

# REGULAR ASSEMBLY MEETING 2024-09 MINUTES

April 29, 2024 at 7:00 PM



## Assembly Chambers/Zoom Webinar/YouTube Livestream

**Meeting 2024-09:** The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers and via zoom, was called to order by Deputy Mayor Michelle Hale at 7:00pm.

### **A. FLAG SALUTE – led by Mr. Smith.**

Assemblymember Greg Smith led the Assembly in the Flag Salute.

### **B. LAND ACKNOWLEDGEMENT**

Mr. Kelly provided the following 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. *Gunałchéesh!*

### **C. ROLL CALL**

**Assemblymembers Present:** Deputy Mayor Michelle Hale, Greg Smith, Wade Bryson, Christine Woll (via Zoom), 'Wáahlaal Gídaag (via Zoom), Paul Kelly, and Ella Adkison

**Assemblymembers Absent:** Alicia Hughes-Skandijs, Mayor Beth Weldon (excused)

**Staff Present:** City Manager Katie Koester, Deputy City Manager Robert Barr, Municipal Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Municipal Clerk Diane Cathcart, Assistant Attorney Emily Wright, Parks & Recreation Manager George Schaaf, Airport Manager Patty Wahto, Port Director Carl Uchytíl,

### **D. SPECIAL ORDER OF BUSINESS**

#### **1. Proclamation: Public Service Recognition Week**

Mr. Smith read the Public Service Recognition Week proclamation (packet pg. 10).

#### **2. Proclamation: Workers' Memorial Day**

Mr. Bryson read the Workers' Memorial Day proclamation (packet pg. 11).

#### **3. St. Vincent DePaul Thank You for Cold Weather Emergency Shelter Service**

Acting Mayor Hale read a statement commending St. Vincent DePaul and Resurrection Lutheran Church for their work in helping Juneau's homeless.

### **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**

**MOTION** by Ms. Adkison to adopt the above minutes and asked for unanimous consent. *Hearing no objection, the minutes were approved by unanimous consent.*

### **F. MANAGER'S REQUEST FOR AGENDA CHANGES**

*None.*

### **G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**Dorene Lorenz**, a valley resident and Pioneers of Alaska President, spoke to the need for recognition of Juneau's first lady Kitty Harris, who was a Tlingit from Hoonah. It's been over a

hundred years and no one recorded what clan she was a part of. Kitty married Richard Harris in 1880, the same year he and Joe Juneau discovered and staked four mines in Silver Bow Basin. In 1881, the Harris' bought lots 1, 2, and 3 on Telephone Hill and built their family home; they were the first to build their homes on Telephone Hill. Kitty had four children, two of which survived to adulthood. She said Kitty passed away in February of 1893, and that Richard never remarried. William Harris was encouraged by his father to learn Tlingit and embrace his heritage. William was a nationally published cartoonist with his drawing demonstrating early involvement in the Alaska Native Rights Movement. He inherited the Harris house, and his little brother Richard Harris built his home at 335 Willoughby. The Harris family stayed in Juneau and raised family. She stated that there is no statute or interpretive signage, but this area symbolically representing Juneau's founders setting an example by living peacefully with the Tlingit in an integrated household and respecting their cultures. Further, the residents of Telephone Hill have maintained the space in a park at the vacant lots next to the Dixon house.

**Bonnie Chaney**, a downtown resident, said she is giving a shoutout to everyone involved in the amphibious boat purchase. They needed a place to put it at Statter Harbor and an easy solution was found.

**Joshua Adams**, owner of properties in downtown Juneau and Auke Bay, asked about Mr. Bryson's comment that Telephone Hill is "the worst aspect of our history." He also asked why the section 106 review was denied, what the Assembly finds so appalling about its history, and why only one member voted against the denial of the section 106 review. He said that the Assembly is denying people the remembrance of their history by denying the 106. This means that 100 years from now no one will remember what Alaska's first telephone company would have looked like.

**Karla Hart**, a Back Loop resident, shared that, at a port communities meeting in Sitka in September of 2023, former city manager Rorie Watt said that the cruise industry created the crisis of dramatic cruise growth and that, absent a change, the city is going to get ballot initiatives that will pass. The current cruise initiative is being reviewed by the city clerk and city attorney, and interests with the cruise industry have written letters threatening lawsuits and asking for it not to be approved. It's important the public get a chance to vote on this matter. She said that five public members filed an identical city charter amendment as a backup in the event the initiative is not allowed. She urged the Assembly to members to take action and pass similar legislation.

**Michele Elfers**, a Salmon Creek area resident, said she is representing the Juneau Climbing and Recreation Board, which operates the rock-climbing gym. She thanked the Assembly for the grant they received last year for planning and development of a new facility. They have done a survey and worked with a consultant on a business plan, as well as a civil engineer and a real estate developer. They will be working with Juneau Community Foundation on fundraising. They can come back at the end of the summer to give additional info on the work they have been doing. Mr. Smith asked if their group looked at Floyd Dryden or Marie Drake as potential locations for their new facility. Ms. Elfers answered that they haven't, nor have they looked at Adair field, but have looked at Dimond Park. Acting Mayor Hale relayed that the RFI on Marie Drake and Floyd Dryden is open until May 20.

## **H. CONSENT AGENDA**

### **Public Request for Consent Agenda Changes, Other than Ordinances for Introduction**

### **Assembly Request for Consent Agenda Changes**

### **Assembly Action**

**MOTION** by Mr. Bryson to adopt the consent agenda and asked for unanimous consent. *Hearing no objection, the consent agenda was adopted by unanimous consent.*

## **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:

<b>Bidder</b>	<b>Total Bid</b>
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 jökulhlaup. 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:** Thibodeau's Market Inc. d/b/a Thibodeau's Valley Liquor

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

**Licensee:** Thibodeau's Market Inc. d/b/a Thibodeau's Home Liquor

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

**Licensee:** Thibodeau's Market Inc. d/b/a Liquor Barrel

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

**Licensee:** Thibodeau's 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**

*Acting Mayor Hale noted that they would be taking public testimony on Ordinances 2024-03, 2024-01, 2024-02, and Resolution 3052 all at the same time and then taking Assembly action.*

#### **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.

**Public Comment [on Ordinances 2024-03, 2024-01, 2024-02, and Resolution 3052]**

**Joan O'Keefe**, a Douglas resident and Executive Director at Southeast Alaska Independent Living (SAIL), relayed that they been advocating for an elevator in the Dimond Park Field House for more than a decade, as there is no accessible route to CBJ's only indoor track. The Fiscal Year 25 Capital

Improvement Plan does not include any funding for the project and it is listed as “unscheduled funding.” With CBJ now owning the land and the building, CBJ has the responsibility to make the facility compliant with the Americans with Disabilities Act (ADA). She pointed out that SAIL, the Parks and Rec Advisory Committee, the Parks and Rec. Director and Deputy Director, and the CBJ Public Works Facilities Committee all recommend an elevator over a two-platform lift. Last fiscal year, the Assembly appropriated \$150,000 towards the project and \$141,000 remains; this leaves a balance of \$859,000 needed towards an elevator. She stressed that ADA is the law and urged members to amend the Capital Improvement Project (CIP) list to include \$859,000 towards an elevator.

**Michael Riederer**, a North Douglas resident, gave condolences to the Mayor’s family. He said that he is testifying on the Title 49 rewrite allocation within the CIP budget. He explained that an overhaul risks unintended consequences, disrupts the community’s fabric, and creates uncertainty for sustainable development. He suggested that, instead of the re-write, the city focus on property disposals to housing authorities similar to Tlingit & Haida, or short-term rentals. He reminded the members that there is already a progressive tax on these rentals, the 9% hotel tax. He said the funding could be used for schools and public pools. He said the city should wait on the Title 49 rewrite until there is a clearer picture of how the money is going to be used. Mr. Bryson asked Mr. Riederer if he attended or watched any of the Title 49 Committee meetings where they tried to make amendments. Mr. Riederer said he has not attend, but did send an email asking why all their meetings for this year were cancelled. It is not clear to him as to what the plan is for the rewrite.

**Charles VanKirk**, a property owner in Juneau for 52 years, shared that he is upset about the continued increase in the Mill Rate. Stop the continued increase in taxes on property owners as it affects not only the property owners but also everyone who rents since that affects the cost of rentals. He highlighted that the city is talking about a USCG icebreaker coming to town with about 100 families. He suggested lessening taxes and increasing the incentive for people to live here.

**Sharyn Augustine**, a valley resident, testifying on the mill rate Ordinance 2024-03, said page 103 of the Assembly’s budget explains that the school district budget is approved by the school board and then submitted to the Mayor and Assembly for adoption; the only action other than adoption is to establish the amount of support to the school district. She pointed to the Anchorage School District (ASD), which has 45,000 students and 90 schools, and said their deficit this year is almost \$100 million. The ASD announced plans to close several schools as it has 6,000 less students than it did in 2010. The district’s Chief Operating Officer said they will take six months to engage the community, and that school closures will occur over a three-year period. She stressed that ASD’s focus is on community involvement and student wellness. She said the city of Anchorage plans to increase its mill rate and the people are not revolting because they are being heard.

**Sharyn Augustine**, a valley resident, testifying on the school board Ordinance 2024-02 and school board decisions. She recalled that the district budget started as a \$9.5 million deficit, but after several huge decisions like moving of money, assistance from the CBJ, and a discovery of funds all put the district in the black; with an increase in the Base Student Allocation (BSA) as well, there is a surplus. All that panic was for nothing, yet this magical discovery of funds is being accepted and everyone is moving on. She stressed that dragging out teacher layoff notices, which caused many teachers to resign, and the hiring freeze added a \$3 million budget bump. She asked why the quick consolidation is not being evaluated now that there is a budget surplus. Mr. Smith asked Ms. Augustine where she got the information that there is going to be a BSA increase. Ms. Augustine shared her understanding that a one-time BSA increase was approved. Mr. Smith said his understanding is that increase is in the state budget, but the state budget hasn’t passed yet.

**Heather Marlow**, a Auke Bay resident, pointed to page 66 of the meeting packet regarding general sales tax and Title 49 rewrite. She said her first request is that the \$3 million in funding be eliminated or reduced to \$300,000. Her second request is on page 68 regarding the Archipelago Museum, and that the project be renamed to “City Museum replacement.” She said the waterfront location concerns her because it is a congestion area. She suggested the city look at the Zach Gordon vicinity, Telephone Hill

or Whale Park. Her third request is on unscheduled funding on page 70 and that the \$55 million for Dock electrification transformers be put toward retirement of 16b debt.

### **Assembly Action**

**MOTION** by Mr. Bryson to refer Ordinance 2024-03 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

**MOTION** by Ms. Adkison to refer Ordinance 2024-01 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

**MOTION** by Mr. Kelly for the Assembly to hold a charter required public hearing for Ordinance 2024-02, followed by a motion to set the minimum local funding to be provided to the school district, and then referral back to the Assembly Finance Committee for additional review and asked for unanimous consent.

Acting Mayor Hale noted that we just held the charter-required public hearing on that ordinance.

Ms. Woll objected and asked for an explanation regarding the motion. She asked what this motion would do as it was proposed by Mr. Kelly. Manager Koester explained that the city is required to state the amount of minimum local funding, which in this ordinance is \$34,432,000. Acting Mayor Hale noted that the Assembly may increase that amount of funding at a later point but this amount is the minimum amount of funding. With that clarification of the motion and the minimum amount set as \$34,432,000 Ms. Woll removed her objection. *Hearing no further objection, the motion passed by unanimous consent.*

**MOTION** by Mr. Smith to refer Resolution 3052 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

*The Assembly took a break at 8:02 pm and returned at 8:12 pm.*

### **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.**

### **Public Comment**

Deputy Clerk Cathcart noted that Eaglecrest Board Chair Michael Satre was online and available for questions if needed.

*The Assembly took a brief at ease at 8:13 pm.*

**Brock Tabor**, a downtown resident, disclosed that he is an employee of Juneau Ski Club. He applauded the city for establishing a tourism office but has issue with some of the language in the ordinance that mentions Eaglecrest. It is a matter of specialist vs. generalist. He encouraged the assembly to consider the language that the Eaglecrest Board has submitted to the Assembly. The board is akin to a technical working group that understands the intricacies of running a ski area. He said that having many of those duties passed down to the tourism office diminishes the board's value, and that the board is better



situated for addressing technical issues that come up. He stated that, while he recognizes the challenges of change, he does not think change is warranted in this case.

**Karla Hart**, a Back Loop resident, commented that she is not happy with the proposal. She highlighted whereas statements where Parks & Rec, Eaglecrest, and Docks & Harbors (D&H) are all called out individually; each board has an advisory board of citizens that the Assembly selects, and those members have a good interface and ability to have a more in-depth involvement. Yet there's no advisory board, no requirement for transparency, nor public involvement in the ordinance. She said an example is the tourism manager negotiating with the cruise industry about daily caps for cruise ships without knowing what the community's target is. In Ketchikan, there was a recorded public meeting between the city council and cruise industry executives that was transparent and powerful for the Assembly as well as the public. She stressed that this behind-the-scenes negotiating and giving one person so much power is not a benefit when clear policy hasn't been outlined. She said the tourism manager is filtering what information the Assembly receives, as she is saying visitation in 2024 should be same as 2023, but Ms. Hart's own calculations suggest 73,000 more visitors if Juneau has typical occupancy from ships over 250 passengers. This wouldn't be a big deal if Juneau had 100,000 visitors, but when the town has 1.6 million visitors, 4% is a lot. She urged the Assembly to work among themselves to give good public policy so they can hire a professional.

**Gary Gillette**, a North Douglas resident, shared that he retired four years ago after 29 years with CBJ. He explained that the D&H board was created many years ago by the Assembly for the purpose of planning, designing, constructing, managing, and maintaining D&H facilities. The citizen board is vetted, interviewed, and appointed by the Assembly. He said the board and staff all these years have had an exceptional tenure of providing harbors and cruise ship dock facilities. In about 2015, the board requested to have an engineer on its staff for developing their capital improvement projects (CIP) and the Assembly approved the request. He relayed that, since that time, D&H successfully completed \$250 million to \$300 million of capital improvements. All of the projects have come in on time, on budget, and without litigation. He explained that the proposed ordinance changes are not overly clear relative to authority and roles between the board, staff, the city manager and the tourism manager, which may lead to confusion in future projects. He said it appears the city manager decides who leads the project, if it's the board then it's a D&H engineer, and if it's the tourism manager then it's engineering, or the city manager might decide should be jointly managed, which could lead to more confusion. Transferring this responsibility out of D&H is a step backwards. He said the ordinance would reduce control by the Assembly.

**Taylor Beard**, a valley resident, said she is representing Juneau Ski Club and that the club's board of directors would like to convey their thoughts regarding the ordinance. They concur with the Eaglecrest board of directors, in that the ski area should be removed entirely from the ordinance. She pointed out that the only likely overlap between the ski area and cruise ship dock is funding, as the differences are drastic. It is premature to take governance of Eaglecrest away from a group of people with ski area expertise appointed by the Assembly, and give it to someone who may or may not be skillful in the daily needs of the area. She explained that the ordinance directs department directors or designees to take direction from the tourism office when a project change in operation, change in policy, or similar action would likely alter or impact tourism management. She expressed concerns regarding practicalities and possible impacts to safety related decisions. For example, shutting down the gondola due to high winds is a safety-related decision that alters tourism. She stated that for the ordinance to work well, CBJ would need a tourism manager with prior experience also running a ski resort and a cruise ship dock, a doubtful combination. She relayed that, if the Assembly cannot remove Eaglecrest from the ordinance, the club would urge them to include amendments as outlined and proposed by the Eaglecrest board of directors.

### **Assembly Action**

**MOTION** by 'Wáahlaal Gídaag to adopt Ordinance 2024-04 and asked for unanimous consent.

Ms. Woll objected for the purpose of an amendment.

### **AMENDMENT 1**

Ms. Woll referred to her amendment on page 74 of the meeting packet and noted that in addition to the text in that amendment, she also would include a change of language wherever it says "Tourism Manager" to change it to "Visitor Industry Director" and asked for unanimous consent.

Ms. Woll explained that she was asked by staff to do make that title change since she was already making an amendment. She said her understanding is that the title, Visitor Industry Director, is more well known as a title in the sector.

Mr. Smith objected for the purpose of a question. He asked if there are any practical impacts of changing a position from a manager to a director. Manager Koester said the change was brought forward in an effort to align the title of the position with the duties and responsibilities the position has in the manager's office. Also, Visitor Industry is the preferred term versus tourism, as the tourism manager is in a negotiating environment where titles matter. She noted that there is no change in pay or status with the title change. Mr. Smith removed his objection. *Hearing no further objection, Amendment 1 passed by unanimous consent.*

*Hearing no objections, Ordinance 2024-04, as amended, passed by unanimous consent.*

**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.**

**Public Comment**

**Annette Smith**, a South Douglas resident, asked members to remove and revise the changes that are proposed to 85.02.60, General Powers, subsection 1. She explained that the change removes the words "port" as well as "and", which effectively makes the D&H board just the Harbor Board. It removes operation, development, and marketing from the board. Language added directs that the board shall be responsible for the day-to-day operation and maintenance of the municipal cruise ship docks, but not for rate setting. These changes are contradictory, as one sentence removes the operation and development of the docks, but the next says the city is sort of returning it. She surmised that the city is trying to make it clear that the D&H board is responsible for maintenance, upgrades, and developments of the docks, but not marketing, scheduling, nor policy setting on issues that affect the tourism industry. She suggested that the paragraph read: "be responsible for the operation and development of municipally owned and operated ports and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities, except as designed by Assembly resolution." Also delete the rest of the changes. She said this change will make it clear that the D&H board is responsible for the operation and development of the docks but not marketing or policy involving the cruise industry. She further suggested that the D&H board be the body to set the base rate for dock usage, and will work with the tourism manager and Assembly to apply increases. Mr. Smith thanked Ms. Smith for her service on the D&H board and asked if these are her own personal requests and not requests from the board. Ms.

Smith said that is correct, these are her personal comments. She noted that while she is on the board now, she was also on the board in the 1980's, so she has followed what the board does for a long time.

**Debroah Hart**, a South Douglas resident, said that she is in the second year of her three year term on the D&H board. She read from the letter the D&H board recommended be sent to members. "The Docks & Harbors board has spent a multitude of meetings anticipating how the proposed changes to Title 85 may affect Juneau's port and harbors. The Docks & Harbors board is charged, under your appointment, to represent the Juneau boating and waterfront users. In short, we reject these proposed changes as not being in the best interest of the City and Borough of Juneau." She stated that this is how the entire board feels, and urged members to take a pause. She said that, while the Assembly intentions are good, she thinks they are rushing to change some administrative language that is going to have negative unintended consequences. She said the board is providing the community with an opportunity to come face to face and discuss waterfront issues while serving at the will of the Assembly. She stated that D&H wants to participate and wants to see the Assembly has a successful outcome. Ms. Woll asked for an example of one of the unintended consequences that the board discussed. Ms. Hart relayed that the board produced 4 pages of inconsistencies and are writing letters to the Assembly to try to better understand the intention of Title 85. She pointed out that the changes removes D&H responsibilities for cruise ship docks but also requires them to maintain the small cruise harbors, a direct inconsistency. She strongly recommended the proposal be tabled and further reviewed.

**Mark Ridgeway**, a Twin Lakes resident, said that he has chaired the D&H Operations Committee for the last several years. He pointed to earlier testimony regarding the extinguishment of 16b debt; there were 16 plus b iterations of the dock downtown, a massive planning effort. He said this is what the D&H board does. He stated that he does not think they have any confusion about what the Assembly is doing by renaming the Tourism Director, and he personally supports it, but he does not see the need of the second ordinance that amends Title 85. He offered his understanding that the Port Director does take direction for the Assembly, as does the entire board. The Port Director also takes direction from the City Manager. He urged that the Assembly does not need an ordinance change to enact what it is trying to get to. He suggested to go forward with changing the title of the Tourism Director, and pause on the second change. Ms. Woll asked about the amendment proposed, the board's discussion on it, and what his personal opinion is. Mr. Ridgeway responded that the details of what it means right now are so unclear to them that they do not know their level of involvement in any waterfront planning. He said he does not want to set Ms. Pierce up for more than she can handle. If the Assembly is going to put small cruise ship basin planning on her work list, that is a lot of work and he is unsure whether she is adequately set-up to do that. He said this was on the board's agenda last week as a discussion item but no action was taken, so the board didn't send a full opinion to the Assembly. He said the board is confused, and suggested that, if something is not broke, don't fix it, and the board works. Mr. Smith asked if the board will be able to clear up the confusion, or if the ordinance is fatally flawed. Mr. Ridgeway said it is a challenge it doesn't need. People have worked years to develop projects to adequately address what the boards duties are in Title 85, but now the proposal to do no planning downtown adds to the confusion.

**Gary Gillette**, a North Douglas resident, said that transferring planning, design, and construction out of D&H is a step backwards, since D&H has years of experience in project delivery. He stated that the ordinance reduces control. He explained that, currently, D&H and Engineering follow the same CBJ procurement rules; D&H has to have projects approved by the Assembly any time it's over \$100,000, and the Engineering department doesn't have to have approval until it's over a million dollars, so this is a 10 times reduction in control over the purse strings. He said D&H has a long, well-established relationship with the cruise industry, especially in development of capital projects. He recommended not removing D&H from providing development services for cruise ship related improvements. He stressed that the D&H board and staff has more than adequate experience in capital projects and that the Assembly has more than adequate control over their projects.

### **Assembly Action**

**MOTION** by Mr. Smith to adopt Ordinance. 2024-10 and asked for unanimous consent.

Ms. Woll objected for purposes of an amendment.

**AMENDMENT 1** by Ms. Woll to amend Ordinance 2024-10 as follows to clarify that Docks and Harbors would still share waterfront planning responsibilities with the Tourism Manager and the City Manager can decide who leads a project:

1. Amend Section 3 as follows:

**“Section 3. Amendment of Section. CBJC 85.02.065 is amended to read:**

**85.02.065 Long-Range Port Development and Capital Improvement Project Coordination.**

**Limitation on Authority.**

The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only after consultation with the manager as authorized in advance by the assembly by ordinance or resolution. The manager may assign the tourism manager as the client department or as a co-project manager for any project with a substantial relationship to cruise-ship originating tourism.

Legal reference – CBJC 03.15.060(d).”

Ms. Woll explained that the change came in response to the D&H letter they sent. This section was originally proposed to be completely removed, which led to confusion about who was doing what in regards to port development or capital improvement plans. She said her hope is that this language provides more clarity on that.

Ms. Adkison objected for the purposes of a question. She said the original language in the code is confusing. She asked Manager Koester if this is just a clarification of what she had intended already, or if it is a change from her original intent. Manager Koester answered that the original language didn't clarify that long range planning would be in consultation with the D&H board. She said that the sponsor wants to ensure that D&H board consultation is in code so it is clear for future manager offices.

Mr. Smith asked what the term “client department” means and how that would function within the city. Manager Koester said it's an important distinction from a project manager. She explained that the client department is the entity that they are trying to please, like when CBJ Engineering has projects with Parks & Recreation. CBJ Engineering is the project manager and Parks & Recreation is the client department. The client department knows the goals for the constituency. The project manager is in charge of bringing a project in on budget and on time with the goals of the client department. In this instance, it's not saying that the tourism manager would manage a project, but that the policy goals of the visitor industry and the Assembly's community goals are taken into account be taken into consideration in the development of a project. Mr. Smith sought confirmation regarding the language on lines 15 through 17 and whether it means the manager could not assign the tourism manager as a client department or co-project manager if it is a project that has substantial relation to non-cruise ship originating tourism, and would only do it for cruise ship originating tourism. Manager Koester answered yes.

***There being no further objection, Amendment 1 was adopted by unanimous consent.***

***Acting Mayor Hale asked if there were any objection to adoption of Ordinance 2024-10 as amended.***

Mr. Bryson objected to the motion for the purposes of a question. He asked Manager Koester if this is a segway into taking authority away from the boards. Manager Koester responded that the visitor industry director is one person, and the Office of Tourism Management is an office of one. She explained that the relationship between the Visitor Industry Director and D&H should look like it does now, but with more collaboration. The intention is that, if there's a waterfront planning project or if there is a dock expansion project, the visitor industry director has a seat at the table for the decisions of that project, has a voice in the decisions, and is able to channel the broader tourism goals of the Assembly. There's no ability with the office as it is currently staffed to do project management, but there should be collaboration and

consultation with the Visitor Industry Director for cruise ship tourism related projects. Mr. Bryson removed his objection.

**AMENDMENT #2** by Ms. Woll to change all places in the ordinance that have the words “Tourism Manager” be changed to “Visitor Industry Director” and asked for unanimous consent.

Ms. Woll asked City Attorney Plamer if the motion language was acceptable. Mr. Palmer answered yes. ***Hearing no objection, Amendment 2 was adopted by unanimous consent.***

Ms. Woll removed her objection to adoption of the ordinance.

Mr. Smith commented that he hears and appreciates the comments by members of the D&H board. He said he is optimistic that the board, Mr. Uchytel, the City Manager, and the Visitor Industry Director can make some clarity. Whale watching, for example, may be something hard for D&H to limit alone, but the Assembly may wish to. He thanked the members of the city’s boards for their service.

Acting Mayor Hale commented that she agrees with Mr. Smith and shared that, from the perspective of being on the Assembly, it’s been frustrating. The Assembly takes the heat for all decisions that the city makes about cruise ship tourism. The D&H board and staff make decisions on an ongoing basis, and it’s not that they’re paying attention to the consequences of those decisions, it’s just that the heat doesn’t go there, it comes to the Assembly. She stated that she has felt, after all the ship scheduling and whale watching, that the Assembly has not had the level of control that it has needed to have. She said the Assembly should try this proposal and then make changes in a year or two if they need to.

***Hearing no further objection, Ordinance 2024-10, as amended, was adopted by unanimous consent.***

**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.**

**Public Comment**

None

**Assembly Action**

**MOTION** by Ms. Woll to adopt Ordinance 2024-15 and asked for unanimous consent. ***Hearing no objection, Ordinance 2024-15 passed by unanimous consent.***

**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.**

**Public Comment**

None

**Assembly Action**

**MOTION** by Mr. Bryson to adopt Ordinance 2024-16 and asked for unanimous consent. *Hearing no objection, Ordinance 2024-16 passed by unanimous consent.*

**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.**

**Public Comment**

None

**Assembly Action**

**MOTION** by Ms. Adkison to adopt Ordinance 2023-14(b)(S) and asked for unanimous consent.

Ms. Woll objected for the purposes of a question. During the budget process, staff provided members with ongoing assessments of the city's fund balance and what was anticipated to be at the end of the fiscal year if they approve the manager's budget. She asked if this amount is included in those estimates, or if this would reduce the general fund estimate. Manager Koester answered that the proposal would draw down fund balance. Presentations by Ms. Flick and the manager's office to the Assembly Finance Committee did note this withdrawal. *Ms. Woll removed her objection.*

*Hearing no further objection, Ordinance 2023-14(b)(S) passed by unanimous consent.*

**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.**

**Public Comment**

None

**Assembly Action**

**MOTION** by Mr. Kelly to adopt Ordinance 2023-14(b)(AF) and asked for unanimous consent. *Hearing no objection, Ordinance 2023-14(b)(AF) passed by unanimous consent.*

*The Assembly took a break from 9:14pm and returned at 9:26pm.*

**N. UNFINISHED BUSINESS**

*None.*

**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.**

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Mr. Smith to approve Regulation 07 CBJAC 10 Airport Rates and Fees Amended by unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

## **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.**

### **Public Comment**

None

### **Assembly Action**

**MOTION** by 'Wáahlaal Gídaag to approve Regulation 11 CBJAC Noncommercial Use Permits by unanimous consent.

Mr. Smith objected for the purposes of a comment. He said he does not want to create an undue burden for first amendment groups, and that there are some areas in the Ordinance that could possibly be problematic for that; that being the insurance and application requirements. He asked why there are so many names needed in the application process.

Parks & Recreation Director George Schaaf explained that the description of applicant information is drawn from the existing regulations the city has for commercial use of parks and trails. For most people applying for a permit, it will just be the name of the individual. The other details are geared towards larger, non-commercial events. Mr. Smith sought confirmation that he and Parks & Recreation staff are not going to be looking through the corporation database to make sure every member of an LLC has signed up, and deny the permit if they hadn't. Mr. Schaaf said they would not be doing that.

Ms. Woll said she is curious if the Systemic Racism Review Committee (SRRRC) would have looked at this proposal, and whether there was an ordinance that came before the regulation. She also asked if there was the same level of detail in the ordinance versus regulations. Deputy Manager Barr recalled that the SRRRC did review Ordinance 2024-07 in February. Regarding the level of detail, the ordinance was five pages in the SRRRC packet. Ms. Woll inquired if the ordinance include the same specifications that the regulation includes. Mr. Schaaf answered no, the regulations provide the details of how they would go about issuing the permit, the ordinance is what requires the permit. Ms. Woll asked if the SRRRC had a substantive conversation on this. Mr. Barr answered no, he does not recall the SRRRC having such a conversation about the ordinance.

Mr. Smith shared that another concern of his is ensuring the city is setting up a process that can actually work. Mr. Schaaf answered that, during the crafting of this regulation, a core value is trying to streamline and simplify processes, so they are trying to make all the permanent applications as quick to turn around as they can. In the regulations, they carved out first amendment activities and provided a more rapid turnaround of 72 hours/3 business days to get an answer out. He said it may be a little bit challenged if it's an extremely large first amendment event with thousands of people. He said they checked with all of their staff and he believes they can meet the deadlines in the regulations without trouble. He stated that they would prioritize clearing first amendment activities to meet the timeline. Mr. Smith stressed that he has concerns about the regulation, but much trust in Mr. Schaaf and the city. He asked Mr. Schaaf, should the ordinance pass, if he would come back to the Assembly in the fall and provide an update about appeals, denials, approvals, or just issues he has seen or heard. Mr. Schaaf answered yes as that information is easy to compile and he can bring it back to the Assembly anytime it wishes. Mr. Smith



removed his objection. **Hearing no further objection, Regulation 11 CBJAC 04 Noncommercial Use Permits passed by unanimous consent.**

*The Assembly took a break from 9:39pm to 9:42pm*

**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.**

**Public Comment**

**Mel Izard**, a valley resident, said she is testifying in support of Resolution 3061. She encouraged members to vote yes, as this is not just a symbolic move to stand up for what is right, but also a step toward taking action at the State and Federal levels. She said U.S. tax dollars are being used to perpetrate mass killings of thousands of civilians, and U.S. cities have a duty to speak up against these crimes. She stated that, if she does not use her platform to denounce the cruelties going on in Gaza, she is doing nothing to stop it. She asked members to use their platforms and vote yes on the resolution.

**Mike Justa**, a downtown resident, testified in support of Resolution 3061. He concurred with the testimony before him. He said this topic resonates with him as a member of the Jewish community and as an educator. He pointed out that it is almost the end of Passover holiday, a fitting time to consider this resolution, as the holiday celebrates the lifting of oppression. He urged members to unanimously vote yes on the resolution.

**Mary Pagussaq Aparezuk**, a downtown resident, said that she is in support of Resolution 3061. She highlighted that the U.S. spends \$3.8 billion in foreign military financing and missile defense every year. She stated that the \$3.8 billion military aid package created in 2016 was the largest pledge of bilateral military assistance in U.S. history. The federal administration is asking that taxpayers pay more with an emergency package of \$26.38 billion in additional support to Israel, and \$4 billion for their defense systems; but the tragedy paid by Palestinian lives will echo for generations. As a native Alaskan, she has seen that echo in her family. She urged members to vote yes.

**Phil Mosher**, a valley resident, testified in support of Resolution 3061. He stressed that, in the last month, the Alaska delegation voted to send \$26 billion to Israel after atrocities were discovered. He acknowledged that many in Juneau are asking "why is this a local issue," and said it is something students across the US are asking right now as their universities are profiting; those same students are being suspended and targeted for violence because they asked their universities to not profit from Palestinian death. He said they are asking the Assembly to be curious, moral, and to pull the levers at their disposal.

**Zara Kahn**, a west Juneau resident, stated that Israel's disregard for international law is compounded by the failures of its allies to stop the bloodshed in Gaza. She stressed that, in addition to the \$4 billion every year, another \$17 billion was added last month, and \$26 billion was approved by the U.S. House of Representatives last week. She highlighted that students are rising up against this, but they are being cracked down on in response.

**Sonia Kumar**, a Auke Bay resident, said this is her fourth time testifying as she urged members to bring a ceasefire resolution to the Assembly. She now urges members to support Resolution 3061. She broke down what the recent \$26 billion in aid to Israel went to, and said that, by passing the resolution, the city is telling the government that they want the conflict to end and that it does not support genocide.

**K.J. Metcalf**, a North Douglas resident, shared that he is a member of Veterans for Peace, he informed members that he forwarded an article the organization wrote for the paper. He said members have an obligation to speak. He urged that a ceasefire be part of the resolution, as without one, there may not be a very good negotiated peace. He shared that a student from Gaza lived with his family for a year, and that the student is now a medical student at a refugee camp, which is in bad shape.

**George Partlow**, a Douglas resident, thanked the members for their service. He shared that he is a longtime resident and has many adult children. He asked that, on behalf of his children, the Assembly consider Resolution 3061. There is no fiscal note attached to the resolution. He stated that it is easy to state, “stop the violence, stop supplying the weapons, ceasefire now.” He urged members to support the resolution.

**Noah Hutchinson**, a valley resident, stated his support for Resolution 3061. He shared that he is Jewish and that his support is not in spite of his heritage but specifically because of it. He stressed that he has been to Israel and has seen the apartheid regime. A ceasefire alone is not enough and should be the first step towards a complete divestment from Israel. He urged members to move swiftly on the resolution.

**Harper Gunn**, a downtown resident, highlighted that supporters have been working with the Assembly since February to get a resolution passed. She stressed that the resolution is about what Juneau’s values are as a community and about standing up for humanity. To vote against it is to stand with genocide. She urged members to vote yes.

**Charles Rohrbacher**, a Douglas resident, explained that the deaths in the Gaza siege are unjustified under international law, as well as under acceptable moral, ethical, and religious principles. Even in a war of self-defense, it is important that warring parties protect the civilian population from harm. He said the death of women and children in Gaza is a total disregard for civilian immunity. He urged members to pass the resolution.

**Tony Tengs**, a downtown resident, said he wishes the Assembly would insert the word “ceasefire” in the resolution. He highlighted Ralph Nader’s comments saying that an accounting of the death toll is needed. He asked members to support the resolution, and add the word “ceasefire” into it.

**Richard Callahan**, a West Juneau resident, stated that humans are being killed as he speaks tonight as a result of policy decisions. He said that Mike Gravel stated this in 1971 when he released the Pentagon Papers on the U.S. Senate floor. He asked where the high-level leadership went as state contracts require support for Israel, and that the Alaska delegation all voted for policy that supports Israel. He shared a story about a baby whose mother was killed in Gaza.

**Charles Dunker**, a downtown resident, shared that he is a member of Veterans for Peace, an organization which has recently compiled a list of likely international and U.S. laws that are being violated from supporting the disproportionate response to Hamas’ attack on October 7. He said he supports the resolution. He said that, for friends of Israel, a friend intervenes when a friend goes off the rails.

**Riley Moser**, a valley resident, relayed the number of Palestinian children killed and injured by Israeli forces supplied by the U.S. He listed the names of the deceased children who were identified. He encouraged members to pass the resolution.

**Charlene Zanoria**, a Lemon Creek resident, testified that students across the U.S. have been protesting for a permanent ceasefire in Gaza. As a university student herself on Áak’w Kwáan territory, with its own history of occupation, she is speaking in support of Resolution 3061.

**Miranda Worl**, a downtown resident, asked members to support Resolution 3061 as Alaska Natives have experienced similar displacement, colonialization and bombardment of villages in Southeast Alaska, and still live with the intergenerational traumas. She said this is an opportunity to show the strength of the community by speaking out against a human rights tragedy.

**Tristan Douville**, a Lemon Creek resident, said that he is in support of passing a resolution in support of a bilateral peace agreement. He highlighted indigenous testifiers who showed up in support of this resolution.

**Nicole Church**, a Douglas resident, stated her support for Resolution 3061, calling for a bilateral peace agreement in Israel and Palestine. She said that, though it is not a local issue, there is a growing movement of U.S. cities that have passed ceasefire resolutions to show solidarity for Palestinians who are suffering. She said that this genocide did not begin October 7 as Palestinians have already been

suffering under Israeli occupation for four decades. She stressed that her Tlingit ancestors survived an attempted genocide, with her grandmother having been put in a boarding school where she couldn't speak her language. She said that the resolution, if passed, can boost morale and restore hope. She asked members to vote yes.

**Poppy McBride**, a Auke Bay resident, shared that she is a student at UAS, and that many of her peers across the nation are being harmed for speaking out. She said she supports Resolution 3061. She highlighted that the rising death toll has surpassed the population of Juneau.

**Luke Cavello**, a Auke Bay resident, testified in support of Resolution 3061. He urged members to vote yes unanimously.

**Susan Clark**, a downtown resident, shared that she is a 56-year resident of Juneau. She said her daughter asked her what good testifying would do, as all of what is happening is over there. She explained that there is a growing number of people in universities speaking up across the U.S. with it beginning at UAS last month. The rallies and gatherings are for education, awareness, human rights, and attention to the issues. She recalled that the youth stood up in the 60s during the Vietnam war, and the youth are speaking up now. Mr. Smith asked Ms. Clark if the Assembly should speak to all the humanitarian calamities that are happening in the world, like Yemen, Sudan, etc. Ms. Clark answered that, as individuals, people should be speaking and sharing. She recalled that she was in the West Bank in 1993 for a peace movement, and what she discovered was that there were millions dying in other places too. She stated that people need to speak against militarism everywhere in the world.

**Abby Letterman**, a downtown resident, said she wanted to add her voice in urging members to adopt the resolution. She highlighted that she has heard arguments asking what Juneau has to do with this matter, and said that these are the people's tax dollars being used to uphold genocide.

*The Assembly took a break at 10:35pm to 10:37pm*

### **Assembly Action**

**MOTION** by Mr. Kelly to refer Resolution 3061 to the Juneau Human Rights Commission.

Mr. Kelly explained that his intent with the resolution was to hear his constituents. He said that many have asked, why single out this conflict from the others in the world; this conflict matters a lot to his constituents. He recognizes that resolutions are how the Assembly speaks on behalf of the whole community. He shared that he reached out to community members with ties to Israel before writing the resolution, and that, because of their input, members do not see the word ceasefire in the resolution. His intent in seeking a ceasefire was to shift the discussion in a way that he feels would incorporate the views in the community. He said, now that the resolution is public, many of those who he consulted with at the beginning of the process have reached out with concern about how the resolution could divide the community. He asked if he could change his motion. Acting Mayor Hale agreed.

**MOTION** by Mr. Kelly to indefinitely postpone Resolution 3061.

Mr. Kelly said he remains open to the idea of a resolution that comes from a place of community consensus, but with the concerns that have been raised, he does not feel ready to move forward with the resolution.

Ms. Woll objected to the motion. She stated that she understands wanting input from the community, but when the Assembly puts something on the agenda to get public hearing and act, that's what the community expects. A lot of people testified tonight, so members owe them a decision to continue the conversation, if that is what the body wants. She said she is ready to vote in support of the resolution and is fine with sending it to committee but tabling indefinitely it and feels unresponsive to everyone who showed up.

*The Assembly took a brief at-ease at 10:41pm.*

Acting Mayor Hale informed members that there were some procedure issues that Mr. Palmer will be speaking to.

Mr. Palmer said there are two issues for the Assembly right now, one is on a motion to indefinitely postpone which is not debatable, so the core process would be to call the question; however, because that's really a subsidiary motion, there needs to be a motion to adopt on the table before that motion could be ripe.

Acting Mayor Hale informed Mr. Kelly that he has to move the resolution before he can move to indefinitely postpone it.

**MOTION** by Mr. Kelly to refer Resolution 3061 to the Human Resources Committee.

Ms. Hale objected to the motion. She said the Assembly has been tussling on this since February, and the Assembly has made clear statements about its intent. She thanked the public for their testimony. She explained that she does not support the resolution, nor moving it to the Human Resources Committee where more time will be spent getting people's hopes up. She stated that she does not think it's the right idea for the Assembly to be moving this resolution forward.

Mr. Bryson objected to the motion. He thanked Ms. Hale for her words and having the courage to speak up. It has been a very difficult topic for the Assembly and the Assembly members personally. He highlighted that the Assembly has had some experience commenting on international happenings before, and it was to the detriment of the Assembly. He noted that Hamas attacked Israel non-stop from 2001 to 2014. He said he does not think members would be able to come up with an appropriate changing thing that would benefit or how this moves Juneau forward.

Ms. Adkison objected to the motion. She thanked the members of the public for testifying today and said their work to raise community awareness is invaluable. She stated that she is objecting strictly from an Assembly point of view, as this is not the forum to be discussing these issues, nor is it in the Assembly's purview. It opens a can of worms that the Assembly isn't prepared for and it doesn't lie within their jurisdiction.

'Wáahlaal Gídaag said the resolution should have gone to a committee first. She stated that she is in support of the resolution going to committee to have the conversations, as many who deeply care about the issue testified tonight.

Mr. Smith objected to the motion to send it to committee. He pointed out that the Assembly is handicapped by not having 2 members, so getting to 5 votes is difficult. He feels that members owe all of the people who testified tonight a justification for the Assembly's action. He stated that they all want peace in the Middle East, and for people to stop dying in Gaza, but the Juneau Assembly should focus its time and energy on things it can make an actual impact on. He said he has concerns on the precedent this would set. He commented that there are humanitarian crises going on across the world, and the Assembly could spend its time, staff time, and energy of the community commenting on them all. He stressed they are not international experts, they are normal people that eat at the Rookery. He highlighted that there were several other topics on the agenda tonight that the Assembly needs staff to be focusing on. He said he will be voting against sending it to committee.

Ms. Woll said she understands when people don't want the Assembly to be spending all of its time talking about state, national, and international issues of importance; however, she does not think this is an issue of importance but one of the utmost importance. Local voices speaking up is the only thing that is going to change the trajectory of our Government's actions. She said that they have a responsibility to be responsive to the people who do come and testify to them. She said that while it looks like they do not have the number votes required to pass this, she is grateful for the opportunity to speak in favor of it.

**Roll Call Vote on Motion to refer Resolution 3061 to the Juneau Human Resources Committee**

**Yeas:** Mr. Kelly, 'Wáahlaal Gídaag, Ms. Woll

**Nays:** Mr. Bryson, Mr. Smith, Ms. Adkison, Chair Hale

***Motion failed to pass: 3 Yeas, 4 Nays***

**MOTION** by Mr. Smith to lay Resolution 3061 on the table

Mr. Smith clarified that the motion means, if passed, the resolution will be postponed indefinitely.

**Roll Call Vote on Motion to lay Resolution 3061 on the Table**

**Yeas:** Mr. Smith, Mr. Bryson, Ms. Adkison, Chair Hale

**Nays:** Ms. Woll, 'Wáahlaal Gídaag, Mr. Kelly

**Motion failed to pass: 4 Yeas, 3 Nays**

**MOTION** by Mr. Smith to call the question on the main motion to adopt Resolution 3061.

Mr. Palmer advised that the motion would be in order, and cautioned that the Assembly has 5 minutes left before extra action would need to be taken.

**Roll Call Vote on Motion to adopt Resolution 3061**

**Yeas:** Ms. Woll, Mr. Smith

**Nays:** Mr. Kelly, Ms. Adkison, 'Wáahlaal Gídaag, Mr. Bryson, Chair Hale

**Motion failed to pass: 2 Yeas, 5 Nays**

**MOTION** by Mr. Smith to extend the meeting until 11:15pm. *With no objection, the motion was adopted by unanimous consent.*

**P. STAFF REPORTS**

Manager Koester informed members that the May 6 Committee of the Whole meeting is planned to be at 5pm.

**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**

**Dale Lawson**, a valley resident, shared that he served CBJ for 25 years. He talked about his neighbor's 400 city complaints. He said that, if they could get Nate off his back, he can clean up the property.

**Bart Erickson**, a downtown resident, said that he has known the last speaker for over 20 years and has been to his property many times. He suggested, if the Assembly is looking to clean something up, to clean up the junkyard by the Lemon Creek Breeze-In. He said he thinks the city is misinformed about the property in question.

**Adam DiPietro**, a valley resident and a River Road resident, said his property overlooks the property. He stated that he wants to echo the statement by the SRRC last month on Ordinance 2024-14(b)(AE), in that, public funds used for this purpose may be better served for other projects. He said that properties, like the one by Costco, are not given the same scrutiny; this is because of the bureaucratic connections

of Mr. Titus. He stated that money from a recycling program should support the whole community, and that if the city really wants to help reduce greenhouse gas emissions, it should take a firm stance on recycling. He asked the Assembly to fund projects that benefit the whole community and not just a war amongst neighbors. Mr. Smith asked if Mr. DiPietro is aware of Mr. Titus's testimony several years ago asked the Assembly to not pursue legal action. Mr. DiPietro said he was not aware. Mr. Smith asked, if there are certain activities occurring in residential areas, like a recycling yard, should those different kinds of activities be able to occur in residential areas. Mr. DiPietro answer no, and said everybody has a right to private property within reason.

**Alica Denning**, a valley resident and a River Road resident, said she has been harassed by the people who are trying to get the property cleaned up. She said her son was yelled at by Mr. Titus. She said he has overstepped his boundaries, and yells at residents about keeping noise down at 9pm. She said the funding that was allocated could be better utilized in other aspects.

**MOTION** by Mr. Smith to extend the meeting until 11:30pm. *With no objection, the motion passed by unanimous consent.*

**MOTION** by Mr. Smith for the Assembly to go into executive session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the Municipal Attorney and asked for unanimous consent. *With no objection, the motion passed by unanimous consent.*

## **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**

There being no further business to come before the Assembly, the meeting was adjourned at 11:23p.m.

Signed: \_\_\_\_\_

Elizabeth J. McEwen,  
Municipal Clerk

Signed: \_\_\_\_\_

Michelle Hale,  
Acting Mayor