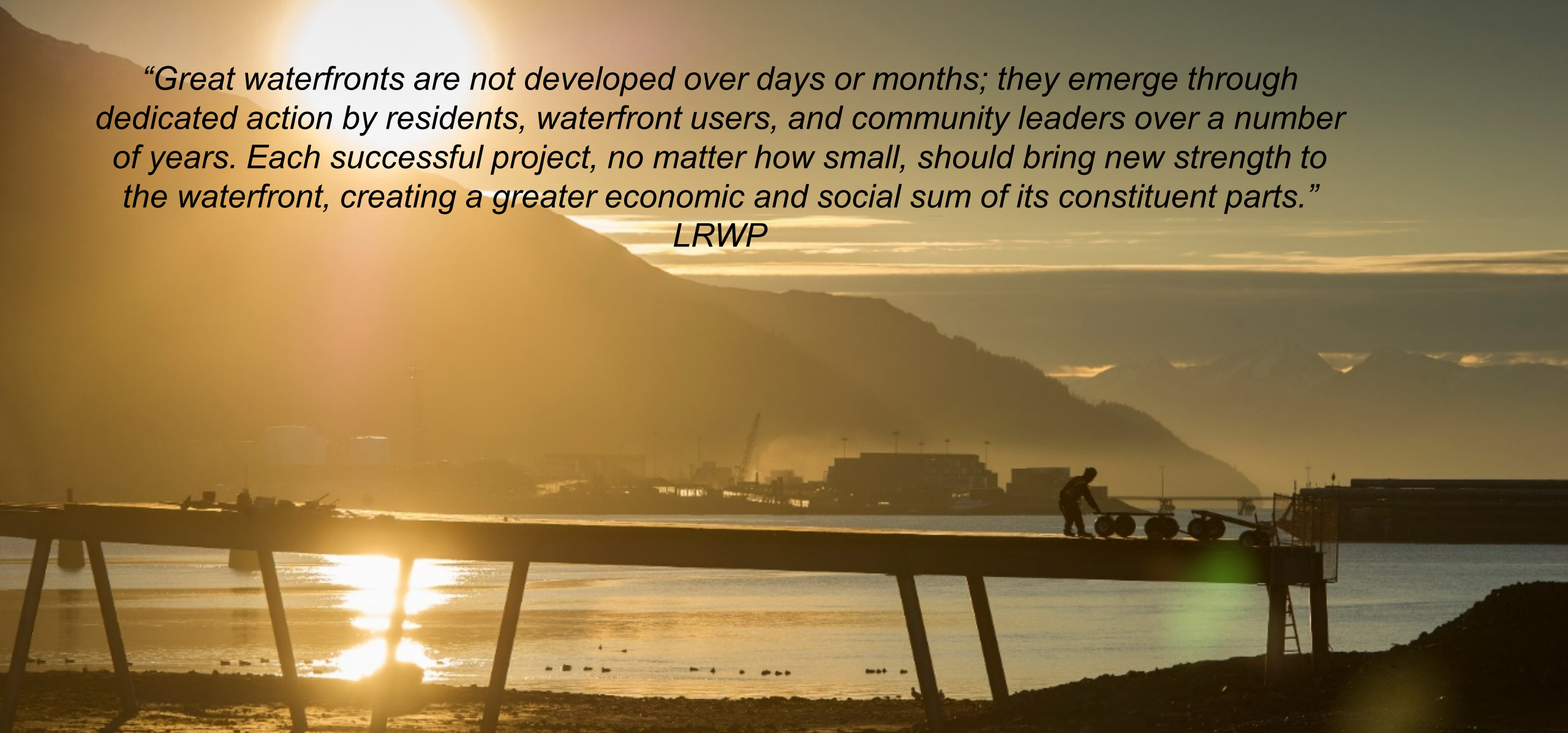


Long Range Waterfront Plan Amendment Update

“Great waterfronts are not developed over days or months; they emerge through dedicated action by residents, waterfront users, and community leaders over a number of years. Each successful project, no matter how small, should bring new strength to the waterfront, creating a greater economic and social sum of its constituent parts.”

LRWP



Purpose

- Receive an update on the proposed amendment to the Long Range Waterfront Plan
- Make a recommendation on Planning Commission review of the amendment

What is the LRWP?

An infrastructure plan and guidebook to manage and focus waterfront change along four overarching goals identified by the CBJ:

- Enhance community quality of life
- Strengthen tourism product offerings as well as downtown retail, entertainment, residential and service activities
- Improve Juneau's image and attractiveness for investment
- Recognize all current waterfront uses.



Area B: Support

- In 2004, Subport was owned by Alaska Mental Health Trust
- Future use options presented included a cruise ship terminal and a marina
- 2004 Recommendations
 - Mixed Use 2 zoning (rezoned to MU2 in 2011)
 - Marina development
 - Seawalk connection



Long Range Waterfront Plan Amendment Process

- Amendment criteria from the LRWP
 - Requires a public process
 - States that capacity of the port should not exceed five large ships (greater than 750 feet) at berth or at anchor
 - Should address a list of nine issues through design
 - Many of these issues would be evaluated through the Conditional Use Permit process for the uplands
- An amendment to the LRWP would be limited to the tidelands portion of the Subport property, uplands development would conform to current MU2 zoning and the LRWP

Visitor Industry Task Force (VITF) Process

Mayor charged committee with making recommendations on tourism management, updating the LRWP, restricting the number of visitors and collecting public opinion on tourism issues.

- Met between October 2019 and April 2020
- Public testimony meetings on January 11 and February 1, 2020
 - Received 43 spoken comments and 156 written comments
- Delivered final report to Assembly in April 2020

VITF Recommendations – Support Development and NCL dock proposal

VITF supports a Support dock if the following criteria are met:

1. One larger ship per day using one side of the facility
2. Maximum of five larger ships in port per day
3. No hot berthing at the new facility
4. No larger ships allowed to anchor as 6th ship in town
5. High quality uplands development for community and visitors
6. Year round development orientation
7. CBJ manages dock to some extent
8. Dock is electrified



VITF Recommendations – Collect Public Opinion

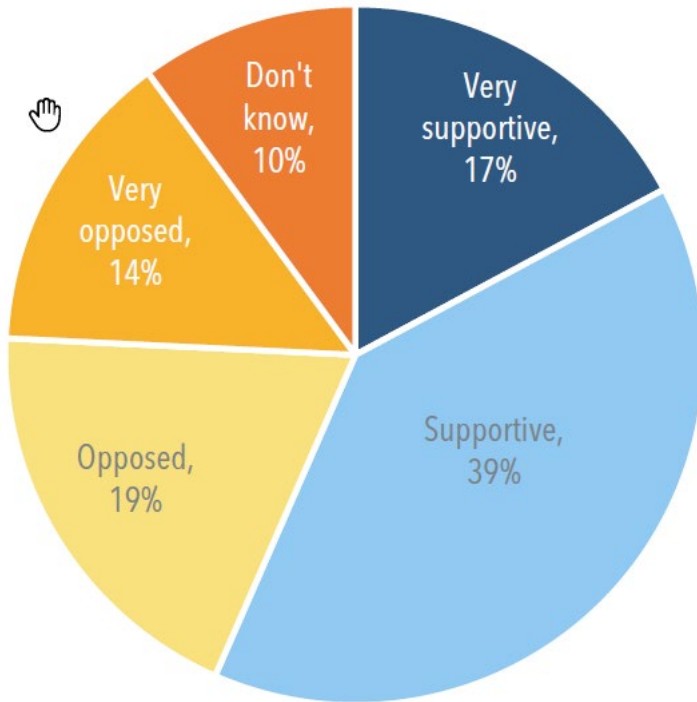
VITF recommended hiring a contractor to complete a public opinion survey. This data could be compared to similar surveys completed in 1995, 1998, 2002 and 2006.

- Random sample, statistically valid survey of 500 Juneau households
- Conducted by McKinley Research
- Asked residents about a range of tourism-related issues

- 2003 LRWP process also included a survey
- Self-selected, mail-in format
- Presented development alternatives for each planning area

2021 Tourism Survey - Subport

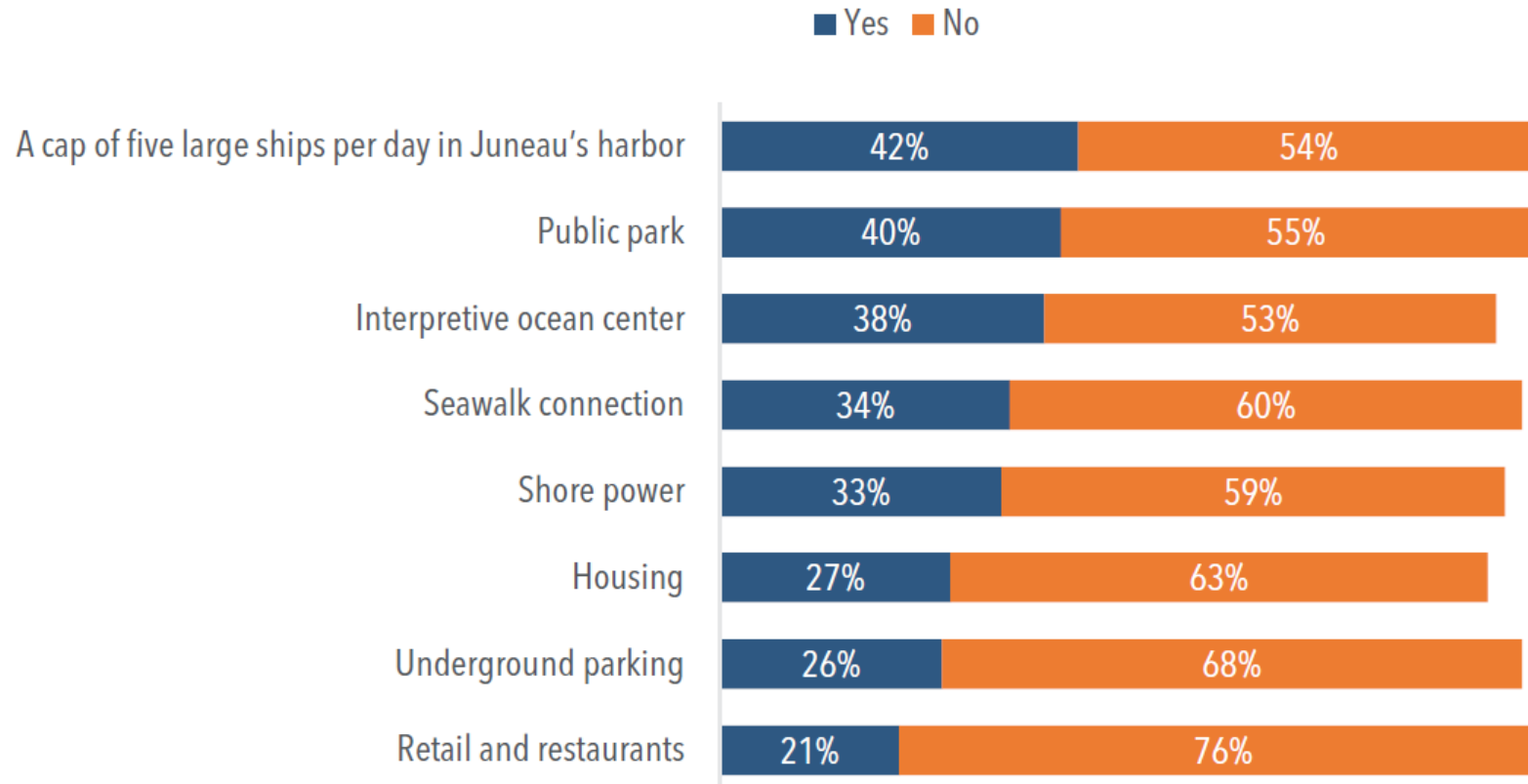
Are you very supportive, supportive, opposed, or very opposed to Norwegian Cruise Line constructing a new cruise ship dock at the subport?



- 56% of survey respondents supported constructing a new cruise ship dock at the subport
- 33% of respondents were opposed

2021 Tourism Survey - Subport

(If Opposed or Very Opposed) Would your level of support increase if the dock project incorporated any of the following elements?



Note: Rows do not add to 100% due to don't know responses.

LRWP Amendment Public Meeting

- CBJ staff held a public meeting on January 11 with 50 attendees
- Materials are available at juneau.org/tourism
- Staff has received about 30 comments to date
- Public comment deadline is January 31



Long Range Waterfront Plan Proposed Amendment

Page 47 will be revised to read as follows, with other minor supporting text edits throughout the document:

“On DATE, the CBJ Assembly voted to amend the tidelands portion of Area B (Figure 33, B2 and the tidelands area of B3) to allow for creation of a dock facility capable of accommodating one large cruise ship as well as docking facilities for U.S. Coast Guard and NOAA vessels. Criteria for this development are described in Appendix B. All other Area B recommendations and design criteria are retained under this amendment, including uplands development and park facilities.”



Long Range Waterfront Plan Proposed Amendment – Appendix B Criteria

- Proposals for subport development should be evaluated against the criteria stated by the VITF and the LRWP
 - Impacts to navigation, view planes, environment
 - Recommendations for uplands development
 - Advancing community goals including dock electrification and mitigating congestion



Next Steps

- **LRWP Amendment**
 - Public comment period - January 10 - 31
 - January 24 - Assembly Committee of the Whole
 - February 7 - Assembly Introduction
 - February 28 - Assembly Public Hearing

- **NCL Dock Permitting**
 - Conditional Use Permit: March/April Planning Commission Hearing
 - Assembly negotiation and decision on tidelands lease

Planning Commission Review

- Typically, the Planning Commission would review an update to an adopted plan
- Appendix B of the LRWP update is designed to inform the Conditional Use Permit evaluation
 - Commission reviews for conformity with adopted plans
 - Appendix B includes VITF and LRWP amendment criteria
- Recommended motion:
Remove the Planning Commission from the review process for the Long Range Waterfront Plan amendment to avoid creating a conflict with it's upcoming Conditional Use Permit review

Questions?

Public comments due January 31

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE**
Meeting Minutes – January 24, 2022

I. CALL TO ORDER

The Assembly Committee of the Whole Meeting, held virtually via Zoom, was called to order by Deputy Mayor Gladziszewski at 6:00p.m.

II. LAND ACKNOWLEDGMENT

Mayor Weldon acknowledged that the City and Borough of Juneau is on Tlingit land, and we 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!*

III. ROLL CALL

Assemblymembers Present: Maria Gladziszewski, Wade Bryson, Alicia Hughes-Skandijs, Greg Smith, Christine Woll, ‘Wáahlaal Gíidaak, Michelle Hale, Carole Triem, and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Port Director Carl Uchtyl, Tourism Manager Alix Pierce.

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. AGENDA TOPICS

A. North Douglas Rezone – Ordinance 2021-26(am)

Chair Gladziszewski introduced Systemic Racism Review Committee Chair Lisa Worl and Vice Chair Grace Lee to the meeting. She acknowledged that this was the first time the committee had identified a piece of legislation as potentially perpetuating systemic racism. She thanked Ms. Worl, Ms. Lee, and the SRRC as a whole for their efforts in the review process. She asked Ms. Worl if she might be able to provide a recap of the process and discussion that had occurred at the SRRC meeting with respect to this ordinance.

Ms. Worl explained the process the SRRC used for this and other legislation and gave an overview of the timing for their review of this ordinance. They used their Legislative Review Tool to determine if this ordinance had the potential of perpetuating systemic racism, which the committee found to be true. The SRRC then considered the impacted neighborhoods, and the ordinance’s potential to benefit a specific group at the detriment of another group.

Ms. Worl noted key concerns amongst the committee included a potential loss of housing due to the rezone, and especially if it removes any housing. She said they also questioned if the public comment process included enough input and if it came as a detriment to any particular groups, especially those groups that may have been lower income groups.

Ms. Lee provided a summary of the discussion at the SRRC meeting during the review of Ordinance 2021-26(am). She clarified that some committee members argued in support of the ordinance while others argued against it. Ultimately, the committee reached the conclusion that systemic racism had been built into the proposal. She also explained that the information provided to the committee described the intent behind the developer's proposal was to build boat condos. With that information, the SRRC decided to request that Ordinance 2021-26(am) be receive additional public input and context regarding the proposal.

Chair Gladziszewski turned the virtual gavel over to Mayor Weldon due to technical difficulties.

Mr. Bryson mentioned the original ordinance proposed rezoning this property as General Commercial, which would have allowed for fifty housing units per acre, the maximum density for housing. He said that he was in favor of this decision, and saw it as an opportunity to allow for increased affordable housing. He asked Ms. Worl to explain the committee's concerns with this ordinance, as it appears to adhere to the SRRC goals of achieving higher density housing.

Ms. Lee clarified that the SRRC was told that this proposal would be used to build shelters for boats, and that the development of higher density housing would not be likely.

Ms. Worl agreed with Ms. Lee's comment, and added that a rezone ordinance is not conditional and does not have a specific use identified; this allows for any allowed uses within the zoning to be eligible, and does not ensure that housing will be built. She also recalled there being no members of the public at the SRRC meeting to testify on the ordinance.

'Wáahlaal Gíidaak mentioned that the SRRC at one point expressed their intention to have a discussion with the developer in a joint meeting, and asked if that joint meeting was ever held.

Ms. Worl said that SRRC members, the Clerk's Office, and Deputy City Manager Robert Barr were all present at the meeting, but the developer did not attend. She clarified that the meeting was given sufficient public notice, however committee did not receive any public comment at the meeting.

Mr. Watt shared that he did not attend that meeting and the developer was traveling at the time, but Mr. Barr was present. He explained that zone changes are always a little tricky, as the Assembly's role is to determine if zoning is appropriate for a particular area. He added it is sometimes hard to remove the zoning process from the applicant and what they might proposing. In this case, the applicant asked for a more expensive zoning district, which could include higher density housing – but this would not be guaranteed. Mr. Watt advised the Assembly to avoid

predicting the developer's intent, and instead identify the zoning district that would be best suited to that neighborhood and the Assembly's goals for that portion of the community.

Ms. Hale said she would like to see a completed SRRC Review criteria form in the future as it would provide additional context. She also addressed the public notice aspects, specifically when there is a particular individual or applicant being reviewed by the committee.

Ms. Hughes-Skandijs asked Mr. Palmer if Conditional Use Permits could be forwarded to the SRRC for review. Mr. Palmer explained that would not occur, as Conditional Use Permits are not legislation and only legislation is forwarded to the SRRC.

Ms. Hughes-Skandijs thanked Ms. Worl and Ms. Lee for their work on the SRRC. She noted that the SRRC recommendation provided examples of ways to fix the ordinance, rather than to "kill" the ordinance entirely. Ms. Hughes-Skandijs asked them to explain what led to the decision to recommend more public comment, considering that this particular ordinance has received an unusually significant amount of public process thus far.

Ms. Worl explained that the committee's concern about the public process was due to the abutters' notice, which they found to be limited in scope. She clarified that the intent of the recommendation was to receive a broader input, rather than on this ordinance in particular.

Ms. Lee added that this was the first instance of the SRRC forwarding a recommendation related to legislation. She felt that recommending the Assembly to "kill" the ordinance would be a step too far, especially considering the committee primarily wanted to know the input of the community.

Ms. Woll mentioned that she was the Assembly Liaison to the SRRC; though she was unable to attend the meeting, she did review the recording and Mr. Barr's summarization. She said that it would be unreasonable for the committee to fill out the entire form, as it is meant to be used as a tool to guide their discussion. Ms. Woll felt that Mr. Barr's summary had captured the discussion at the meeting fairly well.

Ms. Hale informed the Assembly that the Community Development Department provided the information about this ordinance to the SRRC at their meeting, and recommended against this rezone. She questioned if it would benefit the committee for the Assembly to consider how information is presented at their meetings, and who is responsible for providing presentations.

Ms. Gladziszewski said that ways to engage the public have been a constant point of discussion over the years and even with all the various methods used: publication, abutters notices, signs, social media posts etc..., there always seems to be a lack of public comment and participation or engagement. She commented that if the Manager is going to summarize an hour long meeting, the SRRC needs to verify that is an accurate summary of the meeting and maybe having a formal motion taken and voted upon, similar to what is done with the Planning Commission and a

Notice of Recommendation forwarded from the committee, they don't have to rely on just the staff's interpretation of what the SRRC's action was.

Mr. Smith asked if the extensive amount of public process that has already been conducted would be sufficient for this ordinance. Ms. Worl noted that some meetings did not allow for public comment, and others only received public comment from two individuals. Ms. Worl noted that in just speaking for herself, she would suggest they also look at the language that is being used to convey the information to the public regarding what is happening. She said that if she received a postcard stating it was an abutters notice and that there was something being rezoned, she may not understand that as much as something that said there is a public process that a person may want to be involved with that may affect the development and density of housing and development occurring within their neighborhood and the ways they may be able to participate in that process.

Mr. Bryson noted that Mr. Arndt was attending tonight's meeting, and suggested allowing him to speak to the ordinance.

Mayor Weldon noted that Mr. Arndt has already addressed this topic a number of times, and she did not want to show preferential treatment by bringing him in to speak another time.

Additional discussion took place and Mayor Weldon expressed her appreciation to the SRRC for holding a special meeting to consider this ordinance, and she understood that it was a difficult task to complete within a one hour timeframe. She asked when they are working on an issue, if they are identifying problems if they could also provide recommendations for possible cures for the problems.

Ms. Worl said that in speaking only for herself, given the time they have and the tools they have, they can only speak to the ordinance. She said that as an individual who works with equity and education – you cannot isolate policy from the practices. Who is involved and who oversees housing? There isn't currently a housing committee so it makes sense that the Assembly is struggling with that.

Ms. Lee said, in speaking for herself, said she was not aware that they were expected to come up potential solutions to the review and recommendations. She said that would need more time and very likely a need to expand the scope of the committee's charge.

Mayor Weldon said she was under the impression that Step 4 was making recommendations.

Ms. Worl agreed with the notion that the review tool could use some changes, and mentioned that the tool was still under development when this ordinance was introduced to the Assembly. It does end with Step Four – recommend additional public input and that is likely one that they would have checked. In speaking to the limited timeframe and the way this was brought forward, it called into question the processes and that is an important part in how the SRRC might be looking at things in the future.

The committee took a recess at 6:59p.m. The meeting resumed at 7:04p.m.

MOTION by Ms. Woll for the Committee of the Whole to forward Ordinance 2021-26(am) to the full Assembly for public hearing and for a vote.

Ms. Woll spoke to her motion, saying that setting this for public hearing would address the SRRC's request for additional public input. She clarified that her passage of this motion does not necessarily mean that she supports the ordinance itself. Ms. Woll also expressed interest in inviting the SRRC back for a discussion regarding public process for meetings going forward.

Ms. Triem asked if the ordinance being forwarded to the Assembly was the same one that was previously amended by Mr. Jones. The Assembly confirmed that was correct.

Hearing no objections, the motion passed by unanimous consent.

Mayor Weldon thanked the members of the SRRC for attending and for their work and she asked if the SRRC could provide written information (other than minutes) in the future on how the committee reached their recommendation for inclusion in the Assembly packets.

B. Waterfront Plan Update – Tourism Manager Alexandra Pierce Presentation

Tourism Manager Alix Pierce gave a presentation detailing the proposed amendments/updates to the Long Range Waterfront Plan.

The LRWP is an infrastructure plan and guidebook to manage and focus waterfront change along four overarching goals identified by the CBJ:

- 1. Enhance community quality of life.*
- 2. Strengthen tourism product offerings as well as downtown retail, entertainment, residential and service activities.*
- 3. Improve Juneau's image and attractiveness for investment.*
- 4. Recognize all current waterfront uses.*

She noted that the LRWP was developed in 2004, with a 25 year planning horizon. The focus of the current proposed amendments are to Area B of the LRWP, specifically the tidelands portion of Area B. This was the only portion of the waterfront with vacant land that would be subject to potential development in the future. The public input during the time the plan was developed was strongly not in favor of a new cruise ship dock.

The LRWP Amendment criteria requires a public process, states that the capacity of the port should not exceed five large ships (greater than 750 feet) at berth or at anchor, and should address a list of nine issues through design.

An amendment to the LRWP would be limited to the tidelands portion of the Subport property, uplands development would conform to current MU2 zoning and the LRWP.

Ms. Pierce highlighted the following recommendations from the Visitor Industry Task Force:

- *One larger ship per day using one side of the facility.*
- *Maximum of five larger ships in port per day.*
- *No hot berthing at new facility.*
- *No larger ships allowed to anchor as 6th ship in town.*
- *High quality uplands development for community and visitors.*
- *Year round development orientation.*
- *CBJ manages dock to some extent.*
- *The dock is electrified.*

She also noted that in the recent survey, 56% of survey respondents supported constructing a new cruise ship dock at the subport with 33% of respondents were opposed.

She said that the proposed Appendix B update to the LRWP was designed to inform the Conditional Use Permit evaluation. The VITF recommended removing the Planning Commission from the review process for the Long Range Waterfront Plan amendment to avoid creating a conflict with its upcoming Conditional Use Permit review and staff concurs with that recommendation. She said that proposals for subport development should be evaluated against the criteria stated by the VITF and the LRWP.

Ms. Pierce noted that there had been a LRWP public comment meeting held January 11 and staff is currently taking public comment via email to until January 31. She then went on to explain the proposed amendment text, appendices, and the next steps. Mr. Watt explained that the above recommendation from staff to not have the Planning Commission review this amendment is not done lightly and that this is a good approach and was weighed in by Mr. Palmer, Ms. Maclean, Ms. Pierce, and Mr. Barr.

Ms. Hughes-Skandijs asked if staff could talk about the process and if they do not send it to the Planning Commission, under what circumstances where & when would they might otherwise refer it to Planning Commission normally.

Mr. Palmer explained that there is a big difference between what the Assembly as COW or as the Assembly is doing vs. the role of the Planning Commission. When the Assembly sits in a legislative or planning capacity, it does so as a policy setting body. That is very different from the role the Planning Commission takes on when it is weighing in on a CUP, which they would take from a neutral stance.

He said the other alternative would be to send the text amendment through the Planning Commission and the Planning Commission would have to advise that they could not consider it with respect to a particular parcel or project.

Mr. Smith noted that in Ms. Pierce's memo and in the LRWP, amendments of the plan should go through a similar process used in the development of the plan. He said that initial plan component would have included public comment and Planning Commission review of the plan and he asked how that may have been incorporated into this process.

Ms. Pierce said that process was accurate and that the public process that they have gone through with this included the work of the VITF. She said that with respect to the amendment to the LRWP, the Planning Commission would make a recommendation to the Assembly for approval or denial but the Planning Commission would not be the ultimate decision maker. She noted that modes of public engagement have changed a lot since 2004 and that this process is different for doing a rather surgical text amendment vs. how the full LRWP plan was developed in the first place. Coming up, there will be a lot of opportunity for public comment and public participation during the development of this amendment as well as any CUP that might go before the Planning Commission.

Additional discussion ensued with Mr. Smith stating that he thought the January 11 public meeting was very well done. He asked if there was any plan for capturing the summary of the questions and comments and for sending those out to the Assembly. Ms. Pierce said they could summarize the Q&A and the comments. She said that she will be providing copies of the public comments that are received when they submit the text amendment to the Assembly for consideration.

Wáahlaal Gíidaak asked Ms. Pierce to clarify that she was strictly talking about amending the LRWP for this one component and not talking about changing the CUP process before the Planning Commission.

Ms. Pierce clarified that this is a very early, preliminary step and is just the proposal to amend the LRWP. That would create more opportunities for development on the subport site regardless of who the developer is. She said it doesn't exempt the Planning Commission from not hearing anything down the road, rather, this allows for more tools being given to the Planning Commission when they do hear any CUP for development on the entire site. The next step is that the Assembly will evaluate and consider the tidelands lease. Amending the text of the LRWP does not guarantee any approval of a CUP.

Ms. Hughes-Skandijs said that while she doesn't have any questions at this time, she did want to comment that normally, she would never be one to remove the Planning Commission from considering a plan amendment but in this case, she thinks it is actually a good idea.

MOTION by Ms. Gladziszewski to remove the Planning Commission from the review of this particular amendment to the LRWP and it is her understanding that this will be introduced at the February 7 Assembly meeting.

Amendment #1 by Mr. Smith to refer the amendment to the COW before it goes to the Assembly for formal action.

Mayor asked Mr. Smith if his amendment was on the motion to remove the Planning Commission from the amendment process or was it an amendment having the COW review the text amendment before it went to the Assembly for action. Mr. Smith said it was the later. Mayor Weldon ruled Mr. Smith's amendment out of order at this time.

Hearing no objections, Ms. Gladziszewski's main motion passed by unanimous consent.

MOTION by Greg Smith that there be an opportunity for the public to testify at a COW meeting on the proposed amendment to the LRWP prior to the Assembly action.

Assemblymembers then discussed the public hearing process. Mr. Watt clarified that there has been a large amount of public comment, citing the ongoing written public comment period that lasts through January 31. He said that while there has been a lot of public process, this is a big deal and if the Assembly feel like there needs to be more public engagement, they can provide for that.

Amendment #1 by Mr. Smith to change his original motion to state "additional Public Comment at a COW or Assembly meeting prior to action being taken by the Assembly."

Objection by Mr. Bryson.

Additional discussion re: timing and whether to have additional public hearing and what the upcoming COW and Assembly meeting dates were that are currently on the calendar.

Mr. Bryson spoke to public process so far and especially all the comment received at the VITF.

Ms. Hughes-Skandijs spoke to this topic in particular vs. VITF broad scope review of tourism. Due to the major decision that this would affect the community, this is not a presumptive done deal. It would behoove them to allow for an extended public comment period.

Ms. Woll said that she felt more public input is important and what she isn't clear about now, they have discussed the public process but they have not discussed the LRWP amendment itself and what it means. She said she imagines the Assembly will have a lot of questions on this topic.

Mr. Watt said that the amendment was drafted and their packet. His thinking was to introduce it, have public hearing, and then the Assembly could decide on the text amendment, refer it back to committee if there were more questions, etc... Expressed concern that they are not providing the space for the Assembly to get their questions answered and to put in the work and have the important discussions regarding this.

Mr. Smith echoed Mr. Watt's comments and questioned if this has received enough public process. When does the Assembly get to discuss the many questions they have on this.

Mr. Watt said they could have this again at the COW on February 14, with our without oral testimony. There is public comment currently being taken via written comment period.

Ms. Gladziszewski said she thought that was the reason they were having this discussion now was to get their questions answered.

Ms. Triem said it would be helpful to have the discussion and questions after they have had the chance to read and hearing the public comment.

Roll call Vote on Motion for Additional Public Comment at the COW or Assembly meeting prior to action being taken by the Assembly:

Ayes: Smith, Triem, Woll, Waahlaal Giidaak, Hughes-Skandijs, Gladziszewski

Nays: Bryson, Weldon

Motion passed. Six (6) Ayes, Two (2) Nays.

The Committee of the Whole took a recess at 8:00p.m. The meeting resumed at 8:05p.m.

Assemblymembers then discussed tentative dates for this ordinance as follows:

2/7/22 Regular Assembly Meeting – Introduction

2/28/22 Regular Assembly Meeting - Public Comment

3/7/22 – COW Worksession – for Assembly discussion

3/14/22 – Regular Assembly Meeting – for additional Public Hearing and Assembly Action

Ms. Pierce then proceeded to answer a number of questions from Assemblymembers about the LRWP map amendment.

Ms. Hughes Skandijs asked if the conditions in Appendix B were required in order to build the dock.

Ms. Pierce said that the Planning Commission, through the CUP process, is required to review for conformity with adopted plans. The Adopted Plans would be evaluated when the Planning Commission is reviewing any proposed plans. She gave specifics such as Appendix B would be evaluated vs. what is in the CUP and the planner would make recommendations as to whether or not it meets the uses of an adopted plan.

Ms. Hughes-Skandijs noted that the United States Coast Guard has not made a formal recommendation yet. She asked if they had any idea as to when the USCG might make a formal determination.

Ms. Pierce confirmed that USCG has not made a formal determination and unfortunately, they will not make a determination until plans are submitted for approval. That being said, she does have some idea as to when USCG might make their determination.

Mr. Watt said that USCG Captain White gave a lot of time at the VITF and was very elusive as to when or how they would restrict maritime navigation. Shoreside interest is not the way the USCG looks at things. USCG will always be open to new information and new ideas. One of the threads from the VITF was how to achieve community goals through party negotiations.

Ms. Woll asked if the Assembly would be able to amend the appendix to allow for a sixth ship to be docked at anchor.

Ms. Pierce said that as Mr. Watt alluded to, there are a number of mechanisms that could be used. They may be able to do something via ordinance. The five ship limit has been made very clear in many of the various documents, it could be done via a Memorandum of Agreement or other mechanism.

Mr. Watt said that he doesn't think we can rely on the USCG for making that determination. He said that negotiating with industry is a piece of it. When thinking about the port of Juneau, the shoreside needs some support infrastructure and the Assembly may address it from a negotiation perspective. He noted that there are a lot of things CBJ should contemplate. He has maintained that CBJ's greatest strength lies in the tidelands lease process. The question to the Assembly – is it in the community's interest to lease tidelands and that will make the final determination as to what happens in the end... if they ever get to that point.

Ms. Woll said that she appreciates Mr. Watt and Ms. Pierce's comments and would like to hear from Mr. Palmer as to whether there is a legislative option?

Mr. Palmer said that yes, there was a legislative option, it is up to the Assembly if that is something they want to wrap into the LRWP discussion.

Ms. Gladziszewski said that this is the question she was also wanting to hear about. The schedule is coming out for years in advance and the Assembly shouldn't be taking any longer in determining the five ship issue. This is one of the things to be moved up on the priority list of the Tourism Manager. The cruise ship companies are already working on the 2024 cruise season schedule.

Ms. Gladziszewski ready to make a motion to decree that there is a five ship limit through either the legislation or other method.

Mr. Watt said that it is no surprise and it would warrant a complete meeting of its own to have a lengthy discussion on this one. Mayor Weldon said that would need to be at a COW and not while Ms. Gladziszewski is on vacation.

Ms. Triem asked the status of the MOA as she thought Mr. Watt was already working on that. She thought they could not legislate and so would like to discuss with Mr. Palmer at another time.

Mr. Watt said they have worked on this MOA for many months. He said that he hopes they will see MOA #1 and that they will be able to begin MOA#2, MOA #3. He hopes to have more info to the Assembly really soon.

Mr. Smith asked Ms. Pierce regards to drawings/figures on the package pages 20 and 21 where do these drawing/figures get reviewed during the CUP process.

Ms. Pierce confirmed that will be part of the CUP evaluation where they look at all aspects including view sheds, etc... she also noted that the Assembly has received updates from Mr. Uchytíl's plan for a small cruise ship dock at the Seadrome. She said that some of that language could also conform to the intent and language of the plan. That is an option there.

C. Proposed Regulation Change to 05 CBJAC 15.030 (Dock Charges)

Mr. Watt described this proposal as an unusual process for regulation. In Spring 2021, the City Manager recommended the Assembly postpone action on these regulations. He gave information related to the differences between transient vessels (such as yachts) vs. those of larger cruise ships. He said they are bringing this back to the Assembly and that Mr. Uchytíl was available to answer questions.

Ms. Pierce said that this approach does not mean that larger cruise ships are not being charged fees but they need more info on the larger ships before making recommendations on those and they didn't want to hold up the rate changes to the smaller cruise ships and yachts.

Ms. Woll said that she appreciates the memo and the opportunity to use the rate study to make a determination on the larger cruise ships, would it make sense to wait for that study before implementing rate changes on the smaller ships.

Mr. Uchytíl said that last year, they saw \$175,000 that would have been subject to the fee increase. That was twice as much than what they saw the previous year. They know the Docks & Harbors fees are less than those imposed by the private docks and he thinks that now is the time to implement these increased fee regulations.

Mr. Smith asked how this would not be applied to cruise ships.

Mr. Uchytíl explained that the way the dockage fees are calculated are based on size of the vessel – over 200ft vs. under 200ft. Those over 200ft would be exempt from taxes.

Mr. Watt said that what is in the packet is the proposed regulation language from last year. The new regulation language would be published and sent out for public comment in the next month or so.

Mr. Watt then answered a number of questions from Assemblymembers regarding the different rates for the different facilities. He also explained that under the settlement agreement with CLIAA, they agreed not to increase the MPF for a certain period of time. Right now, there is a

\$5/per person Marine Passenger Fees (MPF), \$4/per person Port Development Fees, plus the State MPFs and noted that Ms. Hughes-Skandijs is correct that that agreement will end in March 2022.

Ms. Hughes-Skandijs asked for clarification of head tax vs. dockage fees and said that she is looking forward to the results of the rate study. She approves of CBJ working collaboratively with the industry but she feels the rates that are ultimately decide upon by the Assembly.

‘Wáahlaal Gíidaak said that she would like to have seen a map as to where these docks are located. She said that she was also confused as to what is referred to as fishing vessels vs. yachts.

Mr. Uchtyl listed the various city docks they are referring to in respect to these fees. He spoke to the fee that commercial vessels use at the IVF (intermediate vessel float).

Ms. Pierce then shared her screen showing the docks as they appeared in Google Earth. They pointed out the IVF the Seadrome Dock.

Mr. Smith expressed concern regarding the increase of rates for independent tourists vs. the cruise ship industry.

Mr. Watt explained the differences between MPF that are paid for by cruise ships vs. no fees from other smaller vessels.

D. Legislative Priorities List

The renumbered list in the packet that now includes those priorities from members who had not previously scored their priorities. Ms. Gladziszewski suggested that they look at the top five list as well as the full list.

MOTION by Ms. Gladziszewski use this as a priority list for all things at the state and federal legislative levels. *Hearing no objection, motion passed by unanimous consent.*

VI. Staff Reports

A. Indemnification (Information Only)

Mr. Watt said this was a very frustrating legal issue that they will be working with the legislative delegation and that it is a challenging situation that is hampering any development, in particular any housing development.

Mayor Weldon said they did meet with the new DOT Commissioner when he first began and discussed this issue.

Ms. Gladziszewski mentioned she has heard that the DOT Commissioner has said they have not had any problems in Anchorage and Fairbanks. So she was wondered what other communities are experiencing.

Mr. Palmer explained that there are other communities in Alaska also struggling with this and trying to work on these together.

Ms. Gladziszewski if the Alaska Municipal League (AML) has been involved at all.

Mr. Watt said that AML has not yet been involved but it would be a good topic for discussion at AML and for communities to work together on collaboratively.

‘Wáahlaal Gíidaak asked if this was just something recently changed during the last DOT Commissioner. Mr. Watt explained this as something that has been going on for quite some time, remembering Judge Mead identified it when she was CBJ City Attorney. This is another example of the state trying to shift costs from the state to municipalities.

‘Wáahlaal Gíidaak asked if this was regulatory shift or legislative shift.

Mr. Palmer clarified this was a regulatory shift and there is a simple solution that could be achieved via regulations.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the Committee of the Whole meeting was adjourned at 9:01p.m.