



# REGULAR ASSEMBLY MEETING 2023-13 AGENDA

June 12, 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:

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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. 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](mailto:BoroughAssembly@juneau.gov).

**E. APPROVAL OF MINUTES**

**2. December 12, 2022 Assembly Regular Meeting #2022-28 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**

- 3. Ordinance 2023-28 An Ordinance Authorizing the Manager to Convey Approximately 11.5 Acres of Property Located at Pederson Hill to Tlingit Haida Regional Housing Authority for Less Than Fair Market Value.**

Last fall the Assembly authorized the City Manager to enter into negotiations with the THRHA for the disposal of property at Pederson Hill for less than fair market value. THRHA plans to build homes on these lots and sell 50% of them to low-income tribal citizens and the other 50% will be available to moderate income Juneau residents for purchase. The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on August 29, 2022, and passed a motion of support to the Assembly to direct the Manager to negotiate the sale of the CBJ property for less than fair market value. The Assembly reviewed this application at the September 12, 2022 meeting, and passed a motion authorizing the City Manager to enter into negotiations with Tlingit Haida Regional Housing Authority towards the disposal of City property for less than fair market value. Fair market value has been determined to be \$700,000. This ordinance will authorize \$600,000 to be forgiven as conditions in the ordinance are met.

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

4. **Ordinance 2023-29 An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections.**

This ordinance revises the land use code to address future development in stream setback and buffer areas.

For years, maintaining a balance between development and the preservation of fish habitat in the land use code has presented difficulty to developers who struggled with limited work area during construction to ensure the buffer is not disturbed. This ordinance provides flexibility in code by maintaining practical protection of anadromous waterbodies, while allowing development to occur in a portion of the outer buffer during construction -- by providing the work area necessary to construct outside the 50 foot buffer.

Drafts of this ordinance have been worked on since 2017. The full path through the Planning Commission, T49 Committee, the Assembly, and staff and Law review was outlined in a memo to the May 22, 2023 Lands, Housing and Economic Development Committee. The Planning Commission recommended a relatively complex ordinance that would allow development within the full 50' setback. The Manager had staff draft Ord. 2023-29 which simplifies the process and allows an incursion of up to 15 feet into the 50 foot setback, provided that the area is revegetated with native plants during the same construction season. This approach balances the need to relax development rules while still protecting fish stream habitat. The LHED motioned to support adoption of this ordinance.

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

5. **Ordinance 2023-30 An Ordinance Authorizing the Manager to Advocate for and Provide Public Information Regarding the Need for a New City Hall, Including the Dissemination of Information That May Influence the Outcome of a Future Ballot Initiative.**

This ordinance enables the Manager to advocate for a new City Hall project if the Assembly decides to put a ballot question before the voters this fall. \$50,000 for this purpose has been included in the FY24 budget. While CBJ regularly provides the public with nonpartisan information about upcoming ballot provisions, Alaska law requires the Assembly adopt an ordinance specifically authorizing the expenditure of funds if those funds are to be used to influence the outcome of an

election. Threading the needle of delivering nonpartisan information versus information that might influence the outcome of an election is particularly challenging in this case; people may reasonably debate about the difference of facts and arguments in favor of a City Hall facility.

These funds would be used to produce and disseminate materials via direct mail, media, presentations to the community, and online.

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

6. **Ordinance 2023-31 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$27,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 3, 2023.**

This ordinance would send a bond package to the voters to consider in the municipal election on October 3, 2023. This ordinance would send one general obligation bond proposition of up to \$27 million for the construction and equipment of a new city hall. The total project cost, with underground parking, is currently estimated at \$43.3 million, and the Assembly has already appropriated \$16.3 million of general funds.

The new City Hall would be built on Whittier Avenue, across the street from the State museum. A new facility would have a number of positive attributes for the City and our citizens, including the following: an end to office space rent payments in excess of \$800,000 annually, the freeing up of historical apartment spaces, and the ability for customers and employees to do municipal business in a more efficient manner as CBJ offices would be located in one place, instead of five different locations. Additionally, a new structure would be more economical to maintain, the existing City Hall is one of our most expensive municipal buildings to maintain (actually slightly more costly to maintain than the 60 year Augustus Brown Pool).

The Committee of the Whole selected 450 Whittier Street as the preferred site for a new city hall during the April 11, 2022 meeting. The Assembly requested staff introduce an ordinance to submit a proposition to the voters on the October 3, 2023 election ballot during the June 5, 2023 Committee of the Whole meeting.

**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)(AY) An Ordinance Appropriating up to \$500,000 to the Manager for the Information Technology Infrastructure Capital Improvement Project for the Purchase of Permitting, Land Management, and Property Valuation Software; Funding Provided by General Funds.**

This ordinance would appropriate up to \$500,000 for permitting, land management and property valuation software for the Community Development and Finance Departments. The software would provide an online public portal for permit and land use applications, inspection requests, status updates, and payments. The software would maintain property data, property valuation, and ensure tax equity through uniform valuations for the Assessor's Office. Additionally, the Assessor's Office would use the software for the administration of exemptions, assessment notifications, appeals processing, and reporting. The software would increase staff productivity while offering faster, more accurate, and user-friendly systems for permit and land use applicants and property owners in the CBJ.

The software cost will exceed the requested \$500,000 by an estimated \$300,000. The excess funds would be provided by previously appropriated funds in the Information Technology Infrastructure CIP.

The Mayor’s Housing and Development Task Force recommended the CBJ acquire permitting software as a major outtake of their work.

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

**J. Resolutions**

**8. Resolution 3028 A Resolution Amending the City and Borough of Juneau Personnel Rules.**

This resolution amends the personnel rules to provide a deferred compensation plan employer match to PERS Tier 4 CBJ employees. This new benefit would provide a 50% employer match to every employee dollar contributed to their deferred compensation plan programs, up to a total of 4% employer contribution, based on years of service. PERS Tier 1, 2, and 3 employees will continue to be able to participate in the deferred compensation program without the employer match. The program includes a 5 year vesting schedule on the employer contributions that will begin with the onset of the program. This benefit is intended to make progress towards bridging the gap between the value of retirement benefits provided to PERS 1/2/3 employees versus Tier 4 employees as well as to create a new incentive to attract and retain employees.

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

**9. Resolution 3032 A Resolution Amending the Bartlett Regional Hospital Personnel Rules.**

This resolution would approve a change to the Bartlett Regional Hospital (BRH) Personnel Rules, which, along with the collective bargaining agreement, govern the rights and responsibilities of BRH employees, supervisors, and managers. The revised rules are set forth in the attachment to the resolution.

The Assembly is being asked to adopt the changes to the BRH Personnel Rules so that the hospital will have the authority to hire the incoming employees from Wildflower Court (WFC) at a similar rate of pay and comparable leave balance. These changes were unanimously approved by the hospital board at the May 23, 2023 board meeting, and the costs associated with these changes have been previously approved by the hospital board and the Assembly.

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

**K. Bid Awards**

**10. Bid Award No. 24-008 Term Contract for Sand for CBJ Streets Division & JNU Airport Runways**

Bids were opened on this project on May 16, 2023. The following bids were received:

<u>Bidder</u>	<u>Total Bid</u>
Alaska Juneau Construction	\$211,857.00
Secon	\$257,600.00

The protest period ended May 17, 2023 at 4:30 p.m.

With the concurrence from Scott Gray, Superintendent of the CBJ Public Works Department, Streets & Fleet Division, and John Coleman, JNU Business Manager, the Purchasing Division recommends award to Alaska Juneau Construction, based on them having the lowest responsive and responsible TOTAL BID price of \$211,857.00.

**L. Transfers****11. Transfer Request T-1059 A Transfer of \$43,000 from CIP P48-088 Downtown Parking Management to CIP P48-089 Parking Garage Security Cameras.**

This request would transfer \$43,000 from the Downtown Parking Management CIP to the Parking Garage Security Cameras CIP. This transfer will pay additional costs required to complete the installation of a closed-circuit video camera system at the Downtown Transit Center (DTC) parking garage to deter and prosecute crimes. The DTC parking garage has been used for illegal activity and vandalism. The new camera system will provide court admissible footage to prosecute crimes, supporting the Assembly goals of public safety and economic development, and will assist in the management of the DTC parking garage.

The installation of video cameras at this facility was requested by the Juneau Police Department, Legislative Affairs Agency, and the Parks & Recreation Department. The Public Works and Facilities Committee reviewed this request at the June 5, 2023 meeting.

**The Manager recommends approval of this transfer.**

**M. Liquor/Marijuana Licenses****12. Liquor and 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 - TRANSFER**

License Type: Beverage Dispensary, License #4349

**Transfer From: Fishbone LLC d/b/a Rockwell**

**Transfer To: Alaska Sustainable Seafoods LLC d/b/a Deckhand Dave's**

Location: 117 S. Franklin St., Juneau

**Liquor License - RENEWAL**

License Type: Recreational Site - Seasonal, License #4881

**Licensee: Alaska Travel Adventures. Inc. d/b/a Alaska Travel Adventures**

Location: 9999 Glacier Hwy (Banks of Mendenhall River), Juneau

License Type: Recreational Site - Seasonal, License #3409

**Licensee: Alaska Travel Adventures. Inc. d/b/a Gold Creek Salmon Bake**

Location: 1061 Salmon Creek Lane (Salmon Bake location), Juneau

License Type: Beverage Dispensary - Tourism, License #447

**Licensee: TCKS LLC, d/b/a Tracy's King Crab Shack 2**

Location: 300 Whittier St. Lot C1 Juneau Subport Section 23, Juneau

**Marijuana License - NEW**

License Type: Retail Store, License: #33270

**Licensee: Treadwell Herb Company LLC., d/b/a Treadwell Herb Company LLC**

Location: 824 Front St., Douglas

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 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.**

**N. PUBLIC HEARING**

**13. Ordinance 2022-06(b)(AU) An Ordinance Appropriating \$30,000 to the Manager for the Deferred Maintenance Capital Improvement Project; Funding Provided by School District Operating Funds.**

This ordinance would appropriate \$30,000 to the CBJ Deferred Maintenance CIP for Thane Warehouse building repairs. The Juneau School District has agreed to pay \$30,000 of the installation fees associated with the overhead coiling door at the Thane Warehouse. The installation of this door provides improved access to the property stored at the warehouse. Maintenance and repair costs are considered instructional in nature, and therefore will be funded inside the cap from School District operating funds.

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

**14. Ordinance 2022-06(b)(AX) An Ordinance Appropriating \$8,100,000 to the Manager for the Purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive; Funding Provided by Hospital Funds.**

This ordinance would appropriate \$8,100,000 of hospital funds for the purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive. The property includes over 21k sq. ft. of medical and commercial space in two buildings on a 53k sq. ft. parcel. With clinical and healthcare administration space challenging to come by in the current real estate market, this acquisition would represent one of the few opportunities to increase Bartlett's (BRH) space for growth near our existing campus. Additionally, the existing JBJC property offers steady commercial rental income, providing immediate access to positive cash flow.

This ordinance will appropriate authority to a capital improvement project for the purchase of this building to offer Bartlett maximum flexibility in transaction closing.

This request was reviewed by the Hospital Board at the April 25, 2023, meeting.

**The City Manager recommends the Assembly pull this ordinance from public hearing and refer it to the Assembly Finance Committee or Committee of the Whole for further review.**

**15. Ordinance 2023-26 An Ordinance Creating a Short Term Rental Registration Program and Providing for a Penalty.**

This ordinance requires owners to register the location and occupancy details of each individual short-term rental unit that they operate. Registration of individual short-term rental units has two objectives: first, registration will assist the CBJ Sales Tax Office in ensuring compliance with sales tax and hotel-bed tax requirements, and second, registration will give the Assembly and the public greater visibility into the number, type, and geographical distribution of short-term rental units. This ordinance does not require registration for any dwelling units rented for longer than 30 days. The ordinance also provides for a penalty if owners publicly list short-term rental units without having properly registered those units with CBJ.

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

**O. UNFINISHED BUSINESS**

**16. Ordinance 2023-16(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2023 Based Upon the Proposed Budget for Fiscal Year 2024.**

This ordinance establishes the mill rates for property taxes for 2023, which funds a significant portion of the City and Borough of Juneau's FY24 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY24 Revised Budget as amended by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviews, amends and recommends to the Assembly the final mill levies.

For FY24, the AFC recommends a decrease of 0.40 mills from the FY23 Adopted Budget, resulting in a total mill levy of 10.16 mills, the components of which are:

**Operating Mill Rate by Service Area**

Areawide: 6.20 (a decrease of 0.40 from FY23 Adopted)

Roaded Service Area: 2.45 (flat from FY23 Adopted)

Fire Service Area: 0.31 (flat from FY23 Adopted)

**Operating Total: 8.96 (a decrease of 0.40 from FY23 Adopted)**

**Debt Service: 1.20 (flat from FY23 Adopted)**

**Total Millage: 10.16 (a decrease of 0.40 from FY23 Adopted)**

An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2023. The AFC reviewed the mill rate ordinance at its meetings on April 5 and May 17, 2023, referring the amended ordinance to the full Assembly for adoption.

**The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.**

**17. Resolution 3016(b) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024.**

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2024 through 2029, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY24.

The Public Works and Facilities Committee reviewed the preliminary CIP at its March 6, 2023 meeting and forwarded the plan to the Assembly.

The CIP resolution was introduced at the April 5, 2023 Special Assembly Meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at the Special Assembly Meeting on April 26, 2023. The AFC referred the amended resolution to the full Assembly for adoption at the May 17, 2023 meeting. The Charter requires adoption of the FY24 CIP by June 15.

**The City Manager recommends the Assembly adopt this resolution, as amended by the Assembly Finance Committee.**

**18. Ordinance 2023-14(b) An Ordinance Appropriating Funds from the Treasury for FY24 City and Borough Operations.**

This ordinance appropriates \$536,244,200 in expenditure authority for the City and Borough of Juneau's FY24 operating budget, excluding the School District. This ordinance appropriates all transfers between

funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves.

This ordinance also recognizes \$504,360,300 of forecast revenue and transfers-in and decreases fund balances, across all funds, by \$31,883,900. The forecast revenue and draw from fund balance are sufficient to fund the budgeted expenditures.

The original ordinance was introduced at the April 5, 2023 Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at the Special Assembly meeting on April 26, 2023. The AFC referred the amended budget ordinance to the full Assembly for adoption at the May 17, 2023 meeting. The Charter requires adoption of the FY24 operating budget by June 15.

**The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.**

**P. NEW BUSINESS**

**19. Request to Purchase City Property Located Adjacent to 11260 North Douglas Highway (Fraction of Lot 2, USS 3559)**

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 states that the request is being made in order to secure more road frontage on Douglas Highway. The City property is a large 92-acre parcel, transected by 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 this 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 Manager recommends the Assembly pass a motion of support to work with Jon and Susanne Reiswig towards the disposal of City property in accordance with City Code 53.09.270.**

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

There are 11 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.**

**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**

21. Resolution 3016(b)

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