



REGULAR ASSEMBLY MEETING 2023-26 AGENDA

December 11, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

<https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:

Katie Koester, City Manager

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

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!

C. ROLL CALL

D. SPECIAL ORDER OF BUSINESS

E. APPROVAL OF MINUTES

F. MANAGER'S REQUEST FOR AGENDA CHANGES

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

H. CONSENT AGENDA

Public Request for Consent Agenda Changes, Other than Ordinances for Introduction

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

- 1. Ordinance 2023-14(b)(E) An Ordinance Deappropriating \$950,000 from the Manager for Childcare Programs.**

This housekeeping request would deappropriate \$950,000 from the Manager for childcare programs. Since the FY24 budget was adopted, the City and Borough of Juneau was awarded a \$2,000,000 grant from the State of Alaska for childcare programs and grants, appropriated under Ordinance 2023-14(b)(B). The deappropriated funds will be added to the FY25 budget as a one-time increment for childcare programs and grants.

The Committee of the Whole reviewed this request at the August 7, 2023 meeting.

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

- 2. Ordinance 2023-14(b)(R) An Ordinance Appropriating \$1,600,000 to the Manager for the Affordable Housing Fund; Funding Provided by General Funds.**

This ordinance would appropriate \$1,600,000 for the Affordable Housing Fund. The Lands, Housing and Economic Development Committee (LHED) recently completed the third round of housing project proposals. The committee received six housing project proposals in the amount of \$6.3 million. Projects were ranked based on criteria from the 2023 Juneau Affordable Housing Fund (JAHF) program description and guidelines. Due to limited funds available, the committee selected one project and recommended a second project if additional funding was available. Due to the critical need for housing in the community, it is recommended that the top two ranked projects are funded. This request would provide sufficient funding to award the top two projects.

The Lands, Housing and Economic Development Committee approved this request at the November 6, 2023 meeting.

The City Manager recommends the Assembly introduce this ordinance and refer it to the next Committee of the Whole meeting.

3. Ordinance 2023-05 An Ordinance Authorizing an Alternative Procurement Method Related to the Eaglecrest Pulse Gondola Construction Project.

Eaglecrest Ski Area is in the process of expanding summer and winter opportunities through the development of a gondola project. Shortly after the Assembly appropriated \$2M for the purchase of a gondola, Goldbelt Inc. injected \$10M to fund installation of the gondola and associated infrastructure. This ordinance would allow the CBJ to use the Construction Manager At Risk form of alternative procurement to complete design and construction work necessary for the gondola project. A number of factors justify an alternative procurement including: complexity of the aerial system, short construction windows, alpine environment, and the need to stay within budget.

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

J. Resolutions

4. Resolution 3021 A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.

The Docks and Harbors Board approved changes to its bylaws at its November 30, 2023 regular Board Meeting. Changes to the bylaws require Assembly approval and were last updated in 2014. In addition to administrative housecleaning issues, some of the changes include:

- Acknowledging and leveraging virtual Board member participation in a post-pandemic world.
- Allowing citizens to transmit communications (written presentations and exhibits) to the Board via email instead of hard copies to the Port Director's Office.
- Reducing the number of standing committees from two (Operations & Planning, and Finance) to only the Operations & Planning Committee.
- Defining the quorum for special committees.

CBJ Law reviewed the proposed changes and found them to be legally sufficient.

The City Manager recommends the Assembly approve the Docks and Harbors updated bylaws.

K. Liquor/Marijuana Licenses

5. Liquor & Marijuana License Actions

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

Liquor License - New

Licensee: Kaitlyn Morgan d/b/a Pittman's Pub

License Type: Recreational Site, License: #6166 Location: 3000 Fishcreek Rd., Juneau

Marijuana License - Renewals

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory LLC

License Type: Retail Marijuana Store, License: #10800 Location: 237 Front St., Juneau

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory LLC

License Type: Standard Marijuana Cultivation, License: #10266 Location: 8415 Airport Blvd. Space B, Juneau

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

License Type: Standard Marijuana Cultivation License: #27531 Location: 5763 Glacier Hwy, Juneau

Staff from 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 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 and marijuana license actions.

L. PUBLIC HEARING

6. Ordinance 2023-18 An Ordinance Amending the City and Borough of Juneau Code Related to Development in Landslide and Avalanche Hazard Areas.

The City and Borough of Juneau currently regulates development in mapped landslide and avalanche hazard areas based on 1987 maps. In 2020, the City & Borough of Juneau contracted with Tetra Tech to update the landslide and avalanche hazard maps. Tetra Tech completed its task and produced a report with new maps in 2022. Since then, the Planning Commission, Assembly committees, and the Assembly have discussed the Tetra Tech maps and different regulatory options. Ordinance 2023-18 is the result of that public process.

This ordinance would repeal the 1987 landslide and avalanche maps, repeal the landslide provisions of Title 49, adopt the 2022 Tetra Tech avalanche maps, and regulate development in moderate and severe avalanche hazard areas based on the 2022 Tetra Tech avalanche maps.

On November 6, 2023, the Assembly Committee of the Whole recommended the Assembly introduce this ordinance.

The Manager recommends the Assembly adopt this ordinance.

7. Ordinance 2022-60(b) An Ordinance Amending the Purchasing Code Regarding Public Notice, Price Thresholds, Contracting Process, Contract Requirements, and Approval Process.

The intent of this ordinance is to clarify purchasing code provisions and increase efficiency of CBJ purchasing while maintaining competition for CBJ services and contracts. Section 2 would define new terms and amend existing terms. Section 3 would create a new purchasing category and process for purchases between \$25,000 and \$50,000. Section 4 would require Assembly review of competitively solicited general contracts in excess of \$750,000 and public improvement contracts in excess of \$1.5M. Section 5 would modify the exemptions for competitive solicitation.

The Assembly Finance Committee discussed this ordinance on November 2, 2022 and November 1, 2023.

The Manager recommends the Assembly adopt this ordinance.

8. Ordinance 2023-14(b)(Q) An Ordinance Appropriating \$500,000 to the Manager for the Cruise Ship Dock Safety Railing Capital Improvement Project; Funding Provided by Docks Funds.

Since the construction of the new berths in 2017, Docks and Harbors has submitted annual Marine Passenger Fee requests for the installation of safety railings along the downtown waterfront. With increased Seawalk users, there are concerns for the safety and well-being of users in areas without safety railings. This funding would provide approximately 25% of the installation of safety railings along the Seawalk from the CT Dock to Marine Park.

The Public Works and Facilities Committee reviewed and approved this request at the November 6, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

9. Ordinance 2022-06(b)(BB) An Ordinance Appropriating \$6,320,400 to the Manager for the City and Borough of Juneau's Fiscal Year 2023 Operating Costs; Funding Provided by Various Sources.

The following departments and funds require supplemental budget authority in FY2023:

Human Resources: \$35,000 of supplemental authority is needed to cover unbudgeted costs relating to the NeoGov implementation, one of the initiatives to improve recruitment; funding provided by general funds.

Airport: this ordinance appropriates \$309,700 of Federal CARES Act funding for required repairs and maintenance upgrades at the Airport.

Eaglecrest: this ordinance appropriates \$17,400 of Eaglecrest funds for increased insurance, road plowing, and vehicle repair costs, and \$43,800 of Eaglecrest's inventory reserve balance to write off obsolete inventory.

Debt Service Fund: this ordinance appropriates \$60,400 for bond issuance costs; funding provided by Debt Service funds.

Pandemic Response Fund: this ordinance provides budget authority to transfer federal revenue to the General Fund, including the last tranche of federal ARPA funds and the first tranche of the Local Assistance and Tribal Consistency Grant. This ordinance also appropriates approximately \$320,000 for CBJ's FY2023 COVID-related costs, funded by FEMA revenue.

The City Manager recommends the Assembly adopt this ordinance.

M. UNFINISHED BUSINESS

N. NEW BUSINESS

O. STAFF REPORTS

- 10. Sales Tax Cap Change

P. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

- 11. TDLH LLC v. Community Development Department

This appeal relates to a grading permit for property located near 3101 Mendenhall Loop Road. The Community Development Department revoked the grading permit in early March 2021. Travis Arndt, the representative for the property owner, TDLH LLC, appealed.

The parties have been working on a resolution and recently agreed to withdraw this appeal. The Hearing Officer dismissed the appeal on November 14.

There is no action for the Assembly.

12. Hart v. Planning Commission & Huna Totem Corporation

In the summer of 2023, the Planning Commission issued a conditional use permit for a new cruise ship dock at the Juneau Subport. Ms. Hart filed a timely appeal.

The State Office of Administrative Hearings is providing a Hearing Officer. Ms. Hart filed her opening brief. Huna Totem and the Planning Commission's briefs are due on January 2.

There is no action for the Assembly.

Q. ASSEMBLY COMMENTS & QUESTIONS

R. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

S. EXECUTIVE SESSION

T. SUPPLEMENTAL MATERIALS

13. 2024 Assembly Meeting Calendar - Revised 12/11/2023

U. ADJOURNMENT

V. 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 and indicating the topic(s) upon which they wish to testify.** 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.gov.

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.gov.