



REGULAR ASSEMBLY MEETING 2023-21

AGENDA

August 21, 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

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. **Senior Citizens Day Proclamation**
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 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.

E. APPROVAL OF MINUTES

3. June 26, 2023 Special Assembly Meeting #2023-14 DRAFT Minutes

F. MANAGER'S REQUEST FOR AGENDA CHANGES

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

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

4. **Ordinance 2022-07(b)(B) An Ordinance Appropriating \$3,680,701 from the Central Treasury for FY23 School District Operations; Funding Provided by State Revenue and Private Grants.**

This ordinance would appropriate \$3,680,701 in grant awards for Juneau School District (JSD) FY23 operations. The Alaska Department of Education and Early Development provided funding for Project AWARE (Advancing Wellness and Resiliency in Education) and the American Rescue Plan Act Evidence-Based Summer Learning and Enrichment Programs. Thread issued grant funding for RALLY as a part of the State's Phase 3 – COVID-19 Child Care Stabilization Grant. In addition to the State grants, JSD received multiple private grants from Sealaska Heritage Institute (SHI) for indigenous education programs and a grant from Juneau Community Foundation providing support for Title 1 Elementary School Social Service Workers and Advocates. Grant funds are allocated as follows:

RALLY (JSD Fund 399) \$ 789,810

AWARE (JSD Fund 348) \$ 601,007

SHI Raven Writes (JSD Fund 383) \$ 503,486

SHI At Koowahaa-TCLL (JSD Fund 389) \$ 467,474

SHI Steam-Making (JSD Fund 381) \$ 430,000

SHI Box of Treasures (JSD Fund 378) \$ 333,843

SHI TEK STEAM (JSD Fund 388) \$ 290,000

ARPA Summer School (JSD Fund 342) \$ 164,316

JCF Social Worker (JSD Fund 391) \$ 100,765

Total Changes \$ 3,680,701

The Manager recommends the Assembly refer this ordinance to the Assembly Finance Committee for further review and set it for public hearing at the next regular Assembly meeting.

5. Ordinance 2023-14(b)(K) An Ordinance Appropriating \$600,000 to the Manager for the Gate K Culvert Reconstruction Capital Improvement Project; Funding Provided by Airport Funds.

This ordinance would appropriate \$600,000 of Airport Funds for the Gate K Culvert Reconstruction CIP. This funding would provide for the DEC testing requirements related to the Storm Water Pollution Prevention Plan (SWPPP). To begin Gate K culvert reconstruction, the Airport must fulfill the requirements recently brought forth by the Department of Environmental Conservation (DEC) for dewatering, PFAS, and monitoring, testing and filtration. It is anticipated that this CIP will be receiving a CARES Act grant later this year. In order to fulfill this DEC requirement and take advantage of the construction season, the Airport is requesting to use Airport Funds. If the grant funding becomes available and these costs are eligible for the grant, these appropriated funds will be returned to the Airport Fund.

The Airport Board reviewed this request at the August 10, 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

6. Resolution 3030 A Resolution Amending the Accessory Apartment Grant Incentive Program Criteria.

The Accessory Dwelling Unit Grant Program was created to encourage homeowners to add an accessory dwelling unit (ADU) to their home, furthering the creation of affordable housing in the community. A pilot program to provide \$6000 grants to homeowners was established in 2015 followed by a five-year extension of the program that ended June 30, 2023.

At the August 7, 2023, meeting of the Assembly Committee of the Whole (COW), the Committee voted to forward Resolution 3030 to the Full Assembly for introduction and approval. This resolution does two things: changes the official name of the program to the Accessory Dwelling Unit Grant Program (ADUG) and increases the amount of grant funding each recipient can receive for the creation of an accessory dwelling unit from \$6,000 to \$13,500.

The City Manager recommends the Assembly adopt this resolution.

7. Resolution 3035 A Resolution Approving the Issuance of the Public Finance Authority Revenue Bonds, Series 2023 (Aurora Integrated Oncology Foundation) in a Maximum Aggregate Par Amount Not to Exceed \$250,000,000.

The Aurora Integrated Oncology Foundation and local oncologist Dr. Eugene Huang approached the Assembly seeking support for their endeavor to issue tax-exempt bonds through the federal Public Finance Authority. The Foundation's goal is to consolidate oncology services and facilities in a few Alaska cities and towns in order to provide more cohesive and comprehensive services to the residents in those locations. In order to obtain funding through the Public Finance Authority, the local government must approve a resolution supporting the organization and hold a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing. The hearing was held on August 21, 2023 at 2pm in City Hall Conference Room 224 and via Zoom. This resolution does not obligate CBJ financially in any way nor does it impact CBJ property taxes.

The Manager recommends the Assembly approve this resolution if they wish to support the foundation's effort to obtain funding from the Public Finance Authority.

K. Transfers

8. Transfer Request T-1061 A Transfer of \$428,919 from Various Capital Improvement Projects to CIP A50-104 Ramp Improvements and CIP Juneau International Airport Taxiways A, E, & D-1 Capital Improvement Project Capital Improvement Project.

This request would transfer \$428,919 of previously appropriated 1% sales tax funds from multiple completed and one in progress Airport CIP to the Ramp Improvements and Juneau International Airport Taxiways A, E, & D-1 CIPs. These projects are ongoing and are in need of additional local matching funds.

This transfer of project funding is consistent with the intent of the 2017 1% Sales Tax initiative approved by voters in the October 3, 2017 municipal election.

The Airport Board reviewed this request at the August 10, 2023 meeting.

The Manager recommends approval of this transfer.

L. Liquor/Marijuana Licenses

9. 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 - Renewals

License Type: Restaurant/Eating Place, License #2541

Licensee: Spice LLC d/b/a Spice

Location: 112 N. Franklin St., Juneau

License Type: Beverage Dispensary, License #644

Licensee: Ronald Martin Burns d/b/a Salt

Location: 200 Seward St., Juneau

Marijuana License - Renewals

License Type: Retail Store, License: #13217

Licensee: ForgetMeNot Enterprises Inc., d/b/a Glacier Valley Shop

Location: 8505 Old Dairy Rd., Suite 1, Juneau

License Type: Standard Marijuana Cultivation Facility, License: #13221

Licensee: ForgetMeNot Enterprises Inc., d/b/a Green Valley Enterprises

Location: 8505 Old Dairy Rd., Suite 2, Juneau

License Type: Retail Store, License: #13222

Licensee: ForgetMeNot Enterprises Inc., d/b/a Southeast Essentials

Location: 8505 Old Dairy Rd., Suite 3, 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.

M. PUBLIC HEARING

10. **Ordinance 2022-06(b)(AZ) An Ordinance Appropriating \$134,526 to the Manager for the Design Phase of the Ramp Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.**

This ordinance would appropriate \$134,526 in Airport Improvement Program grant funding for the Ramp Improvements CIP. This funding would provide for the design phase of the rehabilitation of large air carrier and air taxi ramps. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Ramp Improvements CIP. This award increases the \$2,017,881 grant appropriated under Ordinance 2022-06(b)(M).

The Airport Board reviewed this request at the July 13, 2023 meeting.

The Manager recommends the Assembly adopt this ordinance.

11. **Ordinance 2023-14(b)(H) An Ordinance Appropriating \$1,795,267 to the Manager for the Construction Phase of the Gate 5 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.**

This ordinance would appropriate \$1,795,266 in Airport Improvement Program grant funding for the Gate 5 Passenger Boarding Bridge CIP. This request would provide for the acquisition, construction, and installation of a new passenger boarding bridge, replacing a 21-year-old, inoperable jet bridge. The final

grant award documentation was received, and the final grant award amount is \$1,795,266, \$1 less than the amount expected during the introduction of this ordinance. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Gate 5 Passenger Boarding Bridge CIP.

The Airport Board reviewed this request at the July 13, 2023 meeting.

The Manager recommends the Assembly adopt this ordinance.

12. **Ordinance 2023-14(b)(l) An Ordinance Appropriating up to \$19,000,000 to the Manager for the Construction Phase of the Ramp Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.**

This ordinance would appropriate up to \$19,000,000 in Airport Improvement Program grant funding for the Ramp Improvements CIP. This funding would provide for the construction of a new remain overnight (RON) large aircraft parking ramp, rehabilitate deteriorating pavement for large and commercial aircraft parking ramps, repair failing ramp drainage and catch basins, and upgrade ramp lighting. The local match requirement will be provided by previously appropriated CARES Act funding in the Ramp Improvements CIP.

The Airport Board reviewed this request at the August 10, 2023 meeting.

The Manager recommends the Assembly adopt this ordinance.

13. **Ordinance 2023-14(b)(A) An Ordinance Appropriating \$60,000 to the Manager for the Mount Bradley Trail Reroute and Restoration Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.**

Parks and Recreation has been awarded an additional \$60,000 in grant funding from the Federal Lands Access Program to relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. This award increases the \$265,000 grant appropriated under Ordinance 2021-08(b)(am)(V). A local match requirement of \$8,051 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix is reconstructing the trail and is expected to complete the project in 2024.

The Manager recommends the Assembly adopt this ordinance.

14. **Ordinance 2023-14(b)(B) An Ordinance Appropriating \$2,000,000 to the Manager for Childcare Programs and Grants; Grant Funding Provided by the State of Alaska.**

The City and Borough of Juneau has been awarded \$2,000,000 in grant funding for childcare programs and grants, focused on improving the availability and quality of childcare in Juneau. The state funding for these grants derives from the American Rescue Plan Act and Coronavirus Response and Relief Supplemental Appropriations Act. These funds will be used to expand existing CBJ programs for FY24 and FY25 as well as create an apprenticeship program for childcare administrators. No local match is required for this grant.

The City Manager recommends the Assembly take public testimony on this ordinance and refer it to the next regular Assembly meeting for action.

15. **Ordinance 2023-14(b)(C) An Ordinance Appropriating \$850,215 to the Manager for the Hank Harmon Rifle Range Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.**

This ordinance would appropriate \$850,215 for the Hank Harmon Rifle Range Improvements CIP. This funding would provide for a series of safety, accessibility, and longevity improvements that will address deferred maintenance needs. The improvements will comply with National Rifle Association Standards and will ensure that all Juneau-area hunting and recreational shooters will have continued year-round

access to this free facility. The local match requirement will be met through previously appropriated funds in the CIP.

The City Manager recommends the Assembly adopt this ordinance.

16. **Ordinance 2023-14(b)(D) An Ordinance Appropriating \$347,340 to the Manager as Funding for Round 2 of the Healthy and Equitable Communities Grant; Grant Funding Provided by the Alaska Department of Health.**

CBJ has been awarded an additional \$347,340 in grant funding from the Alaska Department of Health's Healthy and Equitable Communities grant. The Healthy and Equitable Communities unit was established in 2021 in response to widening barriers to health highlighted by the COVID-19 pandemic. This award increases the \$222,953 grant received in FY23. This grant would improve health outcomes for high-risk and underserved Alaskans by providing funding for the following purposes:

Capital City Fire and Rescue (CCFR) Employee Mental Health Training - \$45,000

CCFR Response Van Modifications - \$45,000

Community Health Needs Assessment - \$50,000

Parks & Recreation's Youth Shelter (Shéiyi Xaat Hít) - \$75,000

Warming Shelter - \$132,340

The Manager recommends the Assembly adopt this ordinance.

17. **Ordinance 2023-14(b)(J) An Ordinance Appropriating \$280,000 to the Manager for the Safe Streets for All (SS4A) Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration.**

CBJ has been awarded a \$280,000 Safe Streets for All (SS4A) grant from the Federal Highway Administration. The SS4A grant's goal is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries. Funding would be used to conduct a full road safety analysis, taking inventory of all previous crashes, historical trends, conditions, severity of injuries, community and partner input, and other factors throughout the borough. The safety analysis would produce a list of projects and guide the creation and implementation of the Comprehensive Safety Action Plan. Once the plan is implemented, the CBJ would be eligible for additional road safety grant funding. A local match requirement of \$70,000 will be provided by previously appropriated funds in the FY24 CIP Resolution 3016(b).

The Public Works and Facilities Committee reviewed this request at the June 26, 2023 meeting.

The Manager recommends the Assembly adopt this ordinance.

18. **Ordinance 2023-27 An Ordinance Authorizing the Manager to Convey Approximately 3,030 Square Feet of Property Located Adjacent to 11260 North Douglas Highway with the Legal Description of a Fraction of Lot 2, USS 3559 Beachside to Jon and Susanne Reiswig for Fair Market Value.**

In May 2022, the City Manager received an application to acquire City property from Jon and Susanne Reiswig, the owners of 11260 North Douglas Highway. The application is for roughly 3,000 square feet of City property adjacent to the applicant's 11.6-acre property and the request is being made in order to secure more road frontage on North Douglas Highway. The City property is a large 92-acre parcel, transected by North Douglas Highway. The requested property is managed by the Lands Division and the 2016 Land Management Plan designated this property as retain/dispose. The Plan also states that this property could be utilized for a future residential subdivision.

The LHED Committee reviewed this request at the May 2, 2022 meeting and forwarded the application to the Assembly with a motion of support for disposal. The Planning Commission reviewed this

application at the September 13, 2022 meeting and recommended approval of this disposal. The Assembly provided a motion in favor of working with Jon and Susanne Reiswig towards the disposal of City property at the June 12, 2023 meeting. An appraisal was complete in March 2023 which valued the property at \$7,600.

The City Manager recommends the Assembly adopt this ordinance.

19. Ordinance 2023-34 An Ordinance Authorizing the Eaglecrest Ski Area to Enter into a Franchise Agreement with Evan and Kaitlin Morgan, Doing Business as Pittman's Pub for Beer and Wine Sales.

This ordinance would authorize the Eaglecrest Ski Area to enter into a franchise agreement with Pittman's Pub LLC to provide beer and wine sales at Eaglecrest Ski Area during the winter season consistent with the ski area operating calendar. On June 5, 2017 the Assembly adopted Resolution 2793(b) authorizing the Eaglecrest Board to approve on a case by case basis, the sale, possession, and consumption of beer, wine, alcoholic ciders and other similar malt beverages in connection with a valid permit issued under City and Borough of Juneau Code of Regulations, Title 11 Chapter 7 with a licensed vendor holding a valid liquor license issued by the State of Alaska. The federal Land and Water Conservation Fund prohibits CBJ from issuing leases at Eaglecrest. However, CBJ can grant a franchise agreement as a mechanism to formalize a business relationship. Eaglecrest solicited a Request For Interest (RFI 23-174) and received no responses. After the solicitation closed Eaglecrest continued to look for suitable vendors and was contacted by two interested parties. After pursuing the opportunities further Pittman's Pub LLC was the only remaining interested party. This ordinance would allow Pittman's Pub to operate for five consecutive winter seasons.

The Manager recommends the Assembly adopt this ordinance.

N. NEW BUSINESS

20. BE22-202 Bid Award for JNU Gate 5 Passenger Boarding Bridge Replacement

Bids were opened on this project on July 19, 2023. The bid protest period expired at 4:30 p.m. on July 20, 2023. Results of the bid opening are as follows:

<u>Responsive Bidders</u>	<u>Total Amount</u>
Dawson Construction, LLC	\$1,705,705.00
Island Contractors, Inc.	\$1,914,000.00
<i>Engineer's Estimate</i>	<i>\$3,016,762.00</i>

Project description: Work generally consists of the removal and replacement of the existing Passenger Boarding Bridge (PBB) and fixed PBB walkway at Gate 5.

The City Manager recommends award of this project to Dawson Construction, LLC for the total amount bid of \$1,705,705.00.

21. BE23-243 Bid Award for JNU Rehabilitation Part 121/135 Apron and RON Parking Apron

Bids were opened on this project on July 25, 2023. One bid was received. The bid protest period expired at 4:30 p.m. on July 26, 2023. Results of the bid opening are as follows:

<u>Responsive Bidders</u>	<u>Base Bid</u>	<u>Add. Alt. No. 1</u>	<u>TOTAL BID</u>
Colaska dba SECON	\$13,376,162.00	\$1,332,478.00	\$14,708,640.00
<i>Engineer's Estimate</i>	<i>\$12,345,312.00</i>	<i>\$3,294,520.00</i>	<i>\$15,639,832.00</i>

Project Description: Heavy civil rehabilitation of the Part 121/135 parking aprons at Juneau International Airport.

The City Manager recommends award of this project to SECON for the total bid amount of \$14,708,640.00.

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

There are 31 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.

23. Grant Creek Homes Request for a Land Trade

The Lands Office received an application from Grant Creek Homes, located at 4305 North Douglas Highway, requesting a land trade. This land trade would allow the disposal of approximately 3.22 acres of CBJ land to Grant Creek Homes and the acquisition of approximately 2.42 acres of land by the CBJ from Grant Creek Homes. The application states that this would allow the developer to avoid development in the Grant Creek stream buffer area and potentially create a small lot subdivision to provide housing within the CBJ. The Planning Commission noted that the land acquired by the CBJ would extend the 200-foot designated stream corridor surrounding Grant Creek, in line with the 2013 Comprehensive Plan. The Lands Housing and Economic Development Committee reviewed this proposal at the May 2, 2022, meeting and passed a motion of support. The Planning Commission reviewed this application at the meeting on August 11, 2022, and recommended that the Assembly approve this land trade. This application is moving forward after the applicant re-engaged in July.

The Manager recommends the Assembly pass a motion of support to work with Grant Creek Homes toward the disposal of City property in accordance with City Code 53.09.260.

24. Appeal 2023-AA01 before the Assembly: Karla Hart v. Planning Commission re: USE 2023-0003 Huna Totem Floating Dock

The Clerk's Office received a timely filed appeal from Karla Hart on August 4, 2023 regarding the Planning Commission's decision on USE 2023-0003 related to Huna Totem's application for a floating dock.

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 itself, 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.)

If you decide to send the appeal to a hearing officer, the Assembly may waive its right to reject or modify the hearing officer's decision, rendering the hearing officer's decision final and appealable to Superior Court without Assembly comment. Additionally, in this situation the Assembly is not prohibited

from discussing the case, as you are not sitting in a quasi-judicial capacity, nor are you reviewing the decision of the hearing officer.

At the February 1, 2021 Assembly Committee of the Whole the Manager recommended that in the event of an appeal of this proposed development that the Assembly send the appeal to a hearing officer.

An updated memo is in this packet.

Attorney Wright recommends the Assembly accept the appeal, consider assigning it to a hearing officer, and consider waiving final review under CBJC 01.50.140(c).

O. STAFF REPORTS

25. Mendenhall River Flood Report

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

T. SUPPLEMENTAL MATERIALS

U. 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.gov.