



REGULAR ASSEMBLY MEETING 2023-01

AGENDA

January 09, 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:

Duncan Rorie Watt, City Manager

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

1. We acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the people of this land, the Auk Kwaan and Taku Kwaan. 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

2. 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.

E. APPROVAL OF MINUTES

3. July 11, 2022 Regular Assembly Meeting 2022-17 DRAFT Minutes
4. August 16, 2022 Special Assembly Meeting 2022-20 DRAFT Minutes
5. August 25, 2022 Special Assembly Meeting 2022-21 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

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

6. **Ordinance 2022-48(b) An Ordinance Related to City and Borough of Juneau Land Management Plan Duration, Restrictions, and Authority.**

This ordinance amends the governing codes related to the CBJ Land Management Plan. Section 2 of this ordinance would extend the viability of a land management disposal determination from two years to ten years, which can remove unnecessary burdens in the land disposal process. Section 3 of this ordinance would amend the general powers of the Docks and Harbors Board to be consistent with the land management provisions of Title 53. Section 4 of this ordinance would remove the requirement for Docks and Harbors to have its own land management plan and would amend the code to clarify what Docks and Harbors should consider when it develops land disposal and land use policies.

If this ordinance is adopted, staff will review the 2016 Land Management Plan to see if any amendments are necessary, especially related to Docks and Harbors managed property.

The Assembly Lands, Housing, and Economic Development Committee reviewed this ordinance on September 26, 2022. The Assembly Committee of the Whole reviewed and amended this ordinance on December 19, 2022, which is reflected in version b (page 4, lines 17-18). The Docks and Harbors Board or committee reviewed this topic on July 20, 2022; July 28, 2022; August 25, 2022; September 21, 2022; and September 29, 2022.

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

7. **Ordinance 2022-06(b)(AD) An Ordinance Appropriating \$10,000,000 to the Manager for the Eaglecrest Gondola Capital Improvement Project; Funding Provided by an Investment from Goldbelt, Inc.**

Goldbelt, Inc. has expressed interest in investing \$10 million for the installation of the gondola and associated infrastructure at Eaglecrest Ski Area. This ordinance appropriates funds for that purpose. The initial investment will be repaid according to the terms outlined in the revenue sharing agreement between CBJ and Goldbelt, Inc., authorized by Ordinance 2022-63. This appropriation will be effective upon execution of the agreement.

The Committee of the Whole discussed this request at the November 28, 2022 meeting.

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

8. **Ordinance 2022-06(b)(AE) An Ordinance Appropriating \$300,000 to the Manager for the Downtown Subport Planning Capital Improvement Project; Funding Provided by Port Development Fees.**

This ordinance would appropriate \$300,000 of port development fees for cruise ship dock planning at the downtown subport. A coordinated waterfront planning effort led by CBJ ensures the entities involved do so collaboratively and with community mindfulness, and allows CBJ to weigh competing interests in Juneau's Port.

The Committee of the Whole discussed this request at the December 19, 2022 meeting.

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

9. **Ordinance 2022-06(b)(AF) An Ordinance Transferring \$30,000 from Information Technology to Community Development for a GIS Technician.**

CBJ's GIS Technician position is currently split-funded between Information Technology (IT) and the Police Department (JPD). To better align the work of the technician with Community Development's

(CDD) GIS program objectives, this ordinance would transfer the remaining FY23 authority for the IT-funded portion of this position to CDD while maintaining staffing levels to JPD. This position will be included in CDD's FY24 budget request.

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

10. Ordinance 2022-06(b)(AG) An Ordinance Appropriating \$93,336 to the Manager for a Grant to Travel Juneau; Funding Provided by Hotel-Bed Tax Funds.

The Hotel-Bed Tax Fund has accumulated a sizeable balance as a result of much higher than anticipated tax revenue. Had this revenue been foreseen during the budget process, the annual Assembly grant issued to Travel Juneau for the purpose of tourism marketing would likely have been significantly larger. As such, this ordinance would make a supplemental grant to Travel Juneau for the 2023 fiscal year.

Travel Juneau will use this additional grant to reimburse \$93,336 of expenses associated with the 2022 Ironman Alaska event. These expenses include facility and equipment rentals, Ironman staff lodging, JPD and CCFR staff time, and an economic impact analysis of the event.

The Assembly Finance Committee reviewed this request at the January 4, 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

11. Resolution 3011 A Resolution Adopting Cruise Ship Tourism Policy Objectives from the Visitor Industry Task Force Final Report.

The Visitor Industry Task Force (VITF) met in 2019 and 2020. The final report was delivered in March of 2020. The Assembly accepted, but never formally adopted the VITF recommendations or the overarching policy objectives because the immediate challenges of COVID-19 required the Assembly's full attention. Staff's approach to date has been to deal with VITF-recommended issues as they arise. Even without adopting the specific recommendations from the VITF Final Report, the management of cruise ship tourism in the community would benefit from the Assembly adopting the five overarching policy objectives in this resolution.

The Assembly Committee of the Whole discussed this topic on November 28, 2022.

The City Manager recommends the Assembly adopt this resolution.

12. Resolution 3013 A Resolution of the City and Borough of Juneau Supporting the Homeporting of a U.S. Coast Guard Icebreaker in Juneau.

The intent of Resolution 3013 is to signal to the US Coast Guard and the Alaska Congressional Delegation unqualified support from our community to homeport an Arctic icebreaker in Juneau.

Our Congressional Delegation, led by Senator Sullivan, has communicated a vision to provide additional Alaskan-based federal assets to meet the emerging needs of an expanding Arctic. The Coast Guard reportedly has evaluated opportunities to acquire a commercially available icebreaker to potentially homeport in our state. Our local community would benefit immensely with the infusion of new federal personnel, including family members, which would accompany the homeporting of an icebreaker.

Although the recently enacted Congressional funding bill did not appropriate federal money to acquire a commercially available icebreaker, this resolution still demonstrates strong will from

Juneau that an icebreaker and additional Coast Guard personnel would be warmly welcomed to our community.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

13. BE23-120 Cedar Drive Pavement, Drainage and Utilities Improvements

This project generally includes reconstruction of Cedar Drive between Columbia Blvd. and Mendenhall Blvd. Bids were opened on this project on December 6, 2022. The bid protest period expired at 4:30 p.m. on December 9, 2022. Results of the bid opening are as follows:

North40 Construction Corp. \$1,168,580.00

Admiralty Construction, Inc. \$1,389,360.00

Engineer's Estimate: \$1,406,600.00

The City Manager recommends award of this project to North40 Construction Corp. for the total amount bid of \$1,168,580.00.

14. BE23-123 Teal Street Reconstruction

This project includes reconstruction of Teal Street from Jordan Avenue to Crest Street. Bids on this project were opened on December 1, 2022. The bid protest period expired at 4:30 p.m. on December 5, 2022. Results of the bid opening are as follows:

North40 Construction Corp. \$2,019,958.00

Admiralty Construction Inc. \$2,421,316.00

Engineer's Estimate: \$1,878,023.00

The City Manager recommends award of this project to North40 Construction Corp. for the total amount bid of \$2,019,958.00.

15. BE23-125 Tongass Boulevard Reconstruction Phase 2

This project includes reconstruction of Tongass Boulevard from the intersection of Dudley Street to Mendenhall Loop Road. Bids on this project were opened on December 9, 2022. The bid protest period expired at 4:30 p.m. on December 12, 2022. Results of the bid opening are as follows:

Admiralty Construction Inc. \$1,992,340.00

Engineer's Estimate: \$1,816,245.00

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of \$1,992,340.00.

L. Transfers**16. Transfer Request T-1048 A Transfer of \$1,400,000 from CIP U76-119 Mendenhall Wastewater Treatment Plant Improvements to CIP U76-122 Outer Drive and West Juneau Lift Station Improvements.**

This request would transfer \$1.4 million from the Mendenhall Wastewater Treatment Plant Improvements CIP to the Outer Drive and West Juneau Lift Station Improvements CIP. Cost escalation has increased the current construction estimates above available funding. The Wastewater Utility has identified this as a high priority project due to pumping limitations, increasing maintenance needs, and difficulty in procuring replacement and repair parts. The Mendenhall Wastewater Treatment Plant Improvements CIP will retain adequate funding to cover near term project needs.

The Public Works and Facilities Committee reviewed this request at the December 19, 2022 meeting.

The City Manager recommends approval of this transfer.

17. Transfer Request T-1049 A Transfer of \$590,000 from CIP R72-149 Meadow Lane Improvements and CIP R72-155 Crest Street Reconstruction to CIP R72-152 Tongass Boulevard Phase II Reconstruction.

This request would provide \$590,000 in additional funding needed to complete project work on the Tongass Boulevard Phase II Reconstruction CIP. Cost escalation and significant degradation of a water main discovered during Phase I contributed to the need for additional funding. The Meadow Lane and Crest Street projects are nearly complete and will retain adequate funding to cover remaining project work.

The Public Works and Facilities Committee reviewed this request at the December 19, 2022 meeting.

The City Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses**18. Liquor License Renewals for Review**

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

Liquor License Renewals

License Type: Club Liquor License, AMCO License #4034

Licensee: Juneau Moose Lodge #700 d/b/a Loyal Order of Moose #700

Location: 8335 Airport Blvd., Juneau

License Type: Restaurant Eating Place Liquor License, AMCO License #4731

Licensee: DJ LLC d/b/a Asiana Gardens

Location: 9116 Mendenhall Mall Road, Juneau

License Type: Beverage Dispensary Liquor License, AMCO License #2844

Licensee: Sandbar Inc. d/b/a The Sandbar

Location: 2525 Industrial Blvd., 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.

N. City/State Project Review

19. CSP2022-05: City Project Review for Bartlett Regional Hospital's Emergency Department addition and renovation.

At its regular meeting on December 13, 2022, the Planning Commission recommended APPROVAL to the Assembly for adding 4,000 square feet to the hospital's existing Emergency Department, demolishing the existing ambulance bay and building a new 1,300 square foot bay, and renovating 7,500 square feet of the existing Emergency Department space. Site work will include providing a cul-de-sac style turn around near Wildflower Court, changing the direction that ambulances approach the ambulance bay, and providing a pedestrian sidewalk around the new bay and patient drop off area. The total cost of the project is approximately \$17 million.

The City Manager recommends that the Assembly APPROVE the project.

O. PUBLIC HEARING

20. Ordinance 2022-62 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 10.97 acres of the Pederson Hill Property Located near Karl Reishus Boulevard and Hamilton Street, from D-10SF to D-10.

On July 6, 2022, Moline Investment Management submitted an application to the CBJ Lands and Resources Department to purchase approximately 11 acres of CBJ property at Pederson Hill with the intention of pursuing a re-zone to achieve increased density for a housing project. On August 8, 2022, the Lands, Housing, and Economic Development Committee reviewed and provided a motion of support to negotiate the disposal of CBJ property.

On July 25, 2022, the applicant submitted an application to the Community Development Department for a re-zone and on September 13, 2022, at its regular meeting, the Planning Commission reviewed and recommended that the Assembly adopt the re-zone. (AME2022 0005) Both zoning districts allow for up to 10 dwelling units per acre; however, D10-SF provides only for the development of single-family dwellings, while D10 allows multifamily structures. This re-zone conforms with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 Economic Development Plan.

If the re-zone is approved, the applicant will need to complete a purchase and sales agreement for the property. Prior to development, the applicant will need to acquire all necessary permits and Planning Commission approval if necessary.

The Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

21. Ordinance 2022-63 An Ordinance Authorizing the Manager to Enter into a Revenue Sharing Agreement with Goldbelt, Inc. to Fund Installation of the Gondola and Associated Infrastructure at the Eaglecrest Ski Area.

This ordinance would allow the CBJ to accept \$10M from Goldbelt Inc for the installation of the gondola and associated facilities. In exchange for the capital contribution, the CBJ would share summer revenues from the gondola project. Notably, the City and Borough of Juneau is not pledging taxes, revenue from taxes, or the full faith and credit of the municipality. Goldbelt, Inc. is uniquely situated to execute a revenue sharing agreement with the CBJ because Goldbelt, Inc. owns the Goldbelt Tram Alaska, which

eliminates competition concerns, encourages diversification of impacts and sustainable use of both aerial conveyances, and Goldbelt, Inc. has a natural financial interest to see both aerial conveyances prosper while benefiting the community.

This topic has been discussed at numerous meetings of the Assembly Finance Committee and Assembly Committee of the Whole since the spring of 2022. The Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

22. Ordinance 2022-64 An Ordinance Reorganizing and Consolidating the Aquatics Board, the Treadwell Arena Advisory Board, the Jensen-Olson Arboretum Advisory Board, and the Parks and Recreation Advisory Committee.

This ordinance would dissolve the Treadwell Arena Advisory Board, the Aquatics Board, the Jensen-Olson Arboretum Advisory Board, and transfer those board duties to the Parks & Recreation Advisory Board ("PRAC"). Because recruitment and retention for so many community volunteers is so difficult, we have prolonged vacancies and frequently cancelled meetings due to lack of quorum. Consolidation into the PRAC will result in more effective and impactful meetings, which will improve morale of board members and community engagement. If a discrete community concern arises, the PRAC or the Assembly would be able to create a temporary task force to address a future concern.

The Assembly Committee of the Whole discussed this topic on November 7, 2022. The Systemic Racism Review Committee (SRRRC) reviewed this ordinance on December 13, 2022. On January 3, 2023, the PRAC reviewed this ordinance and unanimously recommended the Assembly adopt it with a proposed amendment, which is presented by Assemblymember Smith. On January 9, 2023, the Assembly Human Resources Committee is scheduled to consider this item in light of the SRRRC discussion.

The City Manager recommends the Assembly adopt this ordinance with Assemblymember Smith's amendment.

23. Ordinance 2022-65 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Mountain Lift, LLC, for Coffee and Baked Goods Service.

This ordinance would authorize the Eaglecrest Ski Area to enter into a franchise agreement for a coffee shop in the Fish Creek Lodge. Normally, the CBJ would use the lease process for this type of arrangement, but the federal Land and Water Conservation Fund prohibits the CBJ from issuing leases at Eaglecrest. However, the CBJ can grant a franchise for a coffee shop concessionaire by ordinance. After soliciting statements of interest, the current vendor, Mountain Lift LLC, was the only respondent. This ordinance would allow Mountain Lift LLC to operate the coffee shop for five winter seasons.

On December 19, 2022, the Lands, Housing, and Economic Development Committee reviewed and recommended the Assembly adopt this ordinance. The Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

24. Ordinance 2022-06(b)(Y) An Ordinance Transferring \$60,000 from Eaglecrest's Fleet and Equipment Reserve Account to the Eaglecrest Gondola Capital Improvement Project.

Transportation of Eaglecrest's gondola exceeded cost estimates by \$261,608 as a result of steep fuel surcharges and detention fees on global shipping containers transported to Juneau. This expense will be covered by the following funding sources:

Eaglecrest Deferred Maintenance CIP (D28-101)	\$161,608
Eaglecrest Fleet/Equipment Reserve Account	\$ 60,000

Eaglecrest Gondola CIP (E28-102) \$ 40,000

This ordinance provides for the \$60,000 transfer from Eaglecrest's fleet and equipment reserve account. Goldbelt loan proceeds may reimburse this account once the loan agreement is effectuated.

The Systemic Racism Review Committee reviewed this request at the December 13, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

25. Ordinance 2022-06(b)(Z) An Ordinance Appropriating \$250,000 to the Manager for Junk Vehicle Cleanup and Remediation at River Road; Funding Provided by General Funds.

To date, 103 vehicles have been removed from the River Road property, costing a total of \$152,500. CBJ has been reimbursed for \$105,000 of that amount. The remaining balance will be reimbursed pursuant to a court order, which allows CBJ to foreclose on the property beginning with the vehicles.

As of October 27, 2022, there are still approximately 228 vehicles located at the River Road property. CBJ will request a court order to seize and auction any vehicles of value to attempt to recoup some of the remaining balance owed.

Due to the lengthy court process, there is a need for additional funds now to complete remediation work. Similar to the last round of clean up, CBJ will seek reimbursement of these expenses in subsequent legal proceedings, which may result in property foreclosure.

The Systemic Racism Review Committee reviewed this request at the December 13, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

26. Ordinance 2022-06(b)(AA) An Ordinance Appropriating \$3,164,401 to the Manager for the Power Upgrades for Electric Buses Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$3,164,401 to the Power Upgrades for Electric Buses CIP. Grant funding is comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of \$558,425 is being met by previously appropriated funds in the Power Upgrades for Electric Buses CIP.

The Public Works and Facilities Committee reviewed this request at the December 19, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the December 13, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

27. Ordinance 2022-06(b)(AB) An Ordinance Appropriating \$1,039,438 to the Manager for the School Roof Replacement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Education and Early Development.

This ordinance would appropriate \$1,039,438 to the School Roof Replacement CIP for the Gastineau School roof replacement project. Grant funding provided by the Alaska Department of Education and Early Development replaces previously appropriated general funds, which will be reallocated to the Juneau School District Deferred Maintenance CIP. The local match requirement of \$559,697 is being met by previously appropriated bond proceeds in the School Roof Replacement CIP.

The Public Works and Facilities Committee reviewed this request at the December 19, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

28. Ordinance 2022-06(b)(AC) An Ordinance Appropriating \$119,986 to the Manager for the Valley Transit Center Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$119,986 to the Valley Transit Center CIP. Grant funding is comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of \$29,997 is being met by previously appropriated funds in the Valley Transit Center CIP. The original grant award erroneously excluded administrative overhead as an eligible expense; this grant amendment corrects this error by allocating additional funds for this purpose.

The Public Works and Facilities Committee reviewed this request at the December 19, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the December 13, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

P. UNFINISHED BUSINESS

Q. NEW BUSINESS

29. Goldbelt and CP Marine Application for a Land Trade

Goldbelt, Inc. and CP Marine Inc. submitted an application proposing a land trade near the Seadrome Building to develop a new visitor oriented building in support of the Juneau tourism market. On August 25, 2022, the Docks and Harbors Board reviewed the proposal and passed a motion of support. On December 19, 2022, the Assembly Lands, Housing, and Economic Development Committee recommended the Assembly authorize negotiations for the land trade pursuant to CBJC 53.09.260.

The City Manager requests the Assembly authorize negotiations with Goldbelt and CP Marine for a land trade.

30. Notice of Appeal #2022-AA07: Bayhouse Properties LLC v. Planning Commission

On November 22, 2022 the Planning Commission denied an application from Bayhouse Properties LLC for a Conditional Use Permit, USE2022-0011, for the development of condominiums with up to 21 dwelling units, zoned Waterfront Commercial located at 11485 Auke Bay Harbor Road. Mitch Falk, the representative for Bayhouse LLC, filed a timely appeal on December 16 with the Municipal Clerk's office.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

The City Attorney recommends the Assembly accept the appeal and appoint a presiding officer.

R. STAFF REPORTS

31. M/V Tagish Update

S. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

T. ASSEMBLY COMMENTS & QUESTIONS

U. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. EXECUTIVE SESSION

W. SUPPLEMENTAL MATERIALS

X. 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.