



REGULAR ASSEMBLY MEETING 2024-06

AGENDA

March 04, 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. In Memoriam Proclamation: Albert Shaw

E. APPROVAL OF MINUTES

2. June 12, 2023 Regular Assembly Meeting #2023-13 DRAFT Minutes
3. December 18, 2023 Joint Assembly/Docks & Harbors Board Special Meeting #2023-28 DRAFT Minutes
4. February 23, 2024 Special Assembly Meeting #2024-05 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

5. **Ordinance 2023-14(b)(Z) An Ordinance Appropriating \$76,130 to the Manager for the Energy Efficiency and Conservation Block Grant; Grant Funding Provided by the U.S. Department of Energy.**

Engineering and Public Works has been awarded \$76,130 in grant funding for the Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy. This funding will be used toward the replacement of a gas-powered utility vehicle with an electric vehicle (EV) truck and

the installation of Level 2 EV charging equipment at multiple municipal facilities for CBJ EVs. These investments will reduce community Greenhouse Gas emissions in the near term and will allow the CBJ to assess the cold weather resilience for potential future EV truck purchases. No local match is required for this funding.

Juneau Commission on Sustainability (JCOS) has been consulted and is supportive of this request. The Public Works and Facilities Committee approved this request at the January 29, 2024 meeting.

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

6. Ordinance 2023-14(b)(AE) An Ordinance Transferring \$250,000 from the RecycleWorks Fiscal Year 2024 Operating Budget to the River Road Junk Vehicle Cleanup Capital Improvement Project.

105 vehicles have been removed from the River Road property, with costs amounting to approximately \$155,000. CBJ has been reimbursed \$105,000 of that amount. As of December 2022, it was estimated that there are approximately 228 vehicles still located at the River Road property. In FY23, Ordinance 2022-06(b)(Z) appropriated \$250,000 to the RecycleWorks operating budget to cover the costs for the removal of the remaining vehicles. Due to lengthy court process and safety concerns for CBJ staff, the removal of the remaining vehicles is pending. Due to the multi-year nature of this work, staff requests to transfer the \$250,000 from the RecycleWorks FY24 operating budget to the capital budget to cover the costs of the removal of the remaining vehicles on the property when the project is able to resume.

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

7. Ordinance 2023-04(b) An Ordinance Establishing a City and Borough of Juneau Whistleblower Act.

The City and Borough of Juneau has a robust conflict of interest code (CBJC 01.45), which includes a process for people to report potential violations (CBJC 01.45.110). Although the conflict of interest code overlaps with traditional whistleblower protections, it does not mention the phrase “whistleblower” or explicitly provide protections to whistleblowers. This ordinance would create a whistleblower law for municipal employees, which is modeled off of the Alaska Whistleblower Act (AS 39.90.130).

The Assembly Human Resources Committee reviewed this on 11/13/23 and 2/5/24 and recommended the Assembly introduce this ordinance.

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 3056 A Resolution Authorizing the Manager to Apply For, and Enter Into, a Loan Agreement of up to \$500,000 with the Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Loan Fund, for the Lead Service Line Inventory (LSLI).

The CBJ Utilities Division is seeking Assembly authorization to apply for and accept up to \$500,000 in financial assistance from the Alaska Department of Environmental Conservation (ADEC) to complete a Lead Service Line Inventory (LSLI) as required by the Environmental Protection Agency (EPA). The financial assistance will take the form of a loan with 58.3% in principal forgiveness through the State Revolving Fund (SRF). CBJ appropriated \$250,000 for the LSLI project in 2023. The use of lead pipes was banned in the 1980s. The CBJ Utilities Division is currently working with a

consultant on Phase 1 of the project, which is a desktop exercise to filter and exclude contemporary construction from the next survey phase (Phase 2). A draft inventory is due to ADEC by July 24, 2024. To apply for the ADEC SRF loan, the Assembly must pass a resolution to 1) authorize the SRF application process, and 2) authorize a designated representative of the local government to execute the loan agreement.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

9. BE24-147 Adair Kennedy Baseball Field Improvements

Bids were opened on the subject project on February 22, 2024. The bid protest period expired at 4:30 p.m. on February 27, 2024. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS | BASE BID | Add. Alt. No 1 | Add. Alt. No 2 | TOTAL BID |
|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Dawson Construction, LLC | \$2,629,802.89 | \$15,000.00 | \$315,000.00 | \$2,959,802.89 |
| Coogan Construction Co. | \$2,650,689.89 | \$7,500.00 | \$25,000.00 | \$2,966,189.89 |
| Admiralty Construction, Inc. | \$3,098,265.89 | \$25,000.00 | \$310,000.00 | \$3,433,265.89 |
| North40 Construction Corp. | \$3,108,363.89 | \$42,000.00 | \$300,000.00 | \$3,450,363.89 |
| Engineer's Estimate | \$3,573,537.89 | \$50,000.00 | \$255,000.00 | \$3,878,537.89 |

The City Manager recommends award of this project, Base Bid and both Alternates to Dawson Construction, LLC for the total amount bid of \$2,959,802.89.

L. Transfers

10. Transfer Request T-1072 A Transfer of \$110,000 from CIP P41-097 Sportsfield Repairs to CIP P41-109 Adair Kennedy Lighting.

This request would transfer \$110,000 from the Sportsfield Repairs CIP to the Adair Kennedy Lighting CIP. This funding would provide for the replacement of the 30-year-old ballfield lighting system at Adair Kennedy baseball field with new LED lights. The Sportsfield Repair CIP will retain adequate funding for the remaining FY24 priority projects.

The Public Works and Facilities Committee reviewed this request at the February 26, 2024 meeting.

The City Manager recommends approval of this transfer.

M. PUBLIC HEARING

11. Ordinance 2023-14(b)(AD) An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars.

In 2024 the Juneau School District suddenly discovered a current year structural deficit of approximately \$9.5 million dollars as a result of years of insufficient state funding, over projecting enrollment, and financial mismanagement. The Board of Education took immediate action to make cuts to the 2024 budget; however, the magnitude of the deficit is too great to address through cuts in the current school year. This ordinance, along with a companion general fund ordinance, appropriates approximately \$4.1 million dollars from the restricted budget reserve as a loan to enable the school district to complete the current school year. These funds will be used to pay for instructional costs while the companion general fund ordinance will be used to pay for non-instructional costs.

The Assembly and its committees discussed this topic multiple times in the last two months (1/29/24, 1/30/24, 2/7/24, 2/23/24, 2/26/24), including holding a public hearing at the February 26 Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this ordinance.

12. Ordinance 2023-14(b)(AB) An Ordinance Providing up to \$3,922,787 to the Juneau School District for Non-instructional Costs for FY24.

In 2024 the Juneau School District suddenly discovered a current year structural deficit of approximately \$9.5 million dollars as a result of years of insufficient state funding, over projecting enrollment, and financial mismanagement. The Board of Education took immediate action to make cuts to the 2024 budget; however, the magnitude of the deficit is too great to address through cuts in the current school year. This ordinance, along with a companion loan ordinance, appropriates approximately \$3.9 million dollars from the general fund to enable the school district to complete the current school year. These funds will be used to pay for non-instructional costs while the companion loan funds will be used to pay for instructional costs.

The Assembly and its committees discussed this topic multiple times in the last two months (1/29/24, 1/30/24, 2/7/24, 2/23/24, 2/26/24), including holding a public hearing at the February 26 Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this ordinance.

13. Ordinance 2024-01(b)(A) An Ordinance Providing up to \$1,650,405 to the Juneau School District for Non-instructional Costs for FY25.

In 2024 the Juneau School District suddenly discovered a current year structural deficit of approximately \$9.5 million dollars as a result of years of insufficient state funding, over projecting enrollment, and financial mismanagement. The Board of Education took immediate action to make cuts to the 2024 budget; however, the magnitude of the deficit is too great to address through cuts in the current school year and will continue to be challenging in FY25. This ordinance appropriates approximately \$1.65 million dollars from the general fund to support JSD in FY25 by covering non-instructional costs in FY25 as CBJ and JSD plan for the potential transition of facility maintenance services to CBJ.

The Assembly and its committees discussed this topic multiple times in the last two months (1/29/24, 1/30/24, 2/7/24, 2/23/24, 2/26/24), including holding a public hearing at the February 26 Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this ordinance.

14. 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. 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 Systemic Racism Review Committee considered this ordinance at its meeting on February 6, 2024.

The City Manager recommends the Assembly adopt this ordinance.

15. 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 Systemic Racism Review Committee reviewed this ordinance at its February 6, 2024 meeting and moved it forward to the full assembly for action with the following comment: *the SRRC understands that the proposed ordinance reflects the CBJ's Capital Improvement Plan prioritization process and the SRRC commits to reviewing the CIP broadly in an effort to find systemic racism as the committee is charged with.*

The City Manager recommends the Assembly adopt this ordinance.

N. NEW BUSINESS

16. 2024 Assembly Goals Adoption

The Assembly goals were discussed and decided upon at the December 2, 2023 annual Assembly Retreat. The changes requested at the retreat were incorporated into a draft version that was considered at the January 29, 2024 Assembly Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this final version of the 2024 Assembly Goals.

17. JG Construction Request to Purchase City Property near 6300 Jackie Street (Lemon Creek area)

In February, JG Construction applied to acquire fractions of two CBJ lots through a negotiated sale process, which have been available to purchase since 2017 by over-the-counter sale. The two lots are located on Jackie Street and were platted as part of the Renninger Subdivision. The applicant has requested fractions of lot 4 and lot 5, which are the two remaining CBJ owned lots. The applicant proposes to use the property for residential development and the application states that if the sale is approved, then they will build a maximum of 28 apartments. JG Construction currently rents 18 units, 9 of which are rented to the USCG and JG Construction has rented to USCG for 24 years.

On February 26, the Lands, Housing, and Economic Development Committee reviewed this application and forwarded it to the full Assembly with a motion of support to work with the original proposer.

According to 53.09.206 the next step in processing the application is for the Assembly to determine "whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals". If the Assembly provides a motion to negotiate with the original proposer on these two lots, and if the negotiations are successful, ordinances with terms and conditions of the sales will be introduced prior to a public hearing.

The Manager recommends the Assembly pass a motion of support to work with JG Construction as the original proposer in accordance with City Code 53.09.260.

O. STAFF REPORTS

P. ASSEMBLY REPORTS

Mayor's Report**Committee and Liaison Reports****Presiding Officer Reports****18. Hart v. Planning Commission & Huna Totem Corporation**

In the summer of 2023, the Planning Commission issued a conditional use permit for a new cruise ship dock at the Juneau Subport. Ms. Hart filed a timely appeal. The State Office of Administrative Hearings held the oral argument hearing on January 24, 2024. The Hearing Officer's proposed decision is due to the parties soon, and the Assembly will likely be able to consider the decision at the regular Assembly meeting on April 1.

There is no action for the Assembly.

Q. ASSEMBLY COMMENTS & QUESTIONS**R. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS****S. 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.

T. EXECUTIVE SESSION**U. SUPPLEMENTAL MATERIALS**

- 19. RED FOLDER: Ordinance 2023-14(b)(AD) *An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars. Proposed Amendments by Assemblymember Kelly***
- 20. RED FOLDER: 2024-03-04 Frank Hauser JSD Update to the Assembly**
- 21. RED FOLDER: 2024-03-04 Municipal Clerk Memo to Assembly re: Election Dates/Timing**

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.