

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of December 20, 2005, amended

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:04 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 Coffey led the pledge.

4. MINUTES OF PREVIOUS MEETINGS None.

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIR'S REPORT

Chair Fairclough reported on her recent trip to Khabarovsk Russia and Seoul Korea, representing the Anchorage Assembly. She was joined by Alaska State Senator John Cowdery and State Legislator Vic Kohring and together they studied the voting process and discussed trade, including promoting Alaskan products. She would issue a written report, sharing additional contacts, made on behalf of Anchorage.

7. COMMITTEE REPORTS

Mr. Bauer reported on his recent graduation from the Anchorage Police Department's Citizen's Police Academy. He described the program, designed to promote and enhance citizen understanding and awareness of the role of police in the community.

Ms. Ossiander stated the next Title 21 Committee Meeting would be held in mid-January to review the next Title 21 draft. Mr. Coffey stated the meeting schedules would accommodate the 60-day delay, waiting for the draft update.

Mr. Birch reported that he and Ms. Ossiander, as representatives, had attended the recent AMATS Committee Meeting, where the amended LRTP document had been completed. The adoption of the Transportation Improvement Program List was scheduled for March, which would be reported to the Assembly.

Mr. Stout reported on a recent trip that he and Mr. Traini had taken to the National League of Cities (NLC) Meeting in Charlotte, North Carolina. Mr. Traini, an NLC Board Member, reported 4000 people met and discussed energy and other national issues that affect cities. The Mayor of New Orleans had reported on Hurricanes Katrina and Rita.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. She called for additional items to be added and AR 2005-334, AM 939-2005, AM 940-2005, AM 941-2005, AM 942-2005, AR 2005-335, AIM 99-2005, AIM 100-2005 and AIM 101-2005 were added. She assigned Agenda Numbers 9.B.3, 9.D.23, 9.D.24, 9.D.25, 9.D.27, 9.F.7, 14.A.1, 14.B.1 and 14.F.2, respectively. She called for a vote to incorporate the Addendum items into the Consent Agenda. Mr. Sullivan requested a break, to allow members time to review the many new items. There were no objections.

Mr. Coffey moved, to approve the inclusion of the Addendum items
Mr. Sullivan seconded, into the Consent Agenda,
and this motion was passed.

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

Chair Fairclough called the Question 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 2005-326, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich recognizing the selfless action and heroic efforts of the **Alaska volunteers** who responded to the call for assistance after Hurricanes Katrina and Rita devastated the Gulf Coast; Mayor's Office.

Mr. Sullivan 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 2005-327, a resolution supporting participation in the International City/County Management Association (**ICMA**) **CityLinks Program**; Mayor's Office.

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

- 9.B.2. Resolution No. AR 2005-328, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$2,000 from the American Library Association Miscellaneous Operational Grants Fund (261) and \$40 as a voluntary contribution from the 2005 Library Operating Budget Areawide General Fund (101), Office of Economic and Community Development for the **Investor Education Grant**; Library.
a. Assembly Memorandum No. AM 909-2005.
- 9.B.3. Resolution No. AR 2005-335, a resolution approving the purposes and activities of CIVICVentures, a non-profit corporation, and tax-exempt revenue bonds to be issued by CIVICVentures for financing the costs of a **new civic and convention center** and related facilities. (**Laid on the Table**)

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

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 912-2005, recommendation of award for furnishing **miscellaneous electrical cable and hardware** to the Municipality of Anchorage; Municipal Light & Power Utility (ITB 25-B102) (\$512,678.79); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 920-2005, recommendation of award to Pauwels Canada Inc. to furnish a **step-up power transformer** to the Municipality of Anchorage; Municipal Light & Power Utility (ITB 25-B106) (\$941,775); Purchasing.
- 9.C.3. Assembly Memorandum No. AM 928-2005, recommendation of award for furnishing **pole, padmount & submersible transformers** to the Municipality of Anchorage; Municipal Light & Power Utility (ITB 25-B107) (\$503,760); Purchasing.

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 930-2005, **Chugiak-Eagle River Parks and Recreation Board of Supervisors** appointment (James Gorski); Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 931-2005, **Airport Aviation Advisory Commission** appointment (Richard Davis, Jason Evans); Mayor's Office.
- 9.D.3. Assembly Memorandum No. AM 932-2005, **Geotechnical Advisory Commission** appointment (Zhaohui (Joey) Yang); Mayor's Office.

Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.D.3)

- 9.D.4. Assembly Memorandum No. AM 933-2005, **Election Commission** appointments (Thomas Freeman, Norma Sullivan); Mayor's Office.
- 9.D.5. Assembly Memorandum No. AM 934-2005, **Solid Waste Advisory Commission** appointments (Tom Atkinson, Dan Frank); Mayor's Office.

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

- 9.D.6. Assembly Memorandum No. AM 913-2005, proprietary lease award to the State of Alaska, Department of Transportation and Public Facilities (ADOTPF) to provide leased land at the Girdwood Airport for **Girdwood Water Facilities** for the Municipality of Anchorage; Anchorage Water and Wastewater Utility (AWWU) (\$899.74); Purchasing.
- 9.D.7. Assembly Memorandum No. AM 914-2005, proprietary purchase with Medtronic Emergency Response Systems (Medtronic ERS) for the purchase of three 12-lead **LifePak automatic electronic defibrillators** and for providing parts and repair services on defibrillators for the Municipality of Anchorage; Anchorage Fire Department (\$123,430.60); Purchasing.
- 9.D.8. Assembly Memorandum No. AM 921-2005, Change Order No. 2 to the cooperative agreement between the State of Alaska, Department of Natural Resources, Division of Forestry and the Municipality of Anchorage; Anchorage Fire Department (AFD) for **Wildfire Fuel Load Hazard Mitigation** (\$430,000); Purchasing.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.D.8)

- 9.D.9. Assembly Memorandum No. AM 922-2005, Change Order No. 1 Purchase Order 250033 with **Premera Blue Cross Blue Shield of Alaska** (Premera) for providing third party administration and preferred provider services to the Municipality of Anchorage; Employee Relations Department (\$1,638,663); Purchasing.

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

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2 9.D.10. Assembly Memorandum No. AM 923-2005, approval of award for **life and disability insurance** with
3 Standard Insurance, and individual and aggregate stop loss insurance with Sun Life for the
4 Municipality of Anchorage, Employee Relations Department (\$1,488,084); Purchasing.
5 9.D.11. Assembly Memorandum No. AM 924-2005, recommendation of award to Peak Oilfield Service
6 Company for **Unit 3 replacement** for the Municipality of Anchorage; Municipal Light & Power (RFP
7 25-P027) (\$23,649,257); Purchasing.
8

9 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (*See item 10.D.11*)

- 10
11 9.D.12. Assembly Memorandum No. AM 925-2005, proprietary purchase with GE Energy Parts, Inc. to provide
12 a **turbine rotor and bladed compressor rotor** for the Frame 7 turbine for the Municipality of
13 Anchorage; Municipal Light & Power (ML&P) (\$3,318,861); Purchasing.
14 9.D.13. Assembly Memorandum No. AM 915-2005, Change Order No. 1 to Purchase Order 254236 with
15 Alaska Sales and Service to furnish an additional nine (9) each **light duty pick-up trucks** to the
16 Municipality of Anchorage; Municipal Light & Power (ML&P) (ITB 25-B085) (\$147,780); Purchasing.
17 9.D.14. Assembly Memorandum No. AM 916-2005, proprietary purchase with Anchorage Permit &
18 Development Center, LLC for **building improvements** for the Municipality of Anchorage; Planning
19 Department 9.D. (\$35,000).
20 9.D.15. Assembly Memorandum No. AM 917-2005, cooperative agreement with United States Department of
21 the Interior, U.S. Geological Survey to provide **hydrologic monitoring** to the Municipality of
22 Anchorage; Project Management & Engineering Department (\$281,850); Purchasing.
23 9.D.16. Assembly Memorandum No. AM 918-2005, recommendation to award various carriers for providing
24 various **insurance coverage** to the Municipality of Anchorage, Operations Department (\$918,306);
25 Risk Management.
26 9.D.17. Assembly Memorandum No. AM 919-2005, Change Order No. 2 to Purchase Order 250518 with
27 **MACTEC Engineering & Consulting, Inc.** for the Municipality of Anchorage, Solid Waste Services
28 (\$86,506); Purchasing.
29 9.D.18. Assembly Memorandum No. AM 927-2005, proprietary purchase for a professional services contract
30 with the National Development Council for coordinating continuing **long-range community**
31 **development research projects** on behalf of the Office of Economic & Community Development,
32 Community Development Division, and the Heritage Land Bank (\$160,860); Purchasing.
33

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

- 35
36 9.D.19. Assembly Memorandum No. AM 926-2005, proprietary purchase with **Joe Hayes Legislative**
37 **Consultants** for professional lobbying services for the Municipality of Anchorage, Municipal Light &
38 Power and Anchorage Water & Wastewater Utility (\$110,000); Mayor's Office.
39

40 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.19*)

- 41
42 9.D.20. Assembly Memorandum No. AM 929-2005, proprietary purchase with the **Law Offices of Mitch D.**
43 **Gravo** for professional lobbying services for the Municipality of Anchorage (\$65,000); Mayor's Office.
44

45 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (***Carried Over to 1-10-06***)

- 46
47 9.D.21. Assembly Memorandum No. AM 936-2005, **Bidding Review Board** appointments (Ted Chenier,
48 Lynnette Fox, Maurice Hollowell, Bill Wielechowski); Mayor's Office. (***Addendum***)
49

50 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (***Carried Over to 1-10-06***)

- 51
52 9.D.22. Assembly Memorandum No. AM 937-2005, Change Order No. 2 To Purchase Order No. 0000216162
53 for **AIA Terminal Expansion Landside Civil Improvements Ph II** (\$6,098.92); Anchorage Water &
54 Wastewater Utility. (***Addendum***)
55 9.D.23. Assembly Memorandum No. AM 939-2005, **Ronnie #4435** – 2006/2007 Transfer of Ownership and
56 name Change for a Restaurant/Eating Place Liquor License (Sand Lake Community Council); clerk's
57 Office. (***Laid on the Table***)
58 9.D.24. Assembly Memorandum No. AM 940-2005, **2006/2007 Liquor License Renewals**: AKLAQ #3188-
59 NO PREMISES; Shogun #4435 (Girdwood, Sand Lake Community Councils); Clerk's Office.
60 (***Laid on the Table***)
61 9.D.25. Assembly Memorandum No. AM 941-2005, **2006/2007 Liquor License Transfer of Ownership** –
62 Hilton Hotels Corporation to CP Anchorage Hotel 2, LLC: Bootleggers Cove #152 – Package Store-
63 Tourism; Bruins #1043 - Beverage Dispensary; Top of the World #1157-Beverage Dispensary-
64 Duplicate; Chartroom #1414 – Beverage Dispensary-Duplicate (Downtown Community Council);
65 Clerk's Office. (***Laid on the Table***)
66

67 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.25*)

- 68
69 9.D.26. Resolution No. AR 2005-335, a resolution authorizing eminent domain proceedings for ten parcels
70 comprising the south half of Block 70, original Anchorage Townsite for the Parking Component of the
71 New Convention Center; Heritage Land Bank and Mayor Begich. (***Laid on the Table***) (*Clerk's Note:*
72 *AR 2005-335 was originally assigned to 9.D.26, but was later identified as an item for introduction and*
73 *was reassigned to Agenda number 9.F.7.)*
74

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

- 76
77 9.D.27. Assembly Memorandum No. AM 942-2005, Bidding Review Board Appointments (Scott Bohne,
78 Russell Bogg); Mayor Begich. (***Laid on the Table***)

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 97-2005, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of November 2005, Purchasing.
- 9.E.2. Information Memorandum No. AIM 98-2005, **Sole Source Procurement Report** for the month of November 2005; Purchasing.

Mr. Stout requested this item be pulled for review on the Regular Agenda. *(Carried Over to 1-10-06)*

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2005-191, an ordinance of the Anchorage Municipal Assembly submitting a ballot proposition to the qualified voters of the Municipality of Anchorage at the Regular Election of April 4, 2006, to amend Anchorage Municipal Charter Article XXI, **Municipal Vehicle Code Enforcement Standards**; Assemblymember Coffey. *(Public Hearing set 1-24-06)*
- 9.F.2. Resolution No. AR 2005-329, a resolution of the Municipality of Anchorage appropriating \$37,750 to the Areawide General Capital Improvement Program (CIP) Fund (401), \$56,427 to the Anchorage Fire Service Area Capital Improvement Program (CIP) Fund (431), \$383,650 to the Anchorage Roads And Drainage Capital Improvement Program (CIP) Fund (441), \$19,974 to the Anchorage Police Service Area Capital Improvement Program (CIP) Fund (451), \$17,478 to the Anchorage Parks And Recreation Service Area Capital Improvement Program (CIP) Fund (461), and \$7,790 to the Public Transportation Capital Improvement Program (CIP) Fund (485) of 2004 General Obligation Series "C" bond premium for the payment of **bond issuance costs**; Finance. *(Public Hearing set 1-10-06)*
- a. Assembly Memorandum No. AM 910-2005.
- 9.F.3. Resolution No. AR 2005-330, a resolution of the Municipality of Anchorage appropriating \$35,871 from disposal of vehicles and insurance recoveries to the Areawide General Fund (101) to be contributed and appropriated to the Public Transportation Capital Improvement Fund (485) and authorizing the acceptance of a Federal Transit Administration Section 5307 Grant and appropriating \$2,287,200 from the Federal Transit Administration to the Public Transportation Capital Improvement fund (485) for the purchase of capital items and \$288,000 from the Federal Transit Administration along with \$72,000 for local matching funds from the Public Transportation Department's 2005 Operating Budget as a contribution to the Federal Categorical Grants Fund (241) for the Americans with Disabilities **Act (ADA) operating assistance and short range transit planning**; Public Transportation Department. *(Public Hearing set 1-10-06)*
- a. Assembly Memorandum No. AM 911-2005.
- 9.F.4. Resolution No. AR 2005-331, resolution of the Anchorage Municipal Assembly and Mayor Mark Begich naming the Board Room of the Z. J. Loussac Public Library in honor of **Alden Todd** in recognition of his outstanding contributions to the Municipality of Anchorage; Mayor's Office. *(Public Hearing set 1-24-06)*
- 9.F.5. Resolution No. AR 2005-332, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich renaming Birch Park as **Bob and Arlene Cross Park** in recognition of their outstanding contribution to the Municipality of Anchorage; Mayor's Office. *(Public Hearing set 1-24-06)*
- 9.F.6. Resolution No. AR 2005-333, a resolution approving the purchase and acquisition of real property legally described as **Tract B2B, Commodore Park Subdivision**, zoned R3SL and containing approximately 8.11 acres, for fair market value for an amount not to exceed \$1,200,000; Heritage Land Bank & Real Estate Services. *(Public Hearing set 1-10-06)*
- a. Assembly Memorandum No. AM 935-2005.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.F.6)*

- 9.F.7. Resolution No. AR 2005-335, a resolution authorizing eminent domain proceedings for ten parcels comprising the south half of Block 70, original Anchorage Townsite for the Parking Component of the New Convention Center; Heritage Land Bank and Mayor Begich. ***(Laid on the Table)*** *(Public Hearing set for 1-10-05) (Clerk's Note: When originally Laid on the Table, AR 2005-335 was assigned to 9.D.26, but was later identified as an item for introduction and was reassigned to Agenda number 9.F.7.)*

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

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

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

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 2005-326, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich recognizing the selfless action and heroic efforts of the **Alaska volunteers** who responded to the call for assistance after Hurricanes Katrina and Rita devastated the Gulf Coast; Mayor's Office.

Mr. Coffey moved, to approve AR 2005-326,
Mr. Bauer seconded,
and this was passed without objection.

Mayor Begich read the resolution, honoring several local citizens, who had volunteered their service and assistance after hurricanes Katrina and Rita. Recognized citizens included Firefighter Senior Captain Gary Davis, Paramedic Beth Nelson, Chaplain Mark Roberts, Firefighter and Emergency Medical Technician (EMT) Jesi Love, Firefighter and EMT Michael Witman and Firefighter Captain Virginia McMichael. Ms. Ossiander stated all people being recognized were active members of Chugiak Volunteer Fire Department. Ms. Ossiander, Chair Fairclough, Mr. Stout, Ms. Jennings and Mayor Begich thanked these volunteers for their service with the hurricane efforts and also for what they do every day for the community of Chugiak. To Ms. Jennings, Captain Davis responded that their priorities were to be self sufficient, responding to any emergency in the city and the state.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.1. Resolution No. AR 2005-327, a resolution supporting participation in the International City/County Management Association (**ICMA**) **CityLinks Program**; Mayor's Office.

Mr. Stout moved, to approve AR 2005-327,
Ms. Jennings seconded,

To Mr. Stout, Mayor Begich responded this would be federally funded through the International Development Agency and there would be no cost to the Municipality. It would be a general learning experience for all cities involved, including far eastern Russian cities. Chair Fairclough stated that her recent trip to Russia had indicated there were great opportunities to partner economically, benefiting both Russia and Alaska.

and this passed without objection.

10.B.3. Resolution No. AR 2005-335, a resolution approving the purposes and activities of CIVICVentures, a non-profit corporation, and tax-exempt revenue bonds to be issued by CIVICVentures for financing the costs of a **new civic and convention center** and related facilities. (**Laid on the Table**)

Mr. Sullivan moved, to approve AR 2005-335,
Ms. Jennings seconded,

To Mr. Sullivan, Municipal Attorney Fred Boness and Chief Fiscal Officer Jeff Sinz explained the proposed function of CIVICVentures, a non-profit company organized as a financing opportunity for issuing bonds for the new civic and convention center. To Mr. Sullivan and Mr. Coffey, Mr. Sinz responded that the financial arrangement included flexible debt payoff opportunities. He explained the 15% bond flexibility had been included, upon recommendation of their financial advisor. A report would be issued to the Assembly at the end of January, following the sale of the bonds.

and this was passed without objection.

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

10.D. NEW BUSINESS

10.D.3. Assembly Memorandum No. AM 932-2005, **Geotechnical Advisory Commission** appointment (Zhaohui (Joey) Yang); Mayor's Office.

Mr. Stout moved, to approve AM 932-2005,
Mr. Coffey seconded,

Mr. Stout was pleased with the qualifications and professionalism of Mr. Yang. Mayor Begich concurred.

and this motion was passed without objection.

10.D.5. Assembly Memorandum No. AM 934-2005, **Solid Waste Advisory Commission** appointments (Tom Atkinson, Dan Frank); Mayor's Office.

Mr. Stout moved, to approve AM 934-2005,
Mr. Coffey seconded,

Mr. Stout was pleased with the qualifications of Dan Frank. He stated that the application of Tom Atkinson appeared to be incomplete and did not apply to the position.

Mr. Stout moved, to *bifurcate* AM 934-2005, with separate Assembly action on
Mr. Bauer seconded, each of the appointments,
and this was approved without objection.

Chair Fairclough called the Question on the approval of the appointment of Dan Frank.

Mr. Stout moved, to approve the appointment of Dan Frank to the Solid Waste
Mr. Coffey seconded, Advisory Commission,
and this was approved without objection.

Chair Fairclough questioned if an applicant should be interrogated publicly and stated that a worksession could be scheduled to discuss the qualifications. Mr. Coffey concurred.

Mr. Coffey moved, to *postpone* the appointment of Tom Atkinson to the Solid
Mr. Bauer seconded, Waste Advisory Commission, with a worksession scheduled
to address this issue,

Mayor Begich, Mr. Stout and Mr. Traini urged consideration of addressing Mr. Atkinson's qualifications that evening. The Mayor stated that Mr. Atkinson was extremely qualified and offered great experience.

and the motion to postpone failed, 5-6.

AYES: Sullivan, Fairclough, Coffey, Birch and Bauer.

NAYES: Tesche, Shamberg, Ossiander, Stout, Traini and Jennings.

Mr. Stout moved, to approve the appointment of Tom Atkinson to the Solid
Mr. Bauer seconded, Waste Advisory Commission,

To Ms. Jennings, Mr. Bauer and Mr. Tesche, applicant Tom Atkinson responded his resume had been incomplete and described his extensive, professional experience with landfill sites, incineration, recycling, waste management and water conservation.

Mr. Stout and Mr. Birch stated that the additional information indicated Mr. Atkinson's experiences and qualifications would make his appointment a positive addition to the commission.

Chair Fairclough encouraged the appointment process to be addressed, allowing the Assembly the opportunity to look at the composite of the entire board and understand candidates' qualifications and stands on the specific issues. Mr. Traini concurred.

Mr. Coffey stated that volunteers needed to be recognized for their hard work in positions on boards or commissions. He stated the city would be best served with divergent views. Chair Fairclough responded that good debate among advisory board members was good for policy.

Mr. Tesche stated the Assembly needed to have completed resumes, which included all the related information.

Mayor Begich urged the Assembly to become involved and make recommendations of qualified individuals to fill positions.

Mr. Sullivan called the Question.

and this motion was passed, 9-2.

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

NAYES: Fairclough and Bauer.

10.D.8. Assembly Memorandum No. AM 921-2005, Change Order No. 2 to the cooperative agreement between the State of Alaska, Department of Natural Resources, Division of Forestry and the Municipality of Anchorage; Anchorage Fire Department (AFD) for **Wildfire Fuel Load Hazard Mitigation** (\$430,000); Purchasing.

Mr. Coffey moved, to approve AM 921-2005,
Ms. Jennings seconded,

Deputy Municipal Manager Michael Abbott requested postponement until January 10th.

Mr. Coffey moved, to postpone AM 921-2005 until January 10, 2006,
Mr. Sullivan seconded,
and this motion was approved without objection.

10.D.9. Assembly Memorandum No. AM 922-2005, Change Order No. 1 Purchase Order 250033 with **Premera Blue Cross Blue Shield of Alaska** (Premera) for providing third party administration and preferred provider services to the Municipality of Anchorage; Employee Relations Department (\$1,638,663); Purchasing.

Mr. Coffey moved, to approve AM 922-2005,
Mr. Sullivan seconded,

To Mr. Coffey, Employee Relations Health Plan Administrator Joanne Hanscom and Deputy Municipal Manager Michael Abbott responded that the Administration had chosen to use Premera to process paperwork for terminated employees, which had never been completed in-house. To Mr. Coffey, Ms. Hanscom responded that the contract would take care of all that was expected to be needed. Mr. Abbott concurred.

To Mr. Birch, Mr. Abbott responded that they were able to save on health care costs with this process.

and this motion was passed, 10-1.

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

NAYES: Bauer.

10.D.11. Assembly Memorandum No. AM 924-2005, recommendation of award to Peak Oilfield Service Company for **Unit 3 replacement** for the Municipality of Anchorage; Municipal Light & Power (RFP 25-P027) (\$23,649,257); Purchasing.

Ms. Jennings moved, to approve AM 924-2005,
Mr. Coffey seconded,

Ms. Jennings declared a possible conflict of interest, because of her association with Peak Oilfield Services Company. Chair Fairclough ruled there was no conflict of interest and ordered Ms. Jennings to participate with this issue. There were no objections.

and this motion was passed unanimously.

10.D.18. Assembly Memorandum No. AM 927-2005, proprietary purchase for a professional services contract with the National Development Council for coordinating continuing **long-range community development research projects** on behalf of the Office of Economic & Community Development, Community Development Division, and the Heritage Land Bank (\$160,860); Purchasing.

Ms. Ossiander moved, to approve AM 927-2005,
Mr. Tesche seconded,

To Ms. Ossiander, Heritage Land Bank (HLB) Executive Director Robin Ward explained the details of the contract, which would be for real estate development of the Glacier Winter Creek Project. All funds would be repaid to the HLB once revenue was generated. Mayor Begich responded that there were often expenses which accompanied preparing a property for sale and all proceeds would be repaid to the HLB. He and Ms. Ward responded that they would keep track and report on the expenditures.

To Mr. Coffey, Ms. Ward responded that the developer was completing design work for Creekside, Mountain View and Glacier Winter Creek and had involved a sole source contract because of his expertise in ski hill, large resort development and knowledge of avalanche, base ski facilities and ski runs. She responded this was a contract renewal, and they were halfway finished. Mayor Begich responded this study and design was critical for getting this property moving forward for development.

Ms. Jennings stated the contractor had provided good information about Creekside in the past and she recommended approval.

To Mr. Stout, Ms. Ward responded that consulting for the Creekside Town Center development was not planned.

Chair Fairclough called the Question.

and this motion was passed, 8-3.

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

10.D.19. Assembly Memorandum No. AM 926-2005, proprietary purchase with **Joe Hayes Legislative Consultants** for professional lobbying services for the Municipality of Anchorage, Municipal Light & Power and Anchorage Water & Wastewater Utility (\$110,000); Mayor's Office.

Mr. Coffey moved, to approve AM 926-2005,
Mr. Tesche seconded,

To Mr. Coffey, Mayor Begich responded this contract amount was the same as in past years and described the services that Joe Hayes Legislative Consultants would be offering. The Administration had been extremely pleased with their work.

To Mr. Stout, Deputy Municipal Manager Michael Abbott responded the Administration assigned different matters to each of the two legislative consultants that the Municipality used.

Mr. Sullivan, Mr. Coffey, Mr. Bauer and Chair Fairclough stated this consulting firm was professional, well prepared, did outstanding work defending the city's interests, and were conveniently located and easily accessed.

Mr. Sullivan stated that he and Mr. Stout, as members of the Legislative Committee, urged completion of the Administration's legislative program draft to review with lobbyists, who would be representing the city in the legislative session. Mr. Abbott responded the Legislative Priorities would be distributed electronically following day and would be on the January 10th Agenda for Assembly approval and he recommended a worksession. Mr. Sullivan concurred. Mayor Begich encouraged Assembly recommendations, prior to the worksession.

and this motion was passed without objection, 11-0.

Mr. Coffey moved to Change the Order of the Day to take up item 11.A, AO 2005-124, seconded by Mr. Tesche and there were no objections.

10.D.25 Assembly Memorandum No. AM 941-2005, **2006/2007 Liquor License Transfer of Ownership** – Hilton Hotels Corporation to CP Anchorage Hotel 2, LLC: Bootleggers Cove #152 – Package Store-Tourism; Bruins #1043 - Beverage Dispensary; Top of the World #1157-Beverage Dispensary-Duplicate; Chartroom #1414 – Beverage Dispensary-Duplicate (Downtown Community Council); Clerk's Office. **(Laid on the Table)**

Mr. Coffey moved, to approve AM 941-2005,
Ms. Jennings seconded,

Mr. Tesche stated that he had been advised that the Health Departments and Fire Department requirements had been completed and the protest would be lifted.

Mr. Tesche moved, to amend AM 941-2005, *by waiving the protests and*
Mr. Coffey seconded, *approving the liquor license transfer,*

Municipal Clerk Barbara Gruenstein confirmed that she had been notified that the inspections were completed and approved and there were no taxes ~~were~~ owed.

and this motion was approved without objection, 11-0.

10.E. INFORMATION AND REPORTS

10.E.2. Information Memorandum No. AIM 98-2005, Sole Source Procurement Report for the month of November 2005; Purchasing. **(Carried Over to 1-10-06)**

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.6. Resolution No. AR 2005-333, a resolution approving the purchase and acquisition of real property legally described as **Tract B2B, Commodore Park Subdivision**, zoned R3SL and containing approximately 8.11 acres, for fair market value for an amount not to exceed \$1,200,000; Heritage Land Bank & Real Estate Services. *(Public Hearing set for 1-10-06)*
a. Assembly Memorandum No. AM 935-2005.

Mr. Sullivan moved, to introduce AR 2005-333,
Ms. Jennings seconded,
and Mr. Traini was the concurring third,
with Ms. Ossiander opposing.

(Clerk's Note: The Assembly approved a motion to Change the Order of the Day to take up this item. Upon completion, Chair Fairclough returned the Assembly to continue Public Hearing on 14.B)

10.F.7. Resolution No. AR 2005-335, a resolution authorizing eminent domain proceedings for ten parcels comprising the south half of Block 70, original Anchorage Townsite for the Parking Component of the New Convention Center; Heritage Land Bank and Mayor Begich. **(Laid on the Table)** *(Public Hearing was set for 1-10-05) (Clerk's Note: AR 2005-335 was originally assigned to 9.D.26, but was later identified as an item for introduction and was reassigned to Agenda number 9.F.7.)*

(Clerk's Note: The Assembly approved Mr. Coffey's motion to Change the Order of the take up this item; See item 14.B for details.)

To Mr. Coffey, Mayor Begich responded this matter involved property directly north of the Atwood Center, owned by Diamond Parking. Mr. Coffey declared a possible conflict of interest because he represented Diamond Parking in past and current matters. After discussion from Mr. Coffey, Mr. Sullivan and Mr. Traini, Chair Fairclough ruled that Mr. Coffey did have a conflict of interest and ordered him to not participate. There were no objections.

Mr. Sullivan stated that Diamond Parking had calculated it would not make economic sense to build a parking facility on this property and the Administration was proposing to use eminent domain to move forward on this project. HLB Executive Director Robin Ward responded they were reviewing their options for the proposed project.

Mr. Sullivan moved, to introduce AR 2005-335, with Public Hearing set for
Mr. Traini seconded, January 10, 2006,
and Ms. Shamberg was the concurring third,
with Mr. Coffey abstaining.

(Clerk's Note: Chair Fairclough returned the Assembly to 14.B, AO 2005-171.)

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Ordinance No. AO 2005-124, an ordinance amending Anchorage Municipal Code Chapters 21.35, 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various **care, service and living facilities**, amending zoning districts, amending supplementary district standards, conditional uses and site plans, and amending Section 14.60.030 to add care facilities violations (Planning and Zoning Commission Case 2003-143); Planning Department.
1. Assembly Memorandum No. AM 658-2005. *(Postponed from 11-8-05)*
2. Ordinance No. AO 2005-124(S), an ordinance amending Anchorage Municipal Code Chapters 21.35, 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various care, service and living facilities, amending zoning districts, amending supplementary district standards, conditional uses and site plans, and amending Section 14.60.030 to add care facilities violations; Assembly Vice-Chair Coffey. **(Addendum) (Postponed to 01-24-06)**

Mr. Coffey moved, to postpone AO 2005-124 to January 24, 2006,
Mr. Tesche seconded,

Mr. Coffey stated that Assembly Attorney Julia Tucker would be working with Municipal Attorney Fred Boness and would provide council and advice on this matter to Assemblymembers, who would continue to work with representatives from the disabled community.

Ms. Ossiander requested a worksession on the Substitute (S) Version.

Mr. Traini requested that Mr. Boness give an opinion on each of the changes in the S-Version.

Mr. Coffey requested that Ms. Tucker and Mr. Boness be familiar with the issue and satisfied that the city had a defensible position when this issue was addressed.

Mr. Tesche concurred with Mr. Coffey. He supported the motion to postpone.

To Ms. Shamberg, Chair Fairclough stated the disabled community had been informed of the proposal to postpone.

Chair Fairclough called for a show of hands, indicating Assemblymembers' wish for a worksession. There was not unanimous support. She called the Question on the motion to postpone.

and this motion was approved, 7-4.

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

NAYES: Shamberg, Ossiander, Traini and Jennings.

Mr. Coffey moved to Change the Order of the Day to take up 11.B, Agenda 13 items and then New Public Hearing items. Mr. Tesche moved to first take up 9.D.25. Mr. Coffey accepted as a friendly amendment and there were no objections.

11.B. Ordinance No. AO 2005-165, an ordinance of the Municipality of Anchorage directing the Administration, Real Estate Services, and Anchorage Fire Department to pursue development of a design/build project for **Fire Station 4** with the adjacent landowner, JL Properties rather than apply the procedures in AMC 7.10, 7.15 and 7.20; Assemblymember Traini. (*Failed 12-13-05; Notice of Reconsideration was given by Ms. Shamberg 12-14-05*) **(Addendum)**

Ms. Shamberg moved, *for reconsideration of AO 2005-165*,
Mr. Coffey seconded,

Mr. Sullivan requested time to review the packet of new information from the Administration.

To Deputy Municipal Manager Michael Abbott, Fire Chief Goodrich responded the department was interested in moving forward with a design/build, to establish a footprint and be able to secure the property and begin construction.

Mr. Birch opposed reconsideration, because the funding for this project had been approved by voters in 2004, offering ample time to allow a competitive bidding process, instead of using a sole source contract. Chief Goodrich responded the delay was due to the time needed to select the site.

To Mr. Sullivan, Chief Goodrich responded that the concern for additional delay was because of escalating construction prices, due to Hurricanes Katrina and Rita.

Mr. Traini stated it was important to postpone this matter to the next Assembly Meeting. He urged reconsideration.

Mr. Coffey stated this ordinance had failed, 5-5, at the last meeting. He supported reconsideration, with a full body in attendance.

Ms. Ossiander opposed reconsideration because the process needed to be improved with a competitive bid.

and this motion for reconsideration was passed, 8-3.

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

NAYES: Ossiander, Birch and Bauer.

Mr. Sullivan moved, *to postpone AO 2005-165 to January 10, 2006*,
Mr. Traini seconded,

Mr. Coffey stated that the Municipal Real Estate Service Office and the Anchorage Fire Department would submit a proposal to the Assembly by January 31, 2006. He opposed postponement because the costs were increasing daily and postponement would only delay this matter for an additional two weeks.

To Mr. Birch, Anchorage Fire Department Administrator Michelle Weston responded that additional time would be needed for completing a competitive bidding process before bidding construction. Municipal Manager Denis LeBlanc responded the selected site would require expansion and the adjacent property had been purchased and the property owner had agreed to allow access to that property, if he was offered an opportunity to submit a proposal. The proposal needed to be approved by the Fire Department and the Assembly.

Ms. Ossiander stated it was still important to include a public bidding process, even if this was a special arrangement with the property owner.

To Ms. Jennings, Ms. Weston responded the whole RFP process would be ready to review in February or March. Construction would not begin until late fall or early winter.

Chair Fairclough called the Question on postponement.

and this motion failed, 5-6.

AYES: Ossiander, Sullivan, Fairclough, Birch, Stout and Bauer.

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

Chair Fairclough called the Question on the main motion.

and the main motion was approved, 8-3.

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

NAYES: Ossiander, Birch and Bauer.

12. APPEARANCE REQUESTS None.

13. CONTINUED PUBLIC HEARINGS

13.A. Resolution No. AR 2005-291, a resolution of the Anchorage Municipal Assembly ratifying Executive Order 2005-031, an Executive Order Re-Naming **Timberline Drive** in Eagle River to Timber Ridge Drive; Municipal Clerk.

1. Assembly Memorandum No. AM 822-2005. (*Continued from 12-13-05*)

Chair Fairclough read the resolution title and opened Public Hearing.

JIM SEEDORF, a resident on Timberline Drive in Eagle River (*ER*), opposed the name change. To Ms. Ossiander, Mr. Seedorf responded the impacts to each community were different, but ER would have more significant impacts.

EDWARD KRYSINSKI, a resident on Timberline Drive in ER, opposed the name change. The nine residents, including three businesses, would be burdened and have costs of changing their addresses. There were no mailing addresses on Timberline Drive in Girdwood.

MARY KRYSINSKI, a resident on Timberline Drive in ER, opposed the name change. To Ms. Ossiander, Ms. Krysinski responded that the issue had been researched and had disclosed that many residents in Girdwood used Anchorage or Lower-48 addresses.

ROBERT MCKENZIE, a resident on Timberline Drive in ER, opposed the name change. There were no house numbers used in Girdwood. They could not understand the Administration's priorities.

JIM BUTCHART, a resident on Timberline Drive in ER, opposed the name change. He stated that residents from both ER and Girdwood agreed with the name change for Girdwood and the Administration had a responsibility to accommodate a majority of citizens.

BILL RYNER, a Timberline Drive in Girdwood resident, thought that Girdwood could change their street name. To Ms. Shamberg, he responded there were three families who lived continually on his street. He used Timberline Drive on his bank checks. To Mr. Stout, Mr. Ryner made recommendations of alternate names that Girdwood might use.

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

Ms. Ossiander moved, to approve AR 2005-291-2005,
Mr. Sullivan seconded,

Ms. Ossiander opposed the Eagle River name change. Girdwood residents did not receive home mail-delivery and would be assigned house numbers in the future. Timberline Drive in ER had been platted before Girdwood and there were an indeterminate number of residents in Girdwood. She urged a NO-vote.

Ms. Shamberg supported the Eagle River name change. The Administration had accurately weighed out and compared the numbers of residents and the ER Timberline Drive would be easier to change.

Mr. Sullivan stated the Eagle River Timberline residents would have a much more significant impact. He made recommendations of possible ski-area theme names for Girdwood residents to consider. He would be a NO-vote.

Mr. Bauer stated it should be determined if both names could remain the same, because of the distance between the two locations. He urged a NO-vote. Deputy Municipal Manager Michael Abbott explained the many factors which helped determine the Mayor's decision. The confusion and liability concerns remained when tracking a received call through emergency dispatch. Mr. Abbott urged support of the resolution. Mr. Bauer stated that there must be ways to distinguish between Girdwood and Eagle River calls. Municipal Manager Denis LeBlanc responded that 50% of the 911 calls were received by cell phones, which were impossible to track with their current system. With two street names the same there would be continued confusion. Their goal was to have the most accurate addressing system in the nation, but it would require sacrifice for residents with duplicate names, which was regrettable.

Mr. Birch stated that the Administration had accurately used the point system, evaluating the two locations and he supported the Mayor's evaluations, leaving the Girdwood addresses unchanged.

Ms. Jennings stated that it was inconvenient for any resident to undergo a name change. There were many reasons to support this executive order from the Mayor. She would be a YES-vote.

Mr. Tesche supported the resolution. The Administration had used a point system, which had subjectively determined which street name should be changed. The evidence indicated the name change would impact fewer residents in Eagle River. The Administration had vowed to eliminate a reoccurrence of the Godfrey incident and that required a change of one of the any duplicate street names. He would be a YES-vote.

Mr. Coffey assumed the Assembly Chair, allowing Ms. Fairclough to participate in the debate.

Ms. Fairclough stated that while she understood and supported the changes made by the Administration to improve the emergency response tracking system, she could not support this recommendation. Voters' addresses were not an indication of their residence. The Girdwood Timberline Drive should have been denied in the platting process because

there was already an existing Eagle River Timberline. Girdwood was scheduled to be given house numbers in the future and it would be easier to change that street name. She urged a NO-vote.

Mr. Stout stated that Eagle River had primary mail delivery and Girdwood had none. It would be easier to change the Girdwood street name and he would be a NO-vote on this resolution.

Acting Chair Coffey stated the Municipality had experienced a liability with an emergency cell phone call for help that could not be tracked and had cost the city a lot of money. He called the Question.

and the motion failed, 5-6.

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

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

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

Ms. Fairclough moved, *for immediate reconsideration of AR 2005-291,*
Ms. Ossiander seconded,
and this motion failed, 2-9.

AYES: Shamberg and Coffey.

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

(Clerk's note: Chair Fairclough resumed the Assembly Chair.)

- 13.B. Ordinance No. AO 2005-137, an ordinance approving a **Multi-Year Management Agreement for the Anchorage Museum of History and Art**, waiving Anchorage Municipal Code Titles 6 and 7 as to the Museum Collection, and amending Anchorage Municipal Code Section 7.40.060 regarding the Public Art Program; Office of Economic & Community Development.
1. Assembly Memorandum No. AM 697-2005. *(Continued from 10-25-05 and 12-13-05)*
 2. Ordinance No. AO 2005-137(S), an ordinance approving a Multi-Year Management Agreement for the Anchorage Museum of History and Art, waiving Anchorage Municipal Code Titles 6 and 7 as to the Museum Collection, and amending Anchorage Municipal Code Section 7.40.060 regarding the Public Art Program; Office of Economic & Community Development.
(Addendum)
 3. Assembly Memorandum No. AM 938-2005.

Chair Fairclough read the ordinance title and opened Public Hearing. Mr. Coffey explained there was a Substitute Version of the ordinance before the Assembly.

JOE GRIFFITH stated the management agreement had been approved by both the Administration and the labor unions. He recommended support of the ordinance.

JOHN REEDER, Chair of the Historical and Fine Arts Commission, supported the management agreement. But, it did not address requirements of operations and standards, including maintenance, accreditation, collections and museum policies. The commission's functions eventually should be transferred to the Anchorage Museum Association (AMA). The commission recommended the Assembly's adoption of an ordinance to confirm the museum as an institution of the Municipality, to be managed either directly or indirectly by AMA, in accordance with professional accreditations standards.

BRIAN DAVIES, Building Committee Chair, approved of the management agreement and urged Assembly approval.

BILL RYNER opposed any change of quality to the museum.

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

Mr. Coffey moved, *to approve AO 2005-137(S),*
Mr. Traini seconded,

To Mr. Coffey, Municipal Attorney Fred Boness responded that the Municipality shared many of the concerns of museum accreditation. An ordinance, in the future, to maintain standards would be in order. To Mr. Coffey's question, Mr. Boness responded that six months would be an appropriate time.

Ms. Ossiander appreciated all the professionalism and all the work from the museum staff. She congratulated the Administration on resolving a difficult situation.

Mr. Birch stated that property taxes were continuing to rise, despite the tax cap. This agreement would allow the AMA to collect revenues from membership fees and admission fees. Mr. Boness responded that city contributions to the museum were fixed under this contract and would be controlled as the museum expanded.

Mr. Tesche thanked the museum staff, the commissions, the volunteers and the Administration for their dedication and hard work on an excellent job to expand and manage the museum.

To Mr. Sullivan, Mr. Boness explained the positions being retained. Approximately 15-18 employees would be offered severance packages.

Ms. Jennings thanked all who were involved, for their work to make this management agreement possible. To her question, Mr. Reeder responded that the quality of the museum experience would be maintained. Anchorage Museum

Director Pat Wolf made assurances that new hires would possess professionalism, excellent customer service skills and knowledge of the fields of art, history and science. Mr. Reeder responded the new museum would include the Smithsonian, the Imaginarium, the Cook Inlet Historical Society. To Ms. Jennings, Mr. Boness responded an economic impact could be determined, once employees determined their options for their future museum involvement.

Mr. Stout complemented the Task Force and the Administration on this agreement. To his question, Mr. Boness responded that this 7-year contract would allow construction to be completed before the contract would be considered for renewal. It would also provide assurances to attract quality exhibits, which were scheduled years in advance.

Chair Fairclough called the Question.

and the motion passed unanimously, 11-0.

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

NAYES: None.

Mayor Begich thanked all the organizations which had been involved with finalizing this reorganization. He and the Administration were pleased with the future of the new museum. He thanked the Assembly for their support.

13.C. Resolution No. AR 2005-299, a resolution approving the appropriation of an amount not to exceed \$1,744,792 from Heritage Land Bank Operating Fund (221) Balance as a loan to the Anchorage Community Development Authority for **pre-development property expenditures** on behalf of former Heritage Land Bank Parcel #3-012 located in Mt. View.

1. Assembly Memorandum No. AM 841-2005. *(Carried Over from 12-13-05)*

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 2005-299,
Ms. Jennings seconded,

To Mr. Coffey, Heritage Land Bank Executive Director Robin Ward responded the development agreement involved a second access to the property. All appropriations for preparing this property for resale would be returned to the Municipality upon closing of the sale.

Mr. Birch requested a summary of the appraisal of the property being purchased compared to the returns from the developer. To his question, Ms. Ward responded these acquisitions were value-added improvements to the 25 acres.

Chair Fairclough called the Question.

and the motion passed, 9-0.

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

NAYES: None.

(Clerk's Note: Mr. Stout and Mr. Traini were temporarily out of Chambers at the time of the vote.)

13.D. Ordinance No. AO 2005-173, an ordinance authorizing an **electrical easement** across municipal property to Matanuska Electric Association, Inc., in the northeast corner of Tract 3, Eagleridge Subdivision Phase A, Plat 81-292, within Section 13, T14N, R2W, S.M. Alaska, located at Gruening Middle School site near Eagle River Road, Tax #050-872-01; Project Management & Engineering.

1. Assembly Memorandum No. AM 843-2005. *(Carried Over from 12-13-05)*

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

Mr. Coffey moved, to approve AO 2005-173,
Ms. Jennings seconded,
and the motion passed, 9-0.

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

NAYES: None.

(Clerk's Note: Mr. Stout and Mr. Traini were temporarily out of Chambers at the time of the vote.)

13.E. Resolution No. AR 2005-300, a resolution authorizing the acceptance and appropriation of a Federal Transit Administration (FTA) Section 5208 Grant in the amount of \$846,377 to the Anchorage Roads and Drainage Service Area Capital Fund (441) for the construction of a **multi-use, ADA-compliant trail connection** at Kincaid Park; Project Management & Engineering.

1. Assembly Memorandum No. AM 842-2005. *(Carried Over from 12-13-05)*

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

Mr. Coffey moved, to approve AR 2005-300,
Ms. Jennings seconded,

To Mr. Birch, Municipal Engineer Howard Holtan responded this appropriation involved extension of the bike path in Kincaid Park.

and the motion passed, 10-0.

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

NAYES: None.

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

Mr. Sullivan requested that maps be included when studying matters of this kind in the future.

- 13.F. Resolution No. AR 2005-301, a resolution of the Municipality of Anchorage appropriating \$605,000 from the Federal Highway Administration (FHWA) to the Federal Grants Fund (241) for the Traffic Department, Transportation Planning Division, **Anchorage Metropolitan Area Transportation Solutions** (AMATS); Traffic Department.

1. Assembly Memorandum No. AM 848-2005. *(Carried Over from 12-13-05)*

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 2005-301,
Ms. Jennings seconded,
and the motion passed, 10-0.

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

NAYES: None.

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

Mr. Coffey moved to Change the Order of the Day to take up 14.A, seconded by Mr. Sullivan and there were no objections.

- 13.G. Ordinance No. AO 2005-149, an ordinance of the Municipality of Anchorage authorizing withdrawal of **Heritage Land Bank (HLB) Parcel #3-048** from the HLB Inventory and transfer of the parcel to Real Estate Services Division, with management authority to be delegated to Parks & Recreation Division, and further authorizing a conservation easement to be recorded against the parcel; Heritage Land Bank.

1. Assembly Memorandum No. AM 759-2005. *(Carried Over from 12-13-05)* **(Carried Over to 1-10-06)**

- 13.H. Ordinance No. AO 2005-174, an ordinance authorizing the sale of **Lots 9 and 10, Ridgeview Subdivision**, located at the intersection of Old Seward and East 70th Avenue, in Anchorage (Parcel ID Nos. 014-111-19 and 014-111-20); Heritage Land Bank & Real Estate Services.

1. Assembly Memorandum No. AM 844-2005. *(Carried Over from 12-13-05)* **(Carried Over to 1-10-06)**

- 13.I. Ordinance No. AO 2005-175, an ordinance amending Anchorage Municipal Code Chapters 21.40, 21.45 and 21.50 to delete zoning and conditional use provisions related to **roof-mounted satellite dishes** (Planning and Zoning Commission Case 2003-143); Planning Department.

1. Assembly Memorandum No. AM 845-2005. *(Carried Over from 12-13-05)* **(Carried Over to 1-10-06)**

14. NEW PUBLIC HEARINGS

- 14.A. Ordinance No. AO 2005-170, an ordinance of the Anchorage Municipal Assembly submitting a ballot proposition to the qualified voters of the Municipality of Anchorage at the Regular Election of April 4, 2006, to repeal in its entirety Anchorage Municipal Charter Article XXI, **Municipal Vehicle Code Enforcement Standards**; Assemblymember Coffey.

1. Assembly Informational Memorandum No. AIM 99-2005. **(Memorandum Laid on the Table)**
(Continued to 1-10-06)

Chair Fairclough read the ordinance title. Mr. Coffey responded that item, 9.F.1, introduced that evening, dealt with similar matters and was scheduled for Public Hearing January 24, 2006. Chair Fairclough opened Public Hearing. With no public testimony, she continued Public Hearing to January 24, 2006 and there were no objections.

- 14.B. Ordinance No. AO 2005-171, an ordinance amending Anchorage Municipal Code Section 25.20.027 regarding **eminent domain limitations**; Assemblymember Birch.

1. Assembly Informational Memorandum No. AIM 100-2005. **(Memorandum Laid on the Table)**
(Carried Over to 1-10-06)

Chair Fairclough read the ordinance title. Mr. Birch explained the amendments he was planning to offer that evening. Chair Fairclough opened Public Hearing.

DAVID LEE, resident of Oceanview/Old Seward Community Council area, supported the Substitute Version (S Version), as amended. Eminent Domain needed to be limited and protection was needed for private property and for historic reasons. He recommended including language to define economic benefit.

JOHN PLETCHER, resident Oceanview Community Council, supported AO 2005-171, as amended.

CHUCK RAY supported AO 2005-171, as amended.

KATHY GIRARD supported AO 2005-171, with limitations on eminent domain and protecting private property. To Mr. Tesche, Ms. Girard responded that she could not remember the city taking of any personal property in the past.

1 STAN GATES testified in support of private property rights, with no exceptions. He supported Mr. Birch's ordinance,
2 as amended, limiting eminent domain.

3
4 BOYD MORGENTHALER, owner of personal property being threatened, supported the ordinance, as amended. He
5 urged approval.

6
7 JEFF PARKER, ~~[resident of Sand Lake, supported the ordinance. As a biologist, he understood how damaging the~~
8 ~~trail would be to the wildlife refuge.]~~ , a member of the Sand Lake area, addressed Mr. Tesche's question by
9 responding that it was his opinion the Coastal Trail was an example of where the power of eminent domain would be
10 used inappropriately, because of the refuge. He worked for many years for the United States Fish and Wildlife Service
11 and the State of Alaska on fish and wildlife matters and on legislation to Special Council to the State Legislature. He
12 worked for interests of conservation and property owners, on the Coastal Trail issue. Everyone knew that the
13 proposed trail, sought by many public officials, was seeking to take property within the boundary of the refuge. When
14 the state drew the boundaries of the refuge, it did so consciously and in a manner which included private land,
15 because the land had very important wildlife benefits. Every biologist who had worked on this issue understood the
16 trail was worse than a road below the bluff because of how wildlife reacted to predator-like patterns of human behavior,
17 compared to vehicular patterns, which were consistent. Wildlife accommodated a consistent vehicular pattern much
18 better than a predator-like, human pattern of movement. This was why biologists had always opposed the trail below
19 the bluff. The Coastal Trail was an excellent example of where the Municipality had intended to use the power of
20 imminent domain inappropriately. He had reached that conclusion without relying on the fact that the private peoples'
21 property, which he represented, would be condemned. On the wildlife issue alone, it was inappropriate. It was a
22 public wildlife refuge and it was not appropriate to condemn an in-holding that the State of Alaska had stated through
23 legislation, that the refuge had important wetland and wildlife values. The taking of this property was an example of an
24 inappropriate condemnation. To Mr. Tesche, Mr. Parker responded he did not have an opinion on the definition of
25 leisure amenities as defined in Subsection 3.

26
27 MARY WHITMORE, supported the ordinance, believed in private property rights and opposed special interests groups.
28 There needed to be limits on eminent domain and property needed protection. Mr. Sullivan supported Ms. Whitmore's
29 testimony.

30
31 BERNADETTE BRADLEY supported the Birch Ordinance, as amended.

32
33 BOB BROCK supported private property rights. He urged support of the ordinance.

34
35 DAN BEARDSLEY, President of the International Right of Way Association, testified that consideration was needed to
36 address the importance and the impacts of projects to the entire community. Mayor Begich stated the International
37 Right of Way Association was an important and active group. To Ms. Osslander, Ms. Jennings, Mr. Traini and Mr.
38 Stout, Mr. Beardsley explained that he was testifying as a private citizen, that he urged local governments to make
39 decisions in the best interest of their communities, the necessity of mitigation in eminent domain and private property
40 matters and how he could be reached.

41
42 Mr. Sullivan moved to Change the Order of the Day to take up 9.F.6. Mr. Stout seconded and there was no objection.
43 *(Clerk's Note: Chair Fairclough returned to continue Public Hearing, following Assembly action on 9.F.6)*

44
45 VINCE WITHINGTON supported the Birch Ordinance and opposed any use of eminent domain for the taking of private
46 property to complete a recreational trail. For years, he and his neighbors had lived under constant threat of losing their
47 homes.

48
49 BOB LOLLY supported the Birch ordinance, as amended. To Mr. Tesche, Mr. Lolly responded that acquisition of
50 private property for the Knik Arm Crossing would result in an overall benefit for the community, but, the taking of
51 private property for a recreational trail was not right. To Mr. Traini, Mr. Lolly responded the issue concerning eminent
52 domain should be done on a local level.

53
54 DEANNA ESSERT, resident of Sand Lake, opposed eminent domain and the taking of private property and organized
55 special interests groups. She supported the protection of lakes, streams, shorelines and wildlife refuges. She
56 supported the Birch Ordinance, as amended.

57
58 MICHAEL CARLSON, whose personal property was being threatened, opposed eminent domain for the trail project.
59 He supported the Birch Ordinance, as amended. He thought alternate routes needed to be considered that would not
60 destroy habitat or personal property. To Ms. Jennings, Mr. Carlson responded that his property had been a moving
61 target for years, with many proposed trail routings. To Mayor Begich, Mr. Carlson responded the trail was currently
62 proposed to run through his front yard. Mayor Begich responded his Administration had improved the proposed
63 routing to lessen impacts to private property and wildlife.

64
65 WAYNE PICHON, resident of the Bayshore/Klatt area, supported the Birch Ordinance, as amended. To Ms. Jennings,
66 he responded that he had been the Federal Government's Coastal Zone Management Coordinator for the State of
67 Alaska. He had worked on the original Coastal Trail and there had been private property condemnations with that
68 project. To Mr. Traini, he responded that eminent domain laws needed to be decided by the city. There were many
69 residents who lived in terror over losing their private property with eminent domain and the Coastal Trail. To Mr.
70 Tesche, Mr. Pichon responded that no homes had been taken when creating the existing Coastal Trail, but some
71 owners had been offered nothing for the taking of their property.

72
73 PER BJORNE-ROLI, bluff property owner, supported the Birch Ordinance, as amended. To Ms. Jennings, he
74 responded the Coastal Trail was proposed to go through his front yard, about 40 feet from his home, was below the
75 bluff and close to the wildlife refuge. He supported basic personal property rights.

76
77 With no additional public testimony, Chair Fairclough closed Public Hearing. Mr. Coffey moved to Change the Order of
78 the Day to take up 9.D.26 (9.F.7), AO 2005-335, seconded by Ms. Shamberg. Mr. Birch urged consideration to

continue action on AO 2005-171. To Mr. Sullivan, Mayor Begich and Municipal Attorney Fred Boness responded AO 2005-335 was a time-sensitive matter. There were no objections to take up 9.F.7. *(Clerk's Note: Chair Fairclough returned the Assembly to this item, once Assembly debate and action on AO 2005-335 was completed.)*

Mr. Birch moved, to approve AO 2005-171,
Mr. Bauer seconded,

Mr. Birch moved, to amend AO 2005-171 on Page 1, Section B, *by adding to*
Mr. Bauer seconded, read: B. The municipality shall not use "or rely upon" the
power of eminent domain to acquire private property, in whole
or in part, or any interest in private property, for the purpose
of leisure amenities, "regardless of how such amenities are
characterized or financed.;"

Mr. Tesche opposed the ordinance because the Alaska State Legislature would soon be responding to the federal court ruling concerning eminent domain. The U.S. House of Representatives and U.S. Senate were also addressing this matter. It would be wise not to take action on amendments to Municipal Code until after that decision. He urged postponement.

Mr. Coffey moved to Change the Order of the Day to take up item 14.C, seconded by Ms. Jennings. *(Clerk' Notes: Mr. Coffey, Ms. Fairclough, Ms. Ossiander, Mr. Bauer and Mr. Traini objected.)* Mayor Begich stated this matter was critically important for the upcoming bond ratings actions. Mr. Birch urged consideration to first complete action on AO 2005-171, to which there was no response. Chair Fairclough moved the body to 14.C.

- 14.C. Ordinance No. AO 2005-190, an ordinance approving a **Multi-Year Management Agreement** for the Convention Center, a multi-year professional services contract for promotion of tourism, and a use agreement for the Convention Center on Block 80.
1. Assembly Memorandum No. AM 903-2005.

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

Mr. Traini moved, to approve AO 2005-190,
Mr. Tesche seconded,

Mr. Birch moved, to amend AO 2005-190, *by adding to* AM 903-2005 on Page
Mr. Sullivan seconded, 3, to read: "B. ACVB agrees to put the management
contract for the new convention center out to competitive bid,
and to select a contractor, through this process, prior to the
opening of the facility.;"

Mr. Birch stated that the convention center management contract required a competitive bid, as was approved by the voters. Mayor Begich objected.

Mr. Sullivan stated that Mr. Birch had recommended that this amendment be considered, and he concurred. The campaign for the convention center was predicated upon certain things and promises had been made, including that the facility would go out for a competitive bid. It was important for that to be honored.

Chair Fairclough called for a motion to extend the meeting for 15 minutes to complete this item. Mr. Coffey so moved. It was seconded by Ms. Jennings and there was no objection.

Mr. Sullivan urged consideration of the amendment.

Mr. Traini stated the convention center contract was being managed by the Anchorage Convention and Visitor's Bureau (ACVB). Amending the attached memorandum would require renegotiation of the contract. Municipal Attorney Fred Boness ~~responded~~ concurred.

To Ms. Jennings, Mr. Boness responded that the ACVB and SMG were prepared to sign a contract. Mayor Begich responded that the Assembly would have the opportunity to readdress the management contract in 2009.

To Mr. Stout, Mr. Boness and Mayor Begich responded that this action may affect the terms of the bond sale, the interest rates and the start of construction of the convention center. It would take several weeks to be heard again by the Assembly. Assembly Attorney Julia Tucker concurred.

Mr. Tesche stated this was one of the most important projects that a member would see while on the Assembly. He strongly recommended not to adopt the amendment and to approve the ordinance without delay.

Mr. Birch opposed being forced to act on such short notice, and under such duress. A different process was needed to procure management agreements. The Assembly needed to follow the understanding of the voters and he supported his amendment. Chair Fairclough concurred. Mayor Begich responded that this was a negotiated agreement that the Administration had worked on over the past several months and the matter was not being added at the last minute.

Mr. Traini stated that both the Assembly Counsel and the Municipal Attorney had indicated there were problems with the amendment. He recommended rejecting the amendment and approving the ordinance.

Mr. Coffey stated that, viewing the merits of the convention center, he would support the Administration.

Ms. Jennings stated there had been two previous worksession on this matter and the Administration had been busy negotiating the contract with the ACVB, preparing for the bond sales. She opposed the Birch Amendment.

Mr. Sullivan stated that Mr. Birch had announced his intention for his amendment at the last worksession. This was no surprise and it was appropriate. As public officials, the Assembly had an obligation to live up to their word given to and approved by the voters.

Mr. Traini called the Question.

and the Birch Amendment failed, 3-8.

AYES: Sullivan, Birch and Bauer.

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

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

and the main motion was passed, 8-3.

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

NAYES: Sullivan, Birch and Bauer.

14.D. Ordinance No. AO 2005-164, an ordinance submitting to the qualified voters residing in The Tablelands Subdivision, a ballot proposition to create a new street light service area designated as **The Tablelands Subdivision Street Light Service Area**, and, upon voter approval, accordingly amend Anchorage Municipal Code Section (AMC) 27.30.700 and automatically consolidate The Tablelands Subdivision Street Light Service Area with the Eagle River Street Light Service Area, effective retroactively as of January 1, 2006; Maintenance & Operations Department.

1. Assembly Memorandum No. AM 799-2005. **(Carried Over to 1-10-06)**

14.E. Ordinance No. AO 2005-176, an ordinance creating a **Tax Increment Financing Improvement District**, pledging the payment of tax increments to repay indebtedness undertaken to pay for improvements in the Tax Increment Financing Improvement District, and authorizing the payment for public improvements provided in the District; Assemblymembers Birch, Stout and Traini.

1. Assembly Memorandum No. AM 852-2005. **(Carried Over to 1-10-06)**

14.F. Ordinance No. AO 2005-178, an ordinance amending Anchorage Municipal Code Section 21.45.150 confirming the Assembly's intent that the use of a dwelling unit for the **operation of particle accelerator systems, including cyclotrons**, is prohibited in home occupations; and amending Anchorage Municipal Code Sections 21.40.030, 21.40.040, 21.40.045, 21.40.050, 21.40.060, 21.40.070, 21.40.080, 21.40.090, 21.40.100, 21.40.110, 21.40.115, 21.40.117 and 21.40.130 to confirm that operation of particle accelerator systems and cyclotrons is prohibited in residential areas; Assemblymember Tesche.

1. Assembly Memorandum No. AM 856-2005.

2. Assembly Information Memorandum No. AIM 101-2005. **(Memorandum Laid on the Table)**
(Carried Over to 1-10-06)

15. **SPECIAL ORDERS** None.

16. **UNFINISHED AGENDA** None.

17. **AUDIENCE PARTICIPATION** None.

18. **ASSEMBLY COMMENTS** Mr. Coffey wished everyone a Merry Christmas.

19. **EXECUTIVE SESSIONS** None.

20. **ADJOURNMENT**

Chair Fairclough adjourn the meeting at 11:15 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)

Agenda Published ANCHORAGE DAILY NEWS P.O. 540-05