

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of June 8, 2004

1. CALL TO ORDER

The Assembly Meeting was called to order by Chair Traini at 5:00 p.m.

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout, Pamela Jennings,
Debbie Ossiander, Janice Shamberg and Dan Coffey, with Anna Fairclough arriving shortly after roll call.
ABSENT: None.

3. PLEDGE OF ALLEGANCE Mr. Sullivan led the pledge.

4. MINUTES OF PREVIOUS MEETING

4.A. Regular Meeting – March 16, 2004

Mr. Tesche moved, to approve the Regular Meeting Minutes of March 16, 2004.
Mr. Tremaine seconded,
and this motion was passed unanimously,
with Jennings, Stout, Ossiander and Coffey abstaining,

4.B. Special Meeting – April 8, 2004 (*Postponed from 5-18-04*)

Mr. Tesche moved, to approve the Special Meeting Minutes of April 8, 2004.
Mr. Coffey seconded,
and this motion was passed unanimously,
with Jennings, Stout, Ossiander and Coffey abstaining,

4.C. Regular Meeting – April 13, 2004

Mr. Tesche moved, to approve the Regular Meeting Minutes of April 13, 2004.
Mr. Coffey seconded,
and this motion was passed unanimously,

4.D. Regular Meeting – April 20, 2004

Mr. Tesche moved, to approve the Regular Meeting Minutes of April 20, 2004.
Mr. Tremaine seconded,
and this motion was passed unanimously,

4.E. Special Meeting – April 27, 2004

Mr. Tesche moved, to approve the Special Meeting Minutes of April 27, 2004,
Mr. Tremaine seconded, as amended.

Ms. Ossiander requested a correction on Page 1, Lines 68 and 69, to reflect that she did not have a conflict of interest.
Mr. Coffey requested a correction of the spelling of his name on Page 9, Line 26.

and this motion was passed unanimously,

5. MAYOR'S REPORT

Mayor Begich introduced new appointments Gordon Severson with the Veterans Affairs Commission, Bernie Smith with the Budget Advisory Commission and Andrea Stancliff with the Light and Power Commission.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He added items AM 481-2004, AR 2004-156, AR 2004-158 and AR 2004-157 and assigned Agenda Numbers 9.D.19, 9.B.9, 9.B.10 and 9.B.11, respectively. He called for additional Addendum items, and there being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

Mr. Coffey requested to abstain from item 9.B.11, with a conflict of interest, due to his firm's representation of Tony Roma's. Chair Traini ruled that Mr. Coffey did have a conflict of interest and directed him to abstain from participating with the item involving Tony Roma's.

Mr. Tesche moved, to approve the inclusion of the Addendum into the
Mr. Tremaine seconded, Regular Agenda.
and this motion was passed unanimously,
with Mr. Coffey abstaining from item 9.B.11,

Chair Traini called for a motion to approve the Consent Agenda.

Ms. Fairclough moved, to approve the Consent Agenda.
Ms. Jennings seconded,

Chair Traini called for Assemblymembers to request items be pulled and moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS None.

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2004-140, a resolution stating and confirming the Assembly's intent in adopting AR 82-276 that **site selection of major school buildings** used for consolidation of administrative functions be retained by the Assembly and that sites selected for such projects conform to the Comprehensive Plan, Assemblymembers Tesche and Tremaine. (*Postponed from 5-18-04*)

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See item 10.B.1*)

9.B.2. Resolution No. AR 2004-149, a resolution of the Municipality of Anchorage to ensure that planning for the location of the proposed **South Extension of the Coastal Trail** does not affect the long-term viability of the State of Alaska Rifle Range at Potter Marsh, Mayor Begich; Assemblymembers Traini, and Tremaine and Tesche.
a. Assembly Memorandum No. AM 465-2004.

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (*See item 10.B.2*)

9.B.3. Resolution No. AR 2004-144, a resolution to establish the delinquent dates for the first and second half of yearly **business personal and personal property tax payments** for Tax Year 2004, Finance.
a. Assembly Memorandum No. AM 460-2004.

9.B.4. Resolution No. AR 2004-145, a resolution of the Municipality of Anchorage appropriating \$2,000 from the U.S. Food and Drug Administration to the Areawide General Fund (101), Department of Health and Human Services for anticipated **tuition and registration expenses** for code enforcement staff to attend local educational offerings, Health & Human Services.
a. Assembly Memorandum No. AM 461-2004.

9.B.5. Resolution No. AR 2004-146, a resolution of the Municipality of Anchorage appropriating \$12,000 from **Raven Woods Limited Road Service Area** (LRSA) Fund Balance (Fund 116) to Raven Woods LRSA BY2004 General Operating Budget (Fund 116) for the LRSA 2004 summer work program, Maintenance & Operations Department.
a. Assembly Memorandum No. AM 462-2004.

9.B.6. Resolution No. AR 2004-147, a resolution of the Municipality of Anchorage appropriating \$10,000 from the **Skyranch Estates Limited Road Service Area** (LRSA) Fund Balance (Fund 114) to the Skyranch Estates LRSA BY2004 General Operating Budget (Fund 114) for the LRSA 2004 summer work program, Maintenance & Operations Department.
a. Assembly Memorandum No. AM 463-2004.

9.B.7. Resolution No. AR 2004-148, a resolution of the Municipality of Anchorage accepting and appropriating \$5,000 as a grant from the Tony Hawk Foundation, to the Project Management & Engineering Department, Anchorage Parks and Recreation Service Area, Fund 461, for the **Anchorage Skateboard Park Project**, Project Management & Engineering.
a. Assembly Memorandum No. AM 464-2004.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See item 10.B.7*)

9.B.8. Resolution No. AR 2004-152, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$17,000 with the State of Alaska, Department of Transportation and Public Facilities, for financing the Year 2004 **Alaska Bus and Van Rodeo** and appropriating these funds to the State Categorical Grants Fund (231), Public Transportation Department.
a. Assembly Memorandum No. AM 454-2004. (**Addendum**)

9.B.9. Resolution No. AR 2004-156, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a new beverage dispensary/tourism and restaurant designation liquor license for host International Inc. d.b.a. **Chili's Too** #4403 located at Anchorage International Airport (Ted Stevens International Airport), Assembly Chair Traini. (**Laid on the Table**)

9.B.10. Resolution No. AR 2004-158, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a new beverage dispensary/tourism liquor license for host International Inc. d.b.a. **Legends** #4404 located at Anchorage International Airport (Ted Steven International Airport), Assembly Chair Traini. (**Laid on the Table**)

9.B.11. Resolution No. AR 2004-157, a resolution of the Anchorage Municipal Assembly confirming its prior non-protest of the transfer of ownership of the beverage dispensary liquor license for **Tony Roma's** also applied to the concurrent transfer of the duplicate liquor license previously approved by the Assembly, Assembly Chair Traini. (**Laid on the Table**)

Mr. Coffey abstained from participating with this item, due to a conflict of interest.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 444-2004, recommendation of award to NORCON, Inc. for **distribution line extension unit** price contract for the Municipality of Anchorage, Municipal Light & Power (ITB 24-C011) (\$300,000), Purchasing.
- 9.C.2. Assembly Memorandum No. AM 445-2004, recommendation of award to Constructions Unlimited, Inc. for the **Fish Creek Phase IVa**, 36th Avenue to Willow Street Improvements for the Municipality of Anchorage, Project Management & Engineering (ITB 24-C013) (\$1,162,501.50), Purchasing.
- 9.C.3. Assembly Memorandum No. AM 472-2004, recommendation of award to Emulsion Products of Alaska for furnishing **emulsified asphalt materials** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 24-B026) (\$1,093,920), Purchasing. **(Addendum)**

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.C.3)*

- 9.C.4. Assembly Memorandum No. AM 473-2004, recommendation of award to Tam Construction, Inc. for the **Eagle River Area High School and Department of Corrections Off-Site Water & Sewer Improvements** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 24-C014) (\$504,743), Purchasing. **(Addendum)**

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.C.4)*

- 9.C.5. Assembly Memorandum No. AM 476-2004, recommendation of award to Fire & Ice, LLC for furnishing **Freon removal services** to the Municipality of Anchorage, Solid Waste Services (ITB 24-B014) (\$125,000), Purchasing. **(Addendum)**

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 441-2004, **Chugiak-Eagle River Parks and Recreation Board of Supervisors** appointments (Debbie Blank, Andrew Brewer), Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 442-2004, **Chugiak Fire Service Area Board of Supervisors** appointment (William McCain), Mayor's Office.
- 9.D.3. Assembly Memorandum No. AM 443-2004, **Rockhill Limited Road Service Area Board of Supervisors** appointment (Jim Topolski), Mayor's Office.
- 9.D.4. Assembly Memorandum No. AM 455-2004, **Budget Advisory Commission** appointment (Bernie Smith), Mayor's Office.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.D.4)*

- 9.D.5. Assembly Memorandum No. AM 456-2004, **Investment Advisory Commission** appointment (Laura Bruce), Mayor's Office.
- 9.D.6. Assembly Memorandum No. AM 457-2004, **Light and Power Commission** appointment (Andrea Stancliff), Mayor's Office.
- 9.D.7. Assembly Memorandum No. AM 458-2004, **Public Transit Advisory Board** appointment (Sharon Lind), Mayor's Office.
- 9.D.8. Assembly Memorandum No. AM 459-2004, **Veterans Affairs Commission** appointments (Charles Brobst, Jann Caspersen, Gordon Severson), Mayor's Office.

Ms. Jennings requested this item be pulled for review on the Regular Agenda. *(See item 10.D.8)*

- 9.D.9. Assembly Memorandum No. AM 446-2004, Amendment No. 4 to Purchase Order 221723 with Aurora Transportation, Inc. for **junk vehicle towing services** for the Municipality of Anchorage, Anchorage Police Department (\$100,000), Anchorage Police Department.

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.D.9)*

- 9.D.10. Assembly Memorandum No. AM 447-2004, proprietary purchase of **computer software maintenance and support** from SAS Institute, Inc. for the Municipality of Anchorage, Information Technology Department (\$37,230), Purchasing.
- 9.D.11. Assembly Memorandum No. AM 448-2004, Amendment No. 1 to Alaska Pollution Control contract (P.O. No. 240119) increasing the contract by \$90,000 for a contract amount Not-To-Exceed (NTE) \$165,000 for year round road maintenance/repair services within the **Glen Alps Service Area (SA)**, Street Maintenance.
- 9.D.12. Assembly Memorandum No. AM 449-2004, Amendment No. 1 to the professional services contract with DOWL Engineers for the **Creekside Town Center road improvements**, Project No. 02-12 (\$373,302), Project Management & Engineering.

Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.D.12)*

- 9.D.13. Assembly Memorandum No. AM 450-2004, Amendment No. 1 to professional **civil engineering services contract** with CRW Engineering Group, LLC, RFP 23-P046 (\$100,000), Project Management & Engineering.
- 9.D.14. Assembly Memorandum No. AM 451-2004, Amendment No. 2 to PTS, Inc. for the design of **Raspberry Road Extension, Rovenna Street to Arctic Boulevard**, Project No. 02-13 (\$45,060), Project Management & Engineering.
- 9.D.15. Assembly Memorandum No. AM 452-2004, Amendment No. 4 to contract with Swalling Construction Company, Inc., **Columbarium Retaining Wall**, Anchorage Memorial Park Cemetery, Project No. 99-09 (\$11,654), Project Management & Engineering.

- 1 9.D.16. Assembly Memorandum No. AM 453-2004, approval to extend the Management Agreement with the
2 **Alaska Center for the Performing Arts, Inc.** for the Municipality of Anchorage, Office of Economic
3 and Community Development (\$4,594,000).
4

5 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.D.16)
6

- 7 9.D.17. Assembly Memorandum No. AM 474-2004, recommendation of award to Fosselman and Associates,
8 CPAs, Inc. dba Medical Support Services for providing **ambulance billing and collection services**
9 for the Municipality of Anchorage, Anchorage Fire Department (AFD) (RFP 24-P004) (\$1,296,000),
10 Purchasing. (Clerk's Note: Assembly Action on AM 475-2004 will be postponed to June 22, 2004 to
11 permit a 10-day public comment period pursuant to AMC 21.10.010.B.) **(Addendum)**
12

13 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.17)
14

- 15 9.D.18. Assembly Memorandum No. AM 475-2004, **Planning & Zoning Commission** appointment (Bill
16 Wielechowski), Mayor's Office. (Clerk's Note: Assembly Action on AM 475-2004 will be postponed to
17 June 22, 2004 to permit a 10-day public comment period pursuant to AMC 21.10.010.B.)
18 **(Addendum)**
19

20 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.18)
21

- 22 9.D.19 Assembly Memorandum No. AM 481-2004, recommendation of Award to Northstar Paving and
23 Construction, Inc. for the **Southport Drive Reconstruction**, Phase II – Ensign Drive to Spyglass
24 Circle for the Municipality of Anchorage, Project Management and Engineering Department, (ITB 24-
25 C020) (\$3,495,633.50) **(Laid on the Table)**
26

27 **9.E. INFORMATION AND REPORTS**

- 28 9.E.1. Information Memorandum No. AIM 52-2004, Progress Report – **Title 21 Diagnostic and Rewrite**
29 **Project**, Planning Department.

- 30 9.E.2. Information Memorandum No. AIM 53-2004, **Monthly Financial Reports – April 2004**, Finance.
31

32 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.E.2)
33

34 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 35 9.F.1. Ordinance No. AO 2004-94, an ordinance amending provisions of Anchorage Municipal Code 21.40
36 governing construction of **Single Principal Structures** in the R-2M, R-3, and R-4 Districts, requiring
37 issue of conditional use permits for construction of Multiple Principal Residential Structures in said
38 Districts, enacting a new Section 21.50.315 setting standards for Multiple Principal Residential
39 Structures and providing for an effective date, Assemblymember Tesche. (Public Hearing 6-22-04)
40

41 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.F.1)
42

- 43 9.F.2. Ordinance No. AO 2004-97, an ordinance amending Anchorage Municipal Code Section 4.60.220 to
44 rename the Commission, reduce the number of members to eleven, require four active duty **military**
45 **liaisons**, and for other purposes, Legal Department. (Public Hearing 6-22-04)

46 a. Assembly Memorandum No. AM 466-2004.

- 47 9.F.3. Ordinance No. AO 2004-98, an ordinance of the Municipality of Anchorage, Alaska, authorizing and
48 providing for the borrowing from the State of Alaska Clean Water Fund of an amount not to exceed
49 \$4,200,000 for the purpose of financing a portion of the costs of the **AWWU Asplund Process**
50 **Improvements Project** in the Municipality, and providing for related matters, Anchorage Water &
51 Wastewater Utility. (Public Hearing 6-22-04)

52 a. Assembly Memorandum No. AM 467-2004.

- 53 9.F.4. Ordinance No. AO 2004-99, an ordinance amending Anchorage Municipal Code Chapter 26.40 to
54 update and add provisions to establish enforcement mechanisms for **unauthorized uses of**
55 **municipal water service and property**, and amending Anchorage Municipal Code Section
56 14.60.030, Fine Schedule, to add fines for unauthorized uses, Anchorage Water & Wastewater Utility.
57 (Public Hearing 6-22-04)

58 a. Assembly Memorandum No. AM 468-2004.

- 59 9.F.5. Ordinance No. AO 2004-100, an ordinance of the Anchorage Assembly amending Chapter 15.75 of
60 the Anchorage Municipal Code regarding **Pesticide Control** to add definitions and to modify public
61 notice for commercial pesticide application; and to amend Anchorage Municipal Code Section
62 14.60.030 by increasing fines for violation of Anchorage Municipal Code 15.75 within the Department
63 of Health and Human Services, Assemblymembers Whittle, Jennings, and Tesche. (Public
64 Hearing 6-22-04)

65 a. Assembly Memorandum No. AM 469-2004.

- 66 9.F.6. Resolution No. AR 2004-143, a resolution of the Municipality of Anchorage providing for a **revision of**
67 **the Anchorage School District Financial Plan** for FY 2004-2005, Anchorage School District. (Public
68 Hearing 6-22-04)

69 a. Assembly Memorandum No. AM 440-2004.

- 70 9.F.7. Resolution No. AR 2004-150, a resolution of the Municipality of Anchorage, Alaska, accepting and
71 appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$250,000 for
72 financing a portion of the costs of the **FY97 Miscellaneous Wastewater Projects**, Anchorage Water
73 and Wastewater Utility. (Public Hearing 6-22-04)

74 a. Assembly Memorandum No. AM 470-2004.

- 75 9.F.8. Resolution No. AR 2004-151, a resolution of the Municipality of Anchorage, Alaska, approving the
76 **Viking Drive Water Intertie** and providing for assessment of benefited properties at time of service
77 connection, Anchorage Water and Wastewater Utility. (Public Hearing 7-06-04)

78 a. Assembly Memorandum No. AM 471-2004.

- 1 9.F.9. Ordinance No. AO 2004-101, an ordinance of the Anchorage Municipal Assembly authorizing an
2 amendment to Port of Anchorage Terminal Tariff No. 5 to establish a **Port Security Surcharge Tariff**,
3 Port of Anchorage. (*Public Hearing 6-22-04*) (**Addendum**)
4 a. Assembly Memorandum No. AM 477-2004.
- 5 9.F.10. Resolution No. AR 2004-153, a resolution of the Municipality of Anchorage appropriating \$3,859,746
6 of Unrestricted Net Assets as a contribution from the Equipment Maintenance Fund (601) to the
7 Areawide General Fund (101) Taxes and Reserves for \$64,608, the Anchorage Fire SA Fund (131)
8 Taxes and Reserves for \$1,359,722 and the Anchorage Metropolitan Police SA Fund (151) Taxes and
9 Reserves for \$2,435,416 to implement with the Municipality of Anchorage **Fund Balance Designation**
10 **Policy**, Office of Management & Budget. (*Public Hearing 6-22-04*) (**Addendum**)
11 a. Assembly Memorandum No. AM 478-2004.
- 12 9.F.11. Resolution No. AR 2004-154, a resolution of the Municipality of Anchorage, Alaska adopting an
13 **Unreserved Fund Balance Designation Policy**, Office of Management & Budget. (*Public*
14 *Hearing 6-22-04*)
15 a. Assembly Memorandum No. AM 479-2004. (**Addendum**)
- 16 9.F.12. Resolution No. AR 2004-155, a resolution adopting the Amendment #1 to the approved Housing and
17 Community Development 2004 Action Plan including commitment of \$1,304,007 in Future Year and
18 \$1,877,461 in reprogrammed **Community Development Block Grant Funds**, making Community
19 Development Block Grant project awards, and appropriating annual American Dream Downpayment
20 Initiative Entitlement Grants from the U.S. Department of Housing and Urban Development in the
21 amount of \$75,911 of 2003 Entitlement and \$89,577 of 2004 Entitlement and appropriating said funds
22 to the Federal Categorical Grants Fund (241), Office of Economic & Community Development. (*Public*
23 *Hearing 6-22-04*)
24 a. Assembly Memorandum No. AM 480-2004. (**Addendum**)
25

26 Chair Traini called for a motion to approve the remainder of Consent Agenda.

27
28 Mr. Tremaine moved, to approve the amended Consent Agenda.
29 Mr. Tesche seconded,
30 and this motion was passed,
31

32 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander and Shamberg.

33 NAYES: None.

34 ABSTAIN: Coffey abstaining with a conflict of interest on item 9.B.11.
35

36 Chair Traini announced the unanimous approval of the Consent Agenda, with the exception of the pulled items and
37 proceeded into discussion of those items.
38

39 **END OF CONSENT AGENDA**

40
41

42 **10. REGULAR AGENDA**

43 **10.B. RESOLUTIONS FOR ACTION - OTHER**

- 44 10.B.1. Resolution No. AR 2004-140, a resolution stating and confirming the Assembly's intent in adopting AR
45 82-276 that **site selection of major school buildings** used for consolidation of administrative
46 functions be retained by the Assembly and that sites selected for such projects conform to the
47 Comprehensive Plan, Assemblymembers Tesche and Tremaine. (*Postponed from 5-18-04*)
48

49 Mr. Sullivan moved, to approve AR 2004-140.
50 Mr. Coffey seconded,
51

52 Mr. Sullivan requested an update on the site selection plans of the Anchorage School District. Mr. Tesche responded
53 that this was a resolution that he authored, but it had been created before the Assembly had addressed this issue. It
54 was his intent to postpone this resolution indefinitely.
55

56 Anchorage School District Superintendent Carol Comeau reported that they had received seven proposals and there
57 were no bids submitted for sites in the downtown district or in the town centers. The received bids were currently
58 being reviewed by a committee and then would be returned to her office. She and her staff would review them and
59 make a recommendation to the School Board, meeting on June 23, 2004. This would be reviewed by the Planning
60 and Zoning Commission on July 1, 2004 and come before the Assembly on July 6, 2004.
61

62 Mr. Tesche moved, to postpone indefinitely AR 2004-140.
63 Mr. Sullivan seconded,
64 and this motion was unanimously approved,
65

- 66 10.B.2. Resolution No. AR 2004-149, a resolution of the Municipality of Anchorage to ensure that planning for
67 the location of the proposed **South Extension of the Coastal Trail** does not affect the long-term
68 viability of the State of Alaska Rifle Range at Potter Marsh, Mayor Begich; Assemblymembers Traini,
69 and Tremaine and Tesche.
70 a. Assembly Memorandum No. AM 465-2004.
71

72 Ms. Fairclough moved, to approve AR 2004-149.
73 Mr. Tremaine seconded,
74

75 Ms. Fairclough questioned if the title adequately described the size of the current rifle range, and whether the entire
76 area should be referred to as the "South Anchorage Rifle Range," with the rifle range simply as a component of the
77 park. She had been approached by the National Rifle Association, which indicated their choice of verbiage to be
78 "South Anchorage Shooting Park." Chair Traini, the sponsor, responded it was his intent to include the entire range

and facility with the park. Ms. Fairclough wanted the Meeting Minutes to reflect that this was the intent for the entire parcel. Mayor Begich added that the attached memorandum provided additional details.

Mr. Tesche requested to be added as a cosponsor of this resolution and there were no objections.

Ms. Fairclough moved, to approve AR 2004-149, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.B.7. Resolution No. AR 2004-148, a resolution of the Municipality of Anchorage accepting and appropriating \$5,000 as a grant from the Tony Hawk Foundation, to the Project Management & Engineering Department, Anchorage Parks and Recreation Service Area, Fund 461, for the **Anchorage Skateboard Park Project**, Project Management & Engineering.
a. Assembly Memorandum No. AM 464-2004.

Mr. Sullivan moved, to approve AR 2004-148.
Mr. Tremaine seconded,

Mr. Sullivan explained that Tony Hawk was “king” of skateboarders and they were honored to receive the grant. To Mr. Sullivan, Director of Economic Planning and Development Mary Jane Michael responded they had a site for the proposed skateboard park under consideration near the Chester Creek Sports Complex, but it was not approved. Mr. Sullivan voiced his concerns with the limited parking and urged Ms. Michael to keep looking at additional site options.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.C. BID AWARDS

10.C.3. Assembly Memorandum No. AM 472-2004, recommendation of award to Emulsion Products of Alaska for furnishing **emulsified asphalt materials** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 24-B026) (\$1,093,920), Purchasing. **(Addendum)**

Mr. Tremaine moved, to approve AM 472-2004.
Mr. Whittle seconded,

Mr. Tremaine requested a report from the Administration on the requirements of higher standards for the emulsified asphalt materials. He recalled that they had heard testimony describing that fifty percent of asphalt failure was caused from the higher content of paraffin.

Mayor Begich explained the Municipality was working with the State of Alaska on pilot projects, testing the longevity of roadway materials. Mr. John Hughes, with the Division of Operations, responded that it was his understanding that the oil product that was currently being requested was going to be used for the application of chip seal, and was not intended for asphalt. To Mr. Tremaine, Mayor Begich responded he would request a report be made available on the pilot projects concerning the higher oil standards.

Ms. Fairclough also requested a report on the additives of the current mixture and its durability. She thought it would be important to also review the failure rate.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.C.4. Assembly Memorandum No. AM 473-2004, recommendation of award to Tam Construction, Inc. for the **Eagle River Area High School and Department of Corrections Off-Site Water & Sewer Improvements** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 24-C014) (\$504,743), Purchasing. **(Addendum)**

Ms. Fairclough moved, to approve AM 473-2004.
Mr. Tesche seconded,

Ms. Fairclough had recently spoken with an individual who was concerned with this award. She stated that Mr. Vicente, a developer in that area, had met with Mayor Begich concerning a design of this project.

JOE VICENTE, developer of Eagle Point Subdivision, testified that he fully supported the high school development but he disagreed strongly with the alignment of the sewer line to the high school. He thought it was in conflict with the area Comprehensive Plan. He recommended that this item be postponed for one week.

Ms. Fairclough suggested postponement, with a worksession scheduled to review this issue on June 18, 2004, to be heard by the Assembly on June 22, 2004.

Ms. Fairclough moved, to postpone AM 473-2004 for one week.
Mr. Tremaine seconded,

Mayor Begich disagreed that this project conflicted with the Comprehensive Plan and he did not support postponement.

Anchorage Water and Wastewater General Manager Mark Premo responded that it was critical that the water line be completed on schedule, so water could be on-site for the contractor to begin construction. To Mr. Sullivan, Mr. Premo responded that on the advice of legal counsel, the project was found to be in compliance with the Comprehensive Plan. They had worked with local neighbors and the Southport Community Council to resolve the issue. They had already added more of a buffer in the front of the corridor.

Anchorage School District Assistant Superintendent George Vakalis testified that it was critical that water be to the site as soon as possible. He opposed postponement.

To Ms. Shamberg's question, Ms. Fairclough explained that the issue involved the removal of a tree buffer area. Mr. Vicente's proposal involved a short detour, to allow the buffer to remain.

Ms. Fairclough withdrew her motion to postpone for a week. Ms. Ossiander moved to postpone the item until later in the meeting, to allow time for discussion among the Administration and Assemblymembers. It was seconded by Ms. Fairclough and approved unanimously.

Chair Traini returned the body to this item later in the evening and called for a vote on the motion pending.

Ms. Fairclough urged a YES-vote after talking with the Administration.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D. NEW BUSINESS

10.D.4. Assembly Memorandum No. AM 455-2004, **Budget Advisory Commission** appointment (Bernie Smith), Mayor's Office.

Chair Traini read the memorandum title. Ms. Ossiander explained that she pulled this item for review to have the opportunity to congratulate Bernie Smith as a new appointment to the Budget Advisory Commission. Ms. Ossiander moved to approve and urged a YES-vote.

Ms. Ossiander moved, to approve AM 455-2004.
Mr. Coffey seconded,
and this was passed unanimously,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D.8. Assembly Memorandum No. AM 459-2004, **Veterans Affairs Commission** appointments (Charles Brobst, Jann Caspersen, Gordon Severson), Mayor's Office.

Chair Traini read this memorandum title and called on Ms. Jennings. She stated she wanted to declare a possible conflict of interest due to her association with Alaska Native Tribal Health Consortium. Chair Traini ruled that because the issue dealt with an advisory commission, Ms. Jennings did not have a conflict of interest. He directed her to participate with the issue.

Ms. Jennings moved, to approve AM 459-2004.
Mr. Tesche seconded,
and this was unanimously passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D.9. Assembly Memorandum No. AM 446-2004, Amendment No. 4 to Purchase Order 221723 with Aurora Transportation, Inc. for **junk vehicle towing services** for the Municipality of Anchorage, Anchorage Police Department (\$100,000), Anchorage Police Department.

Mr. Tremaine moved, to approve AM 446-2004.
Mr. Tesche seconded,

Mr. Tremaine stated that a towing company, formerly under contract, had an illegal storage lot and he wanted an explanation of the current towing contract. Impound Operations Supervisor with the Anchorage Police Department, Mindy McCauley, responded that Aurora Towing was a business located on an I-2 property and had always been in compliance with zoning. She stated that the incident Mr. Tremaine referred to had occurred over three years ago and did not involve Aurora Towing.

To Mr. Stout, Ms. McCauley responded that the contract with Aurora involved removing vehicles in municipal streets and right of ways. The request for funding was necessary because the contract was based solely on numbers and volume. For safety and aesthetic reasons, the municipality took responsibility for the removal of abandoned vehicles. This contract would expire in September of this year.

To Mr. Whittle, Ms. McCauley responded that the municipality could recover funds from the last known registered owner by issuing a civil citation, with a fine of \$300. Towing and storage fees were also recovered from the owner. Mayor Begich added that the Administration had given Ms. McCauley authority to pursue recovering funds and she and her staff were being aggressive with collecting. He added it was a complicated issue when a vehicle was stripped, of a registration number, making it impossible to track the owner. Ms. McCauley stated there was a federal grant program called *Rust in Peace* that would pay for removal of junk or abandoned vehicles on private property.

To Ms. Shamberg, Ms. McCauley responded that last year their department collected over 2400 vehicles and they were getting an increasing number of requests.

To Mr. Sullivan, Ms. McCauley responded that the public was more involved in dealing with junk or abandoned vehicles and there was a now a hotline telephone number, 786-8854.

Mr. Whittle assured Ms. McCauley that Assemblymembers would be available to assist with her efforts. She welcomed a worksession to better inform the members and would gladly accept their input or suggestions. She felt there were solutions to this problem but the issue was bigger than what they could deal with. Mayor Begich agreed with a worksession in the near future. Chair Traini requested that Ombudsman Greg Moyer be involved, with his background and extensive experience in dealing with these issues.

and this motion was passed unanimously,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D.12. Assembly Memorandum No. AM 449-2004, Amendment No. 1 to the professional services contract with DOWL Engineers for the **Creekside Town Center road improvements**, Project No. 02-12 (\$373,302), Project Management & Engineering.

(Clerk's Note: This item was pulled for review by Mr. Stout and was Carried Over to June 22, 2004)

10.D.16. Assembly Memorandum No. AM 453-2004, approval to extend the Management Agreement with the **Alaska Center for the Performing Arts, Inc.** for the Municipality of Anchorage, Office of Economic and Community Development (\$4,594,000).

Mr. Stout moved, to approve AM 453-2004.
Mr. Tesche seconded,

To Mr. Stout, Director Nancy Harbour responded that the Alaska Center for the Performing Arts was the nonprofit organization contracted by the city to manage the city-owned facility. She explained they received an annual appropriation of \$1.1485 million, which paid for facility management. The facility utility and normal maintenance costs totaled a little less than \$2 million annually. She stated that the cost difference was derived from facility rent fees, equipment rental fees, concession sales, merchandise revenue and private donations.

To Mr. Stout, Ms. Harbour responded they had 18 fulltime staff members, 15 part-time staff members and over 300 volunteer ushers. This would extend their contract through 2008.

To Ms. Shamberg, Director Harbour responded their budget had remained the same for the past several years. They had accomplished this with the help of efficient, long-term, experienced staff. She stated they were also highly successful with raising funds from the private sector.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D.17. Assembly Memorandum No. AM 474-2004, recommendation of award to Fosselman and Associates, CPAs, Inc. dba Medical Support Services for providing **ambulance billing and collection services** for the Municipality of Anchorage, Anchorage Fire Department (AFD) (RFP 24-P004) (\$1,296,000), Purchasing. *(Clerk's Note: Assembly Action on AM 475-2004 will be postponed to June 22, 2004 to permit a 10-day public comment period pursuant to AMC 21.10.010.B.) (Addendum)*

Ms. Ossiander moved, to approve AM 474-2004.
Mr. Tremaine seconded,

Ms. Ossiander pulled this item to alert the body of a strong concern from the Chugiak area. Citizens were frustrated that the Chugiak ambulance services were now operating on a cost-basis and were no longer run by volunteers. She urged any interested persons to join her to work on a committee to help resolve the issue. Ms. Jennings agreed to work with Ms. Ossiander on this issue.

and this motion was passed unanimously,

10.D.18. Assembly Memorandum No. AM 475-2004, **Planning & Zoning Commission** appointment (Bill Wielechowski), Mayor's Office. *(Clerk's Note: Assembly Action on AM 475-2004 Postponed to June 22, 2004 to permit a 10-day public comment period pursuant to AMC 21.10.010.B.) (Addendum)*

Ms. Fairclough moved, to postpone, with Public Hearing set for June 22, 2004.
Mr. Tesche seconded,
and this motion was unanimously approved,

10.E. INFORMATION AND REPORTS

10.E.2. Information Memorandum No. AIM 53-2004, **Monthly Financial Reports – April 2004**, Finance.

(Clerk's Note: This item was pulled by Mr. Coffey and was Carried Over to the Assembly Meeting of June 22, 2004)

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10.F.1. Ordinance No. AO 2004-94, an ordinance amending provisions of Anchorage Municipal Code 21.40 governing construction of **Single Principal Structures** in the R-2M, R-3, and R-4 Districts, requiring issue of conditional use permits for construction of Multiple Principal Residential Structures in said Districts, enacting a new Section 21.50.315 setting standards for Multiple Principal Residential Structures and providing for an effective date, Assemblymember Tesche. (*Public Hearing 6-22-04*)

(Clerk's Note: This item was pulled for review by Mr. Tesche and was Carried Over to June 22, 2004)

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS None.

12. APPEARANCE REQUESTS

- 12.A. **Clinton K. Brown II**, to request equal access to municipal parks for paintball games.

CLINTON K. BROWN II requested assistance in obtaining permission to play recreational paintball games on municipal property, specifically at a location near Little Campbell Lake in Kincaid Park where there was natural cover and vegetation to enhance the game. On three occasions he had been threatened with arrest by Parks and Recreation employees. Chair Traini asked that the Administration request the Parks and Recreation Commission review this issue and respond within a month with recommendations of their stand, possible solutions and if land should be designated for their use. Chair Traini also requested the Municipal Legal Staff review this issue and make recommendations. Mayor Begich stated it would be on the Parks and Recreation Commission's Agenda for their upcoming meeting. To Mr. Whittle, Director of the Parks and Recreation Department, Jeff Dillon, responded that currently paintball activity groups were required to get a standard special use permit policy. Director Dillon stated the Commission would address special use permits for paintball activities.

- 12.B. **Amanda Tew**, to request an amendment to the ordinance related to solicitation.

(Clerk's Note: Item was withdrawn, with a cancellation by Ms. Tew.)

- 12.C. **Cheryl Frasca**, Director of the OMB, reporting on Governor Murkowski's Special Legislative Session, scheduled for June 22, 2004.

CHERYL FRASCA, Director of the State Office of Management and Budget (OMB), reported on the fiscal challenges the state was facing. While the price of oil made it appear there would be surplus oil revenues coming to Alaska, the large fiscal gap made it difficult to balance the budget. Future forecasted revenue development in the state would help create a secure Alaskan economy. The OMB budget being prepared for introduction in December would mean additional budget cuts if immediate solutions were not found. She predicted the spring revenue forecast would represent a \$500 million dollar gap between revenues and spending. Factoring in increased costs of reimbursements to school districts, municipalities and the state government, Medicaid, Department of Social Services and labor contracts, the gap could be as high as \$880 million. The OMB was optimistic with new resource possibilities and spoke of the new Pogo Mine with 500 jobs, development in the National Petroleum Reserve-Alaska (NPR-A) and the Arctic National Wildlife Reserve (ANWR), new development on the North Slope and in Bristol Bay, railroad expansions and the possibilities of the new gas line. Governor Murkowski's agenda included addressing the Permanent Fund, spending limits, budgets for transportation, university bonds, general obligation bonds, a tobacco tax increase and workers compensation changes. Their goal was to allow the voters to help decide these issues on the November ballot. Governor Murkowski had agreed to address the Lake Otis and Tudor traffic congestion problem. Ms. Frasca encouraged local government officials to have open communications with state legislators to decide on a fiscal plan solution.

Chair Traini thanked Ms. Frasca for her presentation and stated that they were organizing meetings between the Anchorage Caucus, the Anchorage Assembly and the Mayor's Office.

Mayor Begich thanked Ms. Frasca and gave her a letter for Governor Murkowski, thanking him for his support with the intersection of Tudor and Lake Otis.

Mr. Sullivan stated that while addressing revenues were a high priority, he hoped that Governor Murkowski would address the continuing efforts to find efficiencies and savings in state government. He urged the governor to address privatization initiatives and restructure the state retirement plan. To Mr. Sullivan, Ms. Frasca responded if the voters did not approve the state's use of the PFD earnings that Governor Murkowski could decide if and how the state would pursue the earnings.

Mr. Tesche thanked Ms. Frasca for helping to communicate the POMV concept and reminded her that the citizens of Anchorage urged the state government to develop a fiscal policy.

13. CONTINUED PUBLIC HEARINGS

- 13.A. Resolution No. AR 2004-108 (S-2), a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing **Multiple Dwelling Unit Residential Development on a Single Lot or Tract** within the Municipality, Project Management & Engineering/Development Services/Traffic/Anchorage Fire Department.
1. Resolution No. AR 2004-108, a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing Multiple Dwelling Unit Residential Development on a Single Lot or Tract within the Municipality, Project Management & Engineering/Development Services/ Traffic/Anchorage Fire Department. (*Continued From 5-11-04 and 5-18-04*)

Chair Traini opened Public Hearing on AR 2004-108 and all "S" versions.

JIM JACKSON, President of the Anchorage Homebuilders' Association (AHA), passed out binders which included an overview of their participation and a summary of the Association's stand on the site condo issue. Mr. Jackson thought that it was important for the record to show the participation of the Association.

IVA LIVSEY testified that she had been searching for a condo to buy and was recently introduced to site condos. She questioned the strength of the condo associations, and if these developments had the cash reserves to complete necessary maintenance and improvements. To Chair Traini, she responded that she thought that site condos were needed in Anchorage.

EVAN ROWLAND, a developer representing the AHA, had two complaints with the current resolution. He thought the requirement for the driveway length discriminated against the site condos. He recommended that the section on emergency response system be replaced with the International Fire Code (*IFC*), which had been adopted by the city in March. To Mr. Sullivan, Mr. Rowland stated that he did not object to the rest of the resolution. To Chair Traini, Mr. Rowland responded they were opposed to the grading permits automatically becoming building permits. To Mr. Coffey, he responded that the IFC allowed 30 units, and the AHA agreed with that number.

DON McCLINTOCK, representing KND Engineering, urged the Assembly not to make this resolution retroactive. To Mr. Sullivan he responded that the Assembly needed to create a housing policy and code for the city. He felt the regulations could not be legally retroactive and questioned the Assembly's authority of allowing grading permits to automatically become building permits. To Mr. Tesche, he responded there were gray areas of interpreting the law, and agreed that each project should be judged independently. He thought that the mere acquisition of land was not enough to warrant compensation.

LEE BAKER, with Discovery Construction, was disappointed that this issue would increase costs, when affordable housing was in demand. He urged the Assembly to honor their promise of allowing a grading permit to continue as a building permit. He had millions of dollars invested in land and loans and respectfully requested the Assembly to act responsibly and quickly to resolve the issue, so he could continue with his plans. To Mr. Whittle, Mr. Baker responded that he did not think the concerns were a design problem, but viewed them as a governance and enforcement issue, which he thought the condo associations could monitor.

GRANT WATTS, representing Discovery Construction, addressed his client's efforts and millions of dollars of investments. He thought this resolution being made retroactive would be illegal. To Mr. Tesche, he responded that Discovery had three developments in process, for which he had three grading permits and two building permits. Ms. Fairclough responded to Mr. Watts by saying she was sensitive with the investments of the developers, but did not agree with generally making all the permits retroactive.

SUE WOLF, representing the Peterson Group, spoke of the Southport Development, which under the proposed resolution would lose a large number of units, affecting their costs and revenue. In 1992 the developer had secured a bank loan for this project, based on a specified number of homes that would be developed. With the changes now proposed her client would lose eight units, with an anticipated loss of almost eight hundred thousand dollars. Her client was also involved with a 32-unit construction project in Eagle River, and if they made allowances for the changes now proposed, it would be financially devastating to her client.

DON SMITH, a developer, felt that standards for site condos could be adopted into Title 21.

TOM DREYER, an engineer with Land Tech, created and modified designs of site condos to comply with new regulations. He stated that the proposed changes would create severe adjustments on about three hundred of the 2000 different designs he was currently working on. He thought allowances or compensations should be made. To Mr. Sullivan, he responded that some of these developers had building or grading permits, while some did not.

AINSLEY PHILLIPS, a member of the Northstar Community Council and a realtor, supported the current resolution. She had researched the changes proposed to the site condo driveways and calculated it would be an additional \$50 per month to the home purchase price. Ms. Phillips felt the Assembly had been misinformed with the retroactive issue and recommended a compromise by making the retroactive date to affect only those who were actively developing.

With no further public testimony, Chair Traini closed Public Hearing. Ms. Fairclough proposed to reopen Public Hearing to accommodate additional people who wanted to testify. She cast the motion, Mr. Tesche seconded and it was approved, 10-1. Chair Traini reopened Public Hearing.

JOSEPH VIDELL testified in support of the document. He stated he was from an urban area and had seen site condos turn into urban blight. Mr. Videll thought strong condo associations were important.

MARK SPARROW, a real estate agent, testified that he had always included site condo association dues in the public offering statement for the sale of a site condo.

BILL WIELECHOWSKI, Vice Chair of the Northeast Community Council, testified in support of the resolution. He thought that the site condo issue was the number one public interest issue in Anchorage. The community council executive board supported the resolution and a driveway length of not less than 24 feet. He agreed with Mr. Tesche's amendment to make this retroactive to May 11, 2004. He encouraged the Assembly to pass the bill.

With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-108 (S-2).
Mr. Tremaine seconded,

Ms. Ossiander proposed Ossiander Amendment No. 1, a change on Page 4, Line 33.

Ms. Ossiander moved, to amend AR 2004-108 (S-2), *by changing* 21.90.003C.5, on
Mr. Coffey seconded, Page 4 Line 33, to read: "The Municipal Engineer shall review
and approve or disapprove all design or construction waivers
[VARIANCES] from the standards in this regulation." And *by*
changing 21.90.003D.3, on Page 4, Line 45, to read: "The
Municipal Traffic Engineer shall review and approve or

disapprove all waivers [VARIANCES] from the standards in this regulation.”

Ms. Ossiander explained that this language would clarify that waivers would be granted, dependent upon conditions.

Mr. Coffey stated for the record that the intent of this amendment would be to vest authority in the Municipal Engineer and the Municipal Traffic Engineer in specific situations to waive the requirements, when appropriate.

and the Ossiander Amendment No. 1 was unanimously approved,

Ms. Ossiander proposed Ossiander Amendment No. 2 to Page 5, Line 1.

Ms. Ossiander moved, to amend AR 2004-108 (S-2), *by changing* 21.90.003, on
Mr. Coffey seconded, Page 5, Line 1, to read: “The developer shall adhere to the procedural matters as outlined in this section to provide consistent plan submittals and standardized field inspection(s) and testing. All procedures detailed shall not exceed those required under a subdivision agreement.”

To Ms. Fairclough, Ms. Ossiander responded that this was not relevant to the driveway length and only involved procedure.

and the Ossiander Amendment No. 2 was unanimously approved,

Ms. Ossiander proposed Ossiander Amendment No. 3, on Page 11, Lines 9-13.

Ms. Ossiander moved, to amend AR 2004-108 (S-2) on Page 11, Lines 9-13, *by*
Mr. Coffey seconded, *changing* 21.90.003.F.4.c, to read: “Overflow parking may be provided on-street if twenty-four (24) feet is provided for each on-street parking stall, meaning twenty-four (24) feet between driveways or other obstructions such as mailboxes.”
and this was unanimously approved,

Ms. Ossiander explained the intent would allow more flexibility for parking and to recognize the twenty-four feet parking spaces were beyond the standard requirement.

Ms. Ossiander proposed Ossiander Amendment No. 4.a., on Page 10, Line 29, relating to emergency response.

Ms. Ossiander moved, to amend AR 2004-108 (S-2), on Page 10, Line 29, *by*
Mr. Coffey seconded, *changing* 21.90.003.F.3.b, to read: “Residential developments with ~~ten (10)~~ thirty (30) or more dwellings units shall be provided with separate and approved access roads, meeting the remote requirements of IFC D104.3, as adopted under AMC Title 23.”
and this was unanimously approved,

To Mr. Tremaine, the Administration confirmed that this amendment did conform to International Fire Code.

To Mr. Sullivan’s question, Anchorage Fire Department Deputy Chief Bridget Bushue responded that “remote requirements” meant the two directional exits or entrances to that area needed to be set apart by at least one half of that area’s distance, calculated by using one-half of the subdivision’s diagonal distance, divided by two.

Ms. Ossiander proposed Amendment No. 4.b., on Page 10, Lines 41-44.

Ms. Ossiander moved, to amend AR 2004-108 (S-2), on Page 10, Lines 41-44, *by*
Mr. Coffey seconded, *changing* 21.90.003.F.3.e., to read: “To prevent conflagration, one or two family residential developments shall have a clear space between exterior walls (not including area under eaves). ~~[wide after every five (5) buildings are closer than ten (10) feet (including eaves)]~~ of at least ten (10) feet ~~[twenty (20) feet]~~ unless each structure has an approved automatic sprinkler system.”
and this was approved unanimously,

To Mr. Tremaine, Anchorage Fire Deputy Chief Bridget Bushue and Inspector Cleo Hill confirmed that this amendment did conform to International Fire Code.

Ms. Ossiander proposed an additional change to her Amendment No. 3 on Page 10, Lines 32-34. She explained that they had recently discovered that International Fire Code allowed thirty units and she requested an additional change to subsection c, on Line 32. With concurrence from the Administration, she moved to delete the entire subsection c.

Ms. Ossiander moved, to amend AR 2004-108 (S-2), on Page 10, *by deleting*
Mr. Coffey seconded, subsection 3.c., Lines 32-34, and *by renumbering* the
and this was unanimously approved, remainder of the section.

Mr. Sullivan thought that this elimination meant that all residential multiple dwelling units, concerning emergency response, should comply with the International Fire Code. He thought that might be a more simple change. Ms. Ossiander responded that her intent was to reflect International Fire Code as clearly as possible.

Mr. Coffey moved, to amend AR 2004-108 (S-2), on Page 9, Lines 7-10, *by*
changing the standard on all private roads of developments from twenty-five miles per hour to twenty miles per hour.

Deputy Chief Bridget Bushue and Inspector Cleo Hill responded that there was not significant difference between the two speeds and it would not make a great difference with safety.

and this motion was withdrawn,

Mr. Tesche proposed an amendment on Page 12, Line 14.

Mr. Tesche moved, to amend AR 2004-108 (S-2), on Page 12, Line 14, *by adding*
Mr. Tremaine seconded, a sentence to Section 2. to read: "These regulations
shall apply to existing developments to the extent permitted
by existing law."

Mr. Tesche felt there was much discussion about how these laws would affect existing developments, including those developments which were still in various phases of completion. He thought clarity on this issue was important.

To Chair Traini, Deputy Municipal Manager Abbott responded that the regulations would be monitored by the Municipal Traffic Engineer, the Municipal Engineer or the Municipal Building Officer, under the guidance of the Office of the Municipal Attorney.

To Mr. Tesche, Municipal Attorney Fred Boness responded that he concurred with the wording in the amendment. He explained that regulations could not legally be retroactive. He thought that the changes being added, including this amendment, would allow the regulations to cover all developments in all stages.

To Mr. Coffey, Mr. Boness responded that an existing development was defined as a project having an existing permit at this date. Mr. Boness stated that while most of the existing permits could not be modified, the subsequent permits could be modified and the Building Official would be responsible for enforcement.

Deputy Municipal Manager Abbott explained that Municipal Building Official Ron Thompson believed that there had been nearly one thousand grading permits issued as of two months ago. Mr. Abbott stated that all but twenty projects with between four and five hundred units had moved from a grading permit to a building permit. These remaining permits could potentially be adjusted to meet the new standards set forth in the resolution.

To Mr. Sullivan, Attorneys Mr. Watts and Mr. McClintock responded there might be a controversy concerning the application of the new resolution. Mr. Watts knew there were many developers who had substantial investments and would challenge the new requirements and laws. Mr. McClintock responded that the developers who were financially vested with permits had commitments with participating contractors to continue under the existing building permits. He felt the existing contracts should be honored.

Mr. Whittle thought that additional clarity was needed to help define which contractors had substantial investments. Mr. Boness responded that this issue could be addressed case-by-case and agreed with Mr. McClintock that the Municipality needed to take a fair and very conservative approach to this issue. To Mr. Whittle's concern, Mr. Tesche responded that the Municipal Building Official could determine the investment of each developer.

Mr. Coffey thought that the remaining projects in question would require additional examination, with the possibility of development being deterred. He questioned if the Tesche amendment properly addressed the concern.

Ms. Fairclough thought the regulations would apply because they were law. Mr. Boness responded that existing law allowed regulation to apply to every project that had a permit. Ms. Fairclough was also concerned that the time to review and process these applications was an additional factor that might be a hardship to the developers. She was concerned who would define the specific hardships of these projects. Mayor Begich responded the Municipality was not interested in lawsuits and they would take a very conservative approach to reviewing evidence from the developers on their investments of these projects. Mr. Abbott added that the Administration would review each of the outstanding projects to determine the appropriate applicability of the new standards for each.

Mr. Stout questioned if these regulations could be legally applied retroactively, and would not support the Tesche amendment because it was not defined or specific.

Mr. Sullivan spoke of his concern about defining existing developments. In respect to the projects which had already gotten their building permits, he questioned if the new regulations and standards would apply to them. He stated he would not support the amendment.

Chair Traini called for a vote on the Tesche amendment.

and this motion failed,

AYES: Whittle, Tremaine, Tesche, Jennings and Shamberg.
NAYES: Fairclough, Sullivan, Traini, Stout, Ossiander and Coffey.

Mr. Sullivan proposed to change the proposed driveway length on Page 12, Section e., Line 17.

Mr. Sullivan moved, to amend AR 2004-108 (S-2), on Page 12, Section e., *by*
Mr. Tremaine seconded, *changing* Line 17 to read: "Individual dwelling unit garage
driveways shall have a minimum of twenty (20) feet [~~twenty-~~
~~four (24)~~] between the garage door and the back of the of
curb or edge of pavement..."

Ms. Ossiander thought that many of these issues could be addressed in the Title 21 rewrite. She wondered if the same rules they were currently reviewing would apply also to apartments or subdivisions.

To Ms. Fairclough, Mayor Begich responded there was not a current twenty-foot driveway code. Municipal Engineer Howard Holtan added that while there was no definition of driveway length in Title 21, there was a requirement for a defined length for the front yard setback. Mayor Begich thought that twenty feet would be substandard.

Chair Traini called for a vote on the Sullivan amendment.

and this motion failed,

AYES: Fairclough, Sullivan, Traini, Ossiander and Coffey.

NAYES: Whittle, Tremaine, Tesche, Stout, Jennings and Shamberg.

Mr. Coffey proposed to change the proposed driveway length from twenty-four to twenty-two feet.

Mr. Coffey moved,

Mr. Sullivan seconded,

to amend AR 2004-108 (S-2), on Page 12, Section e., *by changing* Line 17 to read: "Individual dwelling unit garage driveways shall have a minimum of twenty-two (22) feet [~~twenty-four (24)~~] between the garage door and the back of the of curb or edge of pavement..."

Mr. Coffey had received positive feedback from builders on this driveway length and thought this change would allow the streets an additional four feet in width.

Mr. Sullivan stated he supported the Coffey amendment and though it offered a good compromise.

Chair Traini called for a vote.

and this motion was approved,

AYES: Fairclough, Whittle, Sullivan, Traini, Stout, Ossiander and Coffey.

NAYES: Tremaine, Tesche, Jennings and Shamberg.

Mr. Tesche was disappointed that the Assembly actions had not been able to provide more protection to families who would be purchasing and living in these structures. He still thought the regulations were substandard. He continued to wonder if the Potter proposal of using the Planning and Zoning Commission should still be considered.

Mr. Tremaine proposed to add a word to Page 3, Line 21, offering additional clarity.

Mr. Tremaine moved,

Mr. Sullivan seconded,

and this motion was approved,

to amend AR 2004-108 (S-2), on Page 3, Line 21, *by adding* to read: "The developer shall be responsible for all ...until the development is issued final certificates of occupancy."

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

Ms. Fairclough stated that she understood that the standards that passed under this resolution were law. Municipal Attorney Mr. Boness concurred that the municipality would allow interpretation for each project on an individual basis.

Mr. Whittle felt they had made improvements with this resolution and he knew there was a need for affordable housing in the city. He felt that Anchorage would be facing different kinds of building projects which would require different standards. He felt the building community did a fine job and thought this resolution would help improve it.

Ms. Ossiander thought the process had worked well in making improvements with this resolution. She appreciated the input given from the body and from testimony, listening to pros and cons from all sides, taking what was a difficult resolution and helping the Assembly make decisions for improvements.

Mr. Tremaine stated that while the Assembly had not passed the amendment making regulations applicable to existing developments, he thought the resolution was already existing law. Municipal Attorney Mr. Boness concurred.

Mr. Sullivan stated that he and members of the Assembly appreciated all the input from everyone, including the development community and from various concerned individuals. He praised Ms. Ossiander for doing such a fine job of chairing the most recent site condo committee and addressing a most contentious issue to improve this resolution. He thought the Assembly actions had confirmed, and that the law was very clear, this resolution could not be retroactive. He felt that the new regulations should take affect the date the resolution approved and signed.

Mr. Coffey proposed additional wording for clarification, on Page 6, Line 14.g.

Mr. Coffey moved,

Mr. Tremaine seconded,

and this was approved unanimously,

to amend AR 2004-108 (S-2), on Page 6, Line 14.g. *by changing* to read: "...verification that all organics have been properly removed from the sub-grade."

Mr. Coffey felt that the site condo issue had been a complex issue. He had tried to understand the issues on both sides, involving both the public safety issues and affordable housing. He felt the Assembly had addressed important concerns from both sides and he would support the main motion.

Ms. Shamberg thanked everyone who had worked on this issue. She felt the new regulations with defined standards would help address the main concerns of site condo development. She felt the changes they had made would help ensure proper and sound developments in the future.

Mayor Begich thanked the Assembly and praised Ms. Ossiander for her work and dedication on this issue and he thanked Ms. Fairclough for her past years of work. He thanked his staff for their hours of involvement to make all the improvements. He stated that while this issue still was not perfect, he felt it was a step in the right direction. He stated his Administration would continue to submit proposals to the Assembly on additional means of affordable housing projects to help fill the significant gap in the community.

Chair Traini thanked the body for all of the work they had accomplished, in particular Ms. Ossiander, who had chaired this issue most recently. He thought the issue was not perfect, and felt compromises had been made for the many issues involved, but he felt that affordable housing was an important issue in Anchorage. He called for a vote.

Mr. Tesche moved, to approve AR 2004-108 (S-2), as amended.
Mr. Tremaine seconded,
and this motion was approved,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

14. NEW PUBLIC HEARINGS

- 14.A. Ordinance No. AO 2004-93, an ordinance amending Anchorage Municipal Code Chapter 10.45 to add a new section for **surcharge** on adult admission charges to events held in the Alaska Center for the Performing Arts, effective for all performances beginning September 8, 2004, Maintenance & Operations Department.
1. Assembly Memorandum No. AM 425-2004.

Chair Traini read this ordinance title and opened Public Hearing.

DAVE PARKHURST, a 20-year business owner who sold performances during the summer at the Alaska Performing Arts Center, testified that while he agreed the roof needed repairs, he disagreed that the renovation costs should come from his ticket prices. He urged the Assembly to consider a more fair solution. To Mr. Sullivan, Mr. Parkhurst stated that his adult ticket price was \$8.75. To Mr. Coffey, he suggested collecting costs through a percentage of total sales of all businesses who rented from the Center.

BILL BOBRICK testified in support of the ordinance.

To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that the Assembly could terminate the surcharge when the repairs were completed.

NANCY HARBOUR, Director of the Center, responded to Ms. Fairclough, that she did not think the surcharge would impact ticket sales to tourists. To Mr. Sullivan, Ms. Harbour responded that in 2003 there were 4578 adult tickets sold that included a surcharge, from an approved 1988 ordinance, to pay back a \$1.1 million dollar loan for maintenance. Mayor Begich explained the annual revenue earned was approximately \$5000.

Mr. Sullivan questioned the current status of the previously approved ordinance for the \$1.00 surcharge. He agreed with Mr. Coffey and thought the Municipality should either end the old ordinance, or amend the new ordinance to include this new surcharge.

Mr. Coffey stated that for clarity the old ordinance should be amended or repealed.

With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2004-93.
Mr. Tremaine seconded,

Mr. Abbott proposed a change to the Summary of Economic Effects, on Line 25.C, to include that the revenues would be deposited into an account and recommended wording, deleting "capital" and "reserved." He also recommended changing the accompanying spread sheet, by showing the revenue bond proceeds to be \$5 million, instead of \$3 million.

To Ms. Ossiander, Chief Financial Officer Jeff Sinz responded that the sources and uses of money from the revenue bonds had been outlined for their review, and showed that \$5.1 million proceeds would cover the project forecasted at \$5.4 million. Mayor Begich added the ordinance would supercede all previous actions.

Mr. Coffey proposed an amendment on Page 1, Line 16.

Mr. Coffey moved, to amend AO 2004-93, *by changing* on Page 1, Line 16, to
Mr. Tremaine seconded, read: "A surcharge of \$2.50 on each ticket to establish a
and this was approved unanimously, reserve to pay off an existing loan and to provide a revenue
stream for repayment of an anticipated revenue bond for
major renovation and repair of the APCA roof."

Chair Traini called for a vote on the main motion.

Mr. Tesche moved, to approve AO 2004-93, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Mr. Sullivan questioned the existing language in this ordinance and wanted clarity if they were to repeal the preceding surcharge ordinance. Mayor Begich responded that Municipal Attorney Fred Boness had ruled that this ordinance superceded all other actions and the former resolution did not need to be repealed.

- 14.B. Ordinance No. AO 2004-87, an ordinance amending Anchorage Municipal Code Section 3.30.172 to classify the executive position of Executive Director of Police and Fire Retirement System a 23E Classification to **Director of Police and Fire Retirement** a 24E Classification, and in accordance with Municipal Code 3.85.025, and as requested by the Police and Fire Retirement Board, Employee Relations Department.
1. Assembly Memorandum No. AM 402-2004.

Chair Traini opened Public Hearing. There being no one to testify, he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2004-87.
Mr. Tremaine seconded,

To Mr. Stout, Deputy Municipal Manager Abbott responded that this action did not direct an increase in salary and that would occur with the board's determination. To Mr. Sullivan's question, Mr. Abbott responded the board's determinations were limited to the ranges allowed in this action.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.C. Ordinance No. AO 2004-95, an ordinance of the Anchorage Municipal Assembly reestablishing the **Municipal Airports Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Mayor's Office.
1. Assembly Memorandum No. AM 433-2004.

Chair Traini read this ordinance title and opened Public Hearing.

ERIN MARSTON, member of the Municipal Airport Advisory Commission, appeared to answer any questions, and there were none.

With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2004-95.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.D. Ordinance No. AO 2004-96, an ordinance of the Anchorage Municipal Assembly **repealing Anchorage Municipal Code Section 4.05.150**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 433-2004.

Chair Traini read this ordinance title and opened Public Hearing.

VICKY CANTRELL thought the ordinance title was too vague and recommended new language to be used to clarify the intent. She also recommended that Municipal Code should show that this section had been repealed, with the approval of this ordinance. Ms. Cantrell thought it was important to show that at one time there had been reviews of boards and commissions. Ms. Cantrell also questioned who would now review the boards and commissions and felt that issue had not been addressed in the ordinance.

To Mr. Tesche, Municipal Attorney Boness responded that he recalled the Municipal Code would show the correction.

DAVID NEWTON proposed to reduce the size of government and spending. He encouraged Assemblymembers to keep the sunset clause. He asked for them to scrutinize appointments when they come up for review, to determine if they were necessary and if they should continue. He felt there were too many boards and commissions.

With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved. to approve AO 2004-96.
Mr. Tremaine seconded,

Mr. Tesche explained the purpose of this ordinance was to eliminate automatic paperwork that was currently required to continue municipal boards and commissions. He thought this was appropriate.

Ms. Fairclough thought the wording could be improved to include language explaining how valuable these groups were. She explained there were currently no annual reviews of boards or commissions. She proposed to include an annual report to the Assembly, in the form of a memorandum. Mayor Begich responded that a review could be submitted early in the year, when most members of boards and commissions were appointed. Ms. Fairclough thought a more appropriate time might be in October, prior to reviewing the annual budget, allowing the public to understand the impact and value of these groups. She specified a simplified memorandum, with an explanation of duties and accomplishments only. Mayor Begich concurred, but thought that February would be a more appropriate time.

Mr. Stout requested that all appointees' names be included in the memorandum.

Chair Traini requested that the memorandum include attendance records. Mayor Begich responded that his Administration did not reappoint members who did not actively show up and participate.

Ms. Fairclough restated her request should be simply listing the boards and commissions, not including the names. Her intent was to cut down on the Administration's paperwork and that additional information was available for review elsewhere.

Mr. Sullivan agreed this was an important request and that October would be appropriate time to present a report.

Mr. Coffey stated that a list of sixty-five boards and commissions could be found in Title 4. He agreed it was important for a simple review.

Mayor Begich explained that Title 4, with a list of all boards and commissions, was on the Municipal Web site. The Mayor recommended having the top ten or twelve boards or commissions appear annually, to explain their significant addresses and accomplishments. He suggested including groups such as the Budget Advisory Board, the Health and Human Services Commission, groups associated with planning, zoning and platting and the Merrill Field Advisory Board.

To Mr. Coffey, Mr. Tesche responded that the Assembly could approve the ordinance before them and create an additional ordinance which amended Title 4 to include specifics for an annual review of boards and commissions. He urged the body to pass the ordinance that evening.

Ms. Fairclough proposed a change to Lines 11-14.

Ms. Fairclough moved,	to amend AO 2004-96, Lines 11-14, <i>by eliminating</i> all
Mr. Tremaine seconded,	wording up to, "established under this title," and <i>by inserting</i> ,
and this motion was withdrawn,	<u>"shall be listed by name on an informational memorandum</u>
	<u>submitted to the Assembly during the month of October of</u>
	<u>each year."</u>

Assembly Attorney Michael Gatti stated that since this ordinance was repealing a Municipal Code, additional changes could not be made to it. Ms. Fairclough withdrew her motion to amend.

Chair Traini called for a vote on the main motion to approve AO 2004-96.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Chair Traini asked to change the order of the day, to take up Agenda items 14.P and 14.Q, to accommodate an individual in the audience who had waited all evening to testify. Mr. Tremaine asked that 14.R be included. *(Clerk's Note: Refer to item 14.P for motion and action on changing the order of the day.)*

- 14.E. Resolution No. AR 2004-123, a resolution of the Municipality of Anchorage, Alaska, approving the **Timberlane-Klatt water extensions** and providing for assessment of benefited properties at time of service connection, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 398-2004.

(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)

- 14.F. Resolution No. AR 2004-127, a resolution of the Municipality of Anchorage, Alaska, approving the **Peck-Wanner Intertie water extension** and providing for assessment of benefited properties at time of service connection, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 406-2004.

(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)

- 14.G. Resolution No. AR 2004-124, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 04-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 399-2004.

(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)

- 14.H. Resolution No. AR 2004-125, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special assessments within **Levy-Upon-Connection (LUC) Roll 04-S-5**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 400-2004.

(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)

- 14.I. Ordinance No. AO 2004-92, an ordinance creating new **Girdwood Lindblad Water Special Assessment District 1730**, and determining to proceed with the proposed improvements therein, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 424-2004.

Mr. Tesche moved to change the order of the day to take up this item. This was seconded by Ms. Fairclough and approved by a vote of 9-2. Chair Traini opened Public Hearing. With no one to testify he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2004-92.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.J. Ordinance No. AO 2004-88, an ordinance authorizing the sale and disposal, via warranty deed, of portions of Lot 2, Section 18, Township 12 North, Range 3 West, Seward Meridian, and Lot 3, Section 18, Township 12 North, Range 3 West, Seward Meridian, to the State of Alaska Department of Transportation & Public Facilities for the **C Street Improvement Project**, Dimond Boulevard to O'Malley Road, Tax # 016-301-02 and 016-042-41, in exchange for compensation in the amount of \$297,366, Project Management & Engineering.
1. Assembly Memorandum No. AM 403-2004.

(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)

- 14.K. Resolution No. AR 2004-134, a resolution of the Municipality of Anchorage appropriating \$50,000 within the Anchorage Fire Department, as a contribution from the Chugiak Fire Service Area (104) Fund Balance, and \$350,000 in anticipated long-term contract payable loan proceeds to the Chugiak Fire Service Area Capital Improvement (404) Fund to provide for the purchase of a new **emergency response fire apparatus** for use by the Chugiak Volunteer Fire Department, Anchorage Fire Department.
1. Assembly Memorandum No. AM 421-2004.

Chair Traini opened Public Hearing. There being no one to testify, he closed Public hearing and called for a motion. Ms. Fairclough urged a YES-vote.

Ms. Fairclough moved, to approve AR 2004-134.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

(Clerk's Note: Whittle was temporarily out of the room)

To Ms. Fairclough, a member of the Chugiak Fire Department stated this money would purchase a new tanker which they needed.

To Ms. Shamberg, the fire department representative responded that the old tanker was municipal property and would be disposed of through the city. Ms. Shamberg responded that the community of Indian needed a tanker.

- 14.L. Resolution No. AR 2004-135, a resolution of the Municipality of Anchorage appropriating \$46,520,000 of proceeds of General Obligation Bonds to the Anchorage Roads and Drainage Service Area CIP Fund (441), \$1,210,000 to the Areawide General CIP Fund (401), \$5,650,000 to the Anchorage Fire Service Area CIP Fund (431), \$2,000,000 to the Anchorage Metropolitan Police Service Area CIP Fund (451) to pay the costs of **public safety, roads and drainage capital improvement projects**, and contribution \$462,000 from the Anchorage Roads and Drainage Service Area CIP Fund (441) to the Equipment Maintenance Internal Service Fund (601) for the purchase of street maintenance vehicles, Office of Management & Budget.
1. Assembly Memorandum No. AM 422-2004.

Chair Traini read this resolution title and opened Public Hearing.

VICKY CANTRELL testified on Proposition 10. She had reviewed seventeen of these projects and felt the costs needed to be shared by all taxpayers who used those roads. To Ms. Cantrell, Mayor Begich responded that he would supply a summary of the taxes of all service area roads in the form of an informational memorandum to the Assembly.

To Mr. Sullivan, Ms. Cantrell responded that it didn't seem fair that the maintenance of some of the limited road service areas were being paid for by the local residents and everyone could drive on them.

With no addition public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-135.
Mr. Tremaine seconded,

To Mr. Coffey, Deputy Municipal Manager Abbott responded that this involved the same fund. Chief Financial Officer Jeff Sinz explained that they were in the process of reevaluating all service areas.

Mayor Begich stated that the Administration was in the process of changing policy concerning equipment costs. He explained that both of the funds were mentioned in the ordinance because one had been used since last October, and the other was currently being used. Mr. Sinz added this issue would be explained in an upcoming worksession.

With no additional discussion, Chair Traini called for a vote.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.M. Resolution No. AR 2004-136, a resolution amending the Municipality of Anchorage 2003-2007 Housing and Community Development Consolidated Plan to include the **Mountain View Neighborhood Revitalization Strategy**, Economic & Community Development.
1. Assembly Memorandum No. AM 423-2004.

Chair Traini opened Public Hearing. With no one to testify, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-136.
Mr. Tremaine seconded,

Ms. Ossiander questioned the charts included with this resolution. She referred to a table on Page A.2, and questioned how this would affect the rest of the tax base, which seemed to ignore other areas in the city. She stated she would support this issue, but recommended having a worksession to explore the impact.

Ms. Ossiander referred to page A.6, concerning the Community Land Trust. She thought the Cook Inlet Housing Corporation had opposed this issue because it focused on one geographic area and ignored other low income neighborhoods. To Ms. Ossiander, Director of Economic and Community Development Mary Jane Michael responded that the Administration would attempt to achieve as many benchmarks as possible. Ms. Michael urged Assembly approval because it would allow them to move forward with the Mountain View Revitalization Strategy, bringing new revenue and construction to the area.

Mr. Coffey proposed postponing this matter to have a worksession for discussion.

Assembly Budget Director Elvi Gray-Jackson responded to Chair Traini that a worksession would be scheduled on June 18, 2004, from 1:30-3:30 p.m.

Mr. Coffey moved, to postpone AR 2004-136.
Mr. Sullivan seconded,

Mr. Stout agreed with a worksession.

Mr. Tremaine stated that he would not support postponement and he would be casting a YES-vote on the main motion.

Ms. Fairclough thought they had already approved the concept of the Mountain View distribution of assets and that this was a follow-up to comply with federal regulations and thought this needed to be completed in a timely manner. Mayor Begich and Ms. Michael agreed. Ms. Michael added that this issue had nothing to do with the funding, that it had to do with establishing a strategy for the neighborhood and coordinating the current efforts.

and the motion to postpone failed,

AYES: Sullivan, Traini and Stout.
NAYES: Fairclough, Whittle, Tremaine, Tesche, Jennings, Ossiander, Shamberg and Coffey.

With no additional discussion, Chair Traini called for a vote on the main motion.

Mr. Tesche moved, to approve AR 2004-136.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Jennings, Ossiander, Shamberg and Coffey.
NAYES: Stout.

To Ms. Fairclough, Chair Traini responded that the worksession would still be scheduled.

- 14.N. Resolution No. AR 2004-126, a resolution adopting the amended **Citizen Participation Plan** of the Municipality of Anchorage, which is part of the 2003-2007 Housing and Community Development Consolidated Plan for the Community Development Block Grant, the HOME Investment Partnerships Program and the Emergency Shelter Grant, Department of Economic & Community Development.
1. Assembly Memorandum No. AM 401-2004.

Chair Traini opened Pubic Hearing. With no one to testify he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-126.
Mr. Tremaine seconded,

Ms. Fairclough could not find a summary of economic effects. Mayor Begich and Ms. Michael responded that this was simply a housekeeping item for their citizen participation process and it was not their intention to include a summary of economic effects with this issue.

Ms. Ossiander requested a worksession to further discuss the grant including job creation.

and this motion was passed,

AYES: Fairclough, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander and Shamberg.
NAYES: Coffey.

(Clerks Note: Whittle was temporarily out of the room)

- 1
2 14.O. Resolution No. AR 2004-139, a resolution appropriating **Annual Entitlement Grants** from the U.S.
3 Department of Housing and Urban Development and anticipated program income in the amounts of
4 \$2,285,000 of 2004 entitlement and \$30,000 of anticipated program income for the Community
5 Development Block Grant (CDBG), \$1,119,105 of 2004 entitlement and \$135,000 of anticipated
6 recaptured funds for the HOME Investment Partnerships Program (HOME), and \$85,231 of
7 entitlement for the Emergency Shelter Grant (ESG), appropriating said funds to the Federal
8 Categorical Grants Fund (241), and awarding a grant of up to \$40,000 in CDBG funds to Anchorage
9 Historic Properties, Inc., Economic & Community Development.
10 1. Assembly Memorandum No. AM 437-2004.

11
12 *(Clerk's Note: This item was Carried Over to the Assembly Meeting of June 22, 2004)*

- 13
14 14.P. Resolution No. AR 2004-141, a resolution of the Anchorage Municipal Assembly approving a
15 conditional use for an alcoholic beverages conditional use in the Transition (T) District for Host
16 International, Inc., (DBA **Chili's Too**), a Beverage Dispensary-Tourism Use within the Ted Stevens
17 International Airport, South Terminal, per AMC 21.40.240 D.5 located on the West one-half of Section
18 34, Township 13 North, Range 4 West, S.M., AK; generally located at the west end of West
19 International Airport Road (Case 2004-087), Planning Department.
20 1. Assembly Memorandum No. AM 438-2004.

21
22 Chair Traini called for a motion to combine Public Hearing on Agenda items 14.P and 14.Q. Mr. Tremaine so moved, it
23 was seconded by Mr. Tesche and it was approved with no objections. Chair Traini opened Public Hearing.

24
25 SHERRY FESIDEN, with Host International, Inc., appeared, representing the company petitioning for the licenses for
26 Chili's Too and Legends. Ms. Fesiden explained that the new facilities were opening at the airport in the new C
27 Concourse.

28
29 To Mr. Sullivan, Ms. Fesiden responded these were tourism use beverage dispensary licenses. She explained that
30 Host International held contracts for dispensing all food and beverages in the airport through 2006. Because they
31 were at the airport, they were not required to purchase a liquor license to obtain a conditional, tourist use license.

32
33 To Mr. Whittle, Ms. Fesiden responded that Chili's Too would open with the grand opening of the new airport wing on
34 June 29, 2004. Legends was scheduled to open later in the month of the July.

35
36 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

37
38 Mr. Tesche moved, to approve AR 2004-141.
39 Mr. Coffey seconded,
40 and this motion was passed,

41
42 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
43 NAYES: None.

- 44
45 14.Q. Resolution No. AR 2004-142, a resolution of the Anchorage Municipal Assembly approving a
46 conditional use for an alcoholic beverages conditional use in the Transition (T) District for Host
47 International, Inc., (DBA **Legends**), a Beverage Dispensary-Tourism Use within the Ted Stevens
48 Anchorage International Airport, South Terminal, per AMC 21.40.240 D.5, located on the West one-
49 half of Section 34, Township 23 North, Range 4 West, S.M., AK; generally located at the west end of
50 West International Airport Road (Case 2004-088), Planning Department.
51 1. Assembly Memorandum No. AM 439-2004.

52
53 *(Clerk's Note: Please refer to Agenda item No. 14.P for combined Public Hearing on this item.)*

54
55 Mr. Tesche moved, to approve AR 2004 142.
56 Mr. Tremaine seconded,
57 and this motion was passed,

58
59 AYES: Fairclough, Whittle, Sullivan, Traini, Tesche, Stout, Ossiander, Shamberg and Coffey.
60 NAYES: None.

61 *(Clerk's Note: Tremaine and Jennings were temporarily out of room)*

- 62
63 14.R. Ordinance No. AO 2004-83, an ordinance amending the zoning map and providing for the rezoning of
64 approximately 2.06 acres from R-1A (Single Family Residential) to R-5 (Suburban Residential District,
65 Large Lot) for **Fischer Subdivision, Lots 1A and 1B, Block 3**, generally located at 5200 E. 100th
66 Avenue and 10161 Klingler Street (Mid-Hillside, Huffman/O'Malley Community Councils) (Planning and
67 Zoning Commission Case 2003-173), Planning Department.
68 1. Assembly Memorandum No. AM 355-2004.

69
70 Chair Traini opened Public Hearing.

71
72 ROBERT JACKSON, a petitioner on a case pending review of the Planning and Zoning Commission, appeared to
73 answer any questions. To Mr. Tremaine, Mr. Jackson responded he did not have a stream on his property.

74
75 LEE RENFREW testified that the municipal map showed a stream on her property but there was no stream.

76
77 RYAN STENCIL, Vice Chair of the Huffman-O'Malley Community Council, testified in support of the rezoning. She
78 urged the Assembly to delete Section 2 and suggested that Section 3 be updated to reflect the changes. Ms. Stencil
79 did not think the rezoning should be held up, pending the findings of the Planning and Zoning Commission.

Mr. Tesche moved, to approve AO 2004-83.
Mr. Sullivan seconded,

Mr. Tremaine proposed to omit Section 2.

After consulting with the Administration and the Municipal Legal Staff, Mr. Tremaine stated that it had been determined that this amendment would not change the pending violation issue before the Planning and Zoning Commission.

Mr. Tremaine moved, to amend AO 2004-83, *by eliminating Section 2*, Lines
Mr. Coffey seconded, 22-25, and *by renumbering Section 3 to Section 2*.
this was unanimously approved,

Chair Traini called for a vote on the main motion.

Mr. Tesche moved, to approve AO 2004-83, as amended.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Chair Traini called for a motion to extend the Regular Assembly Meeting until midnight to take up items 9.D.16, 14.K, and 14.A. Mr. Tesche cast the motion, it was seconded by Mr. Tremaine and approved without objection.

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

Mr. Sullivan announced that on Friday at 10:00 a.m., the Abbott Loop Community Church would be holding a commemorative service, honoring the late President Ronald Reagan.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Traini called for a motion to adjourn the meeting.

Mr. Tesche moved, to adjourn the Regular Assembly Meeting.
Ms. Shamberg seconded,
and this motion was passed unanimously,

The Regular Assembly Meeting was adjourned at 12:00 a.m.

ATTEST:

DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: July 20, 2004
MC/BG