

CALL TO ORDER

The August 4, 2026, special meeting of the Whittier City Council was called to order at 6:02 p.m. by Mayor Shen.

OPENING CEREMONY

Mayor Shen led the pledge of allegiance to the flag.

ROLL CALL

There were present:

Victor Shen, presiding, and
David Pinquoch, Lorianne Borg, Jamie Loan, Peter Denmark, Renner Macaltao, and Tom Wagner, comprising a quorum of the Board.

Also Present:

Jackie C. Wilde, City Manager
Shelby Carlson, Assistant City Manager/Acting City Clerk
Kristin Erchinger, Finance Director (virtual)
David Borg, Harbormaster
Andre Achee, Police Chief
Holly Wells, City Attorney

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

Nick Olzenak spoke against Non-Code Ordinance 2026-004.

Sean Marx commented on conflicts of interest.

Kelly Bender commented on leases generally and spoke against competitive bidding of leases.

Wagner arrived at 6:13 p.m.

APPROVAL OF THE SPECIAL AGENDA

Motion (Denmark/Wagner)

Approval of Special Agenda

Borg removed Item 1, Non-Code Ordinance 2026-004, from the consent agenda.

Shen removed Item 2, Ordinance 2026-005, from the consent agenda.

Motion Passed

Unanimous

CONFLICT OF INTEREST

Denmark declared a potential conflict of interest in leases (Items 1 – 3). **Wells** advised Denmark has a conflict of interest in any discussion involving leasing in the area he leases.

Motion

Does Mr. Denmark have a conflict of interest in Items 1 – 3?

Motion Passed

AYES: Loan, Pinguoch, Macaldao, Wagner, Borg, Shen

ABSTAIN: Denmark

The Council found that Mr. Denmark did have a conflict of interest in Items 1 – 3.

Shen declared a potential conflict of interest in Item 1, Non-Code Ordinance 2026-004. **Wells** advised Shen likely has a conflict of interest in Item 1 but not in leases, generally.

Motion

Does Mr. Shen have a conflict of interest in Item 1?

Motion Passed

AYES: Pinguoch, Wagner, Macaldao, Loan, Borg, Shen

NOES: Denmark

The Council found that Mr. Shen did have a conflict of interest in Item 1.

SPECIAL MEETING BUSINESS

Introduce **Non-Code Ordinance 2026-004**, Exempting Incumbent Leaseholders and Sublessees of City Property Interests from Whittier Municipal Code 3.38.480 and Adopting an Application Process that Allows Such Lessees and Sublessees to Apply for Direct Negotiation of a New Lease with the City on the Same Property Leased or Subleased by Applicants So Long as the Lease or Sublease Expired or Will Expire in 2026 and the Application is Received within 14 Days of the Effective Date of this Ordinance, and set for public hearing at the August Regular Meeting

Motion (Wagner/Pinguoch)

Introduce **Non-Code Ordinance 2026-004** and set for public hearing at the August Regular meeting.

Motion to Amend (Pinguoch/Wagner)

Amend **Non-Code Ordinance 2026-004** to remove Shen as sponsor and insert Pinguoch.

Motion to Amend Passed

AYES: Wagner, Pinguoch, Loan, Macaldao, Borg

ABSTAIN: Denmark, Shen

Borg proposed a resolution to recognize the parcels at issue available for lease but reject competitive bidding and open them to the lease application process. General discussion given.

Motion Passed as Amended

AYES: Wagner, Pinguoch, Loan, Macaldao, Borg

ABSTAIN: Denmark, Shen

Motion (Borg/Loan)

Direct the City Manager and City Attorney to prepare a resolution to declare the parcels at issue available for lease, reject competitive bidding, adopt the lease application process on those parcels, and adopt the criteria currently specified in Non-Code Ordinance 2026-004 and WMC 3.38.480.

Motion Passed

AYES: Borg, Pinguoch, Wagner, Macaldao, Loan

ABSTAIN: Denmark, Shen

Introduce **Ordinance 2026-005**, Amending Portions of WMC Chapter 3.38 "Lease of City Lands" to Prioritize Leases Serving the Needs of the Community and to Deprioritize Lease Application Criteria Regarding Fair Market Value, and set for public hearing at the August Regular Meeting

Motion (Borg/Wagner)

Introduce **Ordinance 2026-005** and set for public hearing at the August Regular Meeting.

Motion to Amend (Pinguoch/Wagner)

Amend **Ordinance 2026-005** to strike the title and replace it with, "An Ordinance of the City Council of Whittier, Alaska, Amending Portions of WMC Chapter 3.38 'Lease of City Lands' to Clarify Council Approval Requirements, Increase City Council's Role in the Lease Award Process, and Clarify Rental Rate is Just One Factor in Consideration of a Lease Award."

Motion to Amend Passed

AYES: Borg, Pinguoch, Wagner, Macaldao, Loan, Shen

ABSTAIN: Denmark

Motion Failed

AYES: Pinguoch, Wagner, Macaldao

NOES: Borg, Loan, Shen

ABSTAIN: Denmark

Resolution 2026-035 Declaring that No Interest in Property Held by the City Shall Be Available for Long-Term Lease until October 1, 2026 Unless Otherwise Approved by Council

Motion (Wagner/Pinguoch)

Approve **Resolution 2026-035**.

Motion to Amend (Pinguoch/Wagner) Amend **Resolution 2026-035** to insert “or lease applications” after “interest” on line 29.

Motion to Amend Passed **AYES:** Wagner, Pinguoch, Borg, Loan, Macal tao, Shen
ABSTAIN: Denmark

Motion Passed as Amended **AYES:** Wagner, Pinguoch, Macal tao, Shen
NOES: Loan, Borg
ABSTAIN: Denmark

Resolution 2026-036 Authorizing the City Manager to Negotiate a Sole Source Contract with QAP to Dispose of Stockpiled Debris and Materials at the Buckner Building and Appropriating Funds

Motion (Wagner/Loan) Approve **Resolution 2026-036**.

Motion to Table (Wagner/Pinguoch) Table **Resolution 2026-036**.

Motion to Table Passed **Unanimous**

Discuss Resolution 2026-036, as per WMC 2.08.040(B)(1), matters that, if immediately disclosed, would tend to adversely affect the finances of the city.

Motion (Borg/Loan) Motion to enter into executive session.

The City Manager, Finance Director, and City Attorney were asked to stay for the executive session.

Motion Passed **Unanimous**

The Council went into executive session at 8:55 p.m.

Motion (Wagner/Loan) Motion to exit executive session.

Motion Passed **Unanimous**

The Council came out of executive session at 9:16 p.m.

Motion (Wagner/Loan) Direct the City Manager to negotiate a sole source contract in an amount not to exceed that set by executive session.

Motion Passed **Unanimous**

Motion Passed as Amended

AYES: Wagner, Pinguoch, Loan, Macal tao,
Borg

ABSTAIN: Denmark, Shen

General discussion given.

Motion (Wagner/Pinguoch)

Take from the table **Resolution 2026-036**.

Motion Passed

Unanimous

Motion to Amend (Pinguoch/Wagner)

Amend **Resolution 2026-036** to strike “and appropriate funds” and insert “in an amount not to exceed the amount specified in Executive Session” on line 10, strike “appropriate” and insert “expend” from line 21, strike Section 1, strike “appropriated” and insert “authorized” on line 45, and strike “this resolution” and insert “the Council” on line 45.

Motion to Amend Passed

Unanimous

Motion Passed as Amended

Unanimous

Reschedule August Regular Meeting to August 19

There was no objection to rescheduling the August Regular Meeting to August 19.

Reschedule September Regular Meeting to September 29

Wilde noted September 29 conflicts with activities surrounding the USS Ted Stevens Commissioning. There was no objection to rescheduling the September Regular Meeting to September 22.

COUNCIL COMMENTS

Pinguoch asked for clarification regarding the electric meter issues in the Harbor. **D. Borg** provided an overview. **Pinguoch** asked Shen who “we” is when Shen stated “we” do not want to codify notifications to leaseholders. **Shen** responded he was referring to himself and Administration.

Denmark thanked Pinguoch for his diligence and effort into trying to make the lease ordinance a more user-friendly document.

Shen shared a citizen question regarding helmet laws as they pertain to riding ATVs in Whittier. **Achee** provided an overview.

CITIZEN DISCUSSION

Mike Bender expressed his disappointment with the lease legislation and thanked Denmark and Pinguoch for attempting to amend the lease ordinance. He also shared his concerns regarding bears and harbor dumpsters.

Nick Olzenak acknowledged the difficult work of the Council and asked questions pertaining to the lease legislation. He also thanked Wilde and Erchinger for their comments at the previous meeting and shared his experience during a USS Ted Stevens Commissioning planning meeting.

COUNCIL AND ADMINISTRATION RESPONSE TO CITIZEN COMMENTS

D. Borg shared his efforts towards the bear and harbor dumpster issues and encouraged citizens and customers to contact Alaska Waste to make their concerns known.

ADJOURNMENT

The meeting adjourned at 9:52 p.m.

Shelby Carlson
Acting City Clerk

Victor Shen
Mayor

(City Seal)