



REGULAR ASSEMBLY MEETING 2023-25 AGENDA

November 13, 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

1. Introduction of Exchange Students

E. APPROVAL OF MINUTES

2. February 1, 2023 Special Joint Assembly Meeting 2023-04 with BRH Board - Draft 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

3. **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 11/2/22 and 11/1/23.

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

4. **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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

5. **Ordinance 2023-36 An Ordinance Authorizing the Sale of Foreclosed Property Located at 520 Sixth Street by Sealed Competitive Bid Auction.**

In June of 2023, the City and Borough of Juneau received a Clerk's Deed for the property located at 520 Sixth Street (downtown/Starr Hill area) after the owners failed to pay property tax for the tax years of 2019-2022. The property consists of a 5,353 square foot lot and a 780 square foot house, which is in poor condition. The current amount owed for tax years through 2023, including penalties and interest, is approximately \$22,324.

This property will be sold through a sealed bid process and if the property sells for more than the amount owed in taxes and penalties and interest, the remainder is forwarded to the former owner and lienholders.

The Lands, Housing, and Economic Development Committee considered this topic at its meeting on July 13, 2023.

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

6. **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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

7. **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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

J. **Resolutions**

8. **Resolution 3039 A Resolution of Support for the Release of the Full 50 Percent of Funds Appropriated by the Legislature to the Alaska Department of Natural Resources for Land and Water Conservation Fund Grants to Cities, Boroughs, and Tribes, and Increasing the Maximum Award to \$500,000.**

The Land and Water Conservation Fund (LWCF) is a federal grant program administered by the Alaska Department of Natural Resources Division of Parks and Outdoor Recreation (DNR DPOR) that provides funds for close-to-home outdoor recreational opportunities. Since FY18 the Alaska Legislature has appropriated over \$12.2 million for the LWCF, and expressed its clear intent that half of all funds should be provided as grants to Alaska's cities, boroughs, and tribes. However, DNR DPOR has expended less than \$7.6 million through FY25, with over 91% of these funds being used on state projects. With over \$4.1 million currently available for LWCF projects in Alaska, DNR DPOR has offered just \$1 million in grants to Alaska's cities, boroughs, and tribes in FY25.

This resolution would formally ask the DNR DPOR to comply with the Legislature's intent by (1) releasing \$4.2 million in LWCF grants to cities, boroughs, and tribes; (2) providing half of all future LWCF funds as grants to cities, boroughs, and tribes; and (3) raising the maximum grant award to \$500,000.

The City Manager recommends the Assembly adopt Resolution 3039.

9. **Resolution 3044 A Resolution Expressing Support for the United States Department of Justice, Office of Justice Program, FY23 Edward Byrne Memorial Justice Assistance Grant (JAG).**

The Juneau Police Department has been awarded \$41,241 in grant funding from the U.S. Department of Justice for training and equipment. This grant will provide funding for select staff to attend training on less lethal and arrest control tactics, radio microwave maintenance, property, evidence and tactical dispatch, and disaster planning for the Communications Center. Equipment

funding will provide for a 360-degree camera used for crime scene documentation, court room case presentation and major incident training, and the replacement of aging service weapons. No local match is required for this grant.

The required 30-day public comment period for the FY23 JAG grant spending plan ended November 10, 2023. No public comments were received.

The City Manager recommends the Assembly adopt Resolution 3044.

10. **Resolution 3047 A Resolution Adopting an Alternative Allocation Method for the FY2024 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ's participation in the State's FY2024 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during the calendar year 2021 from fisheries business activities within the CBJ's qualifying area.

Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast area.

It is anticipated that the CBJ's share will be approximately \$3,906.

The City Manager recommends the Assembly adopt Resolution 3047.

11. **Resolution 3048 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.**

On October 26, 2023, the Juneau Coordinated Transportation Coalition (JCTC) met and reviewed nominations for funding for the FY2024 Alaska Department of Transportation Human Services Transportation Service Grant. To be considered for grant funding, each community must prioritize their projects and that priority list must be endorsed by motion or resolution by the local municipal government.

SAIL submitted the only request for funding for a Replacement ADA Taxi. The project was endorsed by JCTC.

The Public Works and Facilities Committee (PWFC), at their November 6, 2023 regular meeting, voted to forward a resolution of support for the SAIL application to the full Assembly.

Upon approval, the resolution would serve as an addendum to the CBJ 2020 Juneau Coordinated Human Services Transportation Plan.

The City Manager recommends the Assembly adopt Resolution 3048.

K. Liquor/Marijuana Licenses

12. **Liquor License Action**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License - Transfer of Ownership

License Type: Beverage Dispensary - Tourism License: #175

Licensee (Transfer From): CNH Holding LLC. d/b/a Breakwater Inn Restaurant & Lounge

Licensee (Transfer To): Waterfront on Glacier Restaurant LLC. d/b/a Arabella

Location: 1711 Glacier Ave., Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments have reviewed the above license and recommended the Assembly waive its right to protest the application. Copies of the documents associated with this license 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 action.

L. PUBLIC HEARING

13. Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way.

This ordinance exempts the use of 1325 Eastaugh Way as the Cold Weather Emergency Shelter from all requirements and prohibitions of the land use code for five years. CBJ has been operating a cold weather emergency shelter during the winter months since 2017, in partnership with various community organizations. The work of emergency sheltering presents numerous challenges that most communities only partially succeed at meeting. Ideally, proactive work and support services exist in sufficient quality and quantity to prevent the need for a true emergency shelter; however, like most communities, we are not yet there. Funding for these services has already been appropriated in the FY24 budget.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

14. Ordinance 2023-35 An Ordinance Amending the Animal Control and Protection Code Related to Service Animals.

The CBJ animal control code was revised in 2009 and included a definition for service animals. Since then, the definition of service animals under the Americans with Disabilities Act has been clarified by federal regulation. This ordinance amends the CBJ animal control code to be consistent with the amendments to federal law.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

15. Ordinance 2023-38 An Ordinance Amending the Traffic Code Relating to Impounds of Vehicles.

This ordinance would amend Titles 72 and 36 to allow departments charged with oversight of public property to impound-in-place. Docks and Harbors has utilized this process with much success. This change lessens the burden on JPD officers and allows the City to respond to abandoned and junked vehicles in a more efficient and timely manner.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

16. Ordinance 2023-14(b)(N) An Ordinance Appropriating \$50,000 to the Manager for Cruise Ship Scheduling Services; Funding Provided by Marine Passenger Fees.

This ordinance would appropriate \$50,000 of Marine Passenger Fees for cruise ship scheduling and port agent services at two CBJ-owned cruise ship docks and one lightering facility. Cruise ship services would reduce scheduling conflicts between cruise lines and ships to improve integration, provide greater efficiency, and enhance operations for the arrival and departure of cruise ships visiting the Port of

Juneau. Port agent services would include activities such as longshoring, stevedoring, and other generalized services to vessels docked at the facilities. These services would enhance visitor experiences, economic activity, vessel services, and the well-being and quality of life for Juneau residents.

The Committee of the Whole reviewed this request at the August 7, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

17. Ordinance 2023-14(b)(O) An Ordinance Appropriating \$300,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources.

This ordinance would appropriate \$300,000 for the Trail Improvement Capital Improvement Project for the construction of phase 1 of Juneau's first Off-Road Vehicle (ORV) riding park. Phase 1 would construct five miles of trails through a 175-acre site contained within a larger 565-acre tract owned by the CBJ. It will likely take multiple years to build this phase, and subsequent phases will be mapped, planned, and permitted in the field. A parking lot and secure gated entry will be funded by existing funding in the CIP. The local match requirement will be met through previously appropriated funds in the CIP.

The Planning Commission reviewed this request at the January 17, 2023 meeting. The Parks and Recreation Advisory Committee reviewed this request at the April 4, 2023 meeting. The Lands, Housing and Economic Development Committee reviewed this request at the June 12, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

18. Ordinance 2023-14(b)(P) An Ordinance Appropriating \$28,000 to the Manager for Increased Monitoring Services at Suicide Basin; Funding Provided by General Funds.

This ordinance would appropriate \$28,000 for increased United States Geological Survey (USGS) monitoring services at Suicide Basin. The August 2023 flood event substantiated the need for advanced monitoring at Suicide Basin. This request would increase annual USGS flood monitoring from \$7,000 to \$35,000. This additional funding would contribute toward the installation of additional cameras and a laser stage sensor at Suicide Basin, helicopter time to access the equipment, and USGS staff time collecting and interpreting data.

The Committee of the Whole reviewed this request at the August 28, 2023 meeting. The Public Works and Facilities Committee reviewed and recommended this request at the September 18, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

The City Manager recommends the Assembly adopt this ordinance.

M. UNFINISHED BUSINESS

19. Potential Reconsideration Item: Resolution 3040(b) A Resolution Regarding the Allocation of the Hotel-Bed Tax.

The Assembly considered this resolution at its meeting on October 23, 2023. After the Assembly amended this resolution, the resolution failed to receive enough votes for adoption. Assemblymember Smith gave notice of reconsideration.

This resolution would instruct the Assembly to provide funding priorities for use of the hotel bed tax to the City Manager, which should include allocation of the 2% temporary tax to Centennial Hall improvements. The Manager would then present the budget recommendations considering hotel bed tax revenues and the needs of the community and visitors. This affords the greatest flexibility for the

Assembly to meet community needs, address the volatility in the revenue stream, and provide greater budgeting stability for Centennial Hall operations and Travel Juneau's tourism promotion.

The Assembly Finance Committee reviewed this request at the August 2, 2023, and September 6, 2023, meetings.

N. NEW BUSINESS

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

There are 14 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.

O. STAFF REPORTS

21. October 3, 2023 Regular Municipal Election Report

This report was included in the October 23, 2023 Assembly Reorganizational meeting packet but due to limited time during that meeting, it was continued to this agenda.

P. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

Q. ASSEMBLY COMMENTS & QUESTIONS

R. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

S. EXECUTIVE SESSION

22. Litigation Strategy. The Municipal Attorney recommends the Assembly recess into executive session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the municipal attorney.

T. SUPPLEMENTAL MATERIALS

23. Cold Weather Emergency Shelter - 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.