

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of June 22, 2004, amended

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: Anna Fairclough, Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout,
Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

ABSENT: None.

3. PLEDGE OF ALLEGANCE Ms. Fairclough led the pledge.

4. MINUTES OF PREVIOUS MEETING

4.A. Special Meeting – July 8, 2003

Mr. Tesche moved, to approve Minutes of the Regular Meeting of July 8, 2003.
Mr. Tremaine seconded,
and this motion was passed unanimously,
with Jennings, Stout, Ossiander and Coffey abstaining,

4.B. Regular Meeting – March 2, 2004

Mr. Tesche moved, to approve Minutes of the Regular Meeting of March 2, 2004.
Mr. Tremaine seconded,
and this motion was passed unanimously,
with Jennings, Stout, Ossiander and Coffey abstaining,

4.C. Regular Meeting – May 11, 2004

Mr. Tesche moved, to approve Minutes of the Regular Meeting of May 11, 2004.
Mr. Tremaine seconded,
and this motion was passed unanimously,

5. MAYOR'S REPORT

Mayor Begich spoke of recent improvements to the Mountain View area, including the annual Spring Clean-Up and the dedication of a Parks and Recreation facility on the corner of Bragaw and Mountain View Drive, in remembrance of Randy Smith. Mayor Begich stated he and his Administration were reviewing the Mountain View Redevelopment Project and the efforts were gaining momentum.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini called for a motion on the Addendum.

Mr. Tesche moved, to approve the inclusion of the Addendum items into
Ms. Fairclough seconded, the Regular Agenda.

Chair Traini read the Addendum items and called for any additional items, and AO 2004-104, AR 2004-168, AO 2004-91(S), AR 2004-167 and AR 2004-100(S) were added. Chair Traini assigned Agenda item numbers 9.F.8, 9.B.5, 14.J.2, 9.B.6 and 14.I.1, respectively. He called for a vote to incorporate the Addendum items into the Regular Agenda.

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 on the Consent Agenda.

Ms. Fairclough moved, to approve the Consent Agenda.

Mr. Sullivan seconded,

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

Ms. Fairclough moved that action on the following Addendum and Laid-on-the-Table items be postponed to allow time for members to review them. She proposed an approval en masse once the items had been reviewed. She thought that 9.E.3 should be postponed because it was a financial document for the municipal budget and she did not have reference materials with her.

Ms. Fairclough moved,	<i>to postpone until later in the evening,</i> items 9.C.3, 9.C.5,
Mr. Tremaine seconded,	9.C.6, 9.C.7, 9.C.8, 9.D.14, 9.D.15, 9.D.16, 9.D.17, 9.D.18,
and there were no objections,	9.D.19, 9.D.20, 9.D.21, 9.D.22, 9.D.23, 9.D.24 and 9.E.3

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution No. AR 2004-163, a resolution of the Anchorage Municipal Assembly honoring and remembering **President Ronald Wilson Reagan**, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Addendum)**

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.A.1)*

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2004-159, a resolution authorizing the Municipality to grant an **electrical easement** to Chugach Electric Association, Inc., for the Polaris School within the NW ¼ of Section 5, T12N, R3W, S.M. Alaska located near the New Seward Highway and Dowling Road, Tax #014-032-39, Project Management & Engineering.
a. Assembly Memorandum No. AM 496-2004.
- 9.B.2. Resolution No. AR 2004-161, a resolution authorizing the Municipality to grant an **easement** to Enstar Natural Gas Company, for the Polaris School within the NW ¼ of Section 5, T12N, R3W, S.M. Alaska located near the New Seward Highway and Dowling Road, Tax #014-032-39, Project Management & Engineering.
a. Assembly Memorandum No. AM 499-2004.
- 9.B.3. Resolution No. AR 2004-162, a resolution of the Anchorage Municipal Assembly supporting the Municipal Clerk and the Anchorage Convention and Visitors Bureau in the bid to host the **2009 International Institute of Municipal Clerks Annual Conference**, Assembly Chair Traini. **(Addendum)**

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

- 9.B.4. Resolution No. AR 2004-165, a resolution of the Municipality of Anchorage appropriating \$74,945 from the State of Alaska Department of Military and Veterans' Affairs, Division of Emergency Management Services (ADES), to the State Categorical Grants Fund (231) to support the **Anchorage Local Emergency Planning Committee (LEPC) activities**, Office of Emergency Management.
a. Assembly Memorandum No. AM 518-2004. **(Addendum)**

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

- 9.B.5. Resolution No. AR 2004-168, a Resolution of the Anchorage Municipal Assembly, supporting the Governor in his call for a **Special Legislative Session**, restating the need for a fiscal plan and encouraging passage of a transportation bond, Chair Traini, Mayor Begich and Assemblymembers Coffey, Tremaine, Tesche, Shamberg, Jennings and Whittle. **(Laid on the Table)**

Mr. Coffey requested this item be introduced in the Regular Agenda. *(See item 10.B.5)*

- 9.B.6. Resolution No. AR 2004-167, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a new restaurant/Eating place liquor License for New For Me, Inc. dba **Maxine's** Glacier City Bistro #4431 located at Lot 44, Crow Creek Road, Girdwood, Alaska, Assemblymember Tremaine. **(Laid on the Table)**

Mr. Tremaine requested this item be introduced in the Regular Agenda. *(See item 10.B.6)*

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 485-2004, recommendation of award to Doyon Universal Services, JV for providing **security services** to the Municipality of Anchorage, Port of Anchorage (ITB 24-B021) (\$1,830,331.60), Purchasing.

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

- 9.C.2. Assembly Memorandum No. AM 501-2004, recommendation of award to Johnson Controls, Inc. for the **2004 Merrill Field Security Improvements** for the MOA, Merrill Field Airport (ITB 24-C019) (\$937,837), Purchasing. **(Addendum)**

The Administration requested this item be pulled for review on the Regular Agenda *(See item 10.C.2)*

- 9.C.3. Assembly Memorandum No. AM 502-2004, recommendation of award to Alaska Laser Printing & Mailing Services for providing **printing & bulk mailing services** to the Municipality of Anchorage, Municipal Light & Power (ITB 24-B028) (\$206,009.35), Purchasing. **(Addendum)**

- 1 9.C.4. Assembly Memorandum No. AM 503-2004, recommendation of award to Palmerco Construction, Inc.
2 for the **Westside Parks Improvements** for the Municipality of Anchorage, Project Management &
3 Engineering (ITB 24-C021) (\$677,490), Purchasing. **(Addendum)**
4

5 Ms. Ossiander requested this item be pulled for review on the Regular Agenda (See item 10.C.4)
6

- 7 9.C.5. Assembly Memorandum No. AM 504-2004, recommendation of award to Shaman, LLC for furnishing
8 **rental of traffic control devices** to the Municipality of Anchorage, Purchasing Department (ITB 24-
9 B027) (\$200,000). **(Addendum)**
10 9.C.6. Assembly Memorandum No. AM 505-2004, recommendation of award to HC Price/Ahtna, JV Co. for
11 **Utility Wide SCADA System Phase 2A** – Water Distribution Facilities Group 2 for the Municipality of
12 Anchorage, Anchorage Water & Wastewater Utility (ITB 24-C016) (\$2,704,260), Purchasing.
13 **(Addendum)**
14 9.C.7. Assembly Memorandum No. AM 506-2004, recommendation of award to Sonshine Enterprises for
15 **Foxhall – Hasting Water Upgrade Project** of the Municipality of Anchorage, Anchorage Water &
16 Wastewater Utility (ITB 24-C023) (\$285,225), Purchasing. **(Addendum)**
17 9.C.8. Assembly Memorandum No. AM 507-2004, recommendation of award to Denali Materials, Inc., for
18 furnishing **Type VI classified fill & backfill** to the Municipality of Anchorage, Anchorage Water &
19 Wastewater Utility (ITB 24-B030) (\$116,870), Purchasing. **(Addendum)**
20

21 **9.D. NEW BUSINESS**

- 22 9.D.1. Assembly Memorandum No. AM 486-2004, **Villages Scenic Parkway Limited Road Service Area**
23 **Board of Supervisors** appointment (Gerald Shearer), Mayor's Office.
24 9.D.2. Assembly Memorandum No. AM 487-2004, **Anchorage Parking Authority Board of Directors**
25 appointment (Jeffrey Sinz), Mayor's Office.
26

27 Mr. Tremaine requested an updated resume from Mr. Sinz for this appointment.
28

- 29 9.D.3. Assembly Memorandum No. AM 488-2004, **Library Advisory Board** appointment (Francine Bennett-
30 Jackson).
31 9.D.4. Assembly Memorandum No. AM 489-2004, **Police and Fire Retirement Board of Trustees**
32 appointment (John Gentile), Mayor's Office.
33 *(Clerk's Note: Assembly Action on AM 490-2004 (Item 9.D.5.) will be Postponed to July 6, 2004, to*
34 *Permit a 10-DAY Public Comment Period Pursuant to AMC 21.10.010 B.)*
35 9.D.5. Assembly Memorandum No. AM 490-2004, **Zoning Board of Examiners and Appeals** appointment
36 (Thomas Van Flein), Mayor's Office. **(Postponed until 7-6-04)**
37

38 Mr. Tremaine requested this item be pulled for review on the Regular Agenda (See item 10.D.5)
39

- 40 9.D.6. Assembly Memorandum No. AM 482-2004, **Chili's Too #4403** – New Beverage Dispensary-Tourism
41 & Restaurant Designation Liquor License (Sand Lake & Turnagain Community Councils), Clerk's
42 Office.
43 9.D.7. Assembly Memorandum No. AM 483-2004, **Legends #4404** – New Beverage Dispensary-Tourism
44 Liquor License (Sand Lake & Turnagain Community Councils), Clerk's Office.
45 9.D.8. Assembly Memorandum No. AM 484-2004, **Manrique's Brasserie #4411** – New Restaurant/Eating
46 Place & Resignation Designation Liquor License (Spenard Community Council), Clerk's Office.
47 9.D.9. Assembly Memorandum No. AM 491-2004, approval of Contract Amendment No. 6 to Purchase Order
48 No. 230776, **ambulance fee collections contract** with Fosselman & Weiland, CPAs (dba Medical
49 Support Services) for the Municipality of Anchorage (\$25,000), Anchorage Fire Department.
50

51 Mr. Whittle requested this item be pulled for review on the Regular Agenda (See item 10.D.9)
52

- 53 9.D.10. Assembly Memorandum No. AM 492-2004, **Human Services Matching Grant Award**
54 **Recommendations** for FY 2005 and 2006 (CSS St. Francis House/Rent & Utility Assistance Program
55 - \$24,333; SA McKinnell Shelter Services - \$101,792; CSS St. Francis House/Volunteer & Resource
56 Coordination - \$46,592; ANHC/Preventive & Emergency Oral Health Services - \$124,892; Mabel T.
57 Caverly Senior Center/DEAP Program - \$52,251; American Red Cross/Emergency Shelter - \$31,791;
58 Beans Café/Meals - \$134,745; Alaska Legal Services/Service for Domestic Violence Prevention -
59 \$112,088; CSS Brother Francis Shelter - \$92,776; Alzheimer's Resource Agency/In Home Respite
60 Care - \$40,177; AWAIC/Abuse Shelter and Related Services - \$123,718; CSS Clare House Shelter -
61 \$97,089) , Health and Human Services.
62 9.D.11. Assembly Memorandum No. AM 493-2004, Change Order No. 1 to Vendor Contract 23MLP144 with
63 Kemppe, Huffman & Ellis, PC for providing **legal services** pertaining to issues before the Regulatory
64 Commission of Alaska for the Municipality of Anchorage, Municipal Light & Power (\$100,000),
65 Purchasing.
66

67 Mr. Stout requested this item be pulled for review on the Regular Agenda (See item 10.D.11)
68

- 69 9.D.12. Assembly Memorandum No. AM 494-2004, grant award to Anchorage Neighborhood Housing
70 Services, Inc. to operate an **Anchorage Communities Home Ownership Resource (AnCHOR)**
71 **program** for the Municipality of Anchorage, Office of Economic & Community Development
72 (\$1,318,349), Purchasing.
73 9.D.13. Assembly Memorandum No. AM 495-2004, recommendation of award to USKH, Inc. for providing
74 engineering services for a **Klatt Road - New Seward Highway Pressure Zone Intertie** for the
75 Municipality of Anchorage, Anchorage Water & Wastewater Utility (RFP 24-P008) (\$168,146),
76 Purchasing.
77 9.D.14. Assembly Memorandum No. AM 508-2004, proprietary purchase to Well Safe Alaska, Inc. for
78 furnishing 36 each **Drager self contained breathing apparatuses** and 54 each 30-minute 4,500 psi

- carbon air cylinders to the Municipality of Anchorage, Anchorage Fire Department (\$195,534.22), Purchasing. **(Addendum)**
- 9.D.15. Assembly Memorandum No. AM 509-2004, Change Order No. 2 to P.O. 240562 with Tazlina Hotshots to provide **wildfire mitigation work** for the Municipality of Anchorage, Anchorage Fire Department (\$40,000), Purchasing. **(Addendum)**
- 9.D.16. Assembly Memorandum No. AM 510-2004, Change Order No. 3 to Purchase Order 230246 with American LaFrance Northwest for furnishing modifications to **medic ambulances** for the Municipality of Anchorage, Anchorage Fire Department (\$2,759.74), Purchasing. **(Addendum)**
- 9.D.17. Assembly Memorandum No. AM 511-2004, Change Order No. 3 to Vendor Contract 21MLP223 with Damco Paving Corp. for providing **asphalt and concrete patching services** to the Municipality of Anchorage, Municipal Light & Power (\$125,000), Purchasing. **(Addendum)**
- 9.D.18. Assembly Memorandum No. AM 512-2004, proprietary lease to Bruno and Sonja Rebmann for providing **leased storage space** for the Municipality of Anchorage, Eagle River Parks & Recreation Department (Real Estate Services) (\$19,800), Purchasing. **(Addendum)**
- 9.D.19. Assembly Memorandum No. AM 513-2004, **System Expansion Analysis** – Amendment No. 1 to contract for professional services with MWH Americas, Inc. – P.O. 246059 (\$200,000), Anchorage Water & Wastewater Utility. **(Addendum)**
- 9.D.20. Assembly Memorandum No. AM 514-2004, Utility Relocation Agreement with Alaska Communications Systems, Inc. (ACS) for the **W. Northern Lights Blvd. Upgrade, Nathaniel Court to Wisconsin Street**, Project No. 01-10 (\$400,000), Project Management & Engineering. **(Addendum)**
- 9.D.21. Assembly Memorandum No. AM 515-2004, Amendments One (1) and Two (2) to the Utility Relocation Agreement with Chugach Electric Association, Inc. (CEA) for the **W. Northern Lights Blvd. Upgrade, Nathaniel Court to Wisconsin Street**, Project No. 01-10 (\$3,270,000), Project Management & Engineering. **(Addendum)**
- 9.D.22. Assembly Memorandum No. AM 516-2004, Utility Relocation Agreement with ENSTAR Natural Gas Company for the **W. Northern Lights Blvd. Upgrade, Nathaniel Court to Wisconsin Street**, Project No. 01-10 (\$525,000), Project Management & Engineering. **(Addendum)**
- 9.D.23. Assembly Memorandum No. AM 517-2004, Utility Relocation Agreement with General Communication, Inc. (GCI) for the **W. Northern Lights Blvd. Upgrade, Nathaniel Court to Wisconsin Street**, Project No. 01-10 (\$300,000), Project Management & Engineering. **(Addendum)**
- 9.D.24. Assembly Memorandum No. AM 519-2004, recommendation to award various carriers providing **property & excess insurance coverage** to the Municipality of Anchorage, Operations Department (\$1,436,916), Finance. **(Addendum)**

The Administration requested this item be pulled for review on the Regular Agenda *(See item 9.D.24)*

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 54-2004, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of May 2004, Purchasing.
- 9.E.2. Information Memorandum No. AIM 55-2004, **Sole Source Procurement Report** for the month of May 2004, Purchasing.
- 9.E.3. Information Memorandum No. AIM 56-2004, **2003 Comprehensive Annual Financial Report**, Finance. **(Addendum)**

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.E.3)*

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.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 7-6-04)*

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

- 9.F.2. Ordinance No. AO 2004-102, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and **Executive Hangars Owners Association**, an Alaska Non-Profit Corporation, as lessee of Lot 1 Block 8, Merrill Field Replat, located between Runway 15/33 and Merrill Field Drive, Merrill Field Airport. *(Public Hearing 7-6-04)*
- a. Assembly Memorandum No. AM 497-2004.

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

- 9.F.3. Resolution No. AR 2004-160, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$225,343 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$56,336 for required local matching funds from the Public Transportation Department's 2004 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit Planning Program**, Public Transportation Department. *(Public Hearing 7-6-04)*
- a. Assembly Memorandum No. AM 498-2004.

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.F.3)*

- 9.F.4. Resolution No. AR 2004-164, a resolution of the Municipality of Anchorage accepting when tendered \$3,709,750 from the Federal Aviation Administration Airport Improvement Program grant, and \$97,625 from the State of Alaska Department of Transportation and Public Facilities grant; and appropriating

said grants and \$97,625 from Airport Unrestricted Net Assets to Merrill Field's Capital Improvement Fund for the **2004 Merrill Field Expand Aprons and Security Improvements** and revising the 2004 Merrill Field Capital Improvement Budget (581), Merrill Field Airport. *(Public Hearing set for 7-6-04)*
(Addendum)

a. Assembly Memorandum No. AM 500-2004.

9.F.5. Ordinance No. AO 2004-89, an ordinance authorizing the **sale of properties** foreclosed by the Municipality for delinquent taxes and/or special assessments, Real Estate Services. *(Public Hearing set for 7-6-04)*

a. Assembly Memorandum No. AM 404-2004. **(Addendum)**

9.F.6. Ordinance No. AO 2004-103, an ordinance authorizing **retention of tax foreclosed properties** for public purpose, Real Estate Services. *(Public Hearing set for 7-6-04)* **(Addendum)**

a. Assembly Memorandum No. AM 520-2004.

9.F.7. Resolution No. AR 2004-166, a resolution approving and ratifying a two year and one-half years extension of the collective bargaining agreement between the Municipality of Anchorage and the **Public Employees, Local 71**, Employee Relations. *(Public Hearing set for 7-6-04 7-20-04)*
(Addendum)

a. Assembly Memorandum No. AM 521-2004.

The Administration requested this item be pulled for review on the Regular Agenda *(See item 10.F.7)*

9.F.8. Ordinance No. AO 2004-104, an ordinance of the Anchorage Municipal Assembly amending Chapter 8.30 to enact a new section, 8.30.125, **Panhandling**, Assemblymember Sullivan. *(Public Hearing set for 7-20-04)* **(Laid on the Table)**

Mr. Sullivan requested this ordinance be introduced into the Regular Agenda. *(See item 10.F.8)*

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

Mr. Tremaine moved, to approve the Consent Agenda, as amended.
Mr. Tesche seconded,
and this motion was passed,

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

Chair Traini announced the approval of the Consent Agenda, with the exception of the pulled items and postponed items and proceeded into discussion of those items.

Ms. Fairclough moved for an approval en masse of Agenda items that had been postponed until members had time to review them, with the exceptions of 9.D.24 and 9.E.3.

Ms. Fairclough moved, to approve 9.C.3, 9.C.5, 9.C.6, 9.C.7, 9.C.8, 9.D.14, 9.D.15,
Mr. Sullivan seconded, 9.D.16, 9.D.17, 9.D.18, 9.D.19, 9.D.20, 9.D.21, 9.D.22 and
and there were no objections, 9.D.23.

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2004-163, a resolution of the Anchorage Municipal Assembly honoring and remembering **President Ronald Wilson Reagan**, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.
(Addendum)

Chair Traini read this resolution title and called for a motion.

Ms. Fairclough moved, to approve AR 2004-163.
Mr. Sullivan seconded,
and this motion passed unanimously,

Ms. Fairclough stated that President Reagan, the 40th president of the United States, had been an outstanding, honored and recognized leader.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.3. Resolution No. AR 2004-162, a resolution of the Anchorage Municipal Assembly supporting the Municipal Clerk and the Anchorage Convention and Visitors Bureau in the bid to host the **2009 International Institute of Municipal Clerks Annual Conference**, Assembly Chair Traini.
(Addendum)

Chair Traini read this resolution title and called for a motion. Mr. Tremaine pointed out a simple typing correction was needed on Line 24, which was noted by the Administration.

Mr. Tremaine moved, to approve AR 2004-162.
Ms. Ossiander seconded,
and this was passed unanimously,

To Chair Traini, Municipal Clerk Barbara Gruenstein responded that Anchorage wished to host up to 1400 municipal clerks from across the nation for the Clerk's Annual Conference, scheduled in May of 2009.

- 10.B.4. Resolution No. AR 2004-165, a resolution of the Municipality of Anchorage appropriating \$74,945 from the State of Alaska Department of Military and Veterans' Affairs, Division of Emergency Management Services (ADES), to the State Categorical Grants Fund (231) to support the **Anchorage Local Emergency Planning Committee (LEPC) activities**, Office of Emergency Management.
- a. Assembly Memorandum No. AM 518-2004. **(Addendum)**

Chair Traini read this resolution title and called for a motion.

Ms. Fairclough moved, to approve AR 2004-165.
Mr. Coffey seconded,
and there were no objections,

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

- 10.B.5. Resolution No. AR 2004-168, a Resolution of the Anchorage Municipal Assembly, supporting the Governor in his call for a **Special Legislative Session**, restating the need for a fiscal plan and encouraging passage of a transportation bond, Chair Traini, Mayor Begich and Assemblymembers Coffey, Tremaine, Tesche, Shamberg, Jennings and Whittle. **(Laid on the Table)**

Chair Traini read this resolution title and called for a motion. Mr. Tremaine, Mr. Tesche, Ms. Shamberg, Ms. Jennings and Mr. Whittle requested to be added as cosponsors.

Mr. Coffey moved, to approve AR 2004-168, as amended.
Mr. Whittle seconded,
and there were no objections,

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

- 10.B.6. Resolution No. AR 2004-167, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a new restaurant/Eating place liquor License for New For Me, Inc. dba **Maxine's** Glacier City Bistro #4431 located at Lot 44, Crow Creek Road, Girdwood, Alaska, Assemblymember Tremaine. **(Laid on the Table)**

Chair Traini read this resolution title and called for a motion.

Mr. Tremaine moved, to approve AR 2004-167.
Ms. Fairclough seconded,
Mr. Sullivan was the concurring third,
and this motion was unanimously approved,

10.C. BID AWARDS

- 10.C.1. Assembly Memorandum No. AM 485-2004, recommendation of award to Doyon Universal Services, JV for providing **security services** to the Municipality of Anchorage, Port of Anchorage (ITB 24-B021) (\$1,830,331.60), Purchasing.

Chair Traini read this memorandum title and called for a motion.

Mr. Coffey moved, to approve AM 485-2004.
Mr. Tremaine seconded,

To Mr. Coffey, Mayor Begich responded that the Administration and the Anchorage Police Department and their bargaining unit were discussing the implementation of this contract. To Mr. Coffey, Purchasing Officer Bart Mauldin responded that the ~~contracts~~ contracts were typically multiple-year, with an initial contract term of one year.

and this motion was unanimously approved,

- 10.C.2. Assembly Memorandum No. AM 501-2004, recommendation of award to Johnson Controls, Inc. for the **2004 Merrill Field Security Improvements** for the MOA, Merrill Field Airport (ITB 24-C019) (\$937,837), Purchasing. **(Addendum)**

Deputy Municipal Manager Michael Abbott requested this item be postponed indefinitely. Municipal Purchasing Officer Bart Mauldin explained they had received a protest on this contract.

Ms. Fairclough moved, to postpone indefinitely AM 501-2004.
Mr. Sullivan seconded,
and this motion was unanimously approved,

- 10.C.4. Assembly Memorandum No. AM 503-2004, recommendation of award to Palmerco Construction, Inc. for the **Westside Parks Improvements** for the Municipality of Anchorage, Project Management & Engineering (ITB 24-C021) (\$677,490), Purchasing. **(Addendum)**

Chair Traini read this memorandum title and called for a motion.

Ms. Ossiander moved, to approve AM 503-2004.
Ms. Fairclough seconded,

To Ms. Ossiander, Municipal Engineer Howard Holtan explained that the process was ongoing and some of these projects had been in development since 1999. Mayor Begich and Mr. Holtan responded that individuals in the community could submit capital projects for consideration following criteria, and all the information would be made public.

Ms. Fairclough urged approval.

and this was unanimously approved,

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

10.D. NEW BUSINESS

10.D.5. Assembly Memorandum No. AM 490-2004, Zoning Board of Examiners and Appeals appointment (Thomas Van Flein), Mayor's Office. (*Postponed until 7-6-04*)

Chair Traini read this memorandum title and called for a motion.

Mr. Tremaine moved, to postpone AM 490-2004 until July 6, 2004, to permit a 10-day public comment period pursuant to AMC 21.10.010 B.
Ms. Fairclough seconded,
and this was approved unanimously,

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

10.D.9. Assembly Memorandum No. AM 491-2004, approval of Contract Amendment No. 6 to Purchase Order No. 230776, **ambulance fee collections contract** with Fosselman & Weiland, CPAs (dba Medical Support Services) for the Municipality of Anchorage (\$25,000), Anchorage Fire Department.

Chair Traini read this memorandum title and called for a motion.

Mr. Whittle moved, to approve AM 491-2004.
Mr. Coffey seconded,

Mr. Whittle was concerned with the additional moneys being added to an already-existing contract. He and Mr. Coffey requested a report on this contract when it came up for bid. Deputy Municipal Manager Abbott responded that they would share performance measures for this contract.

and this was passed unanimously,

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

10.D.11. Assembly Memorandum No. AM 493-2004, Change Order No. 1 to Vendor Contract 23MLP144 with Kemppe, Huffman & Ellis, PC for providing **legal services** pertaining to issues before the Regulatory Commission of Alaska for the Municipality of Anchorage, Municipal Light & Power (\$100,000), Purchasing.

Chair Traini read this resolution title and called for a motion.

Mr. Stout moved, to approve AM 493-2004.
Mr. Coffey seconded,

Mr. Stout objected to additional moneys being added to an existing contract. He thought this item was either was not bid correctly or the work was not presented adequately. He recommended consideration of contracts on an hourly basis.

To Mr. Coffey, Purchasing Officer Bart Mauldin responded these contracts were kept on a retainer basis, and they were used on an hourly-rate type contract. It was difficult to predict how much they would be used during the duration of the contract, and there had been additional projects to address. Municipal Attorney Boness responded that in the past his office had tried to provide the specialized expertise, but many of those attorneys leave to join private practice because of competitive salaries. Mr. Coffey recommended this issue be investigated to see if moneys could be saved.

Ms. Fairclough supported Mr. Stout's concern about this issue and had seen the same questions involved with engineering contracts, which also had to include additional time to assist the contractor. She encouraged more accountability.

To Mr. Tesche, Municipal Purchasing Officer Mauldin responded this contract involved an RFP.

and this motion was approved,

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

10.D.24. Assembly Memorandum No. AM 519-2004, recommendation to award various carriers providing

property & excess insurance coverage to the Municipality of Anchorage, Operations Department (\$1,436,916), Finance. **(Addendum)**

Chair Traini read this memorandum title and called for a motion.

Ms. Fairclough moved, to approve AM 519-2004.
Ms. Ossiander seconded,
and this was approved unanimously,

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

10.E. INFORMATION AND REPORTS

10.E.3. Information Memorandum No. AIM 56-2004, **2003 Comprehensive Annual Financial Report**, Finance. **(Addendum)**

Chair Traini read this memorandum title and called for a motion.

Ms. Fairclough moved, to accept AIM 56-2004.
Mr. Tremaine seconded,

Ms. Fairclough confirmed the importance of this report. The Administration had convinced her that a more in-depth worksession was needed on this report, and she urged acceptance of this memorandum.

and there were no objections,

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

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 7-6-04)~~

Mr. Tesche moved, to postpone indefinitely AO 2004-94.
Mr. Tremaine seconded,

Mr. Tesche explained that the Assembly had dealt with this matter and while an alternative approach was used when dealing with site condos, he thought the issue could better be addressed through the Title 21 process. He stated his intent was to dispose of all versions that had previously come before the Assembly

and this motion was approved unanimously,

10.F.2. Ordinance No. AO 2004-102, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and **Executive Hangars Owners Association**, an Alaska Non-Profit Corporation, as lessee of Lot 1 Block 8, Merrill Field Replat, located between Runway 15/33 and Merrill Field Drive, Merrill Field Airport. ~~(Public Hearing 7-6-04)~~
a. Assembly Memorandum No. AM 497-2004.

Chair Traini read this ordinance title and called for a motion.

Ms. Fairclough moved, to introduce AO 2004-102, with Public Hearing
Mr. Tremaine seconded, set for July 6, 2004.
and this was unanimously approved,

To Ms. Fairclough, Airport Manager Dave Lundebj responded that the current lease holder was for-profit. They were required to pay tax on improvements on the land leased at Merrill Field. Ms. Fairclough requested an examination of the economic impact, to determine if additional revenues were being generated from the improvements that had been made on this property.

10.F.3. Resolution No. AR 2004-160, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$225,343 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$56,336 for required local matching funds from the Public Transportation Department's 2004 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit Planning Program**, Public Transportation Department.
a. Assembly Memorandum No. AM 498-2004. ~~(Public Hearing set for 7-6-04)~~

Chair Traini read this resolution title and called for a motion.

Ms. Fairclough moved, to introduce AR 2004-160, with Public Hearing
Mr. Tremaine seconded, set for July 6, 2004.
Mr. Tesche was the concurring third,

To Ms. Fairclough, the Mayor responded that they were preparing this issue for Public Hearing.

- 10.F.7. Resolution No. AR 2004-166, a resolution approving and ratifying a two year and one-half years extension of the collective bargaining agreement between the Municipality of Anchorage and the **Public Employees, Local 71**, Employee Relations. (*Public Hearing set for 7-6-04 7-20-04*)
a. Assembly Memorandum No. AM 521-2004. (**Addendum**)

Chair Traini read this resolution title and called for a motion. Deputy Municipal Manager Abbott requested Public Hearing dates be rescheduled.

Mr. Tesche moved, *to introduce* AR 2004-166, with Public Hearing
Mr. Coffey seconded, set for July 20, 2004.
Mr. Tremaine was the concurring third,

- 10.F.8. Ordinance No. AO 2004-104, an ordinance of the Anchorage Municipal Assembly amending Chapter 8.30 to enact a new section, 8.30.125, **Panhandling**, Assemblymember Sullivan. (*Public Hearing set for 7-20-04*) (**Laid on the Table**)

Chair Traini read this ordinance title and called for a motion.

Mr. Sullivan moved, *to introduce* AO 2004-104, with Public Hearing set for July 20,
Ms. Fairclough seconded, 2004 with a scheduled review from the Public Safety
Mr. Tremaine was the concurring third, Committee.

Mr. Sullivan stated there would be an accompanying Assembly Memorandum and a summary of economic effects included with this ordinance. He asked for a worksession to be scheduled, and requested Public Hearing be set for July 20, 2004. Chair Traini asked Assemblymember Jennings, the Chair of the Public Safety Committee, to schedule the worksession and hearing. Mr. Tesche stated the Public Safety Committee would review this item before it comes back before the Assembly.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Assembly Memorandum No. AM 475-2004, **Planning & Zoning Commission** appointment (Bill Wielechowski), Mayor's Office. (*Postponed from 6-8-04*)

Chair Traini read this memorandum title and called for a motion. Mr. Tremaine moved and urged a YES-vote.

Mr. Tremaine moved, to approve AM 475-2004.
Mr. Tesche seconded,
and this motion was passed,

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

Chair Traini, Ms. Jennings, Mr. Coffey, Ms. Shamberg, Mr. Stout, Mr. Whittle and the Mayor thanked Mr. Wielechowski for his willingness to serve the city. Mayor Begich added there was much important work ahead for the commission, including the Title 21 Rewrite. Mr. Wielechowski thanked them for the opportunity to serve the community.

- 11.B. Information Memorandum No. AIM 53-2004, **Monthly Financial Reports – April 2004**, Finance. (*Carried Over from 6-8-04*) (**Carried Over until July 20, 2004**)
11.C. 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. (*Carried Over from 6-8-04*) (**Carried Over until July 6, 2004**)

Chair Traini read this memorandum title and called for a motion.

Mr. Sullivan moved, to approve AM 449-2004.
Mr. Tesche seconded,

Anchorage Water and Wastewater Director, Mark Premo explained this was the first phase of a four-phase project to increase water supply in northeast Anchorage and ultimately remove an outdated reservoir and booster station. He stated they would be working with the developers of the Creekside Development Center and the school district and fire department for citing considerations for this project. Mr. Coffey wanted more details of the contract with DOWL Engineering for road improvements.

Mayor Begich recommended a worksession to discuss Mr. Coffey's concerns and the unresolved issues related to this item, since they were out of time that evening.

12. APPEARANCE REQUESTS

- 12.A. ~~John Pattee & Darwin Bower~~, Anchorage CHARR, regarding the development of a "Basic Security Training Program."

JOHN PATTEE, Board Member of Anchorage CHARR, appeared to explain a new security training program for bars and nightclubs. Bernie Bradley, President of CHARR, and Sylvia Villamides, Executive Director of CHARR, joined him. Mr. Pattee spoke of their organization establishing standards and hoped the industry could resolve the demands of security training and certification. The Assembly and the Administration supported their efforts and wanted to be kept informed of the progress of this new program.

- 12.B. **Joseph Bernardini**, regarding traffic concerns in College Village/Rogers Park and closure of Redwood Court access.

JOSEPH BERNARDINI, Senior Buyer in the Purchasing Department spoke of traffic safety issues and the questionable authority for the funding of improvements to the roads in College Village and Rogers Park. Mr. Bernardini questioned why the construction process had not come through Purchasing. He made several recommendations for improvements to the College Village and Rogers Park project and urged the Assembly and the Administration to review the studies and find accountability. Municipal Traffic Director Lance Wilbur responded that the study covered many traffic issues in the area, and not just to the one Mr. Bernardini was addressing. Chair Traini requested a summary of the study.

12.C. **Troy Maulden**, regarding transient population.

TROY MAULDEN appeared to speak on the unresolved matter concerning the vagrant population in South Anchorage. Mr. Maulden recommended increasing police patrol. The Mayor questioned if the vandalism was originating from this group of people or from other sources.

12.D. **Bud Knox**, regarding condo and multi dwelling housing.

BUD KNOX appeared to speak of a potential lawsuit that the city would be facing following what he referred to as the Assembly's slander of one developer involved with site condos in the city. He was also angry that his requests had been ignored concerning traffic improvements needed at 15th and Cordova.

12.E. **Kerry Hawkins**, regarding Mt. View Spring Clean-Up Report. **(Addendum)**

KERRY HAWKINS reported on the recent Spring Clean-Up activities in Mountain View, which combined efforts of many municipal departments and volunteers. This year they collected 133.61 tons of general refuse, 5.5 tons of hazardous materials, 54.18 tons of metal and 45 propane cylinders. Mr. Hawkins remained committed to this effort and was currently cleaning up one Mountain View residence in need of assistance.

13. CONTINUED PUBLIC HEARINGS

13.A. 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. *(Carried Over from 6-8-04)*

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

Mr. Tesche moved, to approve AR 2004-123.
Ms. Fairclough seconded,
and this motion was approved,

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

NAYES: None.

(Clerk's Note: Whittle, Stout and Shamberg were temporarily out of room)

13.B. 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. *(Carried Over from 6-8-04)*

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

Ms. Fairclough moved, to approve AR 2004-127.
Mr. Tesche seconded,
and this motion was approved,

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

NAYES: None.

13.C. 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. *(Carried Over from 6-8-04)*

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

Mr. Tesche moved, to approve AR 2004-124.
Ms. Fairclough seconded,
and this motion was approved,

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

NAYES: None.

13.D. 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. *(Carried Over from 6-8-04)*

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

Mr. Tesche moved, to approve AR 2004-125.

Ms. Fairclough seconded,
and this motion was approved,

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

NAYES: None.

13.E. 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. *(Carried Over from 6-8-04)*

Chair Traini read this ordinance title and opened Public Hearing. There was no one to testify and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2004-88.

Mr. Tesche seconded,

Mr. Coffey stated that his law firm recently handled a similar condemnation case in which they had received a higher estimated value per square foot from the State of Alaska than the city had received. Municipal Engineer Howard Holtan responded the \$2.85 per square foot was based on true value cost of the property and had been confirmed by an appraisal, which had increased in value after their negotiation.

and this motion was approved,

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

NAYES: None.

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

1. Assembly Memorandum No. AM 437-2004. *(Carried Over from 6-8-04)*

Chair Traini read this resolution title and opened Public Hearing. There was no one to testify and he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-139.

Ms. Jennings seconded,

To Mr. Coffey, Community Planning and Development Division Manager Carma Reed responded that the Administration was completing the historic surveys of Mountain View, Fairview, Government Hill and Spenard. Ms. Reed explained that the federal process required clearance from the State Historic Preservation Officer. She explained that many of the older neighborhoods were 50 years old and the State was reluctant to approve any renovations of the historic buildings because there was no comprehensive historic survey of the surrounding neighborhoods.

Ms. Fairclough declared the appearance of a possible conflict of interest, involving Community Development Block Grant moneys, with her position as the Executive Director of STAR. She explained that STAR had been a recipient of Block Grant moneys, but not this particular case. Chair Traini ruled she did not have a conflict of interest with this issue and directed her to participate.

and this motion was passed,

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

NAYES: None.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2004-97, an ordinance amending Anchorage Municipal Code Section 4.60.220 to rename the Commission, reduce the number of members to eleven, require four active duty **military liaisons**, and for other purposes, Legal Department.

1. Assembly Memorandum No. AM 466-2004.

Chair Traini read this ordinance title and opened Public Hearing.

RIC DAVIDGE testified in support of this ordinance. He was a member of the Veterans' Commission, Division of Vietnam Veterans of America and Chair of the Alaska Veterans' Foundation. He explained the importance of the improvements to the Commission, which would support the high numbers of veterans in Alaska. To Mr. Stout, Mr. Davidge responded that the Commission assisted with bringing veterans together from the various groups, who normally did not associate. It also helped address all veterans' needs and coordinated activities. Ms. Jennings thanked Mr. Davidge for his service and stated that she would be available to assist the Commission with their missions.

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

Mr. Tremaine moved, to approve AO 2004-97.
Ms. Shamberg seconded,
and this was passed unanimously,

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

- 14.B. Resolution No. AR 2004-143, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Financial Plan** for FY 2004-2005, Anchorage School District.
1. Assembly Memorandum No. AM 440-2004.

Chair Traini read this resolution title. Mr. Tremaine, Mr. Sullivan and Mr. Traini each disclosed their spouses worked with the Anchorage School District. Mr. Stout added his wife had worked for the school district in the past. Chair Traini stated that the issue of possible conflicts of interest for those members had been previously addressed when the Assembly had reviewed the Municipal Budget. It had been unanimously approved that members had no conflicts of interest. Chair Traini directed all members to participate. He opened Public Hearing.

CAROL COMEAU, Superintendent of Anchorage School District, stated they were extremely grateful that Governor Murkowski had promised to support this appropriation. To Mr. Coffey, Ms. Comeau explained several of the key issues outlined in this new school district financial plan.

Chair Traini closed Public Hearing and called for a motion. Ms. Fairclough cast the motion and urged a YES-vote.

Ms. Fairclough moved, to approve AR 2004-143.
Mr. Tremaine seconded,
and this motion was passed,

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

- 14.C. Resolution No. AR 2004-150, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$250,000 for financing a portion of the costs of the **FY97 Miscellaneous Wastewater Projects**, Anchorage Water and Wastewater Utility.
1. Assembly Memorandum No. AM 470-2004.

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

Ms. Jennings moved, to approve AR 2004-150.
Mr. Tremaine seconded,
and this was passed unanimously,

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

- 14.D. Ordinance No. AO 2004-98, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Clean Water Fund of an amount not to exceed \$4,200,000 for the purpose of financing a portion of the costs of the **AWWU Asplund Process Improvements Project** in the Municipality, and providing for related matters, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 467-2004.

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

Mr. Tremaine moved, to approve AO 2004-98.
Ms. Jennings seconded,
and this was passed unanimously,

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

- 14.E. Resolution No. AR 2004-153, a resolution of the Municipality of Anchorage appropriating \$3,859,746 of Unrestricted Net Assets as a contribution from the Equipment Maintenance Fund (601) to the Areawide General Fund (101) Taxes and Reserves for \$64,608, the Anchorage Fire SA Fund (131) Taxes and Reserves for \$1,359,722 and the Anchorage Metropolitan Police SA Fund (151) Taxes and

Reserves for \$2,435,416 to implement with the Municipality of Anchorage **Fund Balance Designation Policy**, Office of Management & Budget.

1. Assembly Memorandum No. AM 478-2004. (*Carried Over until July 6, 2004*)

14.F. Resolution No. AR 2004-155, a resolution adopting the Amendment #1 to the approved Housing and Community Development 2004 Action Plan including commitment of \$1,304,007 in Future Year and \$1,877,461 in reprogrammed **Community Development Block Grant Funds**, making Community Development Block Grant project awards, and appropriating annual American Dream Downpayment Initiative Entitlement Grants from the U.S. Department of Housing and Urban Development in the amount of \$75,911 of 2003 Entitlement and \$89,577 of 2004 Entitlement and appropriating said funds to the Federal Categorical Grants Fund (241), Office of Economic & Community Development.

1. Assembly Memorandum No. AM 480-2004.

Chair Traini read this resolution title. Ms. Fairclough explained there could be the appearance of a conflict of interest with her association as the Executive Director of Standing Together Against Rape (STAR). She explained that she did not receive any compensation from the program, which was a designated recipient of an award under this Community Development Block Grant Fund. Mr. Coffey questioned a possible conflict of interest, with compensation possibly in the form of the award itself. Ms. Fairclough did not object to abstaining from the portion of approval where STAR was associated. Municipal Attorney Fred Boness thought that Ms. Fairclough should abstain if she wanted to avoid all appearances of conflict of interest, and recommended bifurcation of the issue. Assembly Attorney Michael Gatti concurred.

Chair Traini opened Public Hearing.

KATHLEEN PLUNKETT, Chair of the Russian Jack Community Council, testified in support of this resolution, explaining that they had been delighted with the grant appropriations for their one-acre park improvements in her district. Mr. Whittle approved of this appropriation and he and Mr. Stout thanked her for her hard work.

DEIRDRE PHAYER, Executive Director at Covenant House, testified in support of the resolution.

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

Mr. Sullivan moved, to approve AR 2004-155.
Ms. Jennings seconded,

Chair Traini called for a motion to bifurcate the items associated with STAR.

Ms. Ossiander moved, to bifurcate AR 2004-155, separating the sentence
Mr. Coffey seconded, on Page 3, Line 12, associated with STAR.
and this was unanimously approved,

Mr. Whittle thought that appropriations such as this would make tremendous differences in Anchorage neighborhoods.

Mr. Sullivan praised the Development Division for their hard work securing these grants, and urged a YES-vote.

Ms. Jennings pointed out a correction of the date was needed on Page 7, in the Attachment C, Line 4, which was acknowledged by the Administration.

Ms. Fairclough argued that STAR had been a recipient of a Community Development Block Grant (CDBG) long before her association with that organization. She added that she had never attended a HAND Commission Meeting, nor had she been involved with writing of this grant, nor had she had contact with the Administration concerning this grant. Mr. Tremaine cast a motion and urged a NO-vote.

Mr. Tremaine moved, "Does Ms. Fairclough have a significant financial interest with
Mr. Sullivan seconded, the issue of Block Grants before the Assembly?"
and this motion failed,

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

Chair Traini directed Ms. Fairclough to participate, and called for a vote on the main motion.

Mr. Sullivan moved, to approve AR 2004-155.
Ms. Jennings seconded,
and this motion was passed,

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

14.G. Ordinance No. AO 2004-101, an ordinance of the Anchorage Municipal Assembly authorizing an amendment to Port of Anchorage Terminal Tariff No. 5 to establish a **Port Security Surcharge Tariff**, Port of Anchorage.
1. Assembly Memorandum No. AM 477-2004.

Chair Traini read this ordinance title and opened Public Hearing.

STEVE SAUNDERS, Chair of the Upper Cook Inlet Area Maritime Security Committee, testified in support of the tariff for added security. Mr. Saunders spoke of the significance of Anchorage as a Regional Port and the importance of needed security. To Mr. Tesche, Mr. Saunders responded that the funds collected from the surcharge would be based on the tonnage entering the port, and the cost would be passed on to the consumers of the products.

KEVIN BRUCE, Director of Port Business Development and Communications, stated that they were expecting 4.4 million tons to arrive at the Port, and they would be able to generate \$1.8 million dollars from the surcharge. He stated the Port had applied for Federal grants to finance port maintenance and this tariff would apply only to arriving products.

Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2004-101.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

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

- 14.H. Ordinance No. AO 2004-99, an ordinance amending Anchorage Municipal Code Chapter 26.40 to update and add provisions to establish enforcement mechanisms for **unauthorized uses of municipal water service and property**, and amending Anchorage Municipal Code Section 14.60.030, Fine Schedule, to add fines for unauthorized uses, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 468-2004.

Chair Traini read this ordinance title and opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Ms. Ossiander moved, to approve AO 2004-99.
Mr. Sullivan seconded,

Ms. Ossiander offered an amendment on Page 2, Line 4, to offer clarity to the definitions of the integrity of the water system. There were no objections from the Administration.

Ms. Ossiander moved, to amend AO 2004-99, *by changing* on Page 2, Line 4-6,
Mr. Coffey seconded, Item B, to read: "The Utility reserves the right to establish
and this was approved unanimously, [~~by Ordinance or as conditions in water use permits,~~] more
stringent standards or requirements in its water use permits
to [ensure the continued integrity of] protect water quality and
prevent damage to the municipal water system."

Ms. Ossiander wanted a clarification for the record. Referring to the fine increases, mentioned in the latter part of this ordinance, she stated that AWWU General Manager, Mark Premo had explained that they would institute a sliding scale of fees, so there could be higher fees if the incident warranted.

To Mr. Coffey, Mr. Premo responded that they had developed enforcement response policies, with a sliding scale of fines, which would cover the illegal use of fire hydrants. Ms. Ossiander offered an amendment for clarification, on Page 4, concerning fines. Mr. Premo stated this was a friendly amendment.

Ms. Ossiander moved, to amend AO 2004-99, Section 2, 14.60.030, Fine Schedule,
Mr. Coffey seconded, Page 5, Lines 34-46 and on Page 6, Line 1, *by adding* "up to
and this was approved unanimously, \$1000," to read: from \$75.00 "up to \$1000.00."

Chair Traini called for a vote on the main motion, as amended.

Ms. Ossiander moved, to approve AO 2004-99, as amended.
Mr. Sullivan seconded,
and this motion was passed,

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

NAYES: None.

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

- 14.I. Ordinance No. AO 2004-100(S), an ordinance of the Anchorage Assembly amending Chapter 15.75 of the Anchorage Municipal Code regarding **Pesticide Control** to add definitions and to modify public notice for commercial pesticide application; and to amend Anchorage Municipal Code Section 14.60.030 by increasing fines for violation of Anchorage Municipal Code 15.75 within the Department of Health and Human Services, Assemblymembers Whittle, Jennings and Tesche. **(Laid on the Table) (Carried Over until July 6, 2004)**
1. Assembly Memorandum No. AM 469-2004.
 2. Ordinance No. AO 2004-100, an ordinance of the Anchorage Assembly amending Chapter 15.75 of the Anchorage Municipal Code regarding **Pesticide Control** to add definitions and to modify public notice for commercial pesticide application; and to amend Anchorage Municipal Code Section 14.60.030 by increasing fines for violation of Anchorage Municipal Code 15.75 within the Department of Health and Human Services, Assemblymembers Whittle, Jennings and Tesche.

Chair Traini read this ordinance title and opened Public Hearing.

1 KEVIN HARUN, a resident of downtown, testified of his experiences with spraying pesticides downtown. He was
2 concerned about unsuspecting people breathing and coming in contact with applications. He agreed with notification.

3
4 NANCY OUIMET, a pediatric physician testified on the health risks and the harm of toxins. She explained that toxins
5 were accumulative and were particularly harmful to development in pregnancies and in young children. She believed
6 that parents should be informed so they could keep children away from the areas that were being sprayed. To Mr.
7 Whittle, Dr. Ouimet stated that she would be concerned about her own children being exposed to pesticides.

8
9 KAREN LUPENSKI, a Presbyterian minister, urged the Assembly to extend the time for additional public testimony.

10
11 DAVID WIGGLESWORTH testified in support of the pesticide ordinance. In his opinion, there should be no question
12 that the use of pesticides should require precautions for people to protect themselves, their children and their pets.

13
14 DR. [ART] ARNDT VON HIPPEL, citizen of Rogers Park, testified against the use of pesticides. He spoke of
15 numerous cases of poisons which had caused health problems or death. To Ms. Jennings, he responded that both
16 amateurs and professionals have difficulty following instructions for safe application because it was impossible to
17 protect unintended exposures outside of their target zones. To Ms. Shamberg, Mr. Von Hippel responded that toxins
18 were accumulative and would store in body fat and in milk glands.

19
20 VERA STEIN, from New Jersey, supported the ordinance and wanted to know if the local city parks were being
21 sprayed. She had heard that Anchorage had received a "D" in a national toxin rating.

22
23 DR. LARRY WEISS, public health research professor with University of Alaska, supported the ordinance, but
24 encouraged the Assembly to consider a wider radius of notification. Dr. Weiss spoke of scientific equations to
25 determine travel of pesticides applications.

26
27 MICHELLE WILSON, Chair of the Alaska Community Action on Toxics, spoke against the use of pesticides, and
28 believed in human rights to clean air. She did not approve of open spraying. To Ms. Jennings, Ms. Wilson mentioned
29 many toxic chemicals that were commonly used in Anchorage.

30
31 EVERETT WALTON, owner of Pesticide Managements, testified in support of the use of pesticides in the city. He
32 thought that posting signs would scare off consumers. To Mr. Coffey, Mr. Walton responded most pesticide
33 applications in Anchorage were done by homeowners. To Mr. Stout, he responded that root injection would not stop
34 many insects. To Ms. Shamberg, he stated that he would not allow his grandchildren to play behind a spray truck. To
35 Mr. Sullivan, Mr. Walton responded that his company had contracts with the school districts and required forty-eight
36 hour notice. To Mr. Whittle, he responded that all pesticides manufactured were available to the public.

37
38 KATY BRISON testified against the use of orthane, a neurological toxicant and suspect carcinogen, which was used
39 by the Municipality of Anchorage to control aphids. To Mr. Sullivan Ms. Brison responded that each person was
40 affected by toxins differently.

41
42 JAY EVANSON, 20-year owner of The Bug People Pest Control, specializing in controlling carpenter ants, testified
43 against notification because he did not think spraying put people at risk. To Mr. Sullivan, he responded that he had
44 been notified of the worksessions on pesticides but had not been involved. To Mr. Whittle, Mr. Evanson responded
45 that his company had never gotten a complaint or citation.

46
47 SARAH LASAL supported the notification system because she ran in the parks, and she wanted to be informed.

48
49 DANIEL BECKER testified that once he graduated from high school he would choose to live in a city that was not
50 polluted.

51
52 CHIP MARDARF shared his personal experience of being exposed to a toxin called Saigon. He supported the
53 notification system.

54
55 DAVID DUNSMORE testified in support of the notification system.

56
57 REGINA MANTEUFEL testified against the use of all pesticides.

58
59 KEN PERRY, owner of Paratex Pied Piper Pest Control, made recommendations to improve the ordinance, including
60 omitting the 48-hour notification requirements following a pesticide application and changing the extent of the area that
61 required notification. He agreed that parks and public areas should give notification.

62
63 PAMELA MILLER, Director of Alaska Community Action on Toxins, testified in support of the notification system. She
64 had worked with the Anchorage School District on a least-toxic pest management policy.

65
66 ANDRE CAMARA, representing the Alaska Center for the Environment, testified in support of the notification system
67 and spoke of research that associates pesticides with health problems.

68
69 TOM ATKINSON testified that he liked living in Anchorage and appreciated what the Assembly and the Administration
70 were doing to make it a safer and better place to live.

71
72 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

73
74 Mr. Whittle moved, to approve AO 2004-100(S).
75 Mr. Tremaine seconded,

76
77 Mr. Whittle thought there was strong support in the community to move forward with this ordinance. He proposed to
78 extend the meeting to be able to present amendments and take action on this ordinance.

Mr. Tremaine moved, to extend the Assembly Meeting until midnight,
Mr. Whittle seconded, for the purpose of finishing the pesticides item.
and this motion was withdrawn,

With objections raised from the body, Mr. Tremaine withdrew his motion and the second concurred. Ms. Fairclough recommended taking up this issue at the next Assembly Meeting and that members have their amendments ready to present.

Ms. Fairclough moved, to Carry Over AO 2004-100(S) until the meeting of
Mr. Whittle seconded, July 6, 2004.
and there were no objections,

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

- 14.J. Ordinance No. AO 2004-91, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.50.010, **Closing Hours for Licensed Premises**, to allow patrons to safely exit the premises, Assemblymember Fairclough. **(Carried Over until July 6, 2004)**
1. Assembly Memorandum No. AM 407-2004.
 2. Ordinance No. AO 2004-91(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.50.010, **Closing Hours for Licensed Premises**, to allow patrons to safely exit the premises, Assemblymember Fairclough. **(Laid of the Table)**

Ms. Fairclough moved, to introduce AO 2004-91(S).

Ms. Fairclough passed out the new "S" Version and explained the new version included changing "shall" to "may" and added a sunset clause to be able to review the ordinance in eighteen months. *(Clerk's Note: This was Carried Over to July 6, 2004)*

At the end of the Assembly Meeting, Chair Traini announced that there would not be time to address any additional items. To Ms. Fairclough, he responded that the ordinance on bar closing hours would be heard at 7 p.m. on July 6, 2004.

- 14.K. Ordinance No. AO 2004-90, an ordinance approving the rezoning of 8.976 acres from R-3 (Multi-Family Residential) Zoning District to B-3 SL (General Business with Special Limitations) with conditions for **Cook Subdivision, Tract B**, generally located in the southwest corner of East 40th Avenue and Denali Street (Spenard Community Council) (Planning & Zoning Commission Case 2004-004), Planning Department.
1. Assembly Memorandum No. AM 405-2004. **(Clerk's Note: Carried Over until July 6, 2004)**
- 14.L. Resolution No. AR 2004-154, a resolution of the Municipality of Anchorage, Alaska adopting an **Unreserved Fund Balance Designation Policy**, Office of Management & Budget.
1. Assembly Memorandum No. AM 479-2004. **(Clerk's Note: Carried Over until July 6, 2004)**

15. **SPECIAL ORDERS** None.
16. **UNFINISHED AGENDA** None.
17. **AUDIENCE PARTICIPATION** None.
18. **ASSEMBLY COMMENTS** None.
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. Jennings seconded,
and this motion was unanimously passed,

(Clerk's Note: The Regular Assembly Meeting was adjourned at 12:00 a.m., midnight.)

ATTEST:

DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: October 26, 2004.
MC/BG