



# THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

**WHITTIER CITY COUNCIL**

**WILL HOLD**

**A SPECIAL MEETING**

**MONDAY JANUARY 8, 2018**

**AT 6:00 PM**

**COUNCIL CHAMBERS**

**P-12 BUILDING**

## **AGENDA**

- |  | <b>Page #</b> |
|--|---------------|
| 1. <b>CALL TO ORDER</b>  |               |
| 2. <b>OPENING CEREMONY</b>   |               |
| 3. <b>ROLL CALL</b>  |               |
| 4. <b>APPROVAL OF SPECIAL MEETING AGENDA</b>   |               |
| 5. <b>CITIZEN COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING</b>  |               |
| 6. <b>ORDINANCE</b><br><b>Public Hearing (2<sup>nd</sup> reading)</b>  |               |
| <b>#08-2017 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ALASKA RAILROAD CORPORATION TRANSFERRING TRACT A-1 TO THE ALASKA RAILROAD IN EXCHANGE FOR TRACT W AND THE DELONG DOCK SUBJECT TO SPECIFIC ESSENTIAL TERMS AND CONDITIONS EXECUTED BY THE PARTIES</b> | <b>1</b>      |
| 7. <b>NEW BUSINESS</b>   |               |
| <b>A. Letter of Support – PWSRCAC</b>  | <b>3</b>      |
| <b>B. Discussion of Trash</b>  | <b>5</b>      |
| 8. <b>EXECUTIVE SESSION</b>  |               |
| <b>A. Discussion of DeLong Dock Agreement / ARRC Land Issues – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City. AS 44.62.310(1)</b>  |               |
| 9. <b>COUNCIL DISCUSSION</b>   |               |
| 10. <b>CITIZEN DISCUSSION</b>  |               |
| 11. <b>ADJOURNMENT</b>   |               |

**CITY OF WHITTIER, ALASKA  
ORDINANCE #08-2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ALASKA RAILROAD CORPORATION TRANSFERRING TRACT A-1 TO THE ALASKA RAILROAD CORPORATION IN EXCHANGE FOR TRACT W AND THE DELONG DOCK, SUBJECT TO SPECIFIC ESSENTIAL TERMS AND CONDITIONS EXECUTED BY THE PARTIES.**

**WHEREAS**, in 2000, the Alaska Legislature passed CSHB 320, a bill that authorized and directed the Alaska Railroad Corporation ("ARRC") to receive Tract W, including the DeLong Dock, from the United States, and further directed ARRC to reconvey Tract W, excluding the DeLong Dock, to the City of Whittier ("City"); and

**WHEREAS**, CSHB 320 stated, "the corporation [ARRC] and the City of Whittier shall agree to diligently work together in good faith to resolve disputes and to collaborate with each other in developing a management agreement for operation of the DeLong Dock facility with the goal of operating the facility as a single entity for economic development purposes"; and

**WHEREAS**, it has been seventeen years since the 2000 legislation, during which time ARRC has held exclusive use of the DeLong Dock, refused to allow the City access to the Dock, shared no revenues from the Dock, and used the Dock unilaterally to support the financial interest of ARRC, while causing significant detriment to the City and the Prince William Sound region; and

**WHEREAS**, in May of 2017, the United States quitclaimed Tract W and the DeLong Dock to ARRC; and

**WHEREAS**, ARRC must reconvey Tract W, excluding the DeLong Dock, to the City as directed in CSHB 320; and

**WHEREAS**, it is in the best interest of and advantageous to the City to enter into an agreement with ARRC whereby ARRC will convey Tract W and the DeLong Dock to the City, in exchange for City-owned Tract A-1; and

**WHEREAS**, Whittier Municipal Code 3.36.150.E. allows the City to exchange a parcel of City property with property owned by another party, after City Council approval and public notice of the exchange, and subject to conditions imposed by the City Council; and

**WHEREAS**, the City Manager has negotiated and agreed with ARRC a Joint Statement of Essential Terms of the proposed agreement to exchange Tract W and the DeLong Dock for Tract A-1 to be presented to the City Council for approval; and

**WHEREAS**, upon the City Council's approval of the essential terms of the agreement, the City must negotiate the non-essential terms of the agreement and all the conveyance documents, and execute the final agreement and conveyance documents.

**NOW, THEREFORE, the Whittier City Council ordains:**

Section 1. The form and content of the Joint Statement of Essential Terms Between the Alaska Railroad Corporation and the City of Whittier, Alaska, signed on August 22, 2017 by the City and on August 18, 2017 by ARRC (attached as exhibit A), now before this meeting, are in all respects authorized, approved and confirmed by this ordinance.

Section 2. The City Council authorizes, empowers, and directs the City Manager to negotiate the non-essential terms of the agreement between the City and ARRC for the exchange of Tract W and the DeLong Dock with Tract A-1. The City Council also authorizes, empowers, and directs the City Manager to execute and deliver on behalf of the City a final agreement for the exchange of Tract W and the DeLong Dock with Tract A-1, containing the essential terms as approved in Section 1 and the non-essential terms as negotiated by the City Manager with ARRC, with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate.

Section 3. The City Council further authorizes, empowers, and directs the City Manager to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the final agreement as executed, including any and all property conveyance documents.

Section 4. Effective date. This ordinance shall be effective immediately upon adoption.

1st reading: December 6, 2017

2nd reading and public hearing: December 19, 2017

**PASSED AND APPROVED** by a duly constituted quorum of the Whittier City Council on this 21<sup>st</sup> day of December, 2017.

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Daniel Blair  
MAYOR

ATTEST:

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Krista Fish  
CITY CLERK

Ayes:  
Nays:  
Absent:  
Abstain:



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

January 8, 2018

Dear Mr. Mendivil,

The City Council of the City of Whittier supports the request for an Adjudicatory Hearing by the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC), Prince William Sound Aquaculture Corporation (PWSAC), and the City of Valdez (Valdez), on the Alaska Department of Environmental Conservation's (ADEC) decision to approve amendments to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan (VMT C-Plan). The Public Notice on this request was issued on November 30, 2017.

The City Council of the City of Whittier requests the Commissioner grant this Request for an Adjudicatory Hearing. We also understand that some of the parties requested an Alternative Dispute Resolution process be used, which will be more efficient and cost effective. I support more efficient and cost effective methods.

The Solomon Gulch Hatchery and Valdez Duck Flats are environmentally sensitive areas, and areas of great public concern and economic importance, located a few miles from the terminal. These important areas deserve immediate protective booming when any sizable terminal spill occurs.

The City of Whittier is concerned about the negative impact the proposed changes will have on wildlife and fishing in Prince William Sound. The City of Whittier is reliant on commercial and sport fishing, as well as kayaking and other outdoor activities to support our tourism base. The changes to the plan would endanger these activities and have a negative economic impact on our region.

ADEC's decision to approve these unfortunate amendments to the VMT C-Plan dramatically weaken oil spill protections for the Valdez Duck Flats and Solomon Gulch Hatchery. For example, these amendments are so egregious that the new oil spill response Decision Matrix in the Valdez Terminal Plan would not instruct initial oil spill responders to boom the hatchery or Duck Flats for most oil spills, even for the largest oil spill examined in the spill plan [155,000 barrels (6,510,000 gallons)]. Clearly, the amendments to the VMT C-Plan do not adequately protect these environmentally sensitive areas in the case of a spill.

Ultimately, the Commissioner should modify or overturn his staff's decision to approve these unfortunate amendments to the VMT-C-Plan in order to ensure these environmentally sensitive areas are protected in the event of a spill. Toward this end, the City Council of the City of Whittier supports the request by the PWSRCAC, PWSAC, and Valdez, for an adjudicatory hearing so these important matters may be more fully considered by the ADEC.

On behalf of the City Council of the City of Whittier

by City Manager  
Mark Lynch

DRAFT

Waste - 2017

Cost	Eq. Yr's Completed	Approx. Tons	Cost per Ton	Trips to Arc TS	Self Haul - 2017 comparison		Labor
					Cost to Dump	Cost to Operate Truck	
\$2,944.15	19.5	4.875	\$603.83	0.895854	\$548.98	\$212.73	\$289.64
\$2,632.06	18	4.5	\$584.90	0.818182	\$588.50	\$196.36	\$261.82
\$2,632.06	18	4.5	\$584.90	0.818182	\$588.50	\$196.36	\$261.82
\$2,632.06	18	4.5	\$584.90	0.818182	\$588.50	\$196.36	\$261.82
\$18,183.78	36	9	\$2,020.42	1.090909	\$1,297.00	\$392.73	\$523.64
\$18,564.79	120	30	\$552.16	5.454545	\$3,990.00	\$1,309.09	\$1,745.45
\$12,024.98	327.5	31.875	\$534.12	5.795455	\$4,239.38	\$1,300.91	\$1,854.55
\$12,070.00	327.5	31.875	\$535.53	5.795455	\$4,239.38	\$1,300.91	\$1,854.55
\$16,712.88	126	31.5	\$530.57	5.727273	\$4,188.50	\$1,374.55	\$1,832.73
\$8,989.20	18	4.5	\$753.16	0.818182	\$588.50	\$196.36	\$261.82
\$2,854.01	18	4.5	\$589.78	0.818182	\$588.50	\$196.36	\$261.82
\$2,790.45	18	4.5	\$606.77	0.818182	\$588.50	\$196.36	\$261.82
					Annual Depreciation >>>>		
						\$15,000.00	
					30.20	\$22,094.63	\$8,665.45
						\$56,009.17	

Labor @ \$40/hr  
Operation cost @ \$2/mile  
Dump cost @ \$133/ton  
Compaction @ 4 to 1  
Trips based on 22 yard load

2016 Waste - 2017

Cost	Eq. Yds. Compacted	Approx. Tons	Cost per Ton		2016 Used - 2017 comparison		Labor
					Trips to Anc TS	Cost to Dump	Cost to Operate Truck
\$2,244.15	19.5	4.875	\$603.93		0.4875	\$648.34	\$117.00
\$2,632.05	18	4.5	\$584.90		0.45	\$598.50	\$108.00
\$2,632.05	18	4.5	\$584.90		0.45	\$598.50	\$108.00
\$2,632.05	18	4.5	\$584.90		0.45	\$598.50	\$108.00
\$18,183.78	36	9	\$2,020.42		0.9	\$1,197.00	\$216.00
\$16,564.79	120	30	\$552.16		3	\$3,960.00	\$720.00
\$17,024.98	127.5	31.875	\$544.12		3.1875	\$4,239.38	\$765.00
\$17,070.00	127.5	31.875	\$545.53		3.1875	\$4,239.38	\$765.00
\$16,712.88	126	31.5	\$590.57		3.15	\$4,188.50	\$756.00
\$3,389.20	18	4.5	\$759.16		0.45	\$598.50	\$108.00
\$2,694.01	18	4.5	\$599.78		0.45	\$598.50	\$108.00
\$2,730.45	18	4.5	\$606.77		0.45	\$598.50	\$108.00
					Annual Depreciation 2000		\$20,000.00
\$108,170.89					15.51	\$22,094.63	\$23,587.00
							\$5,316.00
							\$51,397.63

Labor @ \$40/hr  
Operation cost @ \$2/mi/hr  
Dump cost @ \$133/ton  
Compaction @ 4 to 1  
Trips based on 40 yard load