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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Special Meeting of January 18, 2005

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1. **CALL TO ORDER**

The Special Assembly Meeting was convened by Chair Traini at 6:00 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: Anna Fairclough, Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout, Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

ABSENT: None.

3. **PLEDGE OF ALLEGIANCE** Assemblymember Whittle led the pledge.

29
30

4. **OLD BUSINESS**

31 4.A. Resolution No. AR 2005-4, a resolution adopting the **2005 Legislative Program** for the Municipality of Anchorage; Office of the Mayor. (*Postponed from 1-11-05*)

32 1. Assembly Memorandum No. AM 23-2005.

33 2. Resolution No. AR 2005-4(S), a resolution adopting the 2005 Legislative Program for the Municipality of Anchorage; Office of the Mayor.

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35
36
37 Chair Traini summarized that there was a motion on the floor from Mr. Coffey for approval of the Substitute Version of AR 2005-4 and he opened discussion.

38
39
40 Mr. Coffey proposed adding a new section on Page 1-2, addressing the PERS/TERS retirement system.

41 Mr. Coffey moved,

42 Mr. Sullivan seconded,

43 and there were no objections,

44 to amend AR 2005-04(S), the 2005 Legislative Program, on
45 Page 1-2, *by adding* new language: "The Municipality of Anchorage supports adoption of a new tier in PERS/TERS for new hires which is a defined contribution program, ~~not~~ "as opposed to" a defined benefits package."

46
47
48 Mr. Coffey stated the consequences of the health care and benefits program of the current TERS/PERS needed to be addressed to prevent putting an undue burden on the taxpayers. He stated this would only apply to new hires and would not affect retirees and current employees.

49
50
51 To Chair Traini, Deputy Municipal Manager Michael Abbott responded the Administration had no objections.

52 Mr. Coffey moved,

53 Mr. Sullivan seconded,

54 and there were no objections,

55 to amend AR 2005-04(S), the 2005 Legislative Program, on
56 Page 1-3, under subsection "Crack down on assault of school employees," *by adding* "a. Fines and restitution payments can be recovered from Permanent Fund Dividends of those convicted of crimes against [the] School District employees and/or destruction of or damage to school property."

57
58
59 To Chair Traini, Deputy Municipal Manager Michael Abbott responded the Administration had no objections.

60 Mr. Coffey moved,

61 Mr. Sullivan seconded,

62 to amend AR 2005-04(S), the 2005 Legislative Program, on
63 Page 1-3, under subsection "Crack down on assault of school employees," *by adding* "b. If there is an outstanding unpaid fine or amount of restitution resulting from a conviction of a crime, the person responsible will not be eligible for a student loan through Postsecondary Education."

64
65
66 Mr. Coffey stated that if there was a crime against a school district employee, the responsible person who had not paid restitution or the fine would not be entitled to a student loan with the State of Alaska.

67
68
69 To Chair Traini, Mr. Abbott responded the Administration had no objections.

70
71
72 Ms. Ossiander stated the debt had become the responsibility of the family and she understood the wording of the Coffey Amendment to mean the debt would now belong to the kid. Mr. Coffey responded this had to do with

1 arrangements for payment and did not change the terms of the debt and it was simply specifying the loss of eligibility
2 for a state student loan.

3
4 Chair Traini stated that he supported the Coffey Amendment and viewed it as strengthening the existing law. He
5 disagreed with the state for capping the debt owed at ten thousand dollars, and he thought there should be no limit to
6 what the city could recoup, until the damages were paid for.

7
8 Ms. Fairclough thought leniency could be made to students who were moving forward and making the right choices,
9 even if there were problems from other children inside the same family. Mr. Coffey responded it was not his intention
10 to apply this to good students versus destructive ones in a single family. He explained this was simply a general policy
11 statement to the state. The Assembly would be able to respond later with additional details once the Legislature
12 addressed this issue.

13
14 Ms. Jennings stated that while the recent incident at West High was regrettable, she thought college might be a means
15 for those kids to better themselves. She did not want to make more obstacles for them if there was a chance for them
16 to improve.

17
18 Ms. Shamberg stated that what helped children's behavior was the knowledge that there would be serious
19 repercussions to their actions and the community would know of their involvement in the crime. She thought the
20 current laws were far too permissive. She supported the Coffey Amendment.

21
22 and this motion was approved with one objection by Ms. Jennings,

23
24 Mr. Coffey moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
25 Ms. Ossiander seconded, Page 1-2, by adding a cap on the surcharge of \$2.00 for 911.

26
27
28 To Chair Traini, Deputy Municipal Manager Michael Abbott responded that the Administration had no objections.

29
30 Anchorage Police Chief Walter Monegan responded that the initial costs of the new 911 system were about \$4 million
31 per year. The Anchorage Police Department (APD) still needed funds to operate and maintain the system. To Mr.
32 Whittle, the Chief responded that they planned to begin with a surcharge of fifty cents, and work their way up to two
33 dollars in the future, if it was necessary.

34
35 and there were no objections,

36
37 Mr. Coffey moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
38 Mr. Tesche seconded, Page 2-[12] 11, by deleting the sentence: [~~The Anchorage~~
39 ~~Assembly supports mandatory reporting of real estate sales~~
40 ~~price to the State of Alaska.~~]

41
42 Mr. Sullivan moved, to amend the Coffey Amendment by reinstating original
43 Mr. Coffey seconded, language and by adding, to read: "The Anchorage Assembly
44 supports a state review regarding the mandatory reporting
45 of real estate sales prices to the State of Alaska."

46
47 To Chair Traini, Deputy Municipal Manager Michael Abbott responded the Administration supported the amendment.

48
49 Mr. Tremaine concurred. He thought that mandatory reporting would help improve the tax rolls and thought the State
50 of Alaska needed to address the issue.

51
52 Mr. Tesche supported the Coffey Amendment and stated that historically the Assembly had taken a position against
53 mandatory reporting at a local level and thought the State Legislature needed to address the issue for statewide policy.

54
55 Mr. Sullivan thought that there were other sentences in that subsection which still mentioned mandates and that simply
56 removing the first sentence did not accomplish the intended goal. He recommended adding language "a state review
57 regarding the," to show specific intent. Mr. Coffey accepted the Sullivan Amendment as a friendly amendment.

58
59 Mr. Tremaine approved of the change and stated that he would be a YES-vote.

60
61 Ms. Fairclough stated that while reporting of home sales was not mandatory, the sale prices were averaged in with
62 sales for the areas.

63
64 Municipal Fiscal Officer Jeff Sinz stated that this amendment would allow collection of information and smooth out the
65 erratic appraisals. They would not use the disclosures and information to penalize taxpayers.

66
67 and the amended Coffey Amendment was approved,

68
69 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Stout, Jennings, Ossiander and Shamberg.
70 NAYES: Tesche and Coffey.

71
72 Mr. Coffey moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
73 Mr. Tesche seconded, Page 2-[12] 11, by deleting the last sentence in the first
74 paragraph: [~~There are several means used to gather these~~
75 ~~data, including real estate sale stamps, fees, and/or taxes.~~]

1 Mr. Coffey stated that to further reduce the burden to taxpayers, the body should consider deleting the last sentence in
2 the paragraph, which lists other means of collecting real estate data.

3
4 Mr. Stout did not think it should be the responsibility of the homeowner to report and felt that enforcement would be
5 difficult if this were made mandatory. Ms. Fairclough responded that there were other entities which could collect and
6 report the data.

7
8 Mr. Sullivan stated he would support the amendment.

9
10 To Chair Traini, Mr. Abbott responded that the Administration had no objections.

11
12 and there were no objections,

13
14 Mr. Sullivan moved,
15 Mr. Coffey seconded,
16 and there were no objections,

to amend AR 2005-04(S), the 2005 Legislative Program, on
Page 2-[12] 11, 2nd paragraph, *by changing* to read:
Uniform collection of real estate sale price data throughout
the state [~~will~~] "may" result in equity in price estimation and
comparisons.

17
18
19
20 Mr. Coffey moved,
21 Mr. Tremaine seconded,

to amend AR 2005-04(S), the 2005 Legislative Program, on
Page 3-3, *by adding*; "The MOA will cease to transport state
prisoners [by July 1, 2005,] if there is no state funding."

22
23
24 To Chair Traini, Mr. Abbott responded that the Administration had no objections.

25
26 Mr. Tesche supported the amendment.

27
28 Ms. Fairclough moved a friendly amendment to add "state" funding. This was accepted by Mr. Coffey.

29
30 Municipal Attorney Fred Boness responded that while it could be viewed that the state was in breach of the contract if
31 the Municipality of Anchorage (MOA) stopped transport of state prisoners, the state might claim that the MOA owed it
32 money. Anchorage Police Chief Walt Monegan explained that the state claimed the city owed them about \$22 million
33 over the years for funding the care and feeding of the prisoners. Deputy Municipal Manager Michael Abbott
34 recommended holding a worksession to discuss this issue.

35
36 Ms. Fairclough recommended that Mr. Coffey withdraw the amendment. Mr. Coffey responded this needed to be
37 addressed and acknowledged this was just a small piece of a bigger problem. Mr. Abbott recommended keeping this
38 priority to send the state a message. Ms. Fairclough recommended that the date of July be omitted. Mr. Coffey
39 concurred and accepted this as a friendly amendment.

40
41 and this was unanimously approved,

42
43 Mr. Coffey moved,
44 Ms. Jennings seconded,

to amend AR 2005-04(S), the 2005 Legislative Program, on
Page 4-17, *to move* the Ben Boeke Arena Rink Replacement
and Repairs from [~~priority 17~~] to "priority 11" and renumber
accordingly.

45
46
47
48 Ms. Ossiander could not justify a ranking of these items. She stated these issues had not been thoroughly discussed
49 to determine priorities.

50
51 Deputy Municipal Manager Michael Abbott responded that it was not the Administration's intent to have any of these
52 items listed in order or ranking or priority. Mr. Coffey withdrew his amendment and Ms. Jennings concurred.

53
54 and this motion was withdrawn,

55
56 Mr. Coffey moved,
57 Mr. Sullivan seconded,

to amend AR 2005-04(S), the 2005 Legislative Program, on
Page 5-3 *by adding* "\$500,000 (of additional state dollars) for
a route study and planning for eventual extension to connect
Dowling from Old Seward to "C" Street."

58
59
60
61 Mr. Coffey stated that it was reasonable to consider and propose the next level (*of development*), since the
62 Municipality was investing \$19 million.

63
64 The Administration had no objection to the Coffey Amendment.

65
66 and this motion was unanimously approved,

67
68 Ms. Fairclough moved,
69 Ms. Ossiander seconded,

to amend AR 2005-04(S), the 2005 Legislative Program, on
Page 3-9 *by adding* a new Legislative Priority, under Project
Management and Engineering, *by adding* "Yosemite Drive
Upgrade for [~~\$300,000~~] [~~\$500,000~~] **\$950,000.**"

70
71
72
73 Ms. Fairclough stated that she and Ms. Ossiander had addressed this road in front of the new Eagle River High
74 School, which had been listed in the CIP, but Traffic Engineering indicated that it did not qualify for federal funds. She
75 urged a YES-vote.

76

1 Mr. Abbott stated that the Administration supported this request and recommended consideration of a larger request
2 amount. He recalled the figure of \$950,000 as an estimate recommended from Project Management and Engineering
3 and the Traffic Department. Ms. Ossiander responded they were requesting improvements to the high school
4 entrance at the intersection with Veteran's Memorial Parkway, and the figure of \$300,000 had been recommended by
5 the Municipal Traffic Department. Mr. Abbott responded that lighting needed to be addressed along all of Yosemite
6 Drive and the traffic path. Ms. Ossiander proposed a friendly amendment to change the amount to \$500,000. Ms.
7 Fairclough amended by changing the figure to \$950,000, which she stated could be reduced at a later time. This was
8 seconded by Mr. Sullivan.

9
10 Mr. Sullivan stated that Bartlett High School still needed upgrades, and approved of the larger figure to be able to
11 address these upgrades properly.

12
13 and this motion was unanimously approved,

14
15 Ms. Ossiander moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
16 Ms. Fairclough seconded, Page 5, *by changing* the last sentence to read: Construction
17 is expected to occur in [~~2006-7~~] "2005."
18

19 Deputy Municipal Manager Michael Abbot responded that clarification was needed to discern if this involved road or
20 school construction. He thought there might be a concern with the timing of receiving needed grant money if it
21 involved road construction. Ms. Ossiander suggested the body approve the amendment and the Administration could
22 contact the School District for the particulars on this issue. Mr. Abbott concurred.

23
24 and this was approved with no objections,

25
26 Ms. Fairclough move, to amend AR 2005-04(S), the 2005 Legislative Program,, by
27 Ms. Ossiander seconded, *adding* a new legislative priority; "Beach Lake Parking Lot;
28 \$75,000 (state grant request) and \$75,000 (local match)."
29

30 Ms. Fairclough stated the proposed project description had changed, to include design and construction of expanded
31 parking facilities and enhancement for improved public access to the Beach Lake Park Chalet and hiking, biking and
32 cross country ski trail system. Trail system expansion plans also included a new stadium, a stadium-staging area and
33 the expanded parking would provide primary public access to both the chalet and the improved trail systems.

34
35 To Mr. Coffey, Ms. Fairclough stated that she had received a confirmation from the local Parks Service Area and
36 \$75,000 was available for matching funds.

37
38 To Chair Traini, Deputy Municipal Manager Michael Abbott responded that the Administration had no objections.

39
40 and that was approved with no objections,

41
42 Ms. Ossiander moved, to amend AR 2005-04(S), the 2005 Legislative Program, *by*
43 Ms. Fairclough seconded, *adding* a new legislative priority for "Mirror Lake Park Mobile
44 Restroom Facilities; \$100,000 (state grant request) and
45 \$100,000 (local match)."
46

47 Ms. Fairclough stated this was to provide funding for replacement of aged, deteriorated restroom facilities to meet ADA
48 standards and provide higher capacity, lower maintenance and security of the public restrooms.

49
50 and this was approved with no objections,

51
52 Ms. Ossiander moved, to amend AR 2005-04(S), the 2005 Legislative Program, *by*
53 Ms. Fairclough seconded, *adding* a new legislative priority for "Chugach State Park
54 Planning Update; \$300,000 (state grant request)."
55

56 Ms. Fairclough stated that she had discussed the next proposed amendment with Health and Human Services and she
57 was not going to offer this amendment to delete the DMV fee increases. Chair Traini called for any member to move
58 this amendment and there were none, and it was not offered.

59
60 Ms. Fairclough moved, to amend AR 2005-04(S), the 2005 Legislative Program, *by*
61 Ms. Ossiander seconded, *adding* a new legislative priority for the "Glenn Highway and
62 Veteran's Memorial Parkway Interchange; \$500,000 for
63 planning." (state grant request).
64

65 Ms. Fairclough stated this would provide congestion relief for the Glenn Highway and the Veteran's Memorial Highway,
66 and would be one of two points that would be affected by the new Eagle River High School.

67
68 To Ms. Jennings, Ms. Fairclough responded that the \$500,000 would be used for planning. Ms. Ossiander moved a
69 friendly amendment to specify the \$500,000 was for planning. This was accepted by Ms. Fairclough.

70
71 and this was approved with no objections,

72
73 Ms. Ossiander moved, to amend AR 2005-04(S), the 2005 Legislative Program, *by*
74 Ms. Fairclough seconded, *adding* a new legislative priority for a new brush truck for the
75 "Chugiak Volunteer Fire Department; \$80,000 (state grant
76 request) and \$80,000 (local match)."
77

1 Ms. Ossiander stated the Chugiak Volunteer Fire Department badly needed a brush truck and it would be partially
2 funded from the service area.

3
4 and this was approved with no objections,

5
6 Ms. Fairclough moved, to amend AR 2005-04(S), the 2005 Legislative Program, by
7 Ms. Ossiander seconded, adding a new legislative priority: "Eagle River Area
8 Volunteer Fire Station Site Acquisition; ~~[\$325,000] \$375,000~~
9 (state grant request) and ~~[\$325,000] \$375,000 (local~~
10 volunteer fire service area match)."

11
12 To Ms. Jennings, Ms. Fairclough clarified that this was a proposal of \$750,000 for a new Eagle River Volunteer Fire
13 Department station. It should reflect requests for \$375,000 from the state with matching funds from the volunteer fire
14 service area. Ms. Ossiander concurred.

15
16 and this was approved with no objections,

17
18 Ms. Ossiander moved, to amend AR 2005-04(S), the 2005 Legislative Program, by
19 Ms. Fairclough seconded, adding a new legislative priority: "Acquisition of a snow dump
20 site within the Eagle River area; \$250,000 (state grant
21 request) and \$250,000 (local match)."

22
23 Ms. Ossiander stated that the Chugiak had a snow dump area and Eagle River area did not. She stated this issue was
24 a top priority of their local road service area board. To Ms. Fairclough, Ms. Ossiander concurred that the local
25 matching funds were to come out of the local Chugiak Birchwood Eagle River Rural Road Service Area (CBERRRSA).

26
27 and this was approved with no objections,

28
29 To Ms. Fairclough, Assembly Budget Director Elvi Gray-Jackson responded the Legislative Proposal for the bike trail
30 had been proposed from either Ms. Fairclough or Ms. Ossiander. Eagle River Parks and Recreation and Community
31 Development Director John Rodda responded the trail was proposed to go from Eagle River Lane to Stewart Drive and
32 was approximately three-eighths of one mile. The projected costs were made with comparison with the Raspberry
33 Road trail, which was one-half mile and was \$350,000.

34
35 Ms. Fairclough moved, to amend AR 2005-04(S), the 2005 Legislative Program, by
36 Mr. Coffey seconded, adding a new legislative priority: "A bike path along Stewart
37 Drive to Eagle River Lane."

38
39 Ms. Fairclough stated that a bike trail was part of the Eagle River Park Plan, and thought it should be included for
40 consideration on this route.

41
42 and this was approved with no objections,

43
44 Ms. Jennings moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
45 Mr. Tesche seconded, Page 5-72, by adding; "Raspberry Road Extension from
46 Minnesota Drive to Rovenna Street." under priority
47 transportation projects; "\$1,300,000 (state grant request) and
48 1,550,000 (local match)."

49
50 Ms. Jennings stated that residents in this area supported the extension and wanted the two parts completed at the
51 same time. This was the arterial that was the last missing transportation link connecting the east-west corridor. Chair
52 Traini responded that he was in support. She stated that her original amendment included her request to list this
53 project as Priority 7 and renumber the remaining priorities, but she asked to strike that request.

54
55 Mr. Sullivan stated that he supported this issue, but had recently spoken with State Representative Rokeberg who had
56 heard from several residents in that area who did not want the connection because it would bring too much traffic
57 closer to their homes.

58
59 To Chair Traini, Deputy Municipal Manager Michael Abbott responded the Administration had no objections.

60
61 and this was approved with no objections,

62
63 Mr. Tremaine moved, to amend AR 2005-04(S), the 2005 Legislative Program, by
64 Ms. Shamberg seconded, adding a new legislative priority under Project Management
65 and Engineering; "Rabbit Creek Heights Resurvey; \$350,000
66 (state grant request) and \$850,000 (local match)."

67
68 Mr. Tremaine stated there were continual cost overruns associated with this project. He stated the project had already
69 been completed and it still needed to be determined who was responsible for the costs. The Administration and the
70 Assembly would have to address this issue sometime during 2005.

71
72 Ms. Shamberg stated there had been a credibility issue concerning the Municipality of Anchorage's estimates given to
73 the three hundred homeowners in this area. There had been many unpredicted variables involved with the resurvey
74 which had led to lawsuits between the Chugach Electric and the homeowners.

75

1 Ms. Fairclough explained that there were multiple parties responsible for the problems associated with this resurvey
2 including the surveyors, the homeowners and the state. She thought it was appropriate for the state to be involved for
3 \$350,000 and urged a YES-vote.

4
5 Chair Traini requested Assembly Budget Director Elvi Gray-Jackson to set up a worksession so new members could
6 become familiar with this issue.

7
8 and this was approved with no objections,

9
10 Mr. Tesche moved, to amend AR 2005-04(S), the 2005 Legislative Program,
11 Mr. Coffey seconded, under the Merrill Field Airport, *by encouraging* the state to
12 consider "Anchorage Area Airports Equalizing Treatment."
13

14 Mr. Tesche stated that the Municipality of Anchorage encouraged the State of Alaska to consider equalizing the
15 treatment of all public general aviation airports in Anchorage. To the extent that operations at some airports in
16 Anchorage were funded in part by revenues from Ted Stevens Anchorage International Airport, he recommended that
17 the same opportunity for support be afforded to Merrill Field. This could be possible with revenue sharing from the Ted
18 Stevens Airport, if there was enough constituent support.

19
20 To Chair Traini, Deputy Municipal Manager Michael Abbott responded the Administration was in strong support.

21
22 and this motion was unanimously approved,

23
24 Mr. Coffey requested the priorities listed on Pages 1-1 to 1-4 be ranked, with elimination of some projects. He had
25 proposed eliminating five priorities, and requested discussion on that matter. He stated his amendments were not
26 included with the formal list submitted to the Assembly Office, but he had emailed his intentions to members and staff.

27
28 Mr. Coffey moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
29 Mr. Sullivan seconded, Page 1-2 *by deleting* the subsection [~~Bring/keep our kids~~
30 ~~home~~].

31
32 Mr. Coffey stated this had statewide implications and thought it might be left to the state to determine. He urged
33 Assembly discussion.

34
35 Deputy Municipal Manager Michael Abbott responded that the Administration objected to the deletion because of the
36 economic development and social service policy involved with this issue. It had been shown that the subject children
37 involved with residential psychiatric care would be better served being closer to their families. He explained that most
38 of these children would be treated in Anchorage and it would bring growth and business development opportunities.
39 He stated the Department of Health and Social Service had addressed two new large residential care facilities to
40 accommodate specialized treatment and the interest was continuing to grow. He stated the Administration was
41 interested in keeping this as a Legislative Priority.

42
43 Mr. Whittle concurred. Being on the Foster Care Review Board, he had often discussed the issue of sending children
44 out of state for residential care and this proposal did not adequately address the real problems of the kids. He thought
45 the children needed to be home and it was more likely that the real problems would be addressed. He would be a NO-
46 vote.

47
48 Mr. Sullivan thought it was important to better understand the issue. Mr. Abbot responded the state needed to study
49 the demands for the specialized residential care facilities. He did not think the state had considered new sites or new
50 state facility construction, but thought that privately developed facilities would be considered. To Mr. Sullivan, Mr.
51 Abbott responded that there was a lack of facilities here, and the expectation was that providing the services in Alaska
52 would be less expensive.

53
54 Ms. Ossiander stated there was a significant cost to the Anchorage School District (ASD), when children qualified for
55 special education services. When children were required to travel for residential care outside of the state, the ASD
56 had to pay for those expenses.

57
58 Chair Traini called the Question. He clarified that the Coffey Amendment was a motion to delete keeping the required
59 residential care in the state and a YES-vote would delete keeping our kids here and a NO-vote would keep the
60 "Bring/keep the kids at home" as part of the Legislative Program.

61
62 and this motion failed,

63
64 AYES: Fairclough and Stout.

65 NAYES: Whittle, Tremaine, Sullivan, Traini, Tesche, Jennings, Ossiander, Shamberg and Coffey.

66
67 Mr. Coffey moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
68 Mr. Sullivan seconded for discussion, Page 1-3, *by deleting* subsection [~~Aggressively Development~~
69 and this motion was later withdrawn, ~~Alaska Resources~~].
70

71 Mr. Coffey stated that everyone supported the development of Alaska's resources, but he questioned the effectiveness
72 and the intention of this proposal. Following Assembly discussion, he withdrew his amendment.

73
74 Ms. Fairclough stated this was the largest package created for Legislative Proposals. She stated it would allow
75 individual legislators to review the projects with many of the proposals already included in the Governor's Budget. She
76 stated that while she had been Legislative Chair, the Administration had contacted and communicated with legislators
77 and had given them the opportunity to sponsor any of the projects.

1
2 Mr. Sullivan moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
3 Mr. Coffey seconded, Page 1-3, *by deleting* subsection [~~Promote tolerance among~~
4 ~~all Alaskans~~].
5

6 Mr. Sullivan stated that while he supported tolerance among all Alaskans, he proposed to delete this section because
7 heinous crimes, including assaulting someone or hurting someone intentionally, should not be tolerated. He thought
8 that hate crimes should not be included with this section.
9

10 To Chair Traini, Municipal Attorney Fred Boness responded that the Administration objected and thought addressing
11 these crimes needed to remain on the state level.
12

13 Ms. Jennings stated she agreed that murder was murder, but thought it was difficult for Assemblymembers to have a
14 full understanding of hate crimes. She did not support deleting this subsection from the priorities.
15

16 Mr. Tesche stated there were hate crimes in our community and he opposed deleting this subsection because he
17 thought it might send the wrong message to the community and he would be a NO-vote.
18

19 Ms. Fairclough stated that mitigating factors had recently been ruled upon, sending many cases back through the
20 courts, with many requiring new trials for sentencing. Many people already convicted would be sentenced again and
21 there would be associated costs. She stated that the community should first have the opportunity to address some of
22 the issues.
23

24 Mr. Sullivan concurred with Ms. Fairclough, that many of the details of these issues had never been discussed locally.
25 He stated that until a definition of hate crimes was established, he did not think the Municipality could take a legislative
26 position on this issue.
27

28 Chair Traini stated that Representative Kevin Meyer was a proponent of this issue and associated legislative issues
29 concerning hate crimes. Chair Traini stated that he would be voting to keep this included with the proposals. He
30 called the Question, summarizing that a YES-vote would remove it and a NO-vote would keep it in.
31

32 and this motion failed,
33

34 AYES: Sullivan.

35 NAYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.
36 (*Ossiander was temporarily out of the room at the time of the vote*)
37

38 Mr. Sullivan moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
39 Mr. Coffey seconded, Page 2-3 *by deleting* the subsection [~~Fund Denali Kid Care at~~
40 ~~200% poverty~~].
41

42 Mr. Sullivan stated that if this issue was to be voted upon, a worksession and discussion was first needed for
43 knowledge and a better understanding. He stated that Assemblymembers had no information why the state had
44 proposed lowering the threshold.
45

46 To Ms. Jennings, Deputy Municipal Manager Michael Abbott responded that the Administration wanted to keep this in
47 the package of legislative proposals and viewed it as an appropriate municipal priority. To Ms. Fairclough, he
48 responded that he did not believe it was included in the governor's budget.
49

50 and this motion failed,
51

52 AYES: Sullivan.

53 NAYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
54

55 Mr. Sullivan moved, to amend AR 2005-04(S), the 2005 Legislative Program, on
56 Mr. Coffey seconded, Page 5-1, *by deleting* road improvements at [~~Lake Otis~~
57 ~~Parkway/Tudor Road Intersection and Safety Improvements~~
58 ~~(50% match)~~].
59

60 Mr. Sullivan stated that he had just returned from Juneau and had found a majority of the Legislature and the
61 Administration would be looking for effective and long term traffic solutions. He thought this proposed project would
62 not offer a long term solution to the traffic congestion and was spending a large amount of money.
63

64 Ms. Ossiander stated that she would support moving its priority below other issues, including the Glenn/Bragaw
65 Interchange and the Bragaw/Tudor/Dowling Extension.
66

67 To Chair Traini, Deputy Municipal Manager Michael Abbott responded that the Administration objected and thought
68 there was significant support for this project and encouraged the Assembly to retain it in the Legislative Priorities.
69

70 Mr. Tesche stated that he concurred with the Mayor and the Administration on keeping this as a top priority. He
71 thought there would be legislators who would listen to the needs of the residents of Anchorage and he wanted it to
72 remain in the Legislative proposals.
73

74 Mr. Whittle stated that the Administration had recognized the traffic concern of this intersection and had moved very
75 quickly to buy property and start working, to offer a quick solution. He thought additional improvements could be
76 added with future development. He supported leaving the proposal as a number one priority in the Legislative
77 Program.

1
2 Mr. Coffey stated that adding turn lanes would only be a partial solution and he questioned making it a top priority. He
3 thought questions remained and thought additional resolutions should be considered, including changing signalization.
4 He thought higher priorities should be focused on improvements to Dowling Road, Bragaw Extension and the
5 Bragaw/Tudor Interchange. He supported reprioritizing this item but did not support deleting.

6
7 Ms. Fairclough proposed to move the item to a lesser priority. Mr. Sullivan accepted this as friendly.

8
9 Ms. Fairclough moved, to amend the Sullivan Amendment, *by moving* the proposal
10 Mr. Sullivan seconded, of improvements at Lake Otis Parkway/Tudor Road
11 Intersection and Safety Improvements (50% match) from
12 ~~[Priority Number 4]~~ ~~[Priority Number 8]~~ to **Priority Number 7.**
13

14 Ms. Fairclough stated that reprioritizing alternative improvements in that area would help alleviate the congestion
15 concerns of the Lake Otis and Tudor intersection and would begin to address the long term congestion.

16
17 Mr. Sullivan stated that the Boniface Parkway did not appear in the Legislative Programs, and also needed to be
18 addressed.

19
20 To Chair Traini, Mr. Abbott responded that there was much support in Juneau for the Mayor's emphasis on this
21 intersection and strongly encouraged the Assembly to have this issue remain with the priorities, as it was proposed.

22
23 Ms. Jennings proposed to amend the Sullivan/Fairclough Amendment by reprioritizing this item to fall behind the Eagle
24 River projects. Ms. Fairclough would not accept this as a friendly amendment, but would reprioritize it to Number 7.
25 Mr. Sullivan accepted this as a friendly amendment.

26
27 and this motion, as amended, failed,

28
29 AYES: Fairclough, Sullivan, Stout, Ossiander and Coffey.
30 NAYES: Whittle, Tremaine, Traini, Tesche, Jennings and Shamberg.

31
32 Ms. Ossiander moved, to amend the Sullivan Amendment, *by moving* the proposal
33 Mr. Coffey seconded, of improvements at Lake Otis Parkway/Tudor Road
34 Intersection and Safety Improvements (50% match) from
35 ~~[Priority Number 4]~~ ~~[Priority Number 8]~~ to ~~[Priority Number 7]~~
36 **"Priority Number 4."**
37

38 and this motion, as amended, failed,

39
40 AYES: Fairclough, Sullivan, Stout, Ossiander and Coffey.
41 NAYES: Whittle, Tremaine, Traini, Tesche, Jennings and Shamberg.

42
43 Ms. Ossiander stated there would be a Legislative Committee Meeting to discuss process, potential direction and
44 further prioritization and she requested discussion of a separate library in the Mountain View area.

45
46 Chair Traini called the Question. Mr. Tesche urged a YES-vote.

47
48 Mr. Coffey moved, to approve AR 2005-4(S), as amended.
49 Mr. Tremaine seconded,
50 and this motion was passed,

51
52 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
53 NAYES: None.

54
55 Mr. Tesche proposed immediate reconsideration and urged a NO-vote.

56
57 Mr. Tesche moved, *for immediate reconsideration* of AR 2005-4(S).
58 Mr. Coffey seconded,
59 and this motion failed,

60
61 AYES: Ossiander.
62 NAYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.

- 63
64 4.B. Ordinance No. AO 2004-153, an ordinance of the Municipality of Anchorage amending Anchorage
65 Municipal Code Section 11.60.200 to adjust **mandatory airport fees and charges** and supporting
66 airport lease rate increases; Merrill Field Airport. (*Continued from 12-07-04; Postponed from 12-14-*
67 *04; Carried Over from 1-11-05)*
68 1. Assembly Memorandum No. AM 836-2004.

69
70 Chair Traini called for a motion.

71
72 Mr. Whittle moved, *to postpone indefinitely* AO 2004-153.
73 Mr. Tremaine seconded,

74
75 To Mr. Tremaine, Deputy Municipal Manager Michael Abbott responded that the Assembly had passed a resolution
76 that suggested the action concerning fees and charges be postponed, pending a review of lease rates and other

1 issues at Merrill Field. The Administration had endorsed that resolution and recommended indefinite postponement. It
2 was the Administration's intention to address this issue again in the next three or four months.

3
4 To Ms. Fairclough, Mr. Abbott responded that moneys collected from tie-down fees and fuel flow tax and other charges
5 were to pay for airport operation costs, but the Administration had decided that over the next three or four months,
6 collecting those fees was not necessary and lease rates would not change until the issue had been thoroughly
7 addressed by the Assembly.

8
9 Ms. Fairclough stated that she and Ms. Jennings had represented the Assembly that afternoon at a meeting of Merrill
10 Field business owners. They had addressed the methane gas issue and other concerns. To Ms. Jennings, Mr. Abbott
11 responded the Administration would continue to recommend adoption of AO 2004-154, concerning the Municipal
12 Enterprise Service Assessment (MESA) issue.

13
14 Mr. Sullivan approved of the Administration's actions on postponing this issue until it could be properly reviewed. He
15 stated that they had heard compelling testimony from lessees of the unique and varying factors of the airport that
16 needed to be taken into consideration by the Municipal Assessor.

17
18 and the motion to postpone indefinitely was unanimously approved,

19
20 Chair Traini asked a group of Boy Scouts in the audience to introduce themselves. The Scouts included Britton
21 Parrish, 1st Class; Joey Coon, 1st Class; Draesen Anderson, 2nd Class; Brandon Erickson, 2nd Class; and Kyle Kirn, 1st
22 Class. They were joined by Assistant Boy Scout Master, Dr. Todd Parrish, who explained the boys were from Troop
23 286. To Ms. Jennings, Boy Scout Draesen Anderson responded the most interesting thing they had heard at the
24 Assembly Meeting that evening was the discussion of the Lake Otis and Tudor intersection. Chair Traini thanked them
25 for coming to the Assembly Meeting. Mr. Stout thanked the boys for coming and to his question, several
26 Assemblymembers indicated with a showing of hands, that they had been Scouts as children.

27
28 4.C. Ordinance No. AO 2004-154, an ordinance amending Anchorage Municipal Code Chapter 11.60 to
29 add a new section setting the **Municipal Enterprise Service Assessment (MESA)** calculation for
30 municipal airports; Office of Management & Budget. (*Continued from 12-07-04; Postponed from 12-*
31 *14-04; Carried Over from 1-11-05*)

32 1. Assembly Memorandum No. AM 837-2004.

33
34 Chair Traini read this ordinance title and called for a motion.

35
36 Mr. Coffey moved, to approve AO 2004-154.
37 Mr. Tremaine seconded,

38
39 To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that the Administration thought the Municipal
40 Enterprise Service Assessment (MESA) was an important policy issue that needed to be addressed immediately,
41 pertaining to all municipal enterprises, including Merrill Field. Mr. Coffey stated that the fee ordinance that had recently
42 been postponed indefinitely had included provisions for the collected money to pay for expenses, including the
43 calculated MESA costs of \$60,000.

44
45 To Mr. Coffey, Municipal Chief Fiscal Officer Jeff Sinz responded that the MESA fees were considered operating
46 expenses of the airport, and were currently calculated at \$52,000 for 2005. He thought the Merrill Field Management
47 would make adjustments in their \$2 million operating budget to accommodate anticipated and unanticipated changes
48 in their expense structure. Mr. Sinz responded that it was important that the airport be included with the MESA
49 assessments, as all municipal enterprises were, to make a contribution to the costs of governmental services they
50 were eligible to receive. Merrill Field was currently the only enterprise that was not contributing a MESA. The
51 Administration viewed that as a subsidy from the local property tax payers. They had tried to recognize the impacts of
52 this policy on the airport and were proposing a three-year phase-in and consideration of exemptions. They were
53 asking for approximately 15% of the Merrill Field assets be subject to the MESA.

54
55 Ms. Jennings stated that all municipal enterprises were assessed for MESA, including the utility divisions. She stated
56 it was municipal policy and thought the equity of including all enterprises that was important, and she would be
57 supporting this ordinance.

58
59 To Mr. Sullivan, Mr. Sinz responded that policy decision about MESA had been made many years ago but the
60 Municipality could decide Merrill Field's involvement.

61
62 To Mr. Coffey, Mr. Abbott responded the Assembly Action proposed by the Administration, setting a MESA policy for
63 Merrill Field, had no revenue implications on lease holders or other airport users.

64
65 To Ms. Fairclough, Mr. Sinz responded that MESA was calculated outside the tax cap. She stated that the collected
66 MESA fees would be used as revenue to off-set property taxes and general expenses. She stated MESA fees
67 expanded the spending ability of the municipal budget, as MESAs increase.

68
69 Mr. Sullivan stated the MESA would be collected directly from the Merrill Field operating budget, and the Airport
70 Manager Dave Lundebay would have to find additional sources to pay these expenses.

71
72 Deputy Municipal Manager Michael Abbott proposed amendments to correct drafting mistakes.

73
74 Mr. Abbott moved, to amend AO 2004-154 on Page 2, Line 22 and Line 24,
75 Mr. Coffey seconded, by changing [~~contributed~~] to "non-contributed."
76 and there were no objections,

1 Mr. Coffey proposed to postpone action until Assemblymembers had received the report summarizing fees.

2
3 Mr. Coffey moved, to postpone action on AO 2004-154.
4 Mr. Sullivan seconded,

5
6 Ms. Fairclough opposed postponement. She agreed that the Assembly continually complained about agencies which
7 did not pay property taxes and did not contribute to off-set the property taxes that the rest of the citizens pay. She
8 thought the Assembly needed to collect the MESA funds and use them to equitably reduce the burden on property
9 taxpayers.

10 and this motion failed,

11
12
13 AYES: Sullivan, Traini and Coffey.
14 NAYES: Fairclough, Whittle, Tremaine, Tesche, Stout, Jennings, Ossiander and Shamberg.

15
16 Chair Traini called the Question on the main motion.

17
18 Mr. Coffey moved, to approve AO 2004-154, as amended.
19 Mr. Tremaine seconded,
20 and this motion was unanimously passed,

21
22 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
23 NAYES: None.

24 25 5. CONTINUED PUBLIC HEARINGS

- 26 5.A Ordinance No. AO 2004-181, an ordinance creating a new Anchorage Municipal Code Chapter 25.35
27 to restructure the Parking Authority as the **Anchorage Community Development and Parking**
28 **Authority**, repealing Anchorage Parking Authority Chapter 9.60, amending Section 25.10.030 for
29 development facilities, and amending Section 4.80.010 to change the name of the development
30 authority board; Heritage Land Bank/Real Estate Services. (*Carried Over from 1-11-05*)
31 1. Assembly Memorandum No. AM 943-2004.
32 2. Ordinance No. AO 2004-181(S), an ordinance creating a new Anchorage Municipal Code
33 Chapter 25.35 to restructure the Parking Authority as the Anchorage Community Development
34 and Parking Authority, repealing Anchorage Parking Authority Chapter 9.60, amending
35 Section 25.10.030 for development facilities, and amending Section 4.80.010 to change the
36 name of the development authority board.
37 3. Ordinance No. AO 2004-181(S-1), an ordinance creating a new Anchorage Municipal Code
38 Chapter 25.35 to restructure the Parking Authority as the Anchorage Community Development
39 and Parking Authority, repealing Anchorage Parking Authority Chapter 9.60, amending
40 Section 25.10.030 for development facilities, and amending Section 4.80.010 to change the
41 name of the development authority board.

42
43 Chair Traini listed the ordinances combined in this agenda item, including a Substitute Version and a Substitute-1
44 Version. He opened Public Hearing. There being no one to testify, he closed Public Hearing and called for a motion.

45
46 Mr. Tesche moved, to approve AO 2004-181(S-1).
47 Mr. Coffey seconded,

48
49 Mr. Tesche stated that the revisions presented by the Administration were responsive to the public comments and
50 concerns made by Assemblymembers. He stated that the rules set forth in Section 6, located in the document on
51 Page 11, in respect to existing ordinances and charter provisions that set out rules for the acquisition, management
52 and disposal of municipal lands, were not being changed. Section 6 provided for public process and Assembly
53 involvement in critical land use decisions that affect the Municipality of Anchorage.

54
55 To Chair Traini, Heritage Bank Executive Director Robin Ward responded the changes and additions were highlighted
56 or italicized in the new S-1 Version. She stated that Section B.1 clarified that the Parking Division and the
57 Development Projects Division would now be departments under the Development Authority. The addition of Section
58 6, already described by Mr. Tesche, were the main changes.

59
60 To Ms. Jennings, Ms. Ward responded that the Mayor shall select the Chief Operating Officer, and the Authority
61 Executive Director's position was eliminated. The Executive Director of the Heritage Land Bank would also serve as
62 the Executive Director of the Authority. Ms. Ward responded that her personal feeling was that naming rights was a
63 public process and name suggestions would be coming back before the Assembly. Ms. Jennings concurred. To her
64 question, Chief Fiscal Officer Jeff Sinz responded that the ordinance itself would not create authority to issue bonds,
65 but would provide a general framework under which the capital financing or bonding activity of the Authority would be
66 expected to operate. To her question, Anchorage Parking Authority Director Kevin Kenny responded the revenue
67 bonds created by the Authority could be "un-issued," if the Municipality accepted the debt. The process for bond sales
68 still involved the Assembly.

69
70 To Ms. Fairclough, Mr. Kenny responded the Anchorage Parking Authority had been created by the Assembly.

71
72 Ms. Ossiander thanked the Administration for their response to her questions. To her question, Ms. Ward responded
73 that in all cases of municipal property development, the Assembly would review the process of disposal and transfer.
74 Ms. Ossiander thought that this section of the document could be stated more clearly, so that the revenue stream
75 projection was reported. Ms. Ward responded that if this became highly successful, money could be taken out of the
76 Development Authority for use of general government. It was anticipated that the enterprises would provide dividends.
77 Mr. Boness stated that the Assembly had complete control of appropriating funds at any time and could just approve

1 an ordinance to withdraw a certain amount from the Authority or amend provisions at any time. Mr. Kenny added that
2 the only restriction that might ever occur would be if the funds were dedicated to a bond and requested funds would
3 put the Authority in default. Ms. Ward stated the purchasing policy of the Parking Authority was attached as an AM to
4 the S-1 Version of the ordinance. Ms. Ossiander stated that if this ordinance were approved, she would propose a
5 resolution for disclosures of conflict of interest (COI) statements from the members of the board. Mr. Boness
6 responded that was reasonable. Assembly Attorney Michael Gatti added that it would be appropriate to amend this
7 document by adding a COI requirement.

8
9 Mr. Stout was concerned with the loss of oversight by the Assembly. He did not think they should be losing authority.
10 He was also uncomfortable that members had received the S-1 Version that evening and had not had time to review
11 the document. He proposed to postpone.

12
13 Mr. Stout moved, *to postpone* AO 2004-181(S-1) to the next meeting, allowing
14 members time to review the document.

15
16 Chair Traini concurred that members had not had enough time to review the new S-1 Version. Mr. Stout's motion to
17 postpone died for a lack of a second.

18
19 Mr. Tremaine moved, to amend AO 2004-181(S-1) by adding a new section,
20 Ms. Shamberg seconded, 25.35.180, entitled; "Partial dedication of revenue" on Page
21 10-11, Line 23, to read: "20% of net operating revenues
22 received by the Authority as a result of lands transferred from
23 Heritage Land Bank inventory, including revenue from
24 sale/lease or other disposition are dedicate to the Parks and
25 Recreation Department as part of an endowment for
26 maintenance for capital improvements."

27
28 Mr. Tremaine stated that this endowment at the Parks and Recreation Department would give an annual amount of
29 revenue for capital improvement maintenance. This was not intended for acquisition or operating funds. He stated
30 that capital improvement maintenance was lacking and as the city ran into problems with maintaining what the city
31 already had, it would increase the costs to future taxpayers.

32
33 Ms. Fairclough, Ms. Ossiander and Mr. Coffey opposed the amendment. Ms. Fairclough stated it was important for the
34 Authority to have the opportunity to become established, before the city decided to tap revenues shares. She thought
35 monitoring could be maintained though the appropriation process each year. Mr. Coffey concurred with Ms.
36 Fairclough. Ms. Ossiander concurred and urged a NO-vote.

37
38 Mr. Tremaine urged consideration of his amendment and stated that in the past funds had been pulled out of the
39 Heritage Land Bank to cover costs of projects on the whim of past mayors. He stated this amendment would help
40 establish a constant stream of revenue that would contribute in the long term.

41
42 and this motion failed,

43
44 AYES: Tremaine, Tesche and Shamberg.

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

46
47 Mr. Coffey again proposed postponement, to allow time to review the document. Mr. Sullivan moved to postpone.

48
49 Mr. Sullivan moved, *to postpone* AO 2004-181(S-1) [~~until the next Assembly~~
50 Mr. Coffey seconded, Meeting] "**for two weeks, until the next scheduled meeting in**
51 **February.**"

52
53 Ms. Fairclough agreed with postponement but wanted to share her concerns that could be proposed as amendments
54 at a later time.

55
56 Mr. Sullivan stated he proposed postponement and requested that all Assemblymembers present their amendments in
57 writing to the staff, and allow the weekend for review. Chair Traini requested Assembly Budget Director Elvi Gray-
58 Jackson collect the amendments and schedule a worksession.

59
60 Mr. Tesche stated that several Assemblymembers would be absent at the next scheduled meeting and he
61 recommended to postpone for two weeks. Mr. Coffey accepted this as a friendly amendment. Mr. Tesche proposed
62 review would be scheduled for the first meeting in February and requested the written amendments be turned in to Ms.
63 Gray-Jackson two days before the worksession.

64
65 To Ms. Ossiander, Heritage Land Bank Executive Director Robin Ward responded that she opposed postponement
66 and there were two time-sensitive issues, and one might not work without the Development Authority. Ms. Ossiander
67 stated that the Administration had opposed postponement because of economic consequences to the city, and she
68 would urge against postponement.

69
70 Mr. Coffey stated that there was a project that depended upon the passage of the Development Authority, but there
71 had only been a hint of what that time sensitive project might be. He questioned, if this was such an important issue,
72 why the Assembly had not been told of the urgency and informed of the project. Assemblymembers had just received
73 the new, S-1 Version of the ordinance and he felt rushed for a decision.

74
75 Ms. Fairclough moved, to move into Executive Session.
76 Ms. Ossiander seconded,

77

1 To Ms. Fairclough, Municipal Attorney Fred Boness responded there needed to be a clarification of the issues that
2 needed discussion in order to call an Executive Session. Ms. Fairclough responded that it was a discussion of the
3 Development Authority.

4
5 Ms. Ossiander moved, to amend the Fairclough Amendment to go into Executive
6 Mr. Tremaine seconded, Session, by adding "for discussion on the postponement of
7 the decision on the Development Authority, due to a potential
8 economic impact on the Municipality of Anchorage, in relation
9 to a project the Development Authority would work on."

10
11 To Mr. Sullivan, Mr. Boness stated that an Executive Session would be legally justified if it were limited to discussion of
12 the economic impact of the Municipality.

13
14 To Mr. Sullivan, Chair Traini responded the motion to move into Executive Session overruled the motion on the floor to
15 postpone. Assembly Attorney Michael Gatti responded that the Assembly had a pending motion on the floor that
16 needed to be decided upon in public.

17
18 Mr. Coffey clarified for the record that the Executive Session would not be used to discuss the document or a two-
19 week postponement, but would be strictly to discuss the economic impact to the MOA.

20
21 and the Fairclough motion, as amended was approved,

22
23 *(Clerk's Note: The Assembly Meeting recessed while Assembly and members of the Administration met in the*
24 *Executive Session, beginning at 9:40 p.m. The Assembly Meeting resumed at 10:10 p.m.)*

25
26 The Administration moved, the tape of the Executive Session be retained and all
27 Mr. Tremaine seconded, information discussed be held confidential for a period of ten
28 and there were no objections, years.

29
30 Chair Traini stated there was a motion on the floor from Mr. Sullivan to postpone action on this ordinance until the first
31 week in February, and with no further discussion, he called the Question.

32
33 and this motion to postpone failed,

34
35 AYES: Sullivan.

36 NAYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Jennings, Ossiander, Shamberg and Coffey.

37 *(Mr. Stout was temporarily out of the room at the time of the vote.)*

38
39 Ms. Fairclough moved, to amend AO 2004-181(S-1) on Page 2-12, Lines 26-27, by
40 Mr. Coffey seconded, changing to read: "In addition [~~one~~] [~~two~~] [~~three~~] "**two**"
41 Assemblymember(s) shall be appointed by the Assembly to
42 serve as [~~an~~] (**ex-officio**) member(s) of the board.

43
44 Mr. Sullivan stated that he concurred, but because it was a nine-member board, three of nine was not excessive and
45 proposed a friendly amendment by changing the number of Assemblymembers to three. This was not accepted by
46 Ms. Fairclough.

47
48 Ms. Ossiander thought the decisions made by this body should not be politically motivated and preferred the body to
49 provide oversight and counter-balance to the Development Authority. She had considered a motion to remove all
50 Assemblymembers from the board.

51
52 Mr. Sullivan stated he wanted to rephrase his friendly amendment, for increasing the number to three, and having
53 those positions be appointed by the Assembly, to allow the body oversight of the decisions of the board.

54
55 Ms. Fairclough stated that her motion on the floor was to have two Assemblymembers fill official positions on the
56 board, and felt the Assembly had a responsibility to monitor the activities. She thought it should require ex-officio
57 status, involvement but not necessarily voting of Assemblymembers, to relay information to the body.

58
59 To Ms. Jennings, Ms. Ward responded that ex-officio involvement meant Assemblymembers would be non-voting
60 members.

61
62 and this motion was approved,

63
64 AYES: Fairclough, Whittle, Sullivan, Stout, Ossiander, Shamberg and Coffey.

65 NAYES: Tremaine, Traini, Tesche and Jennings.

66
67 Ms. Fairclough moved to change, on Page 5-11, Line 24, in the second sentence, after the word "A," by changing the
68 word "withdrawal" for "placement." She explained that the word "placement" was referred to in 25.35.065, as the
69 disposition of the property inside the Authority. She stated "placement" was an appropriate word, instead of "project,"
70 to make the language consistent.

71
72 To Ms. Ossiander, Ms. Ward concurred.

73
74 Ms. Fairclough moved, to amend AO 2004-181(S-1) on Page 5-12, Line [24] "**38**", in
75 Mr. Coffey seconded, the second sentence *by deleting [~~withdrawal~~] and by adding*
76 and this was unanimously approved, the word "placement."

1 Ms. Fairclough moved,
2 Mr. Coffey seconded,
3 was later amended by Mr. Tesche,

to amend AO 2004-181(S-1) *to change* on Pages 1-6 in the Attachment, from Policies and Procedures Number 13.01, effective August 22, 2002, by incorporating it into an attached AIM and by changing the title from [Anchorage Development Parking Authority], to: "Anchorage Community Development Authority," and "incorporate it as an attached AIM."

4
5
6
7
8 Mr. Sullivan stated that purchasing policies of the Parking Authority should be included in the main document.

9
10 Mr. Tesche responded these questions could be resolved by adding a new Section 7, and renumber accordingly. The Section 7 would read, "The Authority shall abide by the purchasing policy applicable to the Anchorage Parking Authority (APA) adopted as 13.01 on June, 2000." He stated this would be a new section that would adopt and incorporate the Anchorage Parking Authority Purchasing Policy 13.01, effective August 22, 2002.

11
12
13
14
15 Mr. Tesche moved,
16 Mr. Coffey seconded,

to amend the Fairclough Amendment on Pages 1-6 in the Attachment, from Policies and Procedures Number 13.01, effective August 22, 2002, by incorporating it into an attached AIM and *by changing* the title to: "Anchorage Community Development Authority," and by creating a new Section 7, and renumber accordingly, incorporating the "Anchorage Parking Authority Purchasing Policy 13.01, effective August 22, 2002."

17
18
19
20
21
22
23
24 To Chair Traini, Deputy Municipal Manager Michael Abbott responded there was concern with the mechanics of attaching a policy and procedure, which was changeable by Administrative decision. He thought it was important to keep some element of flexibility as the Authority was developed. If Mr. Tesche's amendment meant that the policy and procedure was referenced, it still could be changed and the reference to it would not be affected. Mr. Tesche concurred.

25
26
27
28
29
30 Ms. Fairclough stated that the issue was a fear that the public process would be lost. She thought it was an effort to make it less flexible for policy change without the body being notified. She stated that Ms. Ward had indicated these were the rules that would be followed, if necessary. She accepted Mr. Tesche's motion as a friendly amendment.

31
32
33
34 Mr. Sullivan stated there was already specific language on Page 3-11 regarding the competitive bidding process. That description was in contradiction to the Fairclough Amendment. Ms. Ward responded the procurement of supplies was not in question. She thought the question pertained to contracts and other things. She recommended leaving the reference for procurement of supplies. Mr. Sullivan stated if the Parking Authority Policy were to be incorporated, this also addressed purchasing of goods and services. Ms. Ward responded the supplies would be under Title 7. To alleviate any possible contradiction, she recommended that portion be eliminated and reference made to processes with language, "Shall comply when utilizing competitive bidding processes."

35
36
37
38
39
40
41
42 To Ossiander, Ms. Ward responded personal service contracts would be under the procurement code which was attached to the document.

43
44
45 Chair Traini called the Question on the Fairclough Amendment, as amended.

46
47 and this motion was unanimously approved,

48
49 Ms. Ossiander moved,
50 Mr. Coffey seconded,

to amend AO 2004-181(S-1) on Page 5-12, Line(s) [40] 29 *by changing* to read; The Mayor, with Assembly approval "or a [majority] super majority of the Assembly," may designate municipal land, interests in land, or facilities for placement..."

51
52
53
54 Chair Traini requested her consideration of using super majority, requiring eight Assemblymember votes. She accepted this as a friendly amendment. To Chair Traini, Ms. Ward responded that was acceptable.

55
56
57 and this motion was unanimously approved,

58
59 Ms. Ossiander moved,
60 Ms. Fairclough seconded,

to amend AO 2004-181(S-1) on Page 9, Lines 43-45, under Reports and recommendations, *by adding* "And the annual report shall include an annual audit, including income, expenditures, investment and inventory."

61
62
63
64 To Chair Traini, Ms. Ward and Chief Fiscal Officer Jeff Sinz responded this was codifying existing language and was acceptable by the Administration.

65
66
67 and this was unanimously approved,

68
69 Ms. Ossiander moved,
70 Ms. Fairclough seconded,

to amend AO 2004-181(S-1) on Page [3] 4-12, Line 12, *by adding*, "However, Development Authority action involving leasing, purchasing or selling of real property with municipal interests valued over six million dollars must have approval of the Assembly."

71
72
73
74
75 To Chair Traini, Ms. Ward agreed but recommended a friendly amendment, to make clear that it was municipal interests which might exceed six million dollars. Ms. Ossiander accepted this as a friendly and the second concurred.

1 To Mr. Tesche, Ms. Ward responded that these types of decisions had to be approved by the Assembly except for the
2 instance of land being acquired with money from reserves, or a lease-purchase, without long term debt. She
3 understood Ms. Ossiander's intent.

4
5 To Mr. Sullivan, Ms. Ossiander stated she arrived at the arbitrary figure of six million following conversations of real
6 estate personnel, who stated that property values of commercial real estate which included buildings would often be
7 over four million dollars. Ms. Ossiander added that the Assembly should be involved with any large real estate deal,
8 which might have economic impact to the city.

9
10 and the amended Ossiander Amendment was unanimously approved,

11
12 Mr. Coffey moved, to amend AO 2004-181(S-1) on Page 2-12, Line 29, by
13 Ms. Fairclough seconded, adding a new provision under 25.35.030, Board of directors,
14 to read: "...require a ten-day public comment period, pursuant
15 to AMC 21.10.010."

16
17 and this was approved with no objections,

18
19 To Mr. Sullivan, Municipal Attorney Fred Boness responded that he was not familiar with Mr. Green's opinion on the
20 Assembly's appointment of members to the board. Mr. Sullivan stated that he would wait for a legal interpretation and
21 an additional amendment could be made at a later time. He did want to propose professional requirements of
22 appointed members to ensure skills and understanding of the issues.

23
24 Mr. Sullivan moved, to amend AO 2004-181(S-1) on Page 2 on Line 27, by adding
25 Ms. Ossiander seconded, "Three of the appointees to the board of directors shall have
26 expertise, including one professional attorney, one
27 professional in real estate and one a professional in
28 finances."

29
30 Mr. Tremaine stated he could not support this amendment because there was a lack of clarity, including the type of law
31 studied by the selected attorney. He did not think an attorney, specializing in family law, would not be able to
32 contribute to financial real estate dealings. Mr. Sullivan responded that it was important to include professionals with
33 expertise and recommended that Mr. Tremaine make a friendly amendment to specify the type of law the attorney had
34 studied.

35
36 Ms. Jennings agreed with Mr. Tremaine, that this was a hurried approach for deciding who to include, and
37 recommended a new amendment saying board members should be selected, based on relevant experience and
38 expertise.

39
40 Chair Traini called the Question.

41
42 and this motion failed,

43
44 AYES: Fairclough, Sullivan, Stout and Coffey.

45 NAYES: Whittle, Tremaine, Traini, Tesche, Jennings, Ossiander and Shamberg.

46
47 Mr. Sullivan stated that the title of the ordinance spoke to the Anchorage Development and Parking Authority, and
48 throughout the document Parking needed to be eliminated. Municipal Attorney Fred Boness responded that question
49 had been considered, and it was not a problem.

50
51 Ms. Ward stated the start up budget had been created using \$133,000 transferred from the Heritage Land Bank to be
52 used for hiring the first two new positions with the Development Authority. She responded the language crafted in the
53 ordinance would allow dealings with Municipal leases, including part ownerships, creating the ability to manage the
54 facilities.

55
56 To Mr. Sullivan, Parking Authority Director Kevin Kenny responded that as properties were transferred to the Authority,
57 the Authority Staff would be responsible for management and maintenance, and the union issue had been resolved in
58 favor of the current agreement.

59
60 Ms. Jennings moved, to amend AO 2004-181(S-1) on Page 2-11, Line 27, by
61 Ms. Ossiander seconded, adding; "Members shall be appointed based on relevant
62 expertise and experience."

63
64 To Chair Traini, Ms. Ward stated that the Administration was in agreement. Sullivan agreed, but thought it would still
65 help to list specific skills, and would be consistent with other boards and authorities in the state that require members
66 to have specific skills.

67
68 and this was approved without objections,

69
70 Mr. Sullivan stated that he still had reservations with this ordinance because the creation of this new division had been
71 too rushed, not allowing time for deciding important issues. The Executive Session determined that if action was not
72 taken, there would be a project in jeopardy. He objected to this manner of policy making. He stated he also objected
73 to combining the Parking Authority with the new Authority. He stated the Parking Authority had a well-defined mission
74 and to merge it with new responsibilities did not make sense. He stated that good public policy was not done in this
75 manner, and he would be a NO-vote.

76
77 Chair Traini called the Question on the main motion.

1
2 Mr. Tesche moved, to approve AO 2004-181(S-1), as amended.
3 Mr. Coffey seconded,
4 and this motion was passed,
5

6 AYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Jennings, Ossiander, Shamberg and Coffey.
7 NAYES: Sullivan and Stout.
8

9 Mr. Tremaine moved for reconsideration and recommended a NO-Vote.

10 Ms. Ossiander stated she would not support reconsideration because there were many instances where people
11 thought they did not have enough information or time to review the information.
12

13
14 Mr. Tremaine moved, for immediate reconsideration of AO 2004-181(S-1),
15 Mr. Tesche seconded, as amended.
16 and this motion failed
17

18 AYES: Sullivan, Stout and Ossiander
19 NAYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Jennings, Shamberg and Coffey.
20

21 5.B. Ordinance No. AO 2004-176, an ordinance of the Anchorage Municipal Assembly amending
22 provisions of Title 28, **Elections**; Assemblymembers Tesche and Coffey. (Carried Over from 1-11-05)
23 1. Assembly Memorandum No. AM 919-2004. (Carried Over to 1-25-05)
24

25 (Clerk's Note: This item was Carried Over to January 25, 2005.)
26

27 6. ADJOURNMENT

28
29 Chair Traini called for a motion to adjourn the meeting.
30

31 Mr. Coffey moved, to adjourn the Special Assembly Meeting.
32 Mr. Tremaine seconded,
33 and this motion was passed,
34

35 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
36 NAYES: None.
37

38 The Special Assembly Meeting was adjourned at 10:57 p.m.
39
40
41
42
43
44

DICK TRAINI, Assembly Chair

47 ATTEST:
48
49
50
51

52 BARBARA GRUENSTEIN, Municipal Clerk
53 Date Minutes Approved: March 1, 2005.
54 MC/BG
55

56
57 (Approved Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska,
58 telephone (907)343-4505, or on the Municipal Web Site at www.Muni.org)
59

60 Agenda Published in the ALASKA JOURNAL OF COMMERCE P.O. 513-05