



ASSEMBLY REORGANIZATION MEETING 2023-24 AGENDA

October 23, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube

<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. SPECIAL ORDER OF BUSINESS

1. **Assembly Reorganization**

Recognition of Outgoing Assemblymembers

Swearing in of New Assemblymembers

ROLL CALL

Election of Deputy Mayor

Seat Reorganization

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. 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.

D. APPROVAL OF MINUTES

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 Three 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

3. Ordinance 2023-14(b)(N) An Ordinance Appropriating \$50,000 to the Manager for Cruise Ship Scheduling Services; Funding Provided by Marine Passenger Fees.

This ordinance would appropriate \$50,000 of Marine Passenger Fees for cruise ship scheduling and port agent services at two CBJ-owned cruise ship docks and one lightering facility. Cruise ship services would reduce scheduling conflicts between cruise lines and ships to improve integration, provide greater efficiency, and enhance operations for the arrival and departure of cruise ships visiting the Port of Juneau. Port agent services would include activities such as longshoring, stevedoring, and other generalized services to vessels docked at the facilities. These services would enhance visitor experiences, economic activity, vessel services, and the well-being and quality of life for Juneau residents.

The Committee of the Whole reviewed this request at the August 7, 2023 meeting.

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

4. Ordinance 2023-14(b)(O) An Ordinance Appropriating \$300,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources.

This ordinance would appropriate \$300,000 for the Trail Improvement Capital Improvement Project for the construction of phase 1 of Juneau's first Off-Road Vehicle (ORV) riding park. Phase 1 would construct five miles of trails through a 175-acre site contained within a larger 565-acre tract owned by the CBJ. It will likely take multiple years to build this phase, and subsequent phases will be mapped, planned, and permitted in the field. A parking lot and secure gated entry will be funded by existing funding in the CIP. The local match requirement will be met through previously appropriated funds in the CIP.

The Planning Commission reviewed this request at the January 17, 2023 meeting. The Parks and Recreation Advisory Committee reviewed this request at the April 4, 2023 meeting. The Lands, Housing and Economic Development Committee reviewed this request at the June 12, 2023 meeting.

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

5. Ordinance 2023-14(b)(P) An Ordinance Appropriating \$28,000 to the Manager for Increased Monitoring Services at Suicide Basin; Funding Provided by General Funds.

This ordinance would appropriate \$28,000 for increased United States Geological Survey (USGS) monitoring services at Suicide Basin. The August 2023 flood event substantiated the need for advanced monitoring at Suicide Basin. This request would increase annual USGS flood monitoring from \$7,000 to \$35,000. This additional funding would contribute toward the installation of additional cameras and a laser stage sensor at Suicide Basin, helicopter time to access the equipment, and USGS staff time collecting and interpreting data.

The Committee of the Whole reviewed this request at the August 28, 2023 meeting. The Public Works and Facilities Committee reviewed and recommended this request at the September 18, 2023 meeting.

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

6. **Ordinance 2023-35 An Ordinance Amending the Animal Control and Protection Code Related to Service Animals.**

The CBJ animal control code was revised in 2009 and included a definition for service animals. Since then, the definition of service animals under the Americans with Disabilities Act has been clarified by federal regulation. This ordinance amends the CBJ animal control code to be consistent with the amendments to federal law.

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

7. **Ordinance 2023-38 An Ordinance Amending the Traffic Code Relating to Impounds of Vehicles.**

This ordinance would amend Titles 72 and 36 to allow departments charged with oversight of public property to impound-in-place. Docks and Harbors has utilized this process with much success. This change lessens the burden on JPD officers and allows the City to respond to abandoned and junked vehicles in a more efficient and timely manner.

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

8. **Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way.**

This ordinance exempts the use of 1325 Eastaugh Way as the Cold Weather Emergency Shelter from all requirements and prohibitions of the land use code for five years. CBJ has been operating a cold weather emergency shelter during the winter months since 2017, in partnership with various community organizations. The work of emergency sheltering presents numerous challenges that most communities only partially succeed at meeting. Ideally, proactive work and support services exist in sufficient quality and quantity to prevent the need for a true emergency shelter; however, like most communities, we are not yet there. Funding for these services has already been appropriated in the FY24 budget.

The City Manager recommends the Assembly (1) waive Planning Commission review, (2) introduce this ordinance and (3) set it for public hearing at the next regular Assembly meeting.

I. **Resolutions**

9. **Resolution 3040 A Resolution Regarding the Allocation of the Hotel-Bed Tax.**

This resolution would change the current 9% Hotel-Bed Tax (HBT) allocation method and repeal all prior resolutions. The HBT current resolution allocates revenue 4% to tourism promotion, 3% to Centennial Hall operations, and 2% to Centennial Hall improvements. This resolution moves away from the formulaic split of the HBT and directs the Assembly to provide funding priorities for use of the tax to the City Manager at the beginning of each budget year, which should include allocation of the 2% temporary tax to Centennial Hall improvements. The Manager will present the budget recommendations based on HBT revenues and the needs of the community and visitors. This affords the greatest flexibility for the Assembly to meet community needs, address the volatility in the revenue stream, and provide greater budgeting stability for Centennial Hall operations and Travel Juneau's tourism promotion.

The Assembly Finance Committee reviewed this request at the August 2, 2023 and September 6, 2023 meetings and passed a motion directing staff to prepare this resolution.

The City Manager recommends the Assembly adopt Resolution 3040.

10. **Resolution 3041 A Resolution Authorizing the Manager to Submit a State of Alaska Land and Water Conservation Fund Grant Application to Assist with Improvements at Sigoowu Ye Park.**

The Land and Water Conservation Fund is a federal grant program administered by the State of Alaska. As funds are available, it can provide for up to 50% of the costs for public outdoor recreation projects. This resolution authorizes a grant application seeking \$125,000 of LWCF funds to match previously appropriated CBJ general funds of \$650,000 to complete Sigoowu Ye Park improvements.

The City Manager recommends the Assembly adopt this resolution.

11. **Resolution 3042 A Resolution Recognizing Sherri Layne's Excellent Performance as Interim Municipal Attorney.**

This resolution formally recognizes Attorney Sherri Layne for immediately filling the Municipal Attorney role upon an unexpected health condition causing Robert Palmer to be out of the office from February through September. Attorney Layne admirably performed the duties of Municipal Attorney. The following are some of her accomplishments: Attorney Layne provided guidance to the Assembly Finance Committee through the entire budget process, managed a large litigation load, provided guidance to the Planning Commission, drafted legislation for the Assembly, timely responded to client requests, helped the CBJ through multiple employment transitions, and did an excellent job managing the CBJ Law Department. In recognition of Attorney Layne's excellent performance, Attorney Layne deserves this formal recognition and a time off award.

The City Manager recommends the Assembly adopt this resolution.

12. **Resolution 3045 A Resolution of the City and Borough of Juneau Supporting Full Funding (\$7,644,677) for the State of Alaska Harbor Facility Grant Program in the FY2025 State Capital Budget.**

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$15 million in harbor grant funding since the program's inception, including a \$2M grant for Phase III rebuild of Aurora Harbor which is scheduled for completion in May 2024.

For the current legislative session, Docks & Harbors has applied for a \$5M matching grant for Phase IV rebuild of Aurora Harbor. Statewide, only two communities - Sitka and Juneau, have committed to contribute \$7,644,677 in local match funding for FY2025 towards projects of significant importance. The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

13. **Resolution 3046 A Resolution of the City and Borough of Juneau in Support of Raising the Maximum Available Alaska Department of Transportation Harbor Facility Grant to \$7,500,000 for Eligible Projects on an Annual Basis.**

This resolution recommends increasing the maximum grant award eligibility under the State of Alaska Department of Transportation's Harbor Facility Grant Program from \$5M to \$7.5M. This would not affect CBJ's current application but may impact grant strategies in the future, should the Legislature take action to amend AS 29.60.800.

The proposed resolution was drafted and adopted by the Alaska Association of Harbormasters and Port Administrators (AAHPA) at its annual conference on September 26. AAHPA encourages its member municipalities to also provide local support for this change.

The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

J. Bid Awards

14. Bid No. 24-044 Charging Equipment for Battery Electric Bus(es)

Bids were opened on this project on September 13, 2023. The following bids were received:

Bidder	Total Bid
North Coast Electric	\$1,748,443.85

The protest period ended September 13, 2023.

Staff recommends award to North Coast Electric on the basis of having the lowest responsive and responsible bid price in the amount of \$1,748,443.85 based on total bid.

The City Manager recommends award of this project to North Coast Electric.

K. Liquor/Marijuana Licenses

15. Liquor & 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 - Renewals

Licensee: BPO Elks Lodge #420 d/b/a Juneau Elks Club No. 420

License Type: Club, License: #5414 Location: 9321 Glacier Hwy., Juneau

Licensee: Midnight Ninja Venture Inc. d/b/a Lupo

License Type: Restaurant Eating Place, License: #2175 Location: 120 Second St. Suite B, Juneau

Liquor License - Transfer of Location

Licensee: Genuine Ventures LLC. d/b/a Tracy's King Crab Shack

License Type: Restaurant Eating Place, License: #4584

*Transfer From: Location: Genuine Ventures LLC (Tracys Crab Shack **Support Location**), Juneau*

*Transfer To Location: Genuine Ventures LLC (Tracys Crab Shack - **No Premises**)*

Marijuana License - Renewals

Licensee: Green Elephant LLC d/b/a Green Elephant LLC.

License Type: Standard Marijuana Cultivation, License: #10315 Location: 101 Mill St. Suite A, Juneau

Licensee: Green Elephant LLC d/b/a Green Elephant LLC.

License Type: Retail Marijuana Store, License: #10844 Location: 101 Mill St. Suite B, Juneau

Licensee: Taku Horticulture Company LLC. d/b/a Taku Horticulture Company LLC.

License Type: Standard Marijuana Cultivation License: #12176 Location: 1758 Anka St. Bldg. B Suite A1, Juneau

Licensee: Top Hat LLC. d/b/a Top Hat LLC.

License Type: Standard Marijuana Cultivation, License: #10270 Location: 2315 Industrial Blvd. Suite A, Juneau

Licensee: Alaskan Kush Company LLC. d/b/a Alaskan Kush Company

License Type: Retail Marijuana Store, License: #16213 Location: 159 S. Franklin St., 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 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.

L. PUBLIC HEARING

- 16. **Ordinance 2022-06(b)(BA) An Ordinance Appropriating \$2,478,745 to the Manager to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2023 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$2,478,745 for the State of Alaska’s FY2023 2.79% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	\$1,228,053
Bartlett Regional Hospital	\$1,250,692

Funding is provided by the Alaska Department of Administration, authorized by passage of HB281 during the 2023 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.

- 17. **Ordinance 2023-14(b)(F) An Ordinance Transferring \$264,110 from CIPs W75-048 Back Loop Rd. Auke Bay Waterlines and W75-054 Douglas Highway Water Replacement to CIP R72-169 10th, F, W 8th Streets Reconstruction.**

This request would transfer \$264,110 of previously appropriated areawide sales tax and 1% sales tax funds from two completed Water CIPs to the 10th, F, W 8th Streets Reconstruction CIP. This project is ongoing and is in need of additional funds due to exponential cost increases from inflation. The Douglas Highway Water Replacement and Back Loop Road Auke Bay Waterlines CIPs are complete and in the process of being closed.

This transfer of 1% sales tax project funding is consistent with the intent of the 2005 1% Sales Tax initiative approved by voters in the October 4, 2005 municipal election.

The Public Works and Facilities Committee reviewed this request at the August 28, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

18. Ordinance 2023-14(b)(G) An Ordinance Transferring \$1,853,000 from CIP P44-090 Deferred Building Maintenance to CIP F22-027 Juneau Police Department Roof Replacement.

This ordinance would transfer \$1,853,000 from the Deferred Building Maintenance CIP to the Juneau Police Department Roof Replacement CIP. This project funding was allocated to the Deferred Maintenance CIP in the FY24 CIP Resolution 3016(b). The project is scheduled to advertise for bids in mid-November 2023 and will begin construction in summer 2024. This request would transfer funding from the Deferred Building Maintenance CIP to the project for clear financial accounting. The Deferred Building Maintenance CIP will retain sufficient funding for ongoing projects.

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 Public Works and Facilities Committee reviewed this request at the August 28, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

19. Ordinance 2023-14(b)(L) An Ordinance Appropriating \$312,500 to the Manager as Funding for the Ramp Improvement Capital Improvement Project; Funding Provided by Airport CARES Act Funding.

This ordinance would appropriate \$312,500 of Airport CARES Act funding for the Ramp Improvements CIP. This funding would support the construction of a new remain overnight (RON) large aircraft parking ramp, rehabilitate deteriorating pavement for large and commercial aircraft parking ramps, repair failing ramp drainage and catch basins, and upgrade ramp lighting. This funding would contribute to the local match requirement for grant funds appropriated under Ordinance 2022-06(b)(I).

The Airport Board reviewed this request at the June 8, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

20. Ordinance 2023-14(b)(M) An Ordinance Appropriating \$213,506 to the Manager for the Terminal Construction Capital Improvement Project; Funding Provided by Airport CARES Act Funding.

This ordinance would appropriate \$213,506 of Airport CARES Act funding for the Terminal Construction Improvements CIP. This funding would provide for the replacement tiles in the suspended ceiling which was a component of the reconstruction of the Juneau International Airport terminal. Funding is provided by previously received Airport CARES Act grant funding.

The Airport Board reviewed this request at the April 14, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

M. NEW BUSINESS

21. Docks and Harbors Regulations Omnibus - Rate Increase (9%)

After the fiscal uncertainties caused by the pandemic, the Docks & Harbors Board (Board) hired a consultant to conduct a rate study, which was completed in September 2022. The rate study recommended a 9% increase to Docks & Harbors fees. The Board then engaged in a broad public process that included open house events, notices in local media, notices at CBJ facilities, notices in social media, and fliers. The Board held a public hearing on October 4, 2023, to avoid conflicting with the summer boating season, which also enabled companies involved with tourism to participate. Docks & Harbors received public comments. After considering the public comments and evaluating the consultant's recommendation, the Board approved raising most fees 9% effective January 2024. Notably, the Board recommended raising the monthly moorage fee over three years to 9% instead of at one time because

the moorage fee affects nearly all harbor users. In addition to the 9% increase, various fee provisions also give the Board authority to adjust the fees in 2024 based on changes to the Consumer Price Index.

The City Manager recommends the Assembly approve the regulations. If the Assembly wants to do something else, CBJC 01.60.260 provides other options.

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

There are 12 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

23. Cold Weather Shelter Update

24. October 3, 2023 CBJ Municipal Election Report to the Assembly with attachments

25. Assembly 2024 Meeting Calendar - Draft for Assembly Review/Approval

O. ASSEMBLY REPORTS

Mayor's Report

Committee Reports

Presiding Officer Reports

26. Appeal 2022-AA07 Bayhouse Properties LLC vs. CBJ Planning Commission - Order re: Withdrawal of Appeal

On September 28, 2023, a status hearing was held with CDD Director Maclean and Mr. Falk. The parties discussed potential resolution of this appeal via another permit application. At the conclusion of the hearing, Mr. Falk requested his appeal be withdrawn with the understanding that he is free to file a subsequent permit application and, if necessary, file an appeal on that subsequent permit application. The Presiding Officer issued such an order, and this appeal is closed.

No further action is needed.

27. Appeal 2023-AA01 Karla Hart v. PC (Huna Totem dock appeal) re: Motion for Hearing Officer Disqualification

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 Assembly accepted the appeal, and a hearing officer was appointed. Ms. Hart filed a motion with the hearing officer asking him to withdraw. The hearing officer responded to the motion with an order describing that he did not have a conflict of interest and could be fair and impartial. Ms. Hart now asks the Assembly to disqualify the hearing officer. Huna Totem Corporation has filed an opposition pleading.

Because this is a quasi-judicial matter, the Assembly may recess into executive session to discuss and make a decision on Ms. Hart's disqualification request. AS 44.62.310(d)(1). The Assembly's decision would need to be issued in writing and provided to all the parties to the appeal.

The City Attorney recommends the Assembly recess into executive session to address the motion to disqualify the hearing officer.

P. ASSEMBLY LIASON REPORTS, COMMENTS, & QUESTIONS

Q. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

R. EXECUTIVE SESSION

28. *Placeholder in case the Assembly wishes to go into Executive Session for Appeal 2023-AA01 Karla Hart v. PC (Huna Totem dock appeal) re: Motion for Hearing Officer Disqualification*

S. SUPPLEMENTAL MATERIALS

Cover Memo for Docks and Harbors' regulation changes

29. **Cover Memo for Docks and Harbors' Regulation Changes**

30. **Appeal 2023-AA01 Karla Hart v. PC (Appellant's Reply to Intervenor's Opposition to Motion)**

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.gov.