

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of April 19, 2005, amended

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Traini at 5:06 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: The swearing in of new Assemblymembers occurred at 7:30; See their first action on Agenda item 14.A)

3. PLEDGE OF ALLEGIANCE Assemblymember Whittle led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Begich thanked the large group of people for being present that evening to discuss the pool fees. The issue was not on the Agenda that evening, but he looked forward to the Public Hearing concerning pools.

The Mayor requested that Assemblymembers have their proposed budget revisions ready for the worksession, scheduled for Friday. He reported that the transportation issues were continuing in Juneau, and he encouraged Assemblymembers to talk with legislators to act on the road bill, which included appropriations for Anchorage. He also recommended members to urge the State Legislators to complete a capital budget. He stated this was the second year that the Municipality had not received any revenue sharing money from the state. 100% of any revenue sharing that Anchorage would receive would go directly to property tax relief.

The Mayor stated there was an AO 2005-59(S) Version being distributed to Assemblymembers. Also ready for their review was the Strategic Management Plan for the Community Development Authority. Mr. Sullivan responded that there was a 10-day requirement for the Assembly to review new appointments to the Community Development Authority. Mayor Begich responded those appointments would be made in the near future. Mr. Sullivan requested a description of current activities of the Authority. Chair Fairclough responded those questions would be discussed at the Friday worksession.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini, acknowledging the people present to testify on the pool fees, stated there was nothing on the Agenda that evening that addressed pools.

Mr. Tesche reported that he had recently been with Battalion Chief Mark Hall when he had responded to a fire at Omega Pizza on Spenard Road. He was impressed with the professionalism, skill and dedication of the firefighters.

7. COMMITTEE REPORTS

Mr. Sullivan requested a worksession be scheduled for Friday. State of Alaska Management and Budget Director Cheryl Frasca had offered to participate via teleconference. Assembly Budget Director Elvi Gray-Jackson responded that a worksession would be scheduled from 11:00 a.m. to noon. Mr. Sullivan stated the purpose of the worksession would be to follow up with a resolution and he had a rough draft for members to review. To Chair Traini, Mr. Tesche encouraged members to make sure their budget revisions had been submitted.

8. ADDENDUM TO AGENDA

Chair Traini called for a motion and read the Addendum items. He called for additional items and AR 2005-90, AR 2005-89, AM 280-2005, AO 2005-38(S-2) and AO 2005-66 were added, with assigned Agenda numbers 9.A.3, 9.A.4, 9.E.2, 11.A.4 and 11.B.1, respectively. He called for additional items and there being none, he called for a vote.

Mr. Tesche moved, to approve the inclusion of the Addendum into the
Mr. Coffey 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.
Mr. Stout 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 2005-85, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Daphne D. Hambrook** for her 30 years of service with the Municipality of Anchorage; Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

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

9.A.2. Resolution No. AR 2005-88, a resolution of the Municipality of Anchorage declaring Thursday, April 21, 2005, as **Brother Francis Shelter Day**; Mayor's Office. (**Addendum**)

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (*See item 10.A.2*)

9.A.3. Resolution No. AR 2005-90, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Dick Traini** for having served with integrity and distinction as Chairman of the Anchorage Municipal Assembly; Mayor Begich and Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Tremaine and Whittle. (**Laid on the Table**)

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

9.A.4. Resolution No. AR 2005-89, a resolution of the Anchorage Municipal Assembly recognizing the month of May 2005 as **National Neurofibromatosis (NF) Awareness Month**; Department of the Assembly; Mayor Begich and Assemblymembers Tesche, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Traini, Tremaine and Whittle. (**Laid on the Table**)

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2005-84, a resolution of the Anchorage Municipal Assembly re-appropriating \$3,670 of residual State of Alaska Department of Natural Resources grant funds from the State Categorical Grants Fund (231) to Heritage Land Bank Capital Improvement Program Fund (421) as partial funding for a **Glacier-Winner Creek Ski Area Terrain Suitability Study**; Planning Department.
a. Assembly Memorandum No. AM 266-2005.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 256-2005, recommendation of award to Wesco Distribution for furnishing **electrical cable** to the Municipality of Anchorage, Municipal Light & Power (ITB 25-B010) (\$243,151.20); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 258-2005, recommendation of award to Carter & Crawley, Inc. to furnish a **duplex style control panel** to the Municipality of Anchorage, Municipal Light & Power (ITB 25-B005) (\$111,020); Purchasing.
- 9.C.3. Assembly Memorandum No. AM 274-2005, recommendation of award to Alaska Pollution Control, Inc. for providing **road maintenance services in the Chugiak, Birchwood, Eagle River Rural Road Service Area** of the Municipality of Anchorage, Maintenance & Operations Department (ITB 25-B016) (\$4,000,000); Purchasing. (**Addendum**)
- 9.C.4. Assembly Memorandum No. AM 275-2005, recommendation of award to Simmons RV, Inc. for furnishing a **police command post unit** to the Municipality of Anchorage, Maintenance & Operations Department, Facility & Fleet Maintenance Division (ITB 25-B017) (\$261,740); Purchasing. (**Addendum**)
- 9.C.5. Assembly Memorandum No. AM 276-2005, recommendation of award to Tab Electric, Inc. for **Substation Number 21** for the Municipality of Anchorage, Municipal Light & Power (ITB 25-C014) (\$675,287); Purchasing. (**Addendum**)

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 257-2005, proprietary purchase of **computer software licensing and maintenance support** from MRO Software Corporation for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (AWWU) (\$44,753.17); Purchasing.
- 9.D.2. Assembly Memorandum No. AM 259-2005, proprietary purchase of **computer software maintenance** from ESRI, Inc. for the Municipality of Anchorage; Anchorage Water & Wastewater Utility (\$36,577.81); Purchasing.
- 9.D.3. Assembly Memorandum No. AM 260-2005, proprietary purchase of **computer software maintenance support** from BMC Software for the Municipality of Anchorage, Information Technology Department (ITD) (\$50,912.40); Purchasing.
- 9.D.4. Assembly Memorandum No. AM 261-2005, proprietary purchase from McNaughton Book Services for providing **book leasing services** to the Municipality of Anchorage, Office of Community & Economic Development, Library Division (\$105,225); Purchasing.
- 9.D.5. Assembly Memorandum No. AM 262-2005, contract Amendment No. 3 to Purchase Order 22MLP146 with Currier's Asphalt Maintenance for small **landscaping and clean-up services**, Municipal Light & Power (\$29,000); Purchasing.
- 9.D.6. Assembly Memorandum No. AM 263-2005, sole source contract with the Alaska Railroad Corporation for **Tudor Road/Harding Drive Intersection Improvements** for the Municipality of Anchorage, Project Management & Engineering (PM&E) (\$277,270.05); Purchasing.

- 1 9.D.7. Assembly Memorandum No. AM 264-2005, Amendment No. 1 to Utility Relocation Agreement with
2 Alaska Communications Systems, Inc. (ACS) for the **Pine Street Improvement Project, DeBarr**
3 **Road to Reka Drive**, Project No. 00-10 (\$193,469); Project Management & Engineering.
4 9.D.8. Assembly Memorandum No. AM 265-2005, 2005 grant agreement with Alaskans for Litter Prevention
5 and Recycling for the **rebate of backhaul wharfage shipping fees** (\$27,000), Solid Waste Services.
6 9.D.9. Assembly Memorandum No. AM 269-2005, **The New Peanut Farm Sports Grill** – New Duplicate
7 Beverage Dispensary Liquor License and Restaurant Designation (Taku/Campbell Community
8 Council); Clerk's Office. **(Addendum)**
9

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

- 11
12 9.D.10. Assembly Memorandum No. AM 270-2005, **Dynasty #4181** – Transfer of Ownership for a
13 Restaurant/Eating Place Liquor License (Government Hill Community Council); Clerk's Office.
14 **(Addendum)**
15 9.D.11. Assembly Memorandum No. AM 271-2005, 2005/2006 Liquor License Renewal: **Club Soraya #4353**
16 – Beverage Dispensary Liquor License (Downtown Community Council); Clerk's Office. **(Addendum)**
17 9.D.12. Assembly Memorandum No. AM 272-2005, **William A Egan and Civic Convention Center** – New
18 Theater License (Downtown Community Council); Clerk's Office. **(Addendum)**
19 9.D.13. Assembly Memorandum No. AM 273-2005, recommendation of grant award to Cook Inlet Housing
20 Authority for the **Mountain View Village II Project** for the Municipality of Anchorage, Community
21 Development Division (\$1,187,113); Purchasing. **(Addendum)**
22 9.D.14. Assembly Memorandum No. AM 279-2005, Amendment No. 1 to the Utility Relocation Agreement with
23 Tesoro Refining and Marketing Company (Tesoro) for the **West Northern Lights Boulevard**
24 **Upgrade, Nathaniel Court to Wisconsin Street**, Project No. 01-10 (\$754,122); Project Management
25 & Engineering. **(Addendum)**
26

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

- 28 9.E.1. Information Memorandum No. AIM 27-2005, Internal Audit Report 2005-5 – **2004 Parts Inventory,**
29 **Municipal Light & Power**; Internal Audit.
30 9.E.2. Assembly Memorandum No. AM 280-2005, Certification of **Regular Municipal Election** of April 5,
31 2005; Clerk's Office. **(Laid on the Table)**
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33 Chair Traini requested this item be pulled for review on the Regular Agenda. (See item 10.E.2)

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

- 36 9.F.1. Ordinance No. AO 2005-63, an ordinance amending Anchorage Municipal Code Chapter 9.54 to
37 clarify applicability to **Tow Operators**, to add new definitions, and for tow operator participation in the
38 Anchorage Police Department Rotational Tow Program, retroactive to January 1, 2005; Legal
39 Department. *(Public Hearing set for 5-31-05)*
40 a. Assembly Memorandum No. AM 267-2005.
41

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

- 43
44 9.F.2. Ordinance No. AO 2005-64, an ordinance of the Anchorage Municipal Assembly authorizing the long
45 term lease between the Municipality of Anchorage as lessor and A & W Services, an Alaska General
46 Partnership, as lessee of **Lot 3, Block 4, Merrill Field Replat**, located between Runway 06/24 and
47 Merrill Field Drive. *(Public Hearing set for 5-3-05)*
48 a. Assembly Memorandum No. AM 277-2005. **(Addendum)**
49 9.F.3. Ordinance No. AO 2005-65, an ordinance authorizing **transfer of ownership of Trestle 3C**,
50 constructed at the Port of Anchorage Municipal Dock by Totem Ocean Trailer Express, Inc., to the
51 Municipality of Anchorage, and authorizing the Municipality to lease Trestle 3C to Totem Ocean Trailer
52 Express, Inc.; Port of Anchorage. *(Public Hearing set for 5-3-05)*
53 a. Assembly Memorandum No. AM 278-2005. **(Addendum)**
54

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

56
57 Mr. Tremaine moved, to approve the Consent Agenda, as amended.
58 Mr. Stout seconded,
59 and this motion was passed,
60

61 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
62 NAYES: None.
63

64 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
65 items and proceeded into discussion of those items.
66

67 **END OF CONSENT AGENDA**

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69
70 **10. REGULAR AGENDA**

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

- 72 10.A.1. Resolution No. AR 2005-85, a resolution of the Anchorage Municipal Assembly recognizing and
73 honoring **Daphne D. Hambrook** for her 30 years of service with the Municipality of Anchorage; Mayor
74 Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
75 Tesche, Traini, Tremaine and Whittle.
76

77 Chair Traini read the resolution title and called for a motion.
78

Mr. Tesche moved, to approve AR 2005-85.
Ms. Shamberg seconded,
and this passed without objection,

Mr. Tesche read the resolution and Ms. Shamberg presented the award to Daphne Hambrook, recognizing her 30 years of service with the Municipality, in the Finance, Treasury and Transit Departments. Ms. Hambrook was also honored for her many outstanding achievements, recognitions and awards during that time.

Ms. Hambrook responded that she was honored to be recognized by the Assembly and the Municipality.

10.A.2. Resolution No. AR 2005-88, a resolution of the Municipality of Anchorage declaring Thursday, April 21, 2005, as **Brother Francis Shelter Day**; Mayor's Office. **(Addendum)**

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

Mr. Whittle moved, to approve AR 2005-88.
Ms. Jennings seconded,
and this passed without objection,

Mr. Whittle read this resolution, recognizing this emergency shelter for helping the homeless and people in need and declaring April 21, 2005 as Brother Francis Shelter Day. He acknowledged the efforts of Brother Bob Eaton and Brother Dave Sifferman. Catholic Campaign Volunteer Jewel Jones accepted the award on behalf of the Brother Francis Shelter. The shelter had been started with the assistance of Mayor Begich and others, and with financial support from the Rasmuson Foundation, Catholic Social Services, Cook Inlet Housing Authority, the State of Alaska and others. Yvonne Chase, Executive Director of Catholic Social Services thanked the Assembly for the recognition and stated they were all excited to see the opening of the new building.

10.A.3. Resolution No. AR 2005-90, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Dick Traini** for having served with integrity and distinction as Chairman of the Anchorage Municipal Assembly; Mayor Begich and Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Tremaine and Whittle. **(Laid on the Table)**

Mr. Tesche moved to approve the resolution, asked for unanimous consent and it was passed without objection. He read the resolution, honoring Dick Traini for having served with integrity and distinction as Assembly Chair for a total of six years. Mr. Tesche stated that it had been an honor and privilege to have served under his direction. He presented Chair Traini with a framed resolution, his reserved parking sign and an engraved gavel. He congratulated him and thanked him for his service. Chair Traini thanked him for the recognition.

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

10.C. BID AWARDS None were pulled for review.

10.D. NEW BUSINESS

10.D.9. Assembly Memorandum No. AM 269-2005, **The New Peanut Farm Sports Grill** – New Duplicate Beverage Dispensary Liquor License and Restaurant Designation (Taku/Campbell Community Council); Clerk's Office. **(Addendum)**

Chair Traini read this memorandum title and called for a motion. Mr. Coffey stated that he had a conflict of interest because he represented the establishment. Chair Traini ruled that Mr. Coffey did have a conflict of interest and directed him to not participate.

Mr. Sullivan moved, to postpone AM 269-2005 until the conditional use permit came before the Assembly.
Ms. Jennings seconded,

Mr. Sullivan stated this needed to be postponed until the conditional use permit was addressed by the Assembly. He stated that the document referred to a restaurant and a duplicate beverage dispensary license and thought it involved a different kind of license. Chair Traini stated the Clerk's Office would confirm the details.

and this was passed without objection,
with Mr. Coffey abstaining,

10.E. INFORMATION AND REPORTS

10.E.2. Assembly Memorandum No. AM 280-2005, Certification of **Regular Municipal Election** of April 5, 2005; Clerk's Office. **(Laid on the Table)**

Chair Traini stated this memorandum was the Municipal Election Commission's Report on the Regular Municipal Election of April 5, 2005.

Mr. Tesche moved, to approve AM 280-2005.
Chair Traini seconded,

For the record, Chair Traini recognized all members of the Elections Commission, the Data Processing Review Board and the Canvass Support Team, who had completed the recent Municipal Election. Commission Chair Ethel Tuck reported on the election, explaining the total numbers of votes and the different types of ballots. To Mr. Sullivan, Ms. Tuck explained the reason for rejected or questioned ballots. Mr. Tesche and Mr. Sullivan each thanked Ms. Tuck and the groups for their work.

and this was unanimously passed,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10.F.1. Ordinance No. AO 2005-63, an ordinance amending Anchorage Municipal Code Chapter 9.54 to clarify applicability to **Tow Operators**, to add new definitions, and for tow operator participation in the Anchorage Police Department Rotational Tow Program, retroactive to January 1, 2005; Legal Department. (*Public Hearing set for 5-31-05*)
- Assembly Memorandum No. AM 267-2005.

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

Mr. Coffey moved, to introduce AO 2005-63 with Public Hearing set
Ms. Fairclough seconded, for May 31, 2005.
Ms. Jennings was the concurring third,

Mr. Coffey stated he had received a letter from former State Senator David Donley, concerning code provisions and questioning fair and reasonable towing rates. Mr. Coffey requested that the Administration prepare a response to the letter, making certain the towing rates were in compliance with provisions of Title 9.

To Chair Traini, Municipal Clerk Barbara Gruenstein responded they were reviewing all towing fees filed for the Anchorage area.

Ms. Fairclough requested a worksession for discussion of this issue. Chair Traini concurred.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2005-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.75 regarding **Pesticide Control** to modify drift protection and public notice for commercial pesticide application and application by the Municipality of Anchorage, Assemblymembers Coffey, Ossiander, Fairclough, Stout, Sullivan and Traini. (*Public Hearing Closed 3-29-05; Postponed from 3-29-05 & 4-12-05*)
- Assembly Memorandum No. AM 153-2005.
 - Ordinance No. AO 2005-38(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift protection and public notice for commercial pesticide application and application by the Municipality of Anchorage, Assemblymembers Coffey and Ossiander.
 - Ordinance No. AO 2005-38(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift protection and public notice for commercial pesticide application and application by the Municipality of Anchorage, Assemblymember Tesche.
 - Ordinance No. AO 2005-38(S-2), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 15.75 regarding Pesticide Control to modify drift protection and public notice for commercial pesticide application and application by the Municipality of Anchorage. (***Laid on the Table***)

Chair Traini stated a new, S-2 version was before the Assembly. Mr. Coffey stated that they had received comments from the industry on this new version, in a document entitled "S-2, Industry." There had not been time to review this because members had received it late that afternoon. Mr. Coffey was also concerned that the item had been continued twice and thought postponement was in order.

Mr. Coffey moved, to postpone AO 2005-38(S-2) until the next regularly
Mr. Tesche seconded, scheduled Assembly Meeting, on May 3, 2005.

Mr. Coffey stated the ordinances each used a similar approach to using pesticides, but involved different processes. Rather than addressing the ordinances that evening, he stated postponement would allow time for the Administration to comment.

Mr. Tesche stated that the body had just received the S-2 version, which included a number of new provisions and it was important to allow time for members to review industry and public comments.

Mr. Tesche moved, to amend the Coffey Amendment, by including a
Mr. Stout seconded, scheduled Public Hearing.
and this was passed without objection,

and the Coffey Amendment, as amended, was approved without objection,

Chair Traini directed Assembly Budget Director Elvi Gray-Jackson to schedule a worksession on this issue.

- 11.B. Ordinance No. AO 2005-15, an ordinance amending the zoning map and providing for the rezoning consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to B-3 SL (General Business District with Special Limitations), for **Hillcrest Subdivision**, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court (Bayshore/Klatt Community Council) (Planning and Zoning Commission Case 2004-151); Assembly Chair Traini. (*Postponed from 3-8-05; Carried Over from 3-29-05; Postponed from 4-12-05*)

1. Ordinance No. AO 2005-66, an ordinance amending the zoning map and providing for the rezoning consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to R-O (Residential-Office District) or any other zoning, with special limitations for Hillcrest Subdivision, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court; (Bayshore/Klatt Community Council) (Planning and Zoning Commission Case 2004-151); Coffey, Sullivan, Traini, Birch, Bauer, Stout and Shamberg. **(Laid on the Table)** (Public Hearing set for 5-03-05)

Mr. Tesche moved, to Change the Order of the Day to take up Special Orders,
Ms. Jennings seconded, Agenda Number 15.
and this was approved without objection,

Chair Fairclough read the resolution title and stated there was a motion on the floor from Mr. Sullivan, seconded by Mr. Tremaine. This had been postponed twice since March 8th.

Mr. Sullivan stated that members were deciding how to handle this issue, because the R-3 zoning was not supported by either the Planning Department or the Planning and Zoning Commission. The applicant had agreed to Mr. Sullivan's recommendation of an R-O zoning.

Mr. Traini supported the R-O zoning.

Mr. Coffey stated the property needed to be rezoned. The Assembly had discussed the possibilities of B-3 and B-3 SL. The Planning and Zoning Commission did not have the authority to rezone to R-O, because of the size of the parcel and the nature of the surrounding residential property. He had witnesses an R-O which had been approved on a property in transition and two years later it was changed to B-3. A rezone of R-O did help resolve the current issue of residential units.

Zoning Administrator Jerry Weaver responded that the department had recommended R-3 or R-4. If the Assembly decided to move in another direction, they were concerned with the loss of residential units and they would recommend an additional effective clause or a special limitation to require a subdivision replat. To Mr. Coffey, Mr. Weaver responded that the intersections for egress and access needed to be approved by the Department of Transportation.

To Ms. Shamberg, Mr. Weaver responded that Mr. Smith felt the number of 84 residential units was too high.

Mr. Sullivan stated 84 units might not leave much room for business development. Mr. Weaver responded that Mr. Smith had indicated that he may possibly acquire the lots to the east, which would make this a viable, commercial-residential development. If the residential was left in the rezoning, the R-3 zoning could handle a majority of those units and would offer more density than a site condo development.

Ms. Jennings stated that if this ordinance put businesses opposite residential, she would oppose it.

Ms. Ossiander stated she was concerned about the impact to the small, currently R-5 zoned lots. Mr. Weaver responded the R-O SL would bring commercial traffic. He responded that, with the high retail-oriented establishments already there, they were recommending high density, multi-family residential.

Mr. Sullivan moved, to amend AO 2005-15 on Page 1. Line 16, *by changing*, to
Mr. Coffey seconded, read: The zoning map shall be amended by designating the
following described property as ~~[B-3 (General Business with~~
~~Special Limitations)]~~ "R-O (Residential-Office District)" zone.

To Mr. Sullivan, Mr. Smith indicated on his map the additional access intersections that he would add to his subdivision if this property was approved for R-O. He currently had plans to construct an office building. He stated he would put in water to the residents on the eastern portion of the property.

Ms. Jennings stated that the plans of the Assembly to approve a rezone would not fit with this ordinance because of the title. Municipal Attorney Fred Boness concurred that there would be a problem with a title that was specific to the type of zone and a change to the ordinance was not reflected in the title.

Mr. Coffey stated that his understanding was that if the change was less restrictive than indicated in the title, there was no need to change the title. He stated that making this an effective clause or a special limitation (SL), it would go to the Platting Board and there would be another Public Hearing. Mr. Weaver concurred. Mr. Coffey stated that under the current zoning the property would be difficult to develop and felt the Assembly needed to take action. If done correctly, it would be helping the applicant to develop the property, affording the public protection and meeting the standards set forth in the Comprehensive Plan.

Ms. Ossiander moved, to amend the Sullivan's Amendment *by adding* on Page 1,
Ms. Jennings seconded, Section 1; "Effective clause that a) the property shall be
and this was later withdrawn, replatted into one parcel before the rezone is effective; b) the
property shall be developed with a mix of commercial and
residential, with a minimum of 84 residential units within a
business plan unit development."

To Mr. Sullivan, Mr. Smith responded that developing 84 units and subsequent required parking would make the development plan impossible and he proposed only 24 units. Mr. Sullivan concurred.

Mr. Sullivan moved, to amend the Ossiander Amendment *by changing* to read:
...with a minimum of [84] "24" residential units...

Chair Fairclough would not accept the Sullivan Amendment and called for action on the two motions already on the floor.

Mayor Begich requested the ordinance title issue be addressed.

To Mr. Coffey, Mr. Boness responded the amended ordinance would not become invalid, but an inconsistent title could allow someone to file suit and challenge the Assembly's action. To Mr. Coffey, Mr. Weaver responded there was a 14-day notice requirement for a new ordinance. Deputy Municipal Manager Michael Abbott responded that the new title could be introduced that evening and be heard on May 3rd. Ms. Jennings concurred.

To Ms. Ossiander, Mr. Boness recommended language for R-O or any less-restrictive provision. He thought the current ordinance could be postponed indefinitely.

To Chair Fairclough, Ms. Ossiander responded she would withdraw her amendment and the second concurred.

Mr. Sullivan stated that he concurred with Chair Fairclough and Mr. Coffey, that it was legally acceptable to go to a less restrictive zoning than was implied in the ordinance title.

Ms. Ossiander moved, to *postpone* the Sullivan Amendment, with intent to postpone the main motion and to reintroduce a new ordinance.

Chair Fairclough ruled the motion out of order, and stated the original Sullivan Amendment was still on the floor.

Mr. Birch supported the Sullivan Amendment. This issue was within his district, he was familiar with the area and thought it was in an appropriate residential area. The R-O zoning was a reasonable compromise, providing a residential-office buffer between the existing residential and highly commercial areas.

To Mr. Tesche, Mr. Boness responded there still was the question of notice to the public about the Assembly's intent. He stated ordinance titles had been challenged and the Supreme Court had ruled that broad titles would still stand with lesser amendments made to the document. His recommendation was to postpone indefinitely.

Ms. Ossiander moved, to *postpone indefinitely* AO 2005-15.
Ms. Jennings seconded,

Mr. Coffey concurred and proposed a new title, with a new ordinance with effective clauses or special limitations and a replat. The 84 units were too many and the provision of extending the water line also needed to be included in the new document. The consequence of waiting for two weeks for a new title seemed to be a minor delay, considering all the delays on this development already. He urged Mr. Smith and Mr. Weaver to create a new ordinance, incorporating all changes, to be reviewed by the Platting Board. He supported the Ossiander motion to postpone indefinitely.

To Mr. Sullivan, Mr. Weaver responded that a new ordinance would be a continuation of the issue and Mr. Smith would not be required to post signs or pay fees again or repeat other requirements in the process. Mr. Sullivan requested a letter of assurance from the Municipal Attorney's Office. Mr. Boness concurred.

Ms. Jennings thought the public process should remain clear and supported postponement.

Mr. Traini urged the body to proceed with postponement and to have a new ordinance with an R-O zoning.

To Mr. Coffey, Chair Fairclough responded the neighbors would have the opportunity to speak to the new ordinance with a new Public Hearing. To Mr. Coffey, Mr. Smith responded that beyond the notice in the paper, he would personally notify the people in the area. Mr. Weaver stated his department could do a supplemental mailing for notification. Mr. Smith concurred that he would work with Mr. Weaver in creating a new document.

and the motion to postpone indefinitely was passed,

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

Mr. Coffey moved, to *introduce AO 2005-66*, an ordinance amending the zoning map and providing for the rezoning consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to R-O (Residential-Office District or any other zoning, with special limitations), for Hillcrest Subdivision, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court; Assemblymember Coffey, Sullivan, Traini, Birch, Bauer, Stout and Shamberg; with Public Hearing scheduled for May 3rd.

To Mr. Stout, Mr. Coffey responded that his reference to "any other zoning" would leave the options open for future changes. He had cleared his language with the Legal Department.

Mr. Traini, Mr. Birch, Mr. Bauer, Mr. Stout and Ms. Shamberg each requested to be added as cosponsors, along with sponsors, Mr. Coffey and Mr. Sullivan.

Mr. Coffey summarized for Mr. Smith and Mr. Weaver, the three issues that needed to be incorporated in the new ordinance included the residential component, the water line component and the replatting component. He requested Mr. Smith to report on his notification to the neighborhood and for Mr. Weaver to report on his supplemental mailings. To Ms. Fairclough, Mr. Coffey requested May 3rd for the date of Public Hearing.

and the introduction of AO 2005-66, as amended, was approved without objection,

12. APPEARANCE REQUESTS

12.A. **Cody Downs**, regarding sales tax and dog parks.

COTY DOWNS testified in support sales tax to help close the fiscal gap. He stated that the time was now, while things could still be resolved, including assisting failing schools and roads. He stated that dog parks should not be the responsibility of local government.

13. CONTINUED PUBLIC HEARINGS None.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2005-47, an ordinance amending Anchorage Municipal Code Section 12.25.040 to reduce the 2005 maximum attainable tax revenue by an amount attributable to exclusion of the **Chugiak Fire Service Area** from the 2005 Budget; Office of Management & Budget.
1. Assembly Memorandum No. AM 201-2005.

Chair Fairclough opened Public Hearing. There being no one to testify, she closed Public Hearing.

Mr. Traini moved, to approve AO 2005-47.
Ms. Ossiander seconded,

With the electronic system not working, Chair Fairclough directed Municipal Clerk Barbara Gruenstein to conduct a voice vote.

and this motion was passed,

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

14.B. Ordinance No. AO 2005-48, an ordinance amending Anchorage Municipal Code Section 12.25.040 to reduce the 2005 maximum attainable tax revenue by an amount attributable to exclusion of the **Eagle River Street Light Service Area** from the 2005 Budget; Office of Management & Budget.
1. Assembly Memorandum No. AM 202-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. There being no one to testify, she closed Public Hearing.

Ms. Ossiander moved, to approve AO 2005-48.
Ms. Shamberg seconded,

Ms. Ossiander requested an explanation of the economic effects. The maximum attainable tax revenue had been set higher than what had been approved on the approved 2005 budget. Office of Management and Budget Director Diana Percy concurred that it needed to be researched because the summary of economic effects indicated the tax impact had changed.

Chair Fairclough directed Municipal Clerk Barbara Gruenstein to conduct a voice vote.

and this motion was passed,

AYES: Traini, Bauer, Birch, Sullivan, Fairclough, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

(Clerk's Note: Tesche was out of Chambers at the time of the vote)

14.C. Ordinance No. AO 2005-49, an ordinance amending Anchorage Municipal Code Section 12.25.040 to reduce the 2005 maximum attainable tax revenue by an amount attributable to exclusion of the **Girdwood Valley Service Area** from the 2005 Budget; Office of Management & Budget.
1. Assembly Memorandum No. AM 203-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. There being no one to testify, she closed Public Hearing.

Ms. Ossiander moved, to approve AO 2005-49.
Ms. Shamberg seconded,

Chair Fairclough directed Municipal Clerk Barbara Gruenstein to conduct a voice vote.

and this motion was passed,

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

NAYES: None.

- 14.D. Resolution No. AR 2005-81, a resolution of the Municipality appropriating \$44,500,000 of proceeds of General Obligation Bonds to the Anchorage Roads and Drainage Service Area CIP Fund (441), \$1,930,000 to the Areawide Public Transportation General CIP Fund (485), and \$480,000 to the Areawide General CIP Fund (401), to pay the costs of **road and storm drainage, public transportation, and public safety capital improvement projects**; Office of Management & Budget.
1. Assembly Memorandum No. AM 248-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. There being no one to testify, she closed Public Hearing.

Mr. Traini moved, to approve AR 2005-81.
Ms. Shamberg seconded,

To Mr. Coffey, Mayor Begich responded that the State Legislative Session was still in process and it was still too early to predict appropriations. He stated if money did come through, a portion of it would go to the acquisition of the property. There was also federal money available for road congestion relief that might be used. He stated that one way or another the project would move forward and he and his Administration appreciated the support from U.S. Senator Don Young, and hoped the State would show the same interest. To Mr. Coffey, Mayor Begich responded that Piper Street improvements were on track with the U-Med District upgrades. He responded they were planning to complete construction on 75% on the proposed projects this year. He stated the Administration would keep Assemblymembers informed with road projects.

To Mr. Stout, Mayor Begich responded that item Number 19, Creekside Towncenter, referred to road improvements in this area plan and included the Muldoon Middle School.

Mr. Traini stated that he approved of the bond package because it expresses the will of the public. Mayor Begich responded that the community had supported the road bonds by 57%.

Chair Fairclough directed Municipal Clerk Barbara Gruenstein to conduct a voice vote.

and the motion was passed unanimously,

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

- 14.E. Resolution No. AR 2005-77, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the PC District for a restaurant/eating place use per AO 93-183(S-1), Section 4.D.3 for The Bridge Salmon Bake and Grille; located on Alaska Railroad Lease #8703, Old North C Street Bridge, Ship Creek Crossing, Tract A; site address being 221 West Ship Creek Avenue; generally located north of Ship Creek Avenue and east of C Street (**The Bridge Salmon Bake and Grille Restaurant**) (Case 2005-040); Planning Department.
1. Assembly Memorandum No. AM 222-2005.

Chair Fairclough opened Public Hearing. There was no one to testify and she closed Public Hearing and called for a motion.

Ms. Ossiander moved, to approve AR 2005-77.
Ms. Jennings seconded,

Mr. Coffey stated he supported this conditional use, as did the local community councils, and it would be a nice improvement to the city. He questioned why this simple conditional use included 150 pages of information to review.

Ms. Jennings stated she had viewed the location and it appeared to be a very nice facility that would be a nice addition to the city, particularly for the tourists in the Ship Creek area.

Municipal Clerk Barbara Gruenstein conducted a voice vote.

and the motion was passed unanimously,

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

15. SPECIAL ORDERS

15.A. Certification of the April 5, 2005 Regular Municipal Election.

Chair Traini announced that the Assembly had approved the memorandum AM 280-2005, certifying the April 5, 2005 Regular Municipal Election.

Chair Traini presented a plaque to Brian Whittle, thanking him for his services to the Anchorage Assembly. Chair Traini thanked him for his service and dedication to the city. He stated that Mr. Whittle would remain involved with city issues.

Ms. Jennings thanked Mr. Whittle for his service and stated it had been a pleasure working with him. Mr. Whittle was like the heart of the Assembly and had always understood the issues from a people's point of view.

Mr. Tesche thanked Mr. Whittle for his service and his understanding and support of issues downtown. He had always been available and involved in the issues for Mountain View, Inlet View, Fairview, South Edition and Government Hill.

Mr. Stout stated he appreciated Mr. Whittle for his service to the city and all the assistance he had given to his district. Mr. Stout thanked Mr. Whittle for the assistance he had given, when Mr. Stout had first been elected.

Ms. Ossiander stated it had been a pleasure serving with Mr. Whittle and enjoyed his good humor. She particularly appreciated his advocacy for folks who dealt with violence and crime.

Ms. Shamberg stated she had enjoyed serving with Mr. Whittle and the Assembly would miss him. She hoped he would enjoy getting his life back, enjoy his new wife and children.

Mayor Begich stated it had been a privilege to officiate Mr. Whittle's wedding. He thanked him for his efforts with helping to establish a middle school and towncenter for East Anchorage, and many other important issues for the city, making it a better place to live and creating more opportunity for citizens. He appreciated Mr. Whittle's service to the city and the personal friendship they shared.

Mr. Whittle thanked the Assembly and the Mayor for their acknowledgements and passed out gifts to the members. He welcomed the new Assemblymembers and knew they would be great representatives to the people of Anchorage. He had enjoyed the people of East Anchorage, and felt they were a special group of citizens who were dedicated and stayed involved to improve their communities. He would continue to work for East Anchorage. He felt there had been amazing accomplishments while he had been involved with the Assembly, including the new Port of Anchorage a new convention center and an addition to the museum. Anchorage was a vibrant city with a great future, and it had been an honor to have contributed and been involved.

Chair Traini presented a plaque to Dick Tremaine, honoring him for his services to the Anchorage Assembly.

Ms. Shamberg stated it had been an honor to have had a partnership with Mr. Tremaine, representing South Anchorage. She stated he had been involved with contributions and improvements to the communities, with new developments and services and had been an active participant with community councils.

Ms. Jennings appreciated Mr. Tremaine's ability to always address the hard fiscal questions on issues.

Mr. Sullivan stated that it had been an honor to serve with both members, Mr. Whittle and Mr. Tremaine, who had served with distinction. Mr. Tremaine had worked as hard as any Assemblymember he had ever witnessed and was a contrarian with a fiery passion, which he appreciated because it led to discussion, debate and analysis on the issues. Mr. Sullivan stated he viewed Mr. Whittle as the gentle giant on the Assembly, who had served his district with distinction.

Mr. Coffey stated he had a long history of debating issues with Mr. Tremaine and appreciated his sharp mind. He felt Mr. Tremaine had been a good addition to the Assembly and wished him the best for the future. Mr. Coffey stated that Mr. Whittle had been a true gentleman and a nice guy, and that he had enjoyed working with him on the Assembly.

Mr. Tesche requested that Mr. Tremaine relinquish his antique computer to the archives of the museum. He appreciated Mr. Tremaine's intelligence, dedication and financial experience. He appreciated Mr. Tremaine's passion for improving South Anchorage. He stated that Mr. Tremaine would be missed and thanked him for his service.

To Mr. Tremaine, Ms. Ossiander stated she had appreciated the commonalities of their districts, including the rural nature and the dependence on self governance through service areas. She appreciated Mr. Tremaine being a strong advocate for dealing with particular issues.

Ms. Fairclough stated it had been a privilege sitting next to Mr. Whittle, who was a kind and gracious man. She stated that she had received support from both Mr. Whittle and Mr. Tremaine on issues connected with Standing Together Against Rape (STAR) and equal rights issues. She stated they would be missed and had offered great information into debates, they had expanded the conversation and it had been an honor serving with both of them.

To Mr. Tremaine, Mr. Stout stated he agreed with all the comments made that evening. He stated that Mr. Tremaine had been an inspiration, with his dedication and analysis of the issues, and wished him luck with future endeavors.

To Mr. Tremaine, Mayor Begich stated that he appreciated the many contributions he had made, which were too numerous to list and had led to significant financial savings for the city. The Mayor acknowledged Mr. Tremaine and Mr. Whittle for their contributions to the National League of Cities. Mayor Begich acknowledged Mr. Tremaine's involvement with the \$400 million dollar, Winner Creek Project, which would add to the future of Anchorage and bring employment opportunities. He valued the friendship they shared and thanked him for the service to the community.

Mr. Tremaine thanked them for their many comments. It had been an honor and privilege to serve with them for the past six years. He stated that when he went into a restaurant and there was no smoking, he felt his involvement had been worthwhile. He had enjoyed working on the issues, making Anchorage a better place to live.

Ms. Fairclough asked the audience to join them in recognizing both Mr. Tremaine and Mr. Whittle, which led to a standing ovation.

15.B. Oaths of Office.

Superior Court Judge Morgan Christen swore into office, new Assemblymembers Paul Bauer and Chris Birch and re-elected members Anna Fairclough, Dan Sullivan, Dick Traini and Allan Tesche. Judge Christen offered her congratulations.

15.C. Assembly Reorganization: Election of Assembly Chair and Vice Chair.

Ms. Ossiander nominated, Ms. Anna Fairclough for Chair of the Anchorage Municipal
Mr. Stout seconded, Assembly.
and this was unanimously approved,

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

Chair Traini announced a unanimous vote and offered congratulations to Ms. Fairclough as the new Assembly Chair.

Chair Fairclough moved for immediate reconsideration, seconded by Mayor Begich and the motion failed unanimously.

Chair Fairclough stated there were big shoes to fill, assuming the Assembly Chair position. She thanked Mr. Traini for having done an outstanding job as Chairman for the past six years.

Mr. Sullivan nominated and Mr. Traini seconded, Mr. Dan Coffey for Vice Chair of the Assembly.

Ms. Shamberg nominated and Ms. Jennings seconded, Mr. Allan Tesche for Vice Chair of the Assembly.

To Chair Fairclough, Mr. Tesche responded that he would be willing to serve as Vice Chair. To Chair Fairclough, Mr. Coffey responded he would be willing to serve as Vice Chair. Chair Fairclough instructed a vote by paper ballot. Following that vote, Municipal Clerk Barbara Gruenstein announced that Mr. Dan Coffey had been elected as Assembly Vice Chair, by a vote of 8-3.

Chair Fairclough called for a point of privilege to welcome and present to each of the two new Assemblymembers, Paul Bauer and Chris Birch, copies of the 10th Edition of Robert's Rules of Order, signed by all members and Mayor Begich. She also presented a pin, representing the Seal of the City to each new member.

Mr. Tesche moved, to Change the Order of the Day to take up 14.A to
Mr. Stout seconded, 14.E and 11.B.
and this was approved without objection,

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

THERESA OBERMEYER, PH.D., congratulated the new Assemblymembers and Assembly Chair, was proud of the appointment of the new Catholic Pope Benedict XVI, and was inspired to always do good. She was an American, referred to her acquittal at a juried trial, and stated that she was concerned that attorney still viewed her as being convicted and that the Municipal Attorney had recently fired her husband.

18. ASSEMBLY COMMENTS

Mr. Sullivan recommended getting a handheld microphone, so people would be able to refer to maps, photos or displayed information while they were testifying.

Mr. Bauer thanked Assemblymembers who had helped them, as new members, with the first part of the session.

Mr. Birch stated it was great to be there. He very much appreciated the warm reception and his copy of Robert's Rules of Order and looked forward to working with everyone.

Mr. Sullivan welcomed Mr. Bauer and Mr. Birch and stated that it had been a pleasure working with Mr. Whittle and Mr. Tremaine.

Mr. Stout announced that he and his wife had celebrated their 53rd wedding anniversary on Monday. To Chair Fairclough, Mr. Bauer responded that he and his wife had recently celebrated their 30th wedding anniversary. Ms. Jennings responded that she and her husband had been married almost that long.

Mr. Coffey congratulated the Aces Hockey Team players and fans[, for their restraint from applying a good old fashion thrashing to] for hosting the Bakerfield's hockey team last weekend. They showed the people of Anchorage that their hockey team had a lot of class.

Mr. Sullivan reported that George Kallas, long-time owner of Beef and Sea Restaurant and formerly the head of the Alaska Coalition of Small Business, had passed away that afternoon.

Mayor Begich congratulated and welcomed Mr. Bauer and Mr. Birch for their new positions on the Assembly and offered his assistance to help them become familiar with the issues.

Chair Fairclough announced the Special Meeting scheduled for the following Tuesday would begin at 6:00 p.m.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Fairclough called for a motion to adjourn the meeting.

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

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

The Regular Assembly Meeting was adjourned at 9:15 p.m.

DICK TRAINI, Assembly Chair

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: May 17, 2005.

(Approved Meeting Minutes are available in the Municipal Clerk’s Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska; telephone (907)343-4505, or found on the Municipal Web Site at www.Muni.org)

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