MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of May 31, 2005

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:05 p.m. in the Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

2. ROLL CALL

A Quorum was achieved with Assemblymembers present.

PRESENT: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Anna Fairclough, Dan Coffey, Chris Birch, Ken Stout, Paul Bauer, Dick Traini and Pamela Jennings.
ABSENT: None.

3. PLEDGE OF ALLEGIANCE

In honor of Memorial Day, Veterans Mr. Traini, Mr. Stout and Mr. Bauer led the pledge. Chief Master Sergeant Tim Tillman sang the National Anthem.

4. MINUTES OF PREVIOUS MEETING

4.A. Regular Meeting – May 3, 2005.

Mr. Coffey moved, Mr. Tesche seconded, and this passed motion without objection,	to approve the Regular Meeting Minutes of May 3, 2005.

5. MAYOR'S REPORT

Mayor Begich recognized three municipal employees present that evening, who served in various branches of military services. Those individuals included Vicki Applegate, Todd Bowey and Karla Beller.

Mayor Begich recognized Herbert Turner in attendance, an appointee to the Equal Rights Commission.

Mayor Begich stated there was a presentation that afternoon in City Hall, beginning a month of recognizing the Asian Pacific Islanders. The presentation would remain on display in the Lobby of City Hall for the month of June.

6. ASSEMBLY CHAIR'S REPORT

Chair Fairclough introduced a group of Russian visitors present that evening. There were eleven guests from Magadan and nine guests visiting from Blagoveschensk.

7. COMMITTEE REPORTS

Mr. Bauer reported on the recent Public Safety Meeting, where the Ravenite, an alleged house of prostitution that leased property from the Buckaroo Club, was discussed. The issue had been resolved.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and she read the Addendum items. She called for additional items and AR 2005-132 and AR 2005-133 were added. She assigned to these items 9.B.3 and 9.F.10, respectively. There being no additional items, Chair Fairclough called for a vote.

Ms. Jennings moved, Mr. Birch seconded, and this motion was unanimously passed,	to approve the inclusion of the Addendum items into the Regular Agenda.

The Chair called the Question on the Consent Agenda.

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

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. <u>Resolution No. AR 2005-127</u>, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Martha Anderson** for her service to the Municipality of Anchorage as Manager of the Child and Adult Care Licensing Program; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

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

9.A.2. <u>Resolution No. AR 2005-128</u>, a resolution of the Anchorage Municipal Assembly honoring and thanking **James S. "Gus" Gustafson** for more than 30 years of service to the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

Ms. Shamberg requested this item be pulled for review on the Regular Agenda. *(See item 10.A.2)*

9.A.3. <u>Resolution No. AR 2005-129</u>, a resolution of the Anchorage Municipal Assembly in memory of **Tim P. Fitzgerald**; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

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

9.A.4. <u>Resolution No. AR 2005-130</u>, a resolution of the Anchorage Municipal Assembly honoring and remembering those who have given their lives in our nation's military service by commemorating **Memorial Day**, May 30, 2005; Mayor Begich; Assemblymembers Fairclough, Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. <u>Resolution No. AR 2005-123</u>, a resolution of the Municipality of Anchorage providing for the appropriation of $5,550 of Anchorage Library Foundation and citizens' donations to the Miscellaneous Operational Grants Fund (261) to the Office of Economic and Community Development, for the purchase of **library books and materials**.
a. Assembly Memorandum No. AM 363-2005.

9.B.2. <u>Resolution No. AR 2005-124</u>, a resolution appropriating $47,000 from a Transfer of Responsibilities Agreement (TORA) with the Sate of Alaska Department of Transportation & Public Facilities (ADOT&PF) and the Municipality of Anchorage to the State Categorical Grants Fund (231) under the Municipal Traffic Department for **Bicycle/Pedestrian Transportation Coordination**; Traffic Department.
a. Assembly Memorandum No. AM 364-2005.

9.B.3 <u>Resolution No. AR 2005-132</u>, a resolution of the Anchorage Municipal Assembly, directing the Parks and Recreation Department to accept the Alaska Tennis Association's offer to conduct the **Municipality's Summer Tennis Tournaments**; Assemblymember Sullivan. ***(Laid on the Table)***

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

Mr. Sullivan moved, *to introduce* AR 2005-132.
Ms. Ossiander seconded,
Mr. Stout was the concurring third,

9.C. BID AWARDS

9.C.1. <u>Assembly Memorandum No. AM 345-2005</u>, recommendation of award to Sonshine Enterprises, Inc. for **Cope 39th – 40th Water and Sewer Upgrades** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C019) ($178,075); Purchasing.

9.C.2. <u>Assembly Memorandum No. AM 346-2005</u>, recommendation of award to Central Paving Products for providing **Type VI gravel** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 25-B041) ($130,650); Purchasing.

9.C.3. <u>Assembly Memorandum No. AM 347-2005</u>, recommendation of award to Denali Materials, Inc. for providing **emulsified asphalt** on an "as needed" basis to the Municipality of Anchorage, Maintenance & Operations Department (ITB 25-B038) ($1,224,550); Purchasing.

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

9.C.4. <u>Assembly Memorandum No. AM 348-2005</u>, recommendation of award to Graybar Electric for furnishing miscellaneous **electrical conduit and fittings** to the Municipality of Anchorage, Municipal Light & Power (ITB 215-B034) ($110,312.75); Purchasing.

9.C.5. <u>Assembly Memorandum No. AM 349-2005</u>, recommendation of award to SeaCoast Construction, Inc. for the **Anchorage Memorial Park Cemetery Road and Irrigation Improvements** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 25-C015) ($635,807); Purchasing.

9.C.6. <u>Assembly Memorandum No. AM 350-2005</u>, recommendation of award to Western Peterbilt of Alaska for furnishing two **residential frontload refuse trucks** to the Municipality of Anchorage, Solid Waste Services Department (ITB 25-B020) ($407,618); Purchasing.

9.C.7. <u>Assembly Memorandum No. AM 375-2005</u>, recommendation of award to Young's Firehouse for providing Bayer SCBA/SCUBA **air compressors and accessories** to the Municipality of Anchorage, Anchorage Fire Department (ITB 25B046) ($167,181); Purchasing. ***(Addendum)***

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 351-2005, **Equal Rights Commission** appointment (Herbert Turner), Mayor's Office. *(Postponed until June 14, 2005, allowing a 10-day public comment period)*

9.D.2. Assembly Memorandum No. AM 352-2005, **Planning and Zoning Commission** appointment (Shaun Debenham); Mayor's Office.

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

9.D.3. Assembly Memorandum No. AM 353-2005, recommendation of award to Resource Data, Inc. for providing consultant services for **Maximo Work Management System upgrade/support** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 24-P070) ($400,000); Purchasing.

9.D.4. Assembly Memorandum No. AM 354-2005, proprietary purchase with Yukon Equipment, Inc. for furnishing **Neptune cold water meters & supplies** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility ($175,000); Purchasing.

9.D.5. Assembly Memorandum No. AM 355-2005, proprietary purchase of **annual software maintenance support** from Indus International, Inc. for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (AWWU) ($95,738.50); Purchasing.

9.D.6. Assembly Memorandum No. AM 356-2005, **2005 Water Master Plan Update** – Amendment No. 5 to contract for professional services with HDR Alaska, Inc. ($50,000); Anchorage Water & Wastewater Utility.

9.D.7. Assembly Memorandum No. AM 357-2005, cooperative agreement with Forest Technology Systems for furnishing **fire weather stations** to the Municipality of Anchorage, Anchorage Fire Department ($56,583.92); Purchasing.

9.D.8. Assembly Memorandum No. AM 358-2005, proprietary purchase from ProQuest Information and Learning for **micro format serial publications** for the Municipality of Anchorage, Z.J. Loussac Public Library ($38,000); Purchasing.

9.D.9. Assembly Memorandum No. AM 359-2005, cooperative purchase agreement with NC Machinery for providing **curved cutting edges** to the Municipality of Anchorage, Maintenance and Operations Department ($79,630); Purchasing.

9.D.10. Assembly Memorandum No. AM 360-2005, recommendation of award to Sulzer Hickham to provide **turbine component refurbishment services** to the Municipality of Anchorage, Municipal Light & Power (RFP 25-P007) ($1,000,000); Purchasing.

9.D.11. Assembly Memorandum No. AM 361-2005, proprietary purchase with Anchorage Permit & Development Center for **miscellaneous building improvements** for the Municipality of Anchorage, Office of Planning, Development, and Public Works ($70,000); Purchasing.

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

9.D.12. Assembly Memorandum No. AM 362-2005, recommendation of award to various firms for providing professional **land surveying services** on an "as required" basis to the Municipality of Anchorage, Project Management & Engineering Department (RFP 25-P001) ($900,000); Purchasing.

9.D.13. Assembly Memorandum No. AM 374-2005, **Qdoba Mexican Grill** #4474 – New Restaurant/Eating Place Liquor License (Midtown, North Star, Rogers Park, Tudor Area, Spenard); Clerk's Office. ***(Addendum)***

9.D.14. Assembly Memorandum No. AM 375-2005, **Y2K Liquor** #3898 – Transfer of Ownership of a Package Store Liquor License (Taku/Campbell community Council); Clerk's Office. ***(Addendum)***

9.D.15. Assembly Memorandum No. AM 377-2005,.**Chugiak/Birchwood Eagle River Rural Road Service Area** Board of Supervisors appointments (Ron Goughnor); Mayor's Office. ***(Addendum)***

9.D.16. Assembly Memorandum No. AM 378-2005, recommendation of award to Key Bank for providing **banking services** to the Municipality of Anchorage, Department of finance (RFP 25-P006 Part A) ($180,000); Purchasing ***(Addendum)***

9.D.17. Assembly Memorandum No. AM 379-2005, recommendation of award to Bank of America Merchant Services for providing **merchant services** to the Municipality of Anchorage, Department of Finance (RFP 25-P006 Part B) ($1,900,000); Purchasing ***(Addendum)***

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.D.17)*

9.D.18. Assembly Memorandum No. AM 380-2005, contract Amendment No. 4 to SKW Eskimos, Inc for the 2004 **Merrill field Improvements** for the Municipality of Anchorage, Merrill Field Airport (ITB 24-C034) ($115,708.26); Merrill Field Airport. ***(Addendum)***

9.E. INFORMATION AND REPORTS

9.E.1. Information Memorandum No. AIM 34-2005, **2005 Assembly Committee and Liaison Assignments**; Assembly Chair Fairclough.

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

9.E.2. Information Memorandum No. AIM 35-2005, additional information concerning the planned reorganization of **municipal code enforcement activities** as requested April 26, 2005; Planning Department.

Ms. Shamberg requested this item be pulled for review on the Regular Agenda. *(See item 10.E.2)*

9.E.3. Information Memorandum No. AIM 36-2005, **contracts awarded between $50,000 and $100,000 through formal competitive processes** for the month of February 2005; Purchasing.

9.E.4. Information Memorandum No. AIM 37-2005, **contracts awarded between $50,000 and $100,000 through formal competitive processes** for the month of March 2005; Purchasing.

9.E.5. Information Memorandum No. AIM 38-2005, **contracts awarded between $50,000 and $100,000 through formal competitive processes** for the month of April 2005; Purchasing.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

9.F1. Ordinance No. AO 2005-71, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 11.60.200 to adjust **mandatory airport fees and charges**; Merrill Field Airport. *(Pubic Hearing 6-14-05)*
a. Assembly Memorandum No. AM 367-2005.

9.F.2. Ordinance No. AO 2005-72, an ordinance authorizing exchange of a portion of **Heritage Land Bank Parcel 6-036** for a portion of Tract A-2D; Alpine View Estates Subdivision. *(Pubic Hearing 6-14-05)*
a. Assembly Memorandum No. AM 368-2005.

Ms. Jennings requested this item be pulled for review on the Regular Agenda. *(See item 10.F.2)*

9.F.3. Ordinance No. AO 2005-73, an ordinance amending Anchorage Municipal Code Chapter 21.05 to add a new section for creating and adopting a **neighborhood or district plan**; Planning Department. *(Pubic Hearing 6-14-05)*
a. Assembly Memorandum No. AM 369-2005.

Following its approval on the Consent Agenda, Mr. Coffey moved for immediate reconsideration of this item. Reconsideration was approved and the item was reviewed on the Regular Agenda. *(See item 10.F.3)*

9.F.4. 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. *(Pubic Hearing 6-28-05)*
a. Assembly Memorandum No. AM 370-2005.

9.F.5. 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. *(Pubic Hearing 6-28-05)*
a. Assembly Memorandum No. AM 371-2005.

9.F.6. 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. *(Public Hearing set for 6-28-05)*
a. Assembly Memorandum No. AM 372-2005.

9.F.7. Resolution No. AR 2005-125, a resolution of the Municipality of Anchorage appropriating $288,739 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for the Traffic Department, Traffic Engineering Division, Signal Operations Section for the **Traffic Control and Signalization Project**. *(Public Hearing set for 6-14-05)*
a. Assembly Memorandum No. AM 365-2005.

9.F.8. Resolution No. AR 2005-126, a resolution of the Municipality of Anchorage appropriating $125,337 from the Federal Office for Domestic Preparedness through the Alaska Division of Homeland Security and Emergency Management and a contribution of $4,530 from the Anchorage Fire Service Area Fund (131), Anchorage Fire Department 2005 Operating Service Area Fund (131), Anchorage Fire Department 2005 Operating Budget, to the State Categorical Grants Fund (231), Anchorage Fire Department, for the purchase of **terrorism response equipment**. *(Public Hearing set for 6-14-05)*
a. Assembly Memorandum No. AM 366-2005.

9.F.9. 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. *(Public Hearing set for 6-28-05)* ***(Addendum)***
a. Assembly Memorandum No. AM 373-2005.

Ms. Shamberg moved, *to introduce* AO 2005-77, with Public Hearing set for.
Ms. Jennings seconded, June 28, 2005.
Mr. Bauer was the concurring third,

Mr. Traini requested this ordinance be reviewed by the Public Safety Committee, specifically to address the $25 fine for each offense per child, failing to wear a bicycle helmet.

Mr. Bauer, Chair of the Public Safety Committee, responded it would be addressed by the committee and he would report back to the Assembly.

9.F.10. Resolution No. AR 2005-133, a resolution of the Anchorage Municipal Assembly, appropriating $1,239,350 from the Eagle River Chugiak Parks and Recreation Service Area Fund 162, Office of Economic and Community Development's Eagle River Chugiak Parks Recreation and Community Development Division's 2005 operating budget as a contribution to the **Eagle River Chugiak Parks and Recreation Service Area's Capital Improvement Project Fund**, for capital improvements; Assemblymember Ossiander. *(Public Hearing set for 6-14-05)*

Ms. Ossiander moved, *to introduce* AR 2005-113, with Public Hearing set for
Mr. Sullivan seconded, June 14, 2005.
Ms. Jennings was the concurring third,

Chair Fairclough called for a motion to approve the remainder of Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda, as amended.
Mr. Traini seconded,
and this motion was passed,

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

Chair Fairclough announced the unanimous approval of the amended Consent Agenda, with the exception of the items pulled by members and proceeded into discussion of those items.

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2005-127, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Martha Anderson** for her service to the Municipality of Anchorage as Manager of the Child and Adult Care Licensing Program; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

Mr. Tesche moved, to approve AR 2005-127.
Ms. Ossiander seconded,
and this was passed without objection,

Mr. Tesche presented and Ms. Ossiander read the resolution to Martha Anderson, recognizing and honoring her for her 32 years of service to the Municipality, most recently as Manager of the Municipal Child and Adult Care Licensing Program. Ms. Anderson thanked the Assembly, the Administration and her staff for the recognition. Chair Fairclough, Ms. Jennings, Ms. Ossiander and Mayor Begich thanked her for her dedication to children and her service to the Municipality.

10.A.2. Resolution No. AR 2005-128, a resolution of the Anchorage Municipal Assembly honoring and thanking **James S. "Gus" Gustafson** for more than 30 years of service to the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

Ms. Shamberg moved, to approve AR 2005-128.
Mr. Bauer seconded,
and this was passed without objection,

Mr. Bauer read and Ms. Shamberg presented the resolution to James S. "Gus" Gustafson for his 30 years of service to the Greater Anchorage Area Borough and the Municipality, in the Public Works and Transit Bus Maintenance Departments. Mr. Gustafson thanked the Assembly for the recognition and spoke of the changes he had seen in the People Mover over the years. Chair Fairclough and Mayor Begich thanked him for his 30 years of service. Mayor Begich and Mr. Birch also recognized Mr. Gustafson as a Veteran with the United States Marine Corps.

10.A.3. Resolution No. AR 2005-129, a resolution of the Anchorage Municipal Assembly in memory of **Tim P. Fitzgerald**; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. ***(Addendum)***

Mr. Stout moved, to approve AR 2005-129.
Mr. Sullivan seconded,
and the motion passed without objection,

Mr. Stout read and Mr. Sullivan presented the award to the family of Tim P. Fitzgerald, who had recently died while on duty as a security officer at the Municipality. He was honored and remembered as a gentle and kind man. Mr. Fitzgerald's sister accepted the resolution and thanked the Assembly.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.3 Resolution No. AR 2005-132, a resolution of the Anchorage Municipal Assembly, directing the Parks and Recreation Department to accept the Alaska Tennis Association's offer to conduct the **Municipality's Summer Tennis Tournaments**; Assemblymember Sullivan. ***(Laid on the Table)***

Mr. Sullivan moved, to approve AR 2005-132.
Ms. Ossiander seconded,

Mr. Sullivan read the newly introduced resolution, supporting the Municipality's Summer Tennis Tournaments, an annual city event for the past thirty years. Tennis program coordinator Greg Tracy had recently moved from the state. His position had not been filled and there was no one assigned to cover the tournaments.

To Mr. Sullivan, Alaska Tennis Association *(ATA)* President Bill Cotton responded that ATA had originally offered to coordinate the tournaments at no-cost to the city. They had calculated that they lacked volunteers and might lose money. With the loss of sponsorship, the expenses of the tournaments outweighed the collected entry fees.

Parks and Recreation Director Jeff Dillon stated the budget had limited funding. They recognized the value of the tournaments, but did not have personnel to cover coordinating the events. They had tried to keep the fees low and felt the set fees were reasonable. To Mr. Tesche, Mr. Dillon responded each tournament lasted seven to nine days, and would involve about $1200 for expenses. Mr. Tesche questioned if the Assembly should be involved with managing tennis tournaments.

Mayor Begich stated the Administration would continue to work with the groups, helping them find sponsorships. The Administration had made cuts to remain focused on lowering property tax, including finding alternative sponsors for the Mayor's Marathon. There had been a shift in the city to charge fees for organized sports, but scholarships were still be available for lower income families and individuals.

Ms. Ossiander urged support for events that allowed the city to work with the citizens. Historically, Anchorage had provided these services, which were beneficial to the community. Mr. Dillon responded they wanted to support sports activities, but wanted to incorporate additional fees to cover events such as this.

Mr. Sullivan stated that if the group did not receive support, the tennis tournaments might be cancelled. He recommended consideration of the Parks and Recreation Department assistance for this year, while the group looked for sponsors. Working together to ensure the tournaments took place was a win-win situation for the city. After 30 years of tennis tournaments being annual events, it was worthwhile and appropriate for the city to offer support.

Ms. Jennings stated the loss of the special events coordinator and a limited Parks and Recreation operating budget was unfortunate. She respected Mayor Begich's offer to help coordinate to find sponsorship.

Mr. Birch supported the resolution. He approved of Mayor Begich's transition of the sponsorship of the Mayor's Marathon. He stated that supporting the ATA to coordinate the tournaments this year would offer a transition for the group to find future sponsorship.

Mr. Coffey stated the Assembly had approved full funding for Parks and Recreation Department.

Chair Fairclough called the Question on AR 2005-132.

and this motion was passed,

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

Mayor Begich, Mr. Coffey and Mr. Sullivan gave technical corrections to the Assembly Office for completing the final document.

10.C. BID AWARDS

10.C.3. Assembly Memorandum No. AM 347-2005, recommendation of award to Denali Materials, Inc. for providing **emulsified asphalt** on an "as needed" basis to the Municipality of Anchorage, Maintenance & Operations Department (ITB 25-B038) ($1,224,550); Purchasing.

Ms. Shamberg motion, to approve AM 347-2005.
Ms. Jennings seconded,

Ms. Shamberg requested information on the new emulsified asphalt materials. Municipal Engineer Howard Holtan responded the oil product was unchanged, but the application method was being improved by using smaller aggregate for the chip sealing process.

To Mr. Coffey, Municipal Purchasing Officer Bart Mauldin responded multi-year contracts were used so prices could be based on oil-futures. The Purchasing Department was obligated to send formal bid requests to all known participants registered with the Municipality. With this particular industry, there were only two companies in the city who produced the emulsified asphalt.

and this motion was passed,

AYES: Tesche, Shamberg, Ossiander, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
NAYES: None.
(Clerk's Note: Mr. Sullivan was out of Chambers at the time of the vote.)

10.D. NEW BUSINESS

10.D.2. Assembly Memorandum No. AM 352-2005, **Planning and Zoning Commission** appointment (Shaun Debenham); Mayor's Office. *(Postponed to 6-14-05)*

Ms. Jennings moved, to approve AM 352-2005.
Ms. Shamberg seconded,

Ms. Jennings moved, *to postpone* AM 352-2005 until June 14, 2005, allowing the required ten-day comment period.
Mr. Coffey seconded,
and this was approved without objection,

10.D.11. Assembly Memorandum No. AM 361-2005, proprietary purchase with Anchorage Permit & Development Center for **miscellaneous building improvements** for the Municipality of Anchorage, Office of Planning, Development, and Public Works ($70,000); Purchasing.

Ms. Ossiander moved, to approve AM 361-2005.
Ms. Jennings seconded,

To Ms. Ossiander, Municipal Engineer Howard Holtan responded that the new computers required extreme temperature and humidity conditions and the systems in the Planning Department had not been adequate. Municipal Purchasing Officer Bart Mauldin responded the Municipality was leasing the building and could request improvements, but it was the building owner's responsibility to arrange the bid and oversee the completion of the work. Mr. Holtan responded the department typically reviewed the quotes with the owner.

To Mr. Birch, Mr. Mauldin responded the request involved both maintenance and remodeling costs and were considered tenant improvements.

To Mr. Coffey, Mr. Mauldin responded the annual lease was $50,000 and they were asking for an additional $20,000 for the improvements. Deputy Municipal Manager Michael Abbott concurred. Mayor Begich stated the lease had not originated during his Administration, and they would have negotiated different terms.

and this was unanimously passed,

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

10.D.17. Assembly Memorandum No. AM 379-2005, recommendation of award to Bank of America Merchant Services for providing **merchant services** to the Municipality of Anchorage, Department of Finance (RFP 25-P006 Part B) ($1,900,000); Purchasing ***(Addendum)***

Ms. Ossiander moved, Mr. Sullivan seconded,	to approve AM 379-2005.

To Ms. Ossiander, Finance Director Ross Risvold responded the merchant services contract had been provided by First National Bank of Alaska, at an annual cost of $633,000. Mayor Begich responded the memorandum was for a three-year contract and would be a cost savings. Mr. Risvold responded this contract allowed city customers to pay for city services by using a credit or debit card, or an electronic check-conversion service. Municipal Treasurer Dan Moore responded that mandated fees, like property taxes, were processed by a different company and the tax payer was charged a convenience fee when using a card or e-check services.

To Mr. Traini, Mr. Moore responded the convenience fee was $3.

To Mr. Birch, Mr. Moore responded the city utilities and departments had always absorbed the service fees. He responded he would supply the statistics of measurements of the contract performance and volume.

To Mr. Coffey, Mr. Moore responded the city's costs were established on a per-transaction basis. He responded that Finance had determined the top three contract candidates from reviewing their written responses and oral presentations. He responded that the candidate selected, Bank of America Services, was located in San Francisco.

and this motion was passed,

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

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 34-2005, **2005 Assembly Committee and Liaison Assignments**; Assembly Chair Fairclough.

Mr. Tesche moved, Mr. Coffey seconded,	to accept AIM 34-2005.

To Mr. Tesche, Chair Fairclough responded that there were two errors in the document.

Following requests from Mr. Tesche and Chair Fairclough, Mr. Coffey proposed amendments. Mr. Tesche responded that, while he would be removed from the Regional Transportation Planning Organization, he would remain available as an advisor and consultant.

Mr. Coffey moved, Mr. Sullivan seconded, and this was approved without objection,	to amend AIM 34-2005, *by deleting* Mr. Tesche from the Regional Transportation Planning Organization and *by deleting* the Cook Inlet Aquaculture Committee entirely.
Mr. Bauer moved, Mr. Coffey seconded,	to amend AIM 34-2005, *by changing* Mr. Bauer to Chair and Ms. Shamberg to Co-Chair of The Anchorage School District Committee and *by deleting* Mr. Traini from the AMATS Committee.

Mr. Traini stated that only two members were allowed to serve on the AMATS Committee.

and this was approved without objection,

Ms. Jennings stated that diversity had been addressed at the recent Assembly Retreat. She stated that the Title 21 Committee and the Legislative Committee lacked diversity.

Mr. Coffey stated that the formation of ad hoc committees had also been discussed, with members being appointed as needed. This process was adequate as it was structured, as long as the number of members at the meeting was less than four, to comply with the Open Meetings Act.

Mr. Tesche stated that lack of diversity on two very important committees may lead to predominant views towards development and transportation. While he did not question the qualifications of the individuals on the committees, he concurred with Ms. Jennings' point of view, concerning diversity. He recommended consideration of involving more members with the committees, which would encourage diversity of viewpoints.

Mr. Sullivan stated it was important to comply with the Open Meetings Act, with a limit of three members, unless the meeting was noticed. Making a standard of noticing all meetings, allowing all members to attend would resolve the question of compliance.

Ms. Jennings stated the structure of the meetings had changed. She requested consideration for scheduling committee meetings along with the worksessions on Friday.

and this motion, as amended, was approved without objection,

10.E.2. Information Memorandum No. AIM 35-2005, additional information concerning the planned reorganization of **municipal code enforcement activities** as requested April 26, 2005; Planning Department.

Ms. Shamberg moved,	to approve AIM 35-2005.
Mr. Sullivan seconded,	

To Ms. Shamberg, Deputy Municipal Manager Michael Abbott responded the addition of three new code enforcement officers and better coordination among departments would speed the process of resolving cases.

Mr. Coffey stated that enforcement was being addressed, with a centralized dispatch center and cross-training for enforcement officers. Questions remained regarding the Hearing Officer, the legal proficiency of those who filed complaints and there being a lack of code understanding. Deputy Municipal Manager Michael Abbott responded the Administration was committed to addressing all issues and concerns, including a relationship with the legal department to better educate enforcement officers to ensure that cases would hold up before the Hearing Officer and Superior Court. There would be progress reports presented to the Assembly on a quarterly basis, summarizing all the issues and a worksession was scheduled for June.

Mr. Birch stated there had been a municipal code violation for a temporary banner, erected on the Tanglewood facility, with a fine of $29,700. This was an excessive amount and there was a need to review code compliance. The Municipal Ombudsman was reviewing this case and was hoping to reach resolution.

and this motion was approved without objection,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.2. Ordinance No. AO 2005-72, an ordinance authorizing exchange of a portion of **Heritage Land Bank Parcel 6-036** for a portion of Tract A-2D; Alpine View Estates Subdivision. *(Pubic Hearing 6-14-05)*
a. Assembly Memorandum No. AM 368-2005.

Ms. Jennings moved,	*to introduce* AO 2005-72 with Public Hearing set for June 14, 2005.
Ms. Shamberg seconded,	
Mr. Stout was the concurring third,	

10.F.3. Ordinance No. AO 2005-73, an ordinance amending Anchorage Municipal Code Chapter 21.05 to add a new section for creating and adopting a **neighborhood or district plan**; Planning Department. *(Pubic Hearing [~~6-14-05~~] 7-12-05)*
a. Assembly Memorandum No. AM 369-2005.

Following its approval on the Consent Agenda, Mr. Coffey moved for immediate reconsideration of this item.

Mr. Coffey moved,	*for immediate reconsideration* of AO 2005-73.
Mr. Birch seconded,	
and this was approved without objection,	

Mr. Coffey moved,	to change the Public Hearing date of AO 2005-73 from [~~June 14, 2005~~] to "July 12, 2005".
Mr. Bauer seconded,	

Mr. Coffey requested allowing additional time to address this matter. There needed to be time to review the recommendations from Planning and Zoning. He requested this plan also be reviewed by the Title 21 Committee, reporting to the Assembly.

To Chair Fairclough, Mr. Coffey responded he would coordinate with the Title 21 Committee and Assembly Budget and Legislative Affairs Director Elvi Gray-Jackson to set up a worksession.

Ms. Ossiander stated that Title 21 Committee meetings were opened to the public and invited all interested persons to join them.

and this motion was approved without objection,

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

NAYES: None.

10.F.9. 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. *(Public Hearing set for 6-28-05)* ***(Addendum)***

a. Assembly Memorandum No. AM 373-2005.

Ms. Shamberg moved, *to introduce* AO 2005-77, with Public Hearing set for June 28, 2005.
Ms. Jennings seconded,
Mr. Bauer was the concurring third,

Mr. Traini requested AO 2005-77 be reviewed by the Public Safety Committee, addressing issues such as the $25 fine for each offense per child for failing to wear a bicycle helmet. There were no objections.

Mr. Bauer, Chair of the Public Safety Committee, responded it would be addressed by the committee before the Public Hearing.

10.F.10. Resolution No. AR 2005-133, a resolution of the Anchorage Municipal Assembly, appropriating $1,239,350 from the Eagle River Chugiak Parks and Recreation Service Area Fund 162, Office of Economic and Community Development's Eagle River Chugiak Parks Recreation and Community Development Division's 2005 operating budget as a contribution to the **Eagle River Chugiak Parks and Recreation Service Area's Capital Improvement Project Fund**, for capital improvements; Assemblymember Ossiander. *(Public Hearing set for 6-14-05)*

Ms. Ossiander moved, *to introduce* AR 2005-133, with Public Hearing set for June 14, 2005.
Mr. Sullivan seconded,
Ms. Jennings was the concurring third,

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS None.

12. APPEARANCE REQUESTS

12.A. **Richard W. Kotsch**, regarding Anchorage Amateur Radio Club Field Day – June 26 & 27.

RICHARD KOTSCH, member of the Anchorage Amateur Radio Club *(AARC)*, who was joined by Dr. Heather Hapsburg, announcing their annual Field Day Event on June 26th and 27th. There were 300 members in the AARC, who continually made donations to many non-profit organizations and groups in Anchorage for the betterment of citizens of Anchorage. Historically, club members had assisted with communications for public service, national disasters and natural disasters, including the 1964 Good Friday Earthquake. This year members would be demonstrating emergency communications in a disaster situation at Kincaid Park. Dr. Hapsburg, the emergency coordinator, would be offering skills training. Ms. Jennings and Chair Fairclough thanked Mr. Kotsch, Dr. Hapsburg and the AARC members for the communication services the members continually provided to the community.

12.B. **Ian Overton**, to petition for immediate and long-term actions to be taken regarding the absolute necessity of preserving our state pensions and rebuilding our economic infrastructure.

IAN MATTHEW OVERTON stated that the onset of imperial capitalism was creating a critical economic situation in the United States. This was leading to self destruction and economic collapse, with an already-evident loss of quality of life. Mr. Overton stated that Lyndon Larouche had predicted all of these events for the past thirty-four years and Mr. Overton urged Assembly consideration of implementing Larouche's emergency reconstruction policies to save the nation.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2005-42, an ordinance amending Anchorage Municipal Code Subsection 21.40.020B to allow **temporary uses** of up to 90 days in the PLI (Public Lands and Institutions) District (Planning and Zoning Commission Case 2004-168); Planning Department. *(Continued from 3-29-05)*

1. Assembly Memorandum No. AM 168-2005.
2. Ordinance No. AO 2005-42(S), an ordinance amending Anchorage Municipal Code Subsection 21.40.020B to allow temporary uses of up to 90 days in the PLI (Public Lands and Institutions) District (Planning and Zoning Commission Case 2004-168); Planning Department. ***(Laid on the Table)***

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

Ms. Ossiander moved, to approve AO 2005-42(S).
Mr. Sullivan seconded,

Ms. Ossiander stated the Planning Department agreed with the changes in the substitute version and she urged support.

and this motion passed unanimously,

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

13.B. Ordinance No. AO 2005-61, an ordinance amending Anchorage Municipal Code Chapter 21.47 regarding **Sign Standards**, Maximum Luminance Standards and Regulations, Nonconforming Internally Illuminated Signs, Changeable Copy Interval for Certain Non-Residential Signs, Measurement Standards for Non-Residential Signs In Residential Zoning Districts, and other minor revisions to clarify code provisions; Planning Department. *(Continued from 5-03-05; Continued to 6-14-05)*

1. Assembly Memorandum No. AM 250-2005.
2. Ordinance No. AO 2005-61(S), an ordinance amending Anchorage Municipal Code Chapter 21.47 regarding Sign Standards, Maximum Luminance Standards and Regulations, Nonconforming Internally Illuminated Signs, Changeable Copy Interval for Certain Non-Residential Signs, Measurement Standards for Non-Residential Signs In Residential Zoning Districts, and other minor revisions to clarify code provisions; Planning Department. ***(Laid on the Table)***

Chair Fairclough read the ordinance title and opened Public Hearing.

GLENN CLARY, with the Anchorage Baptist Temple, testified in support of the S-Version. He made several recommendations for changes that would help direct attention to church activities and events. To Mr. Tesche, Mr. Clary responded that he agreed with the changes that would impact his church in residential zoning. He responded the proposed Coffey Amendment, changing the copy to one time per 20-second period, was acceptable. To Mr. Sullivan, Mr. Clary responded it was important to have identification on the sign.

GEORGE VAKALIS, representing the Anchorage Chamber of Commerce, testified in support of the S-Version. It allowed some flexibility for additional changes that could be addressed in the future. To Mr. Sullivan, Mr. Vakalis responded those future issues could include consideration of conditional grandfathering rights, if the signs continued to be upgraded and improved, which would be consistent with the historic manner in which business had been run in the city. To Ms. Ossiander, Mr. Vakalis responded the Chamber supported the continued prohibition of light backgrounds and dark letters and thought a compromise might be to change the number of illumes *(illuminations).* To Mr. Tesche, Mr. Vakalis responded the Chamber consistently supported non-conforming signs, including grandfathering rights and a repeal of the amortization period. To Mr. Coffey, Mr. Vakalis responded the changes were an improvement for the ordinance and the Chamber was in support. To Ms. Jennings, Mr. Vakalis responded that the Chamber supported the S-Version, with the proposed changes.

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

Mr. Coffey moved, to approve AO 2005-61(S).
Ms. Ossiander seconded,

Ms. Ossiander described the proposed changes in the substitute version, which included proposed amendments from the Planning Department and Assemblymembers.

To Mr. Coffey, Planning Department Director Tom Nelson responded they had submitted their draft to the Title 21 Sign Committee. Mr. Tesche and other members had not received the new version or amendments. Mr. Coffey proposed postponement to allow time for Assemblymembers to review all changes.

Mr. Coffey moved, *to postpone* AO 2005-61(S) until June 14, 2005.
Mr. Sullivan seconded,

Mr. Tesche concurred with postponement and requested a review from the Planning and Zoning Commission *(P&Z)*.

Mr. Nelson stated the P&Z had a full agenda already scheduled on June 6th and recommended changing the date. Mr. Coffey responded that the amendments appeared to be housekeeping or additions dealing with political signs, illumination or glare. He opposed sending the ordinance to P&Z.

Ms. Ossiander supported the motion to postpone and opposed referring the issue back to P&Z, but requested comments from the Planning Department.

Mr. Sullivan supported postponement because additional time was needed to review the document in more detail

Mr. Tesche moved to amend the Coffey Amendment *by changing* postponement
Ms. Ossiander seconded, from [~~June 14th~~] to "July 12th," with a review from P&Z.

Mr. Tesche stated that the additional time would allow P&Z to make recommendations to the Assembly on the changes, including addressing possible unintended consequences.

Mr. Stout opposed the Tesche Amendment, because it had already been reviewed by numerous committees and departments and the Assembly needed to make the decisions. He supported the Sullivan Amendment, allowing Assemblymembers more time to review the new document.

Ms. Jennings supported the Tesche Amendment, allowing P&Z to review and make recommendations.

Mr. Traini supported the Tesche Amendment and supported getting the P&Z recommendations, which involved the proper process.

and this motion failed,

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

Chair Fairclough called the Question on the Coffey Amendment, to postpone until June 14th.

and this motion was unanimously passed,

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

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2005-112, a resolution recommending selection of a site in **Southwest Anchorage** for an elementary school, to consist of approximately 15 acres, generally located in the Kincaid Estates Subdivision, within the NE1/4, SE1/4 and SW1/4 of Section 9, T12N, R4W, S.M., Alaska; and selection of a site in Southwest Anchorage for a middle school, to consist of approximately 27 acres, generally located in the southern portion of an unsubdivided parcel, being south of Tract A, Lancaster Subdivision, in the SW1/4 of Section 10, T12N, R4W, S.M., Alaska; Planning Department.

1. Assembly Memorandum No. AM 330-2005.

Chair Fairclough read this resolution title and opened Public Hearing.

DEANNA ESSERT supported the M-2 site for the Middle School and opposed the E-1B, alternative site for the elementary school, as did the Sand Lake Community Council. She listed the many problems with the E-1B site. She questioned if enough research had been done on the airport expansion of a new north-south runway. Schools built on this site would need extensive and costly engineering to accommodate the problems, to meet standards. She encouraged consideration of alternative sites.

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

Mr. Sullivan moved, to approve AR 2005-112.
Ms. Ossiander seconded,

Mr. Sullivan stated that negotiations for the preferred site were ongoing. He stated that all members shared the same concerns of Ms. Essert on the secondary site. He was encouraged that negotiations between the Heritage Land Bank, the School District and the property owners of the preferred site were moving ahead smoothly and he was confident the right site would be acquired.

Ms. Jennings moved, to amend AR 2005-112 on Page 2, Section 2, on Line 33 *by changing* [~~are~~] area, and on Line 34, *by adding* to read: Site E-1A be selected "as the preferred site" for an elementary school, and …; and in Section 3, Line 36, *by adding* to read: That, if acquisition "of the preferred" Site E-1A; and *by replacing*, to read: Site E-1A cannot be [~~arranged~~] "concluded.
and there were no objections ,

Chair Fairclough confirmed concurrence from School Administration personnel, in the audience.

Mr. Coffey stated that there was a substantial need for an elementary school in that area.

Chair Fairclough put the Question.

and this motion, as amended, was passed,

AYES: Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
NAYES: None.
(Clerk's Note: Mr. Tesche was out of Chambers at the time of the vote.)

Mr. Coffey moved, to change the order of the day to take up 14.N.
Mr. Bauer seconded,
and there were no objections,

(Clerk's Note: Following Assembly Action of 14.D. the Assembly approved reconsideration of AR 2005-112 and the body was returned to this item for additional discussion and action.)

Chair Fairclough reopened Public Hearing.

SUSAN RIDDER opposed the proposed elementary school site in the gravel pit. She listed many reasons the site was not appropriate and urged continuing the search for alternative sites. Mr. Sullivan responded if the lower site were chosen there would be extensive testing for air quality, among other things. He stated it was their intention to secure the upper site, which was the preferred site.

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

Ms. Jennings moved, to approve AR 2005-112, as previously amended.
Mr. Sullivan seconded,
and this motion was unanimously passed,

14.B. Resolution No. AR 2005-113, a resolution of the Municipality of Anchorage appropriating the sum of $135,195 as a grant from the U.S. Environmental Protection Agency and a contribution of $323,000 from the 2005 Operating Budget, Fund 101, Department of Health and Human Services as a match to

the Federal Categorical Grants Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and planning**.
1. Assembly Memorandum No. AM 331-2005.

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

Mr. Birch moved, to approve AR 2005-113.
Mr. Coffey seconded,

Ms. Jennings requested the Title 21 worksessions be scheduled for Friday, so she would be able to attend.

To Mr. Birch, Deputy Municipal Manager Michael Abbott responded the city was involved with a study, determining the impact of the emissions testing program. The outcome of that study had the potential of creating the opportunity to petition the Environment Protection Agency *(EPA),* to lessen or omit the requirements of the EPA emissions testing program.

and this motion was passed without objection,

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

14.C. Ordinance No. AO 2005-63, an ordinance amending Anchorage Municipal Code Chapter 9.54 to clarify applicability to **Tow Operators**, to add new definitions, and for tow operator participation in the Anchorage Police Department Rotational Tow Program, retroactive to January 1, 2005; Legal Department.
1. Assembly Memorandum No. AM 267-2005.

Chair Fairclough read the ordinance title and opened Public Hearing.

EDNA STAUBER testified in support of creating a recycling center, with capabilities of crushing cars, to clean up the junk cars and recyclable materials in the city. Recycling would save money in the long run, making an environmental difference in the city and may qualify for state and federal grants. Mr. Traini responded that the Rust in Peace program was designed to remove abandoned and unwanted vehicles from private property without expense to the property or business owner. Ms. Stauber responded that it was still expensive to prepare a car for the crusher. To Ms. Jennings, Ms. Stauber responded that her son owned a towing company. She stated that the new towing rules would cause friction among towing companies.

WILL WEBB, tow operator for 23 years, agreed with most of the ordinance, but opposed the $500 fee.

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

Mr. Coffey moved, to approve AO 2005-63.
Mr. Traini seconded,

To Ms. Ossiander, Chair Fairclough responded that this ordinance only dealt with posting rates, and was not setting rates in Anchorage. There would be discussion of possible business licensing in the future.

To Chair Fairclough, Anchorage Impound Supervisor Mindy McCulley responded that the department had modified the attachment accompanying the ordinance. She distributed copies of the rates she had calculated for the Rotational Tow Program, to which she had received positive feedback from towing operators in the program. To Ms. Ossiander, Ms. McCulley, responded there were currently ten companies on the Municipal Rotational Tow Program list, which had to meet certain requirements, including posting all rates and charges. The department had discovered a huge range of rates among towing operators. With the assistance from the municipal legal staff, reasonable rates had been incorporated into the document, which would only apply to the ten tow companies used by the Anchorage Police Department *(APD).* The rest of tow operating community would be addressed in the future.

Mr. Sullivan questioned the $500 fee and Ms. McCulley responded it was an annual administrative fee, with an adjustable maximum of $1000 for the future. She stated it was their intention to set the fee at $500 now.

To Mr. Traini, Ms. McCulley responded that if the ordinance was approved that evening, the fee could be raised to $1000. Deputy Municipal Manager Michael Abbott responded the rate increase would be to the discretion of the APD. Mayor Begich supported capping the rate at $500. Ms. McCulley concurred.

Mr. Stout stated this would allow other towing companies to change their prices considerably. There should be some maximum limitations applied to the rates. Ms. McCulley responded that she had calculated fair and reasonable rates, after finding widely varied fees charged by towing companies, including companies used by the city. Mayor Begich responded the attachment would define 'reasonable' rates. If tow companies exceeded the recommended rates, they would not qualify to participate in the Municipal Rotational Tow Program.

Mr. Coffey requested legal interpretation of establishing maximum fees. Municipal Attorney Fred Boness did not view setting the rates as an anti-trust concern, but were setting reasonable rates for criteria of the program, and did not see it as controlling the market. Mr. Coffey interpreted the intent as mandatory requirements. Mayor Begich responded that criteria for the city tow program were included in the document. To Mr. Coffey, Ms. McCulley responded the program was still considered a voluntary program, which was included in the document on Page 1, Line 16.

To Chair Fairclough, Mayor Begich responded that only operators in the Rotational Tow Program would be charged the administrative fees. Ms. McCulley concurred and stated addressing this issue was a first step in the right direction.

Mr. Traini stated the authority of arbitrarily increasing the $500 fee should remain the responsibility of the Assembly.

Mr. Traini moved, Mr. Coffey seconded, and this was approved without objection,	to amend AO 2005-63 on Page 2, Line 29, *by changing* to read: Tow operators shall pay an annual fee, not to exceed [~~$1,000~~] "$500", to operate in the APD Rotational Tow…
Mr. Coffey moved, Mr. Sullivan seconded, and this was approved without objection,	to amend AO 2005-63, *by substituting* the attachment, The APD Rotational Tow Program, as revised, May 25, 2005, to the ordinance.

Chair Fairclough put the Question on the main motion.

and this motion, as amended, was passed unanimously,

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

To Chair Fairclough, Mr. Boness confirmed there was no conflict with the towing fees not being mentioned in the title.

Mr. Coffey moved, Mr. Bauer seconded and there were no objections,	for the Assembly to go into Executive Session to discuss the Girdwood Golf Course.

Mayor Begich stated it was their intent to have only confidential information concerning the financial negotiation of this business proposition discussed during the executive session. All other matters were public information.

(Clerk's Note: See additional discussion of the Assembly Executive Session in Agenda item 15.)

14.D. Resolution No. AR 2005-121, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the B-2B District for a new restaurant, or eating place use per AMC 21.40.160D.13 for **Muffin Man Café 817 Restaurant**; located on Lot 10, Block 54, Original Townsite Subdivision; site address being 817 W. Sixth Avenue, generally located on the north side of Sixth Avenue between H and I Streets (Downtown Community Council) (Case 2005-060); Planning Department.
1. Assembly Memorandum No. AM 343-2005.

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

Mr. Tesche moved, Mr. Sullivan seconded,	to approve AR 2005-121.

Mr. Tesche supported the conditional use. He knew the operator and was confident the business would be run in a responsible manner and would be a good addition to the downtown restaurants.

Mr. Traini supported the conditional use for Muffin Man. The neighboring church had high regards for this business.

To Ms. Ossiander, the Administration responded that 10% of sales was a common percentage for a dinner restaurant.

Chair Fairclough put the Question.

and this motion was unanimously passed,

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

Ms. Jennings stated there was a resident from Sand Lake who wished to testify on the Sand Lake school site, an item that had been discussed and approved earlier that evening. She moved for reconsideration and urged a YES-vote.

Ms. Jennings moved, Mr. Sullivan seconded, and this motion was passed,	*for immediate reconsideration* of AR 2005-112, item 14.A, concerning the Southwest Elementary School Site.

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

(Clerk's Note: See item 14.A for continued Public Hearing and Assembly discussion and action on this resolution.)

14.E. Ordinance No. AO 2005-52, an ordinance dedicating certain municipal lands for park or recreational purposes (Addition to **Baxter Bog Park**: Tax ID Nos. 007-183-89, Eastown Subdivision, TR A-1 (Plat No. 99-8); 007-191-65, Century Village Unit No. 2, TR B-1G (Plat No. 77-69); 007-191-66, Century Village Unit No. 2, TR B-1H (Plat No. 77-69)); Assemblymember Stout.
1. Assembly Memorandum No. AM 214-2005.

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

Mr. Traini moved,	to approve AO 2005-52.

Ms. Jennings seconded,

Mr. Coffey stated these were parcels of land being considered for parks and recreation. He supported the dedication.

and this motion was unanimously passed,

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

(Clerk's Note: Following discussion and action on item 14.F, AO 2005-53, this item was approved for reconsideration.)

Mr. Stout moved, *for immediate reconsideration* of AO 2005-52.
Mr. Coffey seconded,
and this was approved,

Mr. Coffey moved, *to postpone* AR 2005-52 with Public Hearing continued to June 14th, allowing the Administration time to prepare a summary of economic effects.
Mr. Stout seconded,
and this was approved without objection,

14.F. Ordinance No. AO 2005-53, an ordinance dedicating certain municipal lands for park or recreational purposes (**San Antonio Park**: Tax ID Nos. 005-062-48, Australaska Subdivision Block 3, Lot 10 (Plat No. 65-102); 005-062-49, Australaska Subdivision, Block 3, Lot 11; 005-062-50, Australaska Subdivision, Block 3, Lot 12; 005-062-01, Australaska Subdivision, Block 3, Lot 13); Assemblymember Stout. *(Continued to 6-14-05)*
1. Assembly Memorandum No. AM 215-2005.

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

Mr. Stout moved, to approve AO 2005-53.
Ms. Jennings seconded,

To Ms. Ossiander, Municipality Parks and Recreation Director Jeff Dillon responded the department had conducted numerous studies, but there was no summary of economics effects included with this ordinance. Municipal Attorney Fred Boness responded a summary was required as an attachment to the document, unless local economic effects were less than $30,000. In a case where there were no economic effects, a statement to that effect was required to be included in or attached to the ordinance.

To Mr. Tesche, Mr. Boness responded that Assembly discussion, recorded in Meeting Minutes, would not be sufficient to meet the requirements of attaching a summary of economic effects to the document.

To Mr. Coffey, Mr. Boness responded if there were no economic effects, a statement still needed to be attached stating there were no economic effects.

To Mr. Traini, Mr. Boness concurred that once the land became dedicated park lands that action could not be undone without a vote of the people. Mr. Traini responded that locking up the park lands might incur an economic effect.

Mr. Coffey moved, *to postpone* AO 2005-53 until June 14th, allowing the Administration time to prepare a summary of economic effects.
Mr. Stout seconded,

Mr. Abbott stated that a statement indicating a zero economic impact could be attached to the ordinance upon introduction. He recommended a summary be available for introduction that evening. To Mr. Traini, Mr. Abbott responded stated the Assembly could also approve postponement.

Mr. Birch stated if the properties became dedicated park lands, went off the tax rolls and could not be sold, a summary of economic effects may not indicate a zero evaluation, and there may be some significant value, as in the instance of the Bicentennial Park land exchange.

Chair Fairclough called the Question on the Coffey Amendment.

and this motion was approved,

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

Chair Fairclough stated that because all of these items had been officially noticed, Public Hearing was being held that evening. She returned the body to item 14.E, for reconsideration of AO 2005-52 stated Public Hearing on the Baxter Bog Park would also be continued.

(Clerk's Note: See action on immediate reconsideration of AO 2005-52, 14.E, concerning postponement)

14.G. Ordinance No. AO 2005-54, an ordinance dedicating certain municipal lands for park or recreational purposes (**Peratrovich Park**: Tax ID No. 002-105-09, Original Anchorage Townsite, Block 42 (approximately Northeast ¼)); Assemblymember Tesche. *(Postponed Indefinitely)*
1. Assembly Memorandum No. AM 216-2005.

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

Mr. Tesche moved, *to postpone indefinitely* AO 2005-54.
Mr. Coffey seconded,

Mr. Tesche stated this was a unique property that sat directly north of the alley between the Egan Civic and Convention Center and the old City Hall. There had been a number of specific problems with the site, making the current wording of the proposed ordinance difficult. A new property description and other conditions were required.

and this motion was approved without objection,

14.H. Ordinance No. AO 2005-55, an ordinance dedicating certain municipal lands for park or recreational purposes (Addition to **Tikishla Park**: Tax ID No. 004-162-43, Anchor Park Subdivision, Block 10, Lot 1A (Plat No. 75-107). *(Continued Public Hearing to 6-14-05)*
1. Assembly Memorandum No. AM 217-2005.

Chair Fairclough read this ordinance title and called for a motion to combine Public Hearing

Ms. Ossiander moved, to combine Public Hearing on 14.H, 14.I, 14.J and 14.K.
Ms. Jennings seconded,
and this was approved with out objection,

BRAD WEISS testified in support of improving the beauty and spirituality of the community and approved of the park dedications.

Mr. Coffey moved, to continue Public Hearing to June 14, 2005 on 14.H, 14.I, 14.J and 14.K.
Mr. Stout seconded,
and this was approved without objection,

14.I. Ordinance No. AO 2005-56, an ordinance dedicating certain **municipal lands for park or recreational purposes** (*Carr-Gottstein Park*: Tax ID Nos. 019-171-68, Discovery Heights, Phase 3, TR I-3A (Plat No. 97-128); 019-191-03, Southport Subdivision, Addition No. 1 TR E (Plat No. 93-129)) (*Bayshore Park (North)*: Tax ID Nos. 012-543-71, Mariner Point at Southport, Phase 3 TR A-2 (Plat No. 2000-71); 012-543-72, Southport Tracts Subdivision TR D-2A (Plat No. 2000-71); 019-161-35, Southport Tracts Subdivision TR D-2B (Plat No. 2000-71)) (*Bayshore Park (South)*: Tax ID Nos. 019-091-84, Southport Tracts Subdivision TR G-2A (Plat No. 2000-71); 019-091-85, Southport Tracts Subdivision TR G-2B (Plat No. 2000-71) (*Southport Park*: Tax ID No. 019-161-15, Southport Tracts Subdivision TR H-1B (Plat No. 96-42)) (*Turnagain Refuge Park*: Tax ID Nos. 019-091-78, Southport Tracts Subdivision TR I-1A (Plat No. 96-42; 019-122-24, Discovery TR J3 (Plat No. 88-39); 019-171-08, Southport Subdivision, Addition No. 1 TR G (Plat No. 93-129); 019-191-04, Southport Subdivision, Addition No. 1 TR F (Plat No. 93-129)) (*Unnamed parkland*: Tax ID Nos. 019-161-33, Southport Subdivision Area "E", TR A (Plat No. 97-79); 019-163-42, Lookout Landing Phase 3 TR E-2F (Plat No. 2004-22)); Assemblymember Shamberg. *(Continued Public Hearing to 6-14-05)*
1. Assembly Memorandum No. AM 218-2005.

(Clerk's Note: See item 14.I for Combined Public Hearing and approved motion for Continued Public Hearing for items 14.I, 14.J, 14.K and 14.L to June 14, 2005)

To Mr. Traini, Municipal Parks and Recreation Director Jeff Dillon responded that the Simonian Little League Ball Park and parking lot utilized approximately 16 of the 27.5 acres dedicated by AO 2002-165, concerning Parcel 3-048. Mr. Traini responded the agreement was to have been equal 'land for land.' Mr. Dillon responded that the property had a higher development value than the wetlands and stream corridors being considered that evening.

Mr. Tesche requested that a memorandum from the Administration accompany the final document, to ensure mitigation measures mandated by the Assembly had been satisfied by the lands exchange.

To Mr. Coffey, Mr. Dillon and Mayor Begich stated that requested maps would be provided to Assemblymembers.

14.J. Ordinance No. AO 2005-57, an ordinance dedicating certain municipal lands for park or recreational purposes (Addition to **Oceanview Bluff Park**: Tax ID No. 018-123-84, Oceanview Bluff Park TR 1 (Plat No. 98-17); Assemblymember Shamberg. *(Public Hearing Continued to 6-14-05)*
1. Assembly Memorandum No. AM 219-2005.

(Clerk's Note: See item 14.I for Combined Public Hearing and approved motion for Continued Public Hearing for items 14.I, 14.J, 14.K and 14.L to June 14, 2005)

14.K. Ordinance No. AO 2005-58, an ordinance dedicating certain municipal lands for park or recreational purposes (Addition to **Far North Bicentennial Park**: Tax ID No. 008-151-01, T13N R3W SM, Sec 34: SW2 SW4 SE4, S2 NW4 SW4 SE4, SW4 SW4 SE4 SE4); Assemblymember Shamberg. *(Public Hearing Continued to 6-14-05)*
1. Assembly Memorandum No. AM 220-2005.

(Clerk's Note: See item 14.I for Combined Public Hearing and approved motion for Continued Public Hearing for items 14.I, 14.J, 14.K and 14.L to June 14, 2005)

14.L. Resolution No. AR 2005-114, a resolution of the Anchorage Assembly appropriating $2,220,000 in Interfund Loan Proceeds from the General Cash Pool to the Information Technology Capital

Improvement Fund (608) for funding the costs of the **Information Technology Capital Improvement Fund** (608) portion of the approved 2005 General Government Capital Improvement Budget; Information Technology Department.

1. Assembly Memorandum No. AM 332-2005.

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

Ms. Jennings moved, to approve AR 2005-114.
Mr. Coffey seconded,

To Mr. Birch, Controller David Richards responded the General Cash Pool was basically a catch basin for all funds in the Municipality. Each fund maintained an equity interest and at the end of April it was $91 million dollars. It acted like a credit line. Mayor Begich responded the money in the cash pool was obligated and continually being utilized by departments for conducting business. He offered to hold a worksession to share all current information about this account. Mr. Birch accepted the Mayor's offer for a worksession to learn more about the function of this account.

Mr. Stout concurred with the worksession.

and this motion was passed without objection,

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

14.M. Resolution No. AR 2005-115, a resolution of the Municipality of Anchorage appropriating $125,000 from **Upper O'Malley Limited Road Service Area** (LRSA) Fund Balance (Fund 143) to Upper O'Malley LRSA BY2005 Operating Budget (Fund 143) for summer road maintenance program; Maintenance & Operations Department.

1. Assembly Memorandum No. AM 333-2005.

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

Mr. Coffey moved, approve AR 2005-115.
Ms. Ossiander seconded,
and this motion was unanimously passed,

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

14.N. Ordinance No. AO 2005-68, an ordinance amending Anchorage Municipal Code Section 4.60.110 to increase the membership of the **Senior Citizens Advisory Commission**; Mayor's Office.

1. Assembly Memorandum No. AM 336-2005.

Chair Fairclough read the ordinance title and opened Public Hearing.

BRENDA BROWN, Chair of the Senior Citizens Advisory Commission, spoke in favor of the ordinance. She stated it was important to support this growing group of citizens in Alaska. There were many subcommittees within the Advisory Commission that dealt with important issues for seniors.

To Mr. Stout, Ms. Brown responded that most citizens over 55 years of age belonged to American Association of Retired Persons *(AARP)*. Mr. Stout encouraged all seniors to belong to the local chapter of AARP.

To Ms. Ossiander, Ms. Brown stated they had also discussed the disadvantages of having a larger advisory group, legally requiring a quorum to hold a meeting. Ms. Brown responded they needed a larger base of support and were looking at many ways to increase their size and membership.

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

Mr. Traini moved, to approve AO 2005-68.
Mr. Coffey seconded,

Mr. Coffey supported the ordinance. Anchorage had a high growth rate of seniors, with more people and more issues that needed to be addressed. He urged a YES-vote.

Mr. Traini supported the ordinance. The commission needed more people to address the issues. This was a group that was rapidly increasing in numbers. He urged a YES-vote.

Mr. Stout supported the ordinance and was looking forward to joining this advisory group at the next AARP, Sourdough meeting.

and this motion was passed without objection,

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

19. EXECUTIVE SESSIONS

19.A. Litigation relating to **Girdwood Golf Course**. ***(Addendum)***

Mr. Coffey moved, Ms. Jennings seconded, and there were no objections, for the recording of the Assembly Executive Session to remain confidential until its release in 5 years, on May 31, 2010.

20. ADJOURNMENT

Chair Fairclough called the Question on adjournment.

Ms. Jennings moved, Mr. Bauer seconded, and this motion was passed, to adjourn the Regular Assembly Meeting.

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

The Regular Assembly Meeting was adjourned at 10:05 p.m.

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: July 26, 2006.

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

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