

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of August 23, 2005

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:00 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: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Anna Fairclough, Dan Coffey, Chris Birch, Ken Stout, Paul Bauer, Dick Traini and Pamela Jennings.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Assemblymember Stout led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – July 12, 2005

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Ms. Shamberg seconded, July 12, 2005,

Ms. Jennings requested a spelling correction on Page 11, Line 9.

and the motion, as amended, was passed without objection.

5. MAYOR'S REPORT

Mayor Begich reported on the upgrades that had been made to the Municipal Web site. An additional packet from the Administration was distributed to Assemblymembers that evening, regarding union negotiations. All State Legislators and all members of the Transportation Committee had been sent copies of the Municipal Long Range Transportation Plan, requesting their input. The Parks Plan had been sent to the State Parks Division, requesting their input.

Mayor Begich reported that the International Municipal Lawyers' Association 2005 National Distinguished Public Service Award had been awarded to Municipal Attorney Fred Boness. The International Municipal Lawyers' Association had reviewed hundreds of nominations for this national, distinguished, public service award. Qualifications included having significant achievements in local government, the ability to enhance the image of local government, be able to demonstrate characteristics of integrity, honesty, leadership, selflessness, dedication, tact, diplomacy and astuteness in dealing with the news media and the public. Mayor Begich and Mr. Tesche congratulated Mr. Boness. Mr. Boness thanked the Mayor for the presentation and for the honor and gave credit to his staff for the recognition.

6. ASSEMBLY CHAIR'S REPORT

Chair Fairclough reported that the Assembly Office had received a letter from the National League of Cities, thanking the staff and the Municipal Clerk's Office staff for helping to host the Energy Committee and the recent visitors to Anchorage.

Chair Fairclough, on behalf of Ms. Ossiander and residents of Chugiak and Eagle River, thanked the Mayor and the Heritage Land Bank for resolving the public access to Mount Baldy.

To Chair Fairclough, Chief Fiscal Officer Jeff Sinz responded they were providing quarterly reports to the Assembly on Municipality debt and an explanation of debt management.

Mr. Traini reported on the recent Alaska Municipal League Meeting in Skagway. He and Mr. Tesche reported on the topics of state revenue sharing and the natural gas pipeline.

Mr. Coffey reported that the Rotary Club had recently hosted the President of British Petroleum, who announced they expected to address the State Legislature on a gas pipeline.

Ms. Jennings reported on her recent tour of Fort Richardson, where they were working to be prepared for potential disasters in our community. She thanked Major Mike Haller of the Department of Military and Veterans Affairs and Lieutenant Colonel Bob Dole for the tour.

Chair Fairclough announced that the issue involving the Setter would be taken up on a Special Assembly Meeting scheduled for August 30th at 5:00 p.m.

7. COMMITTEE REPORTS

Ms. Ossiander reported the Title 21 Committee would meet on Friday from 9:00 to 11:00 a.m. to finish Chapter Four and begin Chapter Five and was open to the public. She reported the Girdwood worksession had been cancelled that week and would be rescheduled.

Chair Fairclough announced that Ms. Jennings had been appointed to the Title 21 Committee.

Mr. Stout reported that the Ethics Committee had prepared an ordinance, which was being finalized and would soon be ready for Assembly approval.

Chair Fairclough announced that she, Mayor Begich and Mr. Stout had attended the recent funeral for former Governor Jay Hammond. They were honored to be there, representing the Assembly and the Administration.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. She called for additional items and AR 2005-221, AO 2005-116, AO 2005-117 and AR 2005-223 were added. She assigned to these items Agenda Numbers 9.B.9, 9.F.11, 9.F.12 and 14.K, respectively. She then called for additional Addendum items, and there being none, she called for a vote to incorporate the Addendum items into the Consent Agenda.

Mr. Tesche moved, to approve the inclusion of the Addendum items
Ms. Ossiander seconded, into the Consent Agenda,
and this passed without objection.

Chair Fairclough called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda,
Mr. Traini seconded,

Chair Fairclough 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 2005-208, a resolution of the Anchorage Municipal Assembly recognizing and commemorating **Women's Equality Day** – August 26, 2005, Mayor Begich; Assemblymembers Fairclough, Jennings, Ossiander, Shamberg, Bauer, Birch, Coffey, Stout, Sullivan, Tesche and Traini.

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

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2005-209, a resolution of the Municipality of Anchorage appropriating the sum of \$39,000 from the National Alliance for the Mentally Ill, Anchorage Chapter and \$1,390 as a contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the Miscellaneous Grants Fund (261) Anchorage Police Department, for the **Crisis Intervention Team Training Program Grant**.
a. Assembly Memorandum No. AM 584-2005.
- 9.B.2. Resolution No. AR 2005-210, a resolution of the Municipality of Anchorage appropriating \$60,288 Interest Revenue within the Heritage Land Bank Capital Improvement Projects Fund (421) to the **Heritage Land Bank Capital Improvement Project Fund** (421) for professional services, court costs, fees and IGC costs; Heritage Land Bank.
a. Assembly Memorandum No. AM 585-2005.

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

- 9.B.3. Resolution No. AR 2005-211, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$37,200 from the State of Alaska, Department of Education and \$42,000 as a contribution from the Library 2005 Operating Budget within the Areawide General Fund (101), to the State Categorical Grant Fund (231) for the **Public Library Assistance Grant** under the Office of Economic & Community Development Department.
a. Assembly Memorandum No. AM 586-2005.

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

- 9.B.4. Resolution No. AR 2005-212, a resolution of the Municipality of Anchorage providing for the appropriation of \$30,200 from donations from the Anchorage Library Foundation and \$100 from a citizen donation to the Miscellaneous Operational Grant Fund (261); Office of Economic and Community Development, for the purchase of **library furnishings, books and material**.
a. Assembly Memorandum No. AM 587-2005.

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

- 9.B.5. Resolution No. AR 2005-213, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$61,993 from the State of Alaska, Department of Education and

(\$1,256) to the State Categorical Grants Fund (231); Office of Economic and Community Development for **800# Interlibrary Loan and Reference Backup Services**.

a. Assembly Memorandum No. AM 588-2005.

9.B.6. Resolution No. AR 2005-214, a resolution of the Municipality of Anchorage appropriating \$25,000 from **Mt. Park Estates Limited Road Service Area** Fund Balance (Fund 118) to Mt. Parks Estates Limited Road Service Area BY2005 Operating Budget (Fund 118) for year round road maintenance services within Mt. Park Estates Limited Road Service Area; Maintenance & Operations Department.

a. Assembly Memorandum No. AM 589-2005.

9.B.7. Resolution No. AR 2005-215, a resolution authorizing the Municipality to grant easements to Enstar Natural Gas Company across portions of **Lot 5A, Block 39D, East Addition, Anchorage Townsite**, located in the vicinity of Post Road and Viking Drive, Tax #003-062-02; Project Management & Engineering.

a. Assembly Memorandum No. AM 590-2005.

9.B.8. Resolution No. AR 2005-216, a resolution of the Municipality of Anchorage authorizing disbursement of the final \$60,000 from a \$120,000 prior appropriation from Anchorage Parks and Recreation Service Area Fund (161) Balance to Anchorage Parks and Recreation Department for purpose of providing a loan to Youth Exploring Adventure, Inc., for operation of **Hilltop Ski Area** and approving Amendment No. 1 to Hilltop Lease Agreement dated June 20, 2000.

a. Assembly Memorandum No. AM 591-2005.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.B.8)

9.B.9. Resolution No. AR 2005-221, a resolution of the Municipality of Anchorage Assembly endorsing a temporary access permit that expends \$6,000 (six thousand dollars) from the Heritage Land Bank Fund (221) operating budget for temporary access and for temporary parking and use of a proposed dedicated public access easement with potential public access to the **Mount Baldy Trailhead** in Eagle River; Chair Fairclough and Mayor Begich. (**Laid on the Table**)

Ms. Ossiander moved, to introduce AR 2005-221,
Mr. Tesche seconded,
and Ms. Shamberg was the concurring third.

9.C. BID AWARDS

9.C.1. Assembly Memorandum No. AM 565-2005, recommendation of award to the Anchorage Daily News for **newspaper display advertising** for the Municipality of Anchorage, Office of the Mayor (ITB 25-B067) (\$318,600); Purchasing.

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

9.C.2. Assembly Memorandum No. AM 566-2005, recommendation of award to Tam Construction, Inc. for **Girdwood Place/Holmgren Place Water Extension** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C048) (\$396,585); Purchasing.

Mr. Bauer requested this item be pulled for review on the Regular Agenda. (See item 10.C.2)

9.C.3. Assembly Memorandum No. AM 567-2005, recommendation of award to Alaska Pollution Control, Inc. for furnishing year round road maintenance services to **Upper O'Malley Limited Road Service Area** (LRSA) to the Municipality of Anchorage, Maintenance & Operations Department (ITB 25-B064) (\$2,000,000); Purchasing.

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 579-2005, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors** reappointments (Roger Van Ornum, Jeff Johnson); Mayor's Office.

9.D.2. Assembly Memorandum No. AM 580-2005, **Mt. Park/Robin Hill Limited Road Service Area Board of Supervisors** appointment (William Smith); Mayor's Office.

9.D.3. Assembly Memorandum No. AM 581-2005, **Rockhill Limited Road Service Area Board of Supervisors** appointment (David Hart); Mayor's Office.

9.D.4. Assembly Memorandum No. AM 582-2005, 2005/2006 Transfer of Ownership of a Restaurant/Eating Place Liquor License – **Cilantro's Mexican Restaurant #4275** (Downtown Community Council); Clerk's Office.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.D.4)

9.D.5. Assembly Memorandum No. AM 583-2005, 2005/2006 New Club Liquor License: **Wolfie's #4509** (Taku/Campbell Community Council); Clerk's Office.

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

9.D.6. Assembly Memorandum No. AM 568-2005, **Anchorage Loop Water Transmission Main (WTM) Phase IV** – Amendment No. 3 to contract for professional services (P.O. 0000226163) with CH2M Hill, Inc. (\$848,683); Anchorage Water & Wastewater Utility.

Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.D.6)

9.D.7. Assembly Memorandum No. AM 569-2005, proprietary purchase to Tryck Nyman Hayes, Inc. for professional **engineering services** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$46,996); Purchasing.

- 1 9.D.8. Assembly Memorandum No. AM 570-2005, Change Order No. 3 to Purchase Order 240145 with
2 Northern Security Supply, Inc. for additional **bullet proof vest** purchases for the Municipality of
3 Anchorage; Anchorage Police Department (\$175,000).
4 9.D.9. Assembly Memorandum No. AM 571-2005, Change Order No. 3 to Purchase Order 241336 with
5 Chugach Electric Association (CEA) for **Danger Tree Removal Services** for the Municipality of
6 Anchorage; Anchorage Fire Department (AFD) (\$100,000); Purchasing.
7 9.D.10. Assembly Memorandum No. AM 572-2005, Change Order No. 4 to Purchase Order 250360 with Well
8 Safe, Inc. to Provide OEM Draeger **Self-Contained Breathing Apparatus** (SCBA's) parts, supplies,
9 and services on an "as required" basis to the Municipality of Anchorage; Anchorage Fire Department
10 (AFD) & Chugiak Volunteer Fire Department (CVFD) (\$40,000); Purchasing.
11 9.D.11. Assembly Memorandum No. AM 573-2005, proprietary purchase from Far North Supply for **Original**
12 **Equipment Manufactured (OEM) Donaldson Filters** for the Municipality of Anchorage, Municipal
13 Light and Power (\$66,155.50); Purchasing.
14 9.D.12. Assembly Memorandum No. AM 574-2005, Amendment No. 5 to professional services contract with
15 CRW Engineering Group, **Strawberry Road Improvements**, Project No. 90-07(\$598,815); Project
16 Management & Engineering.
17

18 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.D.12)

- 19
20 9.D.13. Assembly Memorandum No. AM 575-2005, Amendment No. 1 to professional services contract with
21 PTS, Inc. for **Bayshore Drive Surface Rehabilitation, 100th Avenue to Marathon Circle**, Project
22 No. 03-12 (\$258,000); Project Management & Engineering.
23 9.D.14. Assembly Memorandum No. AM 576-2005, Amendment No. 4 to professional services contract with
24 Tryck Nyman Hayes, Inc. for **Loretta French Ball Field Development Project**, Project No. 01-46
25 (\$59,000); Project Management & Engineering.
26 9.D.15. Assembly Memorandum No. AM 577-2005, Change Order No. 3 to construction contract with
27 Boslough Construction, Inc., **Beach Lake Park Facility Improvements, Phase I**, Project No. 01-51
28 (\$14,871); Project Management & Engineering.
29 9.D.16. Assembly Memorandum No. AM 578-2005, proprietary purchase with Jewel Jones & Associates to
30 provide professional **management and lobbying services** for the Municipality of Anchorage; Mayor's
31 Office (\$30,000); Purchasing.
32

33 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.16)

- 34
35 9.D.17. Assembly Memorandum No. AM 599-2005, renewal of a **lease agreement** for 14010 Old Glenn
36 Highway, Chugiak, Alaska from Gerald E. Moon & Marjorie H.J. Moon for the Municipality of
37 Anchorage, Chugiak Volunteer Fire Department (\$264,000); Purchasing. **(Addendum)**
38 9.D.18. Assembly Memorandum No. AM 600-2005, contract Amendment No. 1 to Contract 241375 with Sierra
39 Research, Inc. to provide **Inspection/Maintenance Program Evaluation design** for the Municipality
40 of Anchorage, Department of Health & Human Services (\$344,900); Purchasing. **(Addendum)**
41

42 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.18)

- 43
44 9.D.19. Assembly Memorandum No. AM 601-2005, contract Amendment No. 1 to Contract 250183 with
45 Envirotec Systems Corporation to operate an **Inspection/Maintenance Program Referee Facility** for
46 the Municipality of Anchorage, Department of Health & Human Services (\$276,321); Purchasing.
47 **(Addendum)**
48

49 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.19)

- 50
51 9.D.20. Assembly Memorandum No. AM 602-2005, Change Order No. 1 to Vendor Contract 25MLP113 with
52 Twin Peaks Construction, Inc. to provide **paving and concrete patch services** on an "as required"
53 basis to the Municipality of Anchorage, Municipal Light & Power (\$100,000); Purchasing.
54 **(Addendum)**
55 9.D.21. Assembly Memorandum No. AM 603-2005, recommendation of award to Moore, Iacafano, Goltsman,
56 Inc. (MIG) for providing services to complete an **Anchorage Business District Comprehensive Plan**
57 **and Land Use Regulation Revision** for the Municipality of Anchorage; Planning Department (RFP
58 25-P026) (\$302,956); Purchasing. **(Addendum)**
59

60 This item was passed on the Consent Agenda. Mr. Coffey later moved for reconsideration. (See item 10.D.21)

- 61
62 9.D.22. Assembly Memorandum No. AM 606-2005, Change Order No. 2 to Purchase Order 240851 with
63 Northwest Strategies, Inc. for providing services to design and conduct a **Public Awareness Project**
64 **for the Air Quality Program** for the Municipality of Anchorage Health and Human Services
65 (\$200,000); Purchasing. **(Addendum)**
66

67 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.22)

68
69 **9.E. INFORMATION AND REPORTS**

- 70 9.E.1. Information Memorandum No. AIM 53-2005, request for sole source approval for ADOT/PF
71 Reimbursable Services Agreement No. 58589 for construction of water improvements in the Abbott
72 Loop Road Extension from Tudor Road to **Abbott Road Project**; Anchorage Water & Wastewater
73 Utility.
74 9.E.2. Information Memorandum No. AIM 54-2005, **Utility Wide SCADA System Eagle River Wastewater**
75 **Treatment Facility** – VECO Alaska, Inc., Contract #C-236133 Report of Construction Contract
76 Change Orders (\$69,049.75); Anchorage Water & Wastewater Utility.

- 1 9.E.3. Information Memorandum No. AIM 55-2005, C-5-7 Sewer Trunk Upgrade Phase 2 Construction
2 Unlimited, Inc. (PO 246003) Report of Construction Contract Change Orders (\$53,592.89); Anchorage
3 Water & Wastewater Utility.
4 9.E.4. Information Memorandum No. AIM 56-2005, contracts awarded between \$50,000 and \$100,000
5 **through formal competitive processes** for the month of July, 2005; Purchasing.
6 9.E.5. Information Memorandum No. AIM 57-2005, Sole Source Procurement Report for the month of July
7 2005; Purchasing.
8

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

- 10 9.F.1. Ordinance No. AO 2005-110, an ordinance of the Municipality of Anchorage, Alaska, providing for the
11 issuance of **Refunding Electric Revenue Bonds** of the Municipality in one or more series in the
12 aggregate amount of not to exceed \$250,000,000 for the purpose of providing funds to refund certain
13 outstanding electric revenue bonds and to pay costs of issuance; providing for a trust agreement;
14 delegating to the Chief Fiscal Officer certain matters relative to said bonds; authorizing an official
15 statement; and authorizing the sale of such bonds; Finance. (*Public Hearing 9-13-05*)
16 a. Assembly Memorandum No. AM 564-2005.
17 9.F.2. Ordinance No. AO 2005-111, an ordinance of the Municipality of Anchorage, Alaska, authorizing and
18 providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate amount not
19 to exceed \$2,500,000 for the purpose of financing a portion of the costs of the **Girdwood Water**
20 **Improvements and the 88th Avenue (PZ411) Water Transmission Main projects** in the
21 Municipality, and providing for related matters; Anchorage Water & Wastewater Utility. (*Public*
22 *Hearing 9-13-05*)
23 a. Assembly Memorandum No. AM 596-2005.
24 9.F.3. Ordinance No. AO 2005-112, an ordinance of the Municipality of Anchorage authorizing and providing
25 for the borrowing of not to exceed \$7,200,000 from the State of Alaska Clean Water Fund for the
26 purpose of the partial landfill closure of the **Anchorage Regional Landfill** and providing for related
27 matters; Solid Waste Services. (*Public Hearing 9-13-05*)
28 a. Assembly Memorandum No. AM 597-2005.
29 9.F.4. Ordinance No. AO 2005-113, an ordinance of the Anchorage Municipal Assembly amending
30 Anchorage Municipal Code Section 3.70.050 pertaining to the membership of the **Employee**
31 **Relations Board** and annual election of the Chair; Assemblymember Ossiander.
32 a. Assembly Memorandum No. AM 596-2005. (*Public Hearing 9-27-05*)
33 9.F.5. Resolution No. AR 2005-217, a resolution of the Municipality of Anchorage appropriating \$227,592
34 from the Federal Office for Domestic Preparedness, under the 2005 Metropolitan Medical Response
35 System (MMRS) grant program, through the Alaska Division Of Homeland Security and Emergency
36 Management to the State Categorical Grants Fund (231), Anchorage Fire Department, for the
37 purchase of Emergency Medical Services (EMS), **Electronic Patient Care Reporting (EPCR)**
38 **equipment**; Anchorage Fire Department. (*Public Hearing 9-13-05*)
39 a. Assembly Memorandum No. AM 592-2005.
40 9.F.6. Resolution No. AR 2005-218, a resolution of the Municipality of Anchorage, Alaska, confirming and
41 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
42 **05-S-4**, setting date of payment and providing for penalties and interest in the event of delinquency;
43 Anchorage Water & Wastewater Utility. (*Public Hearing 9-13-05*)
44 a. Assembly Memorandum No. AM 593-2005.
45

46 The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.F.6*)
47

- 48 9.F.7. Resolution No. AR 2005-219, a resolution of the Municipality of Anchorage., Alaska, accepting U.S.
49 Environmental Protection Agency grant in the amount of \$4,610,000 for funding the **Girdwood Water**
50 **Improvements Project**; Anchorage Water & Wastewater Utility. (*Public Hearing 9-13-05*)
51 a. Assembly Memorandum No. AM 594-2005.
52 9.F.8. Resolution No. AR 2005-220, a resolution of the Municipality of Anchorage authorizing the
53 Administration to amend the Participation Agreement with the State of Alaska **Public Employees'**
54 **Retirement System (PERS)** to exempt certain positions from participation in PERS; Employee
55 Relations. (*Public Hearing 9-13-05*)
56 a. Assembly Memorandum No. AM 595-2005.
57 9.F.9. Ordinance No. AO 2005-114, an ordinance amending Anchorage Municipal Code Section 3.97.060
58 pertaining to **naming of municipal buildings, other fixed facilities and public places**; Office of
59 Economic & Community Development. (*Public Hearing 9-13-05*) (**Addendum**)
60 a. Assembly Memorandum No. AM 604-2005.
61

62 This item was passed on the Consent Agenda. Mr. Coffey moved for reconsideration. (*See item 10.F.9*)
63

- 64 9.F.10. Ordinance No. AO 2005-115, an ordinance adopting the **Anchorage Long-Range Transportation**
65 **Plan ~ 2025**, and concurrent amendments to the Official Streets and Highways Plan (OS&HP), as
66 revised elements of *Anchorage 2020 – The Anchorage Bowl Comprehensive Plan* and amending
67 Anchorage Municipal Code Chapter 21.05; Traffic Department. (*Public Hearing 9-27-05*)
68 (**Addendum**)
69 a. Assembly Memorandum No. AM 609-2005.
70

71 This item was passed on the Consent Agenda. Mr. Coffey moved for reconsideration. (*See item 10.F.10*)
72

- 73 9.F.11. Ordinance No. AO 2005-116, an ordinance of the Anchorage Municipal Assembly amending
74 Anchorage Municipal Code Section 10.40.050, **Adult-Oriented Establishment License**, to set a
75 minimum distance between adult-oriented establishments and premises licensed as beverage
76 dispensaries under AS 04.11; Assemblymember Traini. (**Addendum**) (*Public Hearing 9-13-05*)
77

78 Mr. Traini moved, *to introduce AO 2005-116 with Public Hearing set*

Mr. Coffey seconded, on September 13, 2005,
and Mr. Stout was the concurring third.

9.F.12. Ordinance No. AO 2005-117, an ordinance amending Anchorage Municipal Code Chapter 10.60 regarding **Vendor Licensing**; Assemblymember Tesche and Mayor Begich. (**Addendum**) (*Public Hearing 9-13-05*)

Mr. Tesche moved, to introduce AO 2005-117 with Public Hearing set
Mr. Coffey seconded, for September 13, 2005,
and Ms. Jennings was the concurring third.

Chair Fairclough called the Question on the remainder of Consent Agenda.

and the motion, as amended, was passed.

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

The amended Consent Agenda was approved and Chair Fairclough proceeded into discussion of the pulled items.

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2005-208, a resolution of the Anchorage Municipal Assembly recognizing and commemorating **Women's Equality Day** – August 26, 2005; Mayor Begich and Assemblymembers Fairclough, Jennings, Ossiander, Shamberg, Bauer, Birch, Coffey, Stout, Sullivan, Tesche and Traini.

Ms. Shamberg moved, to approve AR 2005-208,
Ms. Ossiander seconded,
and this was unanimously passed.

Ms. Ossiander read the resolution and Ms. Shamberg recognized four women from the audience, each representing organizations in the city. Accepting the resolution commemorating Women's Equality Day were Anchorage Equal Rights Commission Executive Director Barbara Jones, Anchorage Women's Commission Chair Stacie Papineau, YWCA Executive Director Heather Arnett and Federal Women's Program Chair Tonya Abrams. Ms. Arnett and Ms. Jones thanked the Mayor and the Assembly for recognizing Women's Equality Day.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.2. Resolution No. AR 2005-210, a resolution of the Municipality of Anchorage appropriating \$60,288 Interest Revenue within the Heritage Land Bank Capital Improvement Projects Fund (421) to the **Heritage Land Bank Capital Improvement Project Fund** (421) for professional services, court costs, fees and IGC costs; Heritage Land Bank.
a. Assembly Memorandum No. AM 585-2005.

Mr. Coffey moved, to approve AR 2005-210,
Ms. Jennings seconded,

To Mr. Coffey, Heritage Land Bank Administrator Lynn Roderick Van Horn responded that this was a housekeeping issue, taking care of survey and court costs associated with Girdwood golf course and ski resort plan, dating back five years. She responded this was the final litigation in the matter.

and this motion was approved unanimously.

10.B.3. Resolution No. AR 2005-211, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$37,200 from the State of Alaska, Department of Education and \$42,000 as a contribution from the Library 2005 Operating Budget within the Areawide General Fund (101), to the State Categorical Grant Fund (231) for the **Public Library Assistance Grant** under the Office of Economic & Community Development Department.
a. Assembly Memorandum No. AM 586-2005.

Mr. Bauer moved, to approve AR 2005-211,
Ms. Jennings seconded,

To Mr. Bauer, Municipal Librarian Art Weeks responded that they were sending twelve people to various conferences including the American Library Association Mid-winter Conference, various training workshops and the Public Library Association in Boston. He stated it was important for library employees to be educated and stay current with new library services products, software and trends. The training was well worth the money. To Mr. Bauer, Mr. Weeks responded the next resolution on the Agenda was to approve the replacement of library furniture, which was 20 years old.

and this motion was passed without objection.

10.B.4. Resolution No. AR 2005-212, a resolution of the Municipality of Anchorage providing for the appropriation of \$30,200 from donations from the Anchorage Library Foundation and \$100 from a citizen donation to the Miscellaneous Operational Grant Fund (261), Office of Economic and Community Development, for the purchase of **library furnishings, books and material**.

a. Assembly Memorandum No. AM 587-2005.

Mr. Bauer moved, to approve AR 2005-212,
Ms. Jennings seconded,
and this was passed without objection.

10.B.8. Resolution No. AR 2005-216, a resolution of the Municipality of Anchorage authorizing disbursement of the final \$60,000 from a \$120,000 prior appropriation from Anchorage Parks and Recreation Service Area Fund (161) Balance to Anchorage Parks and Recreation Department for purpose of providing a loan to Youth Exploring Adventure, Inc., for operation of **Hilltop Ski Area** and approving Amendment No. 1 to Hilltop Lease Agreement dated June 20, 2000.

a. Assembly Memorandum No. AM 591-2005.

Ms. Ossiander moved, to approve AR 2005-216,
Mr. Coffey seconded,

Mr. Coffey stated they were spending \$2 per square foot to rent 7300 square feet of their own Municipal property and it was difficult to justify the expenditure. Deputy Municipal Manager Michael Abbott responded they were renting the facility only for a portion of the year. The benefit of this arrangement would allow the Municipality to garner the significant revenue stream associated with leasing the facilities for the rest of the year. Mr. Coffey responded there was no indication of leasing revenues included with the resolution. Parks and Recreation Director Jeff Dillon responded there had been revenue up to \$32,000, generated during the summer months for renting the facility, which subsidized utilities and service costs.

To Mr. Bauer, Mr. Dillon responded they were continuing to work on the marketing plan to promote the Youth Exploring Adventure, which focused primarily on winter operations.

To Ms. Jennings, Mr. Dillon responded that Parks Commissioner Victor Mollozzi had reviewed and was comfortable with the contract and use agreement.

To Mr. Coffey, Municipal Attorney Fred Boness responded the bank which carried the loan had security interest in the lease. They had rights under the deed of trust to assume lease responsibilities, which would include all obligations. If there was a breach of the lease, it would revert back to the Municipality.

and this motion passed, 6-5.

AYES: Tesche, Shamberg, Sullivan, Birch, Stout and Jennings.

NAYES: Ossiander, Fairclough, Coffey, Bauer and Traini.

10.C. BID AWARDS

10.C.1. Assembly Memorandum No. AM 565-2005, recommendation of award to the Anchorage Daily News for **newspaper display advertising** for the Municipality of Anchorage, Office of the Mayor (ITB 25-B067) (\$318,600); Purchasing.

Mr. Bauer moved, to approve AM 565-2005,
Mr. Stout seconded,

To Mr. Bauer, Purchasing Officer Bart Mauldin stated this contract involved publication requirements and was a substantial saving from past contracts. Mayor Begich concurred and added that the \$318,600 would be for a three-year contract.

To Mr. Tesche, Mr. Mauldin responded the contract would begin September 1, 2005. Mr. Tesche stated this was a good deal, with a lower cost and wider circulation.

Mr. Traini stated that it was good for the Municipality to use the Anchorage Daily News (ADN), with the largest newspaper circulation in Alaska.

Mr. Coffey concurred and stated it was good for the city to have this level of publication. The ADN had always demanded very high bids and it was a delight to have a contract that was now affordable.

and this motion was passed without objection.

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

NAYES: None.

10.C.2. Assembly Memorandum No. AM 566-2005, recommendation of award to Tam Construction, Inc. for **Girdwood Place/Holmgren Place Water Extension** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C048) (\$396,585); Purchasing.

Mr. Bauer moved, to approve AM 566-2005,
Mr. Coffey seconded,

Mr. Bauer understood that the Municipality had rejected a lower bid because the proper paperwork had not been completed. Mr. Mauldin responded that the company to which Mr. Bauer had referred was not selected and it was not department policy to contact the companies to request additional information.

Mr. Traini stated that it was good policy to maintain and honor deadlines.

and this motion was passed unanimously.

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

10.D. NEW BUSINESS

10.D.4. Assembly Memorandum No. AM 582-2005, 2005/2006 Transfer of Ownership of a Restaurant/Eating Place Liquor License – **Cilantro's Mexican Restaurant #4275** (Downtown Community Council); Clerk's Office.

Mr. Sullivan moved, to approve AM 582-2005,
Mr. Tesche seconded,

Mr. Coffey stated there had been a late submittal, and the basis had been removed for protesting this license transfer. The reference to payment of pending taxes needed to be deleted and the protest had been lifted.

Mr. Coffey moved, to amend AM 582-2005 on Page 1, *by adding* to read:
Ms. Ossiander seconded, Approval of this memorandum will "NOT" PROTEST the
and this was approved without objection. 2005/2006 transfer of ownership for the above establishment
[pending payment of taxes in the amount of \$875.95] "Taxes
have been paid in full.;"

and the main motion, as amended, was passed unanimously.

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

10.D.5. Assembly Memorandum No. AM 583-2005, 2005/2006 New Club Liquor License: **Wolfie's #4509** (Taku/Campbell Community Council); Clerk's Office.

Mr. Sullivan moved, to approved AM 583-2005,
Mr. Coffey seconded,

Mr. Coffey stated this protest had also been lifted. Deputy Municipal Manager Michael Abbott responded that while the health department violation had been taken care of, there still was an outstanding protest, pending approval from the Fire Department. Mr. Coffey moved to delete only the reference to the Health Department and continue the protest, pending Fire Department approval.

Mr. Coffey moved, to amend AM 583-2005 on Page 1 *by deleting* to read:
Ms. Ossiander seconded, Approval of this memorandum will PROTEST the 2005/2006
and this was approved without objection. new liquor license for the above establishment pending
approval by the Fire [and the Health] Department[s].;

Mr. Traini stated there had been problems with Wolfie's in the past and the protest was in order. They would closely monitor this license. Mr. Coffey responded the protest was solely based on compliance and had nothing to do with the nature or the history of the operation. Mr. Traini concurred.

Mr. Sullivan requested to speak with a representative from this establishment, and there was no response from the audience.

and the main motion, as amended, was passed.

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

10.D.6. Assembly Memorandum No. AM 568-2005, **Anchorage Loop Water Transmission Main (WTM) Phase IV** – Amendment No. 3 to contract for professional services (P.O. 0000226163) with CH2M Hill, Inc. (\$848,683); Anchorage Water & Wastewater Utility.

Ms. Shamberg moved, to approved AM 568-2005,
Mr. Bauer seconded,

Ms. Shamberg reported this project involved South and West Anchorage and was being designed to accommodate additional state projects. It would involve the Bragaw extension, so it would also take advantage of the new road construction and appeared to be very cost effective.

Mr. Coffey stated that the project was worthwhile, but questioned the continually increased contract costs. Anchorage Water and Wastewater Utility General Manager Mark Premo responded the original project had many changes as it had been developed, including contracts, design parameters and DOT requirements. Mr. Premo stated they were familiar with the price structure from their experience, negotiating 30 or 40 contracts annually, with other firms working with the city.

To Mr. Sullivan, Mr. Premo responded that this contract involved the Tudor extension, in conjunction with the Alaska Department of Transportation. He responded they would be addressing the conflicts of the east-west segment and possible electrical hazards on another contract in the future.

To Mr. Stout, Mr. Premo responded the contract had been broken down into different project segments. The section they were addressing that evening pertained to the north-south segment and the design had been completed. They

1 were still reevaluating the east-west segment, due to conflicts concerning high-tension power lines. Their preliminary
2 cost estimates for the total project was currently \$42 million.

3
4 To Mr. Coffey, Mr. Premo responded the prices were negotiated in an RFP process, once the most qualified firm was
5 selected. Mr. Mauldin responded that State and Municipal Code made those allowances for architects and engineers.

6
7 and this motion was passed.

8
9 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

10 NAYES: None.

11
12 10.D.12. Assembly Memorandum No. AM 574-2005, Amendment No. 5 to professional services contract with
13 CRW Engineering Group, **Strawberry Road Improvements**, Project No. 90-07(\$598,815); Project
14 Management & Engineering.

15
16 Ms. Shamberg moved, to approve AM 574-2005,
17 Mr. Coffey seconded,

18
19 Ms. Shamberg stated this contract had been very contentious in the neighborhood. The Traffic Department had
20 worked with the neighborhood and had made many concessions for traffic calming and improvements. It was a good
21 start.

22 and this motion was passed.

23
24 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

25 NAYES: None.

26
27 10.D.16. Assembly Memorandum No. AM 578-2005, proprietary purchase with Jewel Jones & Associates to
28 provide professional **management and lobbying services** for the Municipality of Anchorage; Mayor's
29 Office (\$30,000); Purchasing.

30
31 Ms. Ossiander moved, to approve AM 578-2005,
32 Ms. Shamberg seconded,

33
34 To Ms. Ossiander, Purchasing Officer Bart Mauldin responded this was a new contract for an additional year. To Ms.
35 Ossiander's question, Mayor Begich responded that the Assembly Office was arranging a worksession for a lobbyist's
36 presentation and would include a report from Jewel Jones.

37
38 Chair Fairclough stated the Assembly was specifically interested in a review of the work of the legislative lobbyists.
39 She, Mr. Sullivan and Mr. Coffey would report on the state lobbyists, from their recent trip to Juneau.

40
41 Mr. Stout requested a full report on all lobbyists hired by the Municipality. It would be helpful for Assemblymembers to
42 know which lobbyists were working on the specific issues.

43
44 and this motion was passed.

45
46 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

47 NAYES: None.

48
49 10.D.18. Assembly Memorandum No. AM 600-2005, contract Amendment No. 1 to Contract 241375 with Sierra
50 Research, Inc. to provide **Inspection/Maintenance Program Evaluation design** for the Municipality
51 of Anchorage; Department of Health & Human Services (\$344,900); Purchasing. **(Addendum)**

52
53 Ms. Ossiander moved, to approve AM 600-2005,
54 Mr. Coffey seconded,

55
56 Ms. Ossiander stated the \$5,000 per vehicle seemed like an excessive cost. The numbers of vehicles being tested
57 would total over a million dollars for the cold weather testing. Health and Human Services Director Beverly Wooley
58 responded the cost included the initial design. Additional costs involved the vehicle inspections and certifications,
59 which were an annual function of the project, for a cost of \$621,000.

60
61 To Mr. Traini, Ms. Wooley responded the city had been involved with this project for over twenty years and for the first
62 time had completed a full evaluation of the entire program and its effectiveness. With the evidence-based data
63 collected, they would be able to determine if the program could be scaled back.

64
65 To Ms. Ossiander, Chair Fairclough responded the city needed to stay in compliance with federal policies. Ms. Wooley
66 responded the federal government had recently re-designated the city's status, which would require fewer standards.
67 She responded there had been no previous cold-weather data available for this study. Their program was designed to
68 be effective, so the data would be reliable.

69
70 Mr. Coffey disclosed a possible conflict of interest because his law firm represented many of the companies
71 conducting emissions testing. He stated his law firm would not profit from this the cold weather testing program.

72
73 Ms. Jennings, Ms. Wooley stated that if the Municipality fell back into the former classification, the federal government
74 would require the city to demonstrate to the Environmental Protection Agency (EPA) they would comply with the
75 standards. There would be a lengthy process to begin again, and if the city could not demonstrate compliance, federal
76 highway funds could be discontinued.

77
78 and this motion was passed, 8-3.

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

Ms. Jennings moved, *for reconsideration* AM 600-2005, requesting a ruling from
Mr. Tesche seconded, the Chair concerning a possible conflict of interest for Mr.
Coffey,

Ms. Jennings stated that while Mr. Coffey declared his professional association was not a conflict of interest, there may be a future conflict of interest if the emissions testing was discontinued, affecting those businesses conducting testing, and thus affecting Mr. Coffey's association.

Ms. Ossiander stated this involved federal money and she did not see a conflict.

Mr. Sullivan stated this issue only involved the collection of data and Mr. Coffey did not have a conflict of interest with this particular issue. That status may change if the testing program was rejected in the future.

Mr. Tesche stated that Mr. Coffey had disclosed a possible conflict of interest, but the Chair had not made a ruling.

Chair Fairclough called the Question on reconsideration.

and the motion failed, 3-7.

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

10.D.19. Assembly Memorandum No. AM 601-2005, contract Amendment No. 1 to Contract 250183 with Envirotest Systems Corporation to operate an **Inspection/Maintenance Program Referee Facility** for the Municipality of Anchorage; Department of Health & Human Services (\$276,321); Purchasing. **(Addendum)**

Ms. Ossiander moved, to approve AM 601-2005,
Mr. Coffey seconded,

Mr. Coffey questioned the validity of this expenditure and the collection of data to discontinue the emissions testing requirement. Health and Human Services Director Beverly Wooley responded the facility housed the machine which did the testing and involved federal transportation money.

and this motion was passed, 9-2.

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

10.D.21. Assembly Memorandum No. AM 603-2005, recommendation of award to Moore, Iacafano, Goltsman, Inc. (MIG) for providing services to complete an **Anchorage Business District Comprehensive Plan and Land Use Regulation Revision** for the Municipality of Anchorage; Planning Department (RFP 25-P026) (\$302,956); Purchasing. **(Addendum)**

(Clerk's Note: This item was passed on the Consent Agenda and Mr. Coffey later moved to reconsider.)

Mr. Coffey moved, *for reconsideration* of AM 603-2005,
Mr. Tesche seconded,
and there were no objections.

Mr. Coffey supported the completion of the Comprehensive Plan, but questioned the funding amount and breakdown. Planning Department Director Tom Nelson responded, summarizing the funding, which included a portion contingent upon approval of the 2006 budget. The update was important, to include the zoning regulations for the downtown area, which was not included in the Title 21 Rewrite.

Mr. Tesche stated the downtown zoning was 22 years old and desperately out of date, and the update of the coding and mapping was important. He stated there were additional areas that could also be addressed, including the Port of Anchorage, transportation systems, the railroad project, the museum and the convention center. There were many offers of private sector contributions for the updates. Mr. Tesche stated the funding was appropriate and he recommended approval.

Ms. Ossiander concurred that this project was important and needed to be included in the Title 21 Rewrite and she supported it.

Mr. Coffey concurred with the project's importance and he supported it. To his question, Mr. Nelson responded that the project included a large public outreach effort and would be completed by September. Mr. Tesche responded that the additional funding of \$100,000 was reasonable and would be attainable with the assistance from the private sector.

Mr. Coffey moved, to approve AM 603-2005,
Mr. Tesche seconded,
and this was passed without objection.

10.D.22. Assembly Memorandum No. AM 606-2005, Change Order No. 2 to Purchase Order 240851 with Northwest Strategies, Inc. for providing services to design and conduct a **Public Awareness Project for the Air Quality Program** for the Municipality of Anchorage; Health and Human Services (\$200,000); Purchasing. (*Addendum*)

Ms. Ossiander moved, to approve AM 606-2005,
Mr. Coffey seconded,

To Ms. Ossiander, Purchasing Officer Bart Mauldin responded that while a two-year renewal was common in most cases, it was not automatic and was dependent upon available funds and mutual consent from the department and the vendor.

Ms. Ossiander moved, to amend AM 606-2005 on Page 2, *by deleting [the paragraph,] Lines [44] 13-19: Proposed Change Order No. 2, in the amount of \$200,000, will exercise the first option year of the contract and provide for continuing services for the media campaign. [In addition the Department requests that each of the remaining option years (two and three,) also have the not to exceed values increased to \$200,000 per year. This will result in a contract value, if all option periods are exercised, of a maximum not to exceed contract value of \$725,000. future contract extensions will be based upon satisfactory performance and continued funding availability from the Federal Highway Administration through the Alaska Department of Transportation and Public Facilities AMATS funding.], “**This memorandum shall be for a one-year extension only.**”*

Mr. Sullivan seconded,
this was later amended,

To Mr. Tesche, Mr. Mauldin responded that multi-year contracts were primarily for administrative ease, under circumstances where there was a continual need or service. Contract renewal would still need Administrative and Assembly approval. Health and Human Services Director Beverly Wooley and Deputy Municipal Manager Michael Abbott concurred there was no concern. Mr. Tesche recommended approval.

Ms. Ossiander stated that there were various contracts being considered, including projects on the military bases and in the Chugach Eagle River area and this issue would be discussed again in the future. Upon Mr. Mauldin's recommendation to simplify, she moved to add new language, which was accepted by the second. She urged approval.

and the Ossiander Amendment was approved without objection.

Chair Fairclough called the Question.

and the main motion, as amended, was approved.

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

10.E. INFORMATION AND REPORTS None were pulled for review.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.6. Resolution No. AR 2005-218, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll [05-S-4] “05-W-4,”** setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility. (*Public Hearing 9-13-05*)
a. Assembly Memorandum No. AM 593-2005.

Mr. Abbott requested this item be pulled because there was an error in the title. Municipal Attorney Fred Boness responded that this change was allowable, since the resolution was being introduced.

Ms. Ossiander seconded, to amend AR 2005-218 on the third line of the title, *by changing [05-S-4] to “05-W-4,”*
Mr. Coffey seconded,
and this was approved without objection.

Ms. Jennings moved, *to introduce* AR 2005-218, as amended, with Public Hearing set for September 13, 2005,
Mr. Coffey seconded,
Mr. Traini was the concurring third.

10.F.9. Ordinance No. AO 2005-114, an ordinance amending Anchorage Municipal Code Section 3.97.060 pertaining to **naming of municipal buildings, other fixed facilities and public places**; Office of Economic & Community Development. (*Public Hearing 9-13-05*) (*Addendum*)
a. Assembly Memorandum No. AM 604-2005.

Mr. Coffey moved, *for reconsideration* of AO 2005-114, for the purpose of setting a Public Hearing date,
Mr. Tesche seconded,
and this was approved without objection.

Mr. Coffey moved, *to introduce* AO 2005-114 with Public Hearing set for September 13, 2005,
Mr. Tesche seconded,

Mr. Sullivan was the concurring third.

10.F.10.Ordinance No. AO 2005-115, an ordinance adopting the **Anchorage Long-Range Transportation Plan ~ 2025**, and concurrent amendments to the Official Streets and Highways Plan (OS&HP), as revised elements of *Anchorage 2020 – The Anchorage Bowl Comprehensive Plan* and amending Anchorage Municipal Code Chapter 21.05; Traffic Department. (*Public Hearing 9-27-05*)
(Addendum)

a. Assembly Memorandum No. AM 609-2005.

Mr. Coffey moved *for reconsideration* of AO 2005-115, for the purpose of setting
Mr. Tesche seconded, a Public Hearing date,
and this was approved without objection.

Mr. Coffey moved, *to introduce* AO 2005-115 with Public Hearing set for
Ms. Ossiander seconded, September 27, 2005,
and Mr. Sullivan was the concurring third.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Resolution No. AR 2005-175, a resolution confirming and levying special assessments for **Special Assessment District No. 1V96**, which provided for resurvey and replatting of Rabbit Creek Heights Subdivision and Rabbit Creek View Subdivision, and to set the date of assessment installment payments, interest on unpaid assessments, and provide for penalties and interest in the event of delinquency; Project Management & Engineering.

1. Assembly Memorandum No. AM 478-2005. (*Amended & Approved 8-9-05; Immediate Reconsideration Passed 8-9-05; Reconsidered & Postponed from 8-9-05*)
2. Assembly Memorandum No. AM 605-2005, AR 2005-175 (As Amended): a resolution confirming and levying special assessments for Special Assessment District No. 1V96, which provided for resurvey and replatting of Rabbit Creek Heights Subdivision and Rabbit Creek View Subdivision, and to set the date of assessment installment payments, interest on unpaid assessments, and provide for penalties and interest in the event of delinquency; Project Management & Engineering. **(Addendum)**

Chair Fairclough read the resolution title and summarized the history of the document, including reconsideration on August 9th. She called the Question.

Mr. Tesche moved, to approve AM 605-2005 and AR 2005-175 (As Amended),
Mr. Coffey seconded, (*Clerk's Note: The Municipal Clerk advised the document be referred to as "The Amended Version"*)

To Chair Fairclough, Municipal Engineer Howard Holtan requested a correction. Mr. Tesche so moved and urged unanimous consent.

Mr. Tesche moved, to amend The Amended Version on the Last Page of the
Ms. Ossiander seconded, Revised Roll *by changing* the total: [~~\$917,922.00~~] "\$917,
and this was approved unanimously. 921.40,"

Municipal Engineer Howard Holtan requested date corrections in document. Mr. Tesche so moved and urged unanimous consent.

Mr. Tesche moved, to amend The Amended Version on Page 1, Line 22 *by*
Ms. Shamberg seconded, *adding "August 23rd,"* on Line 32 *by adding "first,"* and
and this was approved without objection. "November;" and on Line 33 *by adding "November 1st,"*

Ms. Shamberg stated her constituents were very pleased with finalizing this document.

Question was called on the main motion.

and the main motion, as amended, was passed.

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

11.B. Resolution No. AR 2005-160, a resolution of the Anchorage Assembly to consider the existing **Creekside Town Center Master Plan Framework**, which has been approved by the Planning and Zoning Commission, as part of its policy and to provide for review of all subsequent development plans and pending matters for the conformance with the Creek Town Center Master Plan Framework and the Anchorage 2020 Comprehensive Plan until the final Town Center Master Plan is adopted; Assemblymembers Bauer and Stout. (*Postponed from 6-28-05 & 7-26-05*)

Mr. Stout moved, *to postpone indefinitely* AR 2005-160,
Mr. Coffey seconded,
and this was passed without objection.

11.C. Ordinance No. AO 2005-56, an ordinance **dedicating certain municipal lands for park or recreational purposes** (*Carr-Gottstein Park*: Tax ID Nos. 019-171-68, Discovery Heights, Phase 3, TR I-3A (Plat No. 97-128); 019-191-03, Southport Subdivision, Addition No. 1 TR E (Plat No. 93-129)) (*Bayshore Park (North)*: Tax ID Nos. 012-543-71, Mariner Point at Southport, Phase 3 TR A-2 (Plat No. 2000-71); 012-543-72, Southport Tracts Subdivision TR D-2A (Plat No. 2000-71); 019-161-35,

Southport Tracts Subdivision TR D-2B (Plat No. 2000-71)) (*Bayshore Park (South)*: Tax ID Nos. 019-091-84, Southport Tracts Subdivision TR G-2A (Plat No. 2000-71); 019-091-85, Southport Tracts Subdivision TR G-2B (Plat No. 2000-71) (*Southport Park*: Tax ID No. 019-161-15, Southport Tracts Subdivision TR H-1B (Plat No. 96-42)) (*Turnagain Refuge Park*: Tax ID Nos. 019-091-78, Southport Tracts Subdivision TR I-1A (Plat No. 96-42; 019-122-24, Discovery TR J3 (Plat No. 88-39); 019-171-08, Southport Subdivision, Addition No. 1 TR G (Plat No. 93-129); 019-191-04, Southport Subdivision, Addition No. 1 TR F (Plat No. 93-129)) (*Unnamed parkland*: Tax ID Nos. 019-161-33, Southport Subdivision Area "E", TR A (Plat No. 97-79); 019-163-42, Lookout Landing Phase 3 TR E-2F (Plat No. 2004-22)); Assemblymember Shamberg.

1. Assembly Memorandum No. AM 218-2005.
(Continued from 5-31-05; Postponed from 6-14-05)

Deputy Municipal Manager Michael Abbott recommended postponing indefinitely, allowing for corrections to be made for a new document.

Mr. Coffey moved, *to postpone indefinitely* AO 2005-56,
Ms. Ossiander seconded,
and this passed without objection.

11.D. Ordinance No. AO 2005-77, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 9.38 regarding parental responsibility, applicability of traffic laws, conduct of **bicycle** riders, repealing bicycle registration requirements, and requiring bicycle helmets for minors; Assemblymember Shamberg.

1. Assembly Memorandum No. AM 373-2005.
(Continued from 6-28-05 & 7-12-05; Public Hearing Closed 7-26-05; Carried Over from 7-26-05)

Chair Fairclough summarized the history of this ordinance. A motion to approve by Ms. Jennings, seconded by Mr. Stout was on the floor.

Ms. Shamberg stated that Assemblymembers had discussed the matter at worksessions in the past weeks and she proposed amendments, based on those discussions.

Ms. Shamberg moved, *to amend AO 2005-77 on Page 3, Line 4 by adding to read:*
Ms. Ossiander seconded, *When overtaking and passing another bicycle or vehicle "such as a disabled or slow moving passenger vehicle or slow moving maintenance or construction equipment, which are" proceeding in the same direction,*

To Mr. Coffey, Police Chief Walt Monegan responded that the amendment would help clarify how bicyclists could safely be on roads with vehicles.

Ms. Jennings opposed.

and this motion failed, 3-8.

AYES: Ossiander, Stout and Bauer.

NAYES: Tesche, Shamberg, Sullivan, Fairclough, Coffey, Birch, Traini and Jennings.

Ms. Shamberg moved, *to amend AO 2005-77 on Page 4, Line 20 by changing to read: B. Brakes. "Every bicycle shall be equipped with a brake which will enable its driver to stop the bicycle within [45] "25" (feet) from a speed of 10 mph on dry, level, clean pavement,*

Mr. Tesche questioned the enforcement of this new law.

Ms. Ossiander stated that she had requested this amendment, based on communications with her constituents, concerning bicycle safety. Ms. Shamberg responded this would make Municipal law consistent with State law. Ms. Ossiander stated this was a way to measure if bicycles had capable brakes.

and this motion was passed, 10-1.

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

NAYES: Traini.

Ms. Shamberg moved, *to amend AO 2005-77 on Page 4, Line 22, by reinserting to read: "C. Bell. No person may operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle may not be equipped with nor shall any person use upon a bicycle any siren or whistle,"*
Mr. Coffey seconded,
and this motion was passed, 7-4.

AYES: Tesche, Shamberg, Sullivan, Coffey, Birch, Stout and Bauer.

NAYES: Ossiander, Fairclough, Traini and Jennings.

Mr. Sullivan moved, *to amend AO 2005-77 on Page 6, Lines 28-31 by changing to read: Failure to wear a bicycle helmet or other protective headgear is a traffic violation which carries a fine of \$25.00*
Mr. Coffey seconded,

for each offense, which fine can be waived if proof of purchase of a bicycle helmet dated after the citation has been issued] “shall result in a warning for a first offense and which carries a fine of \$25 for each subsequent offense. The fine may be waived if proof that a bicycle helmet has been obtained” is presented to the Anchorage Police Department,

Mr. Sullivan stated that a warning and a discussion for a first offense would be a more positive experience between police officers and bicycle riders.

Ms. Shamberg supported the Sullivan Amendment.

To Mr. Coffey, Police Chief Monegan responded that officers would prefer to issue a warning first.

Mr. Tesche stated the Sullivan Amendment would be effective. He urged a YES-vote.

Ms. Jennings supported the amendment.

and the motion was passed without objection.

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

NAYES: None.

Mr. Bauer moved,
Mr. Coffey seconded,

to amend AO 2005-77 on Page 6, Lines 25-31, *by changing* to read: Wearing a bicycle helmet is mandatory for any person ~~[seventeen years of age or younger when on a bicycle in public places. Public places include, but are not limited to, streets, sidewalks, pathways, trails, parking lots and skate parks.]~~ “under sixteen years of age who enters a major or minor arterial street, expressway or freeway as defined in the Official Streets and Highway Plan, 96-97, as amended.” Failure to wear a bicycle helmet “on such roads” is a traffic violation which carries a traffic fine of \$25 for each offense, which fine can be waived if proof of purchase of the bicycle helmet dated after the citation has been issued is presented to the Anchorage Police Department.;

Mr. Bauer stated that an age of 16 years or under was more appropriate. He opposed police enforcement in the subdivisions and neighborhood streets to catch violators. It was a safety issue once bicyclists were on major and minor arterials, with high density traffic, and it was appropriate to enforce the helmet law.

Ms. Shamberg stated that children were not responsible and did not understand the safety hazards. A child could still be killed from low-impact crashes. She opposed the amendment.

Mr. Coffey supported the age change, but disagreed with the definition of the roads. He thought police officers could use their judgment, when seeing bicyclists without helmets.

Mr. Sullivan moved,
Ms. Shamberg seconded,
and this motion was later withdrawn.

to amend the Bauer Amendment, *by changing* to read: “Wearing a bicycle helmet is mandatory for any person ~~[seventeen years of age or younger when on a bicycle in public places. Public places include, but are not limited to, streets, sidewalks, pathways, trails, parking lots and skate parks.]~~ “under sixteen (16) years of age.” ~~[who enters a major or minor arterial street, expressway or freeway as defined in the Official Streets and Highway Plan, 96-97, as amended.]~~ Failure to wear a bicycle helmet ~~[on such roads]~~ is a traffic violation ~~[which carries a traffic fine of \$25 for each offense, which fine can be waived if proof of purchase of the bicycle helmet dated after the citation has been issued]~~ “shall result in a warning for a first offense and which carries a fine of \$25 for each subsequent offense. The fine may be waived if proof that a bicycle helmet has been obtained” is presented to the Anchorage Police Department.;

Mr. Tesche concurred with the language of the previously approved Sullivan Amendment. He supported the elimination of the language describing roads and streets. He opposed the age change and supported the original 17 years of age or younger.

Ms. Ossiander supported the age change. She stated she tenuously viewed the bicycle ordinance, because there was already a lack of police response for things like vandalism, theft or gunshots being fired. She would not support it and urged consideration of narrowing it down to the basics. The last sentence in the Bauer Amendment conflicted with the approved Sullivan Amendment.

Mr. Sullivan stated his amendment to the Bauer Amendment made the corrections and eliminated the confusion. The age question could be determined in a new amendment.

Mr. Coffey concurred with Mr. Sullivan and urged a YES-vote.

1 Question was called on the Sullivan Amendment to the Bauer Amendment.

2
3 and this motion was passed, 7-4.

4
5 AYES: Shamberg, Sullivan, Fairclough, Coffey, Birch, Stout and Jennings.

6 NAYES: Tesche, Ossiander, Bauer and Traini.

7
8 Mr. Coffey stated that the age requirement remained unchanged. Children over 16 became very independent and
9 focused on driving cars. Children 15 years old and younger were the age group that needed protection.

10
11 Mr. Sullivan concurred with Mr. Coffey. He supported the Bauer Amendment, under 16 years of age.

12
13 Chair Fairclough stated the last sentence remained; 'Failure to wear a helmet shall result in a warning for a first
14 offense and which carries a fine for each subsequent offense. The fine may be waived if proof that a bicycle helmet
15 has been obtained is presented to the Anchorage Police Department.'

16
17 To Ms. Jennings, Chair Fairclough responded the only matter remaining was the age of 16 years or under and all else
18 had been stricken. Deputy Municipal Manager Michael Abbott concurred. Ms. Jennings stated that the language in
19 the approved Sullivan Amendment, describing the warning, still remained. Chair Fairclough called a five-minute
20 recess to clarify.

21
22 When the Assembly Meeting reconvened, Mr. Bauer withdrew his amendment and the second concurred. He
23 proposed a new amendment, with language proposed by Ms. Shamberg.

24
25 Mr. Bauer moved,
26 Mr. Coffey seconded,

to amend AO 2005-77 on Page 6, Lines 25-32 *by changing* to
read: Wearing a bicycle helmet is mandatory for any person
"fifteen (15) years of age or younger when on a bicycle in
public places. Public places include, but are not limited to
streets, sidewalks, pathways, trails, parking lots and state
parks." Failure to wear a bicycle helmet "or other protective
headgear is a traffic violation which" shall result in a warning
for a first offense and which carries a fine of \$25 for each
subsequent offense. The fine may be waived if proof that a
bicycle helmet has been obtained is presented to the
Anchorage Police Department,

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36
37 Mr. Tesche opposed the 15 year-old age requirement. He opposed the amendment.

38
39 Mr. Coffey supported the amendment.

40
41 Chair Fairclough called the Question on the Bauer Amendment.

42
43 and this motion was passed, 9-2.

44
45 AYES: Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Traini.

46 NAYES: Tesche and Jennings.

47
48 Ms. Ossiander stated that while bike helmets were helpful, she was most concerned with enforcement. Police officers
49 currently did not have time to respond to priority issues in the community, and should not be expected to respond to a
50 report of a child not wearing a helmet.

51
52 Mr. Traini concurred with many reasons mentioned by Ms. Ossiander. There were court cases in Massachusetts
53 where victims could not file claims because a helmet had not been worn. There were parents who wanted a law
54 because their kids would not pay attention to them. Parents had responsibility to teach children to be safe. He would
55 not support the ordinance because it was not enforceable.

56
57 Mr. Coffey stated that clarity was needed concerning bicycles on public roads, including right-of-way issues. He
58 concurred that parents were responsible for making kids wear helmets. He thought approval of this ordinance would
59 simply be a tool parents and officers could use to help kids be safe. This issue was helping to educate the community
60 and this ordinance would encourage helmet use. He would support it.

61
62 Ms. Shamberg stated the statistics of head injuries were staggering. Having the law would increase helmet use, with a
63 minimal cost. She stated that when a child suffered a head injury or was killed in a bicycle accident, there were many
64 people who suffered from the consequences. She compared the issue with the use seatbelts or child seats in
65 automobiles. She stated the Assembly had a responsibility to serve and protect the community, which this ordinance
66 would do.

67
68 Mr. Stout opposed the progression of more and more control in people's lives. He opposed a law that would not be
69 enforced. While he concurred that helmets did save lives, this was not an appropriate response. He would support a
70 community campaign to promote the use of helmets and other beneficial methods of educating the community. Public
71 awareness, parental supervision and people taking responsibility were needed.

72
73 Mr. Tesche stated that people normally followed good advice. The public testimony on use of helmets was
74 overwhelmingly in favor of the ordinance. There were offers in the community for free helmets for children. The fact
75 remained that helmet use saved lives.

76
77 Mr. Coffey stated there were some provisions in the ordinance, like the right-of-way clarification that were positive. To
78 resolve the confusion on the issue of helmet use, he moved to eliminate Section 11, but he would be a NO-vote.

Mr. Coffey moved, to amend AO 2005-77 on Page 6, *by deleting* Section 11,
Mr. Stout seconded, 9.38.200, Wearing of Bicycle Helmets, in its entirety (*Lines*
and this motion failed, 4-7. 23-32),

AYES: Ossiander, Stout, Bauer and Traini.

NAYES: Tesche, Shamberg, Sullivan, Fairclough, Coffey, Birch and Jennings.

Ms. Jennings stated that laws like this one had shown to significantly increase helmet use and if the new law helped to save one young person from a traumatic brain injury, then it was worthwhile. Statistics showed helmet use reduced costs of medical services, special education and physical rehabilitation. This was an inexpensive vote, for a very valuable return. She would be proud to be a YES-vote.

Mr. Sullivan stated that he did not believe in government interference. And, while he supported parental rights to raise their children, it was difficult not to support helmet use, with the statistics of traumatic brain injuries. When children were in the public domain, government had a responsibility and an obligation to look after their safety. This was not replacing parents, but helping parents. With the amendments, he would support the ordinance.

Mr. Traini stated that he was most concerned with where this progression of control would lead. He would not support the ordinance.

Mr. Bauer stated the United States had the lowest bicycle ridership in the country, the highest rate of helmet use and the highest rate of bicycle-related fatalities. Statistics in Europe were drastically different because those societies accommodated bicyclists. Mr. Bauer strongly believed in parental rights. The ordinance was unenforceable and created bad public policy and there were no consequences that would work. The medical industry supported the law because it witnessed the injuries. Statistics indicated that bicycle-related traumatic head injuries constituted .2% to 1.5% of the total head injuries and could not be considered a leading cause of head injury. He proposed a policy to promote education in every school and urged consideration of partnering with Providence Hospital to implement pre-summer crime prevention and safety fairs. He encouraged developing more bicycle rules for the roads.

Mr. Tesche called the Question on the main motion, and there were no objections.

and the main motion, as amended, passed, 6-5.

AYES: Tesche, Shamberg, Sullivan, Coffey, Birch and Jennings.

NAYES: Ossiander, Fairclough, Stout, Bauer and Traini.

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

Mr. Traini urged a YES-vote.

Mr. Tesche moved, for immediate reconsideration of AO 2005-77,
Ms. Jennings seconded,
and the motion failed, 7-4.

AYES: Fairclough, Stout, Bauer and Traini.

NAYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch and Jennings.

12. APPEARANCE REQUESTS

12.A. **Thomas Burkett**, regarding proposed street name change.

Chair Fairclough reported that Mr. Burkett had contacted both Mayor Begich and herself, to withdraw his request to appear.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2005-94, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.88.030 to designate the Municipal Treasurer as the Program Administrator of the **Prefunding Investment Board**; Employee Relations.

1. Assembly Memorandum No. AM 509-2005. (*Carried Over from 8-9-05*)

Chair Fairclough read the ordinance title and opened Public Hearing. With no public testimony, she closed Public Hearing and called the Question.

Mr. Coffey moved, to approved AO 2005-94,
Ms. Jennings seconded,
and this motion was passed 10-0.

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

NAYES: None.

(Clerk's Note: Mr. Sullivan was temporarily out of Chambers at the time of the vote.)

13.B. Ordinance No. AO 2005-88, an ordinance amending Anchorage Municipal Code Section 3.30.127, *Length of Service*, regarding **service recognition pay**; Employee Relations.

1. Assembly Memorandum No. AM 481-2005.

2. Ordinance No. AO 2005-88(S), an ordinance amending Anchorage Municipal Code Section 3.30.127, *Length of Service*, regarding service recognition pay, Employee Relations.

3. Assembly Memorandum No. AM 551-2005. (*Carried Over from 7-26-05 and 8-9-05*) (**Carried Over to 9-13-05**)

- 13.C. Resolution No. AR 2005-173, a resolution confirming and levying special assessments for **Special Assessment District 1SR02** which reconstructed Warwick Drive, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency; Project Management & Engineering.
1. Assembly Memorandum No. AM 476-2005. (*Carried Over from 7-26-05 & 8-9-05*) (**Carried Over to 9-13-05**)
- 13.D. Resolution No. AR 2005-184, a resolution of the Municipality of Anchorage appropriating \$835,000 from the Building Safety Fund 181 Fund Balance to the Development Services Department Building Safety Fund 181 for implementation of the **Code Enforcement Tracking System Project**.
1. Assembly Memorandum No. AM 503-2005.
2. Assembly Memorandum No. AM 527-2005, recommendation of award to Hansen Information Technology, Inc. for providing a code compliance tracking system, to the Municipality of Anchorage Information Technology Department (RFP 24-P061) (\$927,628); Purchasing. (*Postponed from 8-9-05*) (*Carried Over from 8-9-05*) (**Carried Over to 9-13-05**)

Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing and called the Question.

Mr. Coffey moved, to approve AR 2005-184,
Mr. Tesche seconded,

Mr. Sullivan stated that he had received a call, inquiring of a less expensive system.

Mr. Sullivan moved, to reopen Public Hearing on AR 2005-184,
Mr. Coffey seconded,

CHERYL SAWYER testified that there were multiple venders who had bid the software for under \$200,000 and the city was awarding the contract for \$927,628. She opposed spending so much money and she wanted an explanation of the \$700,000 difference.

LORI JOHNSTON testified, questioning the funding source and concerned this move would decrease code enforcement staff to increase software.

DIANNE HOLMES testified that she understood the software would solve many of the problems for the community councils. For several years the Federation of Community Councils had worked with internet technology staff and other municipal personnel, to improve the system, to be able to track issues, find ordinance texts, plat applications or summaries of actions. If purchasing the software would resolve those issues, then she would support it.

CHUCK HANSEN, with Hansen Information Technologies, testified that this same package was being used in large cities across the nation, including Chicago, Los Angeles, Philadelphia and San Antonio, to manage all of their code enforcement. Mr. Hansen responded to Mr. Coffey, Ms. Jennings, Mr. Stout, Ms. Shamberg, Mr. Birch, Mr. Sullivan, Mr. Traini and Mr. Bauer, answering their questions on the system costs, revisions to the software, training, processing collected information, cost efficiency, generated revenues, additional costs in the future, hiring outside professionals, program compatibility, citizen privacy and security.

Ms. Ossiander moved, to Continue AR 2005-184 and AM 527-2005 to
Mr. Coffey seconded, September 13, 2005,

Ms. Ossiander stated there had been much testimony on software and systems that would cost less money. Mayor Begich responded the Internet Technology staff could answer all her questions.

Chair Fairclough stated there were many items still on the Agenda and she called for a motion to extend the meeting until midnight. There was no response from Assemblymembers. Ms. Jennings requested a worksession on the tracking system. Chair Fairclough concurred and requested that Assemblymembers present their questions in writing.

and the motion was approved without objection.

- 13.E. Resolution No. AR 2005-156, a resolution confirming the assessment roll and levying special assessments for services on property specially benefited in the **Downtown Business Improvement District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for assessment billing, payment due dates, application of payments, delinquency, penalties, interest and costs for delinquency and enforcement and appropriating the sum of \$625,120 in assessment revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners in Special Assessment District 1SD97; Office of Management & Budget.
1. Assembly Memorandum No. AM 508-2005. (*Continued from 8-9-05*)

Chair Fairclough opened Continued Public Hearing. With no public testimony, she closed Public Hearing and called the Question.

Mr. Tesche moved, to approved AR 2005-156,
Ms. Jennings seconded,

Mr. Coffey had heard from many concerned constituents, who felt they were receiving no benefit from this assessment. He recommended the possibility of changing the boundaries of the Downtown Business District. Municipal Attorney Fred Boness responded the boundaries could not be expanded, without re-balloting everyone in the district. The boundaries could be contracted, so long as it resulted in a service area of 50% of the original individuals and could be addressed by ordinance by the Assembly.

Mr. Tesche stated that he had also heard from constituents interested in changes to the district boundaries lines. He requested an explanatory memorandum describing the procedures of a boundary change, reviewed by the Department of Law and the Mayor and presented to the Assembly no later than May 1, 2006.

and this motion was passed, 10-0.

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

NAYES: None.

(Clerk's Note: Mr. Sullivan was temporarily out of Chambers at the time of the vote.)

13.F. Ordinance No. AO 2005-80, an ordinance amending Anchorage Municipal Code Section 4.60.275 to increase the membership of the **Youth Advisory Commission**; Mayor's Office.

1. Assembly Memorandum No. AM 479-2005. (Carried Over from 7-26-05 and 8-9-05)
(Continued to 9-27-05)

Chair Fairclough announced that this ordinance would be postponed until September 27, 2005, as requested by the Administration. She stated that, because it had been noticed, persons would be allowed to testify and she opened Public Hearing. With no one to testify, she called for a motion to continue.

Mr. Coffey moved, to continue Public Hearing on AO 2005-80
Ms. Jennings seconded, until September 27, 2005,
and this was approved without objection.

13.G. Ordinance No. AO 2005-58, an ordinance dedicating certain municipal lands for park or recreational purposes (Addition to **Far North Bicentennial Park**: Tax ID No. 008-151-01, T13N R3W SM, Sec 34: SW2 SW4 SE4, S2 NW4 SW4 SE4, SW4 SW4 SE4 SE4); Assemblymember Shamberg.

1. Assembly Memorandum No. AM 220-2005. (Continued from 5-31-05 and 6-14-05)
(Postponed indefinitely)

Chair Fairclough stated that, by request from the Administration, this item would be postponed indefinitely. She stated that because public notice was given, people would be allowed to testify. She opened Public Hearing.

DAN ROSENBERG clarified that the Chuck Albrecht Fields involved wetlands that would be filled in. This involved a completely different issue than Far North Bicentennial Park. He did not want confusion to block either issue from being resolved.

With no further public testimony, Chair Fairclough closed Public Hearing and called the Question.

Mr. Tesche moved, to postpone indefinitely AO 2005-58,
Mr. Traini seconded,

Mr. Tesche stated that this matter was to be postponed indefinitely to allow time for the Administration to make technical changes for a new ordinance, to accommodate wetlands and easement issues. Mayor Begich concurred.

Mr. Traini stated that there was reference to a land dedication to the Chuck Albrecht Fields and he requested that the Administration review that history and find that agreement.

and this passed without objection.

13.H. Ordinance No. AO 2005-73, an ordinance amending Anchorage Municipal Code Chapter 21.05 to add a new section for creating and adopting a **neighborhood or district plan**; Planning Department.

1. Assembly Memorandum No. AM 369-2005. (Continued from 7-12-05; Carried Over from 8-9-05) (Carried Over to 9-13-05)

13.I. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code Chapter 1.15, **Code of Ethics**, Legal Department. (Carried Over to 9-13-05)

1. Assembly Memorandum No. AM 325-2005. (Continued from 6-28-05)

13.J. Ordinance No. AO 2005-98, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code by adding a new Chapter 8.90 regarding the **Sale of Methamphetamine Precursor Drugs** within the Municipality of Anchorage; Mayor Begich; Assemblymembers Tesche, Traini, Shamberg and Jennings. (Carried Over from 8-9-05) (Carried Over to 9-13-05)

1. Assembly Memorandum No. AM 517-2005.

Chair Fairclough read the ordinance title and opened Public hearing.

REGINA SLATER testified in opposition because the chemical amount proposed in the ordinance was so minimal. She used Sudafed continually and could not purchase more than two boxes at a time now, which was inconvenient. To Mr. Birch, Ms. Slater responded the federal government allowed Sudafed to be sold over the counter and the city might be in violation. She recommended sending the issue to the Health Commission, to determine a normal, non-commercial use.

DAVID DUNSMORE, Health and Human Services Commissioner, opposed the chemical amounts listed in the document. There were many people who had serious allergies and their rights to privacy needed protection. There were other means available to obtain pseudoephedrine, ephedrine, or other methamphetamine precursor drugs. There would be no enforcement. He proposed postponement until the commission could address the issue and make a recommendation to the Assembly. To Mr. Sullivan, Mr. Dunsmore responded the next commission meeting was September 14th. Mr. Sullivan requested the matter be added to their meeting agenda. To Mr. Tesche, Mr. Dunsmore responded he had served on the commission for eighteen months. He responded the commission had not yet addressed this issue.

LORI JOHNSTON supported controlling the drug use, but supported the right for privacy and did not approve of harassment and affecting the freedom of law abiding citizens.

Mr. Coffey moved to extend the Assembly Meeting to take up 14.C, 14.D, 14.E, 14.F, 14.G, 14.H and 14.J. The motion failed, with four objections.

STEVEN DUNSMORE opposed the ordinance and stated there needed to be provisions to protect law abiding citizens. He made recommendations of improvements for the city and retailers.

MICHAEL DUNSMORE opposed and stated that he could not purchase more than two packages of Sudafed. He pointed out many statements in the document that were not fact. He thought the ordinance was useless.

(Clerk's Note: At 11:00 p.m. the Meeting was adjourned and this item was carried over to September 13, 2005)

- 13.K. Ordinance No. AO 2005-93, an ordinance of the Anchorage Municipal Assembly amending Chapter 9.38, relating to licensing of bicycles, to provide for the transfer of **bicycle licensing** from the Anchorage Police Department to the Parks and Recreation Department, to establish a maximum licensing fee, and to provide for the adoption of a bicycle registration program by the Parks and Recreation Department for review and approval by the Assembly; Assemblymember Coffey. *(Carried Over from 8-9-05) (Carried Over to 9-13-05)*
1. Assembly Memorandum No. AM 607-2005, Summary of Economic Effects for AO 2005-93, and ordinance of the Anchorage Municipal Assembly relating to the licensing of bicycles; Assemblymember Coffey. *(Addendum)*

14. NEW PUBLIC HEARINGS

- 14.A. Ordinance No. AO 2005-100, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 9.38, **Bicycle Registration**, and requiring the Anchorage Police Department to develop and administer the Bicycle Registration Program; Assemblymember Bauer.
1. Assembly Memorandum No. AM 550-2005.
 2. Assembly Memorandum No. AM 608-2005, Summary of Economic Effects for AO 2005-100, an ordinance of the Anchorage Municipal Assembly relating to the licensing of bicycles; Assemblymember Bauer. *(Addendum) (Carried Over to 9-13-05)*
- 14.B. Ordinance No. AO 2005-99, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$96,805,000 in aggregate principal amount of **General Obligation General Purpose Bonds** of the Municipality for the purpose of raising funds to pay costs related to public safety, road and drainage improvements, public transit improvements, and related capital improvements; fixing certain details of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to cause the bonds to be sold at competitive public sale; and related matters; Finance.
1. Assembly Memorandum No. AM 520-2005.

Chair Fairclough read the ordinance title and opened Public Hearing. With no one to testify, Public Hearing was closed and the Chair called the Question.

Mr. Coffey moved, to approve AO 2005-99,
Ms. Ossiander seconded,
and this motion was passed, 10-0.

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

NAYES: None.

(Clerk's Note: Mr. Sullivan was temporarily out of Chambers at the time of the vote.)

- 14.C. Resolution No. AR 2005-202, a resolution of the Anchorage Municipal Assembly appropriating \$245,002 from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant and \$8,860 as a contribution from the Anchorage Police Service Area Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of underwriting projects to **reduce crime and improve public safety**; Anchorage Police Department. *(Carried Over to 9-13-05)*
1. Assembly Memorandum No. AM 547-2005.
- 14.D. Resolution No. AR 2005-203, a resolution accepting and appropriating a State of Alaska grant per Senate Bill 46 in the amount of \$10,000,000 to the Municipality of Anchorage Port of Anchorage Capital Fund (571) for the **Port Intermodal Expansion Project**; Port of Anchorage.
1. Assembly Memorandum No. AM 548-2005. *(Carried Over to 9-13-05)*
- 14.E. Resolution No. AR 2005-204, a resolution of the Municipality of Anchorage appropriating \$1,896,054 to the State Categorical Grants Fund (231) from the Federal Highway Administration through the Alaska Department of Transportation and Public Facilities to provide funding for congestion mitigation and air quality improvement program through **expansion of public transportation services** within the Municipality of Anchorage; Public Transportation Department. *(Carried Over to 9-13-05)*
1. Assembly Memorandum No. AM 549-2005.
- 14.F. Ordinance No. AO 2005-109, an ordinance approving borrowing up to \$5,000,000 under the United States Department of Housing and Urban Development's Section 108 Loan Guarantee Program, and securing repayment thereof with the Municipality's present and future Community Development Block Grants and Brownfields Economic Development Initiative Grants; appropriating \$5,000,000 in guaranteed loan funds and \$2,000,000 in Brownfields Economic Development Initiative Grant funds to Federal Categorical Grant Fund (241); and approving a combined loan and grant of \$2,800,000 to **Anchorage Community Land Trust**; Office of Economic & Community Development.
1. Assembly Memorandum No. AM 562-2005. *(Carried Over to 9-13-05)*

- 14.G. Ordinance No. AO 2005-104, an ordinance amending Assembly Ordinance 98-1 to adjust certain special assessments for streets and street light improvements on property specially benefited in **Paving Special Assessment District 8P79** and setting a payment date for adjusted special assessments; Legal Department. **(Carried Over to 9-13-05)**
1. Assembly Memorandum No. AM 554-2005.
- 14.H. Ordinance No. AO 2005-102, an ordinance amending Anchorage Municipal Code Section 11.20.100 to reduce regulated **vehicle minimum liability insurance requirements**, Transportation Inspection.
1. Assembly Memorandum No. AM 552-2005. **(Carried Over to 9-13-05)**
- 14.I. Ordinance No. AO 2005-103, an ordinance amending Anchorage Municipal Code Section 26.65.050 to increase the **911 surcharge** to \$1.50 as authorized by 2005 amendments to Alaska Statute 29.35.131; Anchorage Police Department.
1. Assembly Memorandum No. AM 553-2005.

Chair Fairclough read the ordinance title and opened Public Hearing. With no public testimony, she closed Public Hearing and called the Question.

Ms. Ossiander moved, to approved AO 2005-103,
Mr. Coffey seconded,

Ms. Ossiander stated that a \$1.25 surcharge would more accurately cover the projected costs of the project.

Ms. Ossiander moved to amend AO 2005-103 on Page 1, Line 27 *by changing*
Mr. Bauer seconded, [~~\$1.50~~] to "\$1.25,"

Deputy Municipal Manager Michael Abbott stated their calculations of surcharge revenues totaled \$100,000 less than the projected expenditures. It was not their intent to overestimate the surcharge.

To Ms. Jennings, Mr. Abbott responded the Administration was proposing to continue increasing the police force in the upcoming 2006 budget.

To Mr. Birch, Mr. Abbott responded that the costs could be recovered with the E-911 surcharge. Planning Department staff maintained the current master street addressing data base used for the 911 system.

To Mr. Stout, Mr. Abbott responded the priority of 911 calls would be considered in the future. Mayor Begich responded they would continue their research and would present a worksession in the spring with their findings. Mr. Stout stated that tripling the surcharge might cause households to eliminate many service lines because the bills were too exorbitant. Mr. Abbott responded that state laws cap the surcharge at \$2.00 and the industry was not expecting a decline in the service as a result of that increase.

Ms. Fairclough stated that she had also heard from her constituents, concerned with the fee increase. To low-income or limited-income families, it was a concern and may lead to a life-style change. Mr. Abbott responded there was currently no cap on multi-line users and there was no distinction between cell and hard-line users. Ms. Fairclough supported the Ossiander Amendment, lowering the surcharge.

Ms. Ossiander stated the Administration had originally proposed that the surcharge would be \$1.25. Mayor Begich and Mr. Abbott responded the fees would primarily cover the dispatch center, the computers and software.

Mr. Traini requested the Administration review municipal records and report back to the Assembly on where the money went, from the collected funding for the 311 system. Mayor Begich concurred.

Mr. Sullivan opposed the Ossiander Amendment. He proposed to give it a year and then reexamine the generated revenue and the costs, and make the needed adjustments.

Mr. Tesche concurred with Mr. Sullivan and urged a NO-vote.

Mayor Begich stated that cell phones had generated enormous pressures and new needs to improve the 911 system.

Chair Fairclough called the Question.

and this motion failed, 4-7.

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

Chair Fairclough called the Question on the main motion.

and the main motion was passed, 11-0.

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

Ms. Jennings moved to Change the Order of the Day to take up 13.D, and it was approved with one objection.

- 14.J. Ordinance No. AO 2005-105, an ordinance authorizing the Municipality of Anchorage to **extinguish all unpaid penalty, interest and administrative debt** on property listed on Exhibit A (PID 051-471-12 – Sleepy Hollow #1 Lot 1 Block 1; PID 051-822-29 – Tract A Sampson Estates Commons Area); Real Estate Services. **(Carried Over to 9-13-05)**
1. Assembly Memorandum No. AM 555-2005.

- 14.K. Ordinance No. AO 2005-96, an ordinance amending Anchorage Municipal Code Section 21.50.320 to permit and provide standards for **automobile display lots** in conjunction with large retail establishments (Planning and Zoning Commission Case 2005-036); Planning Department.
1. Assembly Memorandum No. AM 511-2005. **(Carried Over to 9-13-05)**

15. SPECIAL ORDERS

- 15.A. Resolution No. 2005-223 a resolution of the Anchorage Municipal Assembly establishing a policy that encourages the use of bicycle helmets and promotes the issuance of **free bicycle helmets** through the Safe Kids Program; Assemblymember Sullivan. **(Laid on the Table)**

Mr. Sullivan moved, *to introduce* AR 2005-223,
Mr. Tesche seconded,
and Mr. Coffey was the concurring third.

Mr. Tesche moved, seconded by Mr. Coffey, to amend AR 2005-223, on Line 28, *by adding* to read: Section 2: That the Municipality of Anchorage extends its “sincere” thanks to Providence Health System for the Safe Kids Program including the Free Helmet Program. This was accepted by Mr. Sullivan as a friendly amendment.

Mr. Coffey proposed to amend AR 2005-223 on Lines 23 and 32, *by adding* to read: AO 2005-77 “.as amended,” and this was accepted by Mr. Sullivan as a friendly amendment. Mr. Tesche concurred.

To Mr. Traini, Mr. Sullivan responded that the city would not be paying for this promotion.

Mr. Sullivan moved, *to approve* AR 2005-223, as amended,
Mr. Tesche seconded,
and this passed without objection.

Mr. Coffey moved, seconded by Ms. Ossiander, to Change the Order of the Day to take up, in order, 13.A, 13.E, 14.B and 14.I and this was approved without objection. Mayor Begich stated there were people present that evening from out-of-state to hear 13.D, concerning the code enforcement tracking system.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

Chair Fairclough commended Ms. Shamberg and all Assemblymembers for their work on the bicycle ordinance.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Fairclough adjourned the meeting at 11:00 p.m.

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: February 28, 2006.
MC/BG

(Copies of Approved Meeting Minutes are available from the Municipal Clerk’s Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)