



2024-04 REGULAR ASSEMBLY MEETING AGENDA

February 05, 2024 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:

Katie Koester, 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. Proclamation Recognizing Elizabeth Djajalie, scholar in this year's Regeneration Science Talent Search
2. Proclamation: Recognizing National Engineers Week 2024 (see proclamation under Supplemental Materials)

E. APPROVAL OF MINUTES

3. May 8, 2023 Assembly Regular Meeting #2023-11 DRAFT Minutes
4. May 17, 2023 Special Assembly No. 2023-12 Meeting Minutes - Draft
5. December 14, 2023 Special Assembly Meeting #2023-27 -BRH Board & Planning Commission Appointments 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

6. Ordinance 2023-32 An Ordinance Clarifying the Process for Electing an Assemblymember Due to a Midterm Vacancy.

The date when an office of the Assembly is vacant dictates whether the Assembly appoints a successor or the voters elect a successor. Notably, CBJ Charter 3.6(b) states “The assembly by ordinance shall provide for the filling of vacancies on the assembly.” The Assembly enacted CBJC 11.10.040(a) to prescribe how vacant Assemblymember positions are filled. While that code provision provides a helpful standard, it does not provide specificity when a midterm vacancy occurs whether the Assembly appoints or the voters elect. This ordinance clarifies that ambiguity:

-If a midterm vacancy occurs more than 60 days from the election, then the voters elect the vacant position;

-if a midterm vacancy occurs within 60 days of an election, then the Assembly appoints an interim and the vacancy would be placed on the subsequent year's election.

The Assembly Human Resources Committee recommended this ordinance at its meeting on November 28, 2023.

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

7. Ordinance 2024-07 An Ordinance Amending the Recreation Areas Code Relating to Prohibited Uses and Providing for a Penalty.

This ordinance will help the Parks & Recreation Department manage large, non-commercial events held in municipal parks or recreation facilities. Currently, a permit is only required for commercial activities or events where admission is charged. Things like concerts, festivals, or even large weddings do not require a permit even if they attract hundreds or thousands of people to a municipal park. These types of events are happening more frequently, impacting the public's ability to use parks and recreation facilities, and incurring significant costs to taxpayers due to excessive trash, litter, and overcrowded restrooms. This ordinance will allow the Parks & Recreation Department to (1) manage the time, place, and manner of large events in public parks, (2) require reasonable conditions to protect public safety and property, and (3) recover costs through reasonable permit fees.

The Parks & Recreation Advisory Committee discussed this ordinance on November 7, 2023 and December 5, 2023, and unanimously recommended that it be adopted.

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

8. Ordinance 2023-14(b)(Y) An Ordinance Transferring \$540,340 from Various Capital Improvement Projects to CIP R72-167 Dogwood Lane, CIP R72-169 10th, F, W. 8th Streets Reconstruction, and CIP U76-127 Collection System.

This housekeeping ordinance would transfer \$540,340 from multiple nearly complete or fully complete projects to newer projects to allow bidding and construction during the 2024 season. Due to significant continued cost escalation, projects receiving funding no longer have sufficient budgets to complete the construction stage. This transfer will allocate additional funds to complete construction on these high priority projects. Any ongoing projects will retain sufficient funds funding to cover remaining project work. Funding is provided by Water Funds and Wastewater Funds.

The Public Works and Facilities Committee will review this request at the January 29, 2024 meeting.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

J. Resolutions

9. **Resolution 3050 A Resolution Approving Amendments to the Bylaws of the Board of Directors of Bartlett Regional Hospital.**

This resolution would repeal the BRH Executive Committee. The Executive Committee was created more than 50 years ago to operate the hospital when the Board of Directors was not available. The hospital, healthcare law, the provision of healthcare services, and technology significantly changed over the last 50 years that eliminates the need for an Executive Committee. Importantly, if the CEO needs Board direction, technology enables a quorum of the Board to quickly convene.

The Board discussed this topic on November 28, 2023. On January 23, 2024, the Board recommended the Assembly repeal the BRH Executive Committee from its bylaws.

The City Manager recommends the Assembly adopt this resolution.

K. Transfers

10. **Transfer Request T-1070 A Transfer of \$75,590 from CIP U76-118 ADOT Project Utility to CIP U76-127 Collection System Improvements.**

This housekeeping request would transfer \$75,590 of Wastewater Funds from CIP U76-118 ADOT Project Utility to CIP U76-127 Collection System Improvements. The ADOT Project Utility CIP is complete and ready to close. The Collection System Improvements CIP is in need of additional funding for rehabilitating failures and troublesome areas of the Wastewater Collection System.

The Public Works and Facilities Committee reviewed this request at the January 29, 2024 meeting.

The Manager recommends approval of this transfer.

11. **Transfer Request T-1071 A Transfer of \$2,069,263 from CIPs W75-061 Douglas Highway Water - David to I Streets and W75-077 Aurora Vault Removal to CIP W75-069 Glacier Highway and Lena Loop System Scope and CIP W75-070 Cope Park Pump Station Upgrade.**

This housekeeping request would transfer \$2,069,263 of 1% sales tax and Water Funds from completed Water CIPs to CIPs W75-069 Glacier Highway and Lena Loop System Scope and W75-070 Cope Park Pump Station Upgrade. These projects repairing failing water utility infrastructure are currently being designed and require additional funding for bidding and construction. The Douglas Highway Water – David to I Streets CIP is a completed project that requires no additional funding. The cost of work for the Aurora Vault Removal project costs less than anticipated, and the project will retain sufficient funding for the remaining work.

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 Public Works and Facilities Committee reviewed this request at the January 29, 2024 meeting.

The Manager recommends approval of this transfer.

12. **Transfer Request T-1069 A Transfer of \$3,949,000 from Various Capital Improvement Projects to CIP R72-162 Crow Hill Surface and Utility Rehabilitation, CIP R72-167 Dogwood Lane, R72-169 10th, F, 8th Streets Reconstruction, and R72-176 Pavement Management.**

This housekeeping request would transfer \$3,949,000 from multiple nearly complete or fully complete projects to newer projects to allow bidding and construction during the 2024 season. Due to significant continued cost escalation, projects receiving funding no longer have sufficient budgets to complete the construction stage. This transfer will allocate additional funds to complete construction on these high priority projects. Any ongoing projects will retain sufficient funding to cover remaining project work.

The transfer of temporary 1% sales tax funding is consistent with the intent of the 2007 1% Sales Tax initiative approved by voters in the October 2, 2007 municipal election.

The Public Works and Facilities Committee reviewed this request at the January 29, 2024 meeting.

The Manager recommends approval of this transfer.

L. Liquor/Marijuana Licenses

13. Liquor License Action

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License - Renewal

Licensee: Thibodeau's Market, Inc. d/b/a Thibodeaus Liquor

License Type: Package Store, License: #4742 Location: No Premises, Juneau

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

This licensee has applied for a no premises waiver for the third time and that is currently pending a final decision by the ABC Board. Copies of the documents associated with this license 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 action.

M. Other

14. FY25 Legislative Capital Priorities

N. PUBLIC HEARING

15. Resolution 3051 A Resolution Petitioning the Alaska State Alcoholic Beverage Control Board to Issue up to 20 Additional Restaurant or Eating Place Licenses within the City and Borough of Juneau Under Alaska Statute 04.11.405.

Currently, our community exceeds the number of Restaurant or Eating Place Licenses (REPLs), and there appears to be demand for more alcohol licenses. Alaska law recently changed that now allow municipalities to apply for those additional REPLs. The Assembly Human Resources Committee discussed the recent changes to alcohol licensing, considered demand, and considered the impacts to existing alcohol license holders. Ultimately, the Committee recommends the Assembly request 20 additional REPLs from the State.

The Assembly Human Resource Committee discussed this topic on November 13, 2023; December 11, 2023; and January 8, 2024.

The City Manager recommends the Assembly hold a public hearing and then decide whether to adopt this resolution.

16. Resolution 3055 A Resolution Partially Opposing the Petition Submitted by the City of Hoonah for Incorporation of the Xunaa Borough Including Horse Island, Colt Island, and the Mansfield Peninsula on Admiralty Island.

The City of Hoonah recently submitted a petition to the Local Boundary Commission to form the Xunaa Borough. The petition proposes to annex the northern portion of Chichagof Island, the Glacier Bay area, and the northern tip of Admiralty Island (including Horse and Colt Islands). The proposed Xunaa Borough would likely be beneficial to people living in, working in, and visiting the area. However, the northern tip of Admiralty Island may be challenging because it is within the City & Borough of Juneau model borough boundaries and has substantially more connections to the Juneau community than any other area. The whereas clauses in the resolution describe those connections.

On January 29, 2024, the Assembly Committee of the Whole discussed this topic and recommended the Assembly consider submitting a public comment to the Local Boundary Commission. Comments are due on February 28.

The City Manager recommends the Assembly hold a public hearing and then decide whether to adopt this resolution.

17. Ordinance 2023-36(b) An Ordinance Authorizing the Sale of Foreclosed Property Located at 520 Sixth Street by Sealed Competitive Bid Auction.

In June of 2023, the City and Borough of Juneau received a Clerk's Deed for the property located at 520 Sixth Street (downtown/Starr Hill area) after the owners failed to pay property tax for the tax years of 2019-2022. The property consists of a 5,353 square foot lot and a 780 square foot house, which is in poor condition. The current amount owed for tax years through 2023, including penalties and interest, is approximately \$22,324.

This property will be sold through a sealed bid process and if the property sells for more than the amount owed in taxes and penalties and interest, the remainder is forwarded to the former owner and lienholders.

The Lands, Housing, and Economic Development Committee considered this topic at its meeting on July 13, 2023. The Systemic Racism Review Committee reviewed this ordinance at its January 9, 2024 meeting.

Version (b) includes a correction to the legal description of the property, and is being re-introduced as a result.

The City Manager recommends the Assembly adopt this ordinance.

18. Ordinance 2023-14(b)(U) An Ordinance Appropriating \$900,000 to the Manager for a Loan to Coogan Alaska, LLC for the Island Hills Building LMN Project; Funding Provided by the Affordable Housing Fund.

During the 2023, Round Three competition of the Juneau Affordable Housing Fund, the application review committee forwarded a recommendation for funding of \$900,000 for Island Hills Building LMN to the Lands, Housing, and Economic Development Committee on November 6, 2023. Because the requests that were recommended exceeded the available funds in the Affordable Housing Fund, \$1.6 million was appropriated from the General Fund to the Affordable Housing Fund through ORD2023-14(b)(R).

This ordinance appropriates funds for a low interest \$900,000 loan to Coogan Alaska, LLC to promote the construction of 18 units of new housing in Juneau. The loan will be secured by the property to be developed.

The Lands, Housing, and Economic Development Committee heard this at the November 6, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on January 9, 2024.

The City Manager recommends the Assembly adopt this ordinance.

19. Ordinance 2023-14(b)(V)(b) An Ordinance Appropriating \$2,250,000 to the Manager for a Loan to Chilkat Vistas, LLC for Chilkat Vistas Apartments; Funding Provided by the Affordable Housing Fund.

During the 2023, Round Three competition of the Juneau Affordable Housing Fund, the application review committee recommended funding this project. This ordinance appropriates \$2,250,000 for a loan to Chilkat Vistas, LLC to complete 48 efficiency apartment units. The ordinance includes an affordability requirement. The loan will be secured by the property to be developed.

The Lands, Housing, and Economic Development Committee heard this at its November 6, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on January 9, 2024. The Assembly Committee of the Whole recommended the Assembly adopt version (b) of this ordinance at its meeting on January 29, 2024.

The City Manager recommends the Assembly adopt version (b) of this ordinance.

20. Ordinance 2023-14(b)(X) An Ordinance Transferring \$800,000 from CIP F22-027 Juneau Police Department Roof Replacement to CIP P44-090 Deferred Building Maintenance.

This ordinance would transfer \$800,000 from the Juneau Police Department Roof Replacement CIP to the Deferred Building Maintenance CIP. The bid for the roof replacement project came in lower than anticipated. Ordinance 2023-14(b)(G) previously transferred funds from the Deferred Building Maintenance CIP to the Juneau Police Department Roof Replacement CIP. This transfer would return excess project funding back to the Deferred Building Maintenance CIP. The Juneau Police Department Roof Replacement CIP will retain sufficient funding for the project that is scheduled to begin construction in summer 2024.

This transfer of project funding is consistent with the intent of the 2022 1% Sales Tax initiative approved by voters in the October 4, 2022 municipal election.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on January 9, 2024. The Public Works and Facilities Committee will review this request at the January 29, 2024 meeting.

The City Manager recommends the Assembly adopt this ordinance.

O. UNFINISHED BUSINESS

P. NEW BUSINESS

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. Proclamation: Recognizing National Engineers Week 2024

W. ADJOURNMENT

X. INSTRUCTION FOR PUBLIC PARTICIPATION

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. **Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.