

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

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

**Minutes for Regular Meeting of September 13, 2005, amended**

**1. CALL TO ORDER**

The Assembly Meeting was convened by Chair Fairclough at 5:04 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** Assemblymember Shamberg led the pledge.

**4. MINUTES OF PREVIOUS MEETINGS** None.

**5. MAYOR'S REPORT**

Mayor Begich presented certificates, honoring two Municipal employees, serving in the Alaska Army National Guard, deployed to Iraq. *(Clerk's Note: With the assistance from members of AT&T Alascom, ACS and the Municipal Information Technologies Division, Officer Gum was connected, via live video from his location in Baghdad.)*

The first certificate was presented to Dennis Gum, a 21-year Senior Patrol Officer with Anchorage Police Department (APD), who had served for 12 years with the Alaska Army National Guard and for the past 8 years with the U.S. Army Reserves, holding the rank of Lieutenant Colonel. He was currently serving with the Special Operations in Baghdad. Officer Gum thanked everyone who had made the live presentation possible. He thanked his wife and family for their support, the Mayor and the Assembly for the recognition and support. Rochelle (*Rocky*) Gum accepted the certificate on behalf of her husband and stated that she had seen him for only two weeks in the past year, since his deployment.

Mayor Begich presented the second certificate to Seth McMillan, an APD Patrol Officer, serving with the Alaska Army National Guard, as Sergeant. He was to be deployed to Iraq on September 16<sup>th</sup>, as a Combat Medic with the 1<sup>st</sup> Battalion, 297<sup>th</sup> Infantry. Officer McMillan thanked members of the Guard, fellow APD officers, the Assembly and the Mayor for the support and recognition. He hoped to be home after his one-year tour. Mayor Begich thanked both men for their service to the city and to the country.

On behalf of Mayor Begich, Office of Equal Opportunity Director Celeste Hodge announced the upcoming Diversity Week, scheduled for September 25<sup>th</sup> to October 1<sup>st</sup>. Many events were planned throughout the week, including a dinner with a keynote speaker on October 1<sup>st</sup>. Mr. Traini thanked Ms. Hodge for her efforts. He and Ms. Jennings offered congratulations on her new position as director.

Mayor Begich recognized Brian Saylor in the audience, newly appointed to the Health and Human Services Commission.

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

**7. COMMITTEE REPORTS**

Ms. Ossiander announced the Title 21 Committee would continue their Friday meetings, with discussion that week on Chapter 5, Zoning Categories and Allowed Uses, at the Planning Department from 1:00 to 3:00 p.m. All meetings were open to the public.

**8. ADDENDUM TO AGENDA**

Chair Fairclough called for a motion and read the Addendum items. She called for additional items to be added, and AR 2005-242, AO 2005-127, AO 2005-126, and AR 2005-243 were added. Mr. Tesche requested consideration to allow public testimony from guests in the audience, who were not on the evening's agenda. Mr. Birch opposed his request. Chair Fairclough denied his request, because the issue would be addressed on September 27<sup>th</sup> and the length of the Agenda that evening. Vice Chair Coffey concurred. Vice Chair Coffey added a Summary of Economic Effects to AO 2005-116. Chair Fairclough assigned new items to the Agenda as 9.A.1, 9.F.21, 9.F.20, 9.D.25 and 14.M, respectively. There being no additional items, she called for a vote to incorporate the Addendum items into the Agenda. Mr. Coffey declared conflicts of interest with Agenda items D.4 and 14.K.

Mr. Sullivan moved, to approve the inclusion of the Addendum items into the  
Ms. Shamberg seconded, Regular Agenda,  
and this was approved without objection.

Chair Fairclough called for a motion on the Consent Agenda.

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

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

## 9. CONSENT AGENDA

### 9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution AR 2005-242, a resolution of the Anchorage Municipal Assembly recognizing the **Second Annual Mayor's Diversity Week**, September 25 though October 1. (*Laid on the Table*)

Mr. Tesche 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 2005-190, a resolution of the Anchorage Municipal Assembly approving the schematic design for the **Service High School Renewal Phase 3 – Auxiliary Gym**; Anchorage School District.

a. Assembly Memorandum No. AM 513-2005.

- 9.B.2. Resolution No. AR 2005-194, a resolution of the Anchorage Municipal Assembly approving the schematic design for the **Bartlett High School Renewal Phase 3A**; Anchorage School District.

a. Assembly Memorandum No. AM 521-2005.

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

- 9.B.3. Resolution No. AR 2005-224, a resolution of the Municipality of Anchorage appropriating \$30,000 as a contribution from Alaska Communications Systems to the Miscellaneous Grants Fund (261) for the Anchorage Police Department for **Enhanced 911 related projects**; Anchorage Police Department.

a. Assembly Memorandum No. AM 638-2005.

- 9.B.4. Resolution No. AR 2005-225, a resolution of the Municipality of Anchorage appropriating the sum of \$14,950 from the State of Alaska, Department of Transportation & Public Facilities and \$510 as a contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Drink, Drive, Lose Enforcement Blitz Program**.

a. Assembly Memorandum No. AM 639-2005.

- 9.B.5. Resolution No. AR 2005-226, a resolution of the Municipality of Anchorage appropriating the sum of \$4,875 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and \$160 as a contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Click It or Ticket Enforcement Blitz Program**.

a. Assembly Memorandum No. AM 640-2005.

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

- 9.B.6. Resolution No. AR 2005-227, a resolution of the Municipality of Anchorage appropriating \$57,300 from within the Girdwood Fire Apparatus Capital Improvement Fund (406) for the purchase of **new fire apparatus**; Anchorage Fire Department.

a. Assembly Memorandum No. AM 641-2005.

- 9.B.7. Resolution No. AR 2005-228, a resolution appropriating \$52,532 from a Transfer of Responsibilities Agreement (TORA) with the State of Alaska Department of Transportation & Public Facilities (ADOT&PF) and the Municipality of Anchorage and a match contribution of \$5,215 from the 2005 Traffic Department Operating Budget, Anchorage Roads and Drainage Service Area Fund (141), to the State Categorical Grants Fund (231) under the Municipal Traffic Department for the **Anchorage Metropolitan Area Transportation Solutions [AMATS] MOA Traffic Count Program**.

a. Assembly Memorandum No. AM 642-2005.

### 9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 617-2005, recommendation of award to Swanson General Contractors, Inc. for **Water Distribution Facilities Group 3 Utility Wide SCADA System** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C047) (\$1,537,734); Purchasing.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.C.1*)

- 9.C.2. Assembly Memorandum No. AM 618-2005, recommendation of award to PRICE/AHTNA, J.V. for **Asplund Incinerator Re-Control Utility Wide SCADA System** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C046) (\$1,439,026.41); Purchasing.

- 9.C.3. Assembly Memorandum No. AM 619-2005, recommendation of award to Alasco Trucking for furnishing **end-dump trucks with operators** for the Municipality of Anchorage, Maintenance and Operations Department (ITB 25-B066) (\$1,200,000); Purchasing.

- 1 9.C.4. Assembly Memorandum No. AM 659-2005, recommendation of award to Ocean Terminals, Inc. for  
2 furnishing **liquid chlorine** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility  
3 (ITB 25-B076) (\$2,017,200); Purchasing. **(Addendum)**  
4 9.C.5. Assembly Memorandum No. AM 660-2005, recommendation of award to Pavement Technologies  
5 International Corp. for furnishing a **portable asphalt recycling machine** to the Municipality of  
6 Anchorage, Maintenance & Operations Department (ITB 25-B054) (\$94,500); Purchasing.  
7 **(Addendum)**  
8

9 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.C.5)

- 10  
11 9.C.6. Assembly Memorandum No. AM 665-2005, recommendation of award to Alaska Road Boring  
12 Company for **F Street – 3<sup>rd</sup> and 4<sup>th</sup> Alley Sewer Upgrade** for the Municipality of Anchorage,  
13 Anchorage Water & Wastewater Utility (ITB 25-C050) (\$341,705); Purchasing. **(Addendum)**  
14 9.C.7. Assembly Memorandum No. AM 666-2005, recommendation of award to Sonshine Enterprise for  
15 **Independence Drive Sewer Upgrade** for the Municipality of Anchorage, Anchorage Water &  
16 Wastewater Utility (ITB 25-C051) (\$233,165); Purchasing. **(Addendum)**  
17 9.C.8. Assembly Memorandum No. AM 667-2005, recommendation of award to Construction Unlimited, Inc.  
18 for the **Volyes-Glenway Water Intertie Project** for the Municipality of Anchorage, Anchorage Water  
19 & Wastewater Utility (ITB 25-C055) (\$194,858); Purchasing. **(Addendum)**  
20 9.C.9. Assembly Memorandum No. AM 668-2005, recommendation of award to Construction Unlimited, Inc.  
21 for the **Muldoon Sound Barrier Project** for the Municipality of Anchorage, Project Management &  
22 Engineering (ITB 25-C053) (\$585,796); Maintenance & Operations Department. **(Addendum)**  
23

24 **9.D. NEW BUSINESS**

- 25 9.D.1. Assembly Memorandum No. AM 613-2005, **Latitude 61** #3165 – 2004-2005 Transfer of Ownership of  
26 a Beverage Dispensary Liquor License (Midtown Community Council); Clerk's Office.  
27 9.D.2. Assembly Memorandum No. AM 614-2005, **Anchorage Billiard Palace** #2742 -2004-2005 Transfer of  
28 Ownership of a Beverage Dispensary Liquor License (Midtown Community Council); Clerk's Office.  
29 9.D.3. Assembly Memorandum No. AM 615-2005, **Panda Restaurant** #3077- 2004-2005 Transfer of  
30 Ownership of a Restaurant/Eating Place Liquor License (North Star, Midtown, Rogers Park  
31 Community Councils); Clerk's Office.  
32 9.D.4. Assembly Memorandum No. AM 616-2005, **Club Oasis** #4501 – 2005-2005 Transfer of Ownership of  
33 a Beverage Dispensary Duplicate License (Taku/Campbell, Midtown, Tudor Community Councils);  
34 Club Oasis #4516 – 2005-2006 Beverage Dispensary Duplicate Liquor License (Taku/Campbell,  
35 Midtown, Tudor Community Councils); Clerk's Office.  
36

37 Mr. Coffey declared a conflict of interest with this item. Chair Fairclough ruled that he did have a conflict and ordered  
38 him to abstain from participation on this matter.

- 39  
40 9.D.5. Assembly Memorandum No. AM 620-2005, **Americans with Disabilities Act Advisory Commission**  
41 appointment (David Barton); Mayor's Office.  
42 9.D.6. Assembly Memorandum No. AM 621-2005, **Health and Human Services Commission** appointment  
43 (Brian Saylor); Mayor's Office.  
44 9.D.7. Assembly Memorandum No. AM 622-2005, **Transportation Commission** appointment (Michelle  
45 Czajkowski); Mayor's Office.  
46 9.D.8. Assembly Memorandum No. AM 623-2005, **Youth Advisory Commission** appointments (Kelli  
47 Hallgrimson, Cullen Hayes, Zoe Mote, Gregory Bombeck); Mayor's Office. (Clerk's Note: Assembly  
48 Action Postponed to September 27, 2005, to permit a 10-DAY Public Comment Period Pursuant to  
49 AMC 25.35.030.)  
50 9.D.9. Assembly Memorandum No. AM 624-2005, **Community Development Authority Board of Directors**  
51 appointment (J. Dana Pruhs); Mayor's Office. (Clerk's Note: Assembly Action Postponed to  
52 September 27, 2005, to permit a 10-DAY Public Comment Period Pursuant to AMC 21.10.010 B.)  
53

54 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See item 10.D.9)

- 55  
56 9.D.10. Assembly Memorandum No. AM 625-2005, **Platting Board** appointment (Scott Brodt), Mayor's Office.  
57 (Clerk's Note: Assembly Action Postponed to September 27, 2005, to permit a 10-DAY Public  
58 Comment Period Pursuant to AMC 21.10.010 B.)  
59

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

- 61  
62 9.D.11. Assembly Memorandum No. AM 626-2005, **Zoning Board of Examiners and Appeals** appointment  
63 (Andrew Josephson); Mayor's Office.  
64

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

- 66  
67 9.D.12. Assembly Memorandum No. AM 627-2005, Amendment No. 3 to Purchase Order 231533 with RCC  
68 Consultants, Inc. for providing project management services for the **Police Mobile Data**  
69 **Communications System** for the Municipality of Anchorage; Anchorage Police Department  
70 (\$375,000).  
71 9.D.13. Assembly Memorandum No. AM 628-2005, contract Amendment No. 3 to Purchase Order 220942  
72 with Anchorage Neighborhood Housing Services for administering the **Housing Acquisition**  
73 **Rehabilitation Program** (HARP) for the Municipality of Anchorage, Community Development Division  
74 (\$160,542); Purchasing.  
75 9.D.14. Assembly Memorandum No. AM 629-2005, Change Order No. 1 to Purchase Order 241139 with  
76 Agen's Automotive for providing an **Engine Block Heater Installation Program** for the Municipality of  
77 Anchorage, Department of Health and Human Services (\$363,466); Purchasing.

- 1 9.D.15. Assembly Memorandum No. AM 630-2005, recommendation of award to Alcan Electrical &  
2 Engineering, Inc. for providing **mechanical and electrical service crews** to the Municipality of  
3 Anchorage, Municipal Light & Power (RFP 25-P030) (\$300,000); Purchasing.  
4 9.D.16. Assembly Memorandum No. AM 631-2005, proprietary vendor contract to Northwest Circuit Breakers,  
5 Inc. for **retrofitting switchgear** for the Municipality of Anchorage, Municipal Light & Power (ML&P)  
6 (\$100,000); Purchasing.  
7 9.D.17. Assembly Memorandum No. AM 632-2005, reimbursement to the Alaska Railroad Corporation for  
8 **railroad crossing upgrades** for the Municipality of Anchorage, Project Management & Engineering  
9 Department (PM&E) (\$1,522,056); Purchasing.  
10 9.D.18. Assembly Memorandum No. AM 633-2005, recommendation of award to Lounsbery & Associates for  
11 providing professional engineering services for **6th Avenue Reconstruction, Patterson Street to**  
12 **Muldoon Road**, (Project A), for the Municipality of Anchorage, Project Management & Engineering  
13 (RFP 25-P015) (\$433,000); Purchasing.  
14 9.D.19. Assembly Memorandum No. AM 634-2005, recommendation of award to R&M Consultants, Inc. for  
15 providing professional engineering services for the **Arctic Blvd. Surface Rehabilitation Project -**  
16 **Tudor Rd. to Raspberry Rd.**, (Project C), for the Municipality of Anchorage, Project Management &  
17 Engineering (RFP 25-P015) (\$348,844); Purchasing.  
18 9.D.20. Assembly Memorandum No. AM 635-2005, Amendment No. 3 to professional services contract with  
19 PTS, Inc. for the design of **Raspberry Road Extension, Rovenna Street to Arctic Boulevard**,  
20 Project No. 02-13 (\$290,117); Project Management & Engineering.  
21 9.D.21. Assembly Memorandum No. AM 636-2005, Amendment No. 3 to the construction contract with  
22 Consolidated Contracting & Engineering for the **Kloep Station Facility Upgrade**, Project No. 99-20  
23 (\$82,155); Project Management & Engineering.  
24 9.D.22. Assembly Memorandum No. AM 637-2005, Assembly approval of Change Order #3 to contract with  
25 Trena L. Heikes to provide legal services in the area of **Workers' Compensation** (\$50,000); Risk  
26 Management.  
27 9.D.23. Assembly Memorandum No. AM 661-2005, **Girdwood Board of Supervisors** appointment (Jim  
28 Henderson); Mayor's Office. **(Addendum)**  
29 9.D.24. Assembly Memorandum No. AM 669-2005, Amendment No. 2 to Kumin Associates, Inc. contract  
30 (P.O. No. 240788) increasing the contract by \$50,000 for a contract amount Not-To-Exceed (NTE)  
31 \$269,646 for construction administration services for **Performing Arts Center Roof Replacement**  
32 **Phase 2 Project**; Maintenance & Operations Department. **(Addendum)**  
33 9.D.25. Resolution AR 2005-243, a resolution of the Municipality of Anchorage directing the Municipal  
34 Department of Law to present proposed modifications to Municipal Ordinance to provide that Municipal  
35 Ordinance are in conformity with Alaska State Law regarding **concealed carry**; Assemblymember  
36 Traini. **(Laid on the Table)**  
37

38 Mr. Traini moved, *to introduce AR 2005-243,*  
39 Mr. Coffey seconded,  
40 and Mr. Stout was the concurring third.  
41

42 Ms. Jennings requested this item be pulled for review on the Regular Agenda. *(See item 10.D.25)*  
43

44 **9.E. INFORMATION AND REPORTS**

- 45 9.E.1. Information Memorandum No. AIM 58-2005, **AWWU Operations Facility HVAC & Interior**  
46 **Improvements** – Christensen Builders, Inc. (PO 0000236192) – Report of Construction Contract  
47 Change Orders; Anchorage Water & Wastewater Utility.  
48 9.E.2. Information Memorandum No. AIM 59-2005, **2004 Independent Financial Audit Management**  
49 **Letter**; Finance/Controller.  
50 9.E.3. Information Memorandum No. AIM 60-2005, implementation procedures for **General Government**  
51 **and Utility Operating Biennial Budgets** for Fiscal Year 2006 and Fiscal Year 2007; Office of  
52 Management & Budget.  
53

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

- 55 9.F.1. Ordinance No. AO 2005-118, an ordinance amending Anchorage Municipal Code Sections 9.30.235  
56 and 9.30.280 regarding **parking reserved for persons with disabilities** and increasing the fine for  
57 third and subsequent violation of reserved parking; Legal Department. *(Public Hearing 9-27-05).*  
58 a. Assembly Memorandum No. AM 652-2005.  
59 9.F.2. Ordinance No. AO 2005-119, an ordinance amending Anchorage Municipal Code Section 3.30.172  
60 Classification to incorporate a new title, **Regulatory Administrative Assistant**, to the Range 22(E)  
61 Executive Positions; Employee Relations. *(Public Hearing 9-27-05).*  
62 a. Assembly Memorandum No. AM 653-2005.  
63 9.F.3. Ordinance No. AO 2005-120, an ordinance authorizing the disposal of a municipal interest, via  
64 relinquishment of easement no longer required, on **Lot 7, Block 5, SLM Subdivision**; Municipal Light  
65 & Power. *(Public Hearing 9-27-05).*  
66 a. Assembly Memorandum No. AM 654-2005.  
67 9.F.4. Ordinance No. AO 2005-121, an ordinance of the Anchorage Municipal Assembly amending the  
68 **Utility Corridor Plan** to add a new electrical transmission line corridor alignment (Planning and  
69 Zoning Commission Case 2005-105); Planning Department. *(Public Hearing 9-27-05).*  
70 a. Assembly Memorandum No. AM 655-2005.  
71 9.F.5. Ordinance No. AO 2005-122, an ordinance adopting the **Anchorage Bowl Park, Natural Resource,**  
72 **and Recreation Facility Plan** as an element of the Comprehensive Plan and amending Section  
73 21.05.030 of the Anchorage Municipal Code (Planning and Zoning Commission Case 2004-021);  
74 Planning Department. *(Public Hearing 9-27-05).*  
75 a. Assembly Memorandum No. AM 656-2005.  
76

77 Mr. Traini requested that Public Hearing for this item be set for September 27, 2005. He requested a worksession be  
78 held prior to this item being heard by the Assembly.

- 1  
2 9.F.6. Ordinance No. AO 2005-123, an ordinance amending Anchorage Municipal Code Section 21.35.020  
3 to amend definitions for gross floor area and lot coverage and to add new definitions for large  
4 domestic animals and related facilities; to amend Sections 21.40.070, 21.40.080, 21.40.090,  
5 21.40.100, 21.40.110, 21.40.115, and 21.40.117 to add **Large Domestic Animal Facilities** as  
6 permitted accessory or conditional uses in the R-5A Rural Residential District (Large Lot), R-6  
7 Suburban Residential District (Large Lot), R-7 Intermediate Rural Residential District, R-8 Rural  
8 Residential District (Large Lot), R-9 Rural Residential District, R-10 Residential Alpine/Slope District,  
9 and R-11 Turnagain Arm District; to amend Subsection 21.40.020D.13. to replace the use of  
10 equestrian facilities with large domestic animal facilities; to amend Chapter 21.45 to add accessory  
11 building standards and to establish supplementary district standards for large domestic animal  
12 facilities; and to amend Chapter 21.50 to establish conditional use standards for large domestic animal  
13 facilities (Planning and Zoning Commission Case 2004-137); Planning Department. (*Public Hearing*  
14 *10-18-05 Special Meeting*)  
15 a. Assembly Memorandum No. AM 657-2005.  
16

17 Mr. Traini requested Public Hearing be set for October 18, 2005. He requested a worksession be scheduled.  
18

- 19 9.F.7. Ordinance No. AO 2005-124, an ordinance amending Anchorage Municipal Code Chapters 21.35,  
20 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various **care, service and**  
21 **living facilities**, amending zoning districts, amending supplementary district standards, conditional  
22 uses and site plans, and amending Section 14.60.030 to add care facilities violations (Planning and  
23 Zoning Commission Case 2003-143), Planning Department. (*Public Hearing 10-11-05*).  
24 a. Assembly Memorandum No. AM 658-2005.  
25

26 Ms. Ossiander requested this item be pulled for discussion on the Regular Agenda. (*See item 10.F.7*)  
27

- 28 9.F.8. Resolution No. AR 2005-229, a resolution of the Municipality of Anchorage appropriating \$1,479,965  
29 from the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS  
30 Technology Program and \$53,630 as a contribution from the Anchorage Police Metropolitan Police  
31 Service Area Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal  
32 Categorical Grants Fund (241) Anchorage Police Department for the **COPS Technology Grant**  
33 **Program**. (*Public Hearing 9-27-05*).  
34 a. Assembly Memorandum No. AM 643-2005.  
35 9.F.9. Resolution No. AR 2005-230 a resolution of the Municipality of Anchorage appropriating \$539,000  
36 from the Anchorage Metropolitan Police Service Area Fund Balance (151) to the Anchorage Police  
37 Department 151 Fund 2005 Operating Budget, for **attorney fees, settlement interest costs, and**  
38 **court costs** related to *Gregg v. MOA*; Anchorage Police Department. (*Public Hearing 9-27-05*).  
39 a. Assembly Memorandum No. AM 644-2005.  
40 9.F.10. Resolution No. AR 2005-231, a resolution of the Municipality of Anchorage, Alaska, confirming and  
41 levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**  
42 **05-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency;  
43 Anchorage Water & Wastewater Utility. (*Public Hearing 9-27-05*).  
44 a. Assembly Memorandum No. AM 645-2005.  
45 9.F.11. Resolution No. AR 2005-232, a resolution of the Municipality of Anchorage, Alaska, accepting and  
46 appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$1,000,000 for  
47 financing a portion of the costs of the **Facility Replacement and Rehabilitation Project – 1998**  
48 (Pump Station 2 – Chester Creek) Project; Anchorage Water & Wastewater Utility.  
49 a. Assembly Memorandum No. AM 646-2005. (*Public Hearing 9-27-05*).  
50 9.F.12. Resolution No. AR 2005-233, a resolution of the Municipality of Anchorage appropriating \$296,714  
51 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund  
52 (241), and \$150,000 from Alaska Housing and Finance Corporation to State Categorical Grants Fund  
53 (231), Department of Health and Human Services for the purpose of providing a one year renewal of  
54 the **LINK Homeless Assistance Project** and a contract with Abused Women's Aid in Crisis, Inc.;  
55 Health & Human Services. (*Public Hearing 9-27-05*).  
56 a. Assembly Memorandum No. AM 647-2005.  
57 9.F.13. Resolution No. AR 2005-234, a resolution of the Municipality of Anchorage appropriating \$396,050 as  
58 an appropriation from the Areawide General Fund (101) Fund Balance to the Department of Health  
59 and Human Services 2005 Operating Budget Fund (101) for **retro pay** related to a grievance  
60 arbitration decision for nurses in the Anchorage Municipal Employee Association.  
61 a. Assembly Memorandum No. AM 648-2005. (*Public Hearing 9-27-05*).  
62 9.F.14. Resolution No. AR 2005-235, a resolution of the Anchorage Municipal Assembly re-appropriating  
63 \$350,000 as a contribution from the Anchorage Metropolitan Police Service Area Capital Improvement  
64 Fund (451) to the Anchorage Metropolitan Police Service Area Operating Fund (151) to replenish  
65 funds borrowed for **site selection study of the new jail**; Project Management & Engineering  
66 Department. (*Public Hearing 9-27-05*).  
67 a. Assembly Memorandum No. AM 649-2005.  
68 9.F.15. Resolution No. AR 2005-236, a resolution of the Municipality of Anchorage appropriating the sum of  
69 \$306,443 from the State of Alaska, Department of Transportation and Public Facilities (DOTPF) to the  
70 Municipality of Anchorage (MOA), State Categorical Grants Fund 231 and authorizing the Transfer of  
71 Responsibility Agreement (TORA) with the DOTPF for Best Management Practices for **PM 10 Dust**  
72 **Control**; Maintenance & Operations Department. (*Public Hearing 9-27-05*).  
73 a. Assembly Memorandum No. AM 650-2005.  
74 9.F.16. Resolution No. AR 2005-237, a resolution of the Municipality of Anchorage appropriating \$185,000 of  
75 revenue from the State of Alaska Department of Fish and Game Southeast Sustainable Salmon Fund  
76 and \$3,700 as a contribution from the 2001 State Categorical Grants Fund 231 to the Areawide  
77 General CIP Fund 401 to the Project Management & Engineering Department for **sport fishing**  
78 **access design and construction at Ship Creek**; Project Management & Engineering.

- 1 a. Assembly Memorandum No. AM 651-2005. (*Public Hearing 9-27-05*).  
2 9.F.17. Resolution No. AR 2005-238, a resolution of the Anchorage Municipal Assembly and Mayor Mark  
3 Begich naming Russian Jack Springs Chalet "**Dr. Lidia Selkregg Chalet**" in recognition of her  
4 outstanding contributions to the Municipality of Anchorage. (*Public Hearing 10-25-05*).  
5 9.F.18. Ordinance No. AO 2005-125, an ordinance amending Anchorage Municipal Code Section 11.70.060  
6 to **increase existing fares in the People Mover Transportation System** to fund increases in fuel  
7 costs, Public Transportation Department. (*Public Hearing 9-27-05*). (**Addendum**)  
8 a. Assembly Memorandum No. AM 663-2005.  
9 9.F.19. Resolution No. AR 2005-239, a resolution of the Municipality of Anchorage appropriating \$121,000 to  
10 the Areawide General Fund (101), Department of Public Transportation from \$121,000 in farebox  
11 revenues to fund the **purchase of fuel** by the Public Transportation Department. (**Addendum**)  
12 a. Assembly Memorandum No. AM 664-2005. (*Public Hearing 9-27-05*).  
13 9.F.20. Resolution No. AR 2005-126, an ordinance amending Anchorage Municipal Code Title 12 to enact a  
14 **sales and use tax** on the sale of goods within the Municipality for the exclusive purpose of reducing  
15 property taxes proportionately through out the Municipality, with certain exemptions, with a cap and  
16 with reimbursement for collection, all within the tax cap, subject to a sunset provision and submitting  
17 the question of whether or not to approve a sales tax to the qualified voters of the Municipality at its  
18 next regular election on April 4, 2006 with re-approval required at a subsequent regular election as  
19 established by ordinance; Assemblymember Coffey. (**Laid on the Table**)  
20

21 Mr. Coffey moved, *to introduce AR 2005-126 with Public Hearing set for*  
22 Mr. Sullivan seconded, *September 27, 2005,*  
23 and Ms. Ossiander was the concurring third.  
24

- 25 9.F.21. Ordinance AO 2005-127, an ordinance of the Anchorage Municipal Assembly maintaining medical  
26 benefits and other compensations for staff, assigned to the **Office of Budget and Legislative**  
27 **Services** until enactment of a staff reorganization plan, providing vacant positions in that office may  
28 not be filled before the new plan is enacted and providing for an effective date; Assemblymember  
29 Tesche. (*Public Hearing set for 10-11-05*) (**Laid on the Table**)  
30

31 Mr. Tesche moved, *to introduce AO 2005-127 with Public Hearing set for*  
32 Ms. Jennings seconded, *October 11, 2005,*  
33 and Ms. Ossiander was the concurring third.  
34

35 Chair Fairclough called the Question on the remainder of Consent Agenda.  
36

37 and this motion, as amended, was passed,  
38 with Mr. Coffey abstaining on item 9.D.4, due to a conflict of interest.  
39

40 AYES: Tesche, Shamborg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.  
41 NAYES: None.  
42

43 The Consent Agenda was passed, with the exception of the pulled items and Chair Fairclough proceeded to the  
44 Regular Agenda, with Assembly discussion on the pulled items.  
45

#### 46 **END OF CONSENT AGENDA**

47  
48

### 49 **10. REGULAR AGENDA**

#### 50 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** None.

- 51 10.A.1. Resolution AR 2005-242, a resolution of the Anchorage Municipal Assembly recognizing the **Second**  
52 **Annual Mayor's Diversity Week**, September 25 through October 1. (**Laid on the Table**)  
53

54 Mr. Tesche moved, *to approve AR 2005-242,*  
55 Ms. Ossiander seconded,  
56 and Ms. Shamborg was the concurring third.  
57

58 Mr. Tesche read the resolution, announcing the Second Annual Mayor's Diversity Week, scheduled for September 25  
59 through October 1. Office of Equal Opportunity Director Celeste Hodge accepted the resolution on behalf of Mayor  
60 Begich and the Administration and thanked the Assembly for their support. Ms. Fairclough thanked her for organizing  
61 this function and appreciated her efforts. Mr. Coffey stated an award, associated with this resolution, would be  
62 presented at the dinner, planned for Friday. Ms. Jennings stated diversity was an important issue.  
63

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

- 65 10.B.2. Resolution No. AR 2005-194, a resolution of the Anchorage Municipal Assembly approving the  
66 schematic design for the **Bartlett High School Renewal Phase 3A**; Anchorage School District.  
67 a. Assembly Memorandum No. AM 521-2005.  
68

69 Ms. Ossiander moved, *to approve AR 2005-194,*  
70 Mr. Stout seconded,  
71

72 Ms. Ossiander addressed the cost estimate of the schematic design. Mr. Stout and Ms. Jennings questioned increased  
73 costs. Anchorage School District (ASD) Facility Maintenance Director Ray Amsden responded the price might be \$2  
74 million higher than the original predicted cost. While they continued to try to save money, costs continued to increase, due  
75 to inflation. They would be faced with a reduction in scope or an increased cost for the projected project.  
76

To Mr. Coffey, Mr. Amsden responded this was money for the design and there was no set budget for this project. This was an estimate that was developed early in the planning process and the construction funding had not been established, but would be addressed by the ASD and the Assembly in the future.

Ms. Jennings stated that while there had been much public input prior to Assembly approval of the Service High School design, it included a weight room, an aerobics dance studio and a rifle range. She wanted to make certain the community was aware of what was included in the designs.

Ms. Ossiander moved, *to postpone* AR 2005-194 to September 27, 2005,  
Mr. Stout seconded,

Ms. Ossiander requested consideration of postponement to a later date, allowing the ASD time to refine their design and be closer to the construction budget estimate. Mr. Amsden responded postponement would delay the process, because it involved a sequence of events which led to construction. There were many variables which led to predicting a scope of projected costs.

and the motion was passed 9-2.

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

NAYES: Traini and Jennings.

10.B.5. Resolution No. AR 2005-226, a resolution of the Municipality of Anchorage appropriating the sum of \$4,875 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and \$160 as a contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Click It or Ticket Enforcement Blitz Program**.

a. Assembly Memorandum No. AM 640-2005.

Mr. Traini moved, *to approve* AR 2005-226,  
Mr. Coffey seconded,

To Mr. Traini, Police Chief Walt Monegan responded this was a primary law for children and a secondary law for adults. The resolution would approve overtime for officers to cover school areas. Mr. Traini stated that this was a state law and he would not support the Anchorage Police Department spending time enforcing this law.

and this motion was passed 10-1.

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

NAYES: Traini.

#### 10.C. BID AWARDS

10.C.1. Assembly Memorandum No. AM 617-2005, recommendation of award to Swanson General Contractors, Inc. for **Water Distribution Facilities Group 3 Utility Wide SCADA System** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-C047) (\$1,537,734); Purchasing.

Ms. Ossiander moved, *to approve* AM 617-2005,  
Mr. Coffey seconded,

Ms. Ossiander stated this involved a contract bid that was a half million dollars below other bids. Purchasing Officer Bart Mauldin responded that the bid had been verified, the contractor was bonded and they were not expecting change orders.

and this passed unanimously.

10.C.5. Assembly Memorandum No. AM 660-2005, recommendation of award to Pavement Technologies International Corp. for furnishing a **portable asphalt recycling machine** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 25-B054) (\$94,500); Purchasing.  
**(Addendum)**

Mr. Sullivan moved, *to approve* AM 660-2005,  
Mr. Coffey seconded,

To Mr. Sullivan, Purchasing Officer Bart Mauldin responded there were not many manufacturers for this specialized equipment. They had reduced the costs by buying used equipment. They had stringent requirements to acquire equipment, including used and demonstration models. Mr. Sullivan stated they were not purchasing from a licensed dealer. Mr. Mauldin responded they were considering a demonstration model, with warranty provisions and confirmation from the factory and distributor, with assurances that parts and service would be available. For technical reasons, they removed language that would allow used equipment to be bid. He stated there was a local vendor who was at odds with this bid, but there was a \$30,000 to \$50,000 price difference between local equipment and the equipment from New York. Mr. Sullivan stated the equipment being considered in New York had been used outside of the dealership for two years and then returned and it would be impossible to find that history. Mr. Mauldin responded the solution they had reached was in the best interest of the city.

To Mr. Coffey, Mr. Mauldin responded this equipment would be used for pothole asphalt hot-patch in the winter. He responded the local bid protest had been completed, but the local protest continued.

To Mr. Bauer, Mr. Mauldin responded the Municipal Fleet Services Division was specialized with various pieces of construction equipment. They were qualified to work on the equipment and complete warranty issues and be reimbursed. He responded the bid price included delivery of the equipment to Anchorage.

Mr. Sullivan stated there were concerns from the local bidder, who thought the Municipal personnel were non-responsive and there had been changes in the bid language. Mr. Mauldin responded the bidding process required interpretations offered by municipal staff. He stated the local equipment had been rented by the Municipality and would not qualify as a demonstration model. Mr. Sullivan stated he preferred to work with local firms and was always concerned when there was a bid protest and when the municipality sought waivers in process in order to award bids.

and this motion was passed 8-3.

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

NAYES: Sullivan, Coffey and Traini.

#### 10.D. NEW BUSINESS

10.D.9. Assembly Memorandum No. AM 624-2005, Community Development Authority Board of Directors appointment (J. Dana Pruhs); Mayor's Office. *(Clerk's Note: Assembly Action Postponed to September 27, 2005, to permit a 10-DAY Public Comment Period Pursuant to AMC 21.10.010 B.)*

Ms. Jennings moved, *to postpone* AM 624-2005 to September 27, 2005, to permit a  
Mr. Coffey seconded, 10-day public comment period,  
and this was approved without objection.

10.D.10. Assembly Memorandum No. AM 625-2005, Platting Board appointment (Scott Brodt), Mayor's Office. *(Clerk's Note: Assembly Action Postponed to September 27, 2005, to permit a 10-DAY Public Comment Period Pursuant to AMC 21.10.010 B.)*

Ms. Jennings moved, *to postpone* AM 625-2005 to September 27, 2005, to permit a  
Mr. Coffey seconded, 10-day public comment period,  
and this was approved without objection.

10.D.11. Assembly Memorandum No. AM 626-2005, Zoning Board of Examiners and Appeals appointment (Andrew Josephson); Mayor's Office.

Ms. Jennings moved, *to postpone* AM 626-2005 to September 27, 2005, to permit a  
Mr. Coffey seconded, 10-day public comment period,  
and this was approved without objection.

10.D.25. Resolution AR 2005-243, a resolution of the Municipality of Anchorage directing the Municipal Department of Law to present proposed modifications to Municipal Ordinance to provide that Municipal Ordinance are in conformity with Alaska State Law regarding **concealed carry**; Assemblymember Traini. ***(Laid on the Table)***

Mr. Traini moved, *to introduce* AR 2005-243,  
Mr. Coffey seconded,  
and Mr. Stout was the concurring third.

Ms. Jennings moved, *to approve* AR 2005-243,  
Ms. Ossiander seconded,

Ms. Ossiander moved, *to postpone* AR 2005-243 to October 11, 2005,  
Mr. Stout seconded,

Mr. Traini objected to postponement. The issue needed to be addressed and this document was simply a draft bringing conformance to city and state law.

Mr. Tesche stated that approval of this document would simply allow the Municipal Law Department to write a final document for Assembly consideration. Mr. Traini concurred.

Mr. Stout supported the resolution and opposed postponement.

and the motion to postpone failed 3-7.

AYES: Ossiander, Sullivan and Jennings.

NAYES: Tesche, Shamberg, Coffey, Birch, Stout, Bauer and Traini.

ABSENT: Fairclough, excused.

Mr. Traini stated approval would take this document to the Legal Department for drafting a final document for Assembly consideration. Question was called on the main motion.

and the main motion was approved.

AYES: Tesche, Sullivan, Coffey, Birch, Stout, Bauer and Traini.

NAYES: Shamberg, Ossiander and Jennings.

ABSENT: Fairclough, excused.



Mr. Tesche moved to Change the Order of the Day to take up 14.0, seconded by Mr. Shamberg and it passed without objection.

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

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

10.F.7. Ordinance No. AO 2005-124, an ordinance amending Anchorage Municipal Code Chapters 21.35, 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various **care, service and living facilities**, amending zoning districts, amending supplementary district standards, conditional uses and site plans, and amending Section 14.60.030 to add care facilities violations (Planning and Zoning Commission Case 2003-143), Planning Department. (*Public Hearing 10-11-05*).

a. Assembly Memorandum No. AM 658-2005.

Ms. Ossiander moved, *to introduce* AO 2005-124,  
Mr. Coffey seconded,  
and Mr. Sullivan was the concurring third.

Ms. Ossiander stated the Planning Department was continuing to review assisted living facilities and would contact with Housing and Urban Development, concerning the possible impacts of the Fair Housing Act.

Ms. Ossiander moved, *to postpone* AO 2005-124 Public Hearing to November [22]  
Mr. Sullivan seconded, **"8," 2005, "with a worksession scheduled,"**

Following Administration recommendations, Ms. Ossiander amended the Public Hearing date to November 8<sup>th</sup>, which was accepted by the second. Deputy Municipal Manager Michael Abbott concurred.

Mr. Traini requested a worksession on the matter.

Mr. Birch stated there was concern that the locations of these facilities often led to vehicle concentration in already concentrated neighborhood streets. He requested examination of functional requirements of employees, patients and visitors to eliminate potential conflicts with neighbors. He concurred that a worksession was needed.

Ms. Ossiander stated there was also question of the definition of 'transitional housing.' Chair Fairclough requested that she put her questions in writing for other Assemblymembers.

and the motion to postpone was approved without objection.

(Clerk's Note: Chair Fairclough turned over the Chair position to Vice Chair Coffey and left the Meeting on a prescheduled departure.) Acting Chair Coffey called for a motion to Change the Order of the Day to take up 14.N and D.25. Mr. Bauer so moved, seconded by Mr. Stout and there were no objections.

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

11.A Resolution No. AR 2005-184, a resolution of the Municipality of Anchorage appropriating \$835,000 from the Building Safety Fund 181 Fund Balance to the Development Services Department Building Safety Fund 181 for implementation of the **Code Enforcement Tracking System Project**.  
1. Assembly Memorandum No. AM 503-2005. (*Carried Over from 8-9-05; Postponed from 8-23-05*)

Chair Fairclough restated the motion to approve by Ms. Ossiander, seconded by Mr. Coffey, which was on the floor.

Mr. Coffey stated there were differing views on this system. He would rely on the opinions of professional personnel, who believed the system was necessary. But, he would not support additional moneys in the years ahead. Municipal Manager Denis LeBlanc responded this project to incorporate all systems was very important.

Mr. Traini stated he would support this, but would not support continued monies revisions in the future.

Mr. Birch opposed because a local solution needed to be considered.

To Ms. Jennings, Chief Fiscal Officer Jeff Sinz responded there was money available for this from the building safety fund balance. Mr. Sinz responded there was intent to purchase up to five additional modules over the next five years. Mr. LeBlanc concurred and stated the current appropriation was for the software and employee training. He stated that all future steps would need Assembly approval. Ms. Jennings supported.

and this motion was passed 10-1.

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

11.B Assembly Memorandum No. AM 527-2005, recommendation of award to Hansen Information Technology, Inc. for providing a **code compliance tracking system**, to the Municipality of Anchorage Information Technology Department (RFP 24-P061) (\$927,628); Purchasing. (*Postponed from 8-9-05 and 8-23-05*)

Chair Fairclough read the memorandum title and called the Question.

Mr. Coffey moved, *to approve* AM 527-2005,  
Ms. Ossiander seconded,

Mr. Coffey stated his comments made to Agenda item 11.A applied to this issue also.

Ms. Ossiander concurred with Mr. Coffey and she would rely on the opinions of the professionals who stated this system was important.

Mr. Sullivan stated he would also rely on the opinions of the professionals, but would be keeping a keen eye on the development of this module in the future.

and this motion was passed 10-1.

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

NAYES: Birch.

Mr. Coffey moved, seconded by Mr. Bauer, to Change the Order of the Day to take up Agenda item 14 and there were no objections.

## 12. APPEARANCE REQUESTS

### 12.A. Poli Gaiduk of Java Junky, regarding ingress/egress between two businesses. *(Addendum)*

POLI GAIDUK, owner of portable coffee shop Java Junky, located in a parking lot off of 5<sup>th</sup> Avenue, again asked for Assembly assistance concerning state highway improvements that were continuing to affect her business. Mr. Coffey, Ms. Ossiander, Mr. Traini and Mr. Sullivan questioned the situation and made recommendations. It was suggested that Ms. Gaiduk meet with Planning Department Director Tom Wilson, to discuss the situation.

### 12.B. Darrel Hess & Allen Kemplen, regarding update on progress of Fairview Neighborhood Plan. *(Addendum)*

DARREL HESS, President of Fairview Community Council and ALLEN KEMPLER, Chair of the Council's Planning Committee spoke about the status of the Fairview Neighborhood Plan. The community had been working for ten years on this plan, which would offer improvements to Fairview, contributing to the vision of making Anchorage a Winter City. They explained their efforts, activities and future visions. They thanked the Assembly and the Administration for their support. Mr. Birch, Mr. Tesche, Ms. Jennings, Mr. Coffey and Chair Fairclough thanked the men for their efforts. To Mr. Tesche, Mr. Hess agreed to review the Coffey amendments proposed to the Fairview Neighborhood Plan. Upon the Chair's request, many people in the audience stood to be recognized as participants with the Fairview revitalization.

### 12.C. Bernd C. Guetschow, regarding permission granted by Parks & Recreation Department to private property owners to exclude public from access to and use of some 4000 square feet of Margaret Sullivan Park at west end of Westchester Lagoon. *(Addendum)*

BERND GUETSCHOW spoke of a section of public land on Westchester Lagoon which had been used as private property by a local homeowner for a number of years. Mr. Guetschow responded to questions from Mr. Tesche and Ms. Jennings when he presented photos and described this property in detail. He requested assistance to restore public use and access of this land. Mayor Begich stated the Administration had requested the property owner remove the buildings and improvements that had been made on the public property. They would be reviewing historic aerial photographs, to determine and document when the domestic vegetation had been planted on this property. Mayor Begich stated he would continue to work with the community and would be personally monitoring this situation.

Mr. Coffey moved, to Change the Order of the Day to take up Audience  
Mr. Traini seconded, Participation, Agenda Item 17,  
and this was approved without objection.

## 13. CONTINUED PUBLIC HEARINGS

### 13.A. Resolution No. AR 2005-207, a resolution of the Anchorage Assembly approving the **Heritage Land Bank 2005-2006 Work Program** and 2007-2011 Five-Year Management Plan, Heritage Land Bank.

1. Assembly Memorandum No. AM 563-2005. *(Carried Over from 8-30-05, Special Meeting)*

Chair Coffey read the resolution title and opened Public Hearing.

GORDON SCOTT, resident of Indian, opposed the large, private development in his community. He urged the Heritage Land Bank (HLB) not to sell their lots for additional development. Ms. Ossiander thanked him for his testimony and asked for him to consider if rezoning would make a difference to the community. Mr. Scott responded there were environmental reserves to consider, including a greenbelt, a creek and wetlands. To Ms. Jennings, he responded there was a 155-acre parcel mentioned in the HLB 5-year plan, which was only 105 acres, which was earmarked for development.

With no additional public testimony, Chair Coffey closed Public Hearing ~~and adjourned the meeting~~.

*(Clerk's Note: See Agenda item 20, for details on Adjournment.)*

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

1. Assembly Memorandum No. AM 369-2005.

*(Continued from 7-12-05; Carried Over from 8-9-05 and 8-23-05) (Carried Over to 9-27-05)*

### 13.C. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code Chapter 1.15, **Code of Ethics**; Legal Department. *(Carried Over to 9-27-05)*

1. Assembly Memorandum No. AM 325-2005. *(Continued from 6-28-05; Carried Over 8-23-05)*

13.D. Ordinance No. AO 2005-98, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code by adding a new Chapter 8.90 regarding the **Sale of Methamphetamine Precursor Drugs** within the Municipality of Anchorage; Mayor Begich; Assemblymembers Tesche, Traini, Shamberg and Jennings. **(Carried Over to 9-27-05)**

1. Assembly Memorandum No. AM 517-2005. *(Carried Over from 8-9-05 and 8-23-05)*

13.E. Ordinance No. AO 2005-93, an ordinance of the Anchorage Municipal Assembly amending Chapter 9.38, relating to licensing of bicycles, to provide for the transfer of **bicycle licensing** from the Anchorage Police Department to the Parks and Recreation Department, to establish a maximum licensing fee, and to provide for the adoption of a bicycle registration program by the Parks and Recreation Department for review and approval by the Assembly; Assemblymember Coffey.

1. Assembly Memorandum No. AM 607-2005. *(Carried Over from 8-9-05 and 8-23-05)*

**(Carried Over to 9-27-05)**

13.F. Ordinance No. AO 2005-100, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 9.38, **Bicycle Registration**, and requiring the Anchorage Police Department to develop and administer the Bicycle Registration Program; Assemblymember Bauer.

1. Assembly Memorandum No. AM 550-2005. *(Carried Over from 8-23-05)*

2. Assembly Memorandum No. AM 608-2005. **(Carried Over to 9-27-05)**

13.G. Ordinance No. AO 2005-96, an ordinance amending Anchorage Municipal Code Section 21.50.320 to permit and provide standards for **automobile display lots** in conjunction with large retail establishments (Planning and Zoning Commission Case 2005-036); Planning Department.

1. Assembly Memorandum No. AM 511-2005. *(Carried Over from 8-23-05)* **(Carried Over to 9-27-05)**

#### 14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2005-110, an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of **Refunding Electric Revenue Bonds** of the Municipality in one or more series in the aggregate amount of not to exceed \$250,000,000 for the purpose of providing funds to refund certain outstanding electric revenue bonds and to pay costs of issuance; providing for a trust agreement; delegating to the Chief Fiscal Officer certain matters relative to said bonds; authorizing an official statement; and authorizing the sale of such bonds; Finance.

1. Assembly Memorandum No. AM 564-2005.

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

Mr. Coffey moved, to approve AO 2005-110,  
Mr. Bauer seconded,

Mr. Coffey proposed to amend, upon request of the Administration. Chief Fiscal Office Jeff Sinz concurred.

Mr. Coffey moved, to amend AO 2005-110 on Page 22, Lines 7 & 8 *by adding*  
Mr. Bauer seconded, to the definition of **Savings Target**, "...Series 2005A  
and this was approved without objection. Refunded Bonds; provided that this Savings Target does not  
apply to any refunding of the 1996C Bonds, which are  
proposed to be refunded to provide for a restructured maturity  
schedule that more closely matches the production rate of the  
Beluga River Unit Gas Field."

and the main motion, as amended, passed.

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

14.B. Ordinance No. AO 2005-112, an ordinance of the Municipality of Anchorage authorizing and providing for the borrowing of not to exceed \$7,200,000 from the State of Alaska Clean Water Fund for the purpose of the partial landfill closure of the **Anchorage Regional Landfill** and providing for related matters; Solid Waste Services.

1. Assembly Memorandum No. AM 597-2005.

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

Ms. Ossiander moved, to approve AO 2005-112,  
Mr. Coffey seconded,  
and this passed without objection.

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

14.C. Resolution No. AR 2005-219, a resolution of the Municipality of Anchorage, Alaska, accepting U.S. Environmental Protection Agency grant in the amount of \$4,610,000 for funding the **Girdwood Water Improvements Project**; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 594-2005.

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

Mr. Coffey moved, to approve AR 2005-219,

Ms. Ossiander seconded,  
and this passed without objection.

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

14.D. Ordinance No. AO 2005-111, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate amount not to exceed \$2,500,000 for the purpose of financing a portion of the costs of the **Girdwood Water Improvements and the 88<sup>th</sup> Avenue (PZ411) Water Transmission Main projects** in the Municipality, and providing for related matters; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 596-2005.

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

Ms. Ossiander moved, to approve AO 2005-111,  
Mr. Coffey seconded,  
and this passed without objection.

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

14.E. Resolution No. AR 2005-218, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 05-S-4**, setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 593-2005.

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

Ms. Ossiander moved, to approve AR 2005-218,  
Mr. Coffey seconded,

Mr. Coffey moved to amend and urged a YES-vote.

Mr. Coffey moved, to amend AR 2005-218 Page 1, Line 19, *by adding*  
Mr. Stout seconded, "September 13, 2005,"  
and this was approved without objection.

Question was called on the main motion.

and the main motion, as amended, was passed.

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

14.F. Ordinance No. AO 2005-107, an ordinance amending Anchorage Municipal Code to adopt a new Title 31 to provide for independent operation and management of the **Anchorage Water and Wastewater Utility** and amending Chapters 4.70, 4.80, 26.10 and 26.50 for consistency with new Title 31.

1. Assembly Memorandum No. AM 557-2005.

Chair Fairclough read the ordinance title and opened Public Hearing.

VIRGINIA RUSCH, representing Alaska Association of Retired People (AARP), opposed this ordinance because it was a step toward the utility regulating itself and would help eliminate a utility rate-payer protection policy. State House Bill HB 108 contained a contingency clause which, if approved, would only become effective if the Anchorage Assembly established a public body. To Ms. Ossiander, she responded it appeared that AO 2005-107 was the prerequisite, which would support deregulation. To Mr. Stout, Chair Fairclough ruled that he did not have a conflict of interest with this discussion, even though his wife was the AARP Chapter President and he was a member. To Mr. Tesche, Ms. Rusch responded the approval of this ordinance would not solely change the Regulatory Commission of Alaska (RCA) regulation, if HB 108 was not approved by the State Legislature.

CRAIG WILLARD, member of AWWU Advisory Commission, supported the ordinance. The professionals on this commission had crafted this ordinance and felt it offered the best protection and was crafted for the best interest of the community. To Mr. Stout, he responded the provisions outlined in this ordinance offered the best solution, regardless whether the RCA was involved with regulation or AWWU was self regulated.

BOB MAIER, with Alaska Manufactured Housing Association, opposed the ordinance for many reasons. The rate-payers would be at a disadvantage and the appointed public body would have no limits of power.

DAVID CRONIC, with Water System Services, representing operation and maintenance of twenty-four water systems in the city, opposed the ordinance. To Mr. Sullivan, he responded there were changes needed to the ordinance. To Mr. Birch, he responded that establishing self regulation would not increase the value of the water utility. He stated the job descriptions of the positions of the governing board did not include any utility experience.

PATRICIA CURL, Chair of AWWU Advisory Commission, stated the board crafted the ordinance to offer better function of the utility as an effective business.

REGINA MANTEUFEL opposed any rate increases and thought the city should always own and control the utility.

RANDALL BUCKENDORF, British Petroleum Senior Environmental and Regulatory Attorney and legal representative to the AWWU Advisory Board, stated the ordinance was for the best interest of the utility rate payers and the utility. To Ms. Jennings, he responded the ordinance was not just about deregulation. The Assembly was capable of regulating AWWU. To Mr. Birch, Mr. Buckendorf responded the appointed board was designed to be structured. To Mr. Sullivan, he responded it would be appropriate to more clearly define the board members, to ensure specific qualifications. To Mr. Coffey, Mr. Buckendorf responded the ordinance provided the best governing mechanism for the utility.

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

Mr. Shamberg moved, to approve AO 2005-107,  
Mr. Coffey seconded,

Ms. Fairclough called the Question to extend to midnight, which was moved by Ms. Shamberg, seconded by Mr. Stout and passed with two objections. Ms. Ossiander wished to be known as a third objection.

Ms. Sullivan moved, to amend AO 2005-107 on Page 2, Lines 4, 6 and 9, by  
Mr. Bauer seconded, adding at the end of each sentence, [~~“with experience in~~  
and this was later amended, environmental regulatory issues;] **“or with experience**  
and approved without objection. **in utility matters,”**

To Mr. Sullivan, AWWU General Manager Mark Premo responded the additional language might limit their selection pool of professionals in the State of Alaska. Mr. Buckendorf responded the ultimate approval of the board members would be up to the Assembly.

Mr. Coffey stated there was a difference between environmental and regulatory expertise and experience with utility matters would be more valuable. Mr. Sullivan stated he would accept this as a friendly amendment and the second concurred.

Mr. Sullivan moved, to amend AO 2005-107 on Page 7, Line 37 ~~by deleting~~ [Both  
Ms. Ossiander seconded, contributed and], to read: **“Only” non-contributing property. by**  
and this was later substituted, ~~deleting~~ **the entire Section 30.20.050, Lines 33-40,**  
and approved without objection.

Chief Fiscal Officer Jeff Sinz and Mayor Begich opposed the amendment.

To Mr. Coffey, Mayor Begich responded the entire Section 30.20.050 could be deleted. Mr. Sullivan accepted the deletion as a substitution, the second concurred and the motion was approved.

Ms. Ossiander moved, to amend AO 2005-107 on Page 2, Line 15, *by changing* to  
Ms. Shamberg seconded, read: “6. [~~Two (2)~~] **“One” member[s] “shall not be a customer of**  
~~the service area of the utility]~~ **the utility” and by adding** on Line 17, **“7. One member shall**  
**be at large.”**

Ms. Ossiander stated that constituents in her area were not currently in the service area and they were concerned they did not have a voice in a utility from which they may be receiving service in the future.

To Mayor Begich, Ms. Ossiander offered different language. Deputy Municipal Manager Michael Abbott responded it still did not offer the best management policy available to the utility. Mayor Begich objected to the new language. Chair Fairclough recommended creating a new number 7 and Municipal Clerk Barbara Gruenstein clarified the language. Ms. Ossiander concurred, along with the second.

and the Ossiander Amendment failed 5-6.

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

Ms. Ossiander moved, to amend AO 2005-107 on Page 4, *by deleting* Lines 6-10,  
Mr. Birch seconded,  
and this motion was later withdrawn,

Ms. Ossiander stated this section referred to the board's ability to set tariff rates and fees. Responding to Mr. Tesche's proposed amendment, she withdrew her amendment, with concurrence of the second.

Mr. Tesche moved, to amend AO 2005-107 on Page 3, *by adding* a new Section  
Mr. Coffey seconded, 8. **“This enactment does not authorize the Assembly to**  
**assume the regulatory functions of the Regulatory**  
**Commission of Alaska unless the assumption of those**  
**functions is approved by subsequent ordinance.”**

To Mr. Sullivan, Mr. Tesche responded this would involve State of Alaska action, allowing the opportunity. Mr. Abbott responded all versions of HB 108 would allow the option for self regulation.

To Mr. Sullivan, Mayor Begich and AWWU General Manager Mark Premo responded that the language on Page 4, Line 7 "subject to" would allow the Assembly the opportunity to self regulate.

and the Tesche Amendment was unanimously approved.

Ms. Ossiander stated she could not support this ordinance as it was written, with people's fears of the tariffs and rates set at AWWU and with potential impacts for rural areas of the city.

Ms. Shamberg moved, to amend AO 2005-107 on Page 2, Line 28, *by adding*  
Ms. Ossiander seconded, "Directors shall not serve more than two consecutive terms,"  
and this motion was later withdrawn.

To Ms. Ossiander, Mr. Willard responded they had considered including similar language, but had concluded that once a qualified professional joined the board, it was important for them to remain on the board. Ms. Shamberg withdrew her amendment and the second concurred.

Mr. Birch supported the modified ordinance and approved the opportunity to allow monitoring by the Assembly. To his question, Mr. Premo responded that a 2002 study had determined the market value of AWWU was \$75 to \$125 million.

Mr. Coffey supported the amended ordinance. An independent board was appropriate and would lessen the politics.

Mr. Stout was still concerned that there were not proper safeguards and might lead to problems down the line. The utility was working fine as it was and he would not support the ordinance.

Mr. Tesche recommended a YES-vote.

Ms. Jennings stated this ordinance promised to increase efficiency and make a good utility even better. To her question, Mr. Sinz explained the recent order from the RCA. Mayor Begich responded the Administration would inform the Assembly of the appeal and the continuing communications. To her question, Mr. Premo responded the Administration was preparing the budget as if the appeal would be successful.

To Mr. Birch, Mr. Premo responded the cumulative total in the 2006-2007 budget of MUSA contributions and non-contributions were about \$8 million.

To Mr. Traini, Mayor Begich responded the annual cost of RCA was almost \$500,000. Mr. Premo responded the RCA rates were going up 61%. Mr. Traini stated the RCA was controlled by the Governor and he would support the ordinance.

Mr. Coffey stated that while he supported the ordinance, he would be concerned with the lack of knowledge, experience and expertise of the Assembly, if they were to make recommendations on the utility. Mayor Begich responded that if the appeal was settled in favor of the city, the money received would be given back to the city.

Mayor Begich thanked the AWWU Advisory Commission for their work in determining the best way to run the utility. He thanked the AWWU staff for their technical assistance.

Chair Fairclough called the Question on the main motion.

and the main motion, as amended, was passed.

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

NAYES: Ossiander and Stout.

- 14.G. Ordinance No. AO 2005-106, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments (City View #2 Blk 7 Lt 18; Nels Kleven Blk 1 Lt 2 S3 W2; Nels Kleven Blk 1 Lt 2 M3 W2; Nels Kleven Blk 1 Lt 2 N3 W2; Nels Kleven Blk 1 Lt 3 S3 W2; Nels Kleven Blk 1 Lt 3 M3 W2; Turpin Blk 2 Lt 6; Chester Valley Blk 7 Lt 5; College Heights Blk 8 Lt 14; College Heights Blk 7 Lt 3; Windemere Blk 4 Lt 11; Seacliff Plaza TR A Seacliff Terrace Unit #B-09; Woodland Lakes Unit #2 Blk 2 Lt 6 Northwest Village Phase 1 Unit #34; Laurel Acres Blk 1 Lt 4; Chugach Meadows Blk 4 Lt 7A; Glacier View Heights #4 Blk 3 Lt 11), Real Estate Services.
1. Assembly Memorandum No. AM 556-2005.

Chair Fairclough read the ordinance title and opened Public Hearing.

REGINA MANTEUFEL testified that the Municipality should save these properties and use them for shelters for homeless persons or victims of abuse.

Mr. Coffey moved, to approve AO 2005-106,  
Ms. Jennings seconded,  
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 temporarily out of Chambers at the time of the vote.)

- 14.H. Resolution No. AR 2005-217, a resolution of the Municipality of Anchorage appropriating \$227,592 from the Federal Office for Domestic Preparedness, under the 2005 Metropolitan Medical Response System (MMRS) grant program, through the Alaska Division Of Homeland Security and Emergency Management to the State Categorical Grants Fund (231); Anchorage Fire Department, for the

purchase of Emergency Medical Services (EMS), **Electronic Patient Care Reporting (EPCR) equipment**; Anchorage Fire Department.

1. Assembly Memorandum No. AM 592-2005.

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

Ms. Shamberg moved, to approve AR 2005-217,  
Mr. Birch seconded,  
and this motion was passed.

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

NAYES: None.

14.I. Resolution No. AR 2005-220, a resolution of the Municipality of Anchorage authorizing the Administration to amend the Participation Agreement with the State of Alaska **Public Employees' Retirement System (PERS)** to exempt certain positions from participation in PERS; Employee Relations.

1. Assembly Memorandum No. AM 595-2005.

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

Ms. Ossiander moved, to approve AR 2005-220,  
Mr. Bauer seconded,  
and this motion was approved.

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

NAYES: None.

14.J. Ordinance No. AO 2005-114, an ordinance amending Anchorage Municipal Code Section 3.97.060 pertaining to **naming of municipal buildings, other fixed facilities and public places**; Office of Economic & Community Development.

1. Assembly Memorandum No. AM 604-2005.

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

Mr. Sullivan moved, to approve AO 2005-114,  
Ms. Jennings seconded,

Mr. Sullivan opposed this ordinance. He did not think the city should allow bids to sell the naming rights of certain public facilities, because it would lead to commercial names rather than geographical or Alaskan names.

Ms. Ossiander concurred and did not think it was good public policy.

Ms. Jennings concurred, but wondered if it should be considered if a lot of money was offered.

Mayor Begich stated they had included clear language in the bidding process to address proposed names which were acceptable, with the right to reject a bid. He responded the intent was to maximize value of commodities, by benefiting with a corporate partner, like the working partnership that UAA shared with Wells Fargo, naming one of their facilities for \$85,000 per year. If the naming was carefully planned, there was an opportunity to enhance public facilities and taxpayers would benefit. Cities all across the nation had successfully used this process to maximize benefits.

Mr. Birch supported the ordinance. The Assembly would be able to review all proposed names and it was an opportunity to generate revenue that would offset property tax revenues.

Ms. Shamberg stated that, with Assembly review, she would support. It was a good way to help offset property taxes.

Mr. Tesche stated that because the process included Assembly review, he would support.

Mr. Stout stated the document should include specific language, saying proposed names needed Assembly approval. Mayor Begich did not object to additional language.

Mr. Stout moved, to amend AO 2005-114 on Page 1, Line 21 at the end of the  
Mr. Tesche seconded, sentence, *by adding* [-] "which sale shall be subject to  
and this was approved without objection. Assembly approval."

Question was called on the main motion.

and the main motion, as amended, was passed.

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

NAYES: Sullivan.

14.K. Resolution No. AR 2005-222, a resolution of the Anchorage Municipal Assembly approving an amendment to an alcoholic beverages conditional use in the B-3 District for a beverage dispensary use per AMC 21.40.180 D.8 for the **Club Oasis** to add two duplicate beverage dispensary licenses, located on Lot 2B, Midriff Subdivision, site address being 4801 Old Seward Highway, generally located between East 46<sup>th</sup> Court and East 50<sup>th</sup> Avenue, on the east side of the Old Seward Highway (Mid-Town; Campbell Park; Taku/Campbell Community Council) (Case 2005-115); Planning Department.

1. Assembly Memorandum No. AM 610-2005.

Chair Fairclough stated that Mr. Coffey had declared a conflict of interest and she ruled that he would not participate with this matter and there were no objections. She opened Public Hearing.

SHERMAN ERNOUF, representing Club Oasis, testified in support of the conditional use permit, allowing for duplicate licenses for two fixed bars in the establishment.

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

Mr. Birch moved, to approve AR 2005-222,  
Ms. Shamberg seconded,

To Ms. Jennings, Mr. Ernouf responded the owners were negotiating a joint-use parking agreement with the neighboring business, Prime Ink. He responded the language in the document, referring to the percentages of alcohol and food served needed administrative corrections.

Mr. Sullivan moved, to amend AR 2005-222 on Page 2, Lines 6 and 7, *by changing*, to read: 'Alcohol sales are estimated to be [20] "80" percent...' and 'compared to [80] "20" percent food sales...,'  
Ms. Jennings seconded,  
and this was approved without objection.

Ms. Jennings moved, to amend AR 2005-222 on Page 2, Line 6, *by changing* to read: '... required parking spaces appear to be [37] "137" spaces,'  
Mr. Sullivan seconded,  
and this was approved without objection.

Ms. Jennings objected adding additional licenses for one location. Parking and traffic were concerns, along with the increased violence which accompanied so many people drinking alcohol in one location.

Chair Fairclough called the Question.

and this motion, as amended, was passed, 8-2.

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

NAYES: Shamberg and Jennings.

ABSTAIN: Coffey.

- 14.L. Ordinance No. AO 2005-97, an ordinance amending Anchorage Municipal Code Section 21.50.160 to amend a subsection and add a new subsection exempting **catering and special events permits** involving the retail sale and dispensing of alcoholic beverages from the conditional use process (Planning and Zoning Commission Case 2005-053); Planning Department.
1. Assembly Memorandum No. AM 512-2005.

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

Mr. Sullivan moved, to approve AO 2005-97,  
Ms. Shamberg seconded.

Ms. Ossiander understood the Planning Department was creating a substitute version for this ordinance. Mr. Coffey and Planning Director Tom Nelson concurred.

To Mr. Bauer, Mr. Coffey responded that unique cases of conditional uses were still being considered.

Ms. Ossiander moved, *to postpone indefinitely* AO 2005-97,  
Mr. Sullivan seconded,  
and this passed without objection.

- 14.M. Ordinance No. AO 2005-116, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.40.050, **Adult-oriented Establishment License**, to set a minimum distance between adult-oriented establishments and premises licensed as Beverage Dispensaries under AS 04.11; Assemblymember Traini.
1. Assembly Memorandum No. AM 611-2005.  
2. Summary of Economic Effects. (**Laid on the Table**)

Chair Coffey read the ordinance title. He stated this matter could be forwarded to the Planning and Zoning (P&Z) Commission. Mr. Sullivan responded if the issue was referred to P&Z then Public Hearing should also be postponed. He recommended that Public Hearing be opened and the issue be referred to the Planning Department. He requested a map from the Planning Department.

Mr. Tesche recommended Public Hearing be opened and Assembly action taken that evening.

Chair Coffey opened Public Hearing.

MARTIN ELDRED, Pastor of Joy Lutheran Church, supported the ordinance. It set parameters around these businesses, helping to protect the health and welfare of persons in the community. To Ms. Ossiander, Reverend Eldred responded he would be more adamant if the ordinance was addressing under-21 aged dancers. To Mr. Tesche, Reverend Eldred responded that the density of adult establishments helped to create an unhealthy environment with increased crime and created blights in the community.



STACIE PAPINEAU, Chair of the Alaska Women's Commission, spoke in favor of the ordinance and presented a resolution of support from the Commission to the Assembly.

KATHLEEN PLUNKETT testified in support of the ordinance because it would create rules that would help decrease crime and help improve revitalization of neighborhoods and the community.

REGINA MANTEUFEL proposed amendments to the ordinance, requiring posting of Municipal Code concerning tips, in the restrooms and dressing rooms. Mr. Tesche responded that her amendment could not be taken up that evening because the title of the ordinance addressed other issues. He thanked her for her tireless advocacy in this area.

CASEY STOUFFER, Executive Director of the Mary Magdalene Home Alaska, supported the ordinance and stated the 1000-foot barrier between adult-oriented businesses would help to reduce effects from this type of business, in particular, sexually exploitation of women.

CAROL HARTMAN, with Fantasies, thought consideration of local statistics needed to be considered, rather than comparing with national studies. To Mr. Tesche, Ms. Hartman responded there was a Supreme Court decision requiring a study to use local, instead of national statistics.

KIM BOWMAN opposed the ordinance. The people who used these businesses would go to them, regardless of where they were or how close they were to each other.

ELIZABETH FRANCES, an under-21 dancer at Fantasies, opposed the ordinance because it would affect her job.

LORI PICKETT supported the ordinance. She proposed consideration of changes, including eliminating the use of glass or Plexiglas, as a separating wall between a bar and a strip club.

BROOKE HARVEY, a 20-year old dancer at Fantasies, stated that this was not a teen club, but an adult club.

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

Mr. Traini moved, to approve AO 2005-116,  
Mr. Tesche seconded,

To Mr. Sullivan, Mr. Traini responded that the Municipal Attorney and land use special consultants had stated this issue did not conflict with federal law. Mr. Tesche concurred. To Mr. Sullivan, Planning and Zoning Director Tom Nelson responded there was a map that indicated locations of adult establishments and school zones, with separation zones. Mr. Sullivan responded that map was limited.

To Chair Coffey, Acting Municipal Attorney Rhonda Fehlen Westover responded if this ordinance resulted in an absolute prohibition of these establishments, based on the 1000-foot barrier, there would be legal issue. As a policy matter, the Assembly may regulate time, manner and place, but did not have the ability to prohibit the type of activity, as long as the minimum distance requirement did not prohibit all activity. She recommended examination of a map.

To Mr. Birch, Ms. Westover responded the Legal Department was examining the legalities of co-ownership of these establishments. Mr. Birch stated it appeared the thrust of the ordinance was to prohibit this type of dancing. Chair Coffey responded 'adult-oriented establishment' was defined in statutes as being a place where under-aged people were prohibited for reasons other than alcohol.

Mr. Tesche stated that Assembly Legal Secretary Susan Lutz had prepared a map of the Anchorage Bowl, showing the radiuses. There were other areas in the city where additional establishments would be allowed.

Mr. Traini stated that Seattle had not approved a new strip club for the past eighteen years. To Mr. Traini, Health and Human Services Director Beverly Wooley responded she had toured Fantasies and was aware of activities. She responded the bar and the strip club were side-by-side, with a Plexiglas wall separating teenaged dancers from patrons entering the bar.

Mr. Sullivan moved, to postpone AO 2005-116 to September 27, 2005, after  
Mr. Birch seconded, referring it to the Public Safety Committee and with the  
Planning Department submitting a definitive map, showing  
the 1000-feet and locations of establishments, churches and  
schools,

To Chair Coffey, Mr. Nelson responded the requested map could be prepared for the Assembly Meeting on September 27<sup>th</sup>. Mr. Bauer responded he would schedule a Public Safety Committee Meeting on the 23<sup>rd</sup> at 9:00 a.m. to address the map. Mr. Sullivan accepted all conditions as friendly amendments.

Mr. Sullivan requested an opinion from the Department of Law on the affect of passage of this ordinance to current applications, particularly the Setter. Mr. Tesche responded that he had prepared a floor amendment to address that issue, which had been reviewed by the Law Department. Chair Coffey requested the Legal Staff make sure there would not be a title issue.

Mr. Traini objected to postponement.

Mr. Tesche stated there were many constituents in his district that took this matter very seriously because it affected families and the values of the community. He urged members to take this very seriously, but, he would support postponement.

Mr. Sullivan stated the process included a committee structure for reasons to methodically and thoroughly examine matters like this one, to fully understand, before being considered by the Assembly.

and the amended Sullivan motion to postpone was approved,  
with an excused absence for Ms. Fairclough.

Ms. Ossiander moved, to adjourn the Assembly Meeting,  
Mr. Tesche seconded,  
and this motion failed 4-6.

AYES: Tesche, Ossiander, Sullivan and Traini.

NAYES: Shamberg, Coffey, Birch, Stout, Bauer and Jennings.

ABSENT: Fairclough, excused.

Mr. Sullivan requested the Health and Human Services Commission and the Public Safety Committee address the methamphetamine precursor drugs before the Assembly considered the matter.

- 14.N. Ordinance No. AO 2005-117, an ordinance an ordinance amending Anchorage  
Municipal Code Chapter 10.60 regarding **vendor licensing**; Assemblymember Tesche.  
1. Assembly Memorandum No. AM 612-2005.

Chair Coffey read the ordinance title and opened Public Hearing.

MELVIN STERN, a downtown ice cream vendor, testified the lottery process needed to be reviewed. It no longer operated as it was intended and it was being abused.

SHIRLEY COLWELL testified that more time was needed to examine the lottery issue because the process was not fair and did not follow the law. To Mr. Birch, Ms. Caldwell responded that her booth was located on private property at 6<sup>th</sup> and D Street. To Mr. Sullivan, Ms. Caldwell responded that the licensing process needed to be improved.

JOE NANGLE, a 14-year downtown lottery vendor, opposed the lottery changes because public process had not been included. He explained the process that he and his family had used over the years to ensure they would get one of the 12 positions allowed. To Mr. Tesche, Mr. Nangle responded that his family maintained two downtown vendor spots. To Mr. Sullivan, he responded that he would support a grandfather clause for vendors.

DON SMITH testified in support of needed changes in the ordinance.

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

Mr. Tesche moved, to approve AO 2005-117,  
Ms. Ossiander seconded,

Mr. Tesche urged a YES-vote. This would be an opportunity to work with downtown vendors to improve the process.

Mayor Begich stated the Administration was addressing concerns the audit had indicated. It was their intent to include public process and have Assembly approval on a final ordinance by November. They were addressing the process, the numbers of issued licenses and the value of prime locations.

and this motion was passed without objection,  
with an excused absence for Ms. Fairclough.

- 14.O. Ordinance No. AO 2005-108, an ordinance of the Anchorage Municipal Assembly requiring utilization of efficient **combined cycle power generation technology**, together with combined heat and power and best available environmental control technology, in connection with replacement of existing power generation equipment, including Unit #3, Plant #1, by Municipal Light & Power; Assemblymembers Tesche, Traini, Coffey and Stout.

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

Mr. Tesche moved, to postpone AO 2005-108 until November 8, 2005 with a  
Ms. Shamberg seconded, worksession scheduled,

Mr. Birch supported postponement and scheduling a worksession.

Ms. Jennings supported postponement.

and this motion passed without objection.

- 14.P. Ordinance No. AO 2005-51, an ordinance of the Anchorage Municipal Assembly to levy a three (3) percent **sales tax** on the sale of goods with certain exemptions, with a cap and with a reimbursement for collection, all within the tax cap and for the exclusive purpose of reducing property taxes proportionately throughout the Municipality of Anchorage, subject to a sunset provision and submitting the question of whether or not to approve said sales tax to the qualified voters of the Municipality at its next Regular Election on April 4, 2006 with re-approval required at the April 7, 2009 Regular Election; Assemblymember Coffey. (**Public Hearing Rescheduled to September 27, 2005**)  
1. Assembly Memorandum No. AM 205-2005.

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

The Assembly approved to Change the Order of the Day, allowing the Reverend Doctor Greene the opportunity to speak.

Reverend Doctor William Greene, President of the NAACP Anchorage Branch, thanked the Assembly for allowing him to speak to a very important issue. The reorganization of the Assembly Office had involved firing an African-American woman with eighteen years with the municipality, who held a senior position. He viewed it as racism and felt a grave injustice had been done. The actions taken would not go away until the situation was rectified. He urged the Assembly to give her job back or allow Ms. Jackson the opportunity to make the decision to return. To Ms. Jennings, Reverend Doctor Greene responded that Ms. Jackson had done an outstanding job in the community, was a role model for young African-Americans in the community and helped fill a minority position that was needed in the community. The actions taken were wrong, improper and unfair. Chair Fairclough responded there were concerns with the perception in the community, when this was simply a reorganization of the Assembly. Mr. Tesche and Mr. Traini thanked Reverend Doctor Greene for testifying. Mr. Coffey thanked him for speaking and sharing his perception. Reverend Doctor Greene responded the community was outraged and the Assembly needed to be held accountable.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Coffey adjourned the Regular Assembly Meeting at 11:55 and there were no objections.

ANNA FAIRCLOUGH, Assembly Chair

DAN COFFEY, Acting Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk  
Date Minutes Approved: October 25, 2005.  
MC/BG

(Copies of Approved Documents and Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6<sup>th</sup> Avenue, Suite 250, Anchorage, Alaska, telephone (907)343-4311, or on the Municipal Web Site, [www.muni.org](http://www.muni.org) ~Assembly)