

**MUNICIPALITY OF ANCHORAGE**  
**ANCHORAGE ASSEMBLY**

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

**Minutes for Regular Meeting of March 8, 2005**

**1. CALL TO ORDER**

The Assembly Meeting was convened by Chair Traini at 5:03 p.m. in the Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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

PRESENT: Anna Fairclough, Brian Whittle, Dick Tremaine (*temporarily out of Chambers*), Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout, Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

ABSENT: None.

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

**4. MINUTES OF PREVIOUS MEETINGS**

4.A. Regular Meeting – February 1, 2005.

Mr. Tesche moved, to approve the Regular Meeting Minutes of  
Mr. Coffey seconded, February 1, 2005.  
and this motion was later withdrawn,

Mr. Coffey requested that his statement concerning the Anchorage Museum be included. He questioned if, in the absence of an affirmative vote, the \$75 million would go away. Ms. Shamberg requested the correct spelling of Mr. John Berggren. Ms. Jennings requested the correct spellings of Mr. Hansen and Mr. Steyer.

The motion to approve was withdrawn. Mr. Tesche moved to postpone the Minutes of February 1, 2005 until corrections had been made, the motion was seconded by Ms. Shamberg and was approved with no objections.

**5. MAYOR'S REPORT**

Mayor Begich stated they were expecting calls concerning deadlines for property tax exemption applications associated with the upcoming ballot proposition. Municipal offices were encouraging callers to use the website for fast answers. There was a worksession scheduled on chip-sealing which would help define the process and the schedule for road maintenance in areas of the city. The Anchorage Metropolitan Area Transportation Solutions (AMATS) was involved with all aspects of new and existing road projects scheduled for this summer. To Chair Traini, Mayor Begich responded that his office would research the improvements needed for the city landfill road. To Mr. Whittle, the Mayor responded that speed bumps and traffic calming would be addressed at a worksession. To Ms. Ossiander, Municipal Manager Denis LeBlanc responded they were addressing using smaller sized aggregate and were researching a new, stronger product for road construction.

**6. ASSEMBLY CHAIR'S REPORT** None.

**7. COMMITTEE REPORTS** None.

**8. ADDENDUM TO AGENDA**

Chair Traini called for a motion and read the Addendum items. He stated the School District Budget document, item 9.F.1 had just been handed out. He called for additional items to be added. Items AR 2005-60(S), AR 2005-62, AR 2005-63, AM 175-2005, AM 176-2005 and AO 2005-44 were added. He assigned to these items Agenda Numbers 9.B.3, 9.B.5, 9.B.6, 9.D.12, 9.D.13 and 11.A, respectively. There being no additional Addendum items, Chair Traini called for a vote to incorporate the Addendum into the Regular Agenda. Mr. Coffey declared conflicts of interest with sections of 9.D.12 and 9.D.13. Chair Traini ruled that Mr. Coffey did have conflicts of interest and directed him to abstain from participating with those certain sections of items 9.D.12 and 9.D.13.

Ms. Shamberg moved, to approve the inclusion of the Addendum items into the  
Ms. Jennings seconded, Regular Agenda.  
and this motion was passed,  
with Mr. Coffey abstaining from participating with issues involving certain establishments listed in items 9.D.12 and 9.D.13, including Club Paris, La Mex, La Mex Too, Glacier Brew House, Orso Ristorante, K & L Beverage Company, In & Out Liquor #1, 2 Go Mart #62, Today's Pizza and Spenard Paradise Inn & Lounge.

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

NAYES: None.

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

Chair Traini called for a motion on the Consent Agenda.

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

Chair Traini 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 2005-52, a resolution of the Anchorage Municipal Assembly honoring and thanking **Ed O'Neill** for his many years of involvement and service to the community; Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Osslander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. (*Postponed from 3-1-05*)

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

### 9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2005-55, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$15,750 from the State of Alaska, Department of Education to the State Categorical Grants Fund (231), Office of Economic and Community Development for the **Net Lender Reimbursement Program**.  
a. Assembly Memorandum No. AM 163-2005.
- 9.B.2. Resolution No. AR 2005-56, a resolution of the Municipality of Anchorage appropriating \$86,680 of proceeds received from the Anchorage Golf Course Surcharge Revenue to the Areawide Capital Improvement Fund (401) for the 2004 payment of the **Golf Course loan**; Office of Economic & Community Development.  
a. Assembly Memorandum No. AM 164-2005.
- 9.B.3. Resolution No. AR 2005-60, a resolution of the Anchorage Municipal Assembly authorizing participation in State of Alaska, Division of Community Advocacy Multi-Use Facilities' Request for Proposal for a **Girdwood Community Center and Library** and committing to facility operation after construction; Assemblymember Tremaine. (**Addendum**)  
1. Resolution No. AR 2005-60(S), a resolution of the Anchorage Municipal Assembly authorizing participation in State of Alaska, Division of Community Advocacy Multi-Use Facilities' Request for Proposal for a Girdwood Community Center and Library and committing to facility operation after construction. (**Laid on the Table**)

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

- 9.B.4. Resolution No. AR 2005-61, a resolution of the Municipality of Anchorage appropriating \$75,000 as a grant from the Anchorage Community Land Trust to the Office of Economic and Community Development, Areawide General Fund (101), for the **Mountain View Revitalization Initiative**.  
a. Assembly Memorandum No. AM 174-2005. (**Addendum**)
- 9.B.5. Resolution No. AR 2005 62, a resolution of the Anchorage Municipal Assembly supporting legislation relating to service in the Peace Corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of **eligibility for Permanent Fund Dividends** and to the period for filing an application for a permanent fund; Department of Assembly, Assemblymember Tesche. (**Laid on the Table**)

Ms. Osslander requested this item be pulled for review on the Regular Agenda. (*See item 10.B.5*)

- 9.B.6. Resolution No. AR 2005-63, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a transfer of ownership a beverage dispensary liquor license from Alaska Tepanyaki, LLC to **Benihana** National D.B.A. Benihana located at 100 West 8<sup>th</sup> Avenue, Anchorage, Alaska; Municipal Clerk's Office. (**Laid on the Table**)

Mr. Tesche requested a correction on Page 1, Line 27, to include: "subject to payment of taxes." There were no objections.

### 9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 154-2005, recommendation of award to Cal Worthington Ford and Alaska Sales & Service for providing **police sedans and sport utility wagons** to the Municipality of Anchorage, Maintenance & Operations Department (M&O) and the Anchorage Fire Department (AFD) (ITB 25-B006) (\$2,012,776); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 155-2005, recommendation of award to Skookum Construction & Tree Service for 2005 **tree trimming contract** for the Municipality of Anchorage, Municipal Light & Power – Operations Division (ITB 24-B078) (\$450,000/year); Purchasing.

### 9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 156-2005, proprietary purchase to Neptune Technology Group for furnishing **Neptune R900 radio remotes and accessories** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility (AWWU) (\$88,000); Purchasing.
- 9.D.2. Assembly Memorandum No. AM 157-2005, proprietary purchase with Weissler Media Services for providing professional production services for the **Stop Abuse for Every (S.A.F.E.) Child Project** for the Municipality of Anchorage, Department of Health & Human Services (\$134,707); Purchasing.

Ms. Fairclough requested for this item to be pulled for review on the Regular Agenda. (*See item 10.D.2*)

- 1  
2 9.D.3. Assembly Memorandum No. AM 158-2005, proprietary purchase of **computer software license**  
3 **renewal and hardware/software maintenance services** from International Business Machines (IBM)  
4 for the Municipality of Anchorage, Information Technology Department (\$656,412.48); Purchasing.  
5 9.D.4. Assembly Memorandum No. AM 159-2005, Change Order No. 2 to Vendor Contract 23MLP083 with  
6 Hoefler Consulting Group, Inc. for providing **air quality consulting services** for the Municipality of  
7 Anchorage, Municipal Light & Power (\$260,000); Purchasing.  
8 9.D.5. Assembly Memorandum No. AM 160-2005, proprietary purchase for **software development, training**  
9 **and implementation** from AutoDesk, Inc. for the Municipality of Anchorage, Municipal Light & Power  
10 (ML&P) (\$60,000); Purchasing.  
11 9.D.6. Assembly Memorandum No. AM 161-2005, reimbursement to the Alaska Railroad Corporation for  
12 **Downtown Area Storm Drain Improvements** for the Municipality of Anchorage, Project Management  
13 & Engineering Department (PM&E) (\$111,109.27); Purchasing.  
14 9.D.7. Assembly Memorandum No. AM 162-2005, Change Orders No. 1 & 2 to Purchase Order 240038 with  
15 Shaw EMCON/OWT for the **Landfill Gas Collection System** for the Municipality of Anchorage, Solid  
16 Waste Services (\$73,922.50); Purchasing.  
17

18 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.D.7)

- 19  
20 9.D.8. Assembly Memorandum No. AM 170-2005, **Internal Audit Department, 2005 Audit Plan.**  
21 **(Addendum)**  
22

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

- 24  
25 9.D.9. Assembly Memorandum No. AM 171-2005, Change Order No. 1 to Vendor Contract 24MLP146 with  
26 PDC, Inc. for providing various **engineering services** to the Municipality of Anchorage, Municipal  
27 Light & Power (ML&P) (\$110,000); Purchasing. **(Addendum)**  
28 9.D.10. Assembly Memorandum No. AM 172-2005, recommendation of award to MACTEC for providing  
29 **construction quality assurance services** for the Municipality of Anchorage, Solid Waste Services  
30 (RFP 24-P065) (\$285,899); Purchasing. **(Addendum)**  
31 9.D.11. Assembly Memorandum No. AM 173-2005, Change Order No. 2 to Purchase Order 240036 with Shaw  
32 EMCON/OWT for **landfill design services** for the Municipality of Anchorage, Solid Waste Services  
33 (\$56,572); Purchasing. **(Addendum)**  
34 9.D.12. Assembly Memorandum No AM 175-2005, 2004/2005 **Liquor License Renewals**, Aladdin's Fine  
35 Mediterranean & American Cuisine #2520, Cilantros #4275, Home Town Restaurant #4150, Jewel  
36 Lake Pizza & Tea Garden #1805, Little New Orleans #4337, New China Restaurant #1347, Organic  
37 Oasis Health Food & Juice Bar #3921, Pizza Man #1533, Residence Inn by Marriott #3934, Uncle  
38 Joes's Pizzeria #3917, Joe's Pizzeria #4293, Kumagoro #2276, Birchwood Saloon #758, Blues  
39 Central/Chef's Inn #217, Café Savannah #4295, Club Paris #258, Crow's Nest #290, Fletcher's #2290,  
40 Ginza Restaurant #3607, La Costa Loca #4367, La Mex #635, La Mex Too #636, O'Malley's on the  
41 Green #2696, Quarterback #932, Whale's Tale #1224, Courtyard By Marriott #3694, Millennium Hotel  
42 #2486, Glacier Brewhouse #3985, Orso Ristorante #4258, Midnight Sun Brewing Co. #3486, K & L  
43 Beverage Company #3964, Alyeska Prince Hotel #3449, Fred Meyer #4179, Fred Meyer #2884, In &  
44 Out Liquor #1 #156, In & Out Bush Liquor #2 #688, Liquor Locker #757, 2 Go Mart #62 #1568, and the  
45 Anchorage Golf Course; Municipal Clerk's Office. **(Laid on the Table)**  
46

47 Mr. Coffey declared conflicts of interest with Club Paris, La Mex, La Mex Too, Glacier Brew House, Orso Ristorante, K  
48 & L Beverage Company, In & Out Liquor #1 and 2 Go Mart #62. Chair Traini directed Mr. Coffey to abstain from  
49 participating on issues involving those establishments. Ms. Fairclough state for the record that these documents were  
50 Laid on the Table at the last minute, allowing no time to review the associated protests. Mr. Sullivan requested a  
51 correction in the spelling of "Ginza" Restaurant.  
52

- 53 9.D.13. Assembly Memorandum No. AM 1762005, protest of 2004/2005 **Liquor License Renewals**, Today's  
54 Pizza #2568, O'Brady's Burgers & Brew #2, #3396, Office Lounge #806, Spenard Paradise Inn &  
55 Lounge #1139 and Spirit of Alaska #3556; Municipal Clerk's Office. **(Laid on the Table)**  
56

57 Mr. Coffey declared conflicts of interest with Today's Pizza and Spenard Paradise Inn & Lounge. Chair Traini directed  
58 him to abstain from participating on issues involving those establishments. Ms. Fairclough stated for the record that  
59 these documents were Laid on the Table, allowing no time for review.  
60

61 **9.E. INFORMATION AND REPORTS** None.

62  
63 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 64 9.F.1. Ordinance No. AO 2005-20, an ordinance determining and approving the total amount of the **annual**  
65 **operating budget of the Anchorage School District** for its fiscal year 2005-2006 and determining  
66 and appropriating the portion of the Assembly approved budget amount to be made available from  
67 local sources; Anchorage School District. **(Public Hearing 3-29-05) (Laid on the Table)**  
68 a. Assembly Memorandum No. AM 73-2005.  
69 9.F.2. Ordinance No. AO 2005-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
70 Municipal Code Section 15.75 regarding **Pesticide Control** to modify drift protection and public notice  
71 for commercial pesticide application and application by the Municipality of Anchorage;  
72 Assemblymembers Coffey [and] Ossiander, Fairclough, Sullivan, Traini and Stout. **(Public Hearing 3-**  
73 **29-05)**  
74 a. Assembly Memorandum No. AM 153-2005.  
75

76 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.F.2)  
77

- 1 9.F.3. Ordinance No. AO 2005-39, an ordinance authorizing the **disposal of a municipal interest**, via  
2 relinquishment of easements no longer required, on Lot 6, Block 2 of Coven Village Subdivision and  
3 on Lot 1, Moose's Tooth Subdivision; Municipal Light & Power. (*Public Hearing set for 3-29-05*)  
4 a. Assembly Memorandum No. AM 166-2005.
- 5 9.F.4. Ordinance No. AO 2005-40, an ordinance authorizing the disposal of a municipal interest, via  
6 relinquishment of easements no longer required, on **Lot 5A, Block 5, SLM Subdivision**; Municipal  
7 Light & Power. (*Public Hearing set for 3-29-05*)  
8 a. Assembly Memorandum No. AM 167-2005.
- 9 9.F.5. Ordinance No. AO 2005-41, an ordinance authorizing a **capital lease/purchase agreement** to  
10 acquire an emergency response fire apparatus for the Anchorage Fire Department; Chugiak Fire  
11 Service Area. (*Public Hearing 3-29-05*)
- 12 9.F.6. Ordinance No. AO 2005-42, an ordinance amending Anchorage Municipal Code Subsection  
13 21.40.020B to allow **temporary uses** of up to 90 days in the PLI (Public Lands and Institutions)  
14 District (Planning and Zoning Commission Case 2004-168); Planning Department. (*Public Hearing 3-*  
15 *29-05*)  
16 a. Assembly Memorandum No. AM 168-2005.
- 17 9.F.7. Resolution No. AR 2005-57, a resolution of the Municipality of Anchorage appropriating \$750,000 from  
18 the MOA Trust Fund (730) for expert **financial management and support services** in Calendar Year  
19 2005; Finance. (*Public Hearing 3-29-05*)  
20 a. Assembly Memorandum No. AM 165-2005.

21  
22 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (*See item 10.F.7*)  
23

24 Chair Traini called for a motion to approve the remainder of Consent Agenda.  
25

26 Mr. Tesche moved, to approve the amended Consent Agenda.  
27 Mr. Stout seconded,  
28 and this motion was passed,  
29 with Mr. Coffey abstaining from participating on issues involving certain establishments listed in items 9.D.12  
30 and 9.D.13, including Club Paris, La Mex, La Mex Too, Glacier Brew House, Orso Ristorante, K & L Beverage  
31 Company, In & Out Liquor #1, 2 Go Mart #62, Today's Pizza and Spenard Paradise Inn & Lounge.  
32

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

36 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled  
37 items and proceeded into discussion of those items.  
38

#### 39 **END OF CONSENT AGENDA**

### 40 41 42 **10. REGULAR AGENDA**

#### 43 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 44 10.A.1. Resolution No. AR 2005-52, a resolution of the Anchorage Municipal Assembly honoring and thanking  
45 **Ed O'Neill** for his many years of involvement and service to the community; Mayor Begich;  
46 Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche,  
47 Traini, Tremaine and Whittle. (*Postponed from 3-1-05; Postponed to 3-29-05*)  
48

49 Mr. Coffey stated that Mr. O'Neill was sick and could not be present.  
50

51 Mr. Coffey moved, to postpone AR 2005-52 to March 29, 2005.  
52 Ms. Fairclough seconded,  
53 and this passed with no objections,  
54

#### 55 **10.B. RESOLUTIONS FOR ACTION - OTHER**

- 56 10.B.3. Resolution No. AR 2005-60, a resolution of the Anchorage Municipal Assembly authorizing  
57 participation in State of Alaska, Division of Community Advocacy Multi-Use Facilities' Request for  
58 Proposal for a **Girdwood Community Center and Library** and committing to facility operation after  
59 construction; Assemblymember Tremaine. (**Addendum**)  
60 1. Resolution No. AR 2005-60(S), a resolution of the Anchorage Municipal Assembly authorizing  
61 participation in State of Alaska, Division of Community Advocacy Multi-Use Facilities' Request  
62 for Proposal for a Girdwood Community Center and Library and committing to facility  
63 operation after construction; Assemblymembers Tremaine and Shamberg. (**Laid on the**  
64 **Table**)  
65

66 Chair Traini read this resolution title and called for a motion.  
67

68 Ms. Jennings moved, to approve AR 2005-60.  
69 Ms. Shamberg seconded,  
70

71 Ms. Jennings stated this resolution required that the Assembly be committed to sustain the facility and the programs  
72 that would be offered in the facility. Because the new document had not been distributed to Assemblymembers, she  
73 moved to postpone until later in the evening.  
74

75 To Mr. Tremaine, Municipal Attorney Fred Boness responded that he also had not seen the document.  
76

77 Ms. Jennings moved, to postpone AR 2005-60 until later in the meeting  
78 Ms. Shamberg seconded, when Assemblymembers had time to review the

and there were no objections, substitute document.

Chair Traini returned the body to complete this item. Municipal Manager Denis LeBlanc stated the Substitute Version had been handed out and Chair Traini called for a motion

Mr. Tremaine moved, to approve AR 2005-60(S).  
Ms. Shamberg seconded,

Mr. Tremaine stated the Substitute Version had been supported by Municipal Attorney Fred Boness, Economic and Community Development Director Mary Jane Michael and the Administration. Mr. Boness responded the changes were made to follow the grant package prepared by the Denali Commission.

To Ms. Jennings, Ms. Michael responded that the Denali Commission had received \$1 to \$2 million dollars from the Federal government for a joint library-community-health center in Girdwood. The Administration had coordinated with Senator Stevens and the Denali Commission to propose creating a community library that would be attached to the fire station. The grant application was due on March 19<sup>th</sup>. The Parks and Recreation Department had staff in Girdwood to operate the facility and had requested an additional \$90,000 for expanding hours of operation.

To Mr. Coffey, Mr. Boness responded that the word “sustain” referred to commitment, but there was no reference of a timeframe to maintain the facility. Without seeing the full provisions of the appropriations, there was no legally binding obligation to commit future Assembly action. Mr. Coffey viewed it as a moral obligation.

Ms. Fairclough stated that the Denali Commission had higher expectations and it should not be simply viewed as a moral obligation. She wanted on the record that she fully supported a library and community center in Girdwood, but wanted to know the funding sources. She wanted to see if the grants would also apply towards funding community facilities in Chugiak-Eagle River. She stated that the city was prepared to spend \$90,000 of areawide operation dollars and she would expect consideration of her future requests for the same in her district. To her question, Mayor Begich responded that the details of the funding would be discussed and determined by the Assembly, with the recommendation of the Girdwood Board of Supervisors. He responded that the Denali Commission was interested in entering into long-term contracts.

To Mr. Sullivan, Ms. Michael responded the total cost of the project was \$6 million, which included municipal land. She responded if the state did not offer the \$2 million funding, the department would pursue alternative options. The Mayor responded if state money was not appropriated, the project would be delayed and they would look for other resources.

Mr. Tremaine stated there was no reference to \$90,000 or a forecast of maintenance or operation costs in the ordinance. He thought the document was simply an Assembly endorsement of the grant application and urged the body to approve the ordinance.

Mr. Coffey stated that the quotes on proposed grants and funding still did not add up to the \$6 million needed for the project. Ms. Michael responded the department would be pursuing additional funding. The Mayor responded that the Administration wanted to secure sustainability and ensure the resources were in-hand before moving forward with the project. The Mayor responded that Girdwood was so interested in these community improvements, that they were moving forward to support themselves and would become less dependent upon areawide operating dollars. Mr. Coffey responded that he was comfortable that the Assembly would be informed of each stage of the process.

Chair Traini called for a vote on AO 2005-60(S).

and this motion was passed,

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

10.B.5. Resolution No. AR 2005-62, a resolution of the Anchorage Municipal Assembly supporting legislation relating to service in the Peace Corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of **eligibility for Permanent Fund Dividends** and to the period for filing an application for a permanent fund; Department of Assembly, Assemblymember Tesche. **(Laid on the Table)**

Ms. Ossiander moved, to approve AR 2005-62.  
Mr. Tesche seconded,

Ms. Ossiander proposed to amend, removing reference to House Bill 127, allowing focus on the topic. Mr. Tesche accepted that as a friendly amendment. She moved to postpone action until she could prepare the language, it was seconded by Mr. Tesche and the motion was approved with no objections. To Ms. Jennings, Chair Traini responded the title could also be changed for action that evening. She requested that administrative corrections be made, including spelling.

Ms. Ossiander moved, to amend AR 2005-62 on Page 1, in Section 1, *by deleting*  
Mr. Tesche seconded, *[House Bill 127]* and *by deleting* in the title *[supporting House*  
and this was approved with no objections, *Bill 127, “an act”]*

Mr. Sullivan moved, to amend AR 2005-62 on Page 1, Line 28, *by replacing*, to  
Ms. Fairclough seconded, read: WHEREAS, Peace Corp Volunteers are exposed to  
and this was unanimously approved, many risks including rapes, muggings, assaults and *[are in*  
*harm’s way every day of their lives]* *“are working in very*  
*difficult situations”* with statistics indicating ...

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

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

**10.D. NEW BUSINESS**

10.D.2. Assembly Memorandum No. AM 157-2005, proprietary purchase with Weissler Media Services for providing professional production services for the **Stop Abuse for Every (S.A.F.E.) Child Project** for the Municipality of Anchorage, Department of Health & Human Services (\$134,707); Purchasing.

Ms. Fairclough moved, to approve AM 157-2005,

Ms. Jennings seconded,

Ms. Fairclough clarified for the record that the organization she worked for was identified as a partner in the contract, but the funds were designated to fund media and would not be going to Standing Together Against Rape (STAR) and she did not have a conflict of interest. Chair Traini concurred and directed her to participate.

and this was passed without objection,

10.D.7. Assembly Memorandum No. AM 162-2005, Change Orders No. 1 & 2 to Purchase Order 240038 with Shaw EMCON/OWT for the **Landfill Gas Collection System** for the Municipality of Anchorage, Solid Waste Services (\$73,922.50); Purchasing.

Ms. Shamberg moved, to approve AM 162-2005.

Mr. Tremaine seconded,

To Ms. Shamberg, Municipal Solid Waste Services Director Robert Hall responded the program was for methane gas collection from the landfill at Highland. The system involved collection of both gas and liquids, created from pressure and decomposition, and would involve installation of wells and piping, a storage area and disposal sites. New federal mandates were requiring the Municipality to address this issue.

and this motion was unanimously passed,

10.D.8. Assembly Memorandum No. AM 170-2005, **Internal Audit Department, 2005 Audit Plan.**  
**(Addendum)**

Ms. Ossiander moved, to approve AM 170-2005.

Mr. Tremaine seconded,

Ms. Ossiander stated that Municipal Fiscal Officer Jeff Sinz had agreed to meet with Chugiak Birchwood Eagle River Rural Road Service Area (CBERRRSA) to discuss revenue expenses. She requested that the study include a review and analysis of areawide emergency medical services (EMS) budget allocations.

Ms. Ossiander moved, to amend AM 170-2005, *by including* a review and analysis  
Mr. Tremaine seconded, of areawide EMS budget allocations.

and this was unanimously approved,

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

**10.E. INFORMATION AND REPORTS** None.

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

10.F.2. Ordinance No. AO 2005-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.75 regarding **Pesticide Control** to modify drift protection and public notice for commercial pesticide application and application by the Municipality of Anchorage;  
Assemblymembers Coffey, [and] Ossiander, Fairclough, Sullivan Traini and Stout.  
a. Assembly Memorandum No. AM 153-2005. (*Public Hearing 3-29-05*)

Chair Traini read this ordinance title and stated that Assemblymembers Fairclough, Sullivan, Traini and Stout had requested to be included as cosponsors. He called for a motion.

Mr. Stout moved, to introduce AO 2005-38, as amended, with Public

Mr. Tremaine seconded, Hearing set for March 29, 2005.

Mr. Sullivan was the concurring third,

To Mr. Stout, Paratex Pied Piper Pest Control Owner Kenneth Perry responded he was pleased with the final draft of the ordinance, with one exception. He requested the inclusion of two paragraphs, to H, Sections 2 and 3. The language had been changed so the pesticide could be applied from the baseline of a house to a height of three feet. He stated adequate pesticide relief might also require application to trees, fence posts, retaining walls, logs, ties and other areas. To Mr. Stout, Mr. Perry responded that the word "and" should be changed on Page 1, Line 35 and on Page 2, Line 7. To Ms. Jennings, he responded that applying pesticide only to the base of a foundation up to three feet would not be sufficient. To Ms. Fairclough and Chair Traini, Mr. Coffey responded that he would change the "and" to "or" in a substitute version.

10.F.7. Resolution No. AR 2005-57, a resolution of the Municipality of Anchorage appropriating \$750,000 from the MOA Trust Fund (730) for expert **financial management and support services** in Calendar Year 2005, Finance. (*Public Hearing 3-29-05*)

a. Assembly Memorandum No. AM 165-2005.

Chair Traini read this resolution title and called for a motion.

Ms. Fairclough moved, *to introduce* AR 2005-57 with Public Hearing set for  
Ms. Jennings seconded, March 29, 2005.  
Mr. Stout was the concurring third,

To Ms. Fairclough, Chief Fiscal Officer Jeff Sinz responded that this appropriation was specifically provided for in the section of the code, under Trust Administration, and it was not an issue relative to the fund balance policy. Municipal Treasurer Dan Moore responded the code required that the five percent formula be applied against the trailing twenty quarters of market value data, net of expenses. Trust assets were used to pay the expenses necessary to operate the fund and this disbursement was authorized in the code.

To Mr. Coffey, Mr. Sinz responded that all of the fees and expenses would be paid from the earnings of the Trust. The Investment Advisory Commission concurred with and helped to oversee this process to determine performance. The market value of the fund balance was \$128,967,000 at the end of 2004, which was a nine percent gain over 2003.

#### 11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Information Memorandum No. AIM 7-2005, transmittal of the Planning and Zoning Commission record and recommendation of the denial for a rezoning application to rezone approximately two acres from R-1A (Single Family Residential District) to B-3 SL (General Business District with Special Limitations), for **Deborah Subdivision**, Block D, Lots 1, 2, 3, 4, 5 and 10 and a portion of a relinquished right of way (Tract D), generally located at Old Glenn Highway and north of Juanita Loop (Planning and Zoning Commission Case Number 2004-163); Planning Department.

1. Ordinance No. AO 2005-44, an ordinance amending the zoning map and providing for the rezoning of Deborah Subdivision Block 10, Lots 1, 2, 3, 4, 5 and 10, and a portion of a relinquished right of way (Tract A) from R-1A (Single Family Residential District) to B-3 SL (General Business District with Special Limitations), generally located east of Old Glenn Highway and north of Juanita Loop; Assemblymember Fairclough. ***(Laid on the Table)*** *(Public Hearing set for May 17, 2005)*

Ms. Fairclough stated the property owners were out-of-state and requested continuation of Public Hearing. Chair Traini read the ordinance title for the record. Ms. Fairclough requested the Planning Department notify all homeowners in the area.

Ms. Fairclough moved, *to accept* AIM 7-2005, with Public Hearing set  
Mr. Tremaine seconded, for May 17, 2005.  
and this was unanimously approved,

Ms. Fairclough moved, *to introduce* AO 2005-44, with Public Hearing set  
Mr. Tremaine seconded, for May 17, 2005.  
Mr. Stout was the concurring third,  
and there were no objections,

11.B. Assembly Memorandum No. AM 88-2005, proprietary purchase with Joe Hayes Legislative Consultants for professional **lobbying services** for the Municipality of Anchorage, Municipal Light & Power & Anchorage Water and Wastewater Utility (\$110,000); Purchasing.  
*(Carried Over from 2-15-05 and 3-1-05)*

Chair Traini stated there was a motion to approve on the floor from Ms. Jennings, seconded by Mr. Tremaine and that Mr. Stout had the floor.

Mr. Stout stated that the discussions had satisfied his questions.

To Ms. Jennings, Municipal Light and Power General Manager Jim Posey responded that the Joint Action Agency was a consortium of utilities, created to work on projects jointly.

and this motion was passed unanimously,

11.C. Assembly Memorandum No. AM 89-2005, proprietary purchase with the Law Offices of Mitch D. Gravo for professional **lobbying services** for the Municipality of Anchorage, Not to Exceed \$65,000; Mayor's Office. *(Carried Over from 2-15-05 and 3-1-05)*

Chair Traini read this memorandum title and stated it had been pulled by Ms. Ossiander. He called for a motion.

Ms. Ossiander moved, *to approve* AM 89-2005.  
Mr. Tremaine seconded,

Ms. Ossiander stated that her questions on monitoring success had been answered. Mayor Begich responded that once the Legislative Session was done, the Administration had requested the lobbyists have a worksession, to report their activities to the Assembly.

and this motion was passed,

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

- 11.D. Assembly Memorandum No. AM 148-2005, Panhandle Bar – Transfer of Ownership of a Beverage Dispensary Liquor License (Downtown Community Council); Clerk's Office. (*Postponed from 3-1-05*)

Chair Traini read this memorandum title and stated that Ms. Ossiander had pulled this item. He called for a motion.

Ms. Ossiander moved, to approve AM 148-2005.  
Mr. Stout seconded,

Mr. Tesche stated that this had been pulled and postponed for one week to get a recommendation for approval from the Downtown Community Council. Mr. Tesche proposed to attach and incorporate the

Mr. Tesche moved, to amend AM 148-2005 *by attaching and incorporating*  
Ms. Jennings seconded, the existing conditions on this license with the transfer  
and this was approved unanimously, of ownership.

Mr. Sullivan recommended consideration of additional conditions the prospective new owners had agreed to, including closing one-half hour earlier, and offering food service in the establishment. Mr. Tesche stated he would offer those conditions as amendments to the memorandum.

To Mr. Tesche, Chuck Dunnagan representing the Panhandle Bar responded that the prospective owners would comply with current conditions. They intended to include food service, but currently did not have kitchen facilities. He requested a two-month period to conform to the new conditions.

Mr. Coffey stated that two months was not enough time for construction of new kitchen facilities in an older building. He opposed conditional transfer of ownership and proposed approval with the conditions being met within the next year, in time for license renewal the following year. Mr. Dunnagan concurred.

To Mr. Sullivan, Mr. Dunnagan responded that he had attended the community council meeting and he had not understood the conditions to be mandatory. The prospective owners thought they were doing more than what was required by the conditions, including food service. The owners had joined the council and were interested in helping to improve the downtown issues.

Mr. Tesche moved, to amend AM 148-2005, by incorporating food service being  
Ms. Jennings seconded, offered at the bar.  
and this motion was later amended,

Mr. Tesche moved, to amend AM 148-2005, by incorporating closing time at  
Ms. Jennings seconded, 1:30 a.m., instead of 2:00 p.m.  
and this motion was later withdrawn,  
and referred to the Downtown Community Council,

Ms. Jennings thanked the new prospective owners for their attempts of improving items of concern and working with the community. Mr. Dunnagan responded that the owners may still decide to close at 1:30, to help with the other problems in the area, but agreed with Mr. Coffey and appreciated the year to explore their options. He responded that his clients were already considering a new name for the establishment. Mr. Tesche withdrew his amendment for closing hours at 1:30 a.m., and stated it would be referred back to the Downtown Community Council for the license renewal in 2006. Ms. Jennings, the second, concurred. Mr. Tesche proposed to amend his amendment for incorporating food service and Mr. Dunnagan concurred with the condition, allowing reasonable time to get it set up. Mr. Tesche moved and urged a YES-vote.

Mr. Tesche moved, to amend the Tesche Amendment, *by changing [by*  
Ms. Jennings seconded, ~~incorporating food service being offered at the bar.] to read:~~  
and this motion was approved, "within six months after approval of the transfer by the ABC  
with one objection, from Mr. Coffey, Board, food service shall be included at the bar."

Mr. Coffey stated he would object because there was no basis to determine that an existing facility had to change its methods of operation to avoid a protest from the Assembly.

Mr. Tesche stated there had been a request for a six-month review. He requested that this matter be referred to the Public Safety Committee for an informal review in six months after the approval of the transfer. Chair Traini and Mr. Coffey concurred and there were no objections from the body.

To Ms. Jennings, Mr. Dunnagan responded that the prospective owners had assumed the license would be subject to conditions and had been willingly operating in compliance by meeting or exceeding all conditions.

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

and this motion was passed,

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

**12. APPEARANCE REQUESTS** None.

**13. CONTINUED PUBLIC HEARINGS** None.

**14. NEW PUBLIC HEARINGS**



- 14.A. Ordinance No. AO 2005-29, an ordinance amending the zoning map and providing for the rezoning of **Tract C Eagle Bluff Subdivision** and Lots 90, 91, 106, 107, 108, 109, 110, 111, 112, 123, 124, 125, 126, 127, Section 14, T14N, R2W, S.M. AK, but more particularly described as the SE ¼, Section 14, T14N, R2W, S.M. AK commencing at the BLM section corner common to BLM Sections 13, 14, 23 and 24, also being the true point of beginning, thence N 89 E 59'30" W on the section line common to Sections 14 and 23, a distance of 320.70 Feet to a BLM E 1/16 corner; thence N 89 E 59' 42" W on the said section line, a distance of 672.54 Feet to the easterly right of way line of Yosemite Drive; thence N 00 E 00'15" E along the said right of way line a distance of 65.17 Feet to a point of curvature; thence northeasterly along the said right of way line on a curve to the right having a central angle of 44 E 39' 28", a radius of 450.00 Feet, and an arc length of 350.74 Feet to a point of tangency; thence N 44 E 39'43" E along the said right of way line a distance of 981.37 Feet to a point of curvature; thence northeasterly along the said right of way line on a curve to the right having a central angle of 33 E 48' 46", a radius of 1450.00 Feet, and an arc length of 855.71 Feet to a point of tangency; thence N 78 E 28' 29" E along the said right of way line a distance of 432.91 Feet to the section line common with Sections 13 and 14; thence S 00 E 15' 41" E on the said section line a distance of 243.57 Feet to a BLM S 1/16 corner; thence S 00 E 17' 01" E on the said section line a distance of 1324.07 Feet to the true point of beginning; containing 50.00 acres more or less, generally located at 8701 Yosemite Drive, Eagle River, from PC-SL (Planned Community with Special Limitations) to PLI (Public Lands and Institutions) (South Fork Community Council) (Planning and Zoning Commission Case 2003-082); Planning Department.
1. Assembly Memorandum No. AM 104-2005.

Chair Traini read the ordinance title and opened Public Hearing.

JOSE VICENTE, developer of Eagle Pointe Subdivision, testified in support of the rezone and requested consideration of other issues. He felt that the Platting Board's Traffic Impact Analysis (*TIA*) was inadequate for the projected traffic volumes and described the school's inadequate drainage system, which was having serious consequences to Yosemite Drive, Eagle Pointe Subdivision and Chugach State Park. There were questions concerning the Platting Board's approval, issuances of permits for school construction and compliance with requirements of a Master Plan, Title 21, the Eagle River Comprehensive Plan and Municipal regulations. To Ms. Fairclough, Mr. Vicente responded that the drainage was failing to reach catch basins or the sediment pond at the school because the ground had been damaged by the installation of a water line, which had impeded drainage flow. The driveways did not have adequate crowns to direct drainage. Prior to the high school development there were no drainage concerns in his subdivision, developed in 1998. To Ms. Ossiander, he responded the original clearing was required to have a buffer, but it had been destroyed. His subdivision had been approved for 287 lots and there were currently 140 homes, but the TIA had only 50. He responded that because the land was becoming valuable, he suspected additional property in the area would be developed. Ms. Ossiander stated that the TIA had also been questioned by two neighboring community councils. To Ms. Jennings, Mr. Vicente explained that the drainage system of Eagle Pointe Subdivision did not have the capacity to handle the drainage of the school. The school drainage system, which had been either poorly designed or poorly constructed, was not using the school storm drains or sediment pond, had damaged pavement and road shoulders, had flooded the subdivision multiple times and was the cause of the bluff erosion. To Ms. Shamberg, he responded that school representatives had assured him that all drainage from the school would be collected on-site and routed to the south, not to the north. Two years ago, when he discovered the drainage was to be routed to Eagle Pointe Subdivision, he contacted everyone and told them of the mistake. He responded that the buffer along Yosemite Drive was required to be retained, but had been destroyed. Ms. Shamberg responded that the buffer was one of the criteria required by the Assembly. To Mr. Tesche, Mr. Vicente responded that he submitted his concerns to the Platting Board, not to the School District. The Planning Department had told him the School District was exempt from complying with Title 21.

GEORGE VAKALIS, Assistant Superintendent of the Anchorage School District (*ASD*), testified that the ASD was following conditions of Title 21. There was no buffer requirement in the plat along Yosemite Drive and the existing buffer was comprised of many dead trees and vegetation. The ASD had agreed to revegetate the back of the school site if it was required and had never stated that the ASD was not responsible for any drainage problems. The Planning Department had agreed to look at the results of the independent consultant third-party review. If the ASD was responsible, the concerns would be fixed and all requirements would be met. If there was not a drainage flaw, the development would remain unchanged. In the interim, barriers had been established to channel drainage. He stated the TIA had been completed, following Municipal requirements and the city was responsible for roads designated as collectors. To Mr. Coffey, Mr. Vakalis responded the ASD was seeking a zoning change to Public Lands and Institutions (*PLI*) and that did not apply to the issue being addressed that evening. The zoning was a housekeeping matter because they tried to zone all schools PLI. Mr. Vakalis responded that the drainage concern would not be addressed in a rezone, but the ASD and the Municipality would insist the drainage was fixed, if there was a problem.

DEAN SYTA, with the ASD, responded to Ms. Ossiander, stating that he would distribute maps, indicating the school site, municipal lands and buffer requirements. He thought the TIA had been prepared by both the engineers and the ASD. Ms. Ossiander responded that the Valley Community Council had reviewed the TIA and the first one had not mentioned the subdivision and the second one had incorrectly indicated an 800-student school through 2015 and there would only be 50 homes in the subdivision. Ms. Ossiander responded those concerns needed to be addressed.

To Mr. Sullivan, Mr. Vakalis responded the drainage pipe was part of the subdivision. The erosion of the bluff was caused by Street Maintenance attempting to correct drainage problems. Mr. Sullivan responded that perhaps the collapse of the system was due in part to being overloaded from the volume of water coming from multiple sources. Mr. Vakalis responded that it had been difficult to determine because the pipe had been moved and was blocked and separated in places. If the school site was properly designed, the majority of the water coming from the asphalt surfaces on and near that site would run into the retention pond, keeping the water from reaching Yosemite Drive. If there were corrections needed, the consultants would clearly define them and address a solution and the ASD would own up to the problem.

Mr. Coffey questioned what drainage had to do with a rezone and he recommended a worksession to address the drainage issue. He stated the conditions of a rezone had been met, pertaining to the ordinance before the Assembly. Chair Traini responded that he had allowed the drainage issue to be heard because representatives of Eagle River-Chugiak had requested to address their concerns about this property. With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2005-29.  
Mr. Sullivan seconded,

Ms. Fairclough concurred with Mr. Coffey that the requests of the developer would better be met at the Platting Board, and the issue before the Assembly involved a rezone. She was interested in hearing the details of the TIA from the Planning Department and concurred with Mr. Coffey that a worksession was appropriate. Planning Department Administrator Jerry Weaver responded the Platting Board was already addressing the drainage and the road improvement issues, scheduled for April and he felt the board would sort it out.

Ms. Fairclough moved, to amend AM 104-2005 on Line 13 and 14, *by striking*  
Ms. Osslander seconded, ~~[Assemblymember Fairclough has proposed that Yosemite Drive be added to the Capital Improvements Program.]~~

Ms. Fairclough concurred with Mr. Coffey that the drainage issue was irrelevant to the issue before the Assembly. There was no intention from the School District or the Municipality not to comply with appropriate process and the issue could be resolved at the local level. The road supporting the high school would need improvements to meet collector standards.

and this motion was approved with no objections,

Mr. Sullivan stated there was a Joint Meeting with the Assembly and School Board scheduled for March 18<sup>th</sup> and the results from the third-party consultant could be reviewed at that time.

Ms. Osslander stated that she had requested this issue be addressed at the upcoming Joint Meeting. Ms. Fairclough stated she would not be able to attend the Joint Meeting and requested a worksession. To Chair Traini, Mike Gutierrez responded he would set up a worksession.

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

and this motion, as amended, was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Osslander, Shamberg and Coffey.  
NAYES: None.

14.B. Ordinance No. AO 2005-15, an ordinance amending the zoning map and providing for the rezoning consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to B-3 SL (General Business District with Special Limitations), for **Hillcrest Subdivision**, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court (Bayshore/Klatt Community Council) (Planning and Zoning Commission Case 2004-151); Assembly Chair Traini.

Chair Traini read the ordinance title and opened Public Hearing.

DON SMITH testified in support of the rezone and spoke of his proposed property improvements. The 1982 Comprehensive Plan had designated this property as commercial, and the rezone was appropriate. He was working with the Municipality and the State Department of Transportation (DOT) and had made adjustments on his site plans to accommodate intersections. Chair Traini and Mr. Coffey had been contacted by former Mayor Rick Mystrom, who owned property directly adjacent to this development, urging Assembly approval. To Mr. Tremaine, Mr. Smith responded that Tract C was privately owned and was going to be left as a buffer. He proposed adding a fenced park for the adjacent neighborhoods and he proposed a temporary dead-end until access was needed in the future. To Ms. Shamberg, Mr. Smith responded the Planning and Zoning Commission unanimously did not support this rezone, but had stated the property would eventually be rezoned. To Ms. Jennings, Mr. Smith responded he was planning to construct two buildings, add to the buffer and improve the road access to meet city and state standards. To Ms. Osslander, he responded the R-5 would eventually be rezoned. Mr. Coffey stated the rezoning was designated residential. Mr. Smith responded his plan and design would comply with the comprehensive plan and would fit into future expansion and development.

ARNOLD HECK, a long-time homeowner in the area, opposed the rezoning. He stated there were five lots that would never get city utilities if the rezone was allowed. He stated that the improvements would further isolate the small pocket of mobile homes and they would become a pocket of poverty. He agreed with Mr. Smith's proposed buffer. To Mr. Tremaine, he responded that he understood Title 21 would eventually rezone this area and he was concerned with traffic and pedestrian safety issues. He responded that the remaining mobile homes in this area were still on septic systems. To Mr. Sullivan, he responded that he understood Mr. Smith was considering bringing in city water to his lots and wanted to hear of his intention of continuing water through his lot to the neighborhood.

Chair Traini called for additional testimony, and there being none, he closed Public Hearing and called for a motion.

Mr. Sullivan moved, to approve AO 2005-15.  
Mr. Tremaine seconded,

To Mr. Sullivan, Mr. Smith responded that he would find where the water should come in and, at his own expense, pay for the water installation and he would accept that as a condition of the rezone. He indicated where he proposed the dead-end road. He responded that rezoning to R-O would create limitations, and thought it was premature.

To Ms. Ossiander, Municipal Zoning Administrator Jerry Weaver responded that a rezone would bring significant impacts. Traffic and high-density residential had not been thoroughly studied. The R-5 area was needed, but this particular area was problematic and would not comply with 2020. Economic Development Director Mary Jane Michael responded they were interested in establishing an 8-10 acre mobile home park. Heritage Land Bank Executive Director Robin Ward responded they were finding that R-5 lots were becoming too valuable and were being sold for single-family residential lots, and that mobile homes might eventually become nonconforming.

To Ms. Jennings, Mr. Weaver responded that staff believed that this property should be maintained as residential and could change in the future. The 97<sup>th</sup> Avenue crossing would be developed in the next five to ten years and was identified as part of the upgrades proposed for the New Seward Highway.

Ms. Shamberg requested the opportunity to discuss this issue with the P&Z Commission.

Mr. Coffey stated another option would be to consider a rezone, to include the R-5 and the R-3, but the process would have to be redone. Chair Traini stated there would be a worksession with the P&Z Commission.

To Mr. Coffey, Mr. Weaver responded the Planning Department was evaluating all the possibilities for this area, to be able to implement the 2020 Plan's goals and policies. They were evaluating ways to accommodate more residential.

To Mr. Sullivan, Mr. Weaver responded that high-corridor areas often involved rezone evolution from residential to business. Mr. Sullivan stated that he questioned if the Assembly would override the unanimous decision of the P&Z. Mr. Weaver responded that the whole area south of Abbott Road could be considered for rezoning. Municipal Attorney Fred Boness responded that Mr. Smith should make the application directly to Planning and Zoning and thought the single issue before the Assembly was the question of approval of the ordinance. Mr. Weaver stated the body could recommend remand back to P&Z.

Mr. Tremaine stated that he would like for the applicant to consider the process. If this issue was to be remanded back to the P&Z, the Assembly did not need to address this ordinance.

|                                      |                                                              |
|--------------------------------------|--------------------------------------------------------------|
| Mr. Sullivan moved,                  | <i>to remand</i> AO 2005-1 back to the Planning and Zoning   |
| Mr. Stout seconded,                  | Commission, for consideration of additional information from |
| and this motion was later withdrawn, | the applicant, including the condition of including water,   |
|                                      | blocking off the street access and the opportunity of        |
|                                      | discussion of a plan with neighboring landowners.            |

To Ms. Fairclough, Mr. Boness responded the requirement of water improvements was not considered a "taking," because the property owner had offered to install the water lines at his own expense.

Mr. Tremaine stated there was no question that the area needed improvements, but he was concerned with the applicant returning this issue to the P&Z. He thought the applicant might want to consider a rezone to R-O as an option.

Ms. Jennings did not think that a remand back to P&Z was productive. She urged a NO-vote.

Ms. Shamberg stated that more time was needed for consideration of process.

Mr. Coffey concurred with Ms. Jennings and recommended consideration of incorporation of a new R-5 rezone. Mr. Weaver responded that the staff could approve the R-5 rezone and it would not interrupt the one-year process.

|                        |                                                                                 |
|------------------------|---------------------------------------------------------------------------------|
| Mr. Tremaine moved,    | <i>to postpone</i> AO 2005-15 until March 29 <sup>th</sup> , with a worksession |
| Ms. Shamberg seconded, | scheduled.                                                                      |

To Mr. Sullivan, Mr. Weaver responded that the applicant could amend his application to request an R-O rezone and would not have to reapply for another process. Mr. Sullivan stated that time should be allowed to hold the worksession and have Mr. Smith discuss the options with his partners. Mr. Sullivan withdrew his motion to remand and Mr. Stout concurred. Chair Traini called for a vote on the Tremaine motion for postponement.

and this motion was approved with one objection,

Mr. Coffey requested that the neighbors and adjacent property owners be notified by Mr. Smith. Chair Traini stated that a worksession would be scheduled.

- 14.C. Ordinance No. AO 2005-30, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.120 pertaining to Assembly action on **liquor license applications**; Assemblymember Tesche.
1. Assembly Memorandum No. AM 108-2005.

Chair Traini read the ordinance title and opened Public Hearing.

BERNADETTE BRADLEY, President of Anchorage CHARR and SYLVIA VILLAMIDES, Executive Director of Anchorage CHARR, testified in support. Members of CHARR had worked with Mr. Tesche for several months for these improvements and thought this would help solve many problems, making Anchorage a safer place to live.

RON JORDAN, with Taku Community Council, supported this ordinance.

With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2005-30.  
Ms. Jennings seconded,

Mr. Tesche stated the ordinance addressed several issues, including a process of resolving problem bar issues, procedures to deal with protesting liquor licenses, guidelines and criteria for Assembly consideration of bar violations. An Assembly protest could not be based on police reports or written materials that were not provided to the establishment owner or operator before Public Hearing on the protest. It allowed the bar owner to actually see the protest and evidence being considered and it allowed the recommendations of community councils. He recommended two floor amendments and he urged approval.

Mr. Tesche moved, to amend AO 2005-30 on Page 2, Line 1, *by inserting*, "If the chief determines continued operation of a license poses a demonstrated risk to public order." And, on Page 2, Line 12, *by replacing* [~~At his discretion and at any time~~] with "For law enforcement purposes."

Mr. Tesche stated this would provide assurances to the industry that the Chief could make a recommendation that the Assembly Public Safety Committee consider a license, if a license had proposed a risk to public order. It also allowed the Chief to optionally issue the bar violation reports.

Ms. Jennings requested bifurcation of the two issues. Mr. Tesche agreed to bifurcate. Chair Traini stated he wanted to first hear additional comments on the main issue and requested the amendments be withdrawn. Mr. Tesche withdrew his motion and the second concurred.

Mr. Coffey agreed with the ordinance and stated it was an improvement over a flawed process. He would support it.

Mr. Sullivan moved, to amend AO 2005-30, on Page 2, Lines 1-2 to read: "D. [~~At any time, t~~] The chief of police may [~~prepare and~~] submit to the [~~a~~]Assembly [~~public safety committee~~]...", and on Line 12-13 to read, "E. [~~At his discretion and at any time, t~~] The chief may submit to the entire [~~a~~]Assembly [~~or its public safety committee~~]..."

Mr. Tesche opposed the amendment because the first step of the process needed to include the Public Safety Committee, with the discretion of the Chief included. He would not accept this as a friendly amendment. Mr. Sullivan responded that Assemblymembers comprised the Public Safety Committee. Mr. Tesche responded that the Assembly would be notified by the Municipal Clerk's Office when an appeal of protest was filed with the state. Municipal Clerk Barbara Gruenstein responded it was not routinely done in that manner, but the process could be set up. Mr. Coffey responded that when a protest of renewal or transfer of ownership or location was filed, the matter automatically went before the Alcohol Beverage Control (ABC) Board, and the Assembly had the right to protest the renewal or transfer of owner of location. To Mr. Sullivan, Mr. Coffey stated that he would agree to replace, "until such time as a protest has been filed."

Mr. Sullivan moved, to amend AO 2005-30 on Page 3, Line 17-18, by deleting, [~~a notice of appeal of~~] a protest "from the Assembly..."

Ms. Jennings questioned the increase of the numbers of days of notice and thought it would mean more work and time from the Municipal Clerk's Office. Municipal Clerk Barbara Gruenstein responded the office was trying to streamline the process and they would just deal with the 21-day notice. Mr. Tesche responded that the 21 days was an addition of a week and allowed more time for a licensee to put together a full-blown due-process hearing. Chief Monegan responded the ordinance actually opened up more options to help resolve issues, included taking action on issues at any time and not having to wait for a renewal period to address the concerns.

Mr. Tesche moved, to amend AO 2005-30 on Page 2, Line 1, *by inserting*, "If the chief determines continued operation of a license poses a demonstrated risk to public order."

Mr. Tesche moved, to amend AO 2005-30 on Page 2, Line 12-13 to read, "E. [~~At his discretion and at any time, t~~] For law enforcement purposes the chief may submit to the entire [~~a~~]Assembly ..."

Ms. Jennings thought the amendment needed correcting. She approved of the Police Chief using his discretion. Mr. Tesche responded that it provided an informal assurance, as requested by the alcohol industry and would be done for law enforcement purposes. Ms. Villamides responded that CHARR supported Mr. Tesche's amendment.

and this motion was unanimously approved,

Chair Traini called the Question on the main motion, as amended. He urged a YES-vote.

and the motion, as amended, was unanimously passed,

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

- 114.D. Resolution No. AR 2005-50, a resolution of the Municipality of Anchorage appropriating \$1,265,000 of revenues from within the Areawide General Capital Improvement Fund (401), \$385,000 of revenues from within the Anchorage Parks and Recreation Capital Improvement Fund (461), and \$35,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility and equipment improvements** at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Ben Boeke and Dempsey Anderson Ice Arenas, Anchorage Golf Course, and the Harry J. McDonald Memorial Center; Office of Economic & Community Development.
1. Assembly Memorandum No. AM 143-2005.

Chair Traini read this resolution title and opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Ms. Jennings moved,

Ms. Shamberg seconded,

to approve AR 2005-50.

Ms. Jennings moved,

Ms. Shamberg seconded,

and there were no objections,

to amend AR 2005-50 on Page 1, Line 22, *by adding* to read: that the sum of three hundred eighty five thousand dollars...”

Chair Traini called the Question on the main motion, as amended.

and this motion, as amended, was unanimously approved,

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

NAYES: None.

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

Chair Traini requested visiting scouts to introduce themselves. Boy Scout Troop 186, sponsored by the Church of Latter Day Saints, Sand Lake, included members Senior Patrol Leader Colton Hopsinson, First Class; Jeremy Anderson First Class; Tim Watson First Class; Justin Martin Star Class and; Mitchell Swenson First Class. They were there working on Citizenship and Community Merit Badges and were accompanied by Scout Master Wayne Watson.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Traini called for a motion to adjourn the meeting.

Mr. Coffey moved,

Mr. Tremaine seconded,

and this motion was passed unanimously,

to adjourn the Regular Assembly Meeting.

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

ABSENT: Tesche, excused.

The Regular Assembly Meeting was adjourned at 9:50 p.m.

ATTEST:

DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: April 12, 2005.

MC/BG

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