

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

February 28, 2022 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream
Meeting No. 2022-05 <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar
ID: 915 1542 4903

Submitted By:

Robert Barr, Deputy City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

The Assembly follows COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. Assemblymembers will meet, in-person, to the extent possible. **In-person public participation will be limited on a first come, first served basis in accordance with room capacity protocols. All attendees will be required to wear a mask regardless of vaccination status.** *Attendees in excess of the room capacity protocols may be requested to participate via Zoom webinar.* Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

V. APPROVAL OF MINUTES

A. December 13, 2021 Regular Assembly Meeting #2021-28 DRAFT Minutes

B. February 17, 2022 Special Assembly Meeting #2022-04 DRAFT Minutes

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 2022-14 An Ordinance Authorizing the Manager to Convey Lot 9, Block 13, Juneau Townsite to Franklin Foods LLC.**

Franklin Foods LLC submitted an application to purchase City property located at 139 South Franklin Street in June of 2021. At the September 7, 2021 meeting the Parks and Recreation Advisory Committee reviewed this request and provided a recommendation in favor of disposal. The Planning Commission reviewed this proposed disposal at its meeting on January 11, 2022, and recommended that the Assembly direct CBJ staff to proceed with the sale. The Assembly reviewed this request as New Business at the October 25, 2021 meeting and passed a motion of support to work with the original proposer towards the disposal of CBJ property through a negotiated sale. The Lands, Housing and Economic development Committee reviewed the draft ordinance at the February 14, 2022 meeting and passed a motion of support for disposal to Franklin Foods LLC. An appraisal was completed in October of 2021 and the market value was determined to be \$171,000.

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

b. **Ordinance 2021-09(A) An Ordinance Appropriating \$10,000 from the Treasury for FY22 School District Operations.**

CBJ's Parks and Recreation Department provides the Juneau School District (JSD) \$20,000 annually in facility rentals at Treadwell Arena at no cost. JSD is requesting an additional \$10,000 of ice time to support the Juneau Douglas High School hockey team. This ordinance would appropriate \$10,000 to the School District, not subject to the local funding cap, to purchase additional ice time at the rink from Parks and Recreation.

This request was reviewed by the JSD Board on January 11 and February 8, 2022. This request will be reviewed by the Assembly Finance Committee at the March 2, 2022 meeting.

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

c. **Ordinance 2021-09(B) An Ordinance Appropriating and Deappropriating Funds from the Treasury for FY22 School District Operations.**

The Juneau School District's (JSD) projected student enrollment has decreased by 146 students in FY22. The decrease in students constitutes a reduction in the City and Borough of Juneau's funding for general school operations by \$35,750. JSD requests that this funding instead be used for purposes outside the local funding cap. Possible areas that the funding could be moved to would be Transportation, Rally, Food Service, Student Activities, Community Schools, or other areas.

This request was reviewed by the JSD Board on January 11 and February 8, 2022. This request will be reviewed by the Assembly Finance Committee at the March 2, 2022 meeting.

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

- d. **Ordinance 2021-08(b)(am)(AA) An Ordinance Transferring \$120,000 from CIP U76-121 Collection System Pump Station Upgrades and CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-157 Spruce Lane Reconstruction.**

This request would provide \$120,000 in funding for the Spruce Lane Reconstruction CIP to repair additional water and wastewater issues undiscovered until the completion of detailed design. Additionally, the project estimate has increased as a result of inflation, supply chain issues, and other economic factors. The proposed transfers are reallocating funds from one completed project and one ongoing project which will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the February 14, 2022 meeting.

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

- e. **Ordinance 2021-08(b)(am)(AB) An Ordinance Appropriating \$5,500,000 to the Manager as Funding for City and Borough of Juneau and Juneau School District Deferred Maintenance Capital Improvement Projects; Funding Provided by General Funds.**

This ordinance would appropriate \$5,500,000 of general funds for City and Borough of Juneau (CBJ) and Juneau School District (JSD) deferred maintenance capital improvement projects, to be appropriated as follows:

School Roof Replacements (S02-104)	\$ 1,124,000
JSD Deferred Maintenance and Imprv. (S02-105)	\$ 876,000
CBJ Deferred Building Maintenance (P44-090)	\$ 1,600,000
Downtown/Glacier Fire Station	
Mechanical/Electrical Upgrades (F21-041)	\$ 800,000
CBJ Deferred Building Maintenance (P44-089)	\$ 600,000
Parks & Playground Maint. And Repairs (P41-093)	\$ 500,000

This appropriation provides for deferred maintenance of HVAC systems at the Downtown, Douglas, and Glacier Fire Stations, Treadwell Arena, and Douglas Library, as well as moisture control at Riverbend Elementary School, the replacement of the Dzantik'i Heeni Middle School roof, and city-wide park maintenance.

This appropriation brings CBJ and JSD's deferred maintenance spending closer to the minimum recommended industry standards and supplements major deferred maintenance projects that are coming in higher than originally estimated due to current market escalation.

The Public Works and Facilities Committee reviewed this request at the February 14, 2022 meeting. The Assembly Finance Committee will review this request at the March 2, 2022 meeting.

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)(AC) An Ordinance Appropriating \$75,000 to the Manager as Funding for Eaglecrest's Fiscal Year 2022 Pay**

Plan Adjustment; Funding Provided by Eaglecrest Revenue.

This ordinance would appropriate \$75,000 for Eaglecrest's FY22 pay plan adjustment. The pay plan adjustment increased all actively used pay ranges and longevity steps to an hourly rate greater than the Alaska minimum wage of \$10.34/hour. Changes to the pay plan increased individual employee wages from 4% to 17%, with lower wage employees receiving the greatest percentage increases. Individual employee wages increased on average by 11%.

Funding for this ordinance is provided by Eaglecrest revenue.

The Eaglecrest Board approved the pay plan adjustment at the January 7, 2022 meeting.

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

2. Resolutions

a. **Resolution 2974 A Resolution Re-establishing the Juneau Local Emergency Planning Committee.**

This resolution would amend the Juneau LEPC to add and clarify membership roles. The changes are located on pages 2 and 3 of the resolution.

On February 9, 2022, the LEPC recommended the Assembly adopt this resolution. This resolution was also considered by the Assembly Human Resources Committee earlier on February 28, 2022.

The Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. **Liquor License Renewals for Licenses: #5706 & #772**

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

Liquor License Renewal

License Type: Restaurant Eating Place, License #5706

Licensee: Canton Asian Bistro LLC d/b/a Canton Asian Bistro

Location: 8585 Old Dairy Rd #105, Juneau

License Type: Beverage Dispensary, License #772

Licensee: AK Grizzly Bar LLC d/b/a AK Grizzly Bar

Location: 210 Admiral Way, 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 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 renewals.

4. Other Items for consent

a. **Marijuana License Renewals**

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

Marijuana License Renewal

License Type: Retail Marijuana Store License: #16213

Licensee: Alaskan Kush Company LLC d/b/a Alaskan Kush Company

Location: 159 S. Franklin St., Juneau

License Type: Standard Marijuana Cultivation Facility License: #27531

Licensee: Tree Logic LLC d/b/a Stoned Salmon Farms

Location: 5763 Glacier Hwy, Juneau

The above marijuana license renewals are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed these renewals and found the businesses to be in compliance with CBJ Code. The Assembly packet contains the AMCO notices 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 renewals of AMCO marijuana license #16213 and #27531.

5. Transfers

a. **Transfer Request T-1043 A Transfer of \$100,000 from CIP F21-040 Hagevig Training Center Improvements to CIP F21-041 Downtown and Glacier Fire Station Mechanical and Electrical Upgrades.**

This request would transfer the full balance of \$100,000 from the Hagevig Training Center Improvements CIP to replace the generator at the Glacier Fire Station, which is beyond its useful life. Work intended to be performed under the Hagevig Training Center CIP has not started and has been determined to no longer be practical at this time, as these improvements are being considered in conjunction with potential future upgrades of the training center.

The Public Works and Facilities Committee reviewed this request at the February 14, 2022 meeting.

The Manager recommends approval of this transfer.

IX. PUBLIC HEARING

A. **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 Systemic Racism Review Committee reviewed this request at the February 8, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

B. 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 Systemic Racism Review Committee reviewed this request at the February 8, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

C. Resolution 2976 A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.

Over the last two years, the Assembly made its meetings more accessible and enabled more community members to participate in their local government because CBJ meetings were live-streamed and because of the interactive features of Zoom. However, the increase in accessibility, especially on the Zoom platform, presented new challenges to conducting public meetings because the anonymity of Zoom allowed people disrupt a meeting with pornography, sexual harassment, and irrelevant comments. This resolution clarifies the rules for public participation, while ensuring community members have multiple methods of providing public comment and grieving concerns with their local government.

The substance of this resolution is identical to what the Committee of the Whole considered on February 15, 2022, except the whereas clauses were added and the effective date was set for midnight. This resolution was also considered by the Assembly Human Resources Committee on February 7, 2022. The Systemic Racism Review Committee is scheduled to consider this resolution on March 1, 2022.

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

D. 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 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 \$6,200,000.

Assembly Finance Committee reviewed this request at the February 2, 2022 meeting. On February 11, 2022, the Eaglecrest Board recommended the Assembly adopt this ordinance. The Eaglecrest Summer Taskforce reviewed this topic on February 11 and February 22. The Systemic Racism Review Committee discussed this ordinance on February 15, 2022, and recommended forwarding to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

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 Systemic Racism Review Committee reviewed this request at the February 8, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

F. **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.

The Assembly Lands, Housing, and Economic Development Committee discussed this ordinance on February 14, 2022. The Systemic Racism Review Committee discussed this ordinance on February 8, 2022, and recommended forwarding to the full Assembly for public hearing.

Assemblymember Bryson has proposed a map amendment, which is included in this packet.

The Manager recommends the Assembly refer this ordinance to the Committee of the Whole for consideration of Assemblymember Bryson's map amendment.

G. **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. The Assembly Lands, Housing, and Economic Development Committee discussed this ordinance on February 14, 2022. The Systemic Racism Review Committee discussed this ordinance on February 8, 2022, and recommended forwarding to the full Assembly for public hearing. Assemblymember Bryson has proposed a map amendment to Ordinance 2022-04, which would effect this ordinance.

The Manager recommends the Assembly refer this ordinance to the Committee of the Whole for consideration of Assemblymember Bryson's map amendment to Ordinance 2022-04.

H. 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 adopt this ordinance.

I. 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 Systemic Racism Review Committee reviewed this request at the February 8, 2022 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. Public Testimony to be taken on 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 take public testimony on this ordinance tonight and set the ordinance for public hearing/Assembly action on March 14, 2022.

B. Regulation 05 CBJAC 15.030 Dockage Charges Amendment

Docks & Harbors has been significantly impacted from the pandemic. The Docks Enterprise will reduce its fund balance from \$2.5M to \$1.5M resulting from 2020 and 2021 inactivity. The Dockage Charges have not been adjusted since 2007 and are applicable to vessels which moor during the summer season (May 1 to September 30) at the Intermediate Vessel Float (IVF), Port Field Office Float (PFO), Cruise Ship Terminal (CT), Inside Cruise Ship Terminal (ICT), Alaska Steamship Float (AS) and for reservations at the Statter Breakwater. The Manager brought this request to the Committee of the Whole on January 24, 2022, which was originally considered by the Assembly at its May 24, 2021 regular meeting. The direction provided by the COW was to re-engage with a public notice for the proposed fees but to exempt vessels which are subject to passenger fees. After the requisite 21-day notice, the Docks & Harbors Board held a public hearing at a Special board meeting on February 24. The board received feedback opposing the Dockage Fee increase and recommended the attached fees be adopted by the Assembly.

The Manager recommends the Assembly adopt this resolution.

C. Regulation 05 CBJAC 15, 20, 30, 40 CPI Fee Adjustments Harbor Regulations

In addition to revenue losses from the pandemic, Docks & Harbors is anticipating approximately \$225K in new expenditures resulting from a new lease arrangement with the University for property at the Juneau Fisheries Terminal. This CPI Omnibus amendment would link 24 fees in regulations to adjust annually to the Urban Alaska CPI. Several of these proposed fees are currently linked to CPI, including the largest revenue generator – small boat harbor moorage. The effect of this Omnibus CPI amendment would more closely standardize the language to align all fees equitably and annually. About half of these fees in CBJ regulations have not adjusted in over a decade. After the requisite 21-day notice, the Docks & Harbors Board held a Public Hearing at a Special Board meeting on February 24. At the public hearing, the board allowed testimony on each of the 24 fees proposed under this omnibus regulation change. The board received feedback opposing the Dockage Fee increase, and after deliberation, recommended the attached fees be adopted by the Assembly.

The Manager recommends the Assembly adopt this regulations.

XII. STAFF REPORTS

XIII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. SUPPLEMENTAL MATERIALS

A. Ord 2021-08(b)(am)(Z) Gondola Information Packet

XVIIADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org