

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

July 11, 2022 7:00 PM

Assembly Chambers, Zoom Webinar, & YouTube Livestream
Meeting No. 2022-17 Zoom webinar <https://juneau.zoom.us/j/91515424903> or 1-253-215-
8782, Webinar ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. *Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required.* Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

B. Recognition of Senator (& Former CBJ Mayor) Dennis Egan

C. Recognition of Police Chief of the Year - Ed Mercer

V. APPROVAL OF MINUTES

A. May 16, 2022 Regular Assembly Meeting 2022-12 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 2022-34 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2023, and Providing for a Ballot Question Ratifying the Levy.**

This ordinance would place the question of extending the 1% temporary sales tax on the October 4, 2022, regular municipal election ballot. The current 1% temporary sales tax expires on September 30, 2023. If approved, the temporary 1% tax would be extended for five years, until September 30, 2028.

If extended, the temporary tax is estimated to generate a total of \$60.2 million in sales tax revenue. The Assembly has designated funds to the following projects areas:

- Deferred maintenance of CBJ and JSD facilities
- Replacement public safety equipment for JPD and CCFR
- Redevelopment of Gastineau Avenue, Telephone Hill, and North SOB Parking Garage
- Affordable housing initiatives, including further development of Pederson Hill
- Harbor expansion and maintenance
- Childcare support
- Lemon Creek multi-modal path
- Relocation of City Museum
- Contribution to the Restricted Budget Reserve
- Information technology upgrades

This topic was reviewed by the Assembly Finance Committee at its meeting on March 12, and by the Committee of the Whole at its meetings on May 2 and June 27. The Committee of the Whole recommended the ordinance be brought to the full Assembly for consideration.

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

- b. **Ordinance 2022-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$35,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022.**

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$35 million for the construction and equipment of a new city hall. The total project cost, with underground parking, is currently estimated at \$41.3 million, and the Assembly has already appropriated \$6.3 million of general funds.

The Committee of the Whole selected 450 Whittier Street as the preferred site for a new city hall during the April 11, 2022 meeting. The Assembly requested staff draft an ordinance to submit a proposition to the voters on the October 4, 2022 election ballot during the June 6, 2022 Committee of the Whole meeting.

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

- c. **Ordinance 2022-38 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$6,600,000 to Finance Construction and Equipping of Park Improvements within the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022.**

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$6.6 million for the construction and equipment of park improvements within CBJ, including:

- Turf and track surfacing for sports facilities at Adair Kennedy Park
- A new public use cabin
- Areawide trail maintenance

The Committee of the Whole discussed this request during the June 27, 2022 meeting.

This ordinance is being introduced at the request of the Mayor.

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

- d. **Ordinance 2021-08(b)(am)(AT) An Ordinance Appropriating \$500 to the Manager for the Bartlett Regional Hospital Rainforest Recovery Center; Funding Provided by a Donation from the Second to None Motorcycle Club.**

This ordinance would appropriate a \$500 donation from the Second to None Motorcycle Club for Bartlett Regional Hospital's Rainforest Recovery Center to support addiction rehabilitation and recovery programs throughout the state.

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

- e. **Ordinance 2022-06(b)(E) An Ordinance Appropriating \$40,000 to the Manager to Conduct a Statistically Valid Survey of Juneau Voters Related to Removing Sales Tax on Food; Funding Provided by General Funds.**

This ordinance provides funding to the Manager to contract with a research firm experienced in conducting statistically valid surveys. The firm will provide survey design services and conduct the survey. The survey will begin with education on the topic and conclude with questions that 1) assess whether or not the survey taker approves of removing sales tax on food, and 2) regardless of their approval, seeks input on the method by which CBJ revenue should be replaced if sales tax were removed from food. Revenue replacement options would include annual sales tax, seasonal sales tax, and property tax. The Assembly discussed and decided to proceed with this survey at its June 27, 2022 Committee of the Whole meeting.

The City Manager recommends the Assembly introduce this ordinance and set it

for public hearing at the next regular Assembly meeting.

- f. **Ordinance 2022-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Catholic Community Services Property Located near 1800 Glacier Highway, from D-10 to Light Commercial.**

At its regular meeting on April 12, 2022, the Planning Commission recommended the Assembly rezone 2.6 acres from D10 (residential) to Light Commercial. The property is across from Wickersham Drive, and is recognizable by the Bridge Adult Day Care and AKcess paratransit service. The Planning Commission based its recommendation on recent Assembly decisions that found Light Commercial to conform to the 2013 Comprehensive Plan of Medium Density Residential.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Lands, Housing, and Economic Development Committee.

- g. **Ordinance 2022-36 An Ordinance Amending the Sales Tax Code to Exempt Veteran Organizations.**

Juneau's Sales Tax Code exempts sales by non-profit organizations and to non-profit organizations from the imposition of sales tax. That exemption is limited to organizations with 501(c)(3) and 501(c)(4) designations from the Internal Revenue Service. However, veterans' service organizations, such as the American Legion, are separately designated by the IRS as non-profit organizations under 501(c)(19). This ordinance extends the non-profit sales tax exemption to eligible 501(c)(19) veterans' service organizations.

This ordinance is being introduced at the request of the Mayor.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Assembly Finance Committee.

- h. **Ordinance 2022-06(b)(B) An Ordinance Appropriating \$20,000 to the Manager for Short-Term Rental Data Collection; Funding Provided by Hotel-Bed Tax Funds.**

The Assembly discussed the topic of short-term rentals and provided direction to begin the process of collecting data on short-term rentals so the Assembly can be better equipped to make policy decisions. This appropriation would enable the Manager to contract with a third-party vendor that monitors short term rental websites to report data about the location and ownership of short term rental units, number of nights rented, type of short term rental (i.e. full-house, shared house, apartment), and estimated rental rates.

In addition to the June 6 Committee of the Whole meeting, the Assembly discussed the registration piece of this topic at its July 7th Finance Committee meeting.

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

- i. **Ordinance 2022-06(b)(C) An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds.**

In October 2020, the Assembly adopted Ordinance 2020-47(am) to require the disclosure of real estate transaction prices to the Borough Assessor. Due to lack of

compliance and legal issues with the confidential provision with the original ordinance, the Assembly amended the law by ordinance in February 2022 to make sales prices public and institute a civil fine for failure to disclose. A referendum to repeal these ordinances has been certified for the October 2022 ballot. The Assembly's stated intent with these ordinances was to give the Assessor more access to market sales information in the interest of more accurate assessments for all property owners. A repeal would give the Assessor less information which would force the Assessor to speculate about real estate market activity. Less sales information and more speculation about the market would result in less accurate assessments that are more prone to surprising value corrections. With passage of this appropriating ordinance, the Assembly and appointed officials would be able to publicly support the merit of mandatory price disclosure and oppose its repeal.

The Assembly may determine that it is inappropriate for staff to advocate for the outcome of this ballot proposition and may decline to adopt this Ordinance. During public hearing of this Ordinance, the Assembly should debate the best way to provide the public with information about the reasons why the Administration recommended and the Assembly approved the requirement for disclosure of property sale prices. As it is likely that the sponsors of the referendum will advocate in favor of passage, it is important for the Assembly to consider how the public may understand its action in balancing the needs of privacy of financial information and the needs of equitable taxation.

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

j. **Ordinance 2022-06(b)(D) An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds.**

The Committee of the Whole selected 450 Whittier Street as the preferred site for a new city hall during the April 11, 2022, meeting. The Assembly requested staff draft an ordinance to submit a proposition to the voters on the October 4, 2022, election ballot during the June 6, 2022, Committee of the Whole meeting. This ordinance would appropriate \$25,000 for the Assembly and appointed officials to advocate for this proposition and educate the public of the merits of construction of a new city hall prior to the October election.

Whether or not to authorize the construction of a new City hall is an important long-term decision for the community. In accordance with AS 15.13.145, this ordinance will allow staff to properly and accurately convey information to the public and will allow staff to participate in debates regarding the merits of the proposal.

Absent municipal participation in this important public decision, voters are likely to not have access to the facts or best arguments in favor of the proposal for a new City Hall.

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

2. Resolutions

a. **Resolution 2990 A Resolution Authorizing the Installation of Eleven Totem Poles in Overstreet Park and Authorizing the City Manager to**

Enter into a Memorandum of Agreement with Sealaska Heritage Institute for the Creation, Installation, and Maintenance of the Totem Poles.

Southeast Alaska is the ancestral home of the Tlingit, Haida, and Tsimshian people. Totem poles express Southeast Alaskan Native communities' histories, values, and cultures. The Sealaska Heritage Institute secured a grant to commission totem poles from Tlingit, Haida, and Tsimshian master artists. This resolution would authorize the placement of up to twelve totem poles along the waterfront in Overstreet Park in downtown Juneau. The proposed totem poles will comprise part of Kootéeyaa Deiyí, a totem pole trail. Each totem pole will be accompanied by an interpretive storyboard identifying the pole's clan and crests, and providing information related to the pole's artwork.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2992 A Resolution Authorizing the Manager to Convey an Access Easement across City Property to Secon, Inc., the Owner of Hidden Valley Subdivision, Tract A, Near Lemon Creek, and Repealing Resolution 2978.**

Earlier this year the Assembly adopted Resolution 2978, which authorized a 30-year non-exclusive easement across city property to Secon for access to their property. After the resolution was adopted, Secon reached out to the Lands Office and requested this easement be perpetual due to the upfront costs of building bridges in locations that are expected to last longer than the 30 year time frame. This access easement, at either easement duration, is beneficial for the water quality of Lemon Creek as it bypasses an existing area prone to slope failure, which causes turbidity spikes.

If approved, the new resolution would replace Resolution 2978 and allow the easement to be perpetual.

The Assembly Lands, Housing, and Economic Development committee recommended adoption of this easement at its meeting on June 6, 2022.

The Manager recommends the Assembly adopt this resolution.

- c. **Resolution 2994 A Resolution Amending the Personnel Rules and Approving Economic Terms between the City and Borough of Juneau and Non-represented Employees for Fiscal Years 2023, 2024, and 2025.**

This resolution would provide Assembly approval for certain economic terms of employment in FY23 to FY25 for non-represented employees and approve the corresponding changes to the Personnel Rules. Specifically, this resolution approves annual wage increases of 5.5%, 2%, and 2% for FY23, FY24, and FY25 and increases to the employer contribution to health insurance by approximately 5% each year in FY23 and FY24 and up to 5% in FY25. Starting in FY23 there are also \$.50 per hour increases to shift differentials that are provided in the Personnel Rules and other language changes in Personnel Rule 18 that related to these economic terms.

The resolution is accordance with previous Assembly direction

The City Manager recommends this resolution be adopted.

d. **Resolution 2995 A Resolution Ratifying the Labor Agreement between the City and Borough of Juneau and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO, for Fiscal Years 2023, 2024, and 2025.**

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Public Safety Employees Association (PSEA) for a collective bargaining agreement that will go into effect on July 1, 2022 and expire on June 30, 2025.

The tentative agreement includes economic modifications of annual wage increases of 5.5%, 2%, and 2% during the three fiscal years of the contract. In addition, there are increases to the employer contribution to health insurance of approximately 5% for the first two fiscal years and an employer contribution increase of up to 5% in the third fiscal year of the contract.

In addition, there are increases to other premium pays and there are operational changes that will increase administrative efficiencies and facilitate a more harmonious and cooperative workplace. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by the PSEA membership and the economic terms are in keeping with Assembly direction.

The Manager recommends the Assembly adopt this resolution.

e. **Resolution 2996 A Resolution Ratifying the Labor Agreement between the City and Borough and the Marine Engineers Beneficial Association for Fiscal Years 2023, 2024, and 2025.**

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for a collective bargaining agreement that will go in effect on July 1, 2022, and expire on June 30, 2025.

The tentative agreement includes economic modifications of annual wage increases of 5.5%, 2%, and 2% during the three years of the contract, increases to the employer contribution to health insurance of approximately 5% each year for first two years of the contract and up to 5% in the third year. There are also \$.50 per hour increases to swing, grave, and weekend shift differential, effective in the first year of the contract. In addition, there are minor housekeeping language changes to the collective bargaining agreement.

This tentative agreement has been put out for ratification vote by the MEBA membership, but the voting period is not yet complete, so the votes have not been counted. Assembly ratification of this tentative agreement is conditioned on MEBA ratification of the tentative agreement.

The economic terms are in keeping with Assembly direction.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **RFB 23-001 Hazardous Waste Processing and Facility Management**

This is a term contract for household hazardous waste processing and facility management. Bids on this project were opened on April 28, 2022. The protest period ended June 15, 2022. The following bids were received:

Bidder	Total Bid
Clean Harbors Environmental Services	\$ 799,122.72
US Ecology Alaska, LLC	\$1,122,894.20
Clean Earth Environmental Solutions	\$1,398,324.80
Waste Management National Services	\$ 764,246.48 (non-responsive)

The City Manager recommends award of this project to Clean Harbors Environmental Services on the basis of having the lowest responsive and responsible bid price in the amount of \$799,122.72. Waste Management National Services was previously approved by the Assembly, but its bid was deemed non-responsive due to conditioning of the bid. The difference between Waste Management and Clean Harbors is \$34,876.24.

4. Liquor License

a. **Liquor License Renewals**

Liquor License Renewals

License Type: Beverage Dispensary, License #648

Licensee: YC Juneau Hotel, LLC d/b/a Westmark Baranof Hotel

Location: 127 N. Franklin St., Juneau

License Type: Package Store, License #3507

Licensee: Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820

Location: 3011 Vintage Blvd, Juneau

License Type: Restaurant/Eating Place, License #3049

Licensee: Valley Restaurant, LLC d/b/a The Valley Restaurant

Location: 9320 Glacier Hwy, Juneau

License Type: Restaurant/Eating Place, License #4405

Licensee: Tides Complex, Inc. d/b/a Dragon Inn

Location: 5000 Glacier Hwy, Juneau

License Type: Restaurant/Eating Place, License #5153

Licensee: Midnight Ninja Ventures Inc. d/b/a The Rookery Cafe

Location: 111 Seward St., 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.

IX. PUBLIC HEARING

A. **Ordinance 2022-06(b)(A) An Ordinance Appropriating \$333,402 to the Manager for a Grant to Aiding Women in Abuse and Rape Emergencies (AWARE) for Construction of a Retaining Wall; Grant Funding Provided by the Alaska Department of Commerce, Community and Economic Development.**

This ordinance would appropriate \$333,402 in grant funding to Aiding Women in Abuse and Rape Emergencies (AWARE) to construct a retaining wall to protect the existing emergency shelter supporting low to moderate income individuals, especially domestic violence survivors. This funding is awarded through the federal Community Development Block Grant (CDBG) program administered in Alaska by the State Department of Commerce, Community, and Economic Development. Funds will be passed through the CBJ to AWARE, who will be responsible for construction and project management. CBJ will provide in-kind match for administrative costs that are already appropriated in the FY23 budget.

The Assembly Human Resources Committee reviewed five proposals for the CDBG grant during the September 13, 2021, meeting and recommended the Assembly support the AWARE application.

The Systemic Racism Review Committee reviewed this request at the June 14, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

B. **Ordinance 2022-28 An Ordinance Authorizing the Manager to Lease Office Space at the Juneau Police Department Headquarters to the U.S. Drug Enforcement Administration.**

Juneau, like other communities, uses multiple approaches to help people avoid abusing illicit drugs. One of the approaches is partnering with other law enforcement agencies to decrease the transportation and distribution of illicit drugs into Southeast Alaska. The federal government is interested in expanding the partnerships with the Juneau Police Department by assigning two U.S. Drug Enforcement Administration officers to work out of the JPD Headquarters. This ordinance would allow JPD to lease the necessary space.

The City Manager recommends the Assembly adopt this ordinance.

C. **Ordinance 2022-35 An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough's Mendenhall Waste Water Treatment Plant Infrastructure Upgrade.**

CBJ Charter 9.14 requires alternative procurement methods for public improvements to be approved by ordinance by the Assembly. This ordinance approves an alternative procurement for the Supervisory Control and Data Acquisition (SCADA) project at Mendenhall Wastewater Treatment Plant. The procurement method proposed is Construction Manager at Risk (CMAR), a methodology in which a contractor is selected based on qualifications and is involved in design. CMAR is an industry standard for highly complex projects. SCADA is the complex brain of the treatment plant. Because we cannot turn the treatment plant off-line during this upgrade, a CMAR procurement method provides the greatest assurance that the treatment plant will stay fully operational during this upgrade.

The Public Works and Facilities Committee reviewed and approved this request at the June 6, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. Regulation Title 20, Chapter 40 Commercial Passenger Vehicles (Class B Endorsements and Vehicle Inspection)

The City and Borough of Juneau regulates various aspects of Commercial Passenger Vehicles. This regulation would amend the regulations by (1) allowing manufacturer-certified mechanics to inspect regulated vehicles, and (2) exempting airline vehicles transporting airline passengers from the regulations. This regulation was posted for public notice for 21-days starting on June 8, 2022.

The Manager recommends the Assembly adopt this regulation.

B. Property Sale Disclosure Referendum

A petitioner's committee filed a proposed referendum to repeal the property sale disclosure requirements of CBJC 15.05.105. On July 1, 2022, the Municipal Clerk certified the petitioner's committee had obtained the requisite number of signatures to put the referendum on the ballot. Pursuant to CBJ Charter 7.10(a), the Assembly has until August 1 to enact an ordinance to repeal the requirements of CBJC 15.05.105 or the referendum would be decided by the voters in the October municipal election.

The City Manager recommends the Assembly refrain from taking steps to repeal the property sale transaction disclosure requirement of CBJC 15.05.105.

C. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are eight property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

XII. STAFF REPORTS

A. Supplemental Agreement - Juneau International Airport Terminal Improvements Contract

As allowed and required by 53.50.040 (c), the Manager may approve supplemental agreements and is required to report these approvals to the Assembly. This staff report is to notify the Assembly that the Manager has approved a Supplemental Agreement for \$223,506.25 for the installation of additional ceiling tiles at the Juneau International Airport. Approving this contract amendment allows for more efficient installation of materials, and provides that the building materials used throughout the terminal are uniform allowing for easier ownership and maintenance and saving on costs.

B. DRAFT Revised 2022 Assembly Calendar

The switch in the Alaska Municipal League annual conference dates from November to December has precipitated the need for adjustments to the 2022 Assembly meeting calendar. The currently approved calendar is attached for reference purposes.

Attached is a revised draft for Assembly consideration and approval.

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

- A. **Discussion on Collective Bargaining**

The City Manager recommends the Assembly recess into executive session to discuss an update to collective bargaining the immediate knowledge of which would adversely affect the finances of the municipality.

XVI.SUPPLEMENTAL MATERIALS

- A. Redline Version of CBJ/PSEA Collective Bargaining Agreement

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