



REGULAR ASSEMBLY MEETING 2024-09 AGENDA

April 29, 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: Public Service Recognition Week**
2. **Proclamation: Workers' Memorial Day**
3. **St. Vincent dePaul Thank You for Cold Weather Emergency Shelter Service**

E. APPROVAL OF MINUTES

4. **July 10, 2023 Regular Assembly Meeting 2023-17 Draft Minutes**
5. **March 6, 2024 Joint Special Assembly Meeting w/Airport Board Meeting DRAFT Minutes**

F. MANAGER'S REQUEST FOR AGENDA CHANGES

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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 2023-14(b)(AG) An Ordinance Transferring \$489,478 from CIP D12-070 Open Space Waterfront Land Acquisition to CIP H51-113 Waterfront Seawalk.**

In 2002, the Assembly directed staff to transfer unexpended marine passenger fees, designated for specific projects and activities, to the Waterfront Open Space Land Acquisition CIP for land acquisition on the waterfront. In 2020, this practice was discontinued to align the allocation of passenger fees with the CLIA settlement agreement. This ordinance would transfer the remaining

balance of \$489,478 from the Open Space Waterfront Land Acquisition CIP to the Waterfront Seawalk CIP. The Waterfront Seawalk CIP is in need of additional funding and is an eligible use of passenger fees.

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

7. Ordinance 2024-18 A Noncode Ordinance Authorizing a Designated Campground Primarily for People Experiencing Homelessness as an Essential Public Facility and Exempting it from the Requirements and Prohibitions of Title 49.

Establishing a summer campground for people experiencing homelessness is an issue made increasingly complex due to a combination of factors, including but not limited to camper safety, residential/business use compatibility, the availability and affordability of housing, and insufficient mental/behavioral health and substance use services. This ordinance enables the Assembly to designate a campground by resolution if and when an appropriate campground location is found.

The Assembly considered public comments on April 1 for a similar ordinance (Ord. 2024-14, Thane Road Campground on Mill Street), which has been tabled. The Assembly Committee of the Whole recommended introduction of this ordinance at the April 15 meeting.

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

8. Ordinance 2023-14(b)(AH) An Ordinance Appropriating \$2,000,000 to the Manager as a Grant to Gastineau Human Services to Construct Low Income and Substance Use Recovery Permanent Supportive Housing; Funding Provided by General Funds.

This ordinance appropriates \$2 million from unrestricted fund balance as a grant to Gastineau Human Services for the construction of 51 units of permanent supportive housing. These funds are intended to provide community match support for numerous other grants – federal, state, and private – that GHS is seeking to realize this project. Project construction is projected to begin in 2025 with housing being available at the end of the construction season in 2026. This housing targets those with very low area median incomes who are in substance use recovery.

The Assembly Finance Committee reviewed this request at the April 17, 2024 meeting and directed staff to introduce an appropriating ordinance and accompanying Letter of Intent in support of the project.

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

J. Bid Awards

9. Bid Award: No. 25-003 Transport and Disposal of Biosolids

Bids were opened on the subject project on March 12, 2024. The following bids were received:

Bidder	Total Bid
Regional Disposal Company, DBA: Republic Services	\$4,321,577.35
Waste Management	\$3,035,012.00

Funding Source: 519760501-5390 WW Treatment, Contractual Services

The City Manager recommends award of Bid No. 25-003 Transport and Disposal of Biosolids to Waste Management.

10. Contract No. BE24-255 Lawson Creek Road Reconstruction

Due to the timing of this bid opening, the bid recommendation memo for this bid will not be available until Friday, April 26. At that time, it will be included under the Supplemental Materials section of the Municode agenda, and will be e-mailed out to all Assembly members.

11. Contract No. BE24-247 Dogwood Lane Improvements -- Mendenhall Boulevard to Taku Boulevard

Due to the timing of this bid opening, the bid recommendation memo for this bid will not be available until Friday, April 26. At that time, it will be included under the Supplemental Materials section of the Municode agenda, and will be e-mailed out to all Assembly members.

K. Transfers

12. Transfer Request T-1078 A Transfer of \$92,653 from CIP R72-146 Flood Plain Mapping Technical Assistance to CIP R72-136 Areawide Drainage.

This request would transfer \$92,653 from the Flood Plain Mapping Technical Assistance CIP to the Areawide Drainage CIP. This funding would contribute toward the installation of check valves, eliminating the potential for water to backflow through the culverts along the Mendenhall River in high water events, such as the August 2023 jokulhlaup. The Flood Plain Mapping Technical Assistance CIP is ready to be closed and does not require the remaining funds.

The Public Works and Facilities Committee reviewed this request at the April 15, 2024 meeting.

The City Manager recommends approval of this transfer.

L. Liquor/Marijuana Licenses

13. 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 - RENEWAL

Licensee: Thibodeaus Market Inc. d/b/a Thibodeaus Valley Liquor

License Type: Package Store, License: #4422 Location: 9106 Mendenhall Mall Rd, Juneau

Licensee: Thibodeaus Market Inc. d/b/a Thibodeaus Home Liquor

License Type: Package Store, License: #521 Location: 465 W. Willoughby Ave., Juneau

Licensee: Thibodeaus Market Inc. d/b/a Liquor Barrel

License Type: Package Store, License: #1129 Location: 5235 Glacier Hwy, Juneau

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

License Type: Package Store, License: #661 Location: 621 Willoughby Ave., Juneau

Licensee: Canton Asian Bistro, LLC d/b/a Canton Asian Bistro

License Type: Restaurant Eating Place, License: #5706 Location: 8585 Old Dairy Rd #105, Juneau

Licensee: Imperial Bar, Inc. d/b/a Imperial Bar

License Type: Beverage Dispensary, License: #550 Location: 241 Front St., Juneau

Marijuana Licenses - TRANSFER of CONTROLLING INTEREST

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

License Type: Standard Marijuana Cultivation Facility, 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

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments 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 actions.

M. PUBLIC HEARING

14. Ordinance 2024-03 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2024 Based Upon the Proposed Budget for Fiscal Year 2025.

This ordinance establishes the mill rates for property taxes for 2024, which funds a significant portion of the City and Borough of Juneau's FY25 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 FY25 Proposed Budget that will be reviewed 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 FY25, the operating mill rate is proposed to increase 0.16 mills for a total proposed mill levy of 10.32 mills, the components of which are:

FY2025 Proposed Mill Rate

Areawide: 6.36 (an increase of 0.16 from FY24 Adopted)

Roaded Service Area: 2.45 (flat from FY24 Adopted)

Fire Service Area: 0.31 (flat from FY24 Adopted)

Debt Service: 1.20 (flat from FY24 Adopted)

Total FY25 Proposed Mill Rate: 10.32 (an increase of 0.16 from FY24 Adopted)

The Systemic Racism Review Committee reviewed this ordinance at its April 23, 2024 worksession meeting.

The City Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

15. Ordinance 2024-01 An Ordinance Appropriating Funds from the Treasury for FY25 City and Borough Operations.

This ordinance appropriates \$521,504,900 in expenditure authority for the City and Borough of Juneau's FY25 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 \$501,565,300 of forecast revenue and transfers-in and decreases fund balances, across all funds, by \$19,939,600. The forecast revenue and draw from fund balance are sufficient to fund the budgeted expenditures. Budgeted expenditures and revenues will be reviewed in detail with the Finance Committee during the budget process in April and May.

The Charter 9.6 requires that a public hearing be held on the FY25 operating budget by May 1, 2024, and the ordinance be adopted by June 15, 2024.

The Systemic Racism Review Committee is continuing to review this ordinance.

The City Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

16. **Ordinance 2024-02 An Ordinance Appropriating Funds from the Treasury for FY25 School District Operations.**

This ordinance will appropriate to the School District an FY25 operating budget of \$85,397,400. This is an overall decrease in the budget of \$10,919,600 from the FY24 Amended Budget. The FY25 school budget is supported with a combination of funding sources including CBJ local funding, and state and federal funding of \$44,368,300. The local funding consists of \$34,432,000 for general operations (i.e. educational funding) and \$3,690,400 for non-educational programs and activities.

CBJ Charter 13.6 requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding limits, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2024.

The Systemic Racism Review Committee reviewed this ordinance at its April 23, 2024 worksession meeting.

The City Manager recommends holding the charter required public hearing for this ordinance, followed by a motion to set the amount of minimum local funding to be provided to the school district, and then referral of the ordinance back to the Assembly Finance Committee for additional review.

17. **Resolution 3052 A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2025 through 2030, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2025.**

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2025 through 2030, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY25.

The Public Works and Facilities Committee reviewed the preliminary CIP at its March 11, 2024 meeting and forwarded the plan to the Assembly .

The Systemic Racism Review Committee is continuing to review this resolution and the overall CIP process.

The City Manager recommends holding the charter required public hearing for this resolution, followed by referral back to the Assembly Finance Committee for further review.

18. Ordinance 2024-04 An Ordinance Establishing Duties of the Tourism Office.

This ordinance establishes the CBJ Tourism Office and allows the manager to assign the Visitor Industry Director as the project manager or co-project manager for projects with a substantial relationship to tourism. Duties include centralized tourism policy and management; coordination of community planning and projects related to tourism; public relations related to the visitor industry, including contract management and cruise ship schedule coordination; and other duties as assigned by the manager.

The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting.

An amendment to change the name of Tourism Manager to Visitor Industry Director is included in this packet.

The City Manager recommends the Assembly amend the ordinance and then adopt the ordinance.

19. Ordinance 2024-10 An Ordinance Amending Chapter 85.02 Related to the Docks and Harbors Board Roles Related to Tourism.

The Assembly has funded a Tourism Manager (Visitor Industry Director) position since 2021, who works for the City Manager. This ordinance would clarify the Docks and Harbors Board duties related to tourism management. Notably, Docks and Harbors would maintain and operate the municipal cruise ship docks, and the Visitor Industry Director would be responsible for cruise-ship based tourism management, including capital projects. There is a companion ordinance, 2024-04, related to Visitor Industry Director duties. This ordinance would help advance the goals of the Visitor Industry Task Force (VITF) and provide a more direct route for Assembly control of tourism-related projects.

The Assembly most recently discussed this ordinance at the Assembly Committee of the Whole on February 26, 2024, and directed Assembly liaisons to discuss this topic with their empowered boards. The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting.

Assemblymember Woll has proposed an amendment.

The City Manager recommends the Assembly consider the amendment and then adopt this ordinance.

20. Ordinance 2024-15 An Ordinance Authorizing the Manager to Convey a Fraction of Renninger Lot 5 Located near 6200 Jackie Street to JG Construction for Fair Market Value.

In February, JG Construction applied to acquire fractions of two CBJ lots through a negotiated sale process. These two lots (Lot 4 and Lot 5) have been available for purchase from the CBJ since 2017 by over-the-counter sale and have been designated for higher-density residential development. The application states that if the sale is approved, JG Construction will build 28 apartments total. JG Construction currently rents 18 units, 9 of which are rented to USCG, and JG Construction has rented to USCG for 24 years.

The LHED Committee reviewed this application and forwarded it to the full Assembly with a motion of support for working with the original proposer. On March 11, 2024, the Assembly authorized the CBJ to enter into fair market value negotiations with JG Construction. The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting.

The City Manager recommends the Assembly adopt this ordinance.

21. Ordinance 2024-16 An Ordinance Authorizing the Manager to Convey a Fraction of Renninger Lot 4 Located near 6200 Jackie Street to JG Construction for Fair Market Value.

In February, JG Construction applied to acquire fractions of two CBJ lots through a negotiated sale process. These two lots (Lot 4 and Lot 5) have been available for purchase from the CBJ since 2017 by

over-the-counter sale and have been designated for higher-density residential development. The application states that if the sale is approved, JG Construction will build 28 apartments total. JG Construction currently rents 18 units, 9 of which are rented to USCG, and JG Construction has rented to USCG for 24 years.

The LHED Committee reviewed this application and forwarded it to the full Assembly with a motion of support for working with the original proposer. On March 11, 2024, the Assembly authorized the CBJ to enter into fair market value negotiations with JG Construction. The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting.

The City Manager recommends the Assembly adopt this ordinance.

22. **Ordinance 2023-14(b)(S) An Ordinance Appropriating up to \$ 1,213,423 to the Manager as Local Grant Match for the North Douglas Crossing Capital Improvement Project; Funding Provided by General Funds.**

This ordinance would appropriate up to \$1,213,423 for the North Douglas Crossing CIP to fulfill two local grant match requirements:

Rebuilding America's Infrastructure and Sustainability and Equity (RAISE) Grant Match \$ 866,000

FFY23 Congressionally Directed Spending (CDS) Grant Match \$ 347,423

The RAISE grant's local match contribution was pledged in Resolution 3019(b) adopted during the January 30, 2024 Regular Assembly meeting. The CDS funding was secured by U.S. Senator Lisa Murkowski in the Consolidated Appropriations Act for Federal fiscal year 2023. These grants will provide funding for community outreach and the design phase of the North Douglas crossing. The Engineering and Public Works Department is currently working with the Alaska Department of Transportation & Public Facilities to confirm whether previously appropriated funds can be used toward the match. Due to the time sensitivity of the project, this request would ensure the grant match funding is available. If previously appropriated funds are approved for the local match, these appropriated general funds would be returned to the General Fund.

The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting.

The City Manager recommends the Assembly adopt this ordinance.

23. **Ordinance 2023-14(b)(AF) An Ordinance Appropriating \$164,000 to the Manager for Tripper Transit Services During Tourist Season; Funding Provided by Marine Passenger Fees.**

This ordinance would appropriate \$164,000 of Marine Passenger Fees for Capital Transit's "tripper" bus service during peak tourist season. The 2023 summer cruise season highlighted significant challenges for Capital Transit in effectively serving both Juneau residents and cruise ship tourists. Due to the volume of cruise ship tourists using the local bus system, hundreds of local bus riders, including people in wheelchairs, were unable to board buses due to no capacity available. This funding would restore the mid-day Valley/Downtown Express Route 8 on weekdays and extend the Valley/Downtown Express Route 8 service to Saturdays and Sundays during April, May, and June. Passenger fee funding for FY25 Tripper bus services is included in the FY25 Manager's Proposed Budget, pending appropriation by the Assembly.

The Systemic Racism Review Committee reviewed this ordinance at its April 2, 2024 meeting and noted this is exactly the type of legislation the SRRC would like to see more of.

The City Manager recommends the Assembly adopt this ordinance.

N. UNFINISHED BUSINESS

O. NEW BUSINESS

24. Regulation 07 CBJAC 10 Airport Rates and Fees Amended

In response to a projected budget deficit for FY25 and beyond, the Airport has adjusted its rates and fees to help offset the shortfall. Rates and fees are established through the Airport's financial model.

Rate increases are proposed in Airlines Security Screening Fees, Terminal Leases, Fuel Flowage Fees, and Landing Fees. The anticipated increase to annual revenues for FY25 is \$648,100. A detailed description of the rates and fees regulation changes was addressed in the fiscal note that accompanied the draft regulation.

The Airport received no comments during the public comment period from March 16, 2024 through April 5, 2024. The Airport Board approved the Rates and Fees Regulation at the April 11, 2024 Airport Board meeting. The Airline Fee for Airport Security Screening, large air carrier fuel flowage fees, non-signatory fuel flowage fees, large air carrier landing fees and non-signatory landing fees are scheduled to increase in May with the remainder of the Airport Rates and Fees Regulation changes scheduled to take effect July 1, 2024.

The Assembly review of regulations is governed by CBJC 01.60.260.

The Manager recommends the Assembly approve this regulation.

25. Regulation 11 CBJAC 04 Noncommercial Use Permits

These regulations will allow the Parks & Recreation Department to issue permits for large, non-commercial events held in municipal parks or recreation facilities. Permits issued pursuant to these regulations may (1) reasonably manage the time, place, and manner of large events in public parks, (2) include reasonable conditions to protect public safety and property, and (3) recover costs through reasonable permit fees as described in the included fiscal note.

The Parks & Recreation Advisory Committee discussed the proposed regulations on November 7, 2023 and December 5, 2023, and unanimously recommended that they be adopted.

The Assembly review of regulations is governed by CBJC 01.60.260.

The Manager recommends the Assembly approve this regulation.

26. Resolution 3061 A Resolution Calling for a Bilateral Peace Agreement in Israel and Palestine.

This resolution has been offered by Assemblymember Kelly. Any Assemblymember can move to adopt this resolution, refer it to a committee, defer it to another meeting, or choose another procedural tool.

Because this is a policy question for the Assembly, the City Manager has no recommendation.

P. STAFF REPORTS

Q. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

27. APL 2023-AA01 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 oral argument on January 24, 2024. The Hearing Officer issued a draft decision to the parties. Huna Totem Corp. filed an objection and Ms. Hart filed a letter of support. As a result of those pleadings, a

status hearing was held on April 24 to discuss the legal significance of the Long Range Waterfront Plan. The parties have until May 3 to submit briefing on that limited issue.

There is no action for the Assembly at this time.

R. ASSEMBLY COMMENTS & QUESTIONS

S. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

T. EXECUTIVE SESSION

28. **Litigation Update**

U. SUPPLEMENTAL MATERIALS

29. Bid Award Memo - Lawson Creek Road Reconstruction

30. Recommendation Memo for Bid Award BE24-247 Dogwood Lane Improvements

V. ADJOURNMENT

W. 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.