



REGULAR ASSEMBLY MEETING 2022-26 AGENDA

November 21, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

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

Submitted By:

Duncan Rorie Watt, City Manager

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

C. ROLL CALL

D. SPECIAL ORDER OF BUSINESS

1. 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.

2. Special Recognition: Mitchell McDonald and Martin Larsen, for collaboration and assistance during the Gastineau Avenue landslide

3. Special Recognition: Kirby Day, for 25 years of administering the Tourism Best Management Practices (TBMP) program

E. MANAGER'S REQUEST FOR AGENDA CHANGES

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual.)

G. CONSENT AGENDA

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

Assembly Request for Consent Agenda Changes

Assembly Action

H. Ordinances for Introduction

4. Ordinance 2022-06(b)(V) An Ordinance Transferring \$200,000 from CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-141 Hospital Drive Improvements.

This request would provide \$200,000 in funding to remedy a conflict with the existing water system and the proposed Bartlett Regional Hospital Emergency Department (ED) Addition. The funding will allow the waterline to be upgraded and relocated away from the proposed ED Addition. This work will connect the new water systems completed from other recent projects. The Douglas Highway water project is complete and in the process of being closed out.

The Public Works and Facilities Committee reviewed this request at the November 7, 2022 meeting.

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

5. **Ordinance 2022-21 An Ordinance Related to Property Tax Appeals and Codifying the Board of Equalization Rules of Procedure.**

This ordinance would amend the Juneau Board of Equalization's rules of procedure, which govern property tax appeals. The substance of this ordinance comes from three sources: the Anchorage Board of Equalization rules, the existing Juneau Board of Equalization rules, and changes to state law since the existing Juneau property tax appeal code was adopted in the 1970s.

The Juneau Board of Equalization reviewed this ordinance on September 20, 2022. The Assembly Committee of the Whole reviewed this ordinance on September 26, 2022 and November 7, 2022.

The 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.

6. **Ordinance 2022-40 An Ordinance Authorizing the Manager to Lease Space at the Juneau Police Department Headquarters to L3Harris Technologies, Inc. for Aircraft and Air Traffic Control Safety Equipment.**

The Federal Aviation Administration (FAA) is updating safety controls for aircraft collision avoidance. A contractor for the FAA, L3Harris submitted an application to lease cabinet and antenna space at the Juneau Police Station located at 6255 Alaway Avenue. L3Harris would use the leased space to improve the Wide Area Multilateration surveillance system for the airport. Fair market value has been determined by appraisal to be \$540 per year.

The Juneau International Airport Manager reviewed this application and is in favor of granting this lease. The Juneau Police Department Radio Electronics Specialist reviewed this application and is in favor of granting this lease. The LHED Committee reviewed this request at its meeting on June 27, 2022, and provided a motion of support for leasing this property to L3Harris. On August 1, 2022, the Assembly authorize the Manager to negotiate with L3Harris.

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

7. **Ordinance 2022-54 An Ordinance Amending the Investments and Collateral Chapter of Title 57 Related to Investment Policies.**

This ordinance, and a companion resolution (#3022) that will be presented on December 12, 2022, would update the City and Borough of Juneau Investment Policy. Specifically, this ordinance would clarify how the investment policy is updated, would add sustainability to the investment objectives, and would add two more authorized investment instruments.

On September 7, 2022, the Assembly Finance Committee recommended these changes to the investment policy.

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

8. **Ordinance 2022-61** An Ordinance Amending the Uniform Sales Tax Code to Allow Very Small Businesses to File Sales Taxes Annually.

This ordinance would allow businesses that have less than \$20,000 in gross sales per year the ability to file sales tax returns annually instead of quarterly. If a business opts-in to the annual filing option, the business would be required to file quarterly returns if gross annual sales exceed \$20,000.

The Assembly Finance Committee reviewed this topic on November 2, 2022.

The City Manager recommends the Assembly introduce this ordinance and schedule it for public hearing at the special Assembly meeting on November 30, 2022.

9. **Ordinance 2022-06(b)(W) An Ordinance Appropriating \$3,984,400 to the Manager for the City and Borough of Juneau's Fiscal Year 2023 Employee Negotiated Wage and Health Increases; Funding Provided by Various Sources.**

This ordinance would appropriate \$3,984,400 for CBJ's fiscal year 2023 employee negotiated wage and health increases for the Marine Engineers Beneficial Associations (MEBA), Public Safety Employees Association (PSEA), International Association of Fire Fighters (IAFF), and un-represented employees. This appropriation funds a 5.5% wage increase for all employees in fiscal year 2023 and a 5% increase to the employer health contribution. Additionally, this ordinance appropriates authority for a 15% increase to attorney salaries and compensation increases for the City Manager and City Attorney, as approved by the Assembly during the September 12, 2022 Regular Assembly meeting.

The Assembly approved the MEBA and PSEA negotiated labor contracts during the Regular Assembly meeting on July 11, 2022. The Assembly will consider the IAFF negotiated labor contract during the November 21, 2022 Regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the special Assembly meeting on November 30, 2022.

10. **Ordinance 2022-06(b)(X) An Ordinance Appropriating \$116,400 to the Manager as Funding for Eaglecrest's Fiscal Year 2023 Pay Plan Adjustment; Funding Provided by Eaglecrest Revenue.**

This ordinance would appropriate \$116,400 for Eaglecrest's FY23 pay plan adjustment. The pay plan adjustment increases employee wages by 7%. This adjustment follows two previous pay plan increases Eaglecrest implemented in calendar year 2022 in an effort to increase employee wages over minimum wage and align pay with ski industry standards. The most recent pay adjustment, approved by the Eaglecrest Board on September 15, 2022, is intended to promote employee recruitment and retention. This appropriation also provides for sign-on and returning employee bonuses for seasonal employees.

Funding for this ordinance is provided by Eaglecrest revenue.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the special Assembly meeting on November 30, 2022.

I. Resolutions

11. **Resolution 3003 A Resolution of the City and Borough of Juneau Supporting Full Funding in the Amount of Eight Million, Two Hundred Thirty-six Thousand, Eight Hundred Fifteen Dollars (\$8,236,815) for the State of Alaska Harbor Facility Grant Program in the Fiscal Year 2024 State Capital Budget.**

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$13 million in harbor

grant funding since the program's inception. In June, CBJ was notified of a \$2M Tier II grant for the next phase of Aurora Harbor.

Although Docks & Harbors does not have any projects eligible for consideration this year, the municipalities of Sitka, Whittier, and Wrangell/Meyers Chuck have committed to contribute \$8,236,815 in local match funding for FY2024 towards three harbor projects of significant importance for Alaska. The Docks & Harbors Board reviewed this resolution at its regular board meeting on October 27, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

12. Resolution 3006 A Resolution Ratifying the Economic Terms Tentative Agreement between the City and Borough and the International Association of Fire Fighters, Local 4303, AFL-CIO.

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 International Association of Fire Fighters (IAFF) for a collective bargaining agreement that will go in effect on July 1, 2022, and expire on June 30, 2025. Economic terms will be effective on November 21, 2022.

The tentative agreement includes economic modifications of the 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 two premium pays, additional leave accrual for engineers based on changes to minimum staffing and minor operational changes. Lastly, the CBJ agreed to enter into a procurement process to conduct a market wage study in the 3rd year of the CBA. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by IAFF membership.

The City Manager recommends this resolution be adopted.

13. Resolution 3007 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 28, 2022, the Juneau Coordinated Transportation Coalition (JCTC) met and reviewed nominations for funding from the SFY23 DOT&PF mobility grants. 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, which is for a Replacement ADA Taxi. The project was endorsed by JCTC.

On November 7, 2022, the Public Works and Facilities Committee 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 this resolution be adopted.

14. **Resolution 3008 A Resolution Adopting an Alternative Allocation Method for the FY2023 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 FY2023 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during 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 \$2,250.

The City Manager recommends the Assembly adopt this resolution.

J. Bid Awards

15. Bid Award - BRH ED Addition and Renovation, RFP E23-156b

This project consists of a construction firm serving in a Construction Manager at Risk capacity to provide pre-construction and construction services for the Bartlett Regional Hospital Emergency Department Addition and Renovation project. This Alternative Procurement method was authorized by the Assembly with Ordinance 2022-51. Two proposals were received for this project. Their scores are outlined in the bid letter included in this packet.

I recommend award of this project to Dawson. In accordance with Ordinance 2022-51, the Manager shall present the recommended Construction Manager at Risk company proposal to the Assembly for approval prior to commencing negotiations with the selected firm. If the Assembly accepts the proposal, the initial contract for pre-construction services will be for \$70,000, and the total contract value will not exceed \$200,000 without prior Assembly approval.

K. Transfers

16. **Transfer Request T-1045 A Transfer of \$320,000 from CIP R72-149 Meadow Lane Improvements to CIP R72-150 Cedar Lane Reconstruction.**

This request would provide \$320,000 in additional funding needed to construct the segment of Cedar Lane between Mendenhall Boulevard and Columbia Boulevard. Cost escalation and additional necessary drainage improvements discovered during design contributed to the need for additional funding. The Meadow Lane project is nearly complete and will retain adequate funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the November 7, 2022 meeting.

The City Manager recommends approval of this transfer.

L. City/State Project Review

M. Other

N. PUBLIC HEARING

17. **Ordinance 2022-06(b)(U) An Ordinance Appropriating \$500,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Funding Provided by Harbors Funds.**

Docks and Harbors has been awarded a \$2 million matching harbor facility grant from the Alaska Department of Transportation (ADOT), restricted solely to project construction. This ordinance would appropriate \$500,000 of Harbors fund balance to the Aurora Harbor Improvements CIP, increasing the total project balance sufficiently to leverage the full value of the ADOT 50/50 matching grant while ensuring adequate funds are available to award the project bid, which is estimated to exceed \$4 million. This project was #13 on CBJ's FY23 Legislative Priority List.

The Docks and Harbors Board approved this request at the September 29, 2022 meeting. The Systemic Racism Review Committee reviewed this ordinance at its October 25, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

18. Ordinance 2022-39 An Ordinance Amending Prohibited Acts within the Boat Harbor Related to Dogs and Other Domestic Animals.

The Docks & Harbors Board has considered and recommends changes to 85.25.090. The intent is to allow pedestrians, without boat ownership, to walk dogs on CBJ harbor floats, which is currently prohibited. Additionally, there is administrative language addressing the curbing of domestic animals on harbor floats.

The proposed changes have been included as publicly noticed agenda items and discussed at Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28. The Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25. The Special Board meeting and intent to propose changes to 85.25.090 was noticed via Juneau EMPIRE, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. The Systemic Racism Review Committee considered this ordinance at its October 25, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

19. Ordinance 2022-43 An Ordinance Amending Boat Harbor Regulations Relating to Vessel Identification.

The Docks & Harbors Board has considered and recommends changes to CBJC 85.25.020. The intent of this change is to require all vessels in the CBJ harbors to display name or other state or federal identification.

The proposed change has been included in publicly noticed agenda items and discussed at the Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28.

The Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25th. The Special Board meeting and intent to propose changes to CBJC 85.25.090 was noticed via the Juneau Empire, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 25, 2022.

The City Manager recommends the Assembly adopt this ordinance.

O. UNFINISHED BUSINESS

P. NEW BUSINESS

20. Hansen Gress Application to Purchase City Property

Hansen Gress recently purchased the building and property located at 1000 Harbor Way. A portion of this building is located on leased City tidelands. City tidelands are all designated "retain" in the Land Management Plan. Prior to this property being re-subdivided and sold the Plan will need to be amended

by ordinance to allow for the disposal of this property. Hansen Gress submitted an application to acquire the City property in order to be able to “make major structural and architectural improvements to the aging building”. The applicants are having difficulties redeveloping the property because the building is over the property lines. If the property is acquired, the applicant will consolidate the lots in order to create a property that conforms to City code. This application was reviewed by the Docks and Harbors Board at the August 25th meeting and provided a motion to advance this application. The Lands Housing and Economic Development Committee reviewed this request at the September 26 2022 meeting and forwarded this application to the Assembly with a motion to work with the original proposer in accordance with city code 53.09.260.

The City Manager requests a motion to authorize the City Manager to negotiate the disposal of City property to Hansen Gress.

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

There are two 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.

22. Regulations Amending Title 05 Docks and Harbors, Chapters 07, 15, 20, 25 The Docks & Harbors Board has considered and recommends changes to 11 separate regulations under Title 05:

- (1) Allow inactive vessels to moor at the National Guard Dock. 05 CBJAC 07.010.
- (2) Reservation for more than seven days need to be paid in full. 05 CBJAC 15.035.
- (3) Impose a six month threshold for residential vessel leasing arrangement. 05 CBJAC 20.050.
- (4) Kayak launch ramp use at Statter Harbor is free. 05 CBJAC 20.060.
- (5) Clarifying Statter Harbor Bus lot permit fee. 05 CBJAC 20.090.
- (6) Allowing crane use with a key card. 05 CBJAC 20.110.
- (7) Clarifying storage fees. 05 CBJAC 10.130.
- (8) Clarifying summer parking lot fees at Statter Harbor. 05 CBJAC 20.160.
- (9) Repealing Auke Bay Loading Facility Float fee. 05 CBJAC 20.190.
- (10) Impose a fee for vessels that do not move every 10 days during the summer. 05 CBJAC 25.060.
- (11) Clarify winter moorage processes. 05 CBJAC 25.080.

These omnibus administrative changes have been included as publicly-noticed agenda items and discussed at Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18, June 22, June 30, July 20, and July 28. After the requisite minimum 21-day public notice period, the Docks & Harbors Board conducted a Public Hearing at a Special Board meeting on August 25. The Special Board meeting and intent to propose omnibus changes to Title 05 regulations was noticed via Juneau EMPIRE, Facebook, Docks & Harbors TIDE LINE, and during KINY Action Line appearances. Docks & Harbors received no written comments to the proposed changes. Members of the public provided testimony at the August 25 Public Hearing but no changes were made to the

advertised language. Prior to the September 12 Assembly meeting, CBJ Law provided legal direction that the proposed changes did not comport with CBJ Code 01.60.220 (Fiscal notes on regulations). As such, Docks & Harbors repeated the process with the inclusion of fiscal notes for each of the regulation changes. The Docks & Harbors regular Board or Operations-Planning Committee discussed the 11 regulations changes with fiscal notes at the following meetings: September 21, September 29, October 19 and October 27. On November 9, after exceeding the requisite 21-day public notice period and making notices through the above media sources, the Docks & Harbors Board conducted the second Public Hearing at a Special Board meeting. Docks & Harbors received email correspondence from a single harbor patron regarding 05 CBJAC 25.060 (Summer management at Statter Harbor) which the Board considered in their deliberations.

The City Manager recommends the Assembly approve the regulations except 05 CBJAC 07.010. Pursuant to CBJC 01.60.260(c)(2), the City Manager recommends the Assembly direct that a resolution be prepared for 05 CBJAC 07.010 and referred to the Assembly Public Works & Facilities Committee for further discussion.

23. 2023 Assembly Meeting Calendar

The draft 2023 Assembly Meeting Calendar is enclosed in this packet and before the Assembly for amendment and/or approval.

24. Supplemental Agreement - BRH Campus Waterline Replacement

CBJ 53.50.040 (C) gives the Manager limited authority to approve supplemental agreements to existing capital improvement projects, provided that the Assembly is notified and that there is a best interest finding. A best interest finding memorandum is included in the packet along with a drawing of the area of work. Major benefits of this supplemental agreement are to allow various BRH projects to stay on schedule and to allow close coordination on campus construction activity.

As this supplemental agreement is within the Manager's procurement limits, no action is required by the Assembly and this staff report meets the reporting requirement.

Q. STAFF REPORTS

R. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

S. ASSEMBLY COMMENTS & QUESTIONS

T. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

U. EXECUTIVE SESSION

V. SUPPLEMENTAL MATERIALS

W. ADJOURNMENT

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.