CBJ DOCKS & HARBORS BOARD

REGULAR BOARD MEETING MINUTES

For Thursday, September 27th, 2012

I. Call to Order.

Mr. Jardell called the Regular Board Meeting to order at 7:00 p.m. in the Assembly Chambers.

II. Roll Call.

The following members were present: John Bush, Tom Donek, Eric Kueffner, Budd Simpson, Scott Spickler, Michael Williams, Kevin Jardell

Absent: Greg Busch and David Logan

Also present were the following: Carl Uchytil – Port Director, and Dwight Tajon - Harbormaster,

III. Approval of Agenda.

MOTION By MR.WILLIAMS: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the August 30th, 2012 Regular Board Meeting minutes were approved as presented.

V. Public Participation on Non-Agenda Items.
None

VI. Items for Action

1. Professional services contact amendment for PND Engineers, Inc. in the amount of $86,400 for final design and bid ready documents for a navigational boom at the South Berth as part of the Juneau Cruise Berths project.

Mr. Uchytil said this is a condition that was placed on Docks and Harbors from the Planning Commission essentially to work with the commercial fisherman using the CBJ owned Taku Dock and design a safety barrier called a navigation boom. This is really a 48' floating pipe pile that will run parallel and under the proposed cat walk. The estimate to install this is approximately $2 million dollars. The $86,400 is a 4% design of the $2 million estimated construction price. The Port Engineer brought this before the CIP Committee and it was recommended with an amendment that this is subject to an approval of the conditional use permit that is currently under appeal.

Board Questions – None

Public Comments-None

Board Discussion/Action-

Mr. Williams said he is torn with this issue. He understands the planning commission asking Docks and Harbors to work with the commercial fisherman for safety measures, but he would really like to get 16B

project past the appeal process first. He said he understands the Taku Dock project is part of 16B, but there are those few commercial fisherman that say Docks and Harbors does very little for the community and the fishing industry. Mr. Williams said he wants it known that Docks and Harbors is enhancing a project for the commercial fishing industry.

Mr. Simpson said when this was discussed at the CIP Committee, this was a condition the committee placed on this project. The Committee did not want to proceed with the Taku dock part of the contract until there is approval for the conditional use permit to move forward with the larger project.

Mr. Kueffner said for the reasons Mr. Williams said is a good reason to move forward with this project for the fishing community.

MOTION By MR. SIMPSON: TO APPROVE A PROFESSIONAL SERVICES CONTRACT AMENDMENT FOR PND ENGINEERS, INC. IN THE AMOUNT OF $86,400 FOR FINAL DESIGN AND BID READY DOCUMENTS FOR A NAVIGATIONAL BOOM AT THE SOUTH BERTH AS PART OF THE JUNEAU CRUISE BERTH PROJECT SUBJECT TO APPROVAL OF THE CONDITIONAL USE PERMIT AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. Professional services contract for PND Engineers, Inc in the amount of $25,255 for Juneau Fisheries Terminal Approach Dock Rebuild Design and Bid Phases.

Mr. Uchytil said this is design services necessary to bring forward bid documents for the Juneau Fisheries Terminal which was damaged by the fishing vessel Kelsey J back in May. The construction estimate is approximately $165,000. This is in line with a standard set of documents that one would expect from Engineering services. This will not come out of Harbor funds or CIP funds, this money will come from the insurer of the Kelsey J or CBJ Risk Management through our insurance.

Board Questions-
Mr. Donek asked if this went out for RFP (Request for Proposal) and did anyone other than PND propose on this project?

Mr. Uchytil said Docks and Harbors did not go out for an RFP. Last year PND was selected for a term contract for engineering design services which allows us to be able to go right to them for this service. Mr. Uchytil said he wanted to do this project in house, because it could be a very simple project. The hang up being Docks and Harbors and City Engineering has no CAD services. Mr. Uchytil said he could do this but it would take a couple weeks of his time, and it would have been a good project for Docks and Harbors Deputy Port Engineer to work on. It was only out of necessity that PND was hired.

Mr. Jardell clarified that for term contracts, there is an RFP process to go through. This was a competitive bid process.

Mr. Spickler asked if there was a dollar limit for the term contracts.

Mr. Jardell said $50,000.

Public Comments - None

Board Discussion/Action-

MOTION By MR KUEFFNER: TO APPROVE A PROFESSIONAL SERVICES CONTRACT FOR PND ENGINEERS, INC. IN THE AMOUNT OF $25,255 FOR DESIGN AND BID PHASES FOR THE JUNEAU FISHERIES TERMINAL APPROACH DOCK REBUILD AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

3. Coeur Commercial Use Permit Application
Mr. Uchytil said Coeur submitted an application to operate out of Echo Cove in bad weather. They normally operate out of Yankee Cove. This application requires no additional resources from Docks and Harbors. This is the third year and has worked well in the past.

Board Questions-None

Public Comments - None

Board Discussion/Action-

Mr. Jardell said in the past Docks and Harbors has had some criticism on competing with other businesses with the issuance of this permit. This is just a commercial use permit that is available for anyone. Not to issue a permit when requested could be considered discrimination. This is a good permit, and a good thing to do.

MOTION By MR. WILLIAMS: TO APPROVE THE COMMERCIAL USE PERMIT FOR COEUR AND ASK UNANIMOUS CONSENT.

4. 2013 Board & Committee Meeting Calendar

Board Questions-
Mr. Spickler said he wanted to make a motion for the regular board meetings to start at 5:15 p.m. He checked with the City clerk and the time space is available.

Mr. Jardell said the issue would be to move the regular board meeting from 7:00 p.m. to an earlier time of 5:15 p.m. This would be to facilitate people coming to the meetings by having the meeting start just after work and to make it easier on Board members. There is an interest to make sure that the public can attend these meetings.

Mr. Spickler said he wanted to amend the time to 5:30 p.m.

Mr. Kueffner seconded the new time of 5:30 p.m.

Mr. Donek said point of order should be to have public comment on this change.

Public Comments-

Dennis Watson, Juneau, AK
He said the Board has a responsibility to the public. All the Board members have applied to be on the Board to represent the public interest. Changing the schedule to meet personal convenience is not service to the public. Mr. Watson said he has been coming to these meetings for seven years. 5:30 p.m. or 6:00 p.m. is too early for most of the people in the public. It is important to be responsible and remember who the Board is here to serve.

Board Discussion/Action –

Mr. Kueffner said with that comment it is not only for the Boards convenience but for the public. The problem with starting at 7:00 p.m. is that it goes later. He said he is fresher and sharper still at 5:30 p.m. versus 7:00 p.m. where he is getting a little tired, and that is why he is in favor of trying this out.

Mr. Simpson said he does not view this as a personal convenience for himself, but is when it would be more convenient for more people. He said an earlier time would allow more members of the public to maybe work in town and just stay to attend a meeting because they have something they would like to say at a Board meeting. He would be supportive of the change and at least try it out.

Mr. Donek said his concern is making this big of a change without it going to the public. If this is something the Board wants to do is to table it for now and put it on the agenda for a later meeting. Another aspect is parking. It is easy to find a parking space at 7:00 p.m., but 5:00 p.m. is not. Mr. Donek said 5:30 p.m. or 6:00 p.m. would be a time to consider. He is not comfortable with making this change without prior notice to the public.

Mr. Bush said he looked at the whole year meetings and noticed that there are 48 meetings for the year and 36 of them start at 5:00 p.m. Only 12 of the meetings start at 7:00 p.m. He said there is opportunity for the public to attend Committee meetings that start at 5:00 p.m., and he said they do come. He said he doesn't mind that the Committee meetings are over at 6:00 p.m. or 7:00 p.m. and he is able to go home for the day. He would vote for 5:30 p.m. Board meeting start.

Mr. Williams said he didn't have an either/or. He said the Board members did apply to be on the Board and it is pretty standard that a lot of the meetings do take place at 7:00 p.m. Being at 5:15 p.m. or 5:30 p.m. just coming off of work would make the closure of the evening a lot sooner which would be nice. The public is used to having a little time to get home, check in, and maybe gather resources or material for the meeting to present their comments. He said Mr. Donek had a good suggestion to table this until another meeting and have some public input on the change.

Mr. Jardell suggested to withdraw the motion and table until another meeting. He told Mr. Uchytil to put the calendar on the next Board meeting and have staff assess the recommendation. This would give the public a chance to speak and this could be voted on at the next meeting.

Mr. Spickler withdrew his motion.

Mr. Kueffner withdrew his second.

No Action - this will be discussed at the next Board meeting.

VII. Items for Information/Discussion.

Howard Lockwood, Manager of Juneau Port Development LLC, will make a Power Point presentation covering the progress made toward the 1st phase of the Mega Yacht Harbor construction at ATS 556A (the Little Rock Dump), since the final plat approval, at the regularly scheduled Docks and Harbors Board meeting on October 28th, 2010.

Mr. Jardell said he spoke to Mr. Lockwood's councel and he indicated that they were working on a way to approach Docks and Harbors and CBJ to try and see if there are avenues for discussion to accommodate each other needs or plans. Recognizing that Mr. Lockwood's councel is out of town, discussion will happen after his return. Mr. Jardell said there is no reason to get into the lease agreement issues tonight.

Mr. Lockwood said he is the manager of Juneau Port Development LLC. He had a seven or eight slide power point that he will show to the audience and explain the project.

VIII. Committee and Board Member Reports.

1. Operations Committee Meeting- Cancelled

2. CIP/Planning Committee Meeting – September 20th, 2012

Mr. Simpson said the CIP Committee discussed both of the PND contracts that were discussed here tonight and Mr. Lockwood gave a presentation.

3. Finance Committee Meeting- September 25th, 2012

Mr. Kueffner said the Finance Committee discussed the Gitkov lease renewal. The tenant was amenable to the proposed rent. This will come back to the next finance meeting and give the tenant an opportunity to propose something else.

The Mount Roberts Tram lease is ongoing. The assigned sub-committee met the week before and discussed the way to go forward. The Port director was directed to request Goldbelt to come back to the Board with a new appraisal based on the principles that Horan was using, and they declined to do that. At the Finance Meeting on Tuesday, Goldbelt provided some input. The Port Director will have a meeting with Goldbelt tomorrow. Mr. Kueffner said he is hopeful to move forward with negotiations. The assistant CBJ attorney was also at the Finance meeting and gave her views on why the basis for the appraisal that Goldbelt provided was not well founded, and gave some latitude on ways to proceed. There are a number of avenues that have not been foreclosed yet. The Finance Committee is still looking at negotiating a new lease rate.

Mr. Kueffner said Mr. Lockwood also gave a presentation at the Finance Committee meeting.

Mr. Jardell said he will be attending the meeting with the Port Director .

4. Member Reports – None

IX. PRAC Representative Report

Ms. Hood was absent

X. Port Engineer's Report.
Mr. Uchytil said Mr. Gillette has been on personal leave taking care of family business.

XI. Harbormaster's Report.
Mr. Tajon said the seasonal workers last day will be October 7th. Some of the seasonal workers have been placed at the different Harbors to get ready for winter. This includes the work at Statter Harbor for the pre-construction by-pass float that will be on the wood dock portions that are located just below the harbor office.
Mr. Tajon said Mr. Clauder is back to work after his knee surgery.

Mr. Williams said he wanted to give a challenge to the Harbor staff. He wanted to award $100.00 to the first staff member that writes five animal violations on the dock. Deadline for this will be December 31st, 2012.

Mr. Jardell asked if the brick yard was open for parking in the winter.

Mr. Tajon said it is closed for the season. CBJ has suspended parking there for the winter since the new parking garage has been built. Marine Way parking on the side of the road is open now.

XII. Port Director's Report.
Mr. Uchytil said he will be attending two conferences next month. The first is a PCC Conference in Winchester Bay, OR from October 9th to October 11th. The second is the AAHPA Conference in Sitka from October 23rd to October 25th, Mr. Tajon and Mr. Schaal will also attend.
Mr. Uchytil said he will call in at the Finance meeting.
For the Regular Board meeting he will be able to attend but will be a little late. He has invited CBJ attorney to provided ethics training to the Board. The CBJ Engineer has been invited to speak on the needs of the City as it pertains to the little rock dump area.
Mr. Uchytil said he submitted the Auke Bay Loading Facility as the candidate for the infrastructure project for this year with the Alaska Municipal League.
At the Yacht Club on October 17th will be an open public forum to talk to interested Harbor patrons about the design criteria for Aurora Harbor. Design Engineers and Docks and Harbors personnel will be there to meet with, answer questions and solicit comments from the public. At 5:00 p.m. will be the CIP meeting at the Yacht Club and the open forum meeting following.
The final inspection was completed on the Douglas breakwater. Mr. Uchytil said when he attends the AAHPA Conference in Sitka he will speak with the Alaska Corps. Of Engineers Alaska District and have transfer of ownership at that time.
The appeal for the 16B conditional use permit is underway. Mr. Dybdahl is the presiding officer. There has been requests for additions to the record and requests for reconsideration of interveners. Mr. Hartle and Mr. Dybdahl has that task of sorting out the requests. Alaska Cruise Association sent a letter to Mr. and Mrs. Osborne regarding the 16B project. The cruise industry stated that they have sent numerous letters to CBJ expressing their opposition to building the new City dock and have raised navigational issues from their operational staff.
Mr. Uchytil questions what navigational issues were raised. Mr. Uchytil and Mr. Jardell contacted the Alaska Cruise Association and the Northwest and Canada Cruise Association in an abundance of caution and had a teleconference with them to give them an opportunity to explain what they meant by "navigation concerns", and the ACA raised no concerns. Given that they raised no concerns we are left with the conclusion that this is a reference to concerns which have been or are already being addressed.

Docks and Harbors hired the Alaska Marine Exchange to conduct updated navigability studies at AVTEC in Seward with cruise industry representation.

XIII. Assembly Liaison Report
Ms. Becker was absent.
Mr. Jardell said he wanted to let everyone know that Ms. Becker was away at a conference but she has been very involved with staying on top of issues and communicating with Docks and Harbors.

XIV. Committee Administrative Matters.

1. Operations Committee Meeting – October 16th, 2012
   5:00 p.m. at the Aurora Harbor Office

2. CIP/Planning Committee Meeting – October 17th, 2012
   5:00 p.m. at the Yacht Club

3. Finance Committee Meeting –October 23rd, 2012
   5:00 p.m. in CBJ room 224.

4. Regular Board Meeting – October 25th, 2012
   7.00 p.m. in the CBJ Assembly Chambers

XV The Regular Board Meeting adjourned at 7:54 p.m.