

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Monday, March 30, 2020

I. Call to Order

Mr. Etheridge called the Regular Board Meeting to order at 5:02pm in the Assembly Chambers

II. Roll Call

The following members were present via teleconference due to CONVID-19 Physical Distancing Protocols: Jim Becker, Chris Dimond, Steven Guignon, James Houck (6:20pm), Mark Ridgway, Annette Smith, Bob Wostmann, and Don Etheridge.

Absent: Budd Simpson

Also present were the following: Carl Uchtyl-Port Director, Erich Schaal- Port Engineer, Matt Creswell – Harbormaster, Alicia Hughes-Skandjis-Assembly Liason, and Teena Larson-Administrative Officer

III. Approval of Agenda – accepted as written.

Motion passed with no objection.

IV. Approval of February 27, 2020 Board Minutes.

February 27, 2020 Minutes accepted as written.

Approval of March 13, 2020 Special Board Minutes.

March 13, 2020 Minutes accepted as written.

V. Public Participation on Non-Agenda Items – None

VI. Consent Agenda – None

VII. Unfinished Business – None

VIII. New Business

1. Financial Relief to Permit Holders & Moorage Reservation Policy

Mr. Uchtyl gave an overview of page 17 of the agenda packet. He said the extent of today's action item is to give consideration to those involved in the tourist industry that have purchased permits including vendor booths and loading zone permit fees. Each of

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those types of permit fees within our ordinances are non-refundable. On page 17 of the agenda packet, it outlines the permits for tours sales, tour brokers and loading zones in Ordinance 05 CBJAC 10.030. The loading zone permit fees for 2020-2021 are a \$400 company fee plus \$9 for every seat and 5% sale tax. The tour sales permit ordinance is 05 CBJAC 10.040 and the fees for 2020-2021 is \$30,000 plus 5% sales tax. We have collected from all nine companies. Docks & Harbors require the vendor booths to pay this fee by mid-February. We have not collected any loading zone fees for 2020-2021. Lastly, on page 20 of the agenda packet is Ordinance 05 CBJAC 15.035 reservation charge policy for yachts larger than 65 feet and small cruise ships at the Intermediate Vessel Float and Statter Harbor Breakwater. The moorage rate for yachts and small cruise ships is \$2.50 per linear foot per day and a non-refundable deposit of the first day of moorage. They can book up to one year in advance. Mr. Uchtyl said that we have collected \$28K so far this season in non-refundable moorage deposits. Docks & Harbors also has a permit fee for use of the North Douglas Launch Ramp, which we have not collected fees for yet.

Mr. Uchtyl consulted with CBJ Law Department regarding the Docks and Harbors Board's authority in waiving or returning fees to the above mentioned permit holders. CBJ Law said per code CBJAC 85.02.060 the Board has the authority to adopt and enforce regulations and is responsible for carrying out the enforcement policies of the Board under CBJAC 85.02.090. The Assembly can approve or object the regulation but not enforce it or otherwise amend it. Mr. Uchtyl said the Board could tell him to return non-refundable fees under the code.

Committee Questions

Mr. Ridgway asked if the only options are to keep their money or return it all. Can we issue a credit for next year?

Mr. Uchtyl said he is not making recommendations to the Board but is providing background information on how we collect the money, what it is used for and information on regulations as well as what the Board can and cannot do.

Public Comment

Mr. Jeff Fanning of Juneau, AK thanked the Board for their consideration of refunds. He is the President of Liquid Alaska Tours and is a waterfront tours sales permit holder. Mr. Fanning asked the Board to consider refunding the \$31,500 that each vendor has paid. Each vendor is a small business and the potential of not having any cruise ships in this season presents a real cash flow problem. To refund in full would be extremely helpful to them. In a normal season, they only have six months to make their money and this year they are looking at the possibility of having eighteen months of pure expenses and no revenue. He would greatly appreciate the Board's consideration in refunding their money.

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Mr. Kirby Day, Juneau, AK, Tourism Best Management Practices (TBMP) said it is very important that the Board consider refunding or giving credit to the waterfront vendor booth permit holders. The cruise ship schedule will be changing daily and the bottom line is that we do not know when the season will start. All of the small business are going to have a very, very difficult time going forward. Mr. Day said that even if the season were to start in July it will be extremely difficult for all of them regardless of the size of their business. He advocated on behalf of all the businesses, which are TBMP members, that the Board consider refunding them. He gave a recap on what he currently knows regarding ship scheduling. Canada has closed all their ports to large cruise ships through June 30. The Port of Seattle closed their ports to cruise ships indefinitely. Cruise Line International Association (CLIA) suspended operations from all US Ports through April 14. Princes Cruises suspended all worldwide operations through May 10 and Carnival Cruise Lines extended their pause on all North America sailings until May 11. Holland America Line and Seabourn has extended their global stoppage through May 14. Royal Caribbean Cruise Line and Celebrity has suspended all Alaska and Canada sailing through June 30 and UnCruise has suspended service in Alaska until May 23 and has laid up two ships for the summer. That is what he knows today. It could change in the next couple of days or weeks. He believes Juneau will not see much profit here until July and a lot of that will be up to the state and CBJ. It will up to the lower 48 to determine when ships return to Alaska. Regardless of what happens, if there is no season or it starts in June or July all of our operators are going to have significant issues and significant problems in making it through the summer. He thanked the Board for considering this.

Mr. Chris Paulson, Juneau, AK and he has a small tourism business and a booth on the docks. Earlier he heard about the possibility of a refund or a credit of his vendor booth payment. He would like to state as a small business owner that if there is not a cruise ship season this year, they might not even be able to operate next year. Please take that in to consideration. Mr. Paulson said even if we have a cruise ship season this year it will be a short and the ships are not going to come in full or even close to full. The tour vendor booth operators will lose over half of their business and he asks that even if we have a partial season he would like a reduction in fees. He said if they receive a refund on their booths and there is no season, are they automatically put back in the booths for the 2021; or will they all have to go back into an outcry auction to get their spot back.

Committee Discussion/Action

Mr. Wostmann said this is a very significant issue and something that needs very careful attention to determine what is best for everyone. He recommended that the Board take this to the Finance Subcommittee and give them the mandate to sit down with staff and go through this in detail as to what the consequences of the options are. He is in full support of some form of accommodation; it is a huge financial impact to everyone and the Finance Subcommittee together with staff come back to the board with their recommendations in short order. We need to really focus on this and come up with a recommendation for the Board to act on.

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Mr. Dimond agreed with Mr. Wostmann and said it should be discussed in a Finance Subcommittee meeting as soon as possible. These issues are going to take some serious discussion, as they will have a big impact on the city and our vendors as a whole.

Mr. Ridgway said he also agreed with Mr. Wostmann and Mr. Dimond and that the Board should not make a decision tonight.

Revised MOTION by MR. WOSTMANN TO RECOMMEND THAT THE ISSUES OF REFUNDING FEES AND MAKING ACCOMODATIONS FOR THE LOSS OR PARTIAL LOSS OF THE UPCOMING CRUISE SEASON BE DEFERRED TO THE FINANCE SUBCOMMITTEE. THE FINANCE SUBCOMMITTEE SHOULD MEET EARLIER IN APRIL WITH INSTRUCTIONS THAT THEY RETURN WITH THEIR RECOMMENDATIONS TO THE FULL BOARD AT A SPECIAL BOARD MEETING AS SOON AS POSSIBLE.

Mr. Dimond objected to the original motion and asked if it should actually be addressed prior to the next scheduled Board meeting. He wanted it addressed sooner so the vendors and operators are not in limbo for the next month.

Mr. Etheridge agreed and said the Finance Subcommittee meeting needs to meet before the Board Meeting and they need it to happen sooner.

Mr. Uchytel said the Finance Subcommittee meeting is scheduled on April 29 and the Board meeting on April 30. He agrees that we should have special meeting for both.

Mr. Wostmann said we should call a special Finance Subcommittee meeting as soon as we can adhere with the public meeting process. Furthermore, when we are ready we should schedule a special Board meeting to address the recommendation of the Finance Subcommittee.

Mr. Dimond agrees with Mr. Wostmann and that is what he wanted to happen.

Mr. Etheridge said staff would figure out the scheduling of those meetings.

Mr. Dimond withdrew he objection and the revised motion was made with no objection.

2. Confirmation of completing FY20 & FY21 Construction Project and Studies

Mr. Schaal said that he wanted to give the Board an update on the current status of the construction projects. We currently have three active construction projects that we feel fall under the governor's mandate of critical infrastructure projects. We have been coordinating with the contractors to make sure they are addressing the COVID-19 Center for Diseases Control (CDC) recommendations to keep their people healthy and not to exacerbate a dangerous situation. Mr. Schaal gave background information on why the construction projects should continue. It is because of the permits revolve around these projects. The completion dates on some of the projects coincide with the beginning of

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the cruise season. The permits are very difficult to change and the fact that most of them revolve around and are related to marine mammals. We are very worried about when the whales will start showing up. Our preference is to continue to make progress with the aspects of construction that are covered by the permits. We are talking about pile driving at the Downtown Waterfront and drilling, blasting and excavating at Statter III (A). We are so close to finishing the cruise ship security checkpoints that the contractor has elected to continue with that project. They want to keep their people employed and it is important that we keep their people as safe as possible. The Douglas Harbor zinc anodes project was not going to start until early June and we need to decide what to do before the anodes come in. The Statter Phase III (B) is out to bid right now, which is the float installation in the dredge basin. That is scheduled to start in the fall. Several studies that we are currently working on is the Small Cruiseship Master Plan. PND Engineering is working on a high-level proposal for staff and the Board to look at, based on the market study. We should have some more information on the small cruise ship masterplan in the coming weeks. We also have the electrification study, which is still out as an RFP.

Mr. Uchtyl wanted to take the opportunity to make sure the Board is familiar with the Governor of Alaska's Mandate – Alaska Essential Services and Critical Workforce Infrastructure Order formerly "Attachment A". Docks & Harbors is considered essential infrastructure. The mandate reads: "Essential Infrastructure," including businesses providing any services or performing any work necessary to the operations and maintenance of services including, but not limited to, the Port of Alaska, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems. We are interpreting the work that we do as public works construction. Mr. Uchtyl said we are in good hands with the work that we are doing.

Committee Questions

Ms. Smith asked if we have looked at the projects to see if there are any that may be set aside because of a real tight budget next year.

Mr. Uchtyl said for example Statter Phase III (B), which is the float installation, is $\frac{3}{4}$ quarters funded with head tax. That head tax is not going to be fungible to other projects. Docks and Harbors has invested \$1M of harbor money to that project. The Board could make a decision not to move forward with that project. The Small Cruise Ship Masterplan and Dock Electrification projects are funded with head tax. For the most part, we do not have a lot of harbor infrastructure projects planned right now. There is \$2M planned in the future for the north end of Aurora Harbor but without the Harbor Municipal Grant matching funds, we are looking at a case-by-case or year to year opportunity.

Mr. Etheridge stated that the zinc anodes project is also matching grant funds that cannot be moved to another project.

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Mr. Ridgway asked if any of these funds could be saved and used for later projects.

Mr. Uchtyl said that projects funded through head tax can be used as defined in the settlement between Cruise Line Agencies of Alaska (CLAA) and the City and Borough of Juneau. The Board could say we are only going to dredge Statter Harbor and not build floats next year is an option.

Mr. Etheridge said the funds for building the floats cannot be moved around without Assembly approval.

Mr. Uchtyl said that right now there is money in a CIP for the Statter Phase III (B). If the Board elected not execute that \$4M project which \$3M of that is head tax. It is complicated but all actually all \$4M would be sourced through head tax. It could be moved to another project.

Mr. Ridgway said we have design costs already; do we still have an obligation to move forward with them?

Mr. Uchtyl said that if we advertise right now it would have a bid-opening day in April.

Mr. Wostmann asked Mr. Uchtyl would it be right to believe that we can cancel projects and free up head tax money and free up money to go to various capital improvement projects. We cannot use them for operations shortfalls.

Mr. Uchtyl said that is how he interprets head tax money. He reminded them that Docks Enterprise and Harbors Enterprise were combined into one pot of money. Dock & Harbors still has the settlement with CLAA would not allow us to say there are no boundary conditions to how we use head tax. Yes, it is possible, moving monies into a single basket. We still have the obligations under the CLAA lawsuit settlement to use monies in a manner appropriate for the source. There is marine passenger fees used by the city for general funds. It is audited as of this year which was an outcome of the lawsuit and the money is used for other services in the community that are effective by the impact of cruise passengers like Capital City Fire & Rescue and Juneau Police Department and the cost of allocating those funds. It is a difficult and complex question to answer how the money can be reallocated.

Mr. Etheridge said any reallocation still has to go through the Assembly to make that happen.

Mr. Guignon asked Mr. Uchtyl if there is a delay in the beginning of the cruise season, say July 1, is there any ongoing projects that will move faster without the interference.

Mr. Uchtyl said not really. Everything is moving as quickly as possible for the float installation. It takes four to five months just to get the floats manufactured down south. We do not know what the supply chain will look like in the Puget Sound area so there could be a delay. The contractors cannot start until October will the fisheries permit.

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Mr. Uchtyl said that Mr. Schaal did not mention that we are anticipating the City Manager allotting Marine Passenger Fees in FY21. There would be money available July 1, 2020. The \$1M would be money in hand which is for building a guardrail along the seawalk. The guardrail is necessary because the seawalk is no longer an active wharf and OSHA regulations require a guardrail. That will be another project that we will be executing assuming the Assembly appropriates that money as part of the finance process for the city. Mr. Uchtyl asked the Board to consider the contracts and most of the contractors that bid on our projects are local contractors. If we move forward with Statter Phase III (B), that project Trucano Construction, Western Marine Construction and Pacific Pile and Marine most likely will be bidding on. Two of the three are Juneau companies. These things are important that to consider. It would money flowing in the local community and economy.

Public Comment - None

Committee Discussion/Action

Mr. Wostmann said that the Finance Subcommittee needs to review the projects. He said they need to commit to the CIP Funds and keep projects going in town.

Mr. Ridgway said he disagrees with Mr. Wostmann and Mr. Uchtyl about keeping the projects going. Our direction in city code is to support the maritime industry and he does not believe that includes support to contractors. The world is so significantly different now than a month ago and Mr. Ridgway does not believe money is going to be easily come by in the near future. The head tax on the assessment for next year may be zero. Mr. Ridgway says the funds we have available are more important now than two months ago and if there is a better project to support our mission and the industry. He does not know the unknowns. The industry needs something different next year to get a kick-start, he would encourage staff to take a look at that before we spend the \$4M we have. We may not get any more head tax money for this year. Much more important to review that decision on a project in the hopper. That is his opinion. Does Docks & Harbors have the ability to move the money and spend to make sure that people are still around next year. Looking at 2021 he does not know that Statter Phase III is the most important investment that we can make.

Mr. Dimond wanted to verify what the question is. Are we talking about funding for future projects vs continuing funding for current projects?

Mr. Uchtyl said his thought is to give the Board the opportunity to give direction and take a stance on what we want to do with our current/future projects in light of the guidance of basically a stand down with the exception of the essential infrastructure. He feels good about our work being public works construction which serves the public transportation system. He wanted the Board to have input in the direction of what we are doing and moving forward. Completing projects that we currently have contracted with

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and are finishing up that we are pursuing and not taking our foot off the pedal for studies and that the CIP projects are scheduled to be awarded. Statter Phase III and zinc anodes projects should continue.

Mr. Etheridge believes the Board needs to move forward with what we have going on right now and keep an eye on it. The projects we have going right now need to continue looking at going forward and whatever bids might be out there could be very favorable at this point. Mr. Etheridge would hate to stop these projects as we would lose money and would get back pennies on the dollar and that is not a good idea with public money. He thinks we need to continue on until a future date and if things change we can always change it at the next meeting.

Mr. Ridgway agrees with Mr. Etheridge on existing contracts. He believes that Statter Phase III should be classified as a pending bid award. Getting pennies back on the dollar for awarded construction projects is a no brainer. That is not smart business. Mr. Ridgway urges the Board to take a beat before we spend any money and make sure they are absolutely the most critical projects and cruise ship, related that we should be spending money on.

Mr. Wostmann said wait on a motion and to continue with already committed projects and suspend decisions on projects not yet awarded until the Finance Subcommittee has had time to evaluate Docks & Harbors financial situation.

Mr. Etheridge said we would bring this up to the Finance Subcommittee meeting and not make a motion on this today.

Finance Subcommittee will meet prior to board meeting on April 30. The date to be determined.

Mr. Uchytel asked Mr. Schaal when the bid-opening day is?

Mr. Schaal responded Statter Phase III (B) bid opening is April 21, 2020.

Mr. Ridgway asked if once the bids are open are we obligated to award.

Mr. Uchytel said it is very bad form to open bids and expose them if we are not going to award them. Contractors spend a lot of money preparing a bid. We have an operating budget and we have CIP projects. CIP projects are already funded.

IX. Items for Information/Discussion

1. Status of COVID-19 Vessel Screening Task Force

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Mr. Creswell said at the last OPS/Planning Committee meeting he was directed to set up a vessel screening quarantine task force with himself, Mr. Wostmann, Mr. Simpson and Mr. Scott Hinton. The task force is in their twelfth day of operations. The task force has been providing information to boats arriving in Juneau and now to people arriving on the ferries. Docks & Harbors staff have done several things. We have posted lots of information in about twenty five locations throughout the harbor system. Mr. Wostmann and his staff have created a flow chart that helps anyone arriving in Juneau know which way to go and what to do. The task force created a 24-hour hotline for arriving vessels to call. We answer any questions they may have about where they have come from, who is on board and does anyone have any COVID symptoms. They are then referred to the right place for screening or direct them to stay on their vessel per the criteria. We are meeting each Alaska Marine Highway Ferry as it comes in to Juneau. We are providing passengers with information on the mobile screening site and the number to call to screen via phone. Mr. Hinton and Mr. Creswell are providing all the latest Governor mandates and basically a one on one contact with everyone that arrives in Juneau via ferry. The ferry captains are texting him and letting him know how many are on the boats so I know how many information packets to have. We anticipate starting to offer a verbal screening with these folks and offer temperature checks if they choose. We have set up a working in partnership with the Marine Exchange and we have watch zones in north and south end of the harbor systems, so Auke Bay and Downtown. The majority of the vessels seen so far are local Juneau vessels that are coming and going. Mr. Creswell confirmed with all the fuel terminals as well as Alaska Marine Lines to remind them that the tugboat crews stay on the tugboats whenever they come in to deliver. We have had several calls on the hotline for boats coming in and so far they are locals which we already knew about. Docks and Harbors has a place available downtown for vessel quarantines should a boat or boats come in from out of state or meeting criteria for COVID-19. We have a place for them to quarantine should they need somewhere if they are not a resident. If it becomes necessary, we can also set that up in Statter Harbor. Mr. Creswell and his staff are trying hard to keep up on all the changes and making sure the materials are current.

Mr. Wostmann said that Mr. Creswell covered everything. He thinks the taskforce is working very hard. Mr. Creswell has taken the lead and made things happen. We are in pretty good shape. Traffic in the harbors is very limited but we are ready for when it picks up.

Mr. Etheridge said he saw the signage and said it looks nice.

Ms. Alicia Hughes-Skandijs asked who is staffing the hotline.

Mr. Creswell said it is himself or Scott Hinton using a Harbor cell phone. It is posted on all the literature and it is forward to their phones depending on what day it is.

Committee Discussion/Public Comment

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Mr. Etheridge appointed Mr. Ridgway per his request, as an alternate on the Vessel Screening Task Force.

X. Committee and Member Reports

1. Member Reports – Mr. Ridgway said the Ops/Planning Committee Meeting met on March 18. They discussed COVID-19 and changes to the cruise ship season. Mr. Duvernay from Harri Marine discussed the failure of the sealift at the Auke Bay Boat Yard.

Mr. Etheridge said he has had several calls from stallholders looking for free moorage during the COVID-19 Pandemic. He would like this item added to the special Finance Subcommittee meeting agenda.

No objections to adding that to the Special Finance Subcommittee agenda.

2. Assembly Lands Committee Liaison Report – None.
3. Auke Bay Steering Committee Liaison Report
Mr. Wostmann said the meeting was cancelled.
4. South Douglas/West Juneau Planning Liaison Report - None.

Mr. Dimond said he forgot that he and Mr. Simpson were appointed to the committee.

XI. Port Engineer's Report

Mr. Schaal said that while everyone was talking about financial relief the second blast occurred at Statter Harbor. It went well. Pile driving is the focus at our downtown waterfront project. The security check point shelters are getting the panels installed this week and the crew is making good progress. They should be finished by April 1.

XII. Harbormaster's Report

Mr. Creswell said our seasonal staff return date was originally set for March 31 with fourteen seasonal staff returning. We decided to push that back to April 13. We are optimistic that we will be able to bring them back then. If not, we will reevaluate and bring them back when social distancing protocol can be followed. We have an extremely long list of projects. We have some large projects on hold, namely the Lumberman clean up and demolition at North Aurora Harbor. We will use staff for those projects when we bring them back for the season. Parking lot clean up with staff labor instead of hiring outside contractors. We are busy with the COVID-19. We are keeping track of expenditures for time and costs for reimbursements. There is minimal

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traffic in the harbors and trying to shelter in place at home and being careful at work. He is very pleased with where he is at with staff and supporting them throughout this.

XIII. Port Director's Report –

Teena Larson, Administrative Officer said that Docks and Harbors admin staff has extended our hours to accept afterhour's calls from 8:00am – 9:00pm and weekends 8:00am to 4:30pm. We have implemented bill pay for moorage payments. The on call person can look up the information and help people walk through their bill pay. Launch ramp purchase online continues to be very successful. We have a statement on our main webpage with our hours.

Mr. Uchtyl said that we are trying to brainstorm on how to protect employees and patrons with social distancing. We are allowing some staff to work from home. He reminded everyone that Wednesday is his presentation for the Assembly Finance Committee. Mr. Uchtyl said the power point he presented to the Board has been culled down at the request of the Finance Department. There is many unknowns in our budget so the one being presented is different from what you saw.

XIV. Assembly Liaison Report – none.

Ms. Hughes Skandjis said the Assembly has been staying very busy working through the COVID-19 situation. The Assembly is having regular Tuesday and Thursday special meetings right now. The Assembly is talking about refunding some city fees and extensions on tax payment deadlines. Asked that everyone stays home as much as possible.

XV. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Wednesday, April 22 at 5:00pm
- b. Finance Sub-Committee Meeting – April 29 at 3:00pm.
- c. Board Meeting – Thursday, April 30 at 5:00pm

All subject to change.

Mr. Uchtyl asked how the Finance Subcommittee wanted to meet for a special meeting in person or telecommute. Mr. Wostmann said he prefers to do meetings as telecommuting meetings. If possible, we should comply with the physical distancing. He asked Mr. Uchtyl to put out a doodle poll to determine meeting dates and times. Mr. Uchtyl said he will schedule the special meeting and will advised those members. The meetings need to be publicly noticed.

XVI. Adjournment - The meeting was adjourned at 6:29 p.m. with a motion by Mr. Becker.

Respectfully Submitted by Mary Wolf, Admin Assistant 1