



# ASSEMBLY REORGANIZATION MEETING 2022-24 AGENDA

October 24, 2022 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:

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Duncan Rorie Watt, City Manager

- A. **FLAG SALUTE**
- B. **LAND ACKNOWLEDGEMENT**
- C. **ROLL CALL**
- D. **SPECIAL ORDER OF BUSINESS**
  - 1. **Assembly Reorganization - Election of Deputy Mayor**
  - 2. **Introduction of Exchange Students**
  - 3. **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](mailto:BoroughAssembly@juneau.org).

- 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)(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, 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 City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next Assembly meeting.**

5. **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. Proposed change has been included as publicly noticed agenda items and discussed at Docks & Harbors regular Board or Operations-Planning Committee meetings on the following dates: May 18th, June 22nd, June 30th, July 20th, and July 28th. 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 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 City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.**

6. **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 18th, June 22nd, June 30th, July 20th, and July 28th.

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

7. **Ordinance 2022-56 An Ordinance Amending the Land Use Code Regarding Alternative Residential Subdivision Requirements.**

The Assembly created the Alternative Residential Subdivision standards in 2019. (Ord. 2018-41(c)). The purpose of the Alternative Residential Subdivision is to create flexibility in the regulation and use of land to promote and encourage different types of housing options. CBJC 49.15.900. A property owner is currently seeking approval from the Planning Commission for 440 units of housing using the Alternative Residential Subdivision code. However, during the application review, staff and the Planning Commission identified a code inconsistency with the definition of unit-lot. This ordinance would amend the unit-lot definition to be consistent with the other Alternative Residential Subdivision standards.

This ordinance has not been reviewed by the Planning Commission.

**Because the Planning Commission is currently considering an Alternative Residential Subdivision application on November 8, the City Manager recommends the Assembly introduce this ordinance and set it for public hearing at a Special Assembly meeting on November 7, 2022, just before the Committee of the Whole meeting.**

**8. Ordinance 2022-57 An Ordinance Temporarily Amending the Planning Commission Meeting Schedule.**

CBJ Code (49.10.130(a)) requires the Planning Commission to hold a regular meeting twice a month. The Community Development Department is experiencing staff shortages and is exploring options to manage public meetings with current staff. This ordinance would temporarily reduce the number of Planning Commission meetings from twice a month to once a month. A temporary reduction from two to one Planning Commission meeting a month would provide time for new staff to be hired and trained.

This ordinance has not been reviewed by the Planning Commission.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

**I. Resolutions**

**9. Resolution 2993 A Resolution Amending the Accessory Apartment Grant Incentive Program Criteria Regarding Short Term Rentals.**

This resolution would amend the Accessory Apartment Grant Incentive Program to prohibit short-term rental use of apartments funded by this grant program. The Assembly Lands Housing and Economic Development Committee discussed this topic on August 30, 2021. The Assembly Committee of the Whole recommended the Assembly adopt this resolution at its meeting on September 26, 2022.

**The City Manager recommends the Assembly adopt this resolution.**

**10. Resolution 3002 A Resolution Expressing Support for the United States Department of Justice, Office of Justice Program, FY22 Edward Byrne Memorial Justice Assistance Grant (JAG).**

The Juneau Police Department has been awarded \$37,362 in grant funding from the U.S. Department of Justice for training and equipment. This grant will provide funding for select staff to attend the Alaska Conference on Child Maltreatment and International Association of Chiefs of Police Technology Conference. Equipment funding provides for patrol vehicle vaults, explosive ordinance disposal hook and line kit, and uniform inventory software.

No local match is required for this grant.

**The City Manager recommends the Assembly adopt Resolution 3002.**

**11. Resolution 3004 A Resolution Encouraging Federal Agencies in Juneau to Coordinate Collection of Biometric Information for Foreign National Employees and Refugee Families.**

Refugee families, like from Ukraine, and foreign national employees, like in the seafood industry, are required to submit biometric information (picture and fingerprints). Currently, they have to travel from Juneau to either Anchorage or Seattle, which creates financial burdens for them, their employers, and local nonprofits. However, the Juneau office of U.S. Customs and Border Protections has the ability to collect the biometric information. This resolution encourages the two federal agencies to coordinate, which will decrease fiscal hardships to Ukraine refugee families, seafood industry employers and employees, and local nonprofits.

The City Manager recommends the Assembly adopt Resolution 3004.

**J. Bid Awards**

**12. Bid RFB # DH23-010 Statter Harbor Phase IIIC - Restrooms and Covered Shelter**

The work will construct a restroom building with an attached covered waiting area in support of facilities for the passenger-for-hire floats at Don D. Statter Harbor. The building will be partially heated for year-round use and will include both interior and exterior lights and security cameras.

Funding for this project was provided from general funds and appropriated under Serial No. 2021-08(b)(am)(O).

Bids were opened on this project on October 21, 2022. The bid protest period expired at 4:30 p.m. on October 24, 2022. Results of the bid opening are as follows:

Dawson Construction	\$1,578,494.00
Island Contractors	\$1,618,680.00
Carver Construction	\$1,769,923.71
Blazy Construction	\$1,985,000.00
<i>Architect's Estimate</i>	<i>\$1.9 - \$2.0 M</i>

The Docks and Harbors Board recommended awarding this bid to Dawson Construction at a Special Board meeting held on October 21, 2022.

The City Manager recommends award of this project to Dawson Construction in the total bid amount, for a total award of \$1,578,494.00.

**K. Liquor/Marijuana Licenses**

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

**Liquor License Transfer in Ownership**

License Type: Beverage Dispensary License #447

**Transfer From: David McGivney**

Location: No Premise

**Transfer To: TCKS LLC d/b/a Tracy's King Crab Shack 2**

Location: 300 Whittier St., Lot 1C Sub-Port, Juneau

**Liquor License Transfer of Controlling Interest**

License Type: Beverage Dispensary-Tourism License #5631

**Licensee: Tailwind JNU, LLC d/b/a Tailwind Concessions**

Location: 1873 Shell Simmons Drive, Suite 220 Area B (Inside Security), Juneau

License Type: Beverage Dispensary-Tourism License #5649

**Licensee: Tailwind JNU, LLC d/b/a Tailwind Concessions**

Location: 1873 Shell Simmons Drive, Suite 220 Area A (Outside Security), 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 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 transfers.**

**L. PUBLIC HEARING**

14. **Ordinance 2021-08(b)(am)(AU) An Ordinance Appropriating \$7,127,047 to the Manager to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2022 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$7,127,047 for the State of Alaska's FY2022 8.11% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	\$3,498,144
Bartlett Regional Hospital	\$3,628,903

Funding is provided by the Alaska Department of Administration, authorized by passage of HB69 during the 2021 legislative session.

This is a housekeeping ordinance to properly account for these on-behalf contributions to the state-managed retirement fund and has no impact on the CBJ or BRH's finances.

**The City Manager recommends the Assembly adopt this ordinance.**

15. **Ordinance 2021-08(b)(am)(AV) An Ordinance Appropriating \$28,226,000 to and Deappropriating \$2,495,600 from the Manager for the City and Borough of Juneau's Fiscal Year 2022 Operating Costs; Funding Provided by Various Sources.**

This ordinance appropriates \$28,226,000 and deappropriates \$2,495,600 for the City and Borough of Juneau's FY2022 operating costs. The following departments and funds require supplemental budget authority in FY2022:

**Airport:** this ordinance appropriates \$383,000 of Federal CARES Act funding for required repairs and maintenance upgrades at the Airport.

**Docks:** \$335,000 of Docks funds provides for extraordinary costs associated with hiring seasonal part-time limited staff required to meet unfunded, new Coast Guard security regulations pertaining to dual identification verification.

**Hospital:** \$2,000 of supplemental authority is needed to support increased labor costs due to staffing shortages and inflationary pressure on materials and commodities; funding provided by Hospital funds.

**Risk Management:** this ordinance appropriates \$1,452,000 of Risk Management funds for health and property insurance claims that exceeded budget estimates.

**Pandemic Response Fund:** this ordinance provides budget authority to transfer federal ARPA funds for the replacement of lost State Marine Passenger Fee revenue and the Local Government Lost Revenue Relief Grant to the General Fund. This ordinance also appropriates nearly \$1 million for CBJ's FY2022 COVID-related costs, funded by FEMA revenue.

This ordinance appropriates the remaining authority of \$7,123,300 and deappropriates \$2,495,600 for housekeeping items, including aligning budget to actual transfers, the liquidation of the Waste

Management and Library Minor Contribution funds, and the repayment of a refunded port bond with bond proceeds.

**The City Manager recommends the Assembly adopt this ordinance.**

**16. Ordinance 2022-42 An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Higher Density Housing.**

The Housing Action Plan and Juneau Economic Development Plan identify property tax abatement as an incentive to encourage new housing development. Building on an existing provision for downtown housing, this ordinance proposes to expand tax abatement for qualifying new housing developments borough-wide. Only housing developments on a single lot that remain under common ownership would qualify. This incentive is intended to help address Juneau's shortage of adequate and affordable housing, which the Assembly identified as a high priority in its 2022 Goals. This tax abatement would sunset on October 1, 2032, which will induce a future review to determine if the program is accomplishing its aims as designed.

The Assembly Finance Committee discussed this topic at the July 7, August 3, and September 7, 2022 meetings.

**The City Manager recommends the Assembly adopt this ordinance.**

**17. Ordinance 2022-06(b)(P) An Ordinance Appropriating \$700,000 to the Manager for a Pre-Development Loan for Gastineau Lodge Apartments, LLC; Funding Provided by the Affordable Housing Fund.**

This ordinance would appropriate funding from the Affordable Housing Fund for a pre-development loan for the Gastineau Lodge Apartments project, a 72-unit apartment building in Downtown Juneau. Phased loan disbursement will mitigate CBJ's risk, and liens against the property and building materials further secure the loan. CBJ's support of this project is intended to help address Juneau's shortage of adequate and affordable housing, which the Assembly identified as a high priority in its 2022 Goals. However, slope stability along Gastineau Avenue has recently put new development in focus due to the event on September 26, 2022.

The Assembly Finance Committee reviewed this request at the August 3 and September 7, 2022 meetings. The applicant has provide the documents requested by the Assembly, which are included in the packet. Notably, Attachment A depicts the contributions of each member.

**Given the policy considerations, the City Manager does not have a recommendation.**

**M. NEW BUSINESS**

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

There are four 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.**

**N. STAFF REPORTS**

**19. October 4, 2022 CBJ Municipal Election Report to the Assembly**

20. **Authorization to proceed to Dawson Construction for pre-construction services for Mendenhall Wastewater Treatment Plant SCADA under existing CMAR contract**

**O. ASSEMBLY REPORTS**

**Mayor's Report**

**Committee and Liaison Reports**

**Presiding Officer Reports**

21. **Goldstein Improvement Company Tax Appeals: Request for Stay**

Goldstein Improvement Company filed six appeals regarding 2022 property tax assessments. The property owner appealed the same items to superior court and to the Assembly. The Assembly accepted the appeals on August 1 and August 29, 2022, for the limited purpose of determining if the Assembly had jurisdiction, and assigned them to a hearing officer. Prior to the hearing officer starting, the parties agreed the Assembly appeals should be stayed through the end of the year while the parties await superior court decisions from the 2021 tax appeals.

**The Municipal Attorney recommends the Assembly—by motion—order (1) further proceedings in the Goldstein Improvement Company appeals stayed until January 31, and (2) the parties shall meet and confer in January to propose next steps.**

**P. ASSEMBLY COMMENTS & QUESTIONS**

**Q. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**R. EXECUTIVE SESSION**

22. **Discussion on Collective Bargaining.**

The City Manager recommends the Assembly recess into executive session to discuss an update to collective bargaining the immediate knowledge of which would adversely affect the finances of the municipality.

**S. SUPPLEMENTAL MATERIALS**

**T. 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](mailto:city.clerk@juneau.org).