will have a new parking lot but it hasn't been demonstrated to him that it will do what it is claimed to do. He appreciated Mr. Day's reply to his questions.

Mr. Day said he served on many tourism committees through the years and watched the growth of tourism and watched the city become proactive in trying to accommodate the growth and address those needs and those of the community at large. He gave examples of the deck over of the Marine Park plaza and how it has helped for bus staging/public parking in the off season and for things such as the Maritime Festival. He also touched on recent improvements to the tram lot and terminal lot to move more guests and visitors in a more efficient manner and how they are working on ways to mitigate those concerns.

Mr. Bill Leighty encouraged the city not to over invest on items relating to bus transportation. He encouraged them to review the memo he sent to the Assembly and the video resources. He suggested they do a study of carrying capacity and to either restrict supply and carrying capacity or to expand the carrying capacity. He encouraged them to not expand the bus system but rather to do something such as a fixed guideway, hydro transportation method. Ms. Hale asked if he had an estimate of what such a fixed guideway might cost. Mr. Leighty said that he doesn't have those figures as no serious study has been done on it so far because it is a very complex issue.

Mr. Bill Heumann said he has been an owner of real estate in the South Franklin area since 1983 when the Ferry Terminal was down there. He said that the seawalk is a very important element of this and it has been underutilized and would help get pedestrian traffic off of S. Franklin Street. He has the potential of suffering lower rental rates but he also has a strong feeling that they should not stand in the way of development. He said the Assembly has a chance to pocket $190,000 and encouraged the Assembly not to live in fear of the right of refusal.

Ms. Triem asked Mr. Heumann as a Thane resident, what he thought of the impact on traffic in that area. Mr. Heumann said it is not a true problem as the complaints are exaggerated.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2019-02 and asked for unanimous consent.

Mr. Jones objected and said he had requested from the Mayor prior to this meeting to have longer than 2 minutes to address his concerns. He said that while he is leaning on voting yes on this ordinance, this whole project is concern to him. He pointed out some real concerns he has regarding the timelines set out in the purchase and sale agreement. He also was concerned about the right to refusal issue and agreed with Mr. Heumann's comments. His other concerns relate to items 10 and 11 on page two of the purchase and sale agreement. His concern has to do with "why so fast" and thinks there may be merit in doing a study on carrying capacity. There are days when passengers and crews are 18,000 in a town of 32,000.

Mr. Jones said that last May the Assembly Finance Committee and the Assembly in approving the budget, approved an additional $75,000 for JEDC. The minutes don't reflect what for but he believes that JEDC thinks they were given money to look at one of the projects they proposed which was a visitor industry growth and ensure that the growth of tourism is positive to Juneau. He said that he has sat in a lot of meetings and they are just starting to try to look at that. JEDC also sponsors and works with the Visitor's Product Cluster group which is an industry group and Mr. Day Chairs that group. He spoke to the practice and process this group is going through.

Mr. Jones stated that Docks and Harbors has a proposal for a small cruise ship master plan. He said there is a growth in small cruise ships but smaller ships can't use the large docks now. Docks and Harbors had one bidder, it is the same people bidding on the same thing with the same ideas. He said that it seems to him in that if CBJ signs this agreement, it is putting them down a path that they decide not to approve the rest of it, it will put them in a bind because this agreement says they have the right to purchase the property back.

Mr. Jones' concern is that Juneau is at a crossroads and by deciding on this one project, it may push us over the edge of going back to the 70s and 80s with the capacity that no one wants and no one understands the consequences of that. He said this is setting us up for an artificial division in that portion of town and it is self dividing our town into a year round vs. a non-year round part of town. We are one stop on a cruise tour and if we go to 1.5 Million tourists, where else will they go that can handle that number of tourists. He doesn't know the answer and he doesn't believe the cruise industry knows the answers either.

Mr. Jones said this process locks them into actions that he is not ready to go to but if he does vote in favor of this ordinance, it would be simply to straighten out some of the property lines and to give them some flexibility if and when they decide this is important for us to increase the carrying capacity. He thanked the Mayor and others for providing him the additional time to speak.

Mr. Bryson spoke in favor of his motion and said this develops the last undeveloped waterfront land in a manner consistent with the Long Range Waterfront Development Plan. He said this will increase the amount of tourism congestion. This facility will be able to handle 1500-1800 passengers who won't be milling around downtown trying find where they are supposed to catch their bus. He said it also increases the tourism cash flow. The Archipelago project is to be built with shops and additional restaurants and that will capture additional dollars. Mr. Huemann pointed out that more retail spaces could lower possible rents. He noted that the dividing line that Mr. Jones mentioned includes some of the most expensive rental property in the entire community. By allowing additional facilities, it will create more opportunity for potential Juneau business owners and lower the rents.

Mr. Bryson said right now there is a food cart area with a dirt floor and isn't as fancy as our city is as a tourist destination. This project would have a more modern food facilities that would give a better impression. It would also provide for increased public restrooms and there is currently a shortage of public use restrooms in the downtown corridor for tourists and this plan has plenty of restrooms. The Archipelago project itself, not including the parking area, doing off the cuff estimates, the project will add approximately \$500,000 to \$750,000 in tax revenues.This creates an increased economy and is a \$23 Million project on the books. He said the project itself is has been discussed for approximately 2 years. He said this is a great project for Juneau without taxing the citizens of Juneau and it is a win, win, win project for our community.

Mr. Watt said this project has been discussed for at least 2 years for the formal short view of this process but in reality, this project fits in the waterfront plan going back to 2004 in providing the infrastructure needed for the industry.

Ms. Hale said that Mr. Jones raised some valid points about tourism for us all to consider. She said that the impacts we suspect that the increase in tourism will also have impacts. She noted that Mr. Jones and Ms. Hart raised some valid points that are worth consideration. Ms. Hale said she does not believe that a long-vacant lot is the vehicle for that conversation. She lived across the street from that lot for a number of years. It has been the city's practice to encouraged vacant lots to be developed when possible.

Ms. Triem said she does have a problem with the Right to Object Clause and would like to propose an amendment. Mr. Palmer had copies of Ms. Triem's amendment that were handed out to the members.

<u>**AMENDMENT**</u> by Ms. Triem to amend Sections 5D and 5A of the ordinance to prohibit buying a portion of Lot 1 with Archipelago's right to object. *(See attached document -Amendment 1, Ord. 2019-02)*

Ms. Triem spoke to her amendment. She said that she understands that in other waterfront projects, there have have been other incentives or concessions given to make the projects better. She objects to this specific one in that it will exist in perpetuity. It will give the owner of the land the right to object for any uses. This would bind future Assemblies on what they can do on this portion of land. If you want that eternal right to object, it would be worth quite a more than this value. She said it would also set a precedent that they may not want to begin. She asked Mr. Palmer for clarification as to whether CBJ had any similar provisions and he said he was not aware of any quite like this.

Ms. Triem stated this would also distort the free market in a way that these other incentives and concessions have not done. This would give Morris Communications this right that no other Juneau business would have and she doesn't feel it is something the Assembly should be involved in. This locks CBJ in with the owner of the uplands property forever and she did not feel that was what they should be doing.

Mr. Jones said he objects to the amendment and while this is guided by some good principals, he thinks that whenever the city might get around to doing something other than the deck over, negotiations will fix this. This would have decreased the cost to CBJ and it will be a cost to Morris. The purchase and sales agreement puts some real restrictions on CBJ but it does not guarantee that Morris will do a thing on their property.

Mr. Bryson spoke to this stating that he doesn't see this as binding future Assemblies, rather, it protects future Assemblies and future business owners that own and operate businesses here in Juneau. He said that businesses that fail to include some type of competition clause can pay an extreme price for it and he gave the previous example of Wee Fishee shop who did not have a non-competition clause and that eventually put them out of business. He said this area was designed to be an open area. He said in terms of determining what the Archipelago Group decides to do, as long as their use conforms to the Waterfront Commercial zoning, the city doesn't have any say in what type of building can be built there.

Ms. Gladziszewski said she initially agreed with Ms. Triem but she couldn't really see that the city would put any businesses there but while she agrees in theory she feels that this is $200,000 not worth quibbling over.

Ms. Triem provided clarification to Mr. Bryson and Ms. Gladziszewski on her points.

Mr. Edwardson spoke in favor of this amendment and that any kind of encumbrance could stop inventiveness and this is a pretty low price for what we would be giving up.

Ms. Hughes-Skandijs spoke in favor of the amendment as she doesn't think the value of the reduction equals what is being given up. In principal she supports this amendment.

Ms. Hale commented on the clause found on page 4 of the purchase and sale agreement that speaks to the parties would "work in good faith to attempt to resolve the objectionable issues" and she feels that both sides would negotiate in good faith on any objections.

Ms. Becker said that she thought this clause mainly spoke to prohibiting CBJ from going into competition with Archipelago and therefore she didn't see any problem with the language as it currently reads.

Ms. Weldon said she was also concerned with this amendment as her preference would be to keep the space open but also noted the fact that the language in the agreement is that an objection is not binding on the city but rather they would attempt to negotiate in good faith.

Roll Call Vote on the amendment.

Ayes: Edwardson, Hughes-Skandijs, Triem,
Nays: Becker, Bryson, Gladziszewski, Hale, Jones, and Weldon,
Motion failed 3:6

Roll Call Vote on the adoption of Ordinance 2019-02
Ayes: Becker, Bryson, Gladziszewski, Hale, Weldon, Hughes-Skandijs, Triem,
Nays: Edwardson, Jones
Motion carried 3:6

Mayor Weldon recessed the meeting for a break at 9:06 p.m. and returned at 9:15 p.m.

J. Ordinance 2018-11(S) An Ordinance Appropriating to the Manager the Sum of $11,000,000 as Funding for the Downtown Waterfront Improvement Project; Funding Provided by Cruise Passenger Vessel Excise Tax, Port Development Fees, Marine Passenger Fees Fund’s Fund Balance, and Dock Fund’s Fund Balance.

DOWNTOWN WATERFRONT IMPROVEMENT PROJECT – FUNDING PACKAGE

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is $23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost $20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The proposal draws from a variety of funds including: Cruise Passenger Vessel Excise Tax, Marine Passenger Fees, Port Development Fees, Dock Fund Balance and Waterfront Land Acquisition CIP.

The funding for Phase I consists of:
1.) $3.5 million of funds already appropriated,
2.) appropriating $11 million via this ordinance and
3.) $6 million of passenger fees to be transferred in from other CIPs.

The City Manager recommends this ordinance be adopted.

Public Comment:
None

Assembly Action:
MOTION by Ms. Hale to adopt Ordinance 2018-11(S) for purposes of asking a question.

Ms. Hale asked how funding in this ordinance relates to the Manager's requests for Marine Passenger Fees (MPFs). Mr. Watt explained the funds have already been collected previously and the list will be sent out shortly to request items for the upcoming list.

Mr. Edwardson asked if this ordinance was not approved if we would be defaulting on Ordinance 2019-02. Mr. Watt explained that while he wouldn't use the term defaulting, if the Assembly did not approve and the Assembly did not provide for a different fund, the purchase and sale agreement does have a clause to which the seller could object.

Mr. Jones objected and said that this is the first spot of spending potentially $23 Million to gain a few parking spots and potentially some open deck. He said there is no guarantee that the Morris portion of the project to be done. He also doesn't agree with the manager's portrayal of the letter they received from CLIAA. He quoted the section of their letter that stated "we are considering an agreement not to object to this particular project as part of a broader settlement on any continuing dispute between CLIAA and CBJ." He said that is not their withdrawing objection to this project in his mind. This ordinance is transferring money that has already been collected to start spending $23 Million for open space and he isn't convinced it will serve the community of Juneau.

Ms. Gladziszewski said that if the funds weren't appropriated, the Manager couldn't sign the purchase and sales agreement. Mr. Watt said there are sufficient funds to sign the purchase and sale agreement for the $922,000 but there would be insufficient funds to complete the envisioned construction project. He said that if the Assembly did not complete the appropriation of these funds, the owner's representative is in the audience so he would not need to convey to them that they would have a new issue to work on so it would come back to the Assembly in some fashion eventually.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Weldon
Nays: Jones, Edwardson
Motion passed 7:2.

K. Transfer 1007 A Transfer of $6,000,000 from Statter Harbor Improvements - Phase III and Open Space Waterfront Land Acquisition Capital Improvement Projects to Marine Park to Taku Uplands Improvement Capital Improvement Project.

Transfer T-1007 transfers $4.5 million, of State Cruise Passenger Vessel Excise Tax, from Statter Harbor Improvements Phase III and $1.5 million, of CBJ Marine Passenger Fees, from Open Space Land Acquisition Fund, to the Marine Park to Taku Uplands Improvement Project.

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is $23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost $20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The funding for Phase I consists of:
1) $3.5 million of funds already appropriated
2) Appropriating $11 million via ordinance 2018-11(S) and
3) $6 million of passenger fees to be transferred, via this resolution, from other CIPs.

The City Manager recommends this transfer be approved.

<u>Public Comment:</u>
None

<u>Assembly Action:</u>

MOTION by Ms. Hughes-Skandijs to approve Transfer T-1007.

Mr. Jones objected.

Mr. Edwardson said he also objected based on the same comments he spoke to earlier. He said this is talking about a $23.5 Million project and that it will take approximately 43 years to make a return on this investment.

Ms. Triem spoke in favor of this transfer and that it is spending MPF funds so why not use the money for this use.

Mr. Jones commented that regarding spending other people's money, this is collecting money from people coming for the experience of being in Alaska and we should be spending it with a policy in mind.

Ms. Gladziszewski agreed that this gets them out of the downtown to be able enjoy their Alaskan experience and we should support this.

Mr. Jones said if they approve this tonight, there will be a fence for 2-3 summers where we can have those conversations.

Ms. Hughes-Skandijs pointed out that in addition to this being good for the cruise industry, it will make a huge difference in the pedestrian traffic and benefit the whole community when it is said and done.

Additional discussion took place from Ms. Hale, Ms. Becker, and Mr. Bryson in favor of the project. Mr. Edwardson said that while he feels it is a good project and one he is favor of, it is not something he sees as a public CBJ project. Ms. Triem and Ms. Gladziszewski also spoke in favor of the project and the public purpose and the types of funds being used are MPF funds and for the purpose of benefiting the cruise passengers.

Mayor Weldon asked what transferring these funds from the Statter Harbor project means. Mr. Watt said the Statter Harbor project is going slower than this project and that they have not done a legal analysis of the use of those funds for Statter in light of Judge Hollands ruling. In light of that, he feels it would be appropriate to transfer these funds from Statter Harbor at this time and then come up with funding for Statter when those issues have been resolved.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Weldon
Nays: Jones, Edwardson
Motion passed 7:2.

L. Bid Award-Downtown Waterfront Improvements-Materials Procurement

This bid award is for material procurement for the downtown waterfront improvements project at the Archipelago property. The materials sought are long lead-time items; procuring them now will assure that the desired construction schedule is met.

Bids were opened on this project on January 15, 2019. Results of the bid opening were as follows:

Bidders	Total Bid
Island Contractors	$783,820
Trucano Construction	$849,017
Western Marine Construction	$840,600
Engineer's Estimate	$833,000

The City Manager recommends approval of this bid to Island Contractors in the amount of $783,820.

Public Comment:
None

Assembly Action:
MOTION by Ms. Triem to approve the bid award to Island Contractors in the amount of $783,820. *Hearing no objections, the motion carried.*

M. Ordinance 2018-11(Z) An Ordinance Appropriating to the Manager the Sum of up to $200,000 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 to transfer $200,000 from the Docks Fund Balance for construction of a new visitor information kiosk.

The current kiosk is over 40 years old, has several safety deficiencies, and does not meet ADA requirements. The kiosk is beyond repair and needs to be replaced.

The proposed funding would replace CBJ Marine Passenger Fees currently remaining in the account. Those funds would be transferred to another project under a separate action. The Docks Fund Balance is currently $4.0M.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:

None

Assembly Action:

MOTION by Mr. Edwardson to adopt. Ordinance 2018-11(Z).

Mr. Jones objected for purposes of a question. He said that the bid award is for $163,873, and the ordnance amount is for $200,000 and he asked if the extra money was for a contingency fund.

Mr. Watt said that was correct and Mr. Uchytil who was in the audience also indicated his agreement.

Mr. Jones said that $163,000 seemed obsence to replace what we have down there. Mr. Watt asked Mr. Uchytil to provide that information.

Mr. Uchytil said they hired Jensen Yorba Lott for the project to design something that would pop on the waterfront, be ADA compliant and has a heating element that it doesn't have now. He said they anticipated a budget of $150,000 going into the project.

Mr. Jones said he would disagree with Mr. Uchytil's comments but he did remove his objection.

Ms. Becker said she has worked in the kiosk a lot and they will be happy there is heat and windows that will keep out the rain and that kiosk is closed when the weather gets bad so she is in favor of having something volunteers can sit in and not get sick.

Mayor Weldon objected for same reasons as Mr. Jones' comments.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Edwardson
Nays: Jones, Weldon
Motion passed 7:2.

N. Bid Award-Visitors' Information Kiosk Replacement

This bid award would construct a new visitors' information kiosk at the current site on the downtown waterfront. The existing kiosk does not meet ADA requirements and is beyond its useful life.

Bids were opened on this project on January 22, 2019. The results of the bid opening were as follows:

Bidders Total Bid

Island Contractors, Inc.	$163,873
Dawson Construction, LLC	$204,300
Silver Bow Construction Co.	$219,000
Carver Construction, LLC	$220,642
Engineer's Estimate	$150,000

The City Manager recommends that this bid be awarded to Island Contractors, Inc. in the amount of $163,873.

Public Comment:
None

Assembly Action:

MOTION by Mr. Jones to approve Bid Award to Island Contractors, Inc. in amount of $163,873 and recommended a no vote.

Roll Call Vote:

Ayes: Hale, Becker, Bryson, Gladziszewski, Hughes-Skandijs, Triem, Edwardson
Nays: Jones, Weldon
Motion passed 7:2.

O. Ordinance 2018-11(AA) An Ordinance Appropriating to the Manager the Sum of up to $170,000 as Funding for Dock Security Stations Capital Improvement Project; Funding Provided by Marine Passenger Fees.

The CBJ Docks and Harbors Board requests approval to transfer $170,000 of Marine Passenger Fees from Docks Operations Fund to CIP H51-122 (Dock Security Stations).

The Department of Homeland Security requires Docks personnel secure the vessel at all times it is moored to the cruise berths. Passengers' credentials must be cleared as they enter the vessel security area. Currently there is no orderly vessel security access and queuing location for security checks. The proposed project would construct new security checkpoint facilities (one at the Cruise Ship Terminal and one at Alaska Steamship Wharf).

Funds being transferred are CBJ Marine Passenger Fee proceeds within the approved Docks Operations account that was originally identified for US Coast Guard required TWIC readers. The USCG has since delayed indefinitely the TWIC reader requirement thus the funds are able to support another vessel security project.

The Assembly Public Works and Facilities Committee considered this funding item at its regular public meeting on November 19, 2018 and adopted a motion to prepare an appropriation ordinance for Assembly action.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:

None

Assembly Action:

MOTION by Ms. Becker to adopt Ordinance 2018-11(AA) and asked for unanimous consent.

Ms. Hughes-Skandijs objected for purposes of a question. She asked what we have in place now. Port Director Uchytil said they currently have a tent covered area on the dock checking IDs. They would like to have something similar to what is currently in place at the AJ Dock with the covered walkway and a steal-enclosed structure with an adjacent waiting room. Ms. Hughes-Skandijs removed her objection.

Mr. Jones objected for purposes of a question. He was confused and asked for clarification regarding the kiosk transfers and the visitor kiosk and this project. When this came before the PWFC they strictly only discussed the $170,000 for the visitor's kiosk but the transfer under item P on the agenda T-1011 appears to be transferring $129,000 for the security station from the visitor info kiosk.

Mr. Watt explained that these are two entirely separate projects. There is one up on the dock - the dock security project. The second project is closer to the street and that is the visitor info kiosk. The dock security project which had been coming from dock funds which is essentially general fund. The visitor info kiosk had been using Marine Passenger Fees which was the subject of Judge Holland's decision. He explained that the dock security purpose is absolutely a service to the ship and while CBJ believes the visitor info kiosk is also a service to the vessel, they felt it was prudent to switch the funding of the two projects.

Mr. Jones said that made total sense to him explained in that manner. He also stated that the PWFC only discussed the $170,000 but not $300,000 and he would appreciate knowing the full cost of any/all projects involved at the committee meeting. He removed his objection.

Hearing no further objections, the motion carried.

P. Transfer 1011 A Transfer of $129,000 from the Visitor Info Kiosk Capital Improvement Project to the Dock Security Stations Capital Improvement Project.

The CBJ Docks and Harbors Board requests a transfer of funds from CIP account H51-110 (Visitor Information Kiosk) to CIP account H51-122 (Dock Security Stations).

The request is to transfer $129,000 of CBJ Marine Passenger Fee proceeds to support design and construction of two new Dock Security Stations. The security stations would provide a covered area for secure vessel access and queuing for security checks.

The funding being transferred is CBJ Marine Passenger Fee proceeds that were approved previously for a new Visitor Information Kiosk. The funds would be transferred to support the Dock Security Stations project.

The Docks and Harbors Board considered this item at its regular meeting on December 20, 2018 and adopted a motion to recommend the Assembly approve this appropriation ordinance.

The City Manager recommends this transfer be approved.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Gladziszewski to approve Transfer T-1011 transferring $129,000 from the Visitor Info Kiosk CIP to the Dock Security Stations CIP. *Hearing no objection, the motion carried.*

IX. UNFINISHED BUSINESS

A. Volunteers of America v. CBJ Assessor

This is a property tax appeal. On March 7, 2018, the CBJ Assessor denied a request from the Volunteers of America for a religious or charitable purpose exemption for two parcels with multi-family housing known as the Terraces at Lawson Creek. Volunteers of America filed a timely appeal. On April 23, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The hearing officer held a prehearing conference, had the record compiled, and the parties briefed their positions. The hearing officer issued a proposed decision on January 2. Volunteers of America filed a timely objection. The hearing officer considered that objection and the Assessor's statement of support and updated the proposed decision. The hearing officer reviewed the record, applied Alaska and CBJ law in light of the record, and ultimately concluded the Terraces at Lawson

Creek do not qualify for a religious or charitable purpose tax exemption. CBJ 01.50.150(c) governs this process. Unless rejected or modified by an affirmative vote of the Assembly, the hearing officer's proposed order shall be deemed adopted by the Assembly. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

Assembly Action:

Mr. Jones asked about the decision and any potential for partial or other reduction in the assessment.

Mr. Palmer explained that the appellants already received a reduction in the assessment for the low income housing credit. The hearing officer in this case looked at whether apportionment was proper.

MOTION by Ms. Gladziszewski for orders of the day.

Hearing no objection, the motion carried.

X. NEW BUSINESS

XI. STAFF REPORTS

Mr. Watt provided a verbal report on Chicken Yard Park. They met with owners of the property and discussed whether or not there would be access to through the park. This will be going to Lands Committee on February 4. There is to be an ordinance introduced on February 11 and refer the matter to a Public Hearing on March 4.

Mr. Jones said he appreciates that report. He noted that a lease was brought forward that the Lands Committee and then went to the Planning Commission. The Planning Commission then put conditions on something the manager was given direction by the Assembly. He ask the Assembly's permission to work with the City Attorney on determining whether lease needs to go back to the Planning Commission if it has already gone through the Lands and Assembly process.

Ms. Becker and Mr. Jones discussed language drafting which will be done in conjunction with the City Attorney. Ms. Hale expressed her concern that the Planning Commission exists for a purpose different from that of the Assembly and she doesn't want to see this negating the role of the Planning Commission.

Hearing no objection, Mr. Jones will work with the City Attorney on bringing back proposed language to the Assembly.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon said she and staff welcomed Ms. Hughes-Skandijs with a 5-hour boot camp over the weekend. She stated that they have changed up the way they are meeting with the empowered boards and are holding separate meetings with each board. During those meetings, they are having staff sit off to the side and it is an opportunity for the Assembly and board members to talk together.

She noted that during the joint meeting with the Docks and Harbors Board, the Assembly asked the board to look into the Lumberman situation and she said she received an update from their chair this evening.

Mayor Weldon said that since the last regular meeting she has attended the annual Juneau Community Legislative Welcome Reception and she praised the Alaska Committee, Travel Juneau, Chamber of Commerce, CBJ staff and all the sponsors for a great reception. The following morning, there was a Special Assembly Meeting with Assembly and the Juneau Legislative Delegation. The next week she participated with the Martin Luther King Jr. celebration coordinated by Ms. Sherry Patterson who also sang magnificently. She attended the Federal furloughed employees open house at the JACC. and the community is doing an incredible job in reaching out to fellow federal employees. She also noted other events of note that she attended.

She said they have received an invitation to tour St. Vincent De Paul and asked any other members who might wish to attend to notify the Manager's office so they can RSVP.

She has tasked the City Manager and the Port Director to address food truck project and asked for Assembly concurrence with that direction. Hearing no objection, they will proceed accordingly.

Finally she said that she would like staff to look at video streaming Assembly meetings. Hearing no objection, staff was assigned with that task.

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

Mr. Bryson reported on the January 8 Planning Commission Committee of the Whole meeting during which the new members received board training. The new members are Shannon Crossley, and Ken Alper. He stated that Travis Arndt was present but didn't know at the time if he would able to take his seat on the commission. Following that meeting, he did determine that he could fill the seat and become a member of the commission. That night the Jetty Condos was on the agenda and the height restrictions were lifted from their project.

Mr. Bryson also reported on JEDC's meeting, more information about the January 22 Planning Commission meetings and there were questions raised regarding BnB's and boarding houses.

Ms. Hale reported that she attended her first, and only, Juneau Commission on Aging meeting on January 8. She attended the Blood Bank Grand Opening, the Chamber of Commerce meeting, and the Bartlett Planning meeting at 7am that morning. During their morning meeting, they received information about the Crisis Stabilization grant to help people in mental health crisis.

Ms. Hughes-Skandijs said she had a great training over the weekend and thanked the staff and Mayor who met with her. She said she hasn't been able to attend the committees that she has been assigned to but the Juneau Commission on Aging is looking to fill a vacancy. She said they also expect a formal recommendation coming from the Affordable Housing Commission.

Ms. Triem reported on the Aquatics Board and the legislation that was passed during the first part of this meeting. She also reported on meetings by Travel Juneau and all the exciting things they have been working on.

Mr. Edwardson provided a report from the Human Resources Committee (HRC) with the following actions:
Affordable Housing Commission, the HRC held a hearing, talked with their chair and tabled the discussion to the next meeting to allow the commission to come up with their own recommendations.
The HRC recommended the following board appointments:
Douglas Advisory Board - appointed Charles Ward to a term beginning immediately and expiring September 30, 2021;
Jensen-Olsen Arboretum Advisory Board - reappointed Peter Froelich annd Deb Rudis to terms expiring December 31, 2022;
Juneau Commission on Aging - reappointed Katrina Lee and Joanne Flora to a term beginning immediately and expiring December 31, 2020;
Juneau Public Library Endowment Board - reappointed Donna Pierce to a term expiring December 31, 2022;
Wetlands Review Board - appoint Lucas Chambers and Percy Frisby to the Wetlands Review Board to terms beginning immediately and expiring an December 31, 2021.
Hearing no objection, those appointments were confirmed.

Mayor Weldon asked the HRC to take up the application process for the Aquatics Board working with staff.

Mr. Jones reported that there will be a new chair of the PWFC at its February 4 meeting. He reported that the Assembly Finance Committee last meeting was on January 9 and the next meeting is on February 6. The School Board met and started their budget process. They also met with the legislative delegation. He gave the list of dates for future School Board meetings and the Child Care Committee meetings which will hold its next meeting February 8. Mr. Jones reported on the meetings of DBA, JEDC, and noted that Dana Herndon was leaving DBA and will be staff to Senators Murkowski and Sullivan.

Mr. Jones also noted that he was approached by a member of the public who had received an abutter's notice about a public meeting being held at which the potential lease of Gunakadeit Park for food truck use would be discussed. He said in light of the Mayor's request to staff to address this issue, he hoped they would send notice to all the Assembly about that meeting.

Ms. Becker reported that the Lands Committee met January 14 and she reported on the various items they discussed including the Vertical Bridge Holdings which has a tower and they want to amend the existing ACS site lease for additional footage. She said the Lands Committee forwarded a recommendation for approval of that lease. She reported that the Alaska Committee held its annual meeting at which they elected boardmembers. They also discussed sponsorship of AML and SE Conference, AK Chamber Fly In, Surveys and funding for Gavel to Gavel among many other other topics. She said they are also encouraging everyone to invite a legislator to dinner in their homes.

Ms. Becker reported that the Chamber of Commerce held its 1/22 annual board meeting at which Mayor Weldon spoke. On January 24, Mr. Jones gave an update on marijuana in Alaska at that Chamber meeting. The next meeting will be held in conjunction with the State Chamber at Centennial Hall after which the regular meetings will switch to the Hangar Ballroom. Ms. Becker reported that she attended the 4-5 graders Any Given Child Symphony.

Ms. Becker asked the City Manager if he has been contacted by taxi companies. She said she thought they would be contacted about being able to have their taxi cabs serve as Uber, Lyft, and Taxi cabs. She said she wanted to learn more about it.

Mr. Jones said the hearing date is February 26 at 7pm in the Assembly Chambers for the city project to lease Gunakadeit Park to Deck Hand Dave's.

Ms. Gladziszewski reported that the Committee of the Whole met with the Planning Commission and heard an updated on Downtown Blue Print. They also heard from JPD and CCFR and their next meeting is February 4. She also reported that she attended the federal workers open house at the JAHC. She also attended the last Downtown Blueprint Walking Tour.

C. Presiding Officer Reports

XIII CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Dennis Harris said that he would hope the Assembly would appeal Judge Holland's decision re: the money benefiting passengers. He would suggest that there is a wonderful appellate attorney who is unemployed and they may wish to hire Ms. Bakalar. He also suggested the Assembly could pay off the bonds early on those docks and also suggested using the MPFs to fund electrification of the docks and require the cruise ships to plug in when they were in port. Lastly he suggested CBJ cease funding restrooms of private docks.

XIV. EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION by Ms. Gladziszewski to discuss CBJ Litigation specifically to discuss strategies regarding the CLIAA lawsuit.

Hearing no public comment or objection, Mayor Weldon recessed the meeting into Executive Session at 10:41 p.m.

XV. ADJOURNMENT

The meeting reconvened at 10:59 p.m. after executive session and Mayor Weldon adjourned the meeting at 11:00 p.m.

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