

ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
Meeting Minutes – August 30, 2021

I. CALL TO ORDER

The Assembly Committee of the Whole Meeting, held in the Assembly Chambers and broadcasted virtually via Zoom, was called to order by Deputy Mayor Jones at 6:01p.m.

II. LAND ACKNOWLEDGMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

III. ROLL CALL

Assemblymembers Present: Loren Jones, Maria Gladziszewski, Carole Triem, Wade Bryson, Alicia Hughes-Skandijis, Greg Smith (via Zoom), Christine Woll, Michelle Hale, and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, Assistant City Attorney Teresa Bowen, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Assistant City Attorney Adam Gottschalk, Assistant City Attorney Sherri Layne, Community Development Director Jill Maclean, Engineering/Public Works Director Katie Koester, Finance Director Jeff Rogers, Deputy Parks and Recreation Director Michele Elfers, CDD Planning Manager Alix Pierce

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. APPROVAL OF MINUTES

A. August 9, 2021 Assembly Committee of the Whole Draft Minutes

Hearing no objections, the minutes of the August 9, 2021 meeting were approved by unanimous consent.

V. AGENDA TOPICS

A. Joint Meeting with Systemic Racism Review Committee (SRRC)

Mayor Weldon welcomed the SRRC to the meeting, and invited Acting Chair Grace Lee to introduce the committee to the Assembly.

Acting Chair Lee introduced SRRC members Kelli Patterson, Gail Dabaluz, and herself – all three members were attending the meeting telephonically via Zoom.

Mayor Weldon asked Chair Lee to provide an update regarding the development of the tool for criteria review of legislation.

Acting Chair Lee said that the last time the committee had worked on the tool was in July, as the past few meetings have been focused on trainings. She noted that the committee has not yet found any previous legislation that could be applicable to Step #1 of the criteria tool, *“Does the proposed legislation negatively impact or unduly advantage a particular racial/ethnic group, or otherwise perpetuate systemic racism? Yes or No? If no, review as completed. If yes, go on to the next question.”*

SRRC Member Patterson echoed Acting Chair Lee’s comments, and said that the SRRC has been working diligently towards reviewing the criteria. Lately, the committee has been receiving trainings on how ordinances are drafted, where city funding comes from, and other aspects of city management.

SRRC Member Dabaluz mentioned that the SRRC typically holds meetings twice a month, and that recent meetings have consisted of reviewing legislation and the city budget. She added that the trainings have helped the committee understand how Juneau’s local government operates and interacts with other agencies.

SRRC Chair Lisa Worl joined the meeting telephonically via Zoom at 6:09p.m.

Chair Worl explained that the SRRC has held eight meetings since the last time they met with the Assembly on June 7. Regarding the development for the tool, Chair Worl said that the committee had utilized and refined it with the help of City Attorney Robert Palmer and Deputy City Manager Mila Cosgrove. The SRRC is currently using Version 5 of their criteria tool, and their current goal is to streamline the tool as much as possible.

Chair Worl shared the draft tool with the Assembly. She explained the process of how the tool would be used in practice, and which questions would apply in a hypothetical review of legislation.

Assemblymember Triem asked Chair Worl to explain how Step #3 of the tool could impact Step #1. Chair Worl explained that the SRRC members have considered sitting in various CBJ Boards and Committee meetings to gather supporting data and documents that could help clarify Question #3.

SRRC Member Lee added that Step #3 is an expanded version of what SRRC currently does, as it prompts the committee to identify any potential impacts to specific groups or geographic populations. This step occurs prior to answering Step #1, and is written out in its entirety in Step #3. However, since no legislation has yet to surpass Step #1, Step #3 has not been filled out yet.

Assemblymember Hughes-Skandijs asked if that SRRC has considered any economic data in regards to affected areas/communities.

Chair Worl said that economic data had been considered, and they are trying to find a way to understand the impact on certain groups with the inclusion of economic data.

SRRC Member Lee added that the charge for the SRRC explicitly directs the committee to target systemic racism. If economic disparity is found within an issue that also includes systemic racism, then they are able to address it; but it is not in the committee's charge to address issues regarding economic impact alone.

Assemblymember Bryson thanked the SRRC members for their dedication towards their work, and gave his comments on the topic of systemic racism. He said that he understood systemic racism as a historic issue that encompasses the entire history of the United States. He asked the committee to describe how much of Juneau's history of systemic racism was discovered in their research, specifically what historical actions were made in Juneau's past that contributed to systemic racism.

Assemblymember Bryson added that the Assembly could come across legislation that does not seem to be systemically racist, but if the Assembly were to reject the legislation, could the outcome of that decision be contributing to systemic racism? Assemblymember Bryson also added that the act of keeping lower economic neighborhoods disenfranchised is an example of perpetuating systemic racism, which would require review of zoning and budget issues. He said that the decision to divert funding towards higher-income communities and refuse to fund lower-income communities is also an example of systemic racism.

Assemblymember Bryson provided an example of this by referencing a zoning proposal to develop lower-income housing in North Douglas, an area of town that primarily features higher-income housing. He explained that the Assembly ultimately decided against that zoning request, in favor of maintaining light zoning throughout North Douglas. He identified this decision as an act of perpetuating systemic racism, and spoke to the importance of SRRC to review zoning and budgeting issues and how they impact socioeconomic groups in Juneau.

Mayor Weldon thanked Assemblymember Bryson for his testimony, and noted for the record that the Assembly did not remove lower-income housing in North Douglas.

SRRC Member Lee understood Assemblymember Bryson's sentiment, and explained that the SRRC has not yet reviewed legislation regarding budget or zoning issues. She anticipated that once the committee begins reviewing those types of legislation, they may find more documents that surpass Step #1.

Chair Worl agreed with Assemblymember Bryson, and identified resource allocation as a potential area affected by systemic racism.

Assemblymember Gladziszewski commended the SRRC for their trailblazing efforts, and noted that there are not many communities that have a committee such as this.

Assemblymember Woll appreciated Assemblymember Bryson's comments, and spoke to the importance of having conversations about systemic racism and how it can be found within legislation. She asked if there was anything the Assembly could do to support the committee as they continue their work.

Chair Worl encouraged Assemblymembers to provide suggestions to areas they feel may benefit from further discussion, and to be mindful while drafting ordinances that it will be reviewed by the SRRC.

SRRC Member Dabaluz suggested that they invite Dr. Rosita Worl to provide a Southeast Alaskan/Tlingit/Indigenous perspective; she also suggested inviting Sherri Patterson to provide a presentation about how systemic racism has impacted People of Color in this community.

Mayor Weldon thanked the Systemic Racism Review Committee for joining tonight's meeting, and said that she looked forward to their continued progress as a committee.

The Systemic Racism Review Committee left the meeting at 6:40p.m.

The Committee of the Whole took a break at 6:41p.m. The meeting resumed at 6:58p.m.

B. Joint Meeting with Planning Commission (PC)

Mayor Weldon asked Assistant Attorney Teresa Bowen to provide a brief synopsis to the Planning Commission.

- **Recap of Process**

Assistant Attorney Bowen explained that this joint meeting was meant to discuss prioritization with the Planning Commission, particularly variances. She added the following quote from Mr. Palmer, "*Unlike a Conditional Use Permit that allows a use that is expressly permitted by Title 49, a variance allows development that is expressly prohibited.*"

Mayor Weldon reminded the Assembly and the Planning Commission that there was a process to try to remove variances entirely, and now there are a few more appeals than usual.

- **Role and Function of the Planning Commission related to Permits, Plans, and Code**

City Manager Watt commented on the current system used to examine Land Use Code amendments, and described it as a deliberative system that is not particularly fast-paced. He mentioned that the Assembly has previously expressed frustration on how long it can take to process code amendments. He felt that it would be beneficial to take a look at the system in place, and the workload that is placed upon the Planning Commission and Community Development Department (CDD) staff. City Manager Watt said that if they wanted a more dynamic approach to the Land Use Code, then they should consider whether the current system is able to produce code amendments in a timely manner.

PC Chair Michael LeVine thanked the Assembly for allowing this discussion to take place. From a holistic viewpoint, he found that code changes often overlap with the Comprehensive Plan that was identified as one of the Assembly's priorities. He described three main aspects of the role of the Planning Commission: the first being a quasi-judicial role in which they approve Special and Conditional Use Permits (CUPs), variances, and major subdivisions; the second aspect consists of plan review and development, such as the Comprehensive Plan and Area Plans; and the third aspect was Code Revisions.

PC Member Nathaniel Dye gave a brief overview of the code revision process in relation to the Title 49 Committee.

Mayor Weldon asked CDD Director Jill Maclean to give an estimate on how many permits were issued by CDD this calendar year. Since January 1, 2021, CDD has issued 748 building permits. Director Maclean clarified that this number did not include Land Use Permits, such as CUPs or subdivisions.

There was discussion about the permitting process and how the timing of it impacts housing development code changes.

There was additional discussion surrounding Title 49, specifically the changes that PC members would potentially like to see implemented moving forward, and whether those changes could be implemented through the Title 49 Committee.

The Planning Commission and the Assembly brought up Downtown parking issues, and discussed ways in which parking could be addressed: the development of parking garages, providing free bus transportation services, and other methods of freeing up parking space.

- **The Capacity of the Community Development Department Staff**

Mayor Weldon felt that CDD had expressed that they are in need of more staff, and suggested that CDD decide which roles they want to fill and present them to the Assembly.

Mr. Barr mentioned that CBJ is looking to adding a technical support position to staff to help with the telephonic element of public meetings. *(Clerk's note – this would be for a wide variety of public meetings, not just those of the Planning Commission or staffed by CDD.)*

Mayor Weldon appreciated the work and efforts of the Planning Commission, and thanked them for attending tonight's meeting.

The Committee of the Whole took a break at 8:25p.m. and resumed at 8:36p.m.

C. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

Mr. Jones noted that the Assembly held a public hearing on this topic on August 2 and referred this to tonight's COW meeting for further discussion.

CDD Director Maclean explained that this ordinance got its start from a development permit which led CDD staff to reexamine the application of Coastal Management Permits. She and CDD Planning Manager Alexandra Pierce reviewed past guidance provided by the Law Department over the past several years. She stated that their intent is to repeal the Coastal Management section of Code and move the pieces, that are decided to be kept in, to other sections within the code.

Director Maclean recommended moving this criteria forward and adopting it as its own ordinance at the next Regular Assembly meeting; she also agreed with sending the entire ordinance back to the Title 49 Committee for consideration.

Ms. Triem asked if the removal of Coastal Management would potentially remove habitat protection laws, as they are no longer covered by State protection laws. Director Maclean said that it would depend on the ordinance itself, it would be up to decisions made at the Title 49 Committee to decide which habitats have agencies overseeing them, and which would not.

There was a brief discussion about the Coastal Zone Management program and the utilization of the program. Director Maclean added that CDD had received legal guidance indicating that this section of the code was essentially null and void, which led the department to try to revise this section in a timely manner.

Ms. Triem shared that she would support moving this ordinance forward after hearing the comments made from PC members clarifying the intent of the removal.

Mr. Smith asked for further clarification for the reasoning by the removal of this section. Director Maclean explained that the Coastal Management section of the code in large part referenced a part of State law that has since been repealed and no longer exists. This code now effectively references non-existent State law, rendering the code null and void.

Mr. Jones mentioned that he put in a lot of work to save the Coastal Management Plan, and would want to vote to keep that plan in place if he could.

MOTION by Ms. Gladziszewski to move Ordinance 2021-13 to the Assembly for Public Hearing. *Hearing no objections, the motion passed by unanimous consent.*

VI. ADJOURNMENT

There being no further business to come before the Assembly, the Committee of the Whole meeting was adjourned at 8:47p.m.

Minutes drafted by Administrative Assistant Lacey Davis and respectfully submitted by Municipal Clerk Beth McEwen this 1st day of November, 2021.