

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of October 26, 2004, amended

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Traini at 4:05 p.m. in the Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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. *(Clerk's Note: Mr. Sullivan was excused for a portion of the meeting and his absence is reflected in the vote tallies.)*

3. PLEDGE OF ALLEGANCE Health and Human Services Director Beverly Wooley led the pledge.

4. MINUTES OF PREVIOUS MEETING

4.A. Special Meeting – February 21, 2003

Mr. Tesche moved, to approve the Special Meeting Minutes
Mr. Tremaine seconded, of February 21, 2003.
and this was unanimously approved,
with Stout, Jennings, Ossiander and Coffey abstaining,

4.B. Regular Meeting – May 13, 2003

Mr. Tesche moved, to approve the Regular Meeting Minutes
Mr. Tremaine seconded, of May 13, 2003.
and this was unanimously approved,
with Stout, Jennings, Ossiander and Coffey abstaining,

4.C. Regular Meeting – August 12, 2003

Mr. Tesche moved, to approve the Regular Meeting Minutes
Mr. Tremaine seconded, of August 12, 2003.

Ms. Shamberg stated that the sentence on Page 7, Line 42 needed to be completed. Chair Traini asked that the motion to approve be withdrawn and called for a motion to postpone, allowing for the correction to be made.

and the motion to approve was withdrawn,

Mr. Tesche moved, to postpone approval of Minutes of August 12, 2003.
Mr. Tremaine seconded,
and this motion was unanimously approved,
with Stout, Jennings, Ossiander and Coffey abstaining,

4.D. Special Meeting – August 27, 2003

Mr. Tesche moved, to approve the Special Meeting Minutes
Mr. Tremaine seconded, of August 27, 2003.
and this was unanimously approved,
with Stout, Jennings, Ossiander and Coffey abstaining,

4.E. Regular Meeting – June 22, 2004

Mr. Tesche moved, to approve the Regular Meeting Minutes
Mr. Tremaine seconded, of June 22, 2004, as amended.
and this was unanimously approved,

Ms. Jennings amended with administrative changes, which was accepted as a friendly amendment by Mr. Tesche.

4.F. Regular Meeting – September 7, 2004

Mr. Tesche moved, to approve the Regular Meeting Minutes
Mr. Tremaine seconded, of September 7, 2004.

Ms. Shamberg stated that her statement concerning State debt reimbursement needed a correction on Page 23, Line 1. Ms. Jennings stated she had already given administrative changes to the Minutes Clerk. Chair Traini asked for the motion to approve be withdrawn and called for a motion to postpone until the corrections were completed.

and the motion to approve was withdrawn,

Mr. Tesche moved, to postpone approval of Minutes of September 7, 2004.
Mr. Tremaine seconded,
and this was unanimously approved,

4.G. Regular Meeting – September 21, 2004

Mr. Tesche moved, to approve Regular Meeting Minutes
Mr. Stout seconded, of September 21, 2004, as amended.

Ms. Jennings amended with administrative changes, which was accepted as a friendly amendment by Mr. Tesche.
and this motion was unanimously approved,

4.H. Special Meeting – September 28, 2004

Mr. Tesche moved, to approve Special Meeting Minutes
Mr. Stout seconded, of September 28, 2004, as amended.

Ms. Jennings suggested administrative changes, which were accepted as a friendly amendment by Mr. Tesche.
and this motion was unanimously approved,

5. **MAYOR'S REPORT** None.

6. **ASSEMBLY CHAIR'S REPORT**

Chair Traini announced there was a voting booth at City Hall to help accommodate local voters and those traveling to Anchorage for the Alaska Federation of Natives (AFN) Convention during the State Election. Municipal Clerk Barbara Gruenstein stated that the polling place was open from eight to five o'clock, Monday through Friday and it had each of the forty district ballots, allowing any registered voter in the state to vote. To Mr. Tesche, she responded the City Hall polling place would not be opened on the weekend.

7. **COMMITTEE REPORTS**

Mr. Tesche, the Co-Chair of the Budget Committee, urged Assemblymembers to formally submit proposed budget amendments, to Assembly Director Elvi Gray-Jackson prior to the deadline of November 10th.

Ms. Ossiander stated that the deadline for public comment on Title 21 Module Three had been extended to December 23, 2004, to accommodate the review by the Real Estate Task Force. They, along with other parties, would be reviewing seven different neighborhood scenarios and potential impacts. The completed draft would be available to the public in February.

8. **ADDENDUM TO AGENDA**

Chair Traini called for a motion to incorporate the Addendum into the Agenda and he read the Addendum items. He called for additional items and there being none, he called for a vote.

Mr. Tesche moved, to approve the inclusion of the Addendum items into the
Mr. Stout seconded, Regular Agenda.
and this motion was unanimously passed,

Chair Traini called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda.
Ms. Fairclough 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**

9.A.1. Resolution No. AR 2004-269, a resolution of the Anchorage Municipal Assembly recognizing the Alaska Veterans Foundation **2004 Veterans Day Concert**, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Addendum)**

Deputy Municipal Manager Michael Abbott requested this item be pulled for review on the Regular Agenda. *(See Item 10.A.1)*

2. Resolution No. AR 2004-270, a resolution of the Anchorage Municipal Assembly honoring and thanking **Connie Hibbs** for her many years of service to the community, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Addendum)**

9.B. **RESOLUTIONS FOR ACTION - OTHER**

9.B.1. Resolution No. AR 2004-261, a resolution authorizing the Municipality of Anchorage to grant an **easement** to Enstar Natural Gas Company across a portion of the Rabbit Creek Elementary School site located within the NE ¼ SE ¼ SE ¼ of Section 29, T12N, R3W, S.M., Alaska, between the New Seward Highway Frontage Road and Lake Otis Parkway, Tax #018-161-01; Project Management & Engineering.
a. Assembly Memorandum No. AM 782-2004.

- 1 9.B.2. Resolution No. AR 2004-262, a resolution of the Municipality of Anchorage appropriating \$64,854 from
2 Alaska Housing Finance Corporation (AHFC) as a supplemental grant to the State Categorical Grants
3 Fund (231), Department of Health and Human Services to fund the **Weatherization Assistance**
4 **Program**.

5 a. Assembly Memorandum No. AM 783-2004.

- 6 9.B.3. Resolution No. AR 2004-271, a resolution of the Anchorage Municipal Assembly opposing passage of
7 **Ballot Proposition 2** in the 2004 State-Wide General Election, Assemblymembers Ossiander,
8 Fairclough and Traini. **(Addendum)**
9

10 Mr. Tesche requested this item be pulled for review on the Regular Agenda. He requested to have a copy of Ballot
11 Proposition Number Two for review, prior to Assembly discussion and action. *(See Item 10.B.3)*
12

13 **9.C. BID AWARDS** None.
14

15 **9.D. NEW BUSINESS**

- 16 9.D.1. Assembly Memorandum No. AM 790-2004, **Heritage Land Bank Advisory Commission**
17 appointment (Anne Hayes), Mayor's Office.
18 9.D.2. Assembly Memorandum No. AM 791-2004, **Public Safety Advisory Commission** appointment (Jack
19 Bowen), Mayor's Office.
20 9.D.3. Assembly Memorandum No. AM 792-2004, **School Budget Advisory Commission** reappointment
21 (Roger Hull), Mayor's Office.
22 9.D.4. Assembly Memorandum No. AM 793-2004, **Senior Citizens Advisory Commission** appointments
23 (Vincent Casey, Joyce Daney), Mayor's Office.
24 9.D.5. Assembly Memorandum No. AM 780-2004, **Sam's Club #6602 (#2386)** – 3651 Penland Parkway –
25 Transfer of Ownership for a Package Store Liquor License (Mountain View, Russian Jack & Airport
26 Heights Community Councils), Clerk's Office.
27

28 Ms. Jennings requested this item be pulled for review on the Regular Agenda. *(See Item 10.D.5)*
29

- 30 9.D.6. Assembly Memorandum No. AM 781-2004, **Sam's Club #6601 (#3303)** – 8801 Seward Hwy. –
31 Transfer of Ownership for a Package Store Liquor License (Bayshore/Klatt, Taku/Campbell & Abbott
32 Loop Community Councils); Clerk's Office.
33 9.D.7. Assembly Memorandum No. AM 778-2004, Amendment No. 5 to the professional **surveying services**
34 contract with DOWL Engineers, increasing the contract amount by \$45,000; Project Management &
35 Engineering.
36 9.D.8. Assembly Memorandum No. AM 779-2004, Amendment No. 4 to professional engineering services
37 contract with CRW Engineering Group for the design study of the **Pine Street Extension Project,**
38 **DeBarr Road to Reka Drive**, Project No. 00-10 (\$26,580); Project Management & Engineering.
39 9.D.9. Assembly Memorandum No. AM 794-2004, **Café 817 #4449** – New Restaurant/Eating Place &
40 Restaurant Designation Liquor License (Downtown & Government Hill Community Councils); Clerk's
41 Office. **(Addendum)**
42

43 **9.E. INFORMATION AND REPORTS**

- 44 9.E.1. Information Memorandum No. AIM 90-2004, **Eklutna Water Treatment Facility Utility Wide SCADA**
45 **System Phase 2A** – Alcan Electrical & Engineering, Inc., Contract #C-236082 – Report of
46 Construction Contract Change Orders (\$271,415.29); Anchorage Water & Wastewater Utility.
47 9.E.2. Information Memorandum No. AIM 91-2004, **Foxhall – Hastings Water Upgrade Project** – Pending
48 Contract Change Order; Anchorage Water & Wastewater Utility.
49 9.E.3. Information Memorandum No. AIM 92-2004, **Rehabilitate Taxiway Alpha and Interlinks** – QAP, Inc.
50 (P.O. 231043) – Report of Construction Contract Change Orders (\$58,230), Merrill Field Airport.
51 9.E.4. Information Memorandum No. AIM 93-2004, Notice of Award for Invitation to Bid (ITB) 24-C059 for
52 **Lake Otis Parkway at Rives Court – Signalization and Flashing Beacons** for the Municipality of
53 Anchorage, Project Management & Engineering (\$674,550); Purchasing.
54

55 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. *(See Item 10.E.4)*
56

- 57 9.E.5. Information Memorandum No. AIM 94-2004, **Monthly Financial Reports** – August 2004, Finance
58

59 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See Item 10.E.5)*
60

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

- 62 9.F.1. Ordinance No. AO 2004-148, an ordinance authorizing the Municipality to enter into a **long term**
63 **ground lease** with Bean's Café, Inc., a Non-Profit Organization, for less than fair market value;
64 Heritage Land Bank/Real Estate Services Division. *(Public Hearing set for 11-9-04)*
65 a. Assembly Memorandum No. AM 773-2004.
66

67 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See Item 10.F.1)*
68

- 69 9.F.2. Ordinance No. AO 2004-151, an ordinance amending Anchorage Municipal Code Chapters 9.30, 9.48,
70 11.70, 14.30, 14.50, 16.60 and 16.110, and Anchorage Municipal Code of Regulations Chapters
71 15.05, 16.02, 21.20, and 25.10 to establish or adjust **fees, fines and/or penalties** to reflect actual cost
72 and reduce taxpayer subsidy of municipal programs in the Departments and Divisions of
73 Administrative Hearing Office (Law), Anchorage Fire Department, Anchorage Parking Authority,
74 Development Services, Health & Human Services, Parks & Recreation, Planning, and Public
75 Transportation, Legal Department. *(Public Hearing set for 11-9-04)*
76 a. Assembly Memorandum No. AM 735-2004.
77

Deputy Municipal Manager Michael Abbott requested this item be pulled for review on the Regular Agenda. (See Item 10.F.2)

- 9.F.3. Ordinance No. AO 2004-152, an ordinance amending the zoning map and providing for the rezoning of approximately 39.3 acres, from PLI (Public Lands and Institutions District) to R-10 SL (Residential Alpine/Slope District with Special Limitations) for **Lots 2, Section 6, T14N, R1W, S.M., Alaska**, generally located at the northern terminus of Golden Eagle Drive (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2004-111); Planning Department. (Public Hearing set for 12-7-04)
- a. Assembly Memorandum No. AM 789-2004.
- 9.F.4. Resolution No. AR 2004-263, a resolution approving the acceptance and appropriation of State of Alaska grant funds in the amount of \$2,000,000 from the Department of Environmental Conservation Matching Grants Program to be applied toward the **Anchorage Loop Water Transmission Main Phase IV Project** (SB 283); Anchorage Water & Wastewater Utility. (Public Hearing set for 11-9-04)
- a. Assembly Memorandum No. AM 784-2004.
- 9.F.5. Resolution No. AR 2004-264, a resolution of the Municipality of Anchorage appropriating \$1,978,955 from the U.S. Department of Justice, Bureau of Justice Assistance to the Federal Categorical Grants Fund (241) for response to **illegal drugs and alcohol use for homeless veterans** in the Department of Health and Human Services and authorizing the Administration to contract with Southcentral Counseling, Inc. (Public Hearing set for 11-9-04)
- a. Assembly Memorandum No. AM 785-2004.
- 9.F.6. Resolution No. AR 2004-265, a resolution of the Municipality of Anchorage appropriating \$1,217,000 from the Alaska Department of Health and Social Services and a cash contribution of \$109,000 from the Municipal General Government Operating Budget Fund (101) to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. (Public Hearing set for 11-9-04)
- a. Assembly Memorandum No. AM 786-2004.
- 9.F.7. Resolution No. AR 2004-266, a resolution of the Municipality of Anchorage accepting, when tendered, \$569,900 as a grant from the Alaska Department of Health and Social Services to the Department of Health and Human Services and appropriating said grant to the State Categorical Grants Fund (231) for the provision of **public health preparedness and response for bioterrorism**, Department of Health and Human Services. (Public Hearing set for 11-9-04)
- a. Assembly Memorandum No. AM 787-2004.

Mr. Stout requested this item be pulled for review on the Regular Agenda. (See Item 10.F.7)

- 9.F.8. Resolution No. AR 2004-267, a resolution adopting the **Housing and Community Development 2005 Annual Action Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG), the Home Investment Partnerships Program (HOME), the American Dream Downpayment Initiative (ADDI) and the Emergency Shelter Grant (ESG). Also this resolution seeks to appropriate the annual entitlement grants from HUD, program income, and recaptured funds in the amount of \$2,269,000 of 2005 CDBG Entitlement and \$20,000 of anticipated CDBG program income; \$1,114,000 of 2005 HOME entitlement, \$330,850 of HOME recaptured funds, not previously appropriated, and \$135,150 of anticipated HOME recaptured funds; \$70,000 of 2005 ADDI entitlement and \$85,247 of 2005 ESG entitlement, and appropriating said funds to the Federal Categorical Grants Fund (241); and to appropriate a grant from the Alaska Mental Health Trust Authority in the \$50,000 to the Miscellaneous Operating Grants Fund (261); Office of Economic & Community Development. (Public Hearing set for 11-9-04)
- a. Assembly Memorandum No. AM 788-2004.
- 9.F.9. Resolution No. AR 2004-268, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich naming 1305 "E" Street (Emergency Operations Center) the "**Joe Murdy Memorial Building**" in honor of his outstanding contributions and dedication to the community and public safety. (Public Hearing set for 12-7-04)

Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See Item 10.F.9)

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

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

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

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

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

- 10.A.1. Resolution No. AR 2004-269, a resolution of the Anchorage Municipal Assembly recognizing the Alaska Veterans Foundation **2004 Veterans Day Concert**, 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.

Mr. Tesche moved, to approve AR 2004-269.
Mr. Whittle seconded,
and this motion was unanimously approved,

Chair Traini presented the resolution while Mr. Stout read the proclamation, announcing the 2004 Veterans Day Concert, in celebration of Veterans and active-duty military. Veterans Foundation Chair Ric Davidge accepted the award. Mr. Whittle highly recommended attending the concert, scheduled for the evening of November 10, 2004, at the Atwood Concert Hall.

10.B. RESOLUTIONS FOR ACTION - OTHER None were pulled for review.

10.B.3. Resolution No. AR 2004-271, a resolution of the Anchorage Municipal Assembly opposing passage of **Ballot Proposition 2** in the 2004 State-Wide General Election; Assemblymembers Ossiander, Fairclough and Traini. **(Addendum)**

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

Mr. Tesche moved, to approve AR 2004-271.
Ms. Ossiander seconded,

To Mr. Tesche, Municipal Attorney Fred Boness responded that in a state election only a summary of the proposition would be on the ballot. Ms. Ossiander stated the draft was the same as what appeared in the Alaska's Voters' Guide. Mr. Tesche did not think Assemblymembers could discuss the issue without looking at the entire proposition.

To Mr. Tesche, Mr. Boness responded that the Right of Privacy had already been addressed by the Supreme Court in the Raven Decision in 1976. The Court had ruled that possession of limited amounts of marijuana was protected under the State Constitution. To Mr. Tesche, Ms. Ossiander responded that Line 19 was in reference to the Raven Decision. Mr. Coffey stated that the law currently allowed possession of four ounces of marijuana, upholding the rights of privacy and that the proposition on the ballot would allow marijuana to be sold or distributed.

To Ms. Shamberg, Ms Ossiander responded that she was bringing forward this resolution because there was a strong, well-funded effort to support this proposition. She felt there had not been enough public discussion on the pros and cons of the issue and felt there were concerns with children and education, drug use and safe driving. She thought making marijuana legally available to children would be harmful. Ms. Shamberg stated that she agreed with Ms. Ossiander's concerns.

Mr. Tesche stated that he could not support a law that would allow the sale of marijuana, particularly among young people. He agreed with Ms. Ossiander, that there had not been enough public testimony and felt there were many questions remaining on this issue. He stated he did not support the use of drugs, alcohol or other substances and thought they were bad for the community, schools and children. He moved to postpone until Public Hearing was held. Ms. Ossiander stated this would postpone the item until after the election.

Mr. Tesche moved, to postpone AR 2004-271 until Public Hearing could be held.
Mr. Tremaine seconded,
and the motion failed,

AYES: Whittle, Tremaine and Tesche.

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

Mr. Tremaine thought there were many outstanding questions remaining on the issue. The Alaska Supreme Court had ruled that private use in your own home was not illegal and he thought that illegal use of drugs was wrong. He stated that the public needed to be included and he would not vote YES until public testimony was heard or a broader view was taken by the Assembly on their stand of this ballot measure.

Ms. Fairclough urged a YES-vote, stated that she thought it was a health issue and moved to Call the Question.

Ms. Fairclough moved, to Call the Question on AR 2004-271.
Ms. Ossiander seconded,
and this motion passed,

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

NAYES: Tremaine, Tesche and Shamberg.

Chair Traini called the Question.

and this motion was passed,

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

NAYES: Tremaine, Tesche and Shamberg.

Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

Ms. Fairclough moved, for immediate reconsideration of AR 2004-271.
Ms. Ossiander seconded,
and this motion failed,

AYES: Tesche and Shamberg.

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

Ms. Fairclough called for a Point of Personal Privilege, and thanked Ms. Gray-Jackson for providing materials for their discussion.

10.C. BID AWARDS None.

10.D. NEW BUSINESS

10.D.5. Assembly Memorandum No. AM 780-2004, Sam's Club #6602 (#2386) – 3651 Penland Parkway – Transfer of Ownership for a Package Store Liquor License (Mountain View, Russian Jack & Airport Heights Community Councils), Clerk's Office.

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

Ms. Jennings moved, to approve AM 780-2004.
Mr. Coffey seconded,

Ms. Jennings stated she did not oppose this transfer, but pulled this item to question the use of the owner's social security number on the application. Municipal Clerk Barbara Gruenstein responded that the paperwork was received from the Alcohol Beverage Control Board (ABC) with the number and Mr. Coffey added that the number was required on the ABC applications. Ms. Jennings suggested that once the paperwork was received by the Municipality, the number could be whited-out.

and this motion was unanimously passed,

10.E. INFORMATION AND REPORTS

10.E.4. Information Memorandum No. AIM 93-2004, Notice of Award for Invitation to Bid (ITB) 24-C059 for Lake Otis Parkway at Rives Court – Signalization and Flashing Beacons for the Municipality of Anchorage, Project Management & Engineering (\$674,550), Purchasing.

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

Ms. Shamberg moved, to accept AIM 93-2004.
Mr. Coffey seconded,
and this motion was unanimously approved,

Ms. Shamberg pulled this item to thank Municipal Manager Denis LeBlanc for his efforts with this issue.

Mr. Coffey fully supported this item and stated there were other areas of town where signalization and light-flashing implementation had been proven successful, protecting children.

10.E.5. Information Memorandum No. AIM 94-2004, Monthly Financial Reports – August 2004, Finance

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

Mr. Tremaine moved, to accept AIM 94-2004.
Ms. Ossiander seconded,
and Mr. Sullivan was the concurring third,

Mr. Tremaine questioned the months of August, September and October, which were not included in the report. Chief Fiscal Officer Jeff Sinz responded they would soon be distributing the September revenues month-end report and would upgrade the graph.

To Ms. Jennings, Mr. Sinz responded that the implementation of new accounting standards included a new revenue structure where the revenue would not be recorded, as was in the report of the account of Merrill Field.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.1. Ordinance No. AO 2004-148, an ordinance authorizing the Municipality to enter into a **long term ground lease** with Bean's Café, Inc., a Non-Profit Organization, for less than fair market value, Heritage Land Bank/Real Estate Services Division. (*Public Hearing set for November 9, 2004*)
a. Assembly Memorandum No. AM 773-2004.

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

Mr. Stout moved, to approve AO 2004-148, with Public
Mr. Tesche seconded, Hearing set for November 9, 2004
Mr. Whittle was the concurring third,

Mr. Stout questioned why they were considering a forty-year lease. Heritage Land Bank Director Robin Ward responded this contract was similar to the Brother Francis Shelter lease and she would provide Assemblymembers with the details prior to the Public Hearing. Ms. Fairclough stated that lessees needed to secure long-term leases to be able to secure bank financing for capital construction, to upgrade their facilities.

10.F.2. Ordinance No. AO 2004-151, an ordinance amending Anchorage Municipal Code Chapters 9.30, 9.48, 11.10, 11.70, 14.30, 14.50, 16.60 and 16.110, and Anchorage Municipal Code of Regulations Chapters 15.05, 16.02, 21.20, and 25.10 to establish or adjust **fees, fines and/or penalties** to reflect actual cost and reduce taxpayer subsidy of municipal programs in the Departments and Divisions of

Administrative Hearing Office (Law), Anchorage Fire Department, Anchorage Parking Authority, Development Services, Health & Human Services, Parks & Recreation, Planning, and Public Transportation, Legal Department. *(Public Hearing set for November 9, 2004)*
a. Assembly Memorandum No. AM 735-2004.

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

Ms. Ossiander moved, *to introduce* AO 2004-151, as amended, with Public
Mr. Tremaine seconded, Hearing set for November 9, 2004.
Mr. Coffey was the concurring third,

Deputy Municipal Manager Michael Abbott proposed administrative changes, including continuing action until November 16th, with final action on that date. He requested an amendment to the title that would include the addition of Section 11.10 in the code sections, following 9.48. Mr. Abbott stated there would be a copy of the amended version submitted to the Clerk's Office for publication. He also requested to add "and transportation inspection," to the departments listed in the fee program.

Ms. Fairclough moved, to amend AO 2004-151, following recommendations from the
Mr. Tremaine seconded, Deputy Municipal Manager, *by scheduling "Final Assembly
and there were no objections, Action on November 16, 2004;" by adding* to the title, Section
"11.10" and; *by adding "and transportation inspection"* to the
departments listed in the fee program.

Chair Traini stated this item needed to be taken up concurrently with the budget, to ensure there would be money and Mr. Abbott concurred.

10.F.7. Resolution No. AR 2004-266, a resolution of the Municipality of Anchorage accepting, when tendered, \$569,900 as a grant from the Alaska Department of Health and Social Services to the Department of Health and Human Services and appropriating said grant to the State Categorical Grants Fund (231) for the provision of **public health preparedness and response for bioterrorism**; Department of Health and Human Services. *(Public Hearing set for November 9, 2004)*
a. Assembly Memorandum No. AM 787-2004.

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

Mr. Stout moved, *to introduce* AR 2004-266, with Public Hearing
Mr. Tesche seconded, set for November 9, 2004.
Ms. Ossiander was the concurring third,

Mr. Stout stated there were many things that needed to be accomplished by June 30, 2005 and he thought the departments should be monitored to see that things were completed by the deadline. Mayor Begich responded that there would be a schedule and a report of the use and purpose of the money.

10.F.9. Resolution No. AR 2004-268, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich naming 1305 "E" Street (Emergency Operations Center) the "**Joe Murdy Memorial Building**" in honor of his outstanding contributions and dedication to the community and public safety. *(Public Hearing set for 12-7-04)*

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

Ms. Jennings moved, *to introduce* AR 2004-268, with Public Hearing
Mr. Stout seconded, set for December 7, 2004.
Ms. Ossiander was the concurring third,

Ms. Jennings thought this dedication was appropriate for the new operation center, honoring the memory of Joe Murdy.

Chair Traini stated that the National League of Cities (NLC) Board of Directors was sending a plaque for the dedication of the building, recognizing Joe Murdy's contributions to the NLC. As a member of the NLC Board of Directors, Chair Traini requested Assembly Budget Director, Elvi Gray-Jackson to send them a message, letting them know of the resolution. Ms. Gray-Jackson responded that she had already sent a message to the NLC.

Ms. Ossiander stated that the Clerk's Note on the back page of the resolution indicated there needed to be an accompanying letter, from a panel, enclosed. Mayor Begich responded that the administrative committee was completing the documentation.

Ms. Fairclough stated that Mr. Murdy had also been an active member and former president of the Alaska Municipal League (AML) and recommended that this Board be notified as well. To Chair Traini's request, Mr. Tremaine stated that he would personally deliver that letter to the next AML Board Meeting, the following week.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 747-2004, **Polaris Distributors #4411** – New Wholesale Liquor License (Taku/Campbell and Tudor Area Community Councils); Clerk's Office.
(Postponed From 10-12-04)

Chair Traini read this memorandum title, briefly summarized the history and called for a motion.

Mr. Sullivan moved, to approve AM 747-2004.

Mr. Tremaine seconded,

To Mr. Sullivan, the applicant Tony Kim responded that he was a new purchaser, following the death of the former owner. He stated that he had ten years experience with In and Out Liquor, a package-retail store.

and this motion was passed,

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

11.B. Ordinance No. AO 2004-108(S), an ordinance amending Anchorage Municipal Code Sections 21.15.030, 21.35.020, 21.40.180, 21.40.190, 21.40.200, 21.45.080, 21.45.290 and 21.50.085, adding new and revising current definitions and standards for a self-storage facility and vehicle storage yards, and allowing the yards in certain zoning districts; adding Section 21.50.400, Conditional Use Standards for vehicle storage yards; adding Section 21.50.450 Conditional Use Standards for containerized storage units in conjunction with self-storage facilities; and adding Section 21.55.140, amortization requirements for **self-storage facilities and vehicle storage operations**; Planning Department. *(Public Hearing was Closed 9-8-04; Carried Over from 9-8-04, Continued Meeting; Amended & Carried Over from 9-21-04; Postponed from 10-12-04)*

Chair Traini gave a brief history of the self-storage ordinance, the substitute version including the previously approved amendments from the Assembly Meeting of September 21, 2004 and the closing of the public testimony on September 8, 2004. He stated there was a motion to approve on the floor from Mr. Tesche.

Ms. Ossiander stated she still had questions on how school bus storage would be affected and had questions for Anchorage School District Transportation Director Steve Kalmas. Mr. Kalmas responded that he had read the ordinance and that all of the existing facilities used by the school bus contractor were on property that was zoned I-1SL and PLI. He stated they were grandfathered for the existing lot on Tudor, but would be concerned in the event the contract was changed and involved a new property. To Ms. Ossiander, Municipal Zoning Administrator Jerry Weaver responded that the department had reviewed the three school bus storage lots and, because they were zoned industrial or PLI, the facilities or their operations would not be affected by this ordinance. He stated the department had interpreted the uses and it was their decision that they would not be supported in B-3-zoned property. Mr. Weaver concurred with Ms. Ossiander and Mr. Kalmas that the current facility storage would not be impacted with the changes. Ms. Ossiander moved to amend the ordinance.

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| Ms. Ossiander moved, | to amend AO 2004-108(S), on Page 2, Line 16-19, <i>by</i> |
| Mr. Coffey seconded, | <i>changing, to read:</i> "Self-Storage facility or Ministorage facility |
| | means a completely enclosed structure(s) containing three or |
| | more areas or rooms available for lease or rent for the |
| | purpose of the general storage of household goods, |
| | <u>"vehicles,"</u> and business or personal property, where the |
| | lessee of the unit is provided direct access to deposit or store |
| | items[-] <u>"and vehicles do not fill the majority of the permitted</u> |
| | <u>storage area."</u> |

Ms. Ossiander stated that most of the self-storage yards did allow some small number of vehicles to be included. Her fear was that the language did not define storage yards, self-storage and vehicle yards.

Mr. Coffey recommended adding the word "permitted" to the storage area. Ms. Ossiander accepted this as a friendly amendment.

and the amended Ossiander Amendment was unanimously approved,

| | |
|---|--|
| [Ms. Ossiander] Mr. Tremaine moved, | to amend AO 2004-108(S), Section 3, Page 2, Line 44, <i>by</i> |
| [Mr. Tremaine] Ms. Ossiander seconded, | <i>cutting [b. Self-storage facility, subject to public hearing site</i> |
| | <i>plan review.] and by inserting that sentence on Page 3, Line</i> |
| | <i>4, to read: "13. <u>Self-storage facility, subject to public</u></i> |
| | <i><u>hearing site plan review."</u></i> |

Mr. Tremaine stated that self-storage in the B-3 District would become a permitted use and the addition of this language would allow it to become a conditional use.

To Ms. Shamberg, Planning Department Director Tom Nelson responded that two years ago his department had addressed this issue and had written a response in the form of a memorandum, indicating it was their decision that mini storage would be allowed as a conditional use in the B-3 District. He emphasized that decision had been made two years ago and he referred to Municipal Zoning Administrator Jerry Weaver for subsequent process and changes. To Chair Traini, Mr. Nelson responded that he felt it had been a good process and the decision had the community's best interest in mind.

Mr. Coffey questioned the language and thought it should be a grant or denial of a conditional use, instead of a public hearing site plan review.

Ms. Ossiander opposed the amendment. She thought this change would put an economic burden on self-storage and would not be in the best interests of the community.

To Ms. Fairclough, Mr. Weaver responded that the Planning Department would not support Mr. Tremaine's Amendment because it was a consensus of the public testimony and the decision of the committee that there would be allowed uses in the B-3 Districts.

To Ms. Shamberg, Ms. Dianne Holmes, a citizen who had participated with the public process in this decision, did not think a consensus had been determined. She thought the department decision made two years ago should be honored until the issue was addressed in Title 21.

To Chair Traini, Matt Bovich, representing the self-storage industry, remembered that there had been a consensus.

Mr. Coffey questioned why, after changing all the standards, they were requesting conditional use. He felt it should be a permitted use, with all the standards applying.

Mr. Sullivan urged a NO-vote, for all the reasons stated.

Mr. Tremaine did not think the subcommittee had come to an agreement on this issue. He thought the Assembly could make the decisions concerning permitted or conditional use.

and this motion failed,

AYES: Whittle, Tremaine, Tesche and Shamberg.

NAYES: Fairclough, Sullivan, Traini, Stout, Jennings, Ossiander and Coffey.

Ms. Ossiander moved, to amend AO 2004-108(S) *by adding* on Page 3, Section 4,
Mr. Coffey seconded, Line 30, *to read:* ggg. Self-storage facility "and vehicle storage yards," subject to a public hearing site plan review. *And by deleting:* ~~[D-Conditional uses and structures. Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:]~~

Ms. Ossiander stated that this would be appropriate for a rural business district which maintained a vehicle storage yard that was completely enclosed by a site-obscuring fence and was in compliance with required set backs and landscaping. She urged a YES-vote.

To Mr. Sullivan, Mr. Weaver responded that the Planning Department felt the ordinance should stay as is, as a conditional use in the B-4 District. Mr. Sullivan thought it might be appropriate for this to apply to more rural areas, and thought a permitted use would be less obtrusive to neighbors.

To Mr. Coffey, Ms. Ossiander clarified that this amendment included vehicle storage yards in the already approved amendment, applying to rural business district self-storage units.

To Mr. Tremaine, Mr. Weaver stated that vehicle storage yard definition on Page 2 did not include business auto leasing and auto sales lots. It included self-storage and vehicle storage businesses, where vehicle owners could leave their vehicles on the premises for periods of time. Mr. Tremaine thought legal clarity was needed to discern the difference between car lots and vehicle storage yards.

and this motion was passed,

AYES: Fairclough, Tremaine, Sullivan, Stout, Ossiander and Coffey.

NAYES: Whittle, Traini, Tesche, Jennings and Shamberg.

Ms. Ossiander moved, to amend AO 2004-108(S), on Page 5, Lines 38-39, *by*
Mr. Coffey seconded, *adding language to read:* Maximum lot coverage by all buildings. Maximum lot coverage by all buildings is 50 percent[-] "in B-3 or B-4 zoning, and 75 % in industrial zones."

Ms. Ossiander stated there was a section which referred to national standards and there was a differentiation of allowances in zoning. Industrial property would allow a greater coverage by buildings and she agreed with that difference. To Chair Traini, Mr. Weaver responded that the Planning Department had no objection.

and this was approved with no objections,

Ms. Ossiander moved, to amend AO 2004-108(S), on Page 6, Lines 34-38, *by*
Mr. Tremaine seconded, *adding language to read:* 1. ~~[Any type of]~~ "The" servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment[-], "with the exception of battery and tire removal and replacement. These must be conducted in accordance with all federal, state and local laws. All hazardous material must be disposed of properly by the owner of the vehicle."

Ms. Ossiander stated that it was her intent to address dead batteries and flat tires, and thought that prohibiting all tire removal and battery replacement would be problematic.

Mr. Sullivan thought the Ossiander amendment made sense.

and this was approved without objection,

Ms. Ossiander moved, to amend AO 2004-108(S), on Page 7, Lines 8-9; on Page 8,
Ms. Fairclough seconded, Lines 46-47 and on Page 10, Lines 41-42, *by adding*

and this motion was later withdrawn, *language to read: ...sight[-]obscuring fence structures at least [eight] "seven (7)" feet high.*

Ms. Ossiander stated that her amendment was addressing consistency throughout the document, on an issue that had already been addressed and acknowledged by the Planning Department.

To Mr. Tremaine, Mr. Weaver responded that seven feet would be consistent with the portion of the code, but a seven-foot length was not an industrial standard for length of building supplies, and if consistency was the objective, recommended the eight feet. Mr. Tremaine stated he would support the Administration with the length.

Ms. Fairclough, the second, stated the amendment language included "at least," so fence structures could still be eight feet, and felt a change in the footage would not make a difference in the document.

To Mr. Coffey, Mr. Tim Potter with Dowl Engineering, responded that defining the footage was not specifically imperative. He responded that based on the discussion, he thought that the eight feet was better than the seven feet for a screening standpoint because perimeter obscuring fencing had been a key issue. He stated that Mr. Coffey's suggested language option would work, just as long as there was some clarification, so there was not conflict within the code. Mr. Coffey moved new language for clarification of obscuring fence structures. Ms. Ossiander concurred with Mr. Potter and Mr. Coffey. She withdrew her amendment and Ms. Fairclough, the second, concurred. (*Clerk's Note: Action with motion, shown above.*)

Mr. Coffey moved, to amend AO 2004-108(S), on Page 7, Lines 8-9; on Page 8, Lines 46-47 and on Page 10, Lines 41-42, *by deleting each first sentence and by adding to read: ..."*Except as otherwise required by law, all sight[-]obscuring fence structures shall be at least "eight (8)" feet high.

Ms Ossiander moved, to amend AO 2004-108(S), on Page 7, Lines [48-49] 22-25; [Page 8, Lines 48-49], Page 9, Line(s) [4-2] 9-12 and on Page [49] 11, Lines [40-43] 4-7, *by changing language to read:* Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence "with posted and maintained prominent warning signs for the fencing, [and not visible from outside the fence] or with at least one foot of the wire material exposed and visible outside the fence."

Ms. Ossiander had discussed this issue with Anchorage Police Chief Walt Monegan, who viewed hidden security wire as a potential liability for the city. Mr. Weaver responded that the Municipal Legal Staff had agreed and had recommended the signage.

Mr. Sullivan stated that the new signage would be required to be in compliance with the new sign ordinance and lighting could possibly be required.

Mr. Tremaine thought additional clarification was needed to ensure visibility of the wire and recommended adding "a maximum" of one foot. Ms. Ossiander concurred and accepted this as a friendly amendment

Mr. Tremaine moved, to amend the Ossiander Amendment, on Page 7, Lines [48-49] 22-25; [Page 8, Lines 48-49], Page 9, Lines [4-2] 9-12 and on Page [49] 11, Lines [40-43] 4-7, *by changing language to read:* Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence "with posted and maintained prominent warning signs for the fencing, [and not visible from outside the fence] or with "a maximum of" at least one foot of the wire material exposed and visible outside the fence."

Mr. Sullivan stated this needed more discussion because, under the new sign ordinance, the fencing signage might be required to be lighted. Mr. Weaver responded that the sign ordinance would apply and thought it would be an easy compliance.

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

Ms. Ossiander stated that this amendment was also relevant to Page 12, and moved to add the same language as the previously approved amendment. She requested in all instances the elimination of barbed, razor and concertina or other security wire, unless the security wire was placed in accordance with other sections of this title. She asked for unanimous consent.

Ms. Ossiander moved, to amend AO 2004-108(S), *by adding* on Page 12, Lines [47-49] 30-31, *to read:* ...and in all instances elimination of barbed, razor and concertina or other security wire, unless the security wire ~~[is inverted inside the fence and not visible from outside the fence.]~~ "is placed in accordance with other sections of this title."

Mr. Tremaine moved, to amend AO 2004-108(S), in Section 11, Page [44] 12, Lines [43] 9-11, *by adding to read:* The site enhancement plan

and this was unanimously approved

shall be submitted to the Director within ~~[10 years]~~ "9 years and six months." ~~[of the date of adoption of this section, which is _____, 20____.]~~ "The plan shall be fully implemented within ten years of the date of adoption of this section which is October 26, 2004."

Mr. Tremaine stated that his intention with this amendment was to have the changes fully implemented, as written, within ten years. He stated this addition would hold the Administration and the applicants responsible, to ensure implementation within ten years.

Mr. Coffey stated this involved the elimination of security razor or concertina wire and wondered if that should be addressed. Ms. Ossiander stated that it had been her intent with the last approved amendment, because that particular item applied to the amortization section.

Mr. Tremaine moved,
Ms. Ossiander seconded,
and this was unanimously approved,

to amend AO 2004-108(S), in Section 11, on Page 12, Lines [34] 46-48, *by changing the sentence to read:* The Director shall set a reasonable period of time for implementation of the approved site enhancement plan[;] " , but in no case longer than 10 years [of] from the date of adoption of this section."

Mr. Tremaine stated this amendment followed the exact intent of the previously approved amendment, holding the Administration and the applicant responsible for implementation.

Ms. Ossiander moved,
Mr. Tremaine seconded,
and this was unanimously approved,

to amend AO 2004-108(S), on Page 4, *by reinstating the previously deleted wording*, on Lines 15-32.

To Chair Traini, Mr. Weaver stated it was the Administration's wish to have those lines reinstated into the ordinance.

With no further Assembly discussion, Chair Traini called for a vote.

Mr. Tesche moved,
Mr. Coffey seconded,

to approve AO 2004-108(S), as amended.

To Mr. Tesche, Mr. Weaver responded that the Administration supported the newly proposed changes to the ordinance. He stated the amended and approved version was an overall improvement from what they were currently using and the Administration would continue to work on additional improvements.

Mr. Sullivan thanked all those who had worked for the past two years on this project, in particular Ms. Ossiander and Mr. Tremaine, for their work on analyzing the document and coming forth with amendments. He stated it had grown during the process, with many changes and additions and he urged a YES-vote.

Mr. Coffey stated he had been involved with this issue while he was with Planning and Zoning and was pleased with the process.

Mr. Whittle stated that industry and neighborhoods had worked together on improvements for this ordinance that everyone could be proud of, and hopefully the direction would be carried into Title 21.

To Chair Traini, Mr. Potter responded that progress had been made and many good improvements had been accomplished, but there was still much work to be done.

and this motion was passed,

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

12. APPEARANCE REQUESTS

12.A. Silvia Villamides, CHARR, regarding security plan update. *(Addendum)*

Mr. John Pattee and Ms. Silvia Villamides reported on the recent progress of the liquor establishment security training program that they and members of Anchorage CHARR (*The Cabaret, Hotel, Restaurant and Retailers Association*) were beginning. They presented the new workbook, created by a nationally renowned expert, Robert Smith.

Mr. Tremaine stated that he was pleased with the workbook and stated that while he was attending the National League of Cities Meeting he could help share this program idea nationally.

To Mr. Sullivan, Mr. Pattee responded that this pilot security program had been originated by Anchorage CHARR and they were taking the lead with it. Mr. Pattee responded that he felt the responsible retailers would take the course and felt it could be self-regulated. He did not think that making it mandatory would be necessary. He thought it may help insurance rates and would improve the industry.

Mr. Coffey thanked Mr. Pattee and Ms. Villamides for all the work they had done.

Ms. Jennings thanked them for starting the program. Mr. Pattee responded that the unfortunate death at Chilkoots was not the only motivating force and the industry had been discussing creating a security program for years. He stated that Chilkoots was a leader in the industry and felt the recent incident that had occurred there could have happened in any bar. He hoped it would never happen again.

Mr. Whittle thought the proposal was good and thought it needed to be implemented throughout the industry, including the smaller clubs.

Mr. Tesche urged Mr. Pattee to contact insurance companies to find out if the rates would be affected. He urged him to present another report to the Assembly in a couple of months.

Chair Traini thanked Mr. Pattee and Ms. Villamides and the industry for all the work they had put into this important program. Chair Traini, a member of the National League of Cities Board of Directors, stated that he would be taking this issue to the upcoming meeting to see if this program could be instituted as a nation-wide model for responsible owners of beverage establishments.

13. CONTINUED PUBLIC HEARINGS

13.A.1. Ordinance No. AO 2004-126(S), an ordinance amending Anchorage Municipal Code Chapters 21.20 and 21.30 to clarify **procedures** for the Planning and Zoning Commission, Board of Adjustment., and Zoning Board of Examiners and Appeals regarding filing appeals, new evidence, changed circumstances, remands, preparation of appeals by Municipal staff, issuance of decisions, appeals to Superior Court, and related matters. **(Addendum)**

2. Ordinance No. AO 2004-126, an ordinance amending Anchorage Municipal Code Chapters 21.20 and 21.30 to clarify procedures for the Planning and Zoning Commission, Board of Adjustment, and Zoning Board of Examiners and Appeals regarding filing appeals, new evidence, changed circumstances, remands, preparation of appeals by Municipal staff, issuance of decisions, appeals to Superior Court, and related matters.
(Carried Over from 9-21-04; Continued from 10-12-04; Postponed until November 9, 2004)

Chair Traini asked to Change the Order of the Day to take up items that fall under "New Public Hearings," Agenda Items 14, first, and there were no objections. Mr. Coffey stated that AO 2004-126 and AO 2004-215 had many issues still in the works and stated that it was his intention to move to postpone them for two weeks.

Mr. Coffey moved, *to postpone AO 2004-126 and AO 2004-215 (and all Substitute Versions) until November 9, 2004.*
Ms. Osslander seconded,

Mr. Tesche stated the two most current versions before the body were AO 2004-126(S) and AO 2004-215(S). He concurred with postponement and requested that the Department of Law prepare a short summary memorandum to share with Assemblymembers, explaining the current law and the purpose of these two measures.

and there were no objections,

13.B.1. Resolution No. AR 2004-215(S), a resolution amending Anchorage Municipal Code of Regulations Chapters 21.10, 21.11 and 21.12 to establish **uniform procedures** for Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals and Urban Design Commission for issuing decisions and modifying procedures regarding allegations of new evidence or changed circumstances. **(Addendum)**

2. Resolution No. AR 2004-215, a resolution amending Anchorage Municipal Code of Regulations Chapters 21.10, 21.11 and 21.12 to establish uniform procedures for Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals and Urban Design Commission for issuing decisions and modifying procedures regarding allegations of new evidence or changed circumstances.
(Carried Over from 9-21-04; Continued from 10-12-04; Postponed until November 9, 2004)

(Clerk's Note: See Assembly Action, Item 13.A.1, above, pertaining to postponement of this item.)

14. NEW PUBLIC HEARINGS

14.A. **FIRST PUBLIC HEARING: Resolution No. AR 2004-242**, a resolution of the Municipality of Anchorage adopting the **2005-2010 General Government Capital Improvement Program**, Office of Management and Budget.

1. Assembly Memorandum No. AM 732-2004.

Chair Traini called for a motion to combine Public Hearing for 14.A. and 14.B.

Mr. Tesche moved, *to incorporate Public Hearing for 14.A. and 14.B, items AR 2004-242 and AO 2004-142.*
Mr. Whittle seconded,
and there were no objections,

Chair Traini read the item titles and opened combined Public Hearing.

JOHN BOYDT, owner of Replacement Glass Company, testified against the proposed Fireweed Road Improvement Project. He explained that this study proposed changing Fireweed Lane from a four-lane road to a two-lane road, with a "suicide" lane. He mentioned many concerns that he and other Fireweed business owners had with the proposed improvements, including driving safety, snow removal and lowering property values. He presented a petition with eighty-three signatures, from over forty-seven Fireweed businesses, opposing the improvements. He requested consideration of using the federal appropriations on other projects. He said that Fireweed Lane was the safest and in the best condition it had been in for over twenty-five years.

Chair Traini stated that he and Mr. Coffey had discussed this issue with the Mayor and they would do what was needed to take care of constituents. Mr. Coffey added that it was his understanding that the appropriations were not sufficient to complete that project.

STEVE HENDERSON, owner of Frontier Chiropractic located on the corner of Fireweed and Barrow, spoke in opposition of the proposed improvements. Mr. Whittle, a member of Anchorage Metropolitan Area Transportation Study (AMATS) responded that they were trying to reprioritize projects where improvements were needed.

DICK SANCHEZ, owner of Arctic Roadrunner, testified in opposition to the proposed improvements to Fireweed Lane. He stated that four lanes condensed down to two lanes would create a safety problem and would greatly affect the liveliness of businesses and employees on Fireweed.

BOB BELL stated that most of the businesses on Fireweed Lane opposed the proposed improvements. He stated there were also three schools located on Fireweed and the proposed two lanes would be dangerous for children. He stated that the corner of Fireweed and Arctic was a bad intersection, with many vehicle accidents. He thought that reducing lanes would make the problem worse.

With no further public testimony, Chair Traini closed Public Hearing on AR 2004-242 and AO 2004-142.

- 14.B. **FIRST PUBLIC HEARING:** Ordinance No. AO 2004-142, an ordinance adopting the **2005 General Government Capital Improvement Budget**, Office of Management & Budget.

1. Assembly Memorandum No. AM 732-2004.

(Clerk's Note: See 14.A, above, for combined Public Hearing and related Action on AO 2004-142 and AR 2004-242.)

- 14.C. **FIRST PUBLIC HEARING:** Ordinance No. AO 2004-143, an ordinance adopting and appropriating funds for the **2005 General Government Operating Budget** for the Municipality of Anchorage, Office of Management & Budget.

1. Assembly Memorandum No. AM 734-2004.

Chair Traini read this ordinance title and opened the First Public Hearing on AO 2004-143.

KATHLEEN PLUNKETT was concerned with the cost of adding eighty new municipal employees. She thought that consideration should be given to contract work or temporary employees. Chair Traini responded that the Municipality needed more public safety officers and felt that was an important issue. Mr. Tremaine added that with the appropriation cuts from last year, Anchorage was still far from being flush. Mr. Coffey added that the city was behind on hiring policemen and firemen for the past several years and that the overtime budget for the fire department would drop by \$900,000 with the new hires. With the new work rules under the new contract the city was able to add fireman positions without increasing the total budget. Chair Traini thanked Ms. Plunkett for her dedication and involvement with the community councils over the years and she responded that the community councils were proposing a budget of \$130,000.

SHARON LEON, Executive Director of Anchorage Youth Court, testified in support of Making Difference Program. She was joined by ELAINE DAHGREN, with Volunteers of America and LINDA MOFFITT with the State Division of Juvenile Justice and the Juvenile Intake Unit. Ms. Leon thanked the Assembly for their support of Making A Difference, which had made it possible for over 3000 juveniles to come through Anchorage Youth Court and receive consequences from their peers in a timely manner, with high success rates of not re-offending. To Ms. Ossiander and Mr. Whittle, Ms. Leon responded that the impact of the proposed reduction would mean two fewer probation officers, no weekend hours and longer processing time, which all would lead to more legal problems and re-offenders. To Mr. Tesche, she stated that the State of Alaska was unlikely to offer funding for the probation officers. Mr. Tremaine thanked them for all their work with the city's youth and stated the programs had recidivism factors that had shown it was a good investment of taxpayers' dollars and he supported the funding.

STUART HALL testified in support of the Federation of Community Councils, which was receiving a vast reduction of appropriations. To Chair Traini, Mr. Hall responded it was unclear how things would operate if the councils acted without the Federation. He thought the councils needed management and clerical help. To Mr. Tesche, he responded a large portion of the costs were for publications, mailings and postage, which was a major function of the Federation. Ms. Ossiander thought that consideration should be made for substituting the costs of maintaining an office for a mailing budget.

VICKI CANTRELL testified on the taxing districts in the city. She stated that corrections were needed with the fire and park service district lines, particularly off of Golden View Drive where there were now homes outside of the fire service area. Mr. Tremaine stated that he and Ms. Shamberg would address this issues and thanked her for bringing it forward.

MARY RASMUSSEN, Chairman of the Library Advisory Board, testified that most of the requests they received were to increase the hours, increase the numbers of branches and increase the book budget. She urged the Assembly to consider increasing funding to the Library so they could add much needed employees.

With no additional public testimony, Chair Traini closed the First Public Hearing on AO 2004-143.

- 14.D. **FIRST PUBLIC HEARING:** Resolution No. AR 2004-241, a resolution approving the **2005-2010 Municipal Utilities Capital Improvement Program**; Office of Management and Budget.

1. Assembly Memorandum No. AM 731-2004.

Chair Traini called to combine Public Hearing on 14.D. and 14.E, AR 2004-214 and AO 2004-141, and there were no objections. He read the titles and opened the combined, First Public Hearing. There being no one to testify, he closed Public Hearing.

- 14.E. **FIRST PUBLIC HEARING:** Ordinance No. AO 2004-141, an ordinance adopting and appropriating funds for the **2005 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage; Office of Management & Budget.

1. Assembly Memorandum No. AM 731-2004.

(Clerk's Note: See Agenda Item 14.D for combined Public Hearing on AR 2004-241 and AO 2004-141.)

Chair Traini called for a motion to take up 14.T.

Mr. Tesche moved, to Change the Order of the Day to take up
Mr. Coffey seconded, 14.T, AO 2004-140.
and there were no objections,

- 14.F. Resolution No. AR 2004-246, a resolution approving and ratifying a two year extension of the collective bargaining agreement between the Municipality of Anchorage and the **Anchorage Municipal Employees Association**, Employee Relations.
1. Assembly Memorandum No. AM 749-2004.

Chair Traini read this resolution title and opened Public Hearing.

JOHN MARTON, with the Teamsters Union, representing AMEA, spoke in favor of the ordinance.

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

Mr. Tesche moved, to approve AR 2004-246.
Ms. Ossiander seconded,

To Mr. Coffey, the Mayor responded the changes in this agreement included one with the wage package and one with the medical package, changing to the flex medical plan. Employee Relations Personnel Director Barbara Stallone concurred. To Mr. Coffey, Ms. Stallone responded that the changes in the medical plan would be determined at a later time. The Mayor added that with the changes, there would be an annual two million dollar medical costs savings, with better wellness programs, better utilization and better management.

Chair Traini called for a vote on the main motion.

and this motion was passed,

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

- 14.G. Ordinance No. AO 2004-138, an ordinance amending Anchorage Municipal Code Section 3.70.060 to classify **Heritage Land Bank and Real Estate Services employees** as exempt.
1. Assembly Memorandum No. AM 760-2004.

Chair Traini read this ordinance title and opened Public Hearing.

JOHN MARTON, member of the Teamsters Union, spoke against the ordinance. He stated there had been an Employee Relations Board ruling that was being appealed. He stated this case, involving the Heritage Land Bank, was heading to court, and they were expecting a successful outcome.

With no additional testimony, Chair Traini closed Public Hearing.

Mr. Tremaine moved, to approve AO 2004-138.
Mr. Coffey seconded,

To Mr. Coffey, Employee Relations Director David Otto responded that the employees of Heritage Land Bank (HLB) currently did not belong to any bargaining unit and this ordinance would keep those employees specifically excluded from bargaining, like other departments such as Employee Relations, Information Technology and Law, the Mayor's Office, the Office of the Assembly and the Manager's Office. He stated that AMEA had requested employees at the Heritage Land Bank be included and it involved one and one half positions. The case had been heard before the Employees Relations Board which had voted to keep them excluded.

To Mr. Coffey, Mr. Boness responded it would be appropriate for the Assembly either to take action or not take action and if the ordinance was approved, the action would end the litigation.

Mayor Begich stated the target date for creating the Heritage Land Bank Development Authority was November 16, 2004 and this policy question would again be addressed with that development. He stated this ordinance created the best flexibility for the HLB and it would be the Administrations' stand for them to remain exempt.

Mr. Tremaine stated that he supported the reorganization of the HLB. Because of their function involving land acquisition, involved confidentiality, he agreed that this department should be kept exempt. He thought consideration should be given to postpone this issue until after the Assembly addressed the reorganization. Mayor Begich stated the HLB was currently active with confidential development of many issues. Mr. Tremaine thought that supporting this ordinance was the right thing to do.

To Chair Traini, HLB Director Robin Ward responded this policy involved one and one-half positions.

To Mr. Tesche, Mayor Begich responded that if no action was taken on this item, and if the court ruled, it might complicate the organization of the Development Authority. Mr. Boness added that once a court had ruled on this issue it would take months to process an administration appeal to the Superior Court. Mayor Begich stated it was his

opinion to keep these employees exempt. HLB Director Robin Ward responded that the department's transactions would be affected by the failure or postponement of this item.

Ms. Fairclough stated that she understood union issues, but she felt the opinion of the department's director and a recommendation from the Administration needed to be considered. Because of the confidentiality of their transactions, she supported for those one and one half employees to stay exempt and she urged a YES-vote.

Chair Traini stated that creating the Development Authority was important and stated that he would support this item.

Mr. Coffey questioned how much money the city would pay to take this issue to the Alaska Supreme Court. He wanted to honor the opinion of the Municipal Attorney, and the Administration's desire to maintain confidentiality and flexibility, and he stated he would vote in support of the ordinance.

Ms. Ossiander thought it was entirely appropriate to have exempt employees who were privy to confidential material or were in an advisory position. She stated she would be supporting the Mayor.

With no further discussion, Chair Traini called the Question.

and this motion was passed,

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

NAYES: Whittle.

ABSENT: Sullivan, excused.

Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

Ms. Fairclough moved, *for immediate reconsideration of AO 2004-138.*

Mr. Stout seconded,

and this motion unanimously failed,

with a vote of 10-0, with Mr. Sullivan temporarily absent,

14.H. Resolution No. AR 2004-258, a resolution of the Municipality of Anchorage accepting and appropriating **2004 State of Alaska Legislative grants** per Senate Bill 283 (\$1,084,000), Office of Management & Budget.

1. Assembly Memorandum No. AM 772-2004.

Chair Traini read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing. Deputy Municipal Manager Michael Abbott proposed to make an administrative correction on Page 1, Line 33, to replace the language "parks and recreation" with "metropolitan police." Chair Traini called for a motion.

Mr. Tremaine moved, to approve AR 2004-258.

Ms. Ossiander,

Mr. Coffey moved, to amend AR 2004-258, *by replacing* on Page 1, Line 33, "parks and recreation" to "metropolitan police."

Ms. Jennings seconded,

and this was unanimously approved,

Chair Traini called the Question.

Mr. Tremaine moved,

to approve AR 2004-258, as amended.

Ms. Ossiander,

and this was unanimously passed,

with a vote of 10-0, with Mr. Sullivan temporarily absent,

14.I. Ordinance No. AO 2004-139, an ordinance amending Anchorage Municipal Code Chapter 9.06 to add a new section establishing an **hourly rate for police services** during an activity or event held in a municipal facility or right of way; Legal Department.

1. Assembly Memorandum No. AM 761-2004.

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

Ms. Jennings moved, to approve AO 2004-139.

Mr. Coffey seconded,

and this motion was unanimously passed,

with a vote of 10-0, with Mr. Sullivan temporarily absent,

14.J. Resolution No. AR 2004-256, a resolution of the Anchorage Municipal Assembly appropriating \$1,144,230 from the Eagle River-Chugiak Parks and Recreation Service Area Fund (162) Parks and Recreation Department's 2004 Operating Budget as a contribution to the **Eagle River-Chugiak Parks and Recreation Service Area Capital Improvement Project Fund** (462) for capital improvements, Office of Economic & Community Development.

1. Assembly Memorandum No. AM 759-2004.

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 2004-256.

Ms. Ossiander seconded,
and this motion was unanimously passed,
with a vote of 10-0, with Mr. Sullivan temporarily absent,

- 14.K. Resolution No. AR 2004-247, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$5,000,000 for financing a portion of the costs of the **Anchorage Loop Water Transmission Main Phase IV Project**, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 750-2004.

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

Ms. Fairclough moved, to approve AR 2004-247.
Ms. Ossiander seconded,
and this motion was unanimously passed,
with a vote of 10-0, with Mr. Sullivan temporarily absent,

- 14.L. Resolution No. AR 2004-248, a resolution of the Municipality of Anchorage appropriating \$994,100 from the U.S. Department of Health and Human Services to Federal Categorical Grants Fund (241) for the **S.A.F.E. Child** (Stop Abuse for Every Child) Project in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 751-2004.

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. Ossiander moved, to approve AR 2004-248.
Mr. Coffey seconded,

Ms. Fairclough, as the Executive Director of STAR (*Standing Together Against Rape*), one of the recipients, declared a possible conflict of interest. To Chair Traini, she responded that none of this appropriated money paid for her salary. The Chair ruled that she did not have a conflict of interest and directed her to participate.

Mr. Whittle stated this would be a great program that would help jumpstart a community-wide effort of ending violence against women and children. He hoped it would come back before the Assembly so they could help raise the program's profile for community awareness.

Chair Traini stated that studies showed that abuse was a repetitive pattern, that when children were abused they were at high risk of abusing their children, and it continued generationally. He thought this was a good intervention program.

Ms. Fairclough thanked the Municipality for their effort and participation with the Federal Delegation, addressing the issue from a public health concept, as a preventative approach to reduce violence in the community. She thanked those at S.A.F.E. Child and those at the Health and Human Services, who had worked hard to negotiate for many different needs. Ms. Fairclough stated there were many different agencies acknowledging that children were a precious resource that needed to be protected.

and this motion was unanimously passed,
with a vote of 10-0, with Mr. Sullivan temporarily absent,

- 14.M. Resolution No. AR 2004-249, a resolution of the Municipality of Anchorage appropriating \$497,050 from the U.S. Department of Health and Human Services to Federal Categorical Grant Funds (241) for the **Pathways to Sobriety Campaign** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 752-2004.

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. Fairclough moved, to approve AR 2004-249.
Mr. Tremaine seconded,
and this motion was passed unanimously,
with a vote of 10-0, with Mr. Sullivan temporarily absent,

- 14.N. Resolution No. AR 2004-250, a resolution of the Municipality of Anchorage appropriating \$296,714 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241), and \$150,000 from Alaska Housing and Finance Corporation to State Categorical Grants Fund (231), Department of Health and Human Services for the purpose of providing a one year renewal of the **LINK Homeless Assistance Project** and a contract with Abused Women's Aid in Crisis, Inc.; Health and Human Services.
1. Assembly Memorandum No. AM 753-2004.

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. Ossiander moved, to approve AR 2004-250.
Ms. Jennings seconded,
and this motion was unanimously passed,
with a vote of 10-0, with Mr. Sullivan temporarily absent,

- 1
2 14.O. Resolution No. AR 2004-251, a resolution of the Municipality of Anchorage appropriating \$169,500 as
3 a grant from the Alaska Department of Health and Social Services to the State Categorical Grants
4 Fund (231), Department of Health and Human Services for the provision of **HIV Prevention Work**.
5 1. Assembly Memorandum No. AM 754-2004.

6
7 Chair Traini read this resolution title and opened Public Hearing. With no public testimony, he closed Public Hearing
8 and called for a motion.

9
10 Ms. Ossiander moved, to approve AR 2004-251.
11 Ms. Jennings seconded,
12 and this motion was passed unanimously,
13 with a vote of 10-0, with Mr. Sullivan temporarily absent,
14

- 15 14.P. Resolution No. AR 2004-252, a resolution of the Municipality of Anchorage appropriating \$620,070 of
16 Interest Earnings from Jail Revenue Bond Proceeds to the Anchorage Metropolitan Police Service
17 Area Capital Improvement Program Fund (451) for improvements and project management costs of
18 \$606,723 relating to the Anchorage Jail Project and a contribution of \$13,347 to the Jail Lease
19 Revenue Fund (266) for the repayment of **Jail Revenue Bond debt service costs** incurred; Project
20 Management & Engineering.
21 1. Assembly Memorandum No. AM 755-2004.

22
23 Chair Traini read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
24 called for a motion.

25
26 Ms. Ossiander moved, to approve AR 2004-252.
27 Mr. Tremaine seconded,
28 and this motion was passed unanimously,
29 with a vote of 10-0, with Mr. Sullivan temporarily absent,
30

- 31 14.Q. Resolution No. AR 2004-253, a resolution of the Municipality of Anchorage appropriating \$135,450 as
32 a match from the Alaska Railroad Corporation to the Anchorage Parks and Recreation Service Area
33 Fund (461), for the **Ship Creek Trail Project, Phase III**; Project Management & Engineering.
34 1. Assembly Memorandum No. AM 756-2004.

35
36 Chair Traini read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
37 called for a motion.

38
39 Mr. Tremaine moved, to approve AR 2004-253.
40 Mr. Coffey seconded,
41

42 Ms. Fairclough stated that when she and Mr. Tremaine served on AMATS this project had been discussed for several
43 years and there had been concern about the cost of an overpass for a trail over the railroad. Municipal Engineer
44 Howard Holtan responded that this was Phase III of the project, completing the improvements by connecting Phase I
45 and II. Mr. Holtan responded that the Alaska Railroad insisted the trail go over the tracks. Deputy Municipal Manager
46 Michael Abbott added the Railroad insisted on a grade separation between the trail and the railroad tracks, and they
47 elected to complete an overpass because it was less expensive.

48
49 and this motion was passed unanimously,
50 with a vote of 10-0, with Mr. Sullivan temporarily absent,
51

52 Chair Traini called for a motion to Change the Order of the Day, to take up the Campbell Creek Outfall item. Mr.
53 Tesche moved to take up AR 2004-147, item 14. V., seconded by Mr. Tremaine and it was unanimously approved.

- 54
55 14.R. Resolution No. AR 2004-254, a resolution of the Anchorage Municipal Assembly appropriating
56 \$765,000 to Port of Anchorage 2004 Operating Fund (570) and revising the **2004 Port of Anchorage**
57 **Operating Budget**, Port of Anchorage.
58 1. Assembly Memorandum No. AM 757-2004.

59
60 Chair Traini read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
61 called for a motion.

62
63
64 Mr. Tesche moved, to approve AR 2004-254.
65 Mr. Tremaine seconded,
66

67 Ms. Jennings stated that it was her understanding that the imposed port tariff would raise \$1.8 million and the contract
68 for the security was \$1.8 million. Anchorage Port Director of Finance Edward Leon stated the contract was for \$1.8
69 million for the year 2005 and the \$765,000 appropriation was for 2004 alone.

70
71 Chair Traini called the Question

72
73 and this motion was unanimously passed,
74

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

77

- 14.S. Resolution No. AR 2004-255, a resolution of the Anchorage Municipal Assembly appropriating \$5,150,000 of Municipality of Anchorage, Alaska, Performing Arts Center Revenue Bond proceeds to the Areawide General CIP Fund (401) for **roof repairs at the Alaska Performing Arts Center**, \$65,210 of Revenue Bond premium to the Areawide General CIP Fund (401) for payment of bond issuance costs, \$215,000 of Municipality of Anchorage, Alaska, Performing Arts Center Revenue Bond proceeds to the PAC Surcharge Revenue Bond Fund (301) for the payment of debt service, and \$3,518 of Revenue Bond premium to the PAC Surcharge Revenue Bond Fund (301) for the payment of debt service, Office of Economic & Community Development.
1. Assembly Memorandum No. AM 758-2004.

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

Mr. Tesche moved, to approve AR 2004-255.
Mr. Tremaine seconded,
and this motion was passed unanimously,

- 14.T. Ordinance No. AO 2004-140, an ordinance amending Anchorage Municipal Code Sections 12.10.010 and 12.10.020 to provide a tax exemption for assessed value of **business personal property**, Finance; Assemblymembers Tesche, Jennings, Shamberg, Traini, Tremaine, Whittle and Stout.
1. Assembly Memorandum No. AM 762-2004.

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. Tesche moved, to approve AO 2004-140.
Mr. Tremaine seconded,

Ms. Jennings, Mr. Tesche and Mr. Tremaine declared possible conflicts of interest. The Chair ruled that none had conflicts of interest and directed these Assemblymembers to participate.

Mr. Tesche supported the ordinance and urged a YES-vote.

Mr. Coffey questioned on Page 1, beginning on Line 24, whether "Taxable Business/Personal Property" conflicted with the language on Page 2, and wondered if there would be a change in the items that were being taxed. Municipal Fiscal Officer Jeff Sinz responded there would be no difference and the definition of those items taxable remained the same. Municipal Assessor Marty McGee concurred.

To Mr. Tremaine, Municipal Attorney Fred Boness stated that the language usage on Page 1, Line 12, was correct. Mr. Tremaine stated that he agreed with the intent and was in support of the ordinance.

To Mr. Coffey, Mr. Sinz responded that it was their intent to review the returns to check for accurate filings. Mr. Coffey stated he would support this ordinance.

Mr. Stout stated that he supported the ordinance and requested to be added as a cosponsor.

To Ms. Ossiander, Mr. Sinz responded there would be increased review of the returns and assessments of accuracy. Ms. Ossiander stated she would support this item because it supported small business and economic development in Anchorage.

Chair Traini stated that before Mr. Sullivan departed he had indicated he would have been a YES-vote. He called for a vote.

Mr. Tesche moved, to approve AO 2004-140, as amended.
Mr. Tremaine seconded,
and this vote was unanimously approved,

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

Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

Ms. Fairclough moved, for immediate reconsideration of AO 2004-140,
Ms. Ossiander seconded, as amended.
and this motion failed,

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

- 14.U. Ordinance No. AO 2004-144, an ordinance authorizing withdrawal from Heritage Land Bank inventory and sale of 27.543 acres of real property from Parcels 3-026, 3-027 and 3-064 at fair market value to the State of Alaska, Department of Transportation, for right-of-way for the **Abbott Loop-Bragaw Street Extension**, Heritage Land Bank.
1. Assembly Memorandum No. AM 763-2004.

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

Mr. Coffey moved, to approve AO 2004-144.
Mr. Tremaine seconded,

Mr. Tremaine stated that he had attended the Abbott Loop-Bragaw Extension Meeting and that Dowl Engineers made a wonderful presentation. The property that was being sold was for the right-of-way and where Dowling was going to intersect. He had been told it was still undecided how Bragaw was going to intersect with Abbott Loop. The Mayor responded that the land study had been completed by municipal employees, in cooperation with the Department of Transportation (DOT) and they had saved an estimated \$2 million in the total costs. The Mayor predicted that the municipality would also be involved with improvements to Dowling, now listed in AMATS projects. Municipal Engineer Howard Holtan responded that his department had worked extensively with the DOT on the alignment issue and stated a companion project, the Dowling Extension, would run into the Abbott Loop Project. Mr. Tremaine stated he would be a YES-vote.

To Mr. Sullivan, Jim Childers, with the State Department of Transportation, responded that the timeline for construction of this project would begin during the summer of 2005 and they hoped to have the facility opened before 2008. He responded the extension of Abbott Loop would make it possible to connect the Boniface Expressway to Dowling Road. They were not projecting the intersection of Dowling and Abbott Loop or the intersection of the extended Boniface Expressway, initially to require more than a traffic signal, with the intent to make it as much like an expressway as possible. Mr. Childers responded that they were confident they could complete this project for the bond amount.

Mayor Begich stated that with the results of the long-range transportation planning study, expected early in 2005, they were aware that the link would not resolve the traffic congestion for the future. They were already discussing additional improvements to intersections of Bragaw and Tudor, Abbott and Dowling and Four Corners at Lake Otis. He stated that he and the DOT Commissioner were in communication about the redevelopment.

Chair Traini stated that the goal was to create an expressway to move traffic across town, as an alternative to Tudor Road. He called the Question.

and this motion was unanimously approved,

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

- 14.V. Ordinance No. AO 2004-147, an ordinance authorizing withdrawal from Heritage Land Bank inventory and sale of **Tract B, Campbell Lake Outfall**, consisting of 8.26 acres m/l, by sealed competitive bid for a minimum bid of fair market value plus costs; Heritage Land Bank.
1. Assembly Memorandum No. AM 770-2004.

Chair Traini read this ordinance title and opened Public Hearing.

DEANNA ESSERT opposed the disposing of this land or removing park land from the Heritage Land Bank (HLB). She thought public comment had been deterred and wanted the opportunity to preserve this asset as park land. She deplored the lack of ethics in this matter. Ms. Fairclough stated this was not park land and this matter was being processed through the HLB.

JEFF PARKER stated that the Anchorage Daily News reported there would be an easement retained for the Coastal Trail, and he did not see that included in this ordinance. He thought that it was important to include the easement and viewed it as a potential legal issue. He questioned the wording "withdrawing" of land, when he viewed the action as disposing of land.

Acting Chair Tesche called for additional testimony, and there being none, he closed Public Hearing, and called for a motion.

Ms. Fairclough moved, to approve AO 2004-147.
Mr. Coffey seconded,

Mr. Coffey moved, to amend AO 2004-147, on Page 1, Line 37, *by changing*
Mr. Tremaine seconded, the cost from [~~\$750,000~~] to \$1,000,000.

Deputy Municipal Manager Michael Abbott stated the Administration had no objections.

Mr. Coffey stated this parcel, being prepared for sale to the public, should reflect a price. He urged a YES-vote.

To Ms. Jennings, HLB Director Robin Ward responded that this property was put forth as a disposal and an acquisition in the land exchange context, before the HLB. She responded there were two easements, including the current road for access and there was an accompanying plat note stating that the Municipality reserved the right to utilize a portion of Tract B to accommodate a proposed, future Coastal Trail route. The exact location and size of that trail easement would be determined by the Municipality. She explained that, should the Municipality determine that a trail route was not needed, the reservation would cease to exist. Municipal Attorney Fred Boness responded that this was a legal transaction. The Mayor added that the buyer was aware of the plat notes and the trail would not be forced onto the refuge.

Ms. Jennings thought that collecting the million dollars and the creation of the tax base was good for the city.

Mr. Tremaine wondered if the buyer questioned where the easement would go on the property. He assumed the Assembly would decide where the easement would go. Ms. Ward responded that the route of the trail had not been determined and that was the reason for the plat notes, but the easement had not been created. The new owner would be required to allow for an easement once the location had been determined, at no cost to the city. The Mayor added that a note would accompany the deed, defining the plat notes. Ms. Ward responded there were no plans for rezoning.

Mr. Tremaine agreed it was a good deal. He stated for the record that there was currently a dedicated road access to the AWWU site, located on the bluff, which was being withheld. The access went through backyards of properties, bordering Campbell Creek. To his question, Ms. Ward responded that the proposed road would stay as public access and it was a current easement. Depending on how the new owner developed the property, the easement could be rerouted and would maintain access to the AWWU property.

Mr. Tremaine stated the Bayshore Community Council passed a resolution stating it was their intention to retain this property for a park to ensure public access and to enjoy. Ms. Ward stated the HLB never got a copy of the resolution. Mr. Tremaine thought there was a sixty-foot right-of-way that came with the easement and wondered if that area could be used as parking. Ms. Ward responded that it was an easement, not a right-of-way, and it was not yet platted and it was still up to interpretation. She stated that she had provided an alternative to make sure there was a back-up access for AWWU, in case it was interpreted differently through the platting process. She still did not know if the public could be accommodated and stated that a legal interpretation was recommended. Mr. Tremaine thought more, guaranteed space was needed to accommodate public access and parking.

| | |
|--------------------------|--|
| Mr. Tremaine moved, | to amend AO 2004-147, on Page 1, Line 40, <i>by adding a new</i> |
| Ms. Fairclough seconded, | <i>paragraph, to read: "WHEREAS, it is the intent of the</i> |
| | <i>Municipality of Anchorage to create six [or more] to ten</i> |
| | <i>parking spaces with walking access to the Anchorage Coastal</i> |
| | <i>Wildlife Refuge on this parcel. If for any reason this cannot</i> |
| | <i>be accommodated on the 60-foot road access easement that</i> |
| | <i>currently exists, the MOA will require the parking lot and</i> |
| | <i>walking easement to be relocated on the property to serve</i> |
| | <i>the ACWR access intent, and..."</i> |

Mr. Coffey stated that using "or more" parking spaces was not defined enough. He urged the use of a definitive number, to indicate an upper limit. Ms. Fairclough stated that "ten" would be a correct number, because for numbers greater than ten there was a traffic issue for the right-of-way access and the turn radius. Mr. Tremaine stated he would accept this as a friendly amendment. Mr. Coffey moved to delete "or more" and to add "to ten," which was seconded by Ms. Fairclough and there were no objections.

and there were no objections to the amended Tremaine amendment,

Ms. Fairclough thanked the Mayor for amending the sale price of this property. She urged a YES-vote on the main motion. Chair Traini called the Question on the main motion.

| | |
|----------------------------------|-------------------------------------|
| Ms. Fairclough moved, | to approve AO 2004-147, as amended. |
| Mr. Coffey seconded, | |
| and this was unanimously passed, | |

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

Mr. Tremaine moved for immediate reconsideration and urged a NO-vote.

| | |
|-------------------------|--|
| Mr. Tremaine moved, | <i>for immediate reconsideration of AO 2004-147.</i> |
| Mr. Coffey seconded, | |
| and this motion failed, | |

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

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

SHEILA HOWES from East Anchorage thanked the Assembly for the street improvements in Muldoon. She mentioned many more spots that needed improvements, including Edwards, Valley, Dubin, Halogen and Ptarmigan Streets and hoped they would be considered in the budget appropriations. To Mr. Stout, Municipal Engineer Howard Holtan responded that there were improvements planned for Edwards Street. Mr. Whittle thanked her for bringing up the transportation needs and he knew there were many more improvements needed, but that many areas in East Anchorage did not qualify for improvements in the rating system. Ms. Fairclough recommended that Sheila attend community council meetings in the area and help members with recommendations to help the specific streets qualify for collector status, so they would be considered.

18. ASSEMBLY COMMENTS

Mr. Sullivan stated that on November 5, 2004, from 4:00 to 5:00 p.m. there would be a briefing on the University of Alaska, Anchorage water analysis report, reviewing the Sand Lake gravel pit hydrology, which came up with conclusions that there was a lack of data about the gravel pit.

Ms. Fairclough, in association with Eagle River/Chugiak Assemblymember Ms. Ossiander, announced there would be a Fifties - Sixties Swing Dance, hosted by the Alaska Veterans Memorial Museum. She invited everyone to attend this event, serving a prime rib dinner, to be held at the Eagle River Alliance Club. She also announced that the National Rifle Association would be hosting a dinner in Peters Creek that same evening.

Ms. Fairclough stated that and she had been contacted by homeowners on Fireweed Lane who were in favor of the proposed improvements on Fireweed.

Ms. Jennings clarified that the meeting scheduled for November 5th, mentioned by Mr. Sullivan, would not include the Campbell Lake Outfall and it would be a briefing only on the third-party review of the water analysis of the Sand Lake gravel pit, given by the UAA group.

Mayor Begich thanked all who attended the Alaska Federation of Natives Reception and announced that they had surpassed their goal of raising \$100,000, with \$120,000 collected and with an additional \$80,000 worth of donated services.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Traini called for a motion to adjourn the meeting.

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

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

The Regular Assembly Meeting was adjourned at 10:20 p.m.

ATTEST:

DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: January 25, 2005
MC/BG

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