

THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes – February 7, 2022

MEETING NO. 2022-03: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held at City Hall and virtually via Zoom webinar and called to order by Mayor Beth Weldon at 7:00p.m.

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

‘Wáahlaal Gíidaak provided the following land acknowledgment: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

III. ROLL CALL

Assemblymembers Present: Deputy Mayor Maria Gladziszewski, Greg Smith, Michelle Hale, Christine Woll, ‘Wáahlaal Gíidaak, Alicia Hughes-Skandijs, and Mayor Beth Weldon.

Assemblymembers Absent: Carole Triem and Wade Bryson.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers, Community Development Director Jill Maclean

IV. SPECIAL ORDER OF BUSINESS

A. Tribal Update

Tlingit & Haida Central Council (THCC) Government Affairs Liaison Heather Gotti provided an update. In the time since her last update, THCC has established community behavioral, healing, and mental health services for tribal citizens. This service also provides same-day care for citizens in crisis situations or in need of immediate help. There are currently five licensed clinicians providing culturally responsive treatment for individuals, groups, and families.

Ms. Gotti also shared that THCC is in the process of setting up their new traditional food security program to provide traditional food to elders and daycare students. The Tribal Emergency Operations Center will be working with Southeast Alaskan tribal communities to update and complete their small community emergency response plans. The Native Lands and Resources Department is working closely with the United States Forest Service to finalize agreements on Tlingit and Haida’s Southeast Alaska Sustainability Strategy. THCC recently reopened their Rescue Small Business relief program. In 2021, this program provided \$2.1M in relief assistance to more than 440 small businesses owned and operated by tribal citizens.

Mayor Weldon thanked Ms. Gotti for the update and appreciated all of the THCC efforts in the community.

B. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform, as well as instruction for in-person participants on how to provide testimony in the Assembly Chambers.

V. APPROVAL OF MINUTES

A. October 25, 2021 Assembly Reorganization Meeting #2021-25 DRAFT Minutes

B. November 22, 2021 Assembly Meeting #2021-26 DRAFT Minutes

MOTION by Ms. Woll for the Assembly to approve the minutes of the October 25, 2021 and November 22, 2021 meetings. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt amended the Manager's Recommendation for two items on the Consent Agenda, Ordinance 2022-04 and Ordinance 2022-11.

The amended Manager's Recommendation for both ordinances would state, "*The City Manager recommends the Assembly introduce this ordinance, refer to the Lands, Housing and Economic Development Committee, and set for Public Hearing at the next Regular Assembly Meeting.*"

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle, a downtown resident, spoke against face masks, and shared his concern regarding breathing in one's own CO2 whilst wearing a face mask. He said that the health complications from breathing in your own CO2 are worse than the effects of COVID-19. He advocated the use of vitamins and vaccines. Mr. Quayle asked the Assembly to consider removing the face mask requirement.

Albert Shaw, a Juneau resident (and former City Council member), asked to Assembly to encourage CBJ Administrative staff to complete the Landslide and Avalanche study.

Ms. Hale asked Mr. Shaw if he was familiar with CBJ's buyout program for homes such as the ones along Behrends Avenue. Mr. Shaw explained that there have been several discussions held between the community and the State to figure out how to move residents out of avalanche areas since the 1960s.

Ms. Gladziszewski asked Mr. Shaw to clarify his comments, particularly his comments about the State's involvement in the avalanche path. Mr. Shaw mentioned that, during those discussions in the 1960s, the consensus was to buy out and tear down the houses in the avalanche path. He expressed concerned over Behrends Avenue being affected by another significant storm, and the potential threat to human life.

William Quayle, spoke again on the topic of pedicabs saying that Juneau is the only city in the United States that does not allow pedicabs to operate at night. He spoke to the adequate lighting on his pedicabs, and expressed frustration towards the restriction.

The Assembly took a one-minute recess. The meeting resumed at 7:23p.m.

Terri Lauterbach, a downtown resident. Ms. Lauterbach asked if she would be allowed to comment on an ordinance that had not been set for public hearing. Mr. Palmer explained that testimony regarding an ordinance that has not been set for public hearing is preferred to be received as a written statement.

Ms. Lauterbach said that she would keep her comments vague. She encouraged the Assembly to weigh their priorities, and to consider the deferred maintenance of current asset vs. the purchase of a new asset. She said that the operation of a community asset used primarily by families and students should be considered a higher priority than to the purchase of a new asset, which she described as being targeted towards visitors and tourists.

Amy, a valley resident, asked if Mr. Smith, who attended the Legislative Listening Session, had a chance to discuss any of the concerns addressed by members of the community. Amy also asked why Mr. Smith was invited to the Legislative Listening Session. She said that the Assembly was making it near impossible for the public to voice their concerns, as she cannot wear a mask and her friends have experienced technical difficulties while attending meetings. Amy hoped that Mr. Smith would share the concerns of the community regarding what she described as the Assembly's tyrannical overreach.

Mr. Smith stated that he will be reporting on the Legislative Listening Session during the Assembly Comments section of tonight's meeting.

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

Mr. Smith declared a Conflict of Interest for Consent Agenda Item 5(A), as he sometimes works for Always Redeye, LLC. Mr. Smith noted that if the Consent Agenda is approved as presented, to please list him as having abstained from the vote on the marijuana license renewal for Always Redeye, LLC.

C. Assembly Action

MOTION by Ms. Gladziszewski for the Assembly to adopt the Consent Agenda as amended. *Hearing no objection, the Consent Agenda was adopted as amended.*

1. Ordinances for Introduction

a. Ordinance 2022-04 An Ordinance Amending the Parking Requirements of the Land Use Code.

This ordinance would repeal and replace large portions of the parking regulations in the CBJ. Notably, the existing parking districts would change, and the proposed downtown parking district would no longer have parking requirements. Additionally, this ordinance expands the applicability of parking waivers and fee-in-lieu for most parking requirements.

This ordinance was developed through eleven Title 49 Committee meetings, one Planning Commission Committee of the Whole, and two Planning Commission regular meetings. On January 25, 2022, the Planning Commission recommended the Assembly adopt this ordinance.

Amended Manager’s Recommendation: *“The City Manager recommends the Assembly introduce this ordinance, refer to the Lands, Housing and Economic Development Committee, and set for Public Hearing at the next Regular Assembly Meeting.”*

b. Ordinance 2022-10 An Ordinance Amending the Land Use Code Regarding Marijuana Establishment Requirements.

This ordinance would remove the five-year conditional use permit review and insert a marijuana establishment abandonment provision. The five-year review requirement has not resulted in any substantive revisions to existing conditional use permits, and repealing it would ease a unique burden imposed on marijuana businesses.

The Planning Commission recommended adopting this ordinance at its meeting on January 25, 2022.

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

c. Ordinance 2022-11 An Ordinance Amending the Street Vending Requirements of Title 62 Regarding Parking.

The CBJ regulates street vending to specific parking districts with a permit. This is a companion ordinance to the parking ordinance (Ordinance 2022-04) to keep the parking district names consistent. If the new parking districts maps are adopted in Ordinance 2022-04, then this ordinance would amend the street vending opportunities to be consistent with the new parking districts.

This ordinance topic was included in the January 25, 2022, Planning Commission meeting.

Amended Manager’s Recommendation: *“The City Manager recommends the Assembly introduce this ordinance, refer to the Lands, Housing and Economic Development Committee, and set for Public Hearing at the next Regular Assembly Meeting.”*

d. Ordinance 2022-12 An Ordinance Amending the Comprehensive Plan Related to the Long Range Waterfront Plan.

The Long Range Waterfront Plan amendment includes direct replacement of text and an image to amend the tidelands portion of planning Area B to allow for a large cruise ship berth and moorage for government vessels. The amendment framework on page 63 of the LRWP contemplates a cruise ship dock at the Subport and includes a set of recommendations for such a development. The revised Appendix B includes the amendment criteria in the LRWP and the criteria established by the Visitor Industry Task Force in context with the proposed amendment.

The Manager recommends the Assembly introduce this ordinance and set it for public testimony at the February 28, 2022 meeting and for public hearing at the March 7, 2022 meeting.

e. Ordinance 2022-13 An Ordinance Repealing the Confidentiality Provision for Real Estate Transaction Disclosures and Establishing a Penalty for Failure to Disclose a Real Estate Transaction.

In late 2020, Ordinance 2020-47 was enacted and it generally required buyers to disclose property sale information to the CBJ Assessor, who was then required to keep those sale disclosures confidential. The confidentiality provision was included to encourage disclosures. Unfortunately, property sale disclosure rates have not increased, and the confidentiality provision has created inequities. This ordinance repeals the confidentiality provision and imposes a civil penalty of \$50 per day if a property sale disclosure is not provided within 90 days. The ultimate goal of property sale disclosures is still to ensure assessments comply with state statute and property taxation is equitable.

The Assembly Finance Committee reviewed this topic on May 28, 2021, and reviewed this ordinance on February 2, 2022.

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

f. Ordinance 2021-08(b)(am)(W) An Ordinance Transferring \$720,000 from CIP B55-078 RRC Detox Additions, CIP B55-082 Hospital Deferred Maintenance, and CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-141 Hospital Drive and Site Improvements.

This request would provide \$720,000 in funding to repair multiple water and wastewater issues associated with the upper hospital campus from the Rainforest Recovery Center to the new Behavioral Health Facility, prior to the new facility's completion. Nearly all of the proposed transfers are reallocating funds from completed projects; the only ongoing project will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

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

g. Ordinance 2021-08(b)(am)(X) An Ordinance Appropriating \$20,000,000 to the Manager for the Planning, Design, and Construction of Bond-Funded Capital Improvement Projects at Bartlett Regional Hospital, and Deappropriating \$4,000,000 from the Manager for the Crisis Stabilization Capital Improvement Project; Funding Provided by Hospital Revenue Bond Proceeds.

This ordinance would appropriate \$20,000,000 of bond proceeds for the planning, design, and construction of the following projects at Bartlett Regional Hospital (BRH):

Emergency Department Addition (CIP B55-083)	\$12,000,000
Crisis Stabilization Center (CIP B55-080)	\$8,000,000

This ordinance deappropriates \$4,000,000 of BRH fund balance which was previously appropriated to partially fund the Crisis Stabilization CIP. The net effect is a shift of costs from BRH fund balance to bond proceeds, which preserves BRH fund balance for other uses.

The Hospital Board and Assembly Finance Committee have approved the debt issuance which is expected to close in mid-April.

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

h. Ordinance 2021-08(b)(am)(Y) An Ordinance Appropriating \$25,000 to the Manager for a Grant to Sealaska Heritage Institute for the 2022 Celebration Event; Funding Provided by General Funds.

This ordinance would appropriate \$25,000 of general funds for a grant to Sealaska Heritage Institute to support the 2022 Celebration event. Due to uncertainty surrounding the pandemic, this grant was removed from the fiscal year 2022 budget. Prior to this fiscal year, funding for this event has been included biennially in past budgets, and a similar grant will be included biennially in future budgets.

The Assembly Finance Committee reviewed this request at its February 2, 2022 meeting.

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

i. Ordinance 2021-08(b)(am)(Z) An Ordinance Appropriating up to \$2,000,000 to the Manager for the Purchase of a Used Gondola for Eaglecrest Ski Area; Funding Provided by General Funds.

Eaglecrest staff has identified a used gondola (an aerial mountain lift with enclosed cars as opposed to open chairs) in Austria that can be purchased for \$2,000,000; inclusive of the shipping to Juneau. The gondola is appropriately sized and scaled for installation at Eaglecrest to facilitate all-season access to the top of the mountain. This ordinance would appropriate general funds for the purpose of purchasing the gondola and getting it delivered to Juneau. Once received, the gondola could not be installed until Eaglecrest secures additional funding for the necessary mountain improvements—including the base

station, towers, and summit station—necessary to facilitate the installation, estimated to be an additional \$4,500,000.

Assembly Finance Committee reviewed this request at the February 2, 2022 meeting.

The Manager recommends the Assembly introduce this ordinance, refer it to the Committee of the Whole, and set it for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2968 A Resolution Naming City and Borough of Juneau Property Legally Described as Archipelago Lot 2A "Peratrovich Plaza" in Honor of Elizabeth Peratrovich

In December 2020, Docks & Harbors completed Phase I of the Downtown Waterfront Improvement project which expanded the Seawalk and added a bus staging area. This property owned by CBJ is recognized as Archipelago Lot 2A. The term Archipelago is often used by CBJ staff and downtown patrons to generally describe this area. Docks & Harbors staff has contemplated other appropriate names which would provide wayfinding opportunities to this area along the waterfront, but none were generally descriptive to the new development. In September, Ms. Crystal Worl, in partnership with CBJ and Sealaska Heritage Institute (SHI), created and installed a 60 foot by 28 foot mural of Elizabeth Peratrovich along the face of the southeast wall of the Marine Parking Garage. This mural is now a prominent feature along the waterfront.

At its October 28 regular meeting, the Docks & Harbors Board voted to recommend the Assembly change the name of this area from Archipelago Lot 2A to Peratrovich Plaza. Docks & Harbors has consulted with Elizabeth's son (Roy Jr.) and Elizabeth's granddaughter (Betsy) as well as the artist and SHI. All have had favorable responses to the name change.

The Assembly Human Resources Committee reviewed this at its meeting on January 10, 2021. The Systemic Racism Review Committee considered this ordinance at its December 14, 2021, meeting, and forwarded it to the Assembly.

The City Manager recommends the Assembly adopt this resolution.

b. Resolution 2977 A Resolution Amending the City and Borough Personnel Rules to Establish a Threshold Wage for All Current and Future Eaglecrest Employees Based on the State of Alaska's Minimum Wage.

This resolution would approve CBJ personnel rule changes recently approved by the Eaglecrest Board of Directors, so that no current or future Eaglecrest employee will be paid below Alaska minimum wage. An attached memorandum from Director Hargrave describes the changes in more detail.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. Bid Award: BE22-188 Meadow Lane Improvements

This project generally includes reconstruction of Meadow Lane between Stikine Street and the southern end.

Bids on this project were opened on January 26, 2022. Results of the bid opening are as follows:

BIDDER	TOTAL BID
Coogan Construction Co.	\$2,088,347.00
Engineer's Estimate	\$2,160,052.00

The City Manager recommends awarding this project to Coogan Construction Co. for the total amount bid of \$2,088,347.00.

4. Liquor License

a. Liquor License Renewal & Transfers

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

Liquor License Renewal

License Type: Wholesale-General, License #5294

Licensee: GFA Corporation d/b/a Co-Ho Imports AK

Location: 2092 Jordan Ave. Suite 550, Juneau

Liquor License Transfers of Controlling Interest

License Type: Beverage Dispensary, License #3695

Licensee: South of the Bridge LLC d/b/a Louie's Douglas Inn

Location: 915 3rd Street, Douglas

License Type: Recreational Site-Grandfathered AS04.11.201(d), License #5711

Licensee: South of the Bridge LLC d/b/a The Old Tower Bar @ Eaglecrest

Location: 3000 Fish Creek Rd, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities) and Community Development departments have reviewed the above licenses and recommended the Assembly waive its right to protest the renewal and transfer applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

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

5. Other Items for consent

a. Marijuana License Renewal for License #11605

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal application.

Marijuana License Renewal

License Type: Standard Marijuana Cultivation Facility License: #11605

Licensee: Always Redeye LLC, d/b/a Stoned Salmon Farms

Location: 2005 Anka St., Juneau

[Clerk's Note: For purposes of this marijuana license renewal, Assemblymember Smith was recused from voting due to a conflict of interest as previously declared.]

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. The Assembly packet contains the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #11605.

6. Transfers

a. Transfer Request T-1041 A Transfer of \$1,401,033 from Various Capital Improvement Projects to CIP R72-161 Misty Ln. Reconstruction, CIP R72-156 Harris St. Reconstruction, CIP R72-132 Calhoun Ave. Improvements – Main to Gold, and CIP R72-151 Robbie Rd., Ling Ct., and Laurie Ln.

This request would transfer \$1,401,033 to capital improvement projects in the design process in preparation for bidding for the 2022 construction season. The requested transfers are in response to significant cost escalation that has occurred over the past year due to inflation, supply chain issues, and other economic factors. This funding is provided by projects nearing completion or that are ready to be closed; any ongoing projects will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

The Manager recommends approval of this transfer.

b. Transfer Request T-1042 A Transfer of \$496,725 from CIP U76-115 Kaiser Forcemain Replacement and CIP U76-121 Collection System Pump Station Upgrade to CIP U76-100 Glacier Hwy. Sewer – Anka to Walmart.

The Kaiser Forcemain Replacement CIP is complete and ready to close with \$296,725 available funding remaining. This request will transfer the remaining funding from the Kaiser Forcemain Replacement CIP and \$200,000 from the Collection System Pump Station Upgrade CIP to the Glacier Highway

Sewer – Anka to Walmart CIP. The total transfer of \$496,725 will provide for the relocation of the Gruening Park pump station generator building and associated wastewater infrastructure that the Alaska Department of Transportation (ADOT) has requested be removed from the right-of-way to accommodate ADOT’s Glacier Highway reconstruction project.

The Public Works and Facilities Committee reviewed this request at the January 24, 2022 meeting.

The Manager recommends approval of this transfer.

IX. PUBLIC HEARING

A. Ordinance 2021-35 An Ordinance Amending the Land Use Code to Create a Mixed Use 3 (MU3) Zoning District, a Neighborhood Commercial (NC) Zoning District.

The public has expressed an interest to allow small-scale commercial uses in higher density multi-family residential neighborhoods. There is also an interest to allow neighborhood-scale mixed-use development along commercial corridors. The zoning districts currently adopted in Title 49 do not adequately accommodate those interests, and the proposed NC and MU3 zoning districts would change that. Some key features of these new districts include smaller lot sizes, densities ranging from 15 to 30 dwelling units per acre, a prohibition on new single-family development, building height limits of 35 feet, and increased setbacks and landscaping requirements when abutting a single-family residential zoning district.

The Planning Commission discussed this topic on June 22, 2021, and recommended that the Assembly adopt this ordinance. The Lands, Housing and Economic Development Committee discussed this topic on August 30, 2021, and recommended that the Assembly adopt this ordinance.

The Systemic Racism Review Committee (SRRC) discussed this ordinance on December 14, 2021, and recommended forwarding to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

Ms. Hughes-Skandijs asked Ms. Maclean to explain why the Table of Permissible Uses (TPU) restricts marijuana retail stores from operating within Neighborhood Commercial Zoning Districts, but allows for bars to operate within the same district.

Ms. Maclean explained that these zoning districts, while applicable to other parts of town, were initially meant for a particular area in Auke Bay intended for single-family or multi-family zoning. She added that the Title 49 Committee and the Planning Commission determined that this neighborhood would not

be an appropriate place for marijuana retail stores, which could be better suited in a commercial or industrial district.

Ms. Gladziszewski asked Ms. Maclean to clarify the designations used in the TPU Section 88.100: “Restaurants, Bars, and Nightclubs” which states, “...restaurants, bars without drive-through service...” She asked where the designations for bars or nightclubs are located in the TPU.

Ms. Maclean said that, based on her understanding, Juneau does not have any nightclubs or bars with drive-through service. She said that bars would be similar to nightclubs in her interpretation of the section.

MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Ordinance 2021-35 and proposed an amendment to the ordinance.

Amendment #1 by Ms. Hughes-Skandijs to amend the Table of Permissible Uses (TPU) to allow marijuana retail stores in the Neighborhood Commercial Zone with a Conditional Use Permit.

Ms. Hughes-Skandijs explained the intent of her amendment, saying that she hoped to maintain a certain degree of parity between the marijuana industry and the alcohol industry.

Objection by Ms. Gladziszewski. Ms. Gladziszewski said that she was not comfortable with making a big change such as this without further discussion.

Mr. Smith referenced the Conflict of Interest statement he gave earlier in tonight’s meeting. He informed the listening public that he does not need to recuse himself from this discussion, as this ordinance is broad enough to allow his participation. The City Attorney gave a thumbs-up in agreement.

Roll Call Vote on Amendment #1:

Ayes: Hughes-Skandijs, Smith, Woll, ‘Wáahlaal Giidaak, Mayor Weldon.

Nays: Hale, Gladziszewski.

Amendment passed. Five (5) Ayes, Two (2) Nays.

The Mayor then asked if there were any objections to adopting Ordinance 2021-35 as amended, hearing no objections, Ordinance 2021-35 was adopted as amended by unanimous consent.

B. Ordinance 2021-43 An Ordinance Providing for the Issuance and Sale of Hospital Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed \$20,000,000 to Provide Financing for Capital Improvements to Bartlett Regional Hospital; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.

This ordinance would allow Bartlett Regional Hospital to issue up to \$20 million of revenue bonds to partially fund the construction of the Crisis Stabilization Center and renovations to the Emergency Department. These bonds would be repaid entirely from Hospital revenues, and do not commit any CBJ general funds for future repayment. These bonds are expected to be repaid over 20 years.

The Hospital Board reviewed this request at its September meeting. The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting. The Systemic Racism Review Committee reviewed this request at its January 11, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hale for the Assembly to adopt Ordinance 2021-43 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-43 was adopted by unanimous consent.*

C. Ordinance 2021-08(b)(am)(V) An Ordinance Appropriating \$265,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program. This ordinance would appropriate \$265,000 as funding to partially relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. The Federal Lands Access Program is administered through the Federal Highway Administration to improve access from non-federal lands to federal lands with an emphasis on high-use recreation sites. A local match requirement of \$28,787 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix will reconstruct the trail in 2022 and 2023.

The Systemic Racism Review Committee reviewed this request at its January 11, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by 'Wáahlaal Giidaak for the Assembly to adopt Ordinance 2021-08(b)(am)(V) and asked for unanimous consent. *Hearing no objections, Ordinance 2021-08(b)(am)(V) was adopted by unanimous consent.*

D. Ordinance 2022-02 An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Private Dock Owners.

Docks & Harbors does not currently have the authority under to manage private dock reservations. In 2021, Ordinance 2020-38 authorized a one-year pilot program so Docks & Harbors could accommodate Goldbelt Inc.'s request for managing the reservations at the Seadrome Dock and Merchant's Wharf Float. The pilot program was successful. This ordinance would amend Title 85 by making the pilot program permanent.

The Docks & Harbors Board believes a moorage reservation system operated by Docks and Harbors provides both efficiencies and cost savings for the private owner and Docks & Harbors.

The Board considered this action at its December 8 Operations-Planning Meeting and its December 16 regular board meeting. The Docks & Harbors Board will hold a public hearing on for this ordinance on January 19.

The Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Woll for the Assembly to adopt Ordinance 2022-02 and asked for unanimous consent. *Hearing no objections, Ordinance 2022-02 was adopted by unanimous consent.*

The Assembly took a break at 7:48p.m. and the meeting resumed at 8:00p.m.

MOTION by Ms. Gladziszewski to rescind a previously adopted motion to make a correction to the Consent Agenda. *Hearing no objections, the motion to rescind the previously adopted Consent Agenda passed by unanimous consent.*

MOTION by Ms. Gladziszewski to adopt the Consent Agenda with the previous amendments as well as the following amendment to **Item I - Ordinance 2021-08(b)(am)(Z) An Ordinance Appropriating up to \$2,000,000 to the Manager for the Purchase of a Used Gondola for Eaglecrest Ski Area; Funding Provided by General Funds**; to amend the *City Manager's recommendation to introduce the ordinance and refer it to the Committee of the Whole.*

Ms. Gladziszewski said she would also like to add that no further action will be taken on this ordinance until the Assembly hears from the Eaglecrest Board and the Eaglecrest Summer Operations Task Force. (ESOTF)

Mayor Weldon clarified that the intent of this motion was to introduce the ordinance, then to refrain from any further action until the Eaglecrest Board and ESOTF meets with the Committee of the Whole.

Ms. Gladziszewski confirmed that was her intent.

Mr. Smith reiterated his previous Conflict of Interest statement which recused him from Consent Agenda action on the Always RedEye, LLC marijuana license renewal.

Hearing no objections, the motion to adopt the Consent Agenda, as amended, passed by unanimous consent.

E. Ordinance 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial. The ordinance involves a rezone request and Comprehensive Plan amendment for a 15-acre parcel near on North Douglas approximately 1 mile north of the Juneau-Douglas Bridge.

The applicant requested a rezone from D-15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions and a Comprehensive Plan map amendment. On May 11, 2021, the Planning Commission, instead, recommended a rezone from D15 to Light Commercial because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

On August 2, 2021, the Assembly tabled Ordinance 2021-27, which would have amended the Comprehensive Plan for this property from Medium Density Residential to High Density Residential. The Assembly Committee of the Whole discussed this ordinance on July 19, 2021. On August 2, 2021, the Assembly held a public hearing, amended the ordinance with a public infrastructure condition, and a member gave notice of reconsideration. On August 23, 2021, the Assembly reconsidered the rezone ordinance and referred it back to Assembly Committee of the Whole. On December 20, 2021, the Assembly Committee of the Whole forwarded the ordinance to the Assembly for public hearing.

On January 3, 2022, the Systemic Racism Review Committee (SRRC) concluded the ordinance would likely perpetuate systemic racism. The Committee identified the Light Commercial rezone would benefit the developer; the boat storage intended by the developer would benefit people that have enough income to pay for boat storage; and the Light Commercial zoning district as compared to the D-15 zoning district would likely harm people in need of housing, which are disproportionally racial minorities. The Committee questioned whether the 500 feet of public notice was meaningful, identified the lack of public support in the record, questioned the legal compliance with the Comprehensive Plan, and recommended the Assembly seek additional public input.

The Assembly Committee of the Whole considered this ordinance again on January 24, 2022.

This is a policy matter for the Assembly and the City Manager does not have a recommendation.

Public Comment:

Doug Trucano, a Juneau resident, shared that he was a local contractor, and spoke to the rising costs of construction. He said that low-cost housing does not currently exist, unless it is subsidized from local or federal governments.

Ms. Gladziszewski asked Mr. Trucano to clarify if he was speaking in favor or in opposition of the rezone.

Mr. Trucano said that he was not speaking against building houses, but emphasized that the construction of these houses cannot be completed at a low cost.

Travis Arndt, a valley resident (and rezone applicant), thanked the Assembly for allowing him the opportunity to speak to the rezone request. He said there are some misconceptions regarding the rezone request, categorizing it as an “all or nothing” request. He explained that the request is not for the sole intent of building boat condos, rather they are hoping to add flexibility that could be used for a variety of purposes. Mr. Arndt described the ways in which this rezone request could be used to develop storage or office spaces, while still being able to offset the cost of housing on the same property. Mr. Arndt explained that they are actively looking for options to drive the cost of housing down.

Ms. Hale asked Mr. Arndt if stores are permitted in buildings within Light Commercial zones.

Mr. Arndt confirmed that stores are allowed to operate within Light Commercial zones.

Mr. Smith asked Mr. Arndt if the Assembly were to approve of the rezone request, would it allow for an opportunity to increase housing development.

Mr. Arndt confirmed Mr. Smith’s assessment to be accurate.

Dave Hanna, a valley resident, spoke to the ordinance’s journey through committees, noting that it had been unanimously approved by the Planning Commission. Mr. Hanna felt that CDD did not present the ordinance in a favorable light when it was introduced to the Assembly. He added that Mr. Arndt was not made aware that the SRRC would be reviewing his rezone request. Mr. Hanna felt that the SRRC made inaccurate assumptions regarding the ordinance. He said that light commercial zoning would allow for greater housing density. He spoke in support of this ordinance.

Amy, a valley resident, agreed with Mr. Hanna’s comments, and said that Mr. Arndt has provided more affordable housing for the people of Juneau than any other builder in the community. Amy said that SRRC’s review was an act of discrimination against Mr. Arndt.

Bill Heumann, a Thane resident, said that “boat condo” is a generic name for a structure that has a variety of uses. He described boat condos as an opportunity for entry-level business to purchase living space with a shop at residential mortgage rates, compared to comparatively more expensive commercial

rates. He felt that this opportunity is an aspect to be taken into consideration when discussing boat condos.

Ms. Hughes-Skandijs asked Mr. Heumann to clarify if he was specifically speaking to the benefits of residential boat condos.

Mr. Heumann confirmed that he was speaking to boat condos with a residence above the structure.

Wayne Coogan, an Auke Bay resident, agreed with Amy's comments that Mr. Arndt has built an extensive amount of affordable housing in Juneau. He added that Juneau does not have a wide selection of land suitable for development compared to other cities. He advised the Assembly to be diligent when the topic of rezoning is introduced to them in the future. He thanked the Assembly for allowing him the opportunity to testify.

Phillip Moser, spoke in opposition to the ordinance. He said that the community already has several boat condos in the process of being built, and felt that are not needed to lower housing costs in Juneau. Mr. Moser added that affordable housing efforts should not be directed towards potential homeowners, but rather should focus on rent control measures to help lower-income populations.

Assembly Action:

MOTION by Mr. Smith for the Assembly to adopt Ordinance 2021-26(am) and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs.

In speaking to her objection, Ms. Hughes-Skandijs said there is a public misconception that the SRRC is somehow obstructing the process of this ordinance, when in fact it has been the Assembly and Assembly Standing Committees that have chosen to delay action to allow for reconsideration. She explained when a rezone request is brought to the Assembly, they consider the potential impacts it may have on the entire community.

Ms. Hughes-Skandijs also clarified that Mr. Arndt's character was never called into question by the SRRC, but rather the committee had simply suggested the Assembly receive additional public comment regarding this ordinance. Ultimately, it is the Assembly's responsibility to make the final decision on any rezone request. Ms. Hughes-Skandijs mentioned that the 15-acre parcel may be too much land for a residential zone when compared to the housing needs of the community. She said that she will vote against this ordinance, due to the amount of land included in the parcel.

Ms. Hale appreciated Ms. Hughes-Skandijs' comments, and acknowledged that the SRRC had been tasked with making recommendations to the Assembly based on their review. She spoke to the commendable effort put in by the SRRC as they reviewed this particularly complex project. That being said, she does support this ordinance. She referenced Mr. Trucano's comments, echoing that it is not easy to develop low income housing anywhere in Juneau. She said she appreciated Mr. Arndt's comments this evening and she will vote in favor of this ordinance.

Ms. Woll spoke in favor of the ordinance. She addressed those questioning the work of the SRRC, clarifying that the committee had been directed by the Assembly to review this ordinance. She hoped that this rezone would allow for increased housing development by providing more flexibility to the developers.

Ms. Gladziszewski expressed appreciation towards her colleagues' comments, and for the effort and recommendations provided by the SRRC. She said that listening to their concerns helped her determine whether this rezone would facilitate more housing, to which developers have testified that it would. Ms. Gladziszewski spoke in favor of this ordinance. She explained that Assemblymembers are required to make decisions based on the best information they have. She added a comment regarding public notice parameters: she noted that the Assembly is always looking for ways to get more members of the public involved in the process, the intent of which is to both inform and include people in the discussion.

‘Wáahlaal Gíidaak appreciated the work and discussion at the SRRC, and noted that every single one of their meetings are publicly noticed. She thanked Mr. Arndt for coming to the various meetings to provide context. She also appreciated the testimony provided by the public at tonight's meeting. ‘Wáahlaal Gíidaak said she will support this ordinance. She hoped that Mr. Arndt's explanation of the process will come to fruition and help Juneau become a place where everyone from all walks of life can afford to live.

Mr. Smith spoke in favor of this ordinance. He identified housing as one of the Assembly Goals, and he believes this rezone will allow for more housing to be developed.

Mayor Weldon appreciated Ms. Hughes-Skandijs argument, and said that she wholeheartedly believed in her comments. However, she said that she had also been swayed by tonight's testimony, and was not sure which way she would vote. She thanked Mr. Arndt for providing additional information, and thanked CDD, the Planning Commission, and the Assembly for all of their time dedicated towards this ordinance.

Roll Call Vote on Ordinance 2021-26(am)

Ayes: Smith, Woll, ‘Wáahlaal Gíidaak, Gladziszewski, Hale, Mayor Weldon.

Nays: Hughes-Skandijs.

Motion passed. Six (6) Ayes, One (1) Nay.

The Assembly took a break at 8:42p.m. The meeting resumed at 8:51p.m.

X. UNFINISHED BUSINESS

None.

XI. NEW BUSINESS

A. Regulation 05 CBJAC 15.060 Vessel Lightering Fee

Docks & Harbors proposes a regulation change to 05 CBJAC 15.060 which is assessed on anchored cruise ships dropping off or picking up passengers at CBJ owned downtown facilities. In calendar year 2019, this fee netted the Docks Enterprise \$16,200. The proposed change would increase the fee charged to the cruise ship from \$600 to \$1700 per day and adjust annually to the Consumer Price Index. This fee has not been changed since 2005. Additionally, the regulation updates the language to reflect the new lightering float which has been relocated to the Port Field Office Float, behind the Goldbelt Tram Building.

New US Coast Guard regulations require additional port security personnel to achieve compliance under the mandatory Facility Security Plan. Docks & Harbors has adjusted the upcoming budgets to reflect additional staffing level needs. This increase will help to improve the revenue forecast. The current 2022 schedule anticipates 55 cruise ship lightering days.

The Board considered this action at its November 9 Finance Subcommittee Meeting, November 10 Operations-Planning Meeting, and November 18 regular board meeting. After the requisite minimum 21-day notice period, the Docks & Harbors Board held a public hearing at a special board meeting on January 19. There were no written or oral comments to this regulation change.

The City Manager recommends the Assembly adopt this regulation.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski for the Assembly to move orders of the day and asked for unanimous consent. *Hearing no objections, the motion passed by unanimous consent.*

XII. STAFF REPORTS

None.

XIII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon introduced the draft 2022 Assembly Goals included as a Red Folder Item, and asked for a motion to adopt the Assembly Goals.

MOTION by Ms. Gladziszewski for the Assembly to adopt the 2022 Assembly Goals as presented and asked for unanimous consent. *Hearing no objections, the 2022 Assembly Goals were adopted by unanimous consent.*

Mayor Weldon reported that the Southeast Conference begins tomorrow, and the Alaska Municipal League Winter Session will take place February 16th - 18th. She shared that she will attend an Infrastructure Town Hall for Mayors and Managers with Senator Lisa Murkowski. Mayor Weldon also acknowledged that February is Black History Month. She noted that the highlight of her month was a

visit from Ms. Antaya's 2nd Grade class visit, where she answered student's questions. She shared that the students held their own mock meeting in the Chambers during which they voted on a question of whether roosters should be allowed in neighborhoods or not. She said that the roosters lost the vote with only two in favor and seven against. She said the Planning Commission should note those results.

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

Committee of the Whole Chair Gladziszewski reported that the COW last met on January 24 to discuss the North Douglas Rezone, the Waterfront Plan Amendments, and Dock Charges. The committee also reviewed their Legislative Priorities list, which was later amended. The next COW meeting is scheduled to be held on February 14, where they will discuss the Eaglecrest Gondola, dock electrification, and the Glory Hall.

Lands Housing and Economic Development Committee Chair Hale reported that the LHEDC met on January 24, but she was not able to attend the meeting. The next LHEDC meeting is scheduled to be held on February 14.

Human Resources Committee Chair Hughes-Skandijs reported that the HRC met prior to tonight's Assembly meeting.

The HRC forwarded the following appointments to the Assembly:

- Juneau Economic Development Council:
Rodney Hesson to the Organized Labor seat, for a term beginning immediately and ending November 1, 2022.
- Local Emergency Planning Committee:
To forward the nomination of Jennifer Pemberton to the LEPC Media Seat, for a term beginning immediately and ending December 31, 2024.

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

The HRC discussed a resolution regarding the Assembly Rules of Procedures, in particular those regarding public participation, and a recommendation was forwarded to the COW. HRC also rescheduled their February 15 meeting for SRRC appointments to be held on February 17 at 5:30p.m.

Comments, Questions, Liaison Reports:

Ms. Hughes-Skandijs reported that the Planning Commission met to discuss changes to downtown parking. The Bartlett Regional Hospital Joint Committee will meet on February 18 at 12:00pm to discuss BRH campus expansion. She also shared that the Parks and Recreation Advisory Committee met, and encouraged those interested in Off Road Vehicles to attend the 35 Mile meeting on February 9.

‘Wáahlaal Gíidaak reported that the Juneau School Board met on January 11 where they discussed the decision to allow masks to be optional for sports activities. They also discussed the budget process, and they are working to address the cost of RALLY childcare. She said that the School Board expressed their gratitude for those who helped relocate Riverbend Elementary School following the recent snowstorms. The cost of the property damage will be 100% covered by insurance. The School Board asked ‘Wáahlaal Gíidaak to share that the JSD is in desperate need of substitute teachers; those

interested in applying only need a high school diploma, and must be willing to undergo a federal background check. The next scheduled School Board meeting will be held on February 8. The Sister Cities Committee meeting was rescheduled to February 23.

Ms. Hale met with the Juneau Chamber of Commerce Board on January 12 to discuss the 2022 Assembly Goals. The Housing & Development Task Force met on January 24 and talked at length about Title 49 changes. She shared that Travis Arndt was newly appointed as Chair of the Title 49 Committee. Ms. Hale also reported that the Bartlett Regional Hospital Board met on January 25, they discussed the preparation measures BRH staff are implementing in case of potential medical supply shortages. She also noted that during the meeting, a patient commended BRH for the care they provide. Dr. Lindy Jones attributed the Assembly's leadership as a reason for Juneau's success in managing the pandemic. BRH staff reviewed data and found that Juneau has done 60% better than the rest of the state in preventing COVID-related deaths.

Ms. Hale also reported that she and Ms. Hughes-Skandijs met with Liz Perry from Travel Juneau to discuss the group's feedback on Assembly actions related to tourism. Ms. Perry will bring forward a revised memorandum of agreement (MOA) to a future LHEDC meeting, with the intent to have quarterly reports from Travel Juneau to the LHEDC.

Ms. Woll reported that the Systemic Racism Review Committee met on January 11 to discuss and review legislation introduced at the Assembly meeting of January 10. The next scheduled SRRC meeting will be held on February 8, where they will discuss the legislation introduced tonight. The Docks & Harbors Board met to set public hearing on proposed dockage fees. Public comments are due prior to the Docks & Harbors Board meeting on February 24, where Public Hearing will also be taken. The Docks & Harbors Board also talked about pursuing multiple grant opportunities to acquire funding for a small cruise ship dock and dock electrification.

Mr. Smith attended the Juneau Coalition on Housing and Homeless meeting where they planned for Project Homeless Connect. He also participated in the Joint Assembly/JSD Facilities Committee, where they received an update on bond-funded roof programs, and reviewed the major renovation projects for Marie Drake and Mendenhall Review Elementary Schools. The next scheduled joint committee meeting will be held on the week of February 21. Mr. Smith also attended the Eaglecrest Board meeting, where they primarily discussed the Gondola proposal. He went to the New City Hall public meeting, and recently judged a robotics tournament.

As mentioned earlier, Mr. Smith said that he attended a Concerned Citizens of Juneau Listening Session which focused on the impacts of COVID-19 mitigation measures. He was invited to the event via Facebook. Approximately 150 people were in attendance, and 40 participants provided testimony. General concerns expressed at the meeting included masks, children wearing masks, medical freedom, vaccine effectiveness and safety, discrimination based on masks or vaccination status, mental health issues, censorship, and impacts on the deaf community. Mr. Smith assured attendees that the Assembly does read and listen to public testimony shared with them.

Mr. Smith said he will attend the Southeast Conference and the upcoming Off Road Vehicle meeting. Mr. Smith asked Mr. Watt if there was any update on when the Assembly would receive the draft Hazard Maps. Mr. Watt said that the Assembly received an update last fall regarding draft Hazard Maps, and accepted the Planning Commission's recommendation to develop policy alongside the mapping. He said that he hoped to receive a little more direction on Hazard Mapping from the Planning Commission soon.

Ms. Gladziszewski reported that the Downtown Business Association met on February 1 and expressed interest in the potential New City Hall project. She congratulated the JDHS Ocean Science Bowl team had recently won the State Title for the second year in a row.

Ms. Gladziszewski asked Mr. Barr to clarify Ms. Hales' reference to an EOC report that found Juneau had prevented more COVID-related deaths than 60% of the state. Mr. Barr said that the Infection Prevention Department at BRH conducted that analysis on the relative risk reduction for living in Juneau throughout the course of the pandemic as related to COVID hospitalizations and deaths.

Ms. Hale notified the Assembly that she will be traveling from February 19 through March 1.

C. Presiding Officer Reports

1. Oral Update from the Municipal Attorney

Mr. Palmer stated that the Assembly currently has two appeals, both have been delegated to hearing officers.

The first appeal, involving Travis Arndt and CDD, calls for the appeal of enforcement action along Duck Creek. The parties involved have asked that appeal is stayed through May 2 as they work through permitting. No action is required at this time.

The second appeal, involving A&S Rentals, LLC and the Planning Commission, is an appeal of an enforcement action in Douglas. The parties involved asked for a stay through April 1 while they work on a settlement agreement. No action is required at this time.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle, a downtown resident, said that he had received information related to incoming travelers expected to arrive in mid-February. He believed that the mask mandate would deter at least 20% of potential travelers, which would financially impact Juneau's tourism industry. He asked the Assembly to consider voting to repeal the mask mandate.

XV. EXECUTIVE SESSION

A. Collective Bargaining Contract Negotiation Strategy

MOTION by Ms. Gladziszewski for the Assembly to recess into Executive Session to discuss a matter that might adversely affect the finances of the City, specifically Collective Bargaining Contract Negotiation Strategy.

Ms. Woll said that she discussed with the City Attorney, and found that she has a conflict of interest associated with negotiating with the IAFF Local Firefighters' Association contract. She recused herself from any discussion related to their contract negotiations.

Hearing no objections, the Assembly recessed into Executive Session at 9:30p.m.

XVI. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 10:23p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor