



REGULAR ASSEMBLY MEETING 2024-17 AGENDA

July 29, 2024 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:
Robert Barr, Deputy 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. APPROVAL OF MINUTES

1. October 23, 2023 Assembly Reorganizational Meeting 2023-24 Minutes - Draft
2. November 13, 2023 Regular Assembly Meeting 2023-25 Minutes - Draft
3. July 2, 2024 Special Assembly Meeting 2024-15 (Empowered Board Appts) Minutes - Draft

E. MANAGER'S REQUEST FOR AGENDA CHANGES

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS *(Limited to no more than 20 minutes, with each speaker limited to a length of time set by the Mayor not to exceed three minutes.)*

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 2024-27 An Ordinance Authorizing the Manager to Execute a Lease of the Mayflower Building located at 750 Saint Ann's Ave to the Juneau Montessori School, an Alaskan Non-Profit Corporation.**

The Montessori School has leased the Mayflower Building from the CBJ since 1992. The Montessori School has requested to continue to lease this building at less than fair market value. Section 4 of the current lease states that "the manager is only authorized to renew this lease with a rental rate at the fair market value. If the Lessee seeks to renew the lease at less than fair market value, then the Assembly must first authorize the reduced rental rate." At the April 15, 2024, meeting, the Lands Housing and Economic Development Committee passed a motion of support to continue to lease property to the Montessori School for less than fair market at \$2,200 per month.

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

I. Transfers

5. Transfer Request T-2501 A Transfer of \$125,264 from CIPs W75-068 Douglas Water System Assessment and W75-077 Aurora Vault Removal to CIP W75-071 Water Pipeline Assessment.

This request would transfer \$125,264 of Water Funds from the Douglas Water System CIP and the Aurora Vault Removal CIP to the Water Pipeline Assessment CIP. This funding would contribute to the continued mapping and life expectancy testing of older water main piping. During 2023, just under 6 miles of line was tested via soundwaves measuring the wall thickness of each pipe segment, and 8 additional miles of testing is planned this summer with additional testing planned for next summer. The Douglas Water System CIP and the Aurora Vault Removal CIP are ready to be closed and do not require the remaining funds.

The Public Works and Facilities Committee reviewed this request at the July 15, 2024 meeting.

The Manager recommends approval of this transfer.

J. Liquor/Marijuana Licenses

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

Liquor License - Renewal

Licensee: Alaska Cache Liquor d/b/a Alaska Cache Liquor Inc.

License Type: Package Store, Liquor License: #271 *Location: 156 S. Franklin St., Juneau*

Licensee: Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's

License Type: Restaurant/Eating Place, Liquor License: #5482 *Location: 356 S. Franklin St., Juneau*

Liquor License – Transfer of Ownership & Location

License Type: Restaurant/Eating Place, Liquor License: #5482

Transfer From/Licensee: Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's

Transfer From/Location: 356 S. Franklin St., Juneau

Transfer To/Licensee: The Crepe, LLC d/b/a The Wagon

Transfer To/Location: 3038 Clinton Drive, Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments reviewed the above licenses and recommended the Assembly waive its right to protest these 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 actions.

K. PUBLIC HEARING

7. Ordinance 2024-11 An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 750, for the Purpose of Waterfront Commercial Activities.

This is a new 35-year lease agreement with Trucano Family LLC. This property is located near 3560 N Douglas Hwy. Prior to the existing lease expiring, the Trucano Family LLC requested the CBJ continue leasing the property, which originated from a 55-year lease with the State of Alaska. The fair market value of this parcel was appraised at \$11,267 per year.

At the May 30th regular meeting, the Docks & Harbors Board recommended the Assembly continue leasing the property with a 35-year term and an automatic additional 35-year term. As currently written, this lease provides for a 35-year maximum term (Section 2.B). At the end of that term, the Assembly and Lessee can determine if this parcel should be leased again. The Lands, Housing and Economic Committee considered this ordinance at its July 15 meeting and forwarded it to the Assembly with the 35-year maximum term.

The Systemic Racism Review Committee reviewed this ordinance at its June 18, 2024 meeting and had the following comment for the Assembly: *The SRRC remains concerned and interested in the systemic processes by which the CBJ disposes of and leases land, particularly long-term leases, and believes CBJ should strive towards further opportunities for public engagement and involvement in those processes.*

The City Manager recommends the Assembly adopt this ordinance.

8. Ordinance 2024-12 An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 842 Tracts A&B, for the Purpose of Waterfront Commercial Activities.

This is a new 35-year lease agreement with Trucano Family LLC. This property is located near 3560 N Douglas Hwy. The existing 55-year lease expires on August 18th, 2026; however, Trucano Family LLC has requested to place ATS 842 and ATS 750 on the same adjustment of rental schedule. Trucano Family LLC is vacating two years of lease opportunity under this new lease agreement. The fair market value of this parcel was appraised at \$20,909 per year.

At the May 30th regular meeting, the Docks & Harbors Board recommended the Assembly continue leasing the property with a 35-year term and an automatic additional 35-year term. As currently written, this lease provides for a 35-year maximum term (Section 2.B). At the end of that term, the Assembly and Lessee can determine if this parcel should be leased again. The Lands, Housing and Economic Committee considered this ordinance at its July 15 meeting and forwarded it to the Assembly with the 35-year maximum term.

The Systemic Racism Review Committee reviewed this ordinance at its June 18, 2024 meeting and had the following comment for the Assembly: *The SRRC remains concerned and interested in the systemic processes by which the CBJ disposes of and leases land, particularly long-term leases, and believes CBJ should strive towards further opportunities for public engagement and involvement in those processes.*

The City Manager recommends the Assembly adopt this ordinance.

9. Ordinance 2024-09(b) An Ordinance Amending the Parking Notice Requirements, Parking Management Advisory Committee, and Penalties Related to Parking Violations.

With the new parking management system installed in the CBJ parking garages, CBJ staff identified a need for parking code amendments that would do three things. First, this ordinance would repeal the requirement to have a Parking Management Advisory Committee, which has not met for a number of years. Second, this ordinance would repeal an outdated and inconsistent 1971 law (CBJC 72.22.045) that requires parking tickets to be placed on a car. Since 1971, Alaska law (Civil Rule 4(h)) and CBJC 03.30.075(b)) have been amended to allow parking tickets to be served via certified mail or by placing the ticket on the vehicle. Third, this ordinance would create a tiered parking penalty structure in the parking garages because the existing \$25 parking penalty is not enough of a deterrent for rental car companies illegally occupying spaces.

The Assembly amended this ordinance on July 1 reducing the second offense for a 72.14.020 violation from \$50 to \$35. Due to lack of quorum, the Systemic Racism Review Committee did not review this ordinance prior to public hearing.

The City Manager recommends the Assembly adopt this ordinance.

L. UNFINISHED BUSINESS

M. STAFF REPORTS

10. School Budgets - Information from Superintendent Frank Hauser

11. Resolution 3068 A Resolution Deappropriating \$4,626,434 from the Treasury for FY24 School District Operations.

Ordinance 2023-15 appropriated the Juneau School District's FY24 budget in the amount of \$96,371,000. Since the adoption of the budget, the district's FY23 audit was finalized and reflected a decrease of nearly \$3 million in fund balance compared to projections. Further challenges were identified in the adopted budget regarding material overstatement of revenue and understatement of expenditures. To address these issues, the JSD Board of Education approved an FY24 budget revision on May 14, 2024 reducing the School District's budget authority by \$4,626,434 for a total revised FY24 appropriation of \$91,690,566.

The City Manager recommends the Assembly adopt this resolution.

N. NEW BUSINESS

12. Regulation 20 CBJAC 40.540 Class C Endorsement - Commercial Passenger Vehicle - Pedicab Geographical Area

This regulation would amend the geographic area where pedicabs are permitted to operate downtown. It would expand the area to include the portion of Egan Drive between Main Street and the lighted crosswalk at immediately before Glacier Ave that enables access to the Seawalk. Since the last time this geographic area has been looked at, DOT has upgraded this section of Egan to include an extra-wide bike lane that accommodates pedicabs.

A public information & comment meeting was held on July 25th, 2024, and no public comment was received.

The Assembly review of regulations is governed by CBJC 01.60.260.

The Manager recommends the Assembly approve this regulation.

13. School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)

On July 11, 2024, the Clerk's office completed its review of the two school board recall petitions for the recall of Board of Education Member Deedie Sorensen and Board of Education Member Emil Mackey and concluded that, with the supplemental signatures submitted on July 1, each petition met the requirement to obtain 2,359 signatures for certification and each petition is therefore considered sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

The next steps in this process are governed by AS 29.26.310-320, which states in part:

"AS 29.26.310 ...if a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting."

and

"AS 29.26.320... (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election."

Per AS 29.26.320, the Assembly needs to forward each recall, as a separate question, to be placed on the ballot for the October 1, 2024 Regular Municipal Election. Below is a suggested motion to accomplish that.

Suggested Motion:

I move that the Assembly direct staff to place two individual questions on the October 1, 2024 Regular Municipal Election ballot for the recall of School Board President Deedie Sorensen and Vice President Emil Mackey, and ask for unanimous consent.

O. ASSEMBLY REPORTS

Mayor's Report

Committee, Liaison Reports, Assemblymember Comments and Questions

Presiding Officer Reports

14. Appeal before the Assembly 2023-AA01 Karla Hart v. PC and Huna Totem, Proposed Decision

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, which was assigned to the State Office of Administrative Hearings. The Hearing Officer held the oral argument hearing on January 24, 2024. The Hearing Officer issued a draft decision to the parties. The Huna Totem Corp. filed an objection and Ms. Hart filed a letter of support. A status hearing was held and the parties submitted additional briefing.

On June 21, 2024, the Hearing Officer sent an amended proposed decision, which affirms the Planning Commission's decision. Notably, the amended proposed decision concludes Huna Totem's application "generally conforms" to the Long Range Waterfront Plan. (CBJC 49.15.330(f)(3)). That conclusion preserves the Assembly's authority to adopt land use plans that provide direction to the Planning Commission when it is reviewing a conditional user permit; it also preserves the Planning Commission's discretion to determine when a specific permit application "generally conforms" to a land use plan.

If the Assembly adopts the Hearing Officer's amended proposed decision, the Assembly would then be in a position to facilitate a robust public process regarding the lease of CBJ property. The Assembly has complete authority whether to issue a lease for the new cruise ship dock. If the adopts or revises the Hearing Officer's proposed decision, any aggrieved party can appeal to Superior Court.

The City Attorney recommends the Assembly adopt the Hearing Officer's amended proposed decision in open session.

P. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Q. EXECUTIVE SESSION

15. Continued Deliberations on City Attorney Finalists from the 7/25/2024 Special Assembly meeting, if needed.

R. SUPPLEMENTAL MATERIALS

**16. School Budgets - Presentation by JSD Superintendent Frank Hauser
FY2024 Wrap-Up, Looking Ahead in FY2025**

17. *Manager's Request for Agenda Changes, move this item from New Business to Staff Report.*

School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)

On July 11, 2024, the Clerk's office completed its review of the two Board of Education recall petitions for Deedie Sorensen and Emil Mackey. With the supplemental signatures submitted on July 1, each petition met the 2,359 signature requirement for certification and each petition is therefore considered

sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

Because state law (AS 29.26.320(a)) requires the recall questions to be on the October 1, 2024, regular municipal election, this is just an information item.

S. ADJOURNMENT

T. 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.