



# REGULAR ASSEMBLY MEETING 2023-09

## AGENDA

April 17, 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**

**C. ROLL CALL**

**D. SPECIAL ORDER OF BUSINESS**

1. **Special Recognition: Honoring 2023 Arctic Winter Games Participants from Juneau**
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](mailto:BoroughAssembly@juneau.gov).

**E. APPROVAL OF MINUTES**

3. **2022-11-21 Regular Assembly Meeting Minutes - Draft**

**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 Requests for Consent Agenda Changes, Other than Ordinances for Introduction**

**Assembly Request for Consent Agenda Changes**

**Assembly Action**

**I. Ordinances for Introduction**

4. **Ordinance 2023-08 An Ordinance Repealing Ordinance 2022-63 and Authorizing the Manager to Enter into a Revised Revenue Sharing Agreement with Goldbelt, Inc. to Fund Installation of the Gondola and Associated Infrastructure at the Eaglecrest Ski Area.**

This ordinance would repeal ordinance 2022-63 authorizing the Manager to accept \$10M from Goldbelt, Inc., for the installation of the gondola and associated facilities and replace it with Ordinance 2023-08. The Assembly previously approved the ordinance on the 9th of January 2023.

After approval of the ordinance, Goldbelt, Inc. requested changes to the payment schedule of their contribution to the CBJ. The City Manager, Legal Counsel, and the Eaglecrest Manager have negotiated with Goldbelt, Inc. through revisions to the original revenue sharing agreement that are depicted in Exhibit A. Goldbelt, Inc. has provided a letter of intent to enter into the revised revenue sharing agreement in Exhibit B.

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

5. **Ordinance 2023-22 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Alaska Rainforest Sanctuary, LLC dba Kawanti Adventures, for Operating the Alaska Zipline Adventure Canopy Tour.**

This ordinance would authorize the Eaglecrest Ski Area to enter into a franchise agreement with Alaska Rainforest Sanctuary LLC to operate their Zipline under the DBA Kawanti Adventures. Eaglecrest has been permitting a third party to operate the Zipline tour at Eaglecrest since 2006 under a commercial use permit. Alaska Rainforest Sanctuary purchased the Zipline infrastructure and took over the previous Commercial Use Permit in 2018. 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 agreement as a mechanism to formalize this business relationship. Eaglecrest contacted six different Zipline Operators to see if there was interest in developing a Zipline Tour and received no affirmative responses. This ordinance would allow Alaska Rainforest Sanctuary to operate the Zipline tour for five consecutive summer seasons.

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

6. **Ordinance 2023-23 An Ordinance Authorizing the Manager to Execute a Lease with GCI Communication Corporation for Approximately 15,500 Square Feet of City Property Located at 1580 Thane Road for a Satellite Communication Earth Station Site.**

This ordinance would authorize the Manager to lease a fraction of municipal property, Alaska Tidelands Survey No. 556, located at 1580 Thane Road for fair market value. GCI applied to continue to lease this property for the operation of a Satellite Communication Earth Station site. GCI has leased this space from the City since 1983. On January 23, 2023, the Assembly Lands, Housing, and Economic Development Committee passed a motion of support to continue to lease this property to GCI. An appraisal was completed in February and determined market value for this lease to be \$29,211 per year.

**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)(AQ) An Ordinance Transferring \$7,026,038 from CIP B55-087 Emergency Department Addition to CIP B55-080 Crisis Stabilization, and Deappropriating \$7,026,038 from the Manager for the Crisis Stabilization Capital Improvement Project.**

This request would transfer \$7,026,038 from the Emergency Department addition CIP to the Crisis Stabilization CIP for the purpose of releasing Bartlett fund balance currently in the Crisis Stabilization project to improve BRH's available capital to support ongoing operations as well as other ongoing strategic initiatives of the hospital.

The Hospital Board reviewed this request at the March 28, 2023 meeting.

**The Manager recommends the Assembly introduce this ordinance, refer it to the Public Works and Facilities Committee, and set it for public hearing at the next regular Assembly meeting.**

8. **Ordinance 2022-06 (b)(AS) An Ordinance Appropriating \$11,944,152 to the Manager for the Bag Belt Replacement, Parking Lot Paving, and Gate K Culvert Reconstruction Capital Improvement Projects; Funding Provided by Airport CARES Act Funding.**

This ordinance would appropriate Airport CARES Act funding for the Bag Belt Replacement, Parking Lot Paving, and Gate K Culvert Reconstruction capital improvement projects, to be appropriated as follows:

Parking Lot Paving (A50-106) \$ 9,854,010

Bag Belt Replacement (A50-105) \$ 1,419,716

Gate K Reconstruction (A50-110) \$ 670,426

Funding appropriated for the Parking Lot Paving CIP would rehabilitate the long-term, short-term, employee, and rental car lots and taxi staging areas, and will include the addition of EV charging stations. The Airport Board approved this action at its April 12, 2023 meeting.

Funding appropriated for the Bag Belt Replacement CIP would provide for the replacement of aging and unreliable components of the outbound baggage conveyor system. The Airport Board approved this request at the March 9, 2023 meeting.

Funding appropriated for the Gate K Reconstruction CIP would provide for the replacement of the failed culvert on the primary Aircraft Rescue and Fire Fighting (ARFF) response route for the runway and main taxiway. The Airport Board approved this action at its March 9, 2023 meeting.

These projects are fully funded by federal grants and do not require any local match.

**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)(AT) An Ordinance Appropriating \$250,000 to the Manager for the Aurora Harbor Improvement Capital Improvement Project; Funding Provided by Harbors Funds.**

This ordinance would appropriate \$250,000 in Harbors Funds for Phase III of the Aurora Harbor Improvements CIP. The lowest bid for this project came in at \$4.3 million, exceeding the available budget in the CIP. This appropriation would provide the necessary funding to award the base bid, which includes a main float and finger floats for 60-foot vessels, electrical build out, and potable water.

The Docks and Harbors Board approved this request at the April 14, 2023 meeting.

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

## J. Bid Awards

10. **Bid Award 23-193 P25 Radio Communications Upgrade for Capital Transit**

Capital Transit drivers have long complained about the inadequacy of the current VHF radios, which have sizeable geographic "dead zones". Radios are the primary method for communications between buses and between buses and base. Therefore, Capital Transit and CAPITAL AKcess are seeking bids from qualified firms to provide an upgrade of the current 2-way radio communications system to an Alaska Land Mobile Radio (ALMR) P25 digital Time Division Multiple Access (TDMA) capable system. All equipment must meet Federal Transit Administration (FTA) requirements, and be listed as an approved make and model with ALMR. Responses were due on this Capital Transit bid on March 15, 2023. The new radios will communicate on the ALMR system used by

governments (including municipal governments and the State) and first responders. Both the Juneau Police Department and Capital City Fire/Rescue use P25 radios. The Capital Transit radio upgrade will be primarily funded through a federal grant.

Bids were opened on this project on March 23, 2023. The following bids were received:

Arcticom, Inc.        \$192,489.41

REVL, Inc.            \$220,114.30

The protest period ended March 30, 2023. The City Manager recommends award to Arcticom, Inc. on the basis of having the lowest responsive and responsible bid in the amount of \$192,489.41 based on Total Bid.

**11. RFP E22-278 Construction Manager At-Risk (CMAR) Mendenhall Wastewater Treatment Plant (MWWTP) SCADA (Supervisory Control and Data Acquisition) Upgrades**

This project consists of a construction firm serving in a Construction Manager at Risk capacity to provide pre-construction and construction services for the Mendenhall Wastewater Treatment Plant (MWWTP) SCADA Upgrades project. SCADA is the computer-based system which gathers data and monitors and controls the treatment equipment and processes at the MWWTP. This Alternative Procurement method was authorized by the Assembly with Ordinance 2022-35 with a guaranteed maximum price (GMP) of \$3,900,000.

A competitive process resulted in two firms responding to an RFP. On September 12, 2022, the Assembly approved the selection of Dawson Construction, LLC as the General Contractor for the MWWTP SCADA Upgrade CMAR project.

The project is transitioning from pre-construction services into a guaranteed maximum price for delivery of the project. Staff recommends approval to proceed with the project by amendment for a GMP of \$3,722,921.

**The City Manager recommends approval of this contract.**

**K. Transfers**

**12. Transfer Request T-1055 A Transfer of \$1,200,000 from CIP B55-087 Emergency Department Addition to CIP B55-088 Emergency Department Emergency Medical Records Upgrades.**

This request would transfer \$1,200,000 from the Emergency Department Addition CIP to the Emergency Department Emergency Medical Records Upgrades for the purpose of replacing the Emergency Department Electronic Health Record with Meditech, which is used elsewhere in the organization, to improve patient safety and care, care coordination between hospital units, provider and staff satisfaction and organizational reporting.

The Hospital Board reviewed this request at the March 28, 2023 meeting.

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

**13. Transfer Request T-1056 A Transfer of \$1,800,000 from CIP U76-119 Mendenhall Wastewater Treatment Plant Improvements to CIP U76-124 Wastewater SCADA Improvements.**

This request would transfer \$1,800,000 from the Mendenhall Wastewater Treatment Plant (MWWTP) Improvements CIP to the Wastewater SCADA Improvements CIP. The initial budget of \$4.1 million for the SCADA project was sufficient for planning, investigation, design, and a significant portion of the construction. This transfer will provide additional funds to cover remaining construction costs, inspections, personnel time, and project contingency for unforeseen issues.

Due to complexity of the work and risk for the utility to keep the MWWTP operational during the SCADA improvements — essentially removing and replacing the brain of the MWWTP while maintaining compliant operation — an Alternative Procurement process for construction (CMAR) was approved by Assembly ordinance Ord 2022-35, capping construction costs at \$3.9 million. You will be provided information tonight as a separate item requesting approval of the construction award for the contract.

The SCADA project takes precedence over other MWWTP scheduled improvements.

The Public Works and Facilities Committee reviewed this request at the April 3, 2023 meeting.

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

**L. Liquor/Marijuana Licenses**

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

**Liquor License Transfer in Ownership**

License Type: Restaurant Eating Place License #851

**Transfer From: Alaska Travel Adventures d/b/a Gold Creek Salmon Bake**

Location: No Premise

**Transfer To: Green Lantern LLC. d/b/a No DBA**

Location: No Premise

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

**M. PUBLIC HEARING**

15. **Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to \$2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.**

This ordinance would appropriate up to \$2,340,737 of additional outside the cap funding to resolve current and prior year deficits in the School District's special revenue funds, as well as a request for new wrestling mats for middle and high schools totaling \$80,000. This appropriation would allocate funding for the purposes outlined in the attached supplemental document.

After consultation with the Alaska Department of Education and Early Development, JSD has removed their request for funding of summer school in 2023; which has been determined to be an instructional cost that must be paid for inside the educational funding cap.

This request does not correct the School District's operating fund deficit of \$620,400 on June 30, 2022, as CBJ already contributed the maximum local contribution inside the cap. I am advised that JSD intends to correct that issue with its FY24 budget request.

School funding is complicated and there are three concurrent funding processes that the Assembly should understand as it acts on this request:

First, this Ordinance has been requested for introduction.

Second, the Legislature is seriously contemplating an increased base student allocation, as much as \$1,200. The results of that deliberation will not be known for some time.

Third, the JSD budget for FY24 will be received in accordance with Law by April 1, 2023. In that budget, JSD has to anticipate many factors, including an Assembly decision on this Ordinance, action by the legislature, enrollment, and staffing costs.

Last, the Assembly should be informed that due to the increase in the value of real property in Juneau, funding JSD instruction "to the cap" in FY24 will increase CBJ's allowable appropriation by approximately \$2.3 Million (about an 8% increase) over the FY23 level. Based on some feedback from DEED on summer school funding, JSD staff have adjusted the request.

This request was reviewed and approved by the Juneau School District Board on January 10, 2023. This request was reviewed by the Assembly Finance Committee at the March 1, 2023 and April 12, 2023 meetings. The Systemic Racism Review Committee reviewed this request at the March 21, 2023 meeting and forwarded it to the full Assembly for public hearing.

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

**16. Ordinance 2023-19 An Ordinance Authorizing the Manager to Convey Approximately 4,814 Square Feet of Tidelands Located on a Fraction of Lot 3, Block 51, Tidelands Addition Adjacent to 1000 Harbor Way to 1000 Harbor Way, LLC for Fair Market Value.**

The owners of 1000 Harbor Way, LLC applied to acquire City property and tidelands under and around their existing building in order to make major structural and architectural improvements. This building houses Hansen-Gress and is adjacent to the Juneau-Douglas Bridge. The Docks and Harbors Board reviewed this application at the August 25, 2022 meeting and provided a motion to advance this application. The Assembly reviewed this application at the November 21, 2022 meeting and provided a motion to authorize the City Manager to negotiate the disposal of City property. The Planning Commission reviewed this proposed disposal of the CBJ property at the meeting on January 24, 2023, and passed a recommendation that the Assembly approve the disposal. Fair Market Value has been determined by appraisal to be \$24.62 per square foot.

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

**17. Ordinance 2023-20(b) An Ordinance Amending the Duties of the Systemic Racism Review Committee.**

This ordinance expands the scope of the Systemic Racism Review Committee to include CBJ policies and procedures in its review in addition to ordinances. It also gives the committee the ability to select legislation rather than being required to review every ordinance that is introduced at regular Assembly meetings.

The Assembly Committee of the Whole discussed these proposed changes at its March 6, 2023 meeting, with participation from members of the Systemic Racism Review Committee.

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

**18. Ordinance 2023-21 An Ordinance Authorizing the Manager to Enter into a Lease of City and Borough Property Located on West Douglas along the West Douglas Pioneer Road to iRide Alaska, LLC, for the Purpose of Offering Guided Electronic Bike Tours.**

The owners of iRide Alaska, LLC, applied for a lease of City property along the West Douglas Pioneer Road located near the end of North Douglas Highway. Their request is for the commercial use of the property for guided electronic-bike "e-bike" tours. The Assembly LHED Committee reviewed this request and forwarded it to the Assembly for discussion. The Assembly considered this lease request as new business at the February 27, 2023 meeting and forwarded it to the Assembly Committee of the Whole for additional review. The Committee of the Whole reviewed this application at the March 6,

2023 meeting and adopted a motion supporting the Manager to enter into negotiations for a one-year lease including renewal options with the original applicant and to draft an ordinance for introduction. The packet for the COW meeting included extensive background material and can be viewed at: [Assembly Committee of the Whole Worksession 03/06/2023 06:00 PM | Juneau, AK \(municode.com\)](https://municode.com/03/06/2023/06:00PM/Juneau,AK)

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

**19. Ordinance 2022-47 An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority.**

At the Regular Planning Commission meeting on March 14, 2023, the Commission voted to recommend approval of an ordinance to repeal 49.10.700, Wetlands Review Board. The Board's wetland permitting authority has expired, the Board has not met since 2018, and the Board is no longer needed.

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

**N. UNFINISHED BUSINESS**

**O. NEW BUSINESS**

**20. Regulation 53 CBJAC 09.325 Sand and Gravel Fees Lemon Creek Pricing**

This regulation change will amend the rates and fees for the City and Borough of Juneau's sand and gravel pit pricing under the authority of CBJC 01.60.200, CBJC 53.09.015, and CBJC 53.09.325. This change will allow the sand and gravel pits to achieve cost neutral operation. The regulation will allow for annual adjustment to the established fee by the Consumer Price Index – Urban Alaska (CPI), as reported by the Alaska Department of Labor and Workforce Development. The implementation of the Sand and Gravel Pricing Regulation would increase the sand and gravel fee schedule from \$2.45 per ton to \$4.90 per ton. The most impacted will be the City and Borough of Juneau and State of Alaska because the City and Borough of Juneau only opens North Lemon Creek Material Source for public projects and does not sell those resources to the private sector. The Lands Housing and Economic Development Committee reviewed this topic at the June 6, 2022 meeting and passed a motion of support for increasing the cost of sand and gravel.

**The Manager recommends the Assembly approve this regulation in accordance with City Codes 01.60, 53.09.015, and 53.09.325.**

**P. STAFF REPORTS**

21. Manager's Report (see memo in your packet)

**Q. ASSEMBLY REPORTS**

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

**R. ASSEMBLY COMMENTS & QUESTIONS**

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

**T. EXECUTIVE SESSION**

**U. SUPPLEMENTAL MATERIALS**

22. RED FOLDER-Ord. 2023-21 Proposed Amendment 1 from Assemblymember Greg Smith

**V. 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](mailto:city.clerk@juneau.gov).