

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting July 12, 2005, amended

1. CALL TO ORDER

The Assembly Meeting was convened by Acting Chair Coffey at 5:02 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 and Pam Jennings. *(Clerk's Note: Ms. Jennings participated telephonically from Chevak, Alaska.)*

ABSENT: Dick Traini, excused

3. PLEDGE OF ALLEGIANCE Chair Fairclough led the pledge.

4. MINUTES OF PREVIOUS MEETINGS None.

5. MAYOR'S REPORT

Mayor Begich presented proclamations to two municipal employees serving with United States military services. Captain Barry Clark, an Anchorage firefighter for 10 years, was recognized for 20 years of service with the Air National Guard, as the Assistant Chief of Training. Mayor Begich recognized Dennis J. Martin II, who served 6 years with the U.S. Air Force and was serving in the Elmendorf Air Force Reserve. Mr. Martin had been an Anchorage firefighter for the past 2 ½ years. Mayor Begich thanked each man for his service to the Municipality and to the country.

6. ASSEMBLY CHAIR'S REPORT

Vice Chair Coffey stated that he would be Acting Assembly Chair that evening with the presence of Chair Fairclough, in preparation of chairing the Assembly Meeting on July 26, 2005.

7. COMMITTEE REPORTS

Ms. Ossiander invited everyone to the Eagle River Chugiak Bear Paw Festival that weekend.

8. ADDENDUM TO AGENDA

Chair Coffey called for a motion and read the Addendum items. He called for additional items and AR 2005-159(S) and AO 2005-93 were added. He assigned to those items Agenda Numbers 11.B.1 and 9.F.16, respectively. With no additional items, he called for a vote to incorporate the Addendum into the Regular Agenda.

Ms. Shamberg moved, to approve the inclusion of the Addendum into the
Mr. Sullivan seconded, Regular Agenda.
and this passed without objection,
with an excused absence from Mr. Traini,

Chair Coffey declared a conflict of interest with items 9.B.1 and 9.F.15 because of his ownership of Dollar Rent-A-Car. He would abstain from participation with those items. He called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda.
Ms. Ossiander seconded,

Chair Coffey called for Assemblymembers to request items be pulled for discussion on the Regular Agenda.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2005-144, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Ruby Ketola** for her 30 years of service with the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

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

9.B. RESOLUTIONS FOR ACTION - OTHER

- 1 9.B.1. Resolution No. AR 2005-155, a resolution of the Anchorage Municipal Assembly consenting to the
2 location of, and approving, the Ted Stevens Anchorage International Airport (**Consolidated Rental**
3 **Car Facility Project**) of the Alaska Industrial Development and Export Authority; Finance.

4
5 Mr. Stout requested this item be pulled for review on the Regular Agenda. Mr. Coffey declared a conflict of interest.
6 (See item 10.B.1)

- 7
8 9.B.2. Resolution No. AR 2005-158, a resolution of the Anchorage Municipal Assembly approving the revised
9 (schematic) design for the **East High School Renovation Project, Phase 4B1**; Anchorage School
10 District.
11 a. Assembly Memorandum No. AM 449-2005.
12 9.B.3. Resolution No. AR 2005-163, a resolution approving construction of the **Sunset Hills Block E (S05-**
13 **017) Sanitary Sewer Line Extension**, and providing for the eventual assessment against benefited
14 property; Anchorage Water & Wastewater Utility.
15 a. Assembly Memorandum No. AM 467-2005.
16 9.B.4. Resolution No. AR 2005-164, a resolution of the Municipality of Anchorage appropriating \$22,977
17 received as a donation from the State Farm Insurance Company to the Miscellaneous Grants Fund
18 (261), Anchorage Fire Department, to provide **public education assistance** regarding wildfire
19 evacuations; Anchorage Fire Department.
20 a. Assembly Memorandum No. AM 468-2005.
21 9.B.5. Resolution No. AR 2005-165, a resolution of the Municipality of Anchorage appropriating \$10,000 from
22 the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Fund (421) to be expended as
23 a contribution to the Great Land Trust for acquisition of the **Fish Creek Estuary**; Heritage Land Bank.
24 a. Assembly Memorandum No. AM 469-2005.
25 9.B.6. Resolution No. AR 2005-166, a resolution of the Municipality of Anchorage authorizing Municipal Light
26 & Power to enter into an agreement with Chugach Electric Association and Golden Valley Association
27 to create the **Alaska Railbelt Energy Authority**, a Joint Action Agency under the law of the State of
28 Alaska (AS 42.45.300-.320); Municipal Light & Power.
29 a. Assembly Memorandum No. AM 469-2005.
30

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

- 32
33 9.B.7. Resolution No. AR 2005-167, a resolution of the Anchorage Municipal Assembly recognizing and
34 adopting the **National Incident Management System**, Office of Emergency Management.
35 9.B.8. Resolution No. AR 2005-176, a resolution of the Anchorage Municipal Assembly appointing **Sheila**
36 **Reed** as Administrative Assistant; Assembly Chair Fairclough. (**Addendum**)

37
38 **9.C. BID AWARDS**

- 39 9.C.1. Assembly Memorandum No. AM 451-2005, recommendation of award to Annette's Trucking, Inc. for
40 **Aero Acres Sewer Upgrade** for the Anchorage Water and Wastewater Utility (ITB 25-C034)
41 (\$496,009); Purchasing.
42 9.C.2. Assembly Memorandum No. AM 452-2005, recommendation of award to Construction Machinery
43 Industrial LLC to provide three **motor graders** and Yukon Equipment to provide five articulating
44 tractors to the Municipality of Anchorage, Maintenance and Operations Department and Eagle River
45 Parks and Recreation Department (ITB 25-B052) (\$2,118,552); Purchasing.
46 9.C.3. Assembly Memorandum No. AM 453-2005, recommendation of award to T-K Services & Yukon
47 Equipment for providing two (2) each **mechanical street sweepers** to the Municipality of Anchorage,
48 Maintenance and Operations Department, Fleet Management Division (ITB 25-B056) (\$360,255);
49 Purchasing.
50 9.C.4. Assembly Memorandum No. AM 454-2005, recommendation of award to Swanson General
51 Contractors, Inc. for Sullivan Arena **fire alarm replacement** for the Maintenance and Operations
52 Department (ITB 25-C024) (\$266,620); Purchasing.
53

54 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.C.4)

- 55
56 9.C.5. Assembly Memorandum No. AM 455-2005, recommendation of award to North Star Paving &
57 Construction Inc. for **76th Avenue Resurfacing - Old Seward Highway to Homer Drive** for the
58 Municipality of Anchorage, Project Management and Engineering Department (ITB 25-C036)
59 (\$700,101.20); Purchasing.
60 9.C.6. Assembly Memorandum No. AM 456-2005, recommendation of award to Seacoast Construction Co.,
61 Inc. for **2005 Transit Americans with Disability Act (ADA) Improvements** for the Municipality of
62 Anchorage, Project Management and Engineering Department (ITB 25-C035) (\$500,000); Purchasing.
63 9.C.7. Assembly Memorandum No. AM 457-2005, recommendation of award to Seacoast Construction Co.,
64 Inc. for **Cordova Street Transit Improvements** for the Project Management and Engineering
65 Department (ITB 25-C038) (\$225,622.35); Purchasing.
66 9.C.8. Assembly Memorandum No. AM 483-2005, recommendation of award to Cullips Excavating, Inc. for
67 **Highlander Drive/Circle Reconstruction** for the Project Management and Engineering Department
68 (ITB 25-C037) (\$1,265,160.70); Purchasing. (**Addendum**)
69 9.C.9. Assembly Memorandum No. AM 484-2005, recommendation of award to Tam Construction, Inc. for
70 **Greendale Drive, 19th-20th Avenues, Sanitary Sewer Upgrade** for the Municipality of Anchorage,
71 Anchorage Water & Wastewater Utility (ITB 25-C040) (\$252,067); Purchasing. (**Addendum**)
72

73 **9.D. NEW BUSINESS**

- 74 9.D.1. Assembly Memorandum No. AM 458-2005, re-appointment to the **Executive Staff** (Timothy G.
75 Middleton - Anchorage Administrative Hearing Officer); Legal Department.
76 9.D.2. Assembly Memorandum No. AM 459-2005, **Solid Waste Advisory Commission** appointment (Teri
77 Crawley-Norton); Mayor's Office.

- 1 9.D.3. Assembly Memorandum No. AM 460-2005, AO 2005-51 – **3% Sales Tax Ordinance** – Rescheduled
2 Public Hearing Date; Assembly Chair Fairclough. (*Public Hearing set for 8-23-05 9-13-05*)
3

4 Ms. Fairclough requested this item be reconsidered from the already-approved Consent Agenda. (*See item 10.D.3*)
5

- 6 9.D.4. Assembly Memorandum No. AM 461-2005, recommendation of award to CH2M Hill for Project A
7 “AWWTF Process Improvements” and Barnes Architecture Inc. for Project B “AWWTF Building
8 Improvements” for the **J.M. Asplund Wastewater Treatments Facility**, for the Municipality of
9 Anchorage, Water and Wastewater Utility (RFP 25-P008) (\$1,001,000); Purchasing.
10

11 Mr. Birch requested this item be pulled for review on the Regular Agenda. (*See item 10.D.4*)
12

- 13 9.D.5. Assembly Memorandum No. AM 462-2005, recommendation of award to First Southwest Company
14 (FSC) for providing **financial advisory services** on an “as required” basis to the Municipality of
15 Anchorage, Finance Department (RFP 25-P017) (\$1,255,000); Purchasing.
16

17 Mr. Birch requested this item be pulled for review on the Regular Agenda. (*See item 10.D.5*)
18

- 19 9.D.6. Assembly Memorandum No. AM 463-2005, approval of Amendment No. 4 to Alaska Pollution Control,
20 Inc. contract (PO No. 231572) increasing the contract by \$21,480 for a contract amount Not-To-
21 Exceed (NTE) \$324,480 for 2005 additional summer work program services within the **Birch**
22 **Tree/Elmore Limited Road Service Area** (LRSA); Maintenance & Operations Department.

- 23 9.D.7. Assembly Memorandum No. AM 464-2005, approval of Amendment No. 3 to Alaska Pollution Control,
24 Inc. contract-Schedule 2 (PO No. 230993) increasing the contract-Schedule 2 by \$75,000 for a
25 contract-Schedule 2 amount Not-To-Exceed (NTE) \$224,610 for 2005 summer work program services
26 within **Section 6/Campbell Airstrip Road Limited Road Service Area** (LRSA) on an “as needed”
27 basis; Maintenance & Operations Department.
28

29 Mr. Stout requested this item be pulled for review on the Regular Agenda. (*See item 10.D.7*)
30

- 31 9.D.8. Assembly Memorandum No. AM 465-2005, approval of Amendment No. 8 to Alaska Pollution Control,
32 Inc. contract (PO No. 231310) increasing the contract by \$250,000 for a contract amount Not-To-
33 Exceed (NTE) \$1,387,726 for 2005 summer work program services within **Upper O'Malley Limited**
34 **Road Service Area** (LRSA) on an “as needed” basis; Maintenance & Operations Department.

- 35 9.D.9. Assembly Memorandum No. AM 466-2005, cooperative purchase of Open Systems International
36 (OSI) **Energy Management System** with Chugach Electric Association (CEA) for the Municipality of
37 Anchorage, Municipal Light & Power (ML&P) (\$304,620); Purchasing.

- 38 9.D.10. Assembly Memorandum No. AM 485-2005, change order authority to Purchase Order 241275 with
39 Rain Proof Roofing Company, LLC for **roof replacement** at the Alaska Center for the Performing Arts
40 for the Municipality of Anchorage, Maintenance and Operations Department (\$450,000); Maintenance
41 & Operations Department. (**Addendum**)
42

43 Mr. Stout requested this item be pulled for review on the Regular Agenda. (*See item 10.D.10*)
44

45 **9.E. INFORMATION AND REPORTS**

- 46 9.E.1. Information Memorandum No. AIM 45-2005, Municipality of Anchorage Operating Policy/Procedure
47 24-11 **Quarterly Report of Brokerage and Investment Firms Dollar Volume** for the period of
48 January 1, 2005 through March 31, 2005 and the period of April 1, 2005 through June 20, 2005;
49 Finance.

- 50 9.E.2. Information Memorandum No. AIM 46-2005, **Quarterly Status of the Study of Long Term Debt and**
51 **Cash Pool Investment Policies and Practices** of the Municipality of Anchorage pursuant to AR No.
52 2005-64; Finance.

- 53 9.E.3. Information Memorandum No. AIM 47-2005, **Monthly Financial Reports** – May 2005; Finance.
54

55 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.E.3*)
56

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

- 58 9.F.1. Ordinance No. AO 2005-80, an ordinance amending Anchorage Municipal Code Section 4.60.275 to
59 increase the membership of the **Youth Advisory Commission**; Mayor's Office. (*Public Hearing 7-26-*
60 *05*)

61 a. Assembly Memorandum No. AM 479-2005.

- 62 9.F.2. Ordinance No. AO 2005-87, an ordinance authorizing a lease of **floating dock moorage space** and
63 land use area at the Port of Anchorage to the United States Coast Guard. (*Public Hearing 7-26-05*)

64 a. Assembly Memorandum No. AM 480-2005.

- 65 9.F.3. Ordinance No. AO 2005-88, an ordinance amending Anchorage Municipal Code Section 3.30.127,
66 **Length of Service**, regarding **service recognition pay**; Employee Relations. (*Public Hearing 7-26-05*)

67 a. Assembly Memorandum No. AM 481-2005.
68

69 Mr. Stout requested this item be pulled for review on the Regular Agenda. (*See item 10.F.3*)
70

- 71 9.F.4. Ordinance No. AO 2005-89, an ordinance amending Anchorage Municipal Code Section 12.20.020 to
72 implement Ballot Proposition 2 approved April 5, 2005 authorizing a four percent (4%) increase in the
73 **room tax**, Legal Department. (*Public Hearing 8-09-05*)

74 a. Assembly Memorandum No. AM 482-2005.

- 75 9.F.5. Resolution No. AR 2005-168, a resolution of the Municipality of Anchorage appropriating \$135,875
76 from the Federal Office for Domestic Preparedness, under the 2004 Assistance to Firefighters Grant
77 Program, and a contribution of \$59,140 from the Anchorage Fire Service Area Fund (131), Anchorage
78 Fire Department 2005 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage

Fire Department, for the development and implementation of **enhanced automated fire inspection procedures and plan review** capabilities; Anchorage Fire Department. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 471-2005.

9.F.6. Resolution No. AR 2005-169, a resolution of the Municipality of Anchorage appropriating the sum of \$391,723 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for **Air Quality Public and Business Awareness Education Campaign**; Health and Human Services. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 472-2005.

9.F.7. Resolution No. AR 2005-170, a resolution accepting a State of Alaska grant re-appropriation of unexpended funds in the amount of \$436,507 to the Port of Anchorage Capital Fund (571) for the **Port of Anchorage Intermodal Expansion Project**. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 473-2005.

9.F.8. Resolution No. AR 2005-171, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 05-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 474-2005.

9.F.9. Resolution No. AR 2005-172, a resolution confirming and levying special assessments for **Special Assessment District 4SR00** which reconstructed streets within the Windsor Village Subdivision Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency; Project Management & Engineering.

a. Assembly Memorandum No. AM 475-2005. *(Public Hearing 7-26-05)*

9.F.10. Resolution No. AR 2005-173, a resolution confirming and levying special assessments for **Special Assessment District 1SR02** which reconstructed Warwick Drive, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency; Project Management & Engineering. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 476-2005.

9.F.11. Resolution No. AR 2005-174, a resolution confirming and levying special assessments for **Special Assessment District 2R02** which provided Gravel Street Upgrade Improvements to Falling Water Drive and White Water Circle, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency; Project Management & Engineering. *(Public Hearing 7-26-05)*

a. Assembly Memorandum No. AM 477-2005.

9.F.12. Resolution No. AR 2005-175, a resolution confirming and levying special assessments for **Special Assessment District No. 1V96**, which provided for resurvey and replatting of Rabbit Creek Heights Subdivision and Rabbit Creek View Subdivision, and to set the date of assessment installment payments, interest on unpaid assessments, and provide for penalties and interest in the event of delinquency; Project Management & Engineering. *(Public Hearing 8-09-05)*

a. Assembly Memorandum No. AM 478-2005.

9.F.13. Ordinance No. AO 2005-90, an ordinance repealing Assembly Ordinance 2005-63 and amending Anchorage Municipal Code Chapter 9.54 to clarify applicability to **Tow Operators**, to add definitions, and for tow operator participation in the Anchorage Police Department Rotational Tow Program, retroactive to January 1, 2005; Legal Department. *(Public Hearing 8-09-05)* **(Addendum)**

a. Assembly Memorandum No. AM 438-2005.

Deputy Municipal Manager Mike Abbott requested this item be reviewed on the Regular Agenda. *(See item 10.F.13)*

9.F.14. Ordinance No. AO 2005-91, an ordinance confirming and authorizing construction of a **new Civic And Convention Center Facility** on Block 80, Anchorage Original Townsite and a 600 to 700-car parking garage on the South One-Half Of Block 70, Anchorage Original Townsite; Office of Economic & Community Development. *(Public Hearing 8-09-05)*

a. Assembly Memorandum No. AM 439-2005. **(Addendum)**

Deputy Municipal Manager Mike Abbott requested this item be reviewed on the Regular Agenda. *(See item 10.F.14)*

9.F.15. Ordinance No. AO 2005-92, an ordinance amending Anchorage Municipal Code Section 12.45.010 regarding **rental tax on rental of motor vehicles**, to add a new exception to the definition of fees and costs; Finance. **(Addendum)** *(Public Hearing 8-09-05)*

a. Assembly Memorandum No. AM 486-2005.

Deputy Municipal Manager Michael Abbott requested this item be reviewed on the Regular Agenda. Chair Coffey declared a conflict of interest with this issue, because of his association with Dollar Rent-A-Car. *(See item 10.F.15)*

9.F.16. Ordinance No. AO 2005-93, an ordinance of the Anchorage Municipal Assembly amending Chapter 9.38, relating to licensing of bicycles, to provide for the transfer of **bicycle licensing** from the Anchorage Police Department to the Parks and Recreation Department, to establish a maximum licensing fee and to provide for the adoption of a bicycle registration program by the Parks and Recreation Department for review and approval by the Assembly; Department of Assembly; Assemblymember Coffey. **(Laid on the Table)** *(Public Hearing set for 8-09-05)*

Ms. Fairclough moved, *to introduce* AO 2005-93, with Public Hearing set
Mr. Birch seconded, *for* August 9, 2005.
Ms. Ossiander was the concurring third,

Chair Coffey called for a vote on the remainder of Consent Agenda.

and this motion was passed 10-0,
with Mr. Coffey abstaining on items 9.B.1 and 9.F.15, due to conflicts of interest,

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

The amended Consent Agenda was approved and Chair Coffey 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 2005-144, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Ruby Ketola** for her 30 years of service with the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini .

Mr. Sullivan moved, to approve AR 2005-144.

Ms. Shamberg seconded,
and this motion was passed without objection,

Mr. Sullivan presented and Ms. Shamberg read the resolution, recognizing and honoring Ruby Ketola for her 30 years with the Municipality. Ms. Ketola thanked the Information Technology Management Staff for their support.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.1. Resolution No. AR 2005-155, a resolution of the Anchorage Municipal Assembly consenting to the location of, and approving, the Ted Stevens Anchorage International Airport (**Consolidated Rental Car Facility Project**) of the Alaska Industrial Development and Export Authority; Finance.

Mr. Stout moved, to approve AR 2005-155.

Ms. Fairclough seconded,

To Mr. Stout, the Administration responded that the expansion of the parking garage at the airport would be for rental cars, which would free space in the existing facility for public use. It would be located at the airport between the railroad terminal and the existing parking facility.

and this motion was passed without objection,
with Mr. Coffey abstaining, due to a conflict of interest,
and with an excused absence for Mr. Traini,

10.B.6. Resolution No. AR 2005-166, a resolution of the Municipality of Anchorage authorizing Municipal Light & Power to enter into an agreement with Chugach Electric Association and Golden Valley Association to create the **Alaska Railbelt Energy Authority**, a Joint Action Agency under the law of the State of Alaska (AS 42.45.300-.320); Municipal Light & Power. (*Postponed to July 26, 2005*)
a. Assembly Memorandum No. AM 469-2005.

Ms. Ossiander moved, to approve AR 2005-166.

Ms. Jennings seconded,

Ms. Ossiander moved, to postpone until July 26, 2005.

Ms. Fairclough seconded,

Ms. Ossiander stated that, due to concern from her constituents and the Chugach Board, she proposed postponement to the next meeting, allowing an opportunity for public comment.

Municipal Light and Power General Manager James Posey stated that an energy bill would soon be heard by Congress which had provisions for benefits to all associations formed by the time of Congressional approval. If the agencies and associations were not created by the date the bill was considered, they would lose tax-free financing opportunities, which would lead to increased energy costs in the state.

Ms. Ossiander stated the Chugach Board had postponed addressing this issue, to allow time for additional discussion. There were concerns of possible conflicts with legislation being considered in Juneau. She urged support for postponement.

To Mr. Tesche, Fairbanks Golden Valley Electric President and CEO Steve Haagenson responded he had been involved with the Energy Policy Task Force, addressing Alaska power. They recommended replacing the railbelt generator-turbine, at a cost of \$1-2 billion. Forming this railbelt association would allow an opportunity for tax-exempt financing of the generator. This was a time-sensitive issue and he urged the Assembly to take action that evening. Mr. Tesche opposed postponement because there had already been a worksession. Further delay would jeopardize benefits and they would be sending the wrong message to Fairbanks residents that they were hesitant to participate with this venture to help reduce energy costs.

Mr. Birch stated it was worth taking the time to fully understand the labor agreements and costs associated with new construction. He supported postponement.

Ms. Fairclough supported postponement. It was not good practice to act on important issues at the final hour. The contract obligated the Municipality for substantial costs and it would be worth consideration to negotiate this process.

Mr. Sullivan stated that Congress would not take action on the energy bill for another month. Mr. Haagenson responded the committees were currently discussing this issue and if the joint agency was not established immediately there would be risk of not being considered for the energy funding benefits.

To Chair Coffey, Mr. Haagenson responded they had received approval from Fairbanks Golden Valley Electric on June 25th. He responded that Homer, Seward, Matanuska Electric and many more groups were expected to also join the agency. He responded that this was a rare opportunity by Congress for cooperatives and municipalities to form joint agencies, to be considered for the benefits of the energy bill.

Ms. Ossiander supported postponement. There still needed to be determination of limitations, responsibilities and possible debt. There were other issues that needed to be reviewed, including the future use of Bradley Lake energy.

To Mr. Tesche, Mr. Posey responded if other agencies were hesitant to move forward, the authority could still be formed with the association of the Municipality of Anchorage and Golden Valley Electric. Mr. Tesche urged a NO-vote on postponement.

Ms. Fairclough urged a YES-vote.

and the motion to postpone passed 6-4,

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

NAYES: Tesche, Shamberg, Coffey and Jennings.

ABSENT: Traini, excused.

To Chair Coffey, Assembly Budget and Legislative Affairs Director Elvi Gray-Jackson responded a one-hour worksession would be scheduled on July 22nd.

10.C. BID AWARDS

10.C.4. Assembly Memorandum No. AM 454-2005, recommendation of award to Swanson General Contractors, Inc. for Sullivan Arena **fire alarm replacement** for the Maintenance and Operations Department (ITB 25-C024) (\$266,620); Purchasing.

Mr. Birch moved, to approve AM 454-2005.

Ms. Shamberg seconded,

To Mr. Birch, Purchasing Officer Bart Mauldin concurred there was a difference of hundreds of thousands of dollars among contracts. He had verified the bid amount with the selected contractor, who had assured him that the project could be completed for that amount.

and this motion passed without objection,
with an excused absence for Mr. Traini,

10.D. NEW BUSINESS

10.D.3. Assembly Memorandum No. AM 460-2005, AO 2005-51 – **3% Sales Tax Ordinance** – Rescheduled Public Hearing Date; Assembly Chair Fairclough. (*Public Hearing set for ~~8-23-05~~ 9-13-05*)

Ms. Fairclough requested this item be reconsidered from the already approved Consent Agenda. She moved for reconsideration, it was seconded by Ms. Jennings and approved without objection.

Ms. Fairclough moved, to amend AM 460-2005 on Page 1, Line 12 *by changing*
Ms. Jennings seconded, the first Public Hearing [~~8-23-05~~] to "9-13-05."
and this was approved without objection,

10.D.4. Assembly Memorandum No. AM 461-2005, recommendation of award to CH2M Hill for Project A "AWWTF Process Improvements" and Barnes Architecture Inc. for Project B "AWWTF Building Improvements" for the **J.M. Asplund Wastewater Treatments Facility**, for the Municipality of Anchorage, Water and Wastewater Utility (RFP 25-P008) (\$1,001,000); Purchasing.

Mr. Birch moved, to approve AM 461-2005.

Mr. Sullivan seconded,

To Mr. Birch, Anchorage Water and Wastewater Utility General Manager Mark Premo responded this was a multi-funded project. Mr. Birch responded there would be additional costs that would have to be approved by a future Assembly.

and his motion passed without objection,
with an excused absence for Mr. Traini,

10.D.5. Assembly Memorandum No. AM 462-2005, recommendation of award to First Southwest Company (FSC) for providing **financial advisory services** on an "as required" basis to the Municipality of Anchorage, Finance Department (RFP 25-P017) (\$1,255,000); Purchasing.

Mr. Birch moved, to approve AM 462-2005.

Mr. Stout seconded,

To Mr. Birch, Municipal Purchasing Officer Bart Maudlin responded there were several companies being considered in the final selection process. Chief Fiscal Officer Jeff Sinz responded this proposal involved assisting the city with the issuance of debt and planning debt capacity and analysis.

and this motion was passed without objection,
with an excused absence for Mr. Traini,

10.D.7. Assembly Memorandum No. AM 464-2005, approval of Amendment No. 3 to Alaska Pollution Control, Inc. contract-Schedule 2 (PO No. 230993) increasing the contract-Schedule 2 by \$75,000 for a contract-Schedule 2 amount Not-To-Exceed (NTE) \$224,610 for 2005 summer work program services within **Section 6/Campbell Airstrip Road Limited Road Service Area** (LRSA) on an "as needed" basis; Maintenance & Operations Department.

Mr. Stout moved, to approve AM 464-2005.
Mr. Ossiander seconded,

To Mr. Stout, Deputy Municipal Manager Michael Abbott responded it was customary for limited rural service areas to designate their allocated maintenance funds, and this LRSA had chosen to include chip sealing with their 2005 improvements.

and this motion was passed without objection,
with an excused absence for Mr. Traini,

10.D.10. Assembly Memorandum No. AM 485-2005, change order authority to Purchase Order 241275 with Rain Proof Roofing Company, LLC for **roof replacement** at the Alaska Center for the Performing Arts for the Municipality of Anchorage, Maintenance and Operations Department (\$450,000); Maintenance & Operations Department. **(Addendum)**

Mr. Stout moved, to approve AM 485-2005.
Ms. Ossiander seconded,

To Mr. Stout, Municipal Purchasing Officer Bart Mauldin responded the original \$4.5 million contract had not included change orders. There had been a change order requested by the Fire Department to improve the design. Deputy Municipal Manager Michael Abbott concurred and stated the project remained under budget and on time.

and this motion passed without objection,
with an excused absence for Mr. Traini,

10.E. INFORMATION AND REPORTS

10.E.3. Information Memorandum No. AIM 47-2005, **Monthly Financial Reports** – May 2005; Finance.

Ms. Ossiander moved, to accept AIM 47-2005.
Mr. Sullivan seconded,

To Ms. Ossiander, Municipal Manager Denis LeBlanc responded the revenues and expense anomalies were normal this time of year. Airport Manager Dave Lundebly gave assurances they would meet their budget. To Ms. Ossiander, Mr. LeBlanc responded that he would get the summary of expenses of the Port of Anchorage for her review.

and this motion was approved without objection,
with an excused absence for Mr. Traini,

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.3. Ordinance No. AO 2005-88, an ordinance amending Anchorage Municipal Code Section 3.30.127, *Length of Service*, regarding **service recognition pay**; Employee Relations. (*Public Hearing 7-26-05*)
a. Assembly Memorandum No. AM 481-2005.

Mr. Stout moved, to introduce AO 2005-88 with Public Hearing set for
Mr. Sullivan seconded, July 26, 2005.
Ms. Fairclough was the concurring third,

To Mr. Stout, Deputy Municipal Manager Michael Abbott responded the intent of the ordinance was to remove service recognition from the municipal compensation system.

10.F.13. Ordinance No. AO 2005-90, an ordinance repealing Assembly Ordinance 2005-63 and amending Anchorage Municipal Code Chapter 9.54 to clarify applicability to **Tow Operators**, to add definitions, and for tow operator participation in the Anchorage Police Department Rotational Tow Program, retroactive to January 1, 2005; Legal Department. (*Public Hearing [8-09-05 7-26-05 8-09-05, 8:00 p.m.]*)
a. Assembly Memorandum No. AM 438-2005. **(Addendum)**

Ms. Fairclough moved, to introduce AO 2005-90 with Public Hearing set for
Mr. Sullivan seconded, [August 9] [July 26] "August 9," 2005, 8:00 p.m.
Mr. Birch was the concurring third,

The Public Hearing date was changed to July 26, as requested by Deputy Municipal Manager Mike Abbott.
(Clerk's Note: See Items 14.K and 14.L for related Assembly discussion and action, continuing to August 9, 2005)

10.F.14. Ordinance No. AO 2005-91, an ordinance confirming and authorizing construction of a **new Civic And Convention Center Facility** on Block 80, Anchorage Original Townsite and a 600 to 700-car parking garage on the South One-Half Of Block 70, Anchorage Original Townsite; Office of Economic & Community Development. (*Public Hearing [8-09-05] 7-26-05*)

a. Assembly Memorandum No. AM 439-2005. **(Addendum)**

Ms. Fairclough moved, *to introduce* AO 2005-91, with Public Hearing set for
Mr. Sullivan seconded, ~~[August 9]~~ July 26, 2005.
Mr. Birch was the concurring third,

The Public Hearing date was changed to July 26th, as requested by Deputy Municipal Manager Michael Abbott.

10.F.15. Ordinance No. AO 2005-92, an ordinance amending Anchorage Municipal Code Section 12.45.010 regarding **rental tax on rental of motor vehicles**, to add a new exception to the definition of fees and costs; Finance. **(Addendum)** *(Public Hearing [8-09-05] 7-26-05)*

a. Assembly Memorandum No. AM 486-2005.

Chair Coffey declared a conflict of interest with this issue, because of his association with Dollar Rent-A-Car.

Ms. Fairclough moved, *to introduce* AO 2005-92, with Public Hearing set for
Mr. Sullivan seconded, ~~[August 9]~~ "July 26," 2005.
Mr. Birch was the concurring third,
with Mr. Coffey abstaining,

The Public Hearing date was changed to July 26th, as requested by Deputy Municipal Manager Michael Abbott.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Ordinance No. AO 2005-74, an ordinance amending the zoning map and providing for the rezoning of approximately 33.2 acres, from I-1 (Light Industrial District) and I-2 (Heavy Industrial District) to I-2 SL (Heavy Industrial District with Special Limitations), for Fragment Lots 1, 2, 3 and 4, Commercial Tract Fragment Lot Site Plan for **Tract A, Alaska Seafood International Subdivision**; generally located on the northwest corner of Raspberry Road and Rovenna Street (Taku/Campbell Community Council) (Planning and Zoning Commission Case 2005-020); Planning Department.

1. Assembly Memorandum No. AM 370-2005. *(Public Hearing was closed 6-28-05 Carried Over from 6-28-05)*

Chair Coffey stated that Public Hearing was closed on June 28th and there was a motion to approve on the floor from Mr. Birch, seconded by Mr. Coffey. The Birch Amendment was on the floor. *(Clerk's Note: The motion to amend was restated for the record.)*

Mr. Birch moved, *to amend* AO 2005-74 on Page 1, Lines 25-27, *by substituting* to read. A. "The only new construction permitted on frag (fragment) Lot 4, Tract A, without a site plan review by the P&Z shall be an indoor sports arena constructed substantially as depicted on the materials presented to the Assembly on June 28, 2005 and subject to the requirements of the building and other codes."
Mr. Sullivan seconded,
and this was later substituted,

To Ms. Jennings, Municipal Clerk Barbara Gruenstein and Assembly Director Elvi Gray-Jackson responded there had been nothing additional received in their offices, concerning this topic.

To Mr. Tesche, Planning Department Administrator Jerry Weaver responded the materials presented by the developers would meet 30% of the requirements for a P&Z site plan review. The amendment would exempt the sports facility from a P&Z site plan review, but it would still require a building permit, which would need municipal administrative site plan review. Deputy Municipal Manager Michael Abbott responded administrative review would address traffic, land use, neighborhood impacts and other issues. Mr. Weaver responded the P&Z had focused concern on the dome, with little concern on the remaining development. He responded the administrative and P&Z site plan reviews could be coordinated to require a site plan review of everything around the dome and have an administrative site plan review on the dome itself. To Mr. Tesche, Mr. Birch responded the intent of the amendment was not to further delay the process, but to allow this development to move forward. Mr. Abbott stated striking the P&Z site plan review on the dome might create a conflict. He recommended striking lines 25-27, eliminating the entire public site plan review process.

Mr. Tesche moved, *to amend* AO 2005-74 *by substituting* for the Birch Amendment, *by deleting* Section 2, Lines 25 (23)-27, in its entirety and *by renumbering* the remaining sections.
Ms. Fairclough seconded,

Ms. Ossiander stated that additional unrelated church building and parking should not be subject to a full P&Z site plan review. She concurred with the substitution. The Assembly needed to also address if the dome was not constructed, the developers would be subject to a P&Z site plan review.

Mr. Sullivan opposed the substitution because it did not address parking and traffic for the church services, which needed a P&Z site plan review process. He supported the Birch Amendment, dealing with the indoor sports arena only, which would have less traffic and its parking would be hidden from the public.

Ms. Fairclough stated the developers supported removing the public site plan review for the church and the freezer and requested the zoning be changed from I-1 to I-2, to allow for development of the sports facility.

To Ms. Ossiander, Mr. Weaver responded the substitution, eliminating Section 2, would delete a public site plan review on anything on that site, and the zoning would go to I-2. He stated the original amendment included fragment Lot 4, Tract A, which only involved construction of the sports facility. He recommended dealing with the entire Tract A.

Ms. Jennings recommended consideration of a special limitation, if there was no public site plan review. She stated there was potential of a heavy traffic impact. Mr. Weaver responded that the substitute amendment would allow for administrative review of the traffic and buffers to the local areas.

Mr. Tesche stated that he, Mr. Weaver and Chair Coffey had created a new amendment that would be presented. Ms. Jennings requested to hear the new language because it might affect her vote on the amendment on the floor. Chair Coffey read the proposed amendment (*moved, below*).

To Mr. Tesche, Scott Merriner, with Alaska Community Development, supported eliminating the P&Z public site plan review. They favored the amendment to substitute, striking Section 2, and allowing I-2 zoning, with the understanding that any additional building, including parking and other issues, would be subject to administrative review. If that was not favored by the Assembly, they would support the proposed Tesche motion. The only concern would be the zoning, which conflicted with Changepoint's development and required a P&Z public site plan review.

Chair Coffey stated the amendment, deleting Section 2, substituting for the Birch Amendment, was on the floor.

Mr. Sullivan urged a YES-vote on the Tesche Amendment.

Ms. Jennings opposed the Tesche Amendment. While she supported the Sports Dome, the future needed to be considered, if the needs or the property ownership changed. There were many permitted uses allowed in I-2, many of which would benefit from public review. She supported the community council's desire for a P&Z site plan review.

Mr. Birch stated that the Sand Lake Community Council had voted 12-1, in support of the project. Mr. Sullivan concurred the council had changed their position and had agreed that development could be allowed without a site plan review. Mr. Birch supported the Tesche Amendment, deleting Section 2.

Ms. Jennings stated that since the council had changed their position, she would support the Tesche Amendment.

Mr. Sullivan stated the development group had agreed to present each phase of development to the Administration and the Sand Lake Community Council.

Chair Coffey called for a vote on the first Tesche Amendment, deleting Section 2.

and this motion passed 10-0,
with an excused absence for Mr. Traini,

Mr. Tesche moved,	to amend AO 2005-74 on Page 1, Lines 23-27, <i>by adding</i>
Ms. Shamberg seconded,	<u>"Section 2. The property is being rezoned to I-2 for the</u>
and Mr. Coffey amended,	<u>sole purpose of permitting the development of a sports</u>
	<u>complex and those related developments and indoor food</u>
	<u>processing/freezer equipment as substantially depicted on</u>
	<u>the materials presented to the Assembly on June 28, 2005</u>
	<u>and subject to the requirements of the building and other</u>
	<u>codes. All other I-2 uses are prohibited. All other I-1 uses</u>
	<u>are permitted."</u>

Mr. Tesche stated this clarified that zoning was approved solely for the purpose of building the sports complex and related facility, as presented by the developer. Mr. Weaver had no objection. Mr. Merriner responded they supported the amendment but did not believe it was necessary. Mr. Tesche urged support.

Ms. Jennings referred to P&Z Resolution 2005-012, which indicated the indoor food processing freezer equipment leased by the church was required to be in I-2 zoning. The uses on the land could not be limited to a sports dome, because freezer equipment was being used and would require an additional special limitation. Chair Coffey proposed language to include the food processing and freezer equipment, which was accepted as a friendly amendment.

Ms. Fairclough opposed the amendment. Assurances had already been made to protect the community. She urged a NO-vote.

Ms. Jennings stated that because the Sand Lake Community Council had requested this be limited to a sports dome facility and she would support the amendment.

Mr. Birch opposed the amendment.

and this motion failed,

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

Chair Coffey called for a vote on the main motion, as amended.

Mr. Sullivan and Ms. Fairclough urged YES-votes.

and the main motion, as amended, was passed,

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

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

Ms. Fairclough moved, *for immediate reconsideration* of AO 2005-74, as amended.
Mr. Birch seconded,
and this motion failed 9-1,

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

NAYES: Shamberg.

ABSENT: Traini, excused.

Ms. Fairclough moved, to take up Public Hearing on 13.A for one hour.
Mr. Stout seconded,
and this was approved without objection,

11.B. Resolution No. AR 2005-159, a resolution of the Anchorage Municipal Assembly supporting the recommended conditions to the BVG liquor license DBA **Call of the Wild**; Assemblymember Traini. *(Postponed from 6-28-05; Carried Over to 7-26-05, 8:00)*

1. Resolution No. AR 2005-159(S), a resolution of the Anchorage Municipal Assembly supporting the recommended conditions to the BVG liquor license DBA Call of the Wild; Assemblymember Fairclough. ***(Laid on the Table)***

To Chair Coffey, Ms. Fairclough stated that because Mr. Traini was not able to attend the Assembly Meeting that evening she proposed postponing this item until July 26th, time certain at 8:00 p.m.

Mr. Sullivan moved, to Carry Over AR 2005-159 to July 26, 2005, 8:00 p.m.
Ms. Fairclough seconded,
and this motion was unanimously approved,

12. APPEARANCE REQUESTS

12.A. **Rev. Fran Dearman & Mary Richards**, Unitarian Universalist Fellowship, to present a payment in lieu of taxes.

REVEREND FRAN DEARMAN, minister with Unitarian Universalist Fellowship, Inc., introduced the church president, MARY RICHARDS, who read the proclamation and presented a check, in lieu of taxes. This showed their appreciation of the many services, activities, facilities and events sponsored by the city, which safeguarded their freedom of worship. She and Reverend Dearman thanked the Administration and the Assembly for their commitment of sustaining quality of life with peace, equity, justice and good will.

12.B. **Kerry Hawkins**, regarding Mt. View clean-up.

KERRY HAWKINS, Chairman for 2005 Clean-up, summarized their efforts. They collected 6.3 tons of hazardous materials, 63 tons of metal, 26 propane bottles, 65 refrigerators and freezers and 177.98 tons of general waste. Mr. Tesche thanked Mr. Hawkins and the Clean-up Crew, the Administration, the Municipal Manager's Office and Solid Waste Services. Mr. Hawkins responded they had received support from the Municipality. Ms. Jennings thanked them for their efforts. To Mr. Sullivan, Mr. Hawkins responded that they had traditionally used the Brewster's parking lot for their central staging area and they would be searching for a new location.

Ms. Fairclough moved, to change the order of the day to take up 14.E, AO 2005-82.
Mr. Stout seconded,
and there were no objections,

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2005-77, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 9.38 regarding parental responsibility, applicability of traffic laws, conduct of bicycle riders, repealing bicycle registration requirements, and requiring **bicycle helmets** for minors; Assemblymember Shamberg. *(Continued from 7-12-05; Continued to 7-26-05, 9:00)*

1. Assembly Memorandum No. AM 373-2005.

Chair Coffey read the ordinance title. Public testimony was limited to one hour and he opened Public Hearing.

BAJARNE HOLM testified in support.

TROY MAULDIN supported the ordinance.

DON SMITH opposed the ordinance and thought there were other issues that law enforcement officers could address.

PETE KINNEEN, member of the Arctic Bike Club, opposed the ordinance.

DEBORAH JILLY, with Alaska Division of Public Health Emergency Medical Services, supported the ordinance. She spoke of the statistics of bicycle injuries to children, with a high percentage of head injuries. Across the nation, mandatory helmet use had decreased the numbers of traumatic brain injuries (*TBIs*), which were costly, with long term effects to victims and the families. To Mr. Bauer, Ms. Jilly responded that her office would supply more in-depth information on the local statistics. To Mr. Birch, Ms. Jilly responded that there were many offices and organizations in Anchorage that fully supported the use of helmets. She invited Assemblymembers to the bicycle rodeo at the upcoming Eagle River Bear Paw Festival.

MARK FITCH, an active bicyclist, testified in support of education and helmet use and made recommendations for additional traffic safety improvements. To Mr. Bauer, Mr. Fitch responded there were no helmet laws in Europe, but bicyclists were educated, citizens were aware and the culture encouraged cycling on public roads.

FATIMA HOGER supported helmet use and spoke of her daughter who had suffered TBIs. To Ms. Shamberg, she responded there were many correlations between head injuries and behavioral problems and learning disabilities. Ms. Jennings thanked her for her very personal testimony.

B. J. COOPES, a 20-year pediatric [intensiveness] "intensivist" physician, spoke in favor of the ordinance.

ED SNIFFEN, former Arctic Bicycle Club President and active bicyclist, supported the ordinance.

PEGGY HAYASHI, a registered nurse at Providence Hospital and the State Coordinator for Alaska Safe Kids, supported the ordinance.

DAVE ALEXANDER, 42-year pediatric physician, testified in support and gave statistics of helmet use preventing injuries. He spoke of the costs associated with TBIs.

SHARON SMITH, a pediatric therapist, supported helmet use. She dealt with children with chronic brain injuries associated with TBI. There was no medical insurance for victims of long-term injuries of TBIs, except for Medicare.

GORDON GLASER, with Alaska Safe Kids Coalition, supported helmet use. Their program was based on safety, education and enforcement.

STEVEN TOWER, orthopedic surgeon, supported the ordinance. Helmets were effective in preventing TBIs. Making helmet use a legal requirement would encourage all cyclists to participate. Providence Hospital had offered to give helmets to all children who ride bicycles.

Chair Coffey stated they had completed the one hour of public testimony and by a vote of the Assembly, Public Hearing would be carried over to the Regular Assembly Meeting of July 26th, time certain at 9:00 p.m.

- 13.B. Ordinance No. AO 2005-26, an ordinance of the Anchorage Municipal Assembly amending **Anchorage Municipal Vehicle and Traffic Code** Section 9.04.010, Definitions, to repeal Parking Enforcement Officer, define a Peace Officer, and to include parking enforcement by police officers together with traffic enforcement; and amending Section 9.30.240, Enforcement Officers, to include a peace officer for violations of Chapters 9.30, 9.32, and 9.34, and prohibiting photo radar; Assemblymembers Coffey, Sullivan, Tesche, Ossiander, Birch, Stout, Shamberg, Fairclough, Bauer and Jennings . *(Continued from 2-15-05 and 4-12-05)*
1. Assembly Memorandum No. AM 118-2005.

Chair Coffey read this ordinance title and opened Public Hearing.

EVERETT ROBBINS, Anchorage Police Department Employees Association President and a 21-year police officer, supported the ordinance. He stated that the union opposed using the highest trained, highest qualified and highest paid police officers for writing parking tickets. APDEA supported the inclusion of newly defined peace officers to be involved with traffic enforcement. To Mr. Tesche, Officer Robbins responded APDEA supported the shorter version of the amendment that would be proposed that evening. To Mr. Tesche, Officer Robbins responded the Police Chief could, by designating in writing, authorize any municipal employee for traffic enforcement. To Ms. Fairclough, Officer Robbins responded that fire fighters did not have authority to write parking tickets in fire zones, but the Chief of Police could authorize it.

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

Mr. Tesche moved, to approve AO 2005-26.
Ms. Shamberg seconded,

Mr. Tesche stated this was correcting a charter amendment that restricted enforcement to only police officers. This ordinance would allow authorized municipal employees to write parking tickets, if approved by the voters on the spring ballot. Mr. Coffey concurred and stated the charter amendment would be ready for review in August.

To Ms. Fairclough, Mr. Tesche responded this would eliminate Lines 24-32 and substitute new language.

Mr. Tesche moved, to amend AO 2005-26 on Lines 24-32, *by substituting* the definition of a peace officer: *Peace Officer* means "every sworn police officer of the Anchorage Police Department or any municipal employee designated in writing by the Chief of Police."

Mr. Sullivan seconded,

Mr. Sullivan requested being listed as a cosponsor. He supported the shorter amendment and urged a YES-vote.

Ms. Ossiander also requested to be listed as a cosponsor.

Chair Coffey supported the amendment and stated there were administrative corrections needed on Page 2.

Mr. Birch requested to be added as a cosponsor. He had discussed this with the police department union and had agreed this would be a good move, creating a ballot proposition to offer a cost-effective solution.

Mr. Stout, Ms. Shamberg, Ms. Fairclough, Mr. Bauer and Ms. Jennings requested to be added as cosponsors.

and the motion was unanimously passed,

Mr. Sullivan stated there would be significant revenue increases from this change to traffic enforcement.

Ms. Fairclough moved, to amend AO 2005-26 on Page 2, Line 2, after the words,
Mr. Sullivan seconded, 'department or any officer authorized,' *by inserting: "in writing*
and this was approved without objection, *by the Chief of Police."*

Ms. Fairclough moved, to amend AO 2005-26 on Page 2, Line 22, *by changing*
Ms. Ossiander seconded, *[2005] "2006."*
and this was approved without objection,

Ms. Shamberg stated there was nothing relative about the language on Page 2, referring to photo radar. Chair Coffey responded that before the amendments to the Municipal Charter were passed, the Parking Authority was writing tickets which many citizens had objected to. Photo radar was being addressed at the same time. He recommended leaving in that language, to insure that activity would not reoccur.

Ms. Shamberg moved, to amend AO 2005-26 on Page 2, Line 21, *by deleting*
and matter died for the lack of a second, *[shall become]; and, on Page 2, Line 13 by deleting*
[The use of photo radar in the municipality is prohibited.]

Chair Coffey called for a vote on the main motion.

and this motion, as amended, was passed,

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

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2005-150, a resolution of the Municipality of Anchorage appropriating \$74,806 from the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS Secure Our School grant and \$77,487 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal Categorical Grants Fund (241) Anchorage Police Department, for the purpose of the **COPS Secure Our Schools Program**.

1. Assembly Memorandum No. AM 434-2005.

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

Ms. Fairclough moved, to approve AR 2005-150.
Ms. Shamberg seconded,

Ms. Fairclough urged a YES-vote.

and this motion was passed,

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

14.B. Resolution No. AR 2005-151, a resolution of the Municipality of Anchorage appropriating \$818,094 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for the **Vehicle Inspection and Maintenance Evaluation Program**; Health and Human Services.

1. Assembly Memorandum No. AM 435-2005.

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

Ms. Fairclough moved, to approve AR 2005-151.
Mr. Sullivan seconded,

Ms. Fairclough urged a YES-vote.

and this motion was passed,

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

14.C. Resolution No. AR 2005-152, a resolution of the Municipality of Anchorage appropriating the sum of \$481,232 from the State of Alaska Department of Transportation and Public Facilities as a Pass Through Grant from the Federal Highway Administration to the State Categorical Grants Fund (231) Department of Health and Human Services for a **Block Heater Installation Program**; Health and Human Services.

1. Assembly Memorandum No. AM 436-2005.

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

Ms. Shamberg moved, to approve AR 2005-152.
Ms. Fairclough seconded,

To Ms. Ossiander, Health and Human Services Director Beverly Wooley responded that the resolution before the Assembly was a program appropriation and the contract would come before the Assembly in the future. The division was increasing advertisement and determining the interests of the military bases.

and this motion was passed,

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

NAYES: None.

ABSENT: Traini, excused.

14.D. Resolution No. AR 2005-153, a resolution of the Municipality of Anchorage appropriating \$1,053,887 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund (231), the Office of Economic and Community Development to fund the **Weatherization Assistance Program**.

1. Assembly Memorandum No. AM 437-2005.

Chair Coffey read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Ossiander moved, to approve AR 2005-153.
Ms. Shamberg seconded,

To Mr. Birch, Community Development Division Manager Carma Reed responded this program primarily involved municipal employees traveling to homes and performing weatherization services. Contractors were used when specific professional expertise was needed. The process involved an initial home assessment, testing heating systems and completing a basic health and safety evaluation and a reassessment, to determine the effect of the improvements. There were four crew positions, one field supervisor, two assessors and two vacant crew positions. There were also positions shared with other departments.

To Ms. Jennings, Mayor Begich responded the program was now under the Community Development Division, following a recent audit. Ms. Reed responded the weatherization program, now listed with housing programs, would run more effectively and have the opportunity to receive more funding. Ms. Jennings thanked her for addressing the needed improvements that were indicated in the audit.

and this motion was passed,

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

NAYES: None.

ABSENT: Traini, excused.

14.E. Ordinance No. AO 2005-82, an ordinance of the Municipality of Anchorage authorizing withdrawal and transfer of **Heritage Land Bank Parcel #1-101** from HLB Inventory to Real Estate Services to negotiate a ground lease with Chugiak Senior Citizens, Inc. for a new low income housing facility for seniors.

1. Assembly Memorandum No. AM 441-2005.

Chair Coffey read the ordinance title and opened Public Hearing.

CHRIS INGMANSON, Chugiak Senior Center Board President, supported the resolution and stated this center provided many valuable services to Anchorage and Eagle River Chugiak. They were in need of a new 20-unit, low income housing facility to accommodate the many people who were on the waiting list.

LINDA HENDRICKSON, Chugiak Senior Center Executive Director, testified in support of the lease, allowing them to apply for additional federal assistance. There were currently 47 individuals waiting for housing. She urged Assembly support. She invited all members to their 30-year anniversary on July 22nd. To Mr. Tesche, she responded they would apply for additional housing in the future.

LORETTA FRENCH responded the rent would remain on a sliding scale of 30% of occupants' income. She stated the new unit would be added onto an already existing building which housed support facilities. She urged support.

BILL STOLTZE, State Representative for Chugiak, testified in support. He stated the Center was supported by many local groups and the Chugiak Lion's Club had donated \$3000, supporting the effort. He urged support.

With no one else to testify, Chair Coffey closed Public Hearing and called the Question.

Ms. Fairclough moved, to approve AO 2005-82.
Ms. Ossiander seconded,

Ms. Ossiander stated she was a lifetime member of the Chugiak Senior Center, but would not receive any economic benefit from participation with this item and did not have a conflict of interest. The Center was extremely supported by the community and she encouraged members to visit.

Mr. Stout supported the ordinance. On his last visit to the Center, he had noticed the cleanliness of the facility and the area. He applauded their activities and supported their efforts.

To Mr. Birch, Heritage Land Bank Executive Director Robin Ward responded this involved a land transfer through Real Estate Services, which would allow a lease below fair market value. The Assembly would have the opportunity to review the lease, with an accompanied fiscal note and a summary of economic effects

To Ms. Fairclough, Ms. Ward responded it was their intention to create a long-term lease, similar to the leases with Bean's Café and the Brother Francis Shelter. Ms. Fairclough stated the lease agreement would include a reverter clause, specifying the land would return to the Municipality if it did not meet requirements of the intended use.

Ms. Jennings stated she was calling from Chevak, Alaska, where elders were highly respected. She thanked them for all the work they were accomplishing, supporting elders in the community.

Mayor Begich stated it was the Administration's intent for this lease to be \$1 per year. The function of the Heritage Land Bank was to put land back into the private market for profit, but also for public good and public purpose. To Mr. Tesche, Mayor Begich responded the \$1 per year lease would be well worth the investment. Mr. Tesche supported the investment.

Ms. Fairclough read the mission statement of the Heritage Land Bank and concurred with Mr. Tesche and Mayor Begich that this was a justified and proper use of property, benefiting both present and future citizens of the city.

Chair Coffey supported the land lease.

To Mr. Sullivan, Mayor Begich responded this was a financially wise development, expanding an already existing facility which had kitchen facilities, meeting halls and supporting facilities. Ms. Ward responded the process of selecting the use of the lands involved research, application and a review by the Advisory Commission. Ms. French responded that the Senior Center would oversee the selection of a contractor, through a formal bid process.

and this motion was passed,

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

NAYES: None.

ABSENT: Traini, excused.

14.F. Resolution No. AR 2005-149, a resolution of the Municipality of Anchorage, Alaska, approving **water line extensions in the New Girdwood Townsite** on Girdwood Place West and Holmgren Place and providing for assessment of benefited properties at time of service connection; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 433-2005.

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

Ms. Shamberg moved, to approve AR 2005-149.
Mr. Sullivan seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Traini, excused.

14.G. Ordinance No. AO 2005-86, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 25.20, Real Property Acquisition and enacting a new section AMC 25.20.027, **limiting the power of eminent domain**; Assemblymembers Tesche, Shamberg, Birch, Coffey, Jennings, Stout, Sullivan, Traini and Bauer.

1. Assembly Memorandum No. AM 448-2005.

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

Ms. Jennings moved, to approve AO 2005-86.
Mr. Tesche seconded,

Mr. Tesche stated the ordinance and memorandum were in response to the recent U.S. Supreme Court opinion concerning eminent domain. The purpose of this document was to limit government power to take privately owned property and make it available to another private property owner, even if there was assumption of public benefit associated with the property development.

Ms. Ossiander moved, to amend AO 2005-86 on Page 1, Line 16, *by adding:*
Mr. Sullivan seconded, "Eminent domain is not to be used to further private economic development."

Ms. Ossiander stated the clarification would help send a clear message that eminent domain should only be utilized when taking private property for widespread public use. She did not want private property to be used to benefit the public by developing a mall.

Ms. Jennings concurred with Ms. Ossiander and recommended additional clarification on the intent by striking 'or the public' and keeping 'if property was acquired thereby and actually used by the Municipality.'

Mr. Tesche stated that he had selected conservative language from the opinions of Justices Sandra Day O'Connor and Clarence Thomas, used in the Supreme Court decision. He had chosen the words carefully, to ensure specific legal direction. He opposed the Ossiander Amendment.

To Ms. Jennings, Mr. Tesche responded that the words 'to the public' would apply to use as natural, physical public use or government occupancy, including a firehouse, police station, trail easement or trail right of way. He responded that shopping centers were not generally recognized by courts as public spaces, public parks or public squares.

Ms. Shamberg stated it would be difficult to improve the language to better show support of private property rights.

Ms. Ossiander stated the Supreme Court Justices used more language than was included in this ordinance. Their recent decision was based on the rationale that economic benefit was considered a public good. Her amendment was beneficial language in accord with the Justices' opinion and she urged Assembly support.

Mr. Sullivan supported the Ossiander Amendment, which would ensure private property acquisition would not be used for private economic development. He concurred with Mr. Tesche that the language was very good, but stated it would not hurt to add further clarification.

Mr. Bauer asked to be added as a cosponsor.

Ms. Jennings moved to postpone for two weeks, to determine final language. The motion died for lack of a second.

Mr. Birch supported the Ossiander Amendment.

Mr. Tesche stated the document's original language should remain to ensure a favorable outcome of any future court proceeding. It was dangerous to deviate from language selected by Supreme Court Justices. It would also be a firm statement from Alaska and the West, to groups like the National League of Cities. He urged a NO-vote on the Ossiander Amendment and a YES-vote on the ordinance.

To Mr. Coffey, Municipal Attorney Fred Boness responded it was his opinion that the amendment added clarification, was not problematic and there would not be an objection from the Department of Law.

Chair Coffey called for a vote on the Ossiander Amendment.

and this motion passed 7-3,

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

NAYES: Tesche, Shamberg and Bauer.

ABSENT: Traini, excused.

Chair Coffey called for a vote on the main motion.

and the main motion, as amended, was passed,

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

NAYES: None.

ABSENT: Traini, excused.

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

1. Assembly Memorandum No. AM 369-2005. (*Continued to 7-26-05 8-09-05, 8:00 p.m.*)

Ms. Fairclough advised there were Assemblymembers preparing amendments to this document, and she recommended opening Public Hearing and continuing to August 9, 2005. Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he called for a vote to continue Public Hearing to July 26, 2005.

Mr. Tesche moved, to continue Public Hearing on AO 2005-73 to ~~July 26~~
Mr. Sullivan seconded, August 9, 2005, time certain at 8:00 p.m.

Mr. Tesche stated that, because of the large agenda already scheduled for July 26th, he recommended continuing to August 9th. He requested a ruling from the Assembly Chair, for all amendments to be provided in writing, prior to the meeting. Chair Coffey responded it would be a common courtesy to have amendments prepared, but he would not rule out allowing minor amendments to be added during debate. He urged members to honor Mr. Tesche's request and he called for a vote.

and this motion passed without objection,

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

NAYES: None.

ABSENT: Traini, excused.

- 1 14.I. Resolution No. AR 2005-154, a resolution of the Municipality of Anchorage appropriating \$540,000
2 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421)
3 for approved **HLB capital projects**.
4 1. Assembly Memorandum No. AM 487-2005.
5

6 Chair Coffey read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
7 called the Question.
8

9 Ms. Ossiander moved, to approve AR 2005-154.
10 Mr. Sullivan seconded,
11 and this motion was passed 9-0,
12

13 AYES: Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Jennings.
14 NAYES: None.
15 ABSENT: Traini, excused.
16 *(Clerk's Note: Tesche was temporarily out of Chambers at the time of the vote.)*
17

- 18 14.J. Ordinance No. AO 2005-85, an ordinance of the Municipality of Anchorage authorizing transfer of
19 **Heritage Land Bank Parcel #3-012**, a 25.67-acre parcel commonly known as Tract F, Section 16,
20 T13N, R3W, S.M., to the Anchorage Community Development Authority.
21 1. Assembly Memorandum No. AM 447-2005.
22

23 Chair Coffey read this ordinance title and opened Public Hearing.
24

25 KERRY HAWKINS, Mountain View Community Council President, testified in support. He read a council resolution
26 supporting the land transfer, with two conditions. The council requested naming a special subcommittee to be involved
27 with all stages of development, with consideration of input from the community councils of Mountain View, Airport
28 Heights, Russian Jack and Downtown. To Ms. Ossiander, Mr. Hawkins responded the councils wanted to retain a
29 voice through the process. Mayor Begich responded the Administration and the developers would involve the
30 councils. To Ms. Jennings, Mayor Begich responded there were two Assemblymembers on the Development Authority
31 Board and the meetings were all publicly noticed and opened to the public. To Mr. Sullivan, Mr. Hawkins responded
32 that on June 28th the council sent a letter to the Assembly, requesting five specific things, but many of those issues
33 had been discussed and the council was positive they would be resolved. To Mr. Tesche, Mr. Hawkins responded the
34 developers indicated they would stay in discussion with the council. Mr. Hawkins responded the developers, the
35 community and the different agencies were communicating to continue to improve the process.
36

37 DAVID IRWIN, with P.O.B. Montgomery, stated he had met with the Mountain View Council and had clarified many of
38 the misconceptions. They would continue working with all of the involved councils. To Ms. Fairclough, Mr. Irwin
39 responded he had no objection to a reverter clause. Executive Director Robin Ward responded the five-year
40 development clause was included in the ordinance defining the Development Authority, but could also be added to this
41 ordinance. To Ms. Fairclough, Mr. Irwin responded a rezone was needed to accommodate the master plan. To Ms.
42 Ossiander, Mr. Irwin responded they were addressing the need for a power substation and increased electrical
43 demands of the development. To Mr. Birch, Mr. Irwin responded their design team had worked on this proposal for the
44 past year and specifically on the Mountain View Project for the last eight to nine months.
45

46 JAY BRAUSE, Co-Director of Out North Theatre, testified in support of the Mountain View rehabilitation. He supported
47 naming Anchorage a destination place for creative people, making it a vital, vibrant area for the neighborhood and the
48 city. He understood the magnitude of this project and requested that art and design professionals work in conjunction
49 with the developers, assisting with the master plan development to ensure success.
50

51 With no additional public testimony, Chair Coffey closed Public Hearing and called the Question.
52

53 Mr. Tesche moved, to approve AO 2005-85.
54 Ms. Shamberg seconded,
55

56 Mr. Tesche stated this project was a response to economic conditions and opportunities from the city and the private
57 sector. He stated that P.O.B. Montgomery had done an outstanding job and felt they would continue to work and
58 honor the priorities of the community.
59

60 Ms. Fairclough moved, to amend AO 2005-85 on Page 1, Line 35, *by adding* a new
61 Mr. Sullivan seconded, "Section 3. The Development Authority shall, in any
62 subsequent disposals of the real property, make such
63 disposals only if the terms and provisions of the agreement,
64 resulting in the disposition of the real property, are
65 substantially similar in all material ways to the terms and
66 provisions and the financial information and to the
67 development plan all as presented by P.O.B. Montgomery to
68 the Assembly and the Authority in various work sessions"
69

70 Mayor Begich and Mr. Irwin had no objections.
71

72 Ms. Fairclough urged a YES-vote.
73

74 and this motion was unanimously approved,
75

76 Ms. Fairclough moved, to amend AO 2005-85 on Page 1, Line 36 (39), *by adding* a
77 Ms. Ossiander seconded, new "Section 4. Any agreement resulting in the disposition of
78 the real property which includes a reduction in price from the

fair market value of the real property in order to meet conditions imposed by the Municipality, shall be reviewed and approved by the Assembly only as to those requirements imposed by the Municipality. The Assembly is authorized to amend the list of requirements. If any requirement is deleted, the price for the real property shall be increased by a sum equal to the cost of meeting the imposed requirement."

Mayor Begich and Mr. Irwin had no objections.

Mr. Birch stated this 1.1 million square foot municipal asset had an evaluation of nearly \$8 per square foot. Mr. Coffey responded that this amendment gave the Assembly some role in the expenditure of public resources. Mr. Birch stated the community would realize significantly reduced revenue from this valuable municipal asset. He supported the Fairclough Amendment.

Ms. Ossiander stated more study was needed on the 'cost-shifters.' Mayor Begich responded this amendment would allow the developer, the municipal staff and the Development Authority to move forward on the development agreement. There would also be a determination and evaluation of the requests from the community. The final evaluation would be presented to the Assembly for approval. Ms. Ossiander stated the process would more clearly define the costs.

Chair Coffey called for a vote on the Fairclough Amendment.

and this motion was approved without objection,

Ms. Fairclough moved,
Ms. Ossiander seconded,
and this was approved without objection,

to amend AO 2005-85 on Page 1, *by adding* a new "Section 5. In the event that the parcels are not developed within five years after the transfer to ACDA for the Mt. View redevelopment project, as outlined in the proposal, the parcels shall revert back to the Heritage Land Bank inventory and management authority." And, *by renumbering* the current Section 5 to Section 6.

Mayor Begich and Mr. Irwin had no objections.

To Ms. Fairclough, HLB Executive Director Robin Ward responded the Advisory Commission had approved all three parcels for transfer. HLB had subsequently found that two parcels would not be included in this development. Because the transfer had already been authorized, those parcels could be transferred in the future, with Assembly approval, if necessary. Mayor Begich responded there were plans to relocate the MLP power plant to a new location, which would decrease that property value, but would increase the original property value. The improvements and devaluations would be calculated into the property equation, which would show in the appraisal. Ms. Fairclough estimated the property value to be roughly \$8.83 million and cited the Development Authority agreement, which required Assembly approval for land transfers in any manner over \$6 million.

Ms. Ossiander concurred with Ms. Fairclough. Mayor Begich responded the Assembly would be involved with the entire process, including the zoning, setting the price, approval and final disposal. To her question, Mr. Boness concurred that any land valued at more than \$6 million would be reviewed by the Assembly before disposal. To Ms. Ossiander, Ms. Ward responded the new power plant was proposed to be on a parcel owned by the Anchorage School District. The HLB had two proposed sites for street maintenance, which would be implemented after the transfer was completed, the costs of which had already been incorporated into their budget. She would get the costs for members.

To Mr. Sullivan, Ms. Ward responded the work program and five-year plan recommended the property transfer, and it would be heard by the Assembly in August. Mr. Sullivan stated that clarity may also be needed in the draft plan, referring to additional surplus properties under HLB management.

Ms. Fairclough stated there were police officers waiting to testify on 13.B, AO 2005-26. She moved to extend the Assembly Meeting to 11:15 to complete this item and to take up 13.B. Ms. Ossiander seconded and it was approved.

To Mr. Birch, Ms. Ward responded there was approximately 8000 acres in the Municipal Land Bank, of which 5000 were located in Girdwood, Bird Creek and Indian. Only those parcels identified in the work plan had been designated as surplus and no other parcels had been reviewed. Mr. Birch stated that because the Mountain View property had been unsolicited, he recommended publicly identifying and advertising the HLB acreage that would be available. Ms. Ward responded the parcels were all identified on the HLB web site, as were forms for interested persons to apply for any HLB property. Mayor Begich responded there were developers who traveled to Anchorage and kept in communication with the Administration on possible future available properties.

Mr. Sullivan moved,
Ms. Ossiander seconded,

to amend AO 2005-85, on Page 1, Lines 18-19: [~~Whereas, the 2005 HLB Work Program and 2006-2010 Five-Year Plan recommended transfer of the subject property, and...~~]

To Mr. Tesche, Mayor Begich approved of the deletion.

and this motion was passed,
with one objection from Ms. Fairclough,

Chair Coffey called for a vote on the main motion.

and this motion, as amended, was passed,

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

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

Mr. Tesche moved, *for immediate reconsideration of AO 2005-85.*
Ms Jennings seconded
and this motion failed,

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

- 14.K. Ordinance No. AO 2005-83, an ordinance amending Title 10 to add a new Chapter for **licensing of towing operators** in the Municipality, amending Section 10.05.025 to add a fine, and other matters; Legal Department. *(Continued Public Hearing to 8-09-05, 8:00 p.m.)*
1. Assembly Memorandum No. AM 442-2005.

Chair Coffey opened Public Hearing and there was no one to testify. Chair Coffey called the Question.

Ms. Fairclough moved, *to continue* Public Hearing on AO 2005-83, AO 2005-84 and
Ms. Shamberg seconded, AO 2005-90 to August 9, 2005, time certain at 8:00 p.m.
and this was passed without objection,

- 14.L. Ordinance No. AO 2005-84, an ordinance amending Anchorage Municipal Code Sections 9.54.030, 9.54.050, and 14.60.030 to add new sections regarding **tow operator fees**, rate changes, signage, setting a fine for failure to publish towing fees, and other matters; Anchorage Police Department.
1. Assembly Memorandum No. AM 443-2005. *(Continued to 8-09-05, 8:00 p.m.)*

(Clerk's Note: See Items 9.F.13 and 14.K for Assembly discussion and action, continuing to August 9, 2005)

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

Chair Coffey announced the Title 21 Committee Meeting, scheduled for July 15th, had been cancelled and would be rescheduled. He announced a bicycle licensing ordinance had been introduced that evening and would be opened for Public Hearing on August 9th.

Mr. Sullivan congratulated the city of Seward for recently being named an All American City.

Ms. Shamberg announced that the Public Hearing on the helmet ordinance would be continued to July 26th, time certain at 9:00 p.m.

Ms. Fairclough invited everyone to the Eagle River Chugiak Bear Paw Festival, which would be held on Saturday. She, Ms. Ossiander and U.S. Senator Lisa Murkowski would be running in the Slippery Salmon Derby.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Coffey adjourned the meeting at 11:15 p.m.

ATTEST:

DAN COFFEY, (Acting) Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Amended and Approved: August 23, 2005.
MC/BG

(Approved Documents and Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site at www.Muni.org~Assembly~Minutes~year~month/day)