

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of June 28, 2005

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:00 p.m. in the Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Anna Fairclough, Dan Coffey, Chris Birch, Ken Stout, Dick Traini and Pamela Jennings.

ABSENT: Paul Bauer, excused.

3. PLEDGE OF ALLEGIANCE Assemblymember Jennings led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – May 17, 2005.

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Mr. Sullivan seconded, May 17, 2003.

Ms. Ossiander moved, to amend the Regular Meeting Minutes of 5-17-05 *by*
Mr. Coffey seconded, *changing* on Page 17, Line 64, to state that Mr. Potter was
and this was approved without objection,, representing the property owner, supporting the rezone.

Mr. Birch moved, to amend the Regular Meeting Minutes of May 17, 2005, on
Ms. Jennings seconded, Page 11, Line 8, *by correcting* the spelling of Jon Isaacs.
and this was approved without objection,

Ms. Jennings moved, to amend the Regular Meeting Minutes of May 17, 2005, on
Mr. Coffey seconded, Page 10, Line 71, *by deleting* the word not.
and this was approved without objection,

and the motion, as amended, was passed unanimously,

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

NAYES: None.

ABSENT: Bauer, excused.

5. MAYOR'S REPORT

Mayor Begich honored Mark Lessard, Emergency Services Coordinator with Health and Human Services, for his 20 years of active and reserve duty with the United States Army. He currently was assigned as Major of Logistics Operations of the 1102 Second Garrison Support Unit, US Army Reserves. The Mayor presented to Mr. Lessard a proclamation, thanking him for his service. Mr. Lessard thanked the Assembly and the Mayor for the recognition.

Mayor Begich reported that he and four Assemblymembers toured Fort Richardson Army Base and viewed the significant growth and construction operations.

Mayor Begich reported that the newly released Title 21 Draft 1, was the first of three drafts. There would be an eleven-week public comment period, followed by Assembly review. He stated this plan would define what the city would look like in the next twenty to thirty years.

Mayor Begich reported that the Administration had recently refinanced a municipal bond series, when the bond market changed, for a savings of millions of dollars for city taxpayers. To Ms. Fairclough, Chief Fiscal Officer Jeff Sinz responded the bond refunding would bring a total reduction in future interest payments to nearly \$11.8 million.

6. ASSEMBLY CHAIR'S REPORT

Chair Fairclough announced there was a sign up sheet for persons wishing to testify on the Hilltop Ski Area issue. She announced that item 14.L, AO 2005-69, concerning the Code of Ethics, would be opened for Public Hearing and continued to August 23, 2005. She stated that item 14.M, AO 2005-77, concerning bicycle helmets, would be opened for Public Hearing that evening and would be continued to July 12, 2005, time certain at 8:00 p.m.

Chair Fairclough reported on her recent three-day conference at the Elliott School of International Affairs in Washington D.C., learning of opportunities for Anchorage to be economically viable in the global market. She and Mayor Begich had discussed creating a task force to address promoting industry and business in Anchorage.

Chair Fairclough announced that the Assembly would hold a Public Hearing with the Planning and Zoning Commission in Girdwood on July 20th, on Chapter 9 of Title 21. It would be held at the Alyeska Prince Hotel from 7:00 to 11:00 p.m. There would be a worksession for members before that date.

7. COMMITTEE REPORTS

Ms. Ossiander invited the Assembly and the Administration to attend the Eagle River Bear Paw Festival, scheduled for Saturday, July 16th, with a parade beginning at 10:00 a.m. She and Chair Fairclough will be running in the Salmon Race, running through an obstacle course with a rotten red salmon.

Ms. Ossiander reported that she had attended Governor Murkowski's signing of the State Capital Budget that afternoon and she would share a full report with members at a later time.

Ms. Jennings reported that she and Mr. Coffey, on the University Committee, had recently met with University of Alaska, Anchorage, Chancellor Elaine Maimon, opening the doors for communication and future relationship. Chancellor Maimon promised to work with the Municipal Traffic Department on all traffic issues.

Mr. Coffey announced the Finance Committee had scheduled hearings and committee meetings for the budget review and proposed sales tax.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. AR 2005-159, AR 2005-160, AR 2005-161 and AO 2005-86 were added and were assigned to the Agenda as numbers 9.B.6, 9.B.7, 9.A.1 and 9.F.12, respectively. She called for additional items and there being none, she called for a vote to incorporate the Addendum items into the Regular Agenda.

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

Chair Fairclough called for a motion on the Consent Agenda.

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

Chair Fairclough called for Assemblymembers to request items be pulled and moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1 Resolution No. AR 2005-161, a resolution of the Anchorage Municipal Assembly congratulating the Chugiak Volunteer Fire Department on the dedication and opening of Lowe Station 35; Assemblymember Ossiander. **(Laid on the Table)**

Ms. Ossiander moved, to introduce AR 2005-161.
Mr. Sullivan seconded,
Mr. Birch was the concurring third,
and this motion was unanimously carried,

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2005-145, a resolution approving the purposes and activities of CIVICVentures, a Non-Profit Corporation, and an interim financing loan to CIVICVentures for the purpose of financing the costs of a **new civic and convention center** and related facilities; Finance Department.

9.B.2. Resolution No. AR 2005-146, a resolution of the Anchorage Municipal Assembly supporting the **Mayor's Taskforce on Obesity and Health** and their task to study the many aspects, causes, and impacts of obesity and develop a ten-year plan to reduce obesity in the Municipality of Anchorage; Mayor Begich.

9.B.3. Resolution No. AR 2005-147, a resolution of the Municipality of Anchorage appropriating the \$37,960 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and \$1,340 as a contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Seat Belt Enforcement Blitz Program**.
a. Assembly Memorandum No. AM 431-2005.

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

9.B.4. Resolution No. AR 2005-148, a resolution of the Municipality of Anchorage appropriating \$15,000 from Bear Valley Limited Road Service Area Fund Balance (Fund 144) to Bear Valley Limited Road Service Area BY2005 Operating Budget (Fund 144) for year round road maintenance service within **Bear Valley Limited Road Service Area**; Maintenance & Operations Department.
a. Assembly Memorandum No. AM 432-2005.

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

- 1
2 9.B.5. Resolution No. AR 2005-157, a resolution of the Municipality of Anchorage, Alaska, approving the
3 **Abbott PZ411 Water Transmission Line Extension** and providing for assessment of benefited
4 properties at time of service connection; Anchorage Water & Wastewater Utility. **(Addendum)**
5 a. Assembly Memorandum No. AM 445-2005.
6 9.B.6. Resolution No. AR 2005-159, a resolution of the Anchorage Assembly supporting the recommended
7 conditions to the BVG liquor license DBA the **Call of the Wild**; Assemblymember Traini. **(Laid on the**
8 **Table)** *(Postponed to 7-12-05)*.
9

10 Mr. Coffey requested this item be pulled for review on the Regular Agenda. *(See item 10.B.6)*
11

- 12 9.B.7 Resolution No. AR 2005-160, a resolution of the Anchorage Assembly to consider the existing
13 **Creekside Town Center Master Plan** Framework, which has been approved by the Planning and
14 Zoning Commission, as part of its policy and to provide for review of all subsequent development
15 plans and pending matters for the conformance with the Creekside Town Center Master Plan
16 Framework and the Anchorage 2020 Comprehensive Plan until the final Town Center Master Plan is
17 adopted; Assemblymembers Bauer and Stout. **(Laid on the Table)** *(Postponed to [7-12-05] 7-26-05)*
18

19 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.B.7)*
20

21 **9.C. BID AWARDS**

- 22 9.C.1. Assembly Memorandum No. AM 407-2005, recommendation of award to Tam Construction, Inc. for
23 **2005 miscellaneous construction services** for the Anchorage Water and Wastewater Utility (ITB 25-
24 C022) (\$450,000); Purchasing.
25 9.C.2. Assembly Memorandum No. AM 408-2005, recommendation of award to Ferguson Enterprises for
26 furnishing miscellaneous **underground plumbing and system parts** to the Municipality of
27 Anchorage, Anchorage Water & Wastewater Utility (ITB 25-B025) (\$250,000); Purchasing.
28 9.C.3. Assembly Memorandum No. AM 409-2005, recommendation of award to Renegade Equipment LLC.
29 for **Checkmate-Leslie to Sydnie Kay Drive Sewer Upgrade** for the Municipality of Anchorage,
30 Anchorage Water and Wastewater Utility (ITB 25-C027) (\$209,470); Purchasing.
31 9.C.4. Assembly Memorandum No. AM 410-2005, recommendation of award to Yukon Electric, Inc. for
32 providing **electrical day labor services** for the Municipality of Anchorage, Maintenance & Operations
33 Department and Traffic Department (ITB 25-B028) (\$2,200,000); Purchasing.
34 9.C.5. Assembly Memorandum No. AM 411-2005, recommendation of award to Tab Electric, Inc. for
35 construction of **Substation #12** for the Municipality of Anchorage, Municipal Light & Power (ITB 25-
36 C028) (\$939,283.80); Purchasing.
37 9.C.6. Assembly Memorandum No. AM 412-2005, recommendation of award to Alaska Truck Center for
38 providing two (2) each **over center aerial trucks** to the Municipality of Anchorage, Municipal Light &
39 Power (ITB 25-B042) (\$335,528); Purchasing.
40 9.C.7. Assembly Memorandum No. AM 413-2005, recommendation of award to Seacoast Construction Co.,
41 Inc. for **American With Disabilities Act (ADA) Improvements 2004-2005** for the Project
42 Management and Engineering Department (ITB 25-C031)(\$193,481); Purchasing.
43 9.C.8. Assembly Memorandum No. AM 414-2005, recommendation of award to Goodyear Tire & Rubber
44 Company for furnishing **public transit tire leasing and services** to the Municipality of Anchorage,
45 Public Transportation Department (ITB 25-B051) (\$387,561.51); Purchasing.
46 9.C.9. Assembly Memorandum No. AM 446-2005, recommendation of award to Tam Construction, Inc. for
47 **Bridle Lane/Horizon Avenue Area Storm Reconstruction** for the Project Management and
48 Engineering Department (ITB 25-C030) (\$364,005); Purchasing. **(Addendum)**
49

50 **9.D. NEW BUSINESS**

- 51 9.D.1. Assembly Memorandum No. AM 415-2005, **Airport Aviation Advisory Commission** appointment
52 (Allen Kemplen); Mayor's Office.
53 9.D.2. Assembly Memorandum No. AM 416-2005, **Police and Fire Retirement Board of Trustees**
54 reappointment (Gereth Stillman); Mayor's Office.
55 9.D.3. Assembly Memorandum No. AM 444-2005, **Sicily's Pizza, Inc. #4485** – New Restaurant/Eating Place
56 Liquor License (Taku/Campbell Community Council); Clerk's Office.
57 9.D.4. Assembly Memorandum No. AM 417-2005, recommendation of award to MWH Americas, Inc. for
58 providing professional engineering services for the **J. M. Asplund Wastewater Treatment Facility,**
59 **Incinerator Upgrade Project** (Project C) for the Municipality of Anchorage, Anchorage Water and
60 Wastewater Utility (RFP 25-P008) (\$274,000); Purchasing.
61 9.D.5. Assembly Memorandum No. AM 418-2005, recommendation of award to MWH Americas, Inc. for
62 providing professional engineering services to conduct a **Well Field Analysis Study** for the
63 Municipality of Anchorage, Water and Wastewater Utility (RFP 25-P012) (\$150,000); Purchasing.
64 9.D.6. Assembly Memorandum No. AM 419-2005, proprietary purchase of **poly aluminum chloride**
65 **solution** from GE Infrastructure Water & Process Technologies for the Municipality of Anchorage,
66 Anchorage Water & Wastewater Utility (\$249,210); Purchasing.
67 9.D.7. Assembly Memorandum No. AM 420-2005, proprietary purchase of **computer software license**
68 **renewal and maintenance/support** from Oracle Corporation for the Municipality of Anchorage,
69 Anchorage Water & Wastewater Utility (AWWU) (\$58,455.99); Purchasing.
70 9.D.8. Assembly Memorandum No. AM 421-2005, proprietary purchase of **software licenses and annual**
71 **maintenance support** from Bio-Key International for the Municipality of Anchorage Police Department
72 (APD) (\$71,232); Purchasing.
73 9.D.9. Assembly Memorandum No. AM 422-2005, proprietary contract to Premera Blue Cross Blue Shield of
74 Alaska for providing health and medical insurance and to LifeWise Assurance Company for providing
75 life/accidental death and dismemberment (AD&D) coverage for the **Chugiak Volunteer Fire &**
76 **Rescue, Inc.** for the Municipality of Anchorage, Fire Department (\$170,000); Purchasing.

- 1 9.D.10. Assembly Memorandum No. AM 423-2005, proprietary purchase of **annual software maintenance**
2 **support** from TriTech Software Systems for the Municipality of Anchorage, Anchorage Fire
3 Department (AFD) (\$76,521); Purchasing.
- 4 9.D.11. Assembly Memorandum No. AM 424-2005, proprietary contract with the Gartner Group Inc. for
5 providing an **Enterprise Resource Planning Strategy Study** for the Municipality of Anchorage,
6 Finance Department (\$95,000); Purchasing.
- 7 9.D.12. Assembly Memorandum No. AM 425-2005, continuation of a lease agreement for the **Seeley Sub-**
8 **Station** from Woodland Business Park, LLC for the Municipality of Anchorage; Police Department.
- 9 9.D.13. Assembly Memorandum No. AM 426-2005, approval of Amendment No. 3 to Alaska Pollution Control
10 Contract (PO No. 231572) increasing the contract by \$40,000 for a contract Not-To-Exceed (NTE)
11 \$303,000 for 2005 Summer Work Program within **Birch Tree/Elmore Limited Road Service Area**
12 (LRSA); Maintenance & Operations Department.
- 13 9.D.14. Assembly Memorandum No. AM 427-2005, proprietary purchase of **Alcatel/Newbridge 5620**
14 **Network Management System Upgrade** from Telmar Network Technology for the Municipality of
15 Anchorage, Municipal Light and Power (ML&P) (\$51,981); Purchasing.
- 16 9.D.15. Assembly Memorandum No. AM 428-2005, Change Order No. 3 to Purchase Order 211584 with
17 Donald Alspach, dba PlanPoint, for Providing **consulting services** to the Municipality of Anchorage,
18 Planning Department (\$30,000); Purchasing.
- 19 9.D.16. Assembly Memorandum No. AM 429-2005, recommendation of award to Land Design North for
20 providing professional **landscape architectural services** on an "as required" basis to the Municipality
21 of Anchorage; Project Management and Engineering Department (RFP 25-P019) (\$450,000);
22 Purchasing.

23
24 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.16*)

- 25
26 9.D.17. Assembly Memorandum No. AM 430-2005, recommendation to award various carriers providing
27 **property & excess insurance coverage** to the Municipality of Anchorage, Operations Department
28 (\$1,429,500); Risk Management.
- 29
30 **9.E. INFORMATION AND REPORTS**
- 31 9.E.1. Information Memorandum No. AIM 42-2005, **2004 Comprehensive Annual Financial Report**;
32 Finance/Controller.
- 33 9.E.2. Information Memorandum No. AIM 43-2005, **contracts awarded between \$50,000 and \$100,000**
34 **through formal competitive processes** for the month of May 2005; Purchasing.
- 35 9.E.3. Information Memorandum No. AIM 44-2005, **Sole Source Procurement Report** for the month of May
36 2005; Purchasing.
- 37
38 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**
- 39 9.F.1. Ordinance No. AO 2005-81, an ordinance amending Anchorage Municipal Code Title 21 to add a new
40 Chapter 21.09 for **Girdwood Land Use Regulations**, amending Chapter 21.40 to add Girdwood Use
41 Districts, and amending the zoning map; Planning Department. (*Public Hearing 7-26-05*)
42 a. Assembly Memorandum No. AM 440-2005.

43
44 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.F.1*)

- 45
46 9.F.2. Ordinance No. AO 2005-82, an ordinance of the Municipality of Anchorage authorizing withdrawal and
47 transfer of **Heritage Land Bank Parcel #1-101** from HLB Inventory to Real Estate Services to
48 negotiate a ground lease with Chugiak Senior Citizens, Inc. for a new low income housing facility for
49 seniors. (*Public Hearing 7-12-05*)
50 a. Assembly Memorandum No. AM 441-2005.

51
52 Mr. Birch requested this item be pulled for review on the Regular Agenda. (*See item 10.F.2*)

- 53
54 9.F.3. Ordinance No. AO 2005-83, an ordinance amending Title 10 to add a new Chapter for **licensing of**
55 **towing operators** in the Municipality, amending Section 10.05.025 to add a fine, and other matters;
56 Legal Department. (*Public Hearing 7-12-05*)
57 a. Assembly Memorandum No. AM 442-2005.
- 58 9.F.4. Ordinance No. AO 2005-84, an ordinance amending Anchorage Municipal Code Sections 9.54.030,
59 9.54.050, and 14.60.030 to add new sections regarding **tow operator fees**, rate changes, signage,
60 setting a fine for failure to publish towing fees, and other matters; Anchorage Police Department.
61 (*Public Hearing 7-12-05*)
62 a. Assembly Memorandum No. AM 443-2005.
- 63 9.F.5. Resolution No. AR 2005-149, a resolution of the Municipality of Anchorage, Alaska, approving **water**
64 **line extensions in the New Girdwood Townsite** on Girdwood Place West and Holmgren Place and
65 providing for assessment of benefited properties at time of service connection; Anchorage Water &
66 Wastewater Utility. (*Public Hearing 7-12-05*)
67 a. Assembly Memorandum No. AM 433-2005.
- 68 9.F.6. Resolution No. AR 2005-150, a resolution of the Municipality of Anchorage appropriating \$74,806 from
69 the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS Secure Our
70 School grant and \$77,487 as a contribution from the Anchorage Metropolitan Police Service Area
71 Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal Categorical Grants
72 Fund (241) Anchorage Police Department, for the purpose of the **COPS Secure Our Schools**
73 **Program**. (*Public Hearing 7-12-05*)
74 a. Assembly Memorandum No. AM 434-2005.
- 75 9.F.7. Resolution No. AR 2005-151, a resolution of the Municipality of Anchorage appropriating \$818,094
76 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical
77 Grants Fund (231) for the **Vehicle Inspection and Maintenance Evaluation Program**; Health and
78 Human Services. (*Public Hearing 7-12-05*)

- 1 a. Assembly Memorandum No. AM 435-2005.
- 2 9.F.8. Resolution No. AR 2005-152, a resolution of the Municipality of Anchorage appropriating the sum of
- 3 \$481,232 from the State of Alaska Department of Transportation and Public Facilities as a Pass
- 4 Through Grant from the Federal Highway Administration to the State Categorical Grants Fund (231)
- 5 Department of Health and Human Services for a **Block Heater Installation Program**; Health and
- 6 Human Services. *(Public Hearing 7-12-05)*
- 7 a. Assembly Memorandum No. AM 436-2005.
- 8 9.F.9. Resolution No. AR 2005-153, a resolution of the Municipality of Anchorage appropriating \$1,053,887
- 9 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund
- 10 (231); the Office of Economic and Community Development to fund the **Weatherization Assistance**
- 11 **Program**. *(Public Hearing 7-12-05)*
- 12 a. Assembly Memorandum No. AM 437-2005.
- 13 9.F.10. Resolution No. AR 2005-154, a resolution of the Municipality of Anchorage appropriating \$540,000
- 14 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421)
- 15 for approved **HLB capital projects**. *(Public Hearing 7-12-05)*
- 16 a. Assembly Memorandum No. AM 487-2005.
- 17

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

19

- 20 9.F.11. Ordinance No. AO 2005-85, an ordinance of the Municipality of Anchorage authorizing transfer of
- 21 **Heritage Land Bank Parcel #3-012**, a 25.67-acre parcel commonly known as Tract F, Section 16,
- 22 T13N, R3W, S.M., to the Anchorage Community Development Authority. *(Public Hearing 7-12-05)*
- 23 **(Addendum)**
- 24 a. Assembly Memorandum No. AM 447-2005.
- 25

26 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.F.11)*

27

- 28 9.F.12. Ordinance No. AO 2005-86, an ordinance of the Anchorage Municipal Assembly amending Anchorage
- 29 Municipal Code Chapter 25.20, real property acquisition and enacting a new section AMC 25.20.027,
- 30 limiting exercise of the power of **Eminent Domain**; Assemblymembers Tesche [and] Shamberg, Stout
- 31 Birch, Sullivan, Coffey, Traini and Jennings. ***(Laid on the Table)*** *(Public Hearing 7-12-05)*
- 32 a. Assembly Memorandum No. AM 448-2005.
- 33

34 Mr. Tesche moved, *to introduce* AO 2005-86 with Public Hearing set for

35 Ms. Shamberg seconded, July 12, 2005.

36 Mr. Coffey was the concurring third,

37

38 Assemblymembers Stout, Birch, Sullivan, Coffey, Traini and Jennings requested to be added as cosponsors.

39

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

41

42 and this motion, as amended, was passed,

43

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

45 NAYES: None.

46 ABSENT: Bauer, excused.

47

48 Chair Fairclough announced the approval of the Consent Agenda, with the exception of the pulled items and led the

49 body into discussion of those items.

50

51 END OF CONSENT AGENDA

52

53

54 10. REGULAR AGENDA

55 10.A. **RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** None were pulled for

56 review.

57

58 10.B. RESOLUTIONS FOR ACTION – OTHER

59 10.B.3. Resolution No. AR 2005-147, a resolution of the Municipality of Anchorage appropriating the \$37,960

60 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide

61 Planning Highway Safety Office and \$1,340 as a contribution from the 2005 Anchorage Police

62 Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical

63 Grants Fund (231) Anchorage Police Department, for the **Seat Belt Enforcement Blitz Program**.

64 a. Assembly Memorandum No. AM 431-2005.

65

66 Mr. Stout moved, *to approve* AR 2005-147.

67 Mr. Sullivan seconded,

68

69 To Mr. Stout, Anchorage Police Chief Walt Monegan responded the Blitz Program required overtime for officers solely

70 enforcing the use of seat belts. The \$1300 program would be supported by over \$37,000 in federal funds.

71

72 To Mr. Sullivan, Chief Monegan responded this money would be used for enforcement, targeting drivers not wearing

73 seat belts, considered a secondary violation. When an officer pulled over a vehicle for a violation, an additional citation

74 could be issued for not wearing a seat belt. Mr. Sullivan responded the appropriation could be viewed as a grant for

75 traffic enforcement. Chief Monegan responded this additional money was available through a seat belt campaign.

76

Mr. Traini stated this issue was considered a secondary law by the State of Alaska. He stated the television advertisements made viewers think they could be pulled over for not wearing seat belts. Chief Monegan responded it was considered a primary violation when child passengers were not buckled in.

and this motion was unanimously passed,

AYES: Tesche, Shamberg, Osslander, Fairclough, Coffey, Birch, Stout and Jennings.

NAYES: Sullivan and Traini.

ABSENT: Bauer, excused.

10.B.4. Resolution No. AR 2005-148, a resolution of the Municipality of Anchorage appropriating \$15,000 from Bear Valley Limited Road Service Area Fund Balance (Fund 144) to Bear Valley Limited Road Service Area BY2005 Operating Budget (Fund 144) for year round road maintenance service within **Bear Valley Limited Road Service Area**; Maintenance & Operations Department.

a. Assembly Memorandum No. AM 432-2005.

Mr. Birch moved, to approve AR 2005-148.

Ms. Osslander seconded,

To Mr. Birch, Deputy Municipal Manager Michael Abbott responded there were no restrictions on the use of the fund balance. The Bear Valley LRSA Board had requested this expenditure, which had been approved by the Maintenance and Operations Department.

and this motion was passed without objection,

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

NAYES: None.

ABSENT: Bauer, excused.

10.B.6. Resolution No. AR 2005-159, a resolution of the Anchorage Assembly supporting the recommended conditions to the BVG liquor license DBA the **Call of the Wild**; Assemblymember Traini. **(Laid on the Table)** (Postponed to 7-12-05).

Mr. Coffey moved, to introduce AR 2005-159 with Public Hearing set for

Ms. Jennings seconded, July 12, 2005.

Ms. Osslander was the concurring third,

To Mr. Coffey, Municipal Attorney Fred Boness responded that state statutes could allow the Alcohol Beverage Control (ABC) Board to ignore the Assembly's recommendations, if the conditions were found arbitrary and capricious. Mr. Boness responded it would be appropriate to allow the applicant an opportunity to be heard prior to Assembly action. Mr. Coffey concurred and stated the conditions were appropriate and it was important to follow process so the ABC Board would consider the Assembly's recommendations.

Chair Fairclough stated that the applicant would be invited to the July 12th meeting. The Assembly could forward their recommendations to the ABC Board for their July meeting. Mr. Boness concurred.

Mr. Traini requested Public Hearing be time certain on July 12th, to accommodate the large number of people from the community council, wishing to testify. Chair Fairclough stated the issue would not involve public testimony and it was her intent to hear from the licensee only. Mr. Traini responded that it was important to hear from the community. Mr. Boness responded the legal issue remained allowing the licensee to defend himself. Chair Fairclough requested a letter be written to the owner, inviting the licensee or a representative be heard by the Assembly. She stated there had already been a worksession on this issue and the Assembly had heard the complaints from the neighbors, including shootings, noise and inappropriate behavior from the clientele. She recommended a motion to postpone until July 12th.

Mr. Sullivan moved, to postpone AR 2005-159 to July 12, 2005.

Mr. Coffey seconded,

Mr. Tesche stated that he was interested in hearing public testimony from the neighbors and the applicant. He requested that the Municipal Clerk send an invitation to the applicant to discuss the proposed resolution and Assembly action. He stated it was only fair to allow the public to also testify. The community could select representatives to testify and he recommended that the Assembly Chair set a time limit of one hour for testimony.

Mr. Coffey concurred that the letter needed to be sent the next day, inviting the applicant to the Assembly Meeting on July 12th, with the Assembly recommendations delivered to the ABC Board on July 13th, in time for their review.

Chair Fairclough requested that Municipal Clerk Barbara Gruenstein send a copy of the resolution with a letter of intent to the ABC Board. She also requested a registered letter be sent, on behalf of the Assembly, to inform and invite the licensee. Members of the Community Council could be heard by completing Public Appearance Requests. Mr. Traini was concerned the community would get the impression the Assembly did not want to hear their testimony.

Chair Fairclough called for a vote on the motion to postpone.

and the motion was approved without objection,

Mr. Sullivan stated that since the public had already been given the opportunity to speak on this issue, it was appropriate to set a limit of one hour for testimony, with the community council selecting a spokesperson to speak.

Ms. Jennings supported public notification and allowing public testimony.

Mr. Tesche moved, to amend AO 2005-159, by ~~limiting [Public Hearing]~~
Ms. Jennings seconded, "requesting the presence of the licensee and a representative of the community council," limiting testimony to one hour and time certain on July 12, 2005.

Ms. Ossiander moved to substitute, requesting the presence of the licensee and a representative of the community council, in place of Public Hearing, which was accepted as a friendly amendment.

Mr. Traini stated that neighbors not associated with the community council should also be allowed to testify. He opposed the motion.

and the motion passed 6-4,

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

NAYES: Tesche, Shamberg, Traini and Jennings.

ABSENT: Bauer, excused.

Chair Fairclough called for a vote on the motion to postpone, as amended.

and the motion was passed without objection,

10.B.7 Resolution No. AR 2005-160, a resolution of the Anchorage Assembly to consider the existing **Creekside Town Center Master Plan** framework, which has been approved by the Planning and Zoning Commission, as part of its policy and to provide for review of all subsequent development plans and pending matters for the conformance with the Creekside Town Center Master Plan Framework and the Anchorage 2020 Comprehensive Plan until the final Town Center Master Plan is adopted; Assemblymembers Bauer and Stout. **(Laid on the Table)** (Postponed to ~~[7-12-05]~~ 7-26-05)

Mr. Stout moved, to introduce AR 2005-160, with Public Hearing set for
Ms. Jennings seconded, ~~[July 12]~~ 7-26-05, 2005.
Mr. Sullivan was the concurring third,

Ms. Ossiander requested additional time to review the Creekside Town Center Master Plan before taking action.

Mayor Begich stated that Section 2 on Page 3 needed to be amended, to correct the time restriction.

Ms. Jennings requested a memorandum from the sponsor, explaining the intent.

Chair Fairclough requested a summary of economic effects be included.

Ms. Jennings moved, seconded by Ms. Ossiander, to amend the Stout motion, to postpone until July 26, 2005. This was accepted as a friendly amendment by Mr. Stout and unanimously approved.

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

10.D. NEW BUSINESS

10.D.16. Assembly Memorandum No. AM 429-2005, recommendation of award to Land Design North for providing professional **landscape architectural services** on an "as required" basis to the Municipality of Anchorage; Project Management and Engineering Department (RFP 25-P019) (\$450,000); Purchasing.

Mr. Coffey moved, to approve AM 429-2005.
Ms. Ossiander seconded,

Mr. Coffey stated that his questions had been answered, and he recommended approval.

and this motion was approved by unanimous consent,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.1. Ordinance No. AO 2005-81, an ordinance amending Anchorage Municipal Code Title 21 to add a new Chapter 21.09 for **Girdwood Land Use Regulations**, amending Chapter 21.40 to add Girdwood Use Districts, and amending the zoning map; Planning Department. (Public Hearing 7-26-05)
a. Assembly Memorandum No. AM 440-2005.

Mr. Coffey moved, to introduce AO 2005-81 with Public Hearing set
Mr. Birch seconded, for July 26, 2005.
Ms. Ossiander was the concurring third,

Mr. Coffey stated this worksession would be held in Girdwood on July 20th, broadcast via local radio and would involve Public Hearing. Chair Fairclough responded there would be a worksession prior to that date. Ms. Ossiander responded that the hearing in Girdwood would be the only opportunity for the public to testify, unless Assembly action was continued. Deputy Municipal Manager Michael Abbott concurred.

Mr. Traini requested that the Assembly Office arrange transit for members attending the Girdwood worksession.

- 10.F.2. 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. *(Public Hearing 7-12-05)*
- a. Assembly Memorandum No. AM 441-2005.

Mr. Birch moved, *to introduce* AO 2005-82 with Public Hearing set for
Mr. Stout seconded, July 12, 2005.
Ms. Ossiander was the concurring third,

To Mr. Birch, Heritage Land Bank (HLB) Executive Director Robin Ward responded this land had been intended for this use and was anticipated to involve a below-market value lease. The lease would come before the Assembly for review and approval.

Mr. Birch requested an explanation, prior to the July 12th meeting, of the difference between the net present value and the new proposed value of the lease, determining a benefit or cost. Ms. Ward responded the lease was currently being negotiated and she would try to get a verbal response for Mr. Birch's request.

To Ms. Jennings, Ms. Ward responded the withdrawal and transfer would be conditioned upon a reverter clause, specifying the land would be returned to the HLB inventory if not managed for its intended purpose. She responded she would get a legal opinion and communicate with the lessee, to determine if a date certain needed to be included.

- 10.F.10. Resolution No. AR 2005-154, a resolution of the Municipality of Anchorage appropriating \$540,000 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421) for approved **HLB capital projects**. *(Public Hearing 7-12-05)*
- a. Assembly Memorandum No. AM 487-2005.

Mr. Birch moved, *to introduce* AR 2005-154, with Public Hearing set for
Mr. Sullivan seconded, July 12, 2005.
Ms. Ossiander was the concurring third,

To Mr. Birch, HLB Executive Director Robin Ward responded that this appropriation had not been addressed during the review of the capital budget. Mayor Begich responded the funding had been approved, but not appropriated.

- 10.F.11. Ordinance No. AO 2005-85, an ordinance of the Municipality of Anchorage authorizing transfer of **Heritage Land Bank Parcel #3-012**, a 25.67-acre parcel commonly known as Tract F, Section 16, T13N, R3W, S.M., to the Anchorage Community Development Authority. *(Public Hearing 7-12-05)*
(Addendum)
- a. Assembly Memorandum No. AM 447-2005.

Ms. Ossiander moved, *to introduce* AO 2005-85 with Public Hearing set for
Mr. Sullivan seconded, July 12, 2005.
Ms. Jennings was the concurring third,

Ms. Ossiander requested time to review this zoning before the property was sold. She requested comment from Public Works and MLP of the predicted impacts to their services. She requested confirmation of policy language to address the environmental contamination and the fair market value compensation, prior to disposal.

Mr. Birch requested a detailed briefing on this project, following an indication the property was to be conveyed as much as \$2 million below the fair market value. He requested assurances that benefits would accrue to the city and the community. He stated that while the Administration's intent was positive, it was important to address a continuation of removing assets from the community property tax base.

Mr. Coffey requested Assembly Budget and Legislative Affairs Director, Elvi Gray-Jackson add a worksession for Friday, July 8th. Mayor Begich responded his office would prepare a packet of materials with a schedule of the lands transaction, including the predicted impacts.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2005-67(S), an ordinance amending Anchorage Municipal Code Section 21.55.020 regarding **nonconforming lots of record**; Assemblymember Coffey. *(Amended & Approved 6-14-05; Reconsidered & Postponed from 6-14-05)*
1. Assembly Memorandum No. AM 394-2005.

Chair Fairclough stated there was a motion for reconsideration on the floor from Ms. Ossiander after Municipal Attorney Fred Boness had addressed a legal concern. Mr. Boness responded they concluded the ordinance draft's subsections e. and f. were in conflict.

Mr. Coffey concurred it was a policy question. Smaller lots should have smaller structures, following the conditions of the lot and there would be some lots that would remain undeveloped. Planning and Zoning Administrator Jerry Weaver responded it was their intent to allow structures on nonconforming lots. No further variances should be granted for those small lots. Mr. Coffey stated concerns remained with allowances of variances on property set-backs.

Mr. Coffey moved, *to amend* AO 2005-67(S) on Page 2, Lines 21-23, *by deleting*
Mr. Sullivan seconded, ~~[e. No variances shall be granted from the standards and provisions of this section, not from the applicable underlying zoning district or supplementary district standards.], and by renumbering~~ the remaining subsection.

Mr. Sullivan stated this would allow a variance process, permitting property owners to develop nonconforming lots.

To Ms. Jennings, Mr. Weaver responded there were concerns remaining with development of larger structures which would normally not be allowed and would not fit in with existing surrounding development and he did not support the motion.

Mr. Sullivan stated the Zoning Board of Examiners in the field could still say no to a variance. He supported the Coffey Amendment, allowing the opportunity for development of unique properties.

Chair Fairclough called for a vote on the Coffee Amendment.

and the motion was carried 9-1,
with Ms. Jennings opposing,
and an excused absence from Mr. Bauer,

To Ms. Jennings, Mr. Weaver responded the Planning Department could publish the description of a nonconforming lot, with address and legal description of the lot to fulfill the requirements. Ms. Jennings so moved, to be added to the document. Municipal Attorney Fred Boness responded there was a Municipal Charter provision that required publishing to be in a newspaper. Ms. Jennings withdrew her motion.

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

and this motion was passed unanimously,

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

NAYES: None.

ABSENT: Bauer, excused.

12. APPEARANCE REQUESTS None.

13. CONTINUED PUBLIC HEARINGS None.

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2005-119, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich to name the trail at Baxter Bog the "**Alicia Iden Nature Trail**" in honor of her outstanding contributions and dedication to community service; Mayor's Office.

Chair Fairclough read the resolution title and opened Public Hearing.

BRIAN WHITTLE, former Assemblymember and member of the park naming committee, stated they had voted to name the trail after Alicia Iden, based on her dedication to community service and public leadership. For many years Alicia Iden had worked with her community to purchase, develop and manage Baxter Bog Park. Alicia had passed away before the naming committee had completed the process. The Parks and Recreation Commission had unanimously supported the naming of this well-used trail. Mr. Whittle stated Baxter Bog Park was a good example of what a neighborhood could do, preserving areas in an urban environment. Mr. Stout thanked Mr. Whittle for his involvement with this project and stated the improvements were underway on the trail, signs and bridges.

SHEILA SELKREGG thanked the Assembly for the recognition, honoring her sister, Alicia Iden. She thanked Mr. Stout, Mr. Whittle and Mayor Begich for their involvement. She stated that Alicia had been active in the community and was very proud of her involvement with Baxter Bog. She thanked everyone on behalf of Alicia's husband Bob Iden and their family. Ms. Jennings thanked Ms. Selkregg for testifying and offered condolences for the loss of her sister. Mayor Begich thanked her for testifying and he spoke in memory of Alicia, a true community worker. Mr. Stout remembered members of the Selkregg family. Mayor Begich stated that an access to Russian Jack Park had recently been named after Alicia's mother, Dr. Lydia Selkregg. Mr. Traini thanked Ms. Selkregg, for her sister and family, for all they had done in the community.

TONI JONES had worked with Alicia over the years in community service. She stated that Alicia had inspired others with her vision for Baxter Bog. She encouraged Assembly approval.

Chair Fairclough called for additional testimony and there being none, closed Public Hearing and called the Question.

Mr. Traini moved, to approve AR 2005-119.
Mr. Sullivan seconded,
and the motion was unanimously passed,

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

NAYES: None.

ABSENT: Bauer, excused.

14.B. Ordinance No. AO 2005-75, an ordinance amending the zoning map and providing for the rezoning of Lots 14, 15, 16 and 17, Block 6, and Lots 2 and 3, Block 7, **Bruin Park Subdivision** from R-6 (Suburban Residential, Large Lot) to R-1 (Single Family Residential), generally located at Mona Avenue and Lake Otis Parkway (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case No. 2005-014); Planning Department.
1. Assembly Memorandum No. AM 371-2005.

Chair Fairclough read the ordinance title and opened Public Hearing.

TIM STEVENS, Huffman O'Malley Community Council President, opposed the ordinance. He requested an explanation of how this development fit into the 2020 Comprehensive Plan. To Ms. Ossiander, he responded there were horses in the area and they were surrounded by commercially zoned property. To Mr. Birch, Mr. Stevens responded they were surrounded by R-6 properties and the council made recommendations to retain the lots at R-6 or rezone the lots to R-1, keeping the lots the same size or a minimum size of 10,000 square feet.

CHRIS BURT stated it was not spot zoning and the requirement of a buffer would be easier than putting in a fence. To Mr. Sullivan, he responded that he understood the effective clauses of the proposed zoning. To Mr. Coffey, Mr. Burt responded that the preliminary plat would not be processed until the rezone was approved, but they had already indicated their intent to develop, limiting the east side lots to 7,000 square feet and lots on the west to 10,000 square feet.

There being no one else to testify, Chair Fairclough closed Public Hearing and called the Question.

Mr. Birch moved, to approve AO 2005-75.
Mr. Coffey seconded,

Mr. Birch supported the rezone. The Planning and Zoning Commission had considered this action, which would accommodate additional residents and growth.

Ms. Shamberg stated there were reasons to not support the rezone. Those current residents maintained horses and chickens, which was rural, R-6 zoning. Changing the current zoning would bring conflict in lifestyles. She supported the community council, opposing the rezone.

Mr. Coffey moved, to amend AO 2005-75 on Page 1, Line 25, *by adding*, to read:
Mr. Sullivan seconded, feet[-] ", and shall be a minimum of 10,000 square feet." And on Page 1, Line 29 *by adding*, to read: ...Lake Otis Parkway [-] ", and shall be a minimum of 7,000 square feet."

Mr. Coffey stated the developer had defined an appropriate plan.

To Mr. Tesche, Ms. Shamberg responded there should be some assurance of development, if the ordinance was approved.

and the Coffey Amendment was approved 10-0,
with Mr. Bauer, an excused absence,

To Ms. Ossiander, Planning and Zoning Administrator Jerry Weaver responded the boundary was still being developed, but there were still subdivisions of nonconforming lots. The Comprehensive Plan indicated 3-6 dwelling units per acre and Planning and Zoning Department thought rezoning was appropriate.

Chair Fairclough called for a vote on the main motion.

and the main motion, as amended, was passed 8-2,

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

- 14.C. Ordinance No. AO 2005-79, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 2.30.070, **Voting**, providing for Assemblymember participation by means of telephone or other electronic means; Assemblymember Traini.
1. Assembly Memorandum No. AM 393-2005.

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

Mr. Coffey moved, to approve AO 2005-79.
Ms. Shamberg seconded,

Mr. Birch supported the ordinance, which assured a higher potential of involvement and participation from traveling Assemblymembers. He had seen it successfully work with other boards.

Mr. Traini stated this was a simple housekeeping issue and he supported the ordinance.

Ms. Ossiander stated participation telephonically was difficult and inconvenient. While there were circumstances where members were legitimately away on business, traveling members could not have the most recent and relevant information, including handouts and visual aids. She did not think a member traveling could make the same, informed decision as a member in Chambers. She stated the proposed language might encourage members to miss every meeting and she moved to amend.

Ms. Ossiander moved, to amend AO 2005-79 on Page 1, Line 22, following
Ms. Jennings seconded, 'executive session,' *by adding* "and has obtained an excused absence from the Chair."

Ms. Jennings supported the ordinance and concurred with the Ossiander Amendment, allowing members to use telephonic communications on rare occasions.

and this was approved without opposition,

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

and the motion, as amended, was passed 10-0,

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

NAYES: None.

ABSENT: Bauer, excused.

- 14.D. Ordinance No. AO 2005-78, an ordinance amending Anchorage Municipal Code Chapter 3.30 regarding **random drug and alcohol testing**; Employee Relations Department.
1. Assembly Memorandum No. AM 389-2005.

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

Ms. Shamberg moved, to approve AO 2005-78.
Mr. Sullivan seconded,

To Mr. Tesche, Labor Relations Director Dave Otto responded that the Supreme Court had ruled to allow random testing, with the exception of firefighters and police officers. Labor Relations Compliance Manager Paula Harrison responded the ordinance would bring the Municipal Code (AMC) into compliance, requiring random testing on all employees and maintaining the exemption for firefighters and police officers.

To Ms. Jennings, Mr. Otto responded police officers and firefighters had challenged the random testing and their case was upheld in the Supreme Court. This ordinance would allow corrections to the Code, redefining employee testing.

Mr. Coffey stated the Administration had attached the Supreme Court opinion to the ordinance for members to review.

and this motion was unanimously passed 10-0,

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

NAYES: None.

ABSENT: Bauer, excused.

- 14.E. Ordinance No. AO 2005-76, an ordinance amending Anchorage Municipal Code Section 3.30.063 to require satisfactory **background checks** and compliance with position specific pre-hire requirements as part of a process for conditional offer of employment; Employee Relations Department.
1. Assembly Memorandum No. AM 372-2005.

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

Ms. Shamberg moved, to approve AO 2005-76.
Mr. Coffey seconded,

Ms. Ossiander stated that background checks could be expensive. Human Relations Director David Otto responded that an annual fee of less than \$1000 would cover unlimited background checks on all new hires for the Municipality. This would change Municipal Code by adding hiring requirements.

To Mr. Sullivan, Mr. Otto responded there would be approximately 600 required checks per year and the \$1000 would cover all newly hired municipal employees.

To Ms. Jennings, Mr. Otto responded that elected officials were not subjected to background checks.

Chair Fairclough called for a vote on the main motion.

and this motion was passed,

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

NAYES: None.

ABSENT: Bauer, excused.

- 14.F. Resolution No. AR 2005-140, a resolution of the Anchorage Municipal Assembly ratifying Executive Order 2005-06 an executive order **re-naming East 101st Avenue to East 102nd Avenue**; Municipal Clerk.
1. Assembly Memorandum No. AM 395-2005.

Chair Fairclough read the resolution title and opened Public Hearing.

STEVE FLOWERS, 24-year resident of 102nd Avenue, supported the resolution. The road had been renamed many times over the years, back and forth between 101st and 102nd and the map indicated that 101st should be 102nd.

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

Mr. Coffey moved, to approve AR 2005-140.

Mr. Tesche seconded,

Ms. Shamberg understood there were several residents on that street opposing the name change. She requested consideration of keeping the street named 101st. She opposed the resolution.

Mr. Birch stated that he had responded to many calls and a petition, and would support his constituents for the road remaining 101st.

To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded the renaming costs and inconvenience would vary among residents. This street name change was appropriate to fit the grid map of the city. He urged support. Municipal Manager Denis LeBlanc responded 101st was not consistent with the new GPS mapping system that would be used in future mapping.

Ms. Jennings stated a change of address would be inconvenient for those residents running small businesses.

Ms. Fairclough stated that while it may be an inconvenience to the residents, she supported the ordinance.

Ms. Ossiander stated that residents in her district had suffered from mismatched and confusing street names and numbers. The new name change appeared to align with the grid mapping and she would support.

To Mr. Sullivan, Mr. Abbott responded that the Administration was evaluating if 100th Avenue also needed to be changed.

Chair Fairclough called for a vote.

and this motion passed 8-2,

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

NAYES: Shamberg and Birch.

ABSENT: Bauer, excused.

14.G. Resolution No. AR 2005-136, a resolution of the Anchorage Assembly approving the **Heritage Land Bank 2005 Work Program** and 2006-2010 Five-Year Management Plan; Heritage Land Bank.

1. Assembly Memorandum No. AM 386-2005. (*Continued to 8-05-05*)

Chair Fairclough read the resolution title and opened Public Hearing.

CATHY GLEASON recommended additional land transfers for parks, for the best interest of the city. They would bring public enjoyment and use. The acquisitions would ensure full and permanent protection of the Coastal Trail and be a natural, open space greenbelt along its route. To Mr. Stout, Ms. Gleason responded there were five parcels that would provide a vegetative buffer that would support wildlife. To Ms. Jennings, Heritage Land Bank Executive Director Robin Ward responded that she would research this issue, to determine the available options.

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

Ms. Jennings moved, *to Continue AR 2005-136 until ~~July 26,~~ "August 5(9),"*
Mr. Coffey seconded, *2005, with a worksession scheduled for August 2nd(5th).*

To Ms. Ossiander, Chair Fairclough stated her proposed changes could be incorporated into a substitute version.

Mr. Coffey stated they were anticipating responses and reports and requested a worksession. Ms. Jennings moved to amend, changing postponement until August 5th (9th) with a worksession on August 2nd (5th) and Mr. Coffey concurred.

Chair Fairclough requested that the issue be considered for the 2006 plan. Mayor Begich and Ms. Ward concurred.

and this was approved without objection,

14.H. Resolution No. AR 2005-137, a resolution of the Municipality of Anchorage appropriation \$200,000 from the State Categorical Grants Fund 231 to the Equipment Maintenance CIP Fund 601/606 and authorizing the purchase of a waterless sweeper for use in the development of **air quality PM10 best management practices program** within the Municipality of Anchorage; Maintenance & Operations Department.

1. Assembly Memorandum No. AM 387-2005.

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

Mr. Traini moved, *to approve AR 2005-137.*
Ms. Shamberg seconded,

To Mr. Traini, a Public Works Administrator responded this waterless sweeper was a vacuum which would help keep dust particles down and would be targeting dusty roads in the winter. To Mr. Traini, he responded the machine would be used on the most used roads that had the highest levels of dust, including Tudor Road.

and this was passed without objection,

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

NAYES: None.

ABSENT: Bauer, excused.

- 14.I. Resolution No. AR 2005-138, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$229,343 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$57,336 for required local matching funds from the Public Transportation Department's 2005 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit Planning Program**.
1. Assembly Memorandum No. AM 388-2005.

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

Ms. Jennings moved, to approve AR 2005-138.
Mr. Stout seconded,

Mr. Coffey stated this was a request for a federal grant, involving a transfer of responsibility agreement (*TORA*). Public Transportation Director Tom Wilson responded the TORA transferred federal funds from the state to the municipality. To Mr. Coffey, he responded that it was standard to include studies establishing procedure, conducting economic impact studies, studying new technology and helping to meet federal requirements.

To Ms. Jennings, Mr. Wilson responded the 2004 average daily ridership was 12,000 riders, and in 2005 they were already above 14,000. He responded the ridership for buses to the airport had been successful. To Mr. Wilson, Ms. Jennings and Ms. Osslander each responded that Elmendorf and Fort Richardson had indicated interest for transit services to the bases. Mayor Begich responded routing services to the bases would be studied. They were predicting a record number of rides in 2005.

and this motion carried without objection,

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

Mr. Coffey moved to change the order of the day to take up item 14.L and 14.M, and there were no objections.

- 14.J. Resolution No. AR 2005-143, a resolution of the Municipality of Anchorage appropriating \$120,000 from Anchorage Parks and Recreation Service Area Fund (161) Balance to Anchorage Parks and Recreation Department for a loan to Youth Exploring Adventure, Inc., for operation of **Hilltop Ski Area** and authorizing amendments to the Hilltop Ski Area lease agreement; Assemblymember Shamberg.
1. Assembly Memorandum No. AM 406-2005.
 2. Resolution No. AR 2005-143(S), a resolution of the Municipality of Anchorage appropriating one hundred twenty thousand dollars (\$120,000) from Anchorage Parks and Recreation Service Area Fund (161) Balance to Anchorage Parks and Recreation Department for a loan to Youth Exploring Adventure, Inc., for operation of Hilltop Ski Area and authorizing amendments to the Hilltop Ski Area lease agreement; Assemblymembers Birch and Shamberg. (***Laid on the Table***)

Chair Fairclough read this resolution title.

Mr. Coffey moved, the following question: "Does Mr. Birch have a substantial financial interest in the Hilltop Ski loan, currently before the Assembly?"
Ms. Shamberg seconded,

To Mr. Coffey, Mr. Birch responded that prior to being elected an Assemblymember, he had served on the Hilltop Ski Area Board of Directors. He responded that his former association did not affect his ability to be impartial and did not create an appearance of impropriety.

To Mr. Traini, Mr. Birch responded that he was not president when he retired and this issue had not been discussed while he was on the board.

To Mr. Tesche, Mr. Birch responded that he did not owe money to Hilltop Ski Area nor any board members, nor did Hilltop Ski Area or any board member owe him any money.

There were no objections from the body and Chair Fairclough ruled that Mr. Birch did not have a conflict of interest with Hilltop Ski Area and ordered him to participate with this item before the Assembly. She opened Public Hearing.

MARY ELLEN BEARDSLEY, President of the Board of Youth Exploring Adventure, Inc., also known as Hilltop Ski Area, supported the resolution. There were 180 employees working during the winter and the area supported many programs, including after school activities. They were committed to keeping the ski area open and urged support of the loan. To Mr. Coffey, Ms. Beardsley responded the loan payments were dependent upon 'good snow years' and fundraisers. She responded they understood the new payment schedule of the 6% interest loan. To Mr. Traini, Ms. Beardsley responded they wanted consideration for 'bad snow years.' She responded they were technically in default on a loan from Key Bank. Mr. Traini requested that the Legal Department research the indebtedness. To Ms. Jennings, Ms. Beardsley responded their insurance rates had doubled, which had added to their indebtedness.

WILLIAM 'BILL' BRYSON, representing the Parks and Recreation Commission, stated they had voted unanimously in support of this loan. The need was critical and it was important to preserve Hilltop. To Mr. Tesche, Mr. Bryson

responded that Hilltop Ski Association had a good 10-year track history, with three 'bad snow years,' when they fell behind on the loan. Mr. Bryson responded that Hilltop would be available to support Anchorage's community events.

STEVE REMME, Hilltop Chief Executive Officer, testified in support. He stated Hilltop had good programs for youth. To Mr. Sullivan, he responded the rates for skiing were more than Alpenglowl and equivalent to Alyeska. To Ms. Jennings, he responded the ski area had supplemented the 'bad snow years' with manufactured snow.

CHRIS DEILE opposed the ordinance. He saw this as a misappropriation of funds when governments could not meet the needs for human services and health care.

MARY MOSHER opposed the resolution. Youth groups were being discouraged from being involved and there were fewer races being held. To Ms. Jennings, Ms. Mosher responded that Hilltop required ski race officials to wear skis on the mountain and discouraged them from walking on the hill.

LARRY DANIELS, Alyeska's General Manager, supported the resolution.

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

Ms. Shamberg moved, to approve AR 2005-143(S).
Mr. Birch seconded,

Mr. Coffey stated if the loan was not approved, it would require a vote of the people to approve a lease. There appeared to be no back-up plan if the loan went into default and there was question of association's ability make loan payments. Mayor Begich responded that it was being considered if this issue should be on the April ballot.

To Mr. Traini, Municipal Attorney Fred Boness responded that Key Bank had a security interest. They were the lessee on the loan and could operate the ski area if the loan went into default or they could write off the note. The original lease allowed for pledging the lease as security. The Municipality would not be required to pay the note. To Mr. Traini, Parks and Recreation Director Jeff Dillon responded the \$120,000 would come from a 161 Fund reserve account, set up for emergencies. Chief Fiscal Officer Jeff Sinz concurred and stated the fund balance policy provided for a 2.5% emergency operating designation and there was money available.

To Ms. Jennings, Mr. Dillon responded it was the intent of the Parks and Recreation Department to establish a use agreement. The Parks Department had pledged to assist with the ski area's fund raisers to increase their earnings.

Mr. Coffey stated Hilltop was already in the red, and the loan would only put the organization ahead by \$20,000. Mr. Dillon responded it was their intent to have the facility opened in the summer, with a wide variety of recreation uses. Mr. Boness responded that Key Bank would be required to approve the lease amendments that would allow the Municipal Parks and Recreation Department to use part of the facility.

To Chair Fairclough, Mr. Dillon responded the money was not just for the office space, but also would be used to make the chalet available to the public.

To Mr. Coffey, Mr. Dillon responded, the additional net operating income would be spent on refurbishing and enhancing the facility and the ski area.

Mr. Coffey moved, to amend AR 2005-143(S) on Page 2, Line 16, *by adding:*
Mr. Sullivan seconded, "Section 4. In the event of default in payment, the lease
and this was approved without objection, between YEA and the Municipality may, at the option of the
Municipality and upon ten (10) days written notice, be
terminated." *And by renumbering* Section 4 to Section 5.

To Mr. Traini, Mr. Remme responded that the amendment was acceptable.

Mr. Coffey moved, to amend AR 2005-143(S) on Page 2, Line 14, *by adding to*
Mr. Tesche seconded, read: ...and then approved by "Key Bank," YEA's board of
directors and the Municipal Attorney.

Mr. Sullivan proposed to include the approval of the Municipal Assembly. Mr. Coffey would not accept this as a friendly amendment.

To Mr. Traini, Mayor Begich responded the concern was with the time necessary for securing Assembly approval and he opposed that addition. To Chair Fairclough, Mayor Begich responded he would support the Coffey Amendment.

and the Coffey Amendment was unanimously approved,

To Ms. Jennings, Mr. Dillon responded a \$19,000 grant had been given to Hilltop in the spring, from the Parks and Recreation budget, and was sole source funding granted by Mayor Begich. Mayor Begich responded that the city offered financial assistance to keep the ski area operational while the Administration determined the options. Ms. Jennings responded there was not time to adequately review the lease and it was a matter of trust.

To Mr. Tesche, Mr. Dillon responded that Hilltop would succeed. He referred to a ten-year pro forma report, beginning in 1996, which indicated profits in all years, except for three 'bad snow years.' He recommended Assembly approval. Mr. Tesche responded that while he recognized there was a degree of risk, because of the recommendations of staff and the testimony of Mr. Bryson, he would support this.

Mr. Sullivan moved, to amend AR 2005-143(S) on Page 2, Line 15, following
Mr. Coffey seconded, 'Municipal Attorney.' *by adding:* "No more than 50% of the

loan proceeds may be dispersed without Assembly review and approval of the final week's agreement."

Mr. Sullivan stated this would add protection by allowing the Assembly to review the final terms. Mayor Begich concurred.

and this was approved without objection,

Ms. Ossiander stated if this was approved, the Assembly would have to find the money elsewhere to make up for the draw upon the reserve. Assemblymembers would hear from thousands of people involved with other youth team sports, concerned about fee increases. Increased taxes should not come from issues like this one. Hilltop had experienced a decline in numbers of visitors and a decline in numbers of days open. The feedback she had received was predominately negative. The Assembly had not yet approved a Parks plan, yet they were proceeding forward as though the plan had been approved. She stated the Assembly had already given Hilltop \$19,000, they were anticipating spending \$100,000 from the already-stressed Parks budget and now were considering a loan for an additional \$120,000, with no guarantee the appropriations would improve the ski area.

To Mr. Traini, Mr. Dillon responded there were areas in South Anchorage which were not paying for Parks & Recreation assessments. Mr. Traini stated he concurred with many of the points made by Ms. Ossiander. He stated they would be forced to raise user fees or raise taxes, and he would oppose.

Mr. Sullivan requested the memorandum from the original ordinance be attached to the substitute version. Youth sports needed to be available and he supported taking a risk on the ski area appropriation. He recommended consideration of rate increases and a pro-active, year-round effort for fundraising. The final conditions would help ensure the loan would be paid back and he looked forward to reviewing the final lease document.

Mr. Coffey concurred with Mr. Sullivan. He requested that the final lease draft include the anticipated impact on other users. With the additional conditions to ensure the loan would be repaid, he would support this.

Ms. Shamberg had confidence in the recommendations from the Parks Commission and the Administration and she supported the loan.

Ms. Jennings stated that while the Assembly had been put in an awkward position and she still had reservations, she would support the resolution. Mayor Begich responded his Administration would consider putting together a task force to study winter recreation activities in Southcentral Alaska.

Mr. Birch stated that with the added precautions, he would support the loan. He stated that Mr. Dillon, the Parks Department and the Parks Commission had done an outstanding job with improving youth sports and activities in the city. There was a need for a sports facility in South Anchorage.

Chair Fairclough called for a vote on the main motion.

and this motion, as amended, was approved 7-3,

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

NAYES: Ossiander, Fairclough and Traini.

ABSENT: Bauer, excused.

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

Mr. Coffey moved, for immediate reconsideration of AR 2005-143(S).
Mr. Birch seconded,
and this motion failed 6-4,

AYES: Ossiander, Sullivan, Traini and Jennings.

NAYES: Tesche, Shamberg, Fairclough, Coffey, Birch and Stout.

ABSENT: Bauer, excused.

14.K. 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.

Mr. Coffey proposed to extend the Assembly Meeting for an additional 15 minutes. Mr. Tesche moved for time certain.

Mr. Tesche moved, to extend the Assembly Meeting until 11:15.
Mr. Sullivan seconded,
and this motion was approved,

Chair Fairclough read the ordinance title and opened Public Hearing.

DAVE SELL, with the Anchorage Sportsplex, supported the rezone. They requested eliminating the special limitations, listed in Section 2.A. This requirement would affect the construction and their ability to complete the facility in time to open for the spring season. The Sand Lake and Taku Community Councils fully supported the rezone and the sports complex. To Mr. Coffey, Mr. Sell responded they were requesting the elimination of the site plan review by the

Planning and Zoning Commission (P&Z). To Mr. Stout, Mr. Sell responded they could start construction immediately if the Assembly approved the elimination. To Ms. Jennings, Mr. Sell responded they agreed that the I-2 zoning would only pertain to the sports complex and not the paving.

TONI JONES, member of P&Z, testified the Commission reviewed and had recommended it for approval with special limitation, requiring a public hearing site plan review. This was not intended for the existing structures or facilities, but for the new construction. They understood the time constraints and construction schedules, but this was public business which deserved review and the board thought it was appropriate.

DON POULTON, P&Z Chair, stated the standards they were applying to this case were the same that would apply to other business ventures. To Ms. Jennings, Ms. Jones responded they had considered restrictions and she would consider I-2 uses, provided there was a site plan review. Mr. Poulton responded the review would consider the impact to the surrounding neighborhood, traffic analysis, noise, lighting and hours of operation. To Mr. Birch, Ms. Jones responded the proposed use would not be allowed in I-1 zoning. The surrounding properties were already I-2.

KARL CLAUSON, Minister of Changeport, made a visual presentation. They had made a tremendous investment in the process and the facilities and they had received unanimous support from the community. To Mr. Tesche, Reverend Clauson responded their construction plans would be affected if the site plan review was not removed. To Mr. Tesche, he responded the property not used by the church would be subject to property taxes. To Mr. Coffey, Reverend Clauson responded they had met with the local community councils.

Mr. Tesche moved, to extend the Assembly Meeting until 11:30.
Mr. Coffey seconded,
and this was approved without objection,

PATRICK PETERSON, with the Anchorage Sportsplex, testified they had presented their plans to the surrounding community councils, the surrounding schools and all sports groups in Anchorage, Eagle River, the Valley, Fairbanks and Juneau. To Mr. Coffey, Mr. Peterson responded they had communicated with residents on 88th Court through their council.

BILL BRYSON, representing USA Track and Field Alaska and a former collegiate track runner, supported the facility, with the first 400-meter indoor oval track in the country, which would be in high demand. He urged Assembly support.

MICHAEL FRIESS, with the University of Alaska, Anchorage, testified in support of the facility. He urged Assembly support, to ensure the complex would be completed next year.

STEVE NERLAND, representing the American Legion Baseball, supported the facility.

MICHAEL KIMLINGER, resident on Chad and 68th, whose view from his home would be obstructed by the facility, testified in opposition, and urged that the site plan review be included. To Mr. Coffey, Mr. Kimlinger responded his home was by Gram Circle.

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

Mr. Birch moved, to approve AO 2005-74.
Mr. Coffey seconded,

Mr. Birch moved, to amend AO 2005-74 on Page 1, Lines 25-27, by
Mr. Sullivan seconded, 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 (Planning and Zoning Commission), 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."

To Mr. Tesche, Ms. Jones responded this amendment was in conflict with the requirement of the site plan review.

Mayor Begich responded the Coffey Amendment was acceptable.

Ms. Jennings stated the site plan review was important and she opposed the Coffey Amendment. The Sand Lake Community Council specifically requested to keep the public hearing site plan review.

Mr. Traini stated this amendment conflicted with the P&Z recommendations and he opposed.

Ms. Ossiander stated the limitations of the building permits would prohibit remodeling or work on the church or limit parking modifications. She proposed amending Section 2.A, adding this review would apply to any new construction that was not in accord with current zoning. Mr. Dejoule's recommendation was to allow changes to the existing structure. Ms. Ossiander opposed the Coffey Amendment. She would offer her amendment once action was taken on the Coffey Amendment.

To Mr. Coffey, Mr. Weaver responded site plan reviews were not a common occurrence with rezones. Mr. Coffey stated this had been tied up with the Assembly and the P&Z since March. The developers were organized and capable. This facility was in demand and he urged Assembly support, to allow construction. He proposed continuing to July 12th.

To Mr. Tesche, Mr. Weaver responded the visual presentation submitted that evening could be used in a site plan review, but they were still lacking reviews of traffic circulation, proposed roads and egress and ingress, the lighting, the buffering and parking, among other issues that needed to be reviewed.

Ms. Jennings moved, to extend the Assembly Meeting to 11:45 p.m.
Ms. Ossiander seconded,
and this motion failed,

It was 11:30 and Chair Fairclough adjourned the meeting.

- 14.L. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code Chapter 1.15, **Code of Ethics**; Legal Department. *(Continued to 8-23-05)*
1. Assembly Memorandum No. AM 325-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. There was no one to testify, and she continued Public Hearing to August 23, 2005.

- 14.M. 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 to 7-12-05, 8:00 p.m.)*
1. Assembly Memorandum No. AM 373-2005.

Chair Fairclough read this ordinance title and opened Public Hearing.

TONI JONES supported the ordinance. While she was sensitive of parents' rights to determine how to raise their children, she encouraged parents to provide helmets for their children riding bikes, protecting them on the roadways.

Chair Fairclough announced that Public Hearing would be continued to July 12, 2005, at 8:00 p.m.

- 15. SPECIAL ORDERS** None.
16. UNFINISHED AGENDA None.
17. AUDIENCE PARTICIPATION None.
18. ASSEMBLY COMMENTS None.
19. EXECUTIVE SESSIONS None.
20. ADJOURNMENT None.

Chair Fairclough adjourned the meeting at 11:30 p.m.

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: August 9, 2005.
MC/BG

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