

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Thursday, May 18th, 2017

I. Call to Order The meeting was called to order at 5:03 p.m. in City Hall Conference Room 224.

II. Roll Call The following members were present: Tom Donek, David Lowell, David Summers, Bob Janes, and Budd Simpson.

Also Present: Carl Uchytel – Port Director, David Borg – Harbormaster.

III. Approval of Agenda

MOTION By MR. SUMMERS: TO AMMEND THE AGENDA AS PRESENTED BY ADDING AN ITEM FOR INFORMATION, THE MARINE PARK AREA.

MOTION By MR. SUMMERS: TO APPROVE THE AGENDA AS AMENDED.

IV. Public Participation on Non-Agenda Items - None

V. Approval of Wednesday, March 29th, 2017 Operations/Planning Meetings Minutes

MOTION BY MR. DONEK: TO APPROVE THE MARCH 29th, 2017 MEETING MINUTES AND ASK UNANIMOUS CONSENT.

Motion passed with no objections.

VI. Consent Agenda - None

VII. Unfinished Business - None

VIII. New Business

1. Live-aboards at Statter Harbor

Mr. Uchytel said a board member brought up the question of liveaboards at Statter Harbor. We do collect the \$69 liveaboard fee per month but we have nothing that prohibits liveaboards from our transient facility at Statter Harbor. The question today is should we make a new regulation to prohibit liveaboards from the transient section of Statter Harbor.

Mr. Borg said that as of today we have 11 liveaboard vessels at Statter Harbor and they are occupying a little over 500 feet of linear moorage.

Mr. Summers said he has seen a houseboat at Statter Harbor.

Mr. Borg said houseboats are strictly prohibited from Statter Harbor area and that houseboat will be addressed.

Committee Questions

Mr. Donek asked how the transients and the liveaboards as transients managed in Statter Harbor?

Mr. Borg answered every vessel has to move every 10 days. From talking to staff, this 10 day rule has been a challenge every year. Last summer I issued letters to vessels who were not complying with the 10 day moving rule stating that they were not eligible anymore for the monthly rate and would have to pay daily rates.

Mr. Lowell asked doesn't the idea of a liveaboard directly conflict with a transient harbor? Having some policy in place would be very helpful to manage this.

Mr. Simpson said this came up because we've always understood Statter Harbor to be a first come first serve facility and was surprised to find that there were liveaboards at this Harbor.

Mr. Uchytel stated for convenience for college students, some are liveaboards during the school year.

Mr. Lowell asked if the permits for the most recent Statter Harbor improvements written as only transient?

Mr. Uchytel answered no they do not have that specification.

Mr. Simpson stated it was a State harbor when it was built in the 1980s and it would be worth while to look back at the original conditions.

Mr. Uchytel added originally when it was a State Harbor, it was only going to be transient to protect the existing private marinas.

Mr. Donek said this topic deserves some more research.

Mr. Borg stated that liveaboard is defined as more than three days. As of now at Statter Harbor, a person can pay monthly plus the liveaboard fee, move their boat every 10 days, and they are within regulation.

Public Comment

Dennis Watson, Juneau, AK

Mr. Watson stated by his recollection of previous meetings, the issue of liveaboards was raised in Statter. When the harbor was turned over to the city the rules were changed to create the 10 day moving rule and more than three days as qualifying as a liveaboard.

Committee Discussion/Action –

Mr. Janes stated that he is discouraged about the number of liveaboards in Statter harbor taking up space and making it even more crowded and busy. They should not be allowed in the transient area as space is so limited. The permanent stalls can have liveaboards if they wish but as there is such limited transient space perhaps we should create a regulation to not allow them. An idea would be having different summer and winter operations. Such as no liveaboards in this area during summer.

Mr. Donek said he would also like to see summer vs. winter operating differences. Transient space should mean that boats have to leave the harbor and give others a chance.

Mr. Summers said he would like to reaffirm that liveaboards at Statter harbor is not the best use of that space.

Mr. Lowell said he agrees that if we are going to call it a transient harbor then it needs to be transient in nature.

Mr. Borg said whatever is decided it needs to be enforceable. If we say no liveaboards it needs to be reasonable for transient visitors.

Mr. Donek said this is for the boats that don't move and not the transient vessels.

Mr. Simpson said it seems to be unanimous that Statter needs to be maintained as a transient facility and that liveaboards are not seen as transient. We have space in other harbors and designated areas that are less accessible.

Mr. Janes said that we should discuss this longer over this winter before making any final decisions.

Mr. Borg said the rule needs to be across the board for everyone.

Mr. Simpson said we all need to think more about this and bring it back.

2. Fees for Passenger for Hire and Bus Loading Zone at Statter Harbor

Mr. Uchytel said currently, the Passenger for hire uninspected fee for charters is \$150 per vessel plus \$1.50 per passenger each day. The inspected vessels pay \$500 per vessel plus \$1.50 per passenger each day. The other fee we charge is the coach fee to use Statter Harbor parking lot which is \$300 per company plus \$15 per passenger seat. The argument is that since the entire fleet cannot park on the same day, they are only paying for the number of vehicles that can be used at once at Statter.

Committee Questions

Mr. Simpson said he sees the logic in that way of thinking.

Mr. Uchtyl said he would like to look at how we charge buses and change it to something less onerous. Every coach coming to Statter is originating downtown so we are collecting \$300 per company plus \$7 per seat fee. He's not sure if we need a fee at Statter also. He would like to do away with the charter \$1.50 per head because that is difficult to keep track of. He'd rather get to a point where we are assessing a fee for the use of the floats and be done with any coach fees at Statter Harbor.

Mr. Simpson asked would it work to charge a more nominal fee to permit each vehicle.

Mr. Uchtyl said he is suggesting that since they are already buying permits downtown, we should just bump up that one fee and do away with the separate Statter bus charge.

Mr. Lowell said if we get rid of the bus fee and transfer it to the charters then we are transferring it from one operator to another.

Mr. Uchtyl said he assumes that the charters would in turn work with the buses to even it out.

Public Comment

Dawn Wolfe, Juneau, AK

Ms. Wolfe said she agrees with Mr. Uchtyl, that it does not make sense to charge the buses twice. Not everyone is using Statter Harbor so there could be a flat fee for each facility used.

Jeff Fanning, owner of Liquid Alaska Tours, Juneau, AK

Mr. Fanning asked if this is related to A and B zone lots as well?

Mr. Uchtyl said the Statter Harbor bus fee is not A or B zone and it is a separate fee for the use of Statter.

Mr. Borg asked if this would limit the number of vehicles entering Statter Harbor at any one time?

Mr. Janes said every company asks for the amount of permits they would like to use for that year.

Ms. Wolfe said in the past Gastineau Guiding had 3 permits but now that there is more space this summer we have 6 permits.

Mr. Janes said we could have a standard fee for anyone using each facility. Charging per passenger for charters is important to keep, as all companies are different and a flat rate may hurt some operators.

Mr. Uchtyl said after discussing with the law department, they feel we are somewhat exposed by having that additional per passenger fee at Statter.

Mr. Donek said no matter how many people are on that boat, you are still using the same amount of dock space. We should charge the boats that are using the dock.

Committee Discussion/Action

Mr. Simpson asked Mr. Uchytel to bring this back next time.

3. Vendor Booth Regulations

Mr. Uchytel said reading 05 CBJAC 10.030 page 2; paragraph 3, enforcing this has been a challenge. He had a hearing last month as he believed this was being violated. There is a family of companies and they are operating multiple tour booths as brother, brother-in-law, and brother-in-law. There is another person in the family that manages all marketing, HR, and bookkeeping of the permittees. At the hearing, he was told how difficult this section of regulation is to enforce. He recommends doing away with it. The intention of this regulation was to have local Juneau people man these booths and not have big companies buy them all up.

Mr. Simpson asked what the result of the hearing was?

Mr. Uchytel said he determined that there was no violation and that they were all stand-alone companies and have no financial interest directly in another company.

Mr. Simpson said the language in this regulation is not clear and should be cleaned up.

Mr. Lowell asked would paragraph 2 prevent an outside company from purchasing them all.

Mr. Uchytel said no. A PO Box maintained in Juneau would be a way to get around paragraph 2.

Mr. Summers asked in terms of the scope of the hearing what percentage of booths was in question.

Mr. Uchytel answered it was just one vender booth in question.

Mr. Donek asked if this clause had ever been successfully used.

Mr. Uchytel answered no.

Mr. Summers asked have you ever had a hearing to question residency.

Mr. Uchytel answered no because it is an easy standard to meet.

Public Comment

Mr. Fanning said according to line 3, of paragraph 3, it seems like a clear violation is taking place. Also, he feels that if someone is violating a regulation it should not just be thrown out but should be enforced.

Committee Discussion/Action

Mr. Summers said we could tighten this by increasing the residency requirement by attaching it to some other standard like PFD, Fish & Game, or driver's license. Also, what is the problem if people are related but are all operating businesses and are all bidding in an open bid process. The bidding process allows the person to pay to have it. The fact that they are related isn't necessarily the problem.

Mr. Simpson said he would like to enforce residency but is not sure if it would stand.

Mr. Janes said he agrees with Mr. Summers. The cruise lines detest the vendor booths and if we open it up then it is possible they may purchase them all. Those booths are an important part of our economy for all the companies that sell tours through them.

Mr. Uchytel said there is one vendor booth operator that wants to buy a second booth. But as of now it is hard to explain why the answer is no. Not being able to enforce this as written is difficult, if there is a way to make this regulation better we should.

Mr. Simpson said this is tied into the concept of a shared financial benefit, which cuts across technical ownership. One person owning many LLC's and getting financial benefits from them would violate this regulation. We should not delete this regulation without first trying to correct it. He asked if there is a less radical way to amend this.

Ms. Wolfe said we could make them be residents. The Forest Service permits have changed but they used to need to be held by an individual resident and could not be sent to a company name. A suggestion is that a permit holder has to be a resident.

Mr. Uchytel said we could go in many directions.

Mr. Fanning said it is frustrating to see 4 of these 9 booths all using the same credit card machines with the same name on the receipts.

Mr. Lowell said if that is true then they are in clear violation of this regulation. He is not clear how the hearing didn't result in that conclusion.

Mr. Uchytel said there was a separate agreement for the managing company to do these services. And there was an individual permit holder for each booth, so they were found the hearing to not be in violation.

Mr. Simpson said we need to move on from this as a decision has not been made.

4. CPI Adjustment

Mr. Uchytel said we had made changes to only increase moorage rates downtown based on CPI adjustment. The CPI has been very minimal the last few years and has not triggered an increase. The question was brought up to bundle the CPI increases or look longer term because of the very low CPI.

Committee Questions

Mr. Janes asked if this is because of the administrative costs of raising it every year. What is the reason that we might want to bundle it every 5 years?

Mr. Uchytel said due to the low rate of inflation we may be losing pace with it.

Mr. Simpson said we didn't want to increase it unless it was at least a nickel increase. But we need to accumulate those CPI adjustments so they will add up year after year to the nickel. It may not be written that way but that was the original intent.

Mr. Donek said the danger in not having some type of logical increase in rates and future Boards need to be aware that small changes are better than one big increase. I'm in favor of every 5 years we should take a look at it and decide then.

Mr. Simpson said it should be both ways if it is accumulative and look at it every 5 years and make sure it is where it should be.

Mr. Uchytel said or we could just stick to exactly what the CPI is and if it raises a penny then we raise the rate a penny.

Mr. Janes said if it is not an administrative hassle to raise it every year by a penny or two of the CPI then we should just do that.

Mr. Donek said we are not in danger of forgetting about it as we look at and vote on it every single year.

Mr. Simpson said the key is it has to be accumulative from the last time it was changed, not just one year at a time.

Mr. Janes asked do we have to change something.

Mr. Simpson said we do not we have expressed the intent of this regulation and that it is accumulative and not annual.

Mr. Uchytel said are we recommending a regulation change then.

Mr. Simpson said I am recommending that we read it as is as it was intended not as it is written.

Mr. Donek said we should tweak that language so we all understand that we are accumulating.

Mr. Simpson said if this says each moorage year so each moorage year it should be examined to determine that since the last time the moorage was increased the CPI has risen by 5 cents.

Mr. Uchtyl said this adjustment is automatic unless the board elects not to increase.

Public Comment

Mr. Watson said if you want to stay with the spirit of the CPI in 5 year intervals then you need to do a weighted average. I agree with Mr. Janes and just increase by the exact CPI changes. If you want to help out future board members then put it in writing so it is easy to follow and not up to interpretation.

Mr. Simpson said he would like to clarify how this is set up.

Mr. Lowell said he supports that.

Mr. Janes said he would not mind having it increase per year by a couple cents.

Mr. Donek said we should defer to staff to tell us what works the best.

Mr. Janes said that staff will be different and we should clarify the wording.

Mr. Simpson asked Mr. Uchtyl to bring this back after looking further.

IX. Items for Information/Discussion

1. USS O’Kane Visit

Mr. Uchtyl said the USS O’Kane has left today. It was a very successful visit, we did a lot. We had a USS Juneau Commemoration. Docks and Harbors did the Adopt-a-Sailor program. We set up partnerships with TBMP, Docks and Harbors did a lot to facilitate the visit.

Committee Discussion/Public Comment

Mr. Simpson said Carl really did a great job and put a lot of work into organizing this. It got very positive press.

Mr. Summers said that several downtown businesses said that the way this was handled and the ramp up to it had a significant impact on downtown business. It was a great opportunity to have the sailors in Juneau. The buildup and press was wonderful.

Mr. Uchtyl said the harbor crew put up the flags on the dolphins as well.

Mr. Simpson said he took a tour of the O’Kane and it was interesting and fun to see the ship.

2. Transportation Network Companies (TNC)

http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20132&session=30

Mr. Uchtyl said Uber and Lyft are coming to Juneau effective as soon as the Governor signs it. We are not ready as a city for it. Right now JPD has to inspect all cabs, but Uber would take care of their own vehicles and people. Chief Johnson said that it will free up JPD to do other things. Mr. Uchtyl believes having Uber/Lyft will make it more difficult to manage our downtown lots.

Committee Discussion/Public Comment

Mr. Simpson said presently we do not allow civilian vehicles into our lots to pick up and drop off.

Mr. Uchtyl said not in A or B zone permitted areas. According to this 14 page document we do not have authority to regulate Uber and Lyft. He will meet with City Manager Rorie Watt and Police Chief Johnson to discuss. I think we will have a fee to use the Columbia Lot. In our situation with only one road in and out it will be difficult to have even more traffic.

Mr. Janes said we charge the cabs to use the B zone. Are you saying you will not allow Uber/Lyft to use the B zone.

Mr. Uchtyl said correct. We could charge a fee to perhaps allow them into Columbia Lot.

Mr. Janes said then they will just stop all over the street.

Mr. Borg said we need to be prepared for the influx of 15 or 20 vehicles ready to do this.

Mr. Summers said other downtown businesses are also concerned about the volume of vehicles infiltrating downtown. Some questions that were brought up include can we designate Uber/Lyft drop off and pick up areas. There was a suggestions of a committee to work with DBA and or Docks and Harbors on handling Uber/Lyft.

Mr. Uchtyl said I could think of a potential partnership with the AJ Dock, having them stage there, and then come into town for a pick up when they get the call.

Mr. Summers asked should we lobby the Governor to wait.

Mr. Simpson said it’s too late to lobby. Let’s see what happens and then respond to a problem if it develops.

Mr. Lowell said he liked the idea of having a staging area where they can deploy from.

Mr. Borg said we can't have them in the lots. There is a traffic plan in place for the buses and we can't have Uber/Lyft entering as they please.

3. Parking Agreement with Marine Exchange of Alaska

Mr. Borg said Marine Exchange has sent us a letter hoping to come to a resolution as they ask for a couple of parking spaces. He sees no problem with this especially if they choose to pave the area which helps us out as well.

Committee Discussion/Public Comment

Mr. Simpson said they make a good point in that those spaces will only be needed 8 to 5 Monday to Friday and the other times they will be open for harbor use. Which option do you think is best.

Mr. Borg said he liked option two because it improves the space.

Mr. Simpson said they said the cost would be negotiated and it would go out for a certain amount of time. He feels that the value of the space should be \$100 a month.

Mr. Lowell asked how option one and two is different.

Mr. Borg said option one would leave the lot the way it is and pay us \$50 per spot per month.

Mr. Summers said he likes the idea of option 2 that they pave it and we charge them \$100 a month.

Mr. Uchtyl said its \$50 at library and \$75 at downtown garage.

Mr. Janes suggested \$75 a month.

Mr. Simpson said at \$75 we are locked in for a longer period of time then it would be at \$100.

Mr. Borg said he will bring this back to Marine Exchange, option 2 for \$75 per month per spot per month.

4. Marine Park/Wedding Cake Area

Mr. Summers said most of you know that the Marine Park area camping has been causing an issue. And the question is what kind of authority do we have in this area and how can we work to fix it.

Mr. Simpson said there is a real sense of frustration around this as well and that it appears that no other entity in CBJ is fixing it.

Mr. Uchtyl said the regulation we are talking about is the camping ordinance and the only people who can enforce it is the Police Department. In the mornings harbor staff will roust people the best they can. He met with City Manager Rorie Watt and Police Chief Johnson and they know that something has to change. They will begin by placing more signs and they are encouraging harbors to also put up more signs on our facilities. JPD is excellent people but they can only do so much at this point. Critical mass has been achieved in Marine Park. There is a learning curve with the new camping ordinance and JPD is engaged with working towards a better solution.

Mr. Borg said the harbor department does not have enforcement authority to enforce that regulation. My staff is not trained to do so, we can call JPD to come down and respond. My staff has to move people out of the vendor booths in the early morning.

Mr. Janes said these people do not have an alternate place to go. We can try to move them out but we need to be part of the solution.

Mr. Uchtyl said the issue is that we are dealing with people who are not responsive and do not respect authority.

Mr. Summers said we've got to get them out of that main area and have them go somewhere else.

Mr. Lowell said the first thing people are seeing as they come to Juneau is people camping all day long.

Mr. Borg said he is worried about the safety of his staff having to deal with this.

X. Staff & Member Reports

Mr. Uchtyl said the boat shelter expo was well attended and we got a lot of good feedback. One shelter owned by Shattuck's, said they are selling both halves of one boat shelter and wants to offer it to the harbor board first for \$70,000.

Mr. Simpson said we have always passed on purchasing these throughout the years. If we had not we would have quite a few by now.

Mr. Uchtyl said he sent out a request for information for Statter Harbor phase III fuel float, whether we want to bring a fuel float for the exclusive use of the charter operators or not. Early response that he received back indicated that it would need to be a manned facility. There will be a ribbon cutting ceremony tomorrow at noon for Statter Harbor. There is a protest scheduled from Squire's Rest to take down the trees. The 24th of May is the deadline for new board members so if anyone knows interested parties have them

apply by then. Our Auke Bay Admin II, Jenny Mejia has gone into labor and she will be out for the summer.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, June 21st, 2017.**

XII. Adjournment – The meeting adjourned at 7:35 p.m.