

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of September 27, 2005

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:08 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, Paul Bauer, Dick Traini and Pamela Jennings.

ABSENT: Ken Stout, excused.

3. PLEDGE OF ALLEGIANCE Assemblymember Ossiander led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – July 26, 2005

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Ms. Ossiander seconded, July 26, 2005,
and this motion was passed unanimously,
with Ms. Fairclough abstaining because of an excused absence.

4.B. Special Meeting – August 31, 2005

Mr. Coffey moved, to approve the Special Meeting Minutes of
Mr. Sullivan seconded, August 31, 2005,

Ms. Jennings stated there were many sections missing from Assembly discussion that were important. Chair Fairclough requested she make her requests for additions to the Minutes Clerk and called for a motion to postpone.

Mr. Coffey moved, *to postpone* the Meeting Minutes of August 31, 2005
Mr. Tesche seconded, until additional Assembly discussions were added,
and this was approved without objection.

5. MAYOR'S REPORT

Mayor Begich reported that the Municipal Light and Power's bond rating had recently been reviewed and had improved. He reported on the unified comprehensive list of proposed projects from the State Department of Transportation (DOT) and the Administration would soon release a draft, identifying top projects. To Mr. Coffey, Mayor Begich responded that they would deliver the list of top proposals to DOT by the end of October.

6. ASSEMBLY CHAIR'S REPORT

Chair Fairclough stated there were high school government students in the audience that evening and she briefly explained to them how to follow the Agenda and how the Assembly did business.

7. COMMITTEE REPORTS

Ms. Ossiander announced a School Site Selection Committee meeting on Thursday, October 29th at 10 a.m. On Friday, the Title 21 Committee would meet at the Planning Department from 9:00 to 11:00 a.m. to finish Chapter 5.

Mr. Bauer reported on the recent Public Safety Committee worksession, where they had reviewed Mr. Traini's ordinance concerning adult-oriented establishments. The Municipal Attorney's Office gave legal advice and the Planning Department had presented maps showing proximity of sites in the city, sharing information that assisted the Assembly with moving forward to resolving this issue.

Mr. Tesche thanked Mr. Bauer and the Public Safety Committee for their review of the adult-oriented establishment issue. Because it had been determined there were constitutional questions concerning the proposed 1000-foot radius, he would be moving to postpone indefinitely AO 2005-116 and there would be a new ordinance introduced that evening, with Public Hearing set for October 11th, addressing the issue through regulatory means.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. She called for additional items to be added. Items AO 2005-138, AO 2005-139, AR 2005-253 and AM 699(A) were added. She assigned to these items Agenda Numbers 9.F.14, 9.F.15, 9.A.2 and 14.D.3, respectively. She stated that AM 699-2005(A) had been substituted for AM 699-2005. There being no additional items and she called for a vote to incorporate the Addendum items into the Regular Agenda.

Mr. Bauer moved, to approve the inclusion of the Addendum items
Mr. Coffey seconded, into the Agenda,
and this motion was passed without objection.

Chair Fairclough called for a motion on the Consent Agenda.

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

Chair Fairclough called for Assemblymembers to request items be pulled for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2005-244, a resolution of the Anchorage Municipal Assembly honoring and **James E. (Jim) Pennington** for more than 24 years of service to the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

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

9.A.2. Resolution No. AR 2005-253, a resolution of the Anchorage Municipal Assembly recognizing October as **Disability Awareness month**; Mayor Begich, Chair Fairclough, Vice Chair Coffey and Assemblymembers Bauer, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. (**Laid on the Table**)

Mr. Tesche moved, to introduce AR 2005-253
Mr. Coffey seconded,
and Ms. Ossiander was the concurring third.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.A.2)

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2005-245, a resolution of the Anchorage Municipal Assembly appointing **Janet Lu** as Administrative Assistant; Assembly Chair Fairclough.

9.B.2. Resolution No. AR 2005-246, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich to **name the various rooms at the Anchorage Museum of History and Art** for community leaders in honor of their outstanding contributions and dedication to community service; Mayor's Office.

9.B.3. Resolution No. AR 2005-247, a resolution of the Anchorage Municipal Assembly appropriating \$95,000 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice Grant and \$3,400 as a contribution from the Anchorage Police Service Area Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of **Forensic Science Improvement Grant**.

a. Assembly Memorandum No. AM 680-2005.

9.B.4. Resolution No. AR 2005-248, a resolution of the Municipality of Anchorage appropriating \$22,125 from the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency Management, to the State Categorical Grants Fund (231) to support the **Anchorage Local Emergency Planning Committee (LEPC) activities**; Office of Emergency Management.

a. Assembly Memorandum No. AM 681-2005.

9.B.5. Resolution No. AR 2005-249, a resolution of the Municipality of Anchorage appropriating \$10,000 from Mt. Park Estates Limited Road Service Area Fund Balance (Fund 117) to Mt. Park Estates Limited Road Service Area BY2005 Operating Budget (Fund 117) for year round road maintenance services within **Mt. Park Estates Limited Road Service Area**; Maintenance & Operations Department.

a. Assembly Memorandum No. AM 682-2005.

9.B.6. Resolution No. AR 2005-250, a resolution of the Municipality of Anchorage appropriating \$5,000 from the Upper Grover Limited Road Service Area Fund Balance (Fund 115) to the Upper Grover Limited Road Service Area BY2005 Operating Budget (Fund 115) for year round road maintenance service within the **Upper Grover Limited Road Service Area**; Maintenance & Operations Department.

a. Assembly Memorandum No. AM 683-2005.

9.C. BID AWARDS

9.C.1. Assembly Memorandum No. AM 693-2005, recommendation of award to Roger Hickel Contracting, Inc. for **structural upgrade** to Municipal Light & Power Transformer Shop for the Municipality of Anchorage; Municipal Light & Power (ITB 25-C049) (\$148,000); Purchasing. (**Addendum**)

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 673-2005, **Board of Adjustment** reappointment (Susan Reeves); Mayor's Office. (*Postponed To October 11, 2005, To Permit a 10-DAY Public Comment Period Pursuant To AMC 21.10.030.C.*)

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

- 1
2 9.D.2. Assembly Memorandum No. AM 674-2005, Planning and Zoning Commission reappointments
3 (Shaun Debenham, Art Isham, Nancy Pease); Mayor's Office. (*Postponed To October 11, 2005, To*
4 *Permit a 10-DAY Public Comment Period Pursuant To AMC 21.10.030.C.)*
5

6 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.2*)
7

- 8 9.D.3. Assembly Memorandum No. AM 675-2005, Amendment No. 2 to the professional services agreement
9 with StephI Engineering, LLC, 2004 term contract for Trenchless Technology services (\$100,000);
10 Anchorage Water & Wastewater Utility.
11

12 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (*See item 10.D.3*)
13

- 14 9.D.4. Assembly Memorandum No. AM 676-2005, Girdwood Water Improvements – Phase IIA -
15 Transmission Main Extension and Girdwood School On-Site Water Service – Change Order No. 3 to
16 Construction Contract, Construction Unlimited, Inc. (\$79,991.34); Anchorage Water & Wastewater
17 Utility.
18 9.D.5. Assembly Memorandum No. AM 677-2005, Amendment No. 2 to professional engineering services
19 contract with USKH, Inc., for professional engineering services for the Lake Otis Parkway Surface
20 Rehabilitation, 68th Avenue to Abbott Road, Project No. 03-15 (\$274,806); Project Management &
21 Engineering.
22 9.D.6. Assembly Memorandum No. AM 678-2005, Amendment No. 2 to the professional services contract
23 with DOWL Engineers for the Creekside Town Center Road Improvements, Project No. 02-12
24 (\$250,119); Project Management & Engineering.
25

26 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.D.6*)
27

- 28 9.D.7. Assembly Memorandum No. AM 679-2005, amendment to Alaska Communications Systems (ACS)
29 Utility Relocation Agreement for the Anchorage Memorial Cemetery Columbarium Wall
30 Improvements Project for the Municipality of Anchorage, Project Management and Engineering
31 Department (PM&E) (\$30,879.42); Purchasing.
32 9.D.8. Assembly Memorandum No. AM 694-2005, proprietary purchase of Stratus Server System and
33 software support from Bio-Key International for the Municipality of Anchorage, Anchorage Police
34 Department (APD) (\$79,279); Purchasing. (Addendum)
35 9.D.9. Assembly Memorandum No. AM 695-2005, recommendation of award to Baker & Taylor, Inc. for
36 providing library materials and services on an "as required" basis to the Municipality of Anchorage;
37 Office of Economic & Community Development, Library Department (RFP 25-P018) (\$1,200,000),
38 Purchasing. (Addendum)
39 9.D.10. Assembly Memorandum No. AM 698-2005, Peter's Sushi Spot #4517 – 2005 Restaurant/Eating
40 Place Liquor License (Midtown Community Council); Clerk's Office. (Addendum)
41

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

- 44 9.D.11. Assembly Memorandum No. AM 699-2005, Brown Jug – 2004/2005 Transfer of a Liquor License
45 #3478 – Package Store (Spenard Community Council); Clerk's Office. (Addendum)
46

47 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.D.11*)
48

- 49 9.D.12. Assembly Memorandum No. AM 700-2005, American Legion Post #34 #4522 – Transfer of Liquor
50 License # 3690 – Club (Fairview Community Council); Clerk's Office. (Addendum)
51 9.D.13. Assembly Memorandum No. AM 701-2005, Simon's Taco Rico #4523 – New Restaurant/Eating
52 Place Liquor License (Fairview, North Star, Spenard Community Councils); Clerk's Office.
53 (Addendum)
54

55 **9.E. INFORMATION AND REPORTS**

- 56 9.E.1. Information Memorandum No. AIM 61-2005, Internal Audit Report 2005-9 – Traffic Citation Revenue,
57 Anchorage Police Department; Internal Audit.
58 9.E.2. Information Memorandum No. AIM 62-2005; Internal Audit Report 2005-10 - Safety Procedures and
59 Records, Port of Anchorage, Internal Audit.
60 9.E.3. Information Memorandum No. AIM 63-2005, Trena-Rierie Easement Sewer Upgrade – Pending
61 Contract Change Order; Anchorage Water & Wastewater Utility.
62 9.E.4. Information Memorandum No. AIM 64-2005, Utility-Wide SCADA System Water Distribution
63 Facilities Group 2 –H.C. Price Co., Contract #C-246085, Report of Construction Contract Change
64 Orders (\$196,167.94); Anchorage Water & Wastewater Utility.
65 9.E.5. Information Memorandum No. AIM 65-2005, 2004 Schedule of Expenditures of Federal Awards,
66 State Financial Assistance Reports and required Federal information; Finance/Controller.
67

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

- 69 9.F.1. Ordinance No. AO 2005-128, an ordinance of the Anchorage Municipal Assembly amending
70 Anchorage Municipal Code Section 9.26.020, setting a maximum speed limit on unpaved roads;
71 Assemblymember Shamberg. (Public Hearing 10-11-05)
72 a. Assembly Memorandum No. AM 672-2005.
73 9.F.2. Ordinance No. AO 2005-129, an ordinance of the Municipality of Anchorage creating Special
74 Assessment District 04-36 for reconstruction of Leawood Drive and Roy Street, and determining to
75 proceed with proposed improvements therein; Project Management & Engineering.
76 a. Assembly Memorandum No. AM 686-2005. (Public Hearing 10-18-05)
77 9.F.3. Ordinance No. AO 2005-130, an ordinance repealing and reenacting Anchorage Municipal Code
78 Chapter 15.55 and Title 23 to adopt 2003 Editions and enacting local amendments of the following

codes: Well Code, Administrative, Building, Mechanical, Plumbing, Electrical, Fire, Existing Buildings, Residential, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code For Elevators And Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, Fuel and Gas Code; Development Services. (*Public Hearing 10-25-05*)

a. Assembly Memorandum No. AM 687-2005.

9.F.4. Ordinance No. AO 2005-131, an ordinance amending the zoning map and providing for the rezoning of approximately 2.75 acres, from R-2M (Multiple Family Residential District) and R-O SL (Residential Office District with Special Limitations) to R-O (Residential Office District), for **O'Brien Subdivision, Block 6, Lots 1, 2, 3, 4 and 9**; generally located on the west side of Lake Otis Parkway, between 74th Avenue and Lore Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 2005-063); Planning Department. (*Public Hearing 10-25-05*)

a. Assembly Memorandum No. AM 688-2005.

9.F.5. Ordinance No. AO 2005-132, an ordinance amending the zoning map and providing for the rezoning of approximately 0.96 acres, from B-3SL (General Business District with Special Limitations) to same B-3SL (General Business District with Special Limitations) with an amendment to the permitted uses in the existing special limitations applicable to **Tract A-1B, Lathrop Subdivision**, generally located at 42nd Avenue and Lake Otis Boulevard (Tudor Area Community Council) (Planning and Zoning Commission Case 2005-109); Planning Department. (*Public Hearing 10-25-05*)

a. Assembly Memorandum No. AM 689-2005.

9.F.6. Ordinance No. AO 2005-133, an ordinance amending the zoning map and providing for the rezoning of approximately 3.1 acres from R-6 (Suburban Residential, Large Lot District) to R-1SL (Single Family Residential District with Special Limitations) for a portion of **Tract E, The Terraces Subdivision**; generally located at Lake Otis Boulevard and Cange Street, south of East 112th Avenue (Huffman-O'Malley and Abbott Loop Community Councils) (Planning and Zoning Commission Case 2005-095); Planning Department. (*Public Hearing 10-25-05*)

a. Assembly Memorandum No. AM 690-2005.

9.F.7. Ordinance No. AO 2005-134, an ordinance amending Anchorage Municipal Code by repealing Chapter 2.80, pertaining to the Assembly Budget and Legislative Services, and enacting a new Section 2.20.055, pertaining to the **Municipal Clerk's Office**; Assembly Vice-Chair Coffey. (*Public Hearing 10-11-05*)

Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.F.7*)

9.F.8. Ordinance No. AO 2005-135, an ordinance amending Anchorage Municipal Code Chapters 3.30 and 3.70 regarding represented and non-represented employee eligibility for **service recognition pay**; Employee Relations Department. (*Public Hearing. 10-11-05*)

a. Assembly Memorandum No. AM 691-2005.

b. Assembly Memorandum No. AM 696-2005, Summary of Economic Effects for General Government and Utilities to be substituted for documents submitted with AO 2005-135; Employee Relations. (*Public Hearing 10-11-05*) (**Addendum**)

9.F.9. Ordinance No. AO 2005-136, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.97.030, **Procedures for Naming Municipal Buildings**, Other Fixed Facilities and Public Places, to require the citizen panel to include at least one Assembly Member and one community council representative from the district in which the facility is located; Assemblymember Bauer. (*Public Hearing 10-11-05*)

a. Assembly Memorandum No. AM 692-2005, AO 2005-136 – Naming of Municipal Buildings, Other Fixed Facilities and Public Places; Assemblymember Bauer. (*Public Hearing 10-11-05*) (**Addendum**)

9.F.10. Resolution No. AR 2005-251, a resolution of the Municipality of Anchorage appropriating \$602,998 as a grant from the U.S. Department of Health and Human Services to the Federal Categorical Grants Fund (241), Department of Health and Human Services to fund **Family Planning Services**.

a. Assembly Memorandum No. AM 684-2005. (*Public Hearing 10-11-05*)

9.F.11. Resolution No. AR 2005-252, a resolution of the Municipality of Anchorage adding Section 11.10.009.F to the Anchorage Municipal Code of Regulations limiting the lease amount paid by taxicab chauffeurs, adding Section 11.10.009.G to the Anchorage Municipal Code of Regulations requiring the Anchorage Transportation Commission to review **taxicab meter rates** no less frequently than every two years, and amending Sections 11.10.009.A and 11.10.009.B of the Anchorage Municipal Code of Regulations increasing the rates and fares for taxicab service; Transportation Inspection. (*Public Hearing 10-11-05*)

a. Assembly Memorandum No. AM 685-2005.

(Clerk's Note: There was no Agenda Item 9.F.12)

9.F.13. Ordinance No. AO 2005-137, an ordinance approving a **Multi-Year Management Agreement for the Anchorage Museum of History and Art**, waiving Anchorage Municipal Code Titles 6 and 7 as to the Museum Collection, and amending Anchorage Municipal Code Section 7.40.060 regarding the Public Art Program; Office of Economic & Community Development. (*Public Hearing 10-11-05*)

a. Assembly Memorandum No. AM 697-2005. (**Addendum**)

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.F.13*)

9.F.14. Ordinance No. AO 2005-138, an ordinance amending Anchorage Municipal Code by repealing Chapter 2.80, pertaining to the **Assembly Budget and Legislative Services Office**, and enacting a new Section 2.20.055, pertaining to the Municipal Clerk's Office; Chair Fairclough and Vice Chair Coffey; Assemblymembers Bauer, Birch, Stout, Sullivan, Ossiander and Tesche. (*Public Hearing 10-11-05*) (**Laid on the Table**)

Mr. Coffey moved, to introduce AO 2005-138 with Public Hearing set for
Mr. Sullivan seconded, October 11, 2005,
and Mr. Tesche was the concurring third,

Mr. Tesche stated this document was to replace AO 2005-134. Mr. Coffey concurred.

9.F.15. Ordinance No. AO 2005-139, and ordinance amending Anchorage Municipal Code Section 10.40.050, regarding the premises and licensing of **adult-oriented establishments**; Assembly Chair Fairclough, Vice Chair Coffey, Assemblymembers Traini, Ossiander and Tesche. (*Public Hearing 10-11-05*) (**Laid on the Table**)

Mr. Coffey moved, *to introduce AO 2005-139, with a review from the Public Safety Committee*, and with Public Hearing set for October 11th, 2005.
Mr. Tesche seconded,
and Ms. Jennings was the concurring third.

Mr. Tesche requested to be listed as a cosponsor.

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

and this motion, as amended, was passed.

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

NAYES: None.

ABSENT: Stout, excused.

The amended Consent Agenda was approved and Chair Fairclough proceeded into discussion of the pulled items.

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2005-244, a resolution of the Anchorage Municipal Assembly honoring and **James E. (Jim) Pennington** for more than 24 years of service to the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

Mr. Birch moved, *to approve AR 2005-244*,
Ms. Jennings seconded,
and this was approved without objection.

Mr. Birch read and Mr. Coffey presented the resolution to Jim Pennington, recognizing and honoring him for his 24 years of service and his many contributions to the city. He had been a journeyman mechanic, lead man, supervisor, general foreman and shop steward with Public Transportation and People Mover Maintenance Division. Mr. Pennington carried his young grandson, who accepted the award and said, "Thank you," on behalf of his grandfather.

10.A.2. Resolution No. AR 2005-253 a resolution of the Anchorage Municipal Assembly recognizing October as **Disability Awareness month**; Mayor Begich, Assembly Chair Fairclough, Assembly Vice Chair Coffey, Assemblymembers Bauer, Birch, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. (**Laid on the Table**)

Mr. Tesche moved, *to introduce AR 2005-253*,
Mr. Coffey seconded,
and Ms. Ossiander was the concurring third.

Mr. Coffey moved, *to approve AR 2005-253*,
Mr. Tesche seconded,
and this was unanimously approved.

Mr., Sullivan read and Mr. Coffey presented the resolution, recognizing October, 2005, as Disability Awareness Month. Trevor Storrs, Chair of the Anchorage Disability Act Commission, accepted the award on behalf of Anchorage disabled citizens.

10.B. RESOLUTIONS FOR ACTION - OTHER None were pulled for review.

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

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 673-2005, **Board of Adjustment** reappointment (Susan Reeves); Mayor's Office. (*Postponed To October 11, 2005, To Permit a 10-DAY Public Comment Period Pursuant To AMC 21.10.030.C.*)

Mr. Coffey moved, *to postpone AM 673-2005 to October 11, 2005, allowing the required 10-day public comment period*,
Mr. Sullivan seconded,
and this was approved without objection.

10.D.2. Assembly Memorandum No. AM 674-2005, **Planning and Zoning Commission** reappointments (Shaun Debenham, Art Isham, Nancy Pease); Mayor's Office. (*Postponed To October 11, 2005, to Permit a 10-DAY Public Comment Period Pursuant To AMC 21.10.030.C.*)

Mr. Coffey moved, *to postpone AM 673-2005 to October 11, 2005, allowing*

Ms. Ossiander seconded, the required 10-day public comment period,
and this was approved without objection.

10.D.3. Assembly Memorandum No. AM 675-2005, Amendment No. 2 to the professional services agreement with Stephi Engineering, LLC, 2004 term contract for **Trenchless Technology services** (\$100,000); Anchorage Water & Wastewater Utility.

Ms. Shamberg moved, to approve AM 675-2005,
Mr. Tesche seconded,

To Ms. Shamberg, AWWU General Manager Mark Premo responded that trenchless technology was a method used to put in sewer and water lines without using an excavator, digging only at the entrance and exit and feeding the pipe through the ground.

and this was unanimously approved.

10.D.6. Assembly Memorandum No. AM 678-2005, Amendment No. 2 to the professional services contract with DOWL Engineers for the **Creekside Town Center Road Improvements**, Project No. 02-12 (\$250,119); Project Management & Engineering.

Ms. Ossiander moved, to approve AM 678-2005,
Mr. Bauer seconded,

Ms. Ossiander stated this project had changed. It was no longer designated for engineering and included a design for a bridge over the creek, where a culvert had been sufficient on the other side of Muldoon. She proposed to amend.

Ms. Ossiander moved, to amend AM 678-2005 *by substituting "Creekside Parkway"*
Mr. Sullivan seconded, for [~~Creekside Town Center Road~~] throughout document,

Mayor Begich had no objections.

and this was approved without objection.

Ms. Ossiander stated she would not support until there was a firm proposal. She was concerned with the additional costs and would be proposing amendments to the Heritage Land Bank Work Plan, relating to this matter.

Mr. Bauer stated he understood this project supported the new school and it was important to move forward. Municipal Engineer Howard Holtan had explained the increased costs pertained to the water utility's calculating costs.

Question was called on the main motion.

and the main motion, as amended, was approved.

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

10.D.10. Assembly Memorandum No. AM 698-2005, **Peter's Sushi Spot** #4517 – 2005 Restaurant/Eating Place Liquor License (Midtown Community Council); Clerk's Office. **(Addendum)**

Mr. Coffey moved to introduce and consolidate AM 698-2005 with Agenda
Mr. Sullivan seconded, item 14.C,
and there were no objections.

10.D.11. Assembly Memorandum No. AM 699-2005, **Brown Jug** – 2004/2005 Transfer of a Liquor License #3478 – Package Store (Spenard Community Council); Clerk's Office. **(Addendum)**

Mr. Coffey moved to introduce and consolidate AM 699-2005 with Agenda
Mr. Sullivan seconded, item 14.D,
and there were no objections.

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.7. Ordinance No. AO 2005-134, an ordinance amending Anchorage Municipal Code by repealing Chapter 2.80, pertaining to the Assembly Budget and Legislative Services, and enacting a new Section 2.20.055, pertaining to the **Municipal Clerk's Office**; Assembly Vice-Chair Coffey. (~~Public Hearing 10-11-05~~)

Mr. Coffey moved, to postpone indefinitely AO 2005-134,
Ms. Ossiander seconded,

Mr. Coffey stated there was a new ordinance that will replace this one.

and this was approved without objection.

10.F.13. Ordinance No. AO 2005-137, an ordinance approving a **Multi-Year Management Agreement for the Anchorage Museum of History and Art**, waiving Anchorage Municipal Code Titles 6 and 7 as to the

Museum Collection, and amending Anchorage Municipal Code Section 7.40.060 regarding the Public Art Program; Office of Economic & Community Development. (*Public Hearing 40-11-05 10-25-05*)
a. Assembly Memorandum No. AM 697-2005. (**Addendum**)

Ms. Ossiander moved, *to introduce* AO 2005-137,
Mr. Sullivan seconded,
Mr. Birch was the concurring third.

Ms. Ossiander proposed to postpone this item because there was a labor grievance pending, there was a request from the employees association for additional time and there had been an alternative proposal being considered.

Ms. Ossiander moved, *to postpone* AO 2005-137 to [~~November 22;~~] "October 25," 2005,
Mr. Coffey seconded,

Mayor Begich proposed postponement to October 18th. Ms. Ossiander responded the worksession brought up significant issues that still needed to be negotiated. Mayor Begich responded this matter had been on-going for years and involved many issues that were dependent on the timetables of each negotiation. He encouraged the item be heard sooner, because it would delay the changes. Another delay may be problematic with the contract negotiations and he urged consideration of October 25th. Ms. Ossiander concurred and accepted this as a friendly amendment.

and this motion was unanimously approved.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. 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.
1. Assembly Memorandum No. AM 521-2005.

Chair Fairclough read the resolution title and stated there was a motion to approve on the floor from Ms. Ossiander, seconded by Mr. Stout, from September 13th.

To Ms. Ossiander, Anchorage School District Assistant Superintendent George Vakalis responded this process involved a concept, an initial cost estimate, based on current data and predictions for the future. They continued to get estimates for the project, factoring in the economy and the cost of doing business. The recent hurricanes in the south, the lack of materials and the excessive costs of steel had made recent changes in the estimated cost. These costs estimates were conservative and would continue to change.

Question was called on the motion.

and the motion was approved.

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

- 11.B. Assembly Memorandum No. AM 625-2005, **Platting Board** appointment (Scott Brodt); Mayor's Office.

Mr. Coffey moved, *to approve* AM 625-2005,
Ms. Ossiander seconded,

Mr. Coffey stated Mr. Scott Brodt had the professional qualifications that were needed for this type of position. He supported the nomination and urged a YES-vote.

and this motion was approved without objection.

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

Mayor Begich thanked Mr. Brodt, who was in the audience and who stood to be recognized.

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

Chair Fairclough read the memorandum title and called for a motion.

Mr. Coffey moved, *to approve* AM 626-2005,
Ms. Ossiander seconded,

Mr. Coffey stated this was a technical position and Mr. Andrew Josephson was an attorney with professional expertise and the city would benefit from his service.

and this motion was unanimously passed.

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

Chair Fairclough called for a motion to Change the Order of the Day to take up 13.A. Mr. Coffey moved, seconded by Mr. Sullivan and there were no objections.

11.D. Assembly Memorandum No. AM 624-2005, Community Development Authority Board of Directors appointment (J. Dana Pruhs); Mayor's Office.

Mr. Coffey moved, to approve AM 624-2005,
Mr. Tesche seconded,

Mr. Coffey stated they were delighted to find a volunteer with such a high level of professional expertise and Mr. Pruhs would be a very valued addition. He thanked Mr. Pruhs for his willingness to serve and urged a YES-vote. Mayor Begich concurred.

and this passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

11.E. 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.

Chair Fairclough read this resolution title. Public Hearing was closed on 9-13-05 and she called for a motion.

Mr. Coffey moved, to approve AR 2005-207,
Ms. Ossiander seconded,

Ms. Ossiander moved, to amend AR 2005-207 on Page 7 *by changing* to read:
Mr. Sullivan seconded, "Such land management decision, including land disposals,
and this was approved without objection. must be consistent with Municipal Code, the Anchorage
[Bow] Comprehensive Plan and its component area plans
and...

Ms. Ossiander moved, to amend AR 2005-207 on Page 22, the 6th bullet, *by adding*
Mr. Sullivan seconded, to read: "Evaluate opportunities to implement the goals and
and this was approved without objection. policies of Anchorage 2020 Comprehensive Plan, Chugiak-
Eagle River comprehensive Plan and the Girdwood Area Plan
through [its] their role in other appropriate redevelopment
areas, such as downtown Anchorage, Chugiak-Eagle River
and Girdwood."

Ms. Ossiander moved, to amend AR 2005-207 on Page 29, under Recreational
Mr. Coffey seconded, Lands Acquisition *by substituting* to read: "HLB will assist
and this was amended, in implementing municipal plans, as long as they are in
accordance with HLB policy and economic guidelines;" and to
amend on Page 25, under the heading North Anchorage
Land Agreement, *by substituting* to read: "HLB will discuss
possible land trades with Eklutna, Inc. and the State of Alaska
in conjunction with the NALA discussions;" and on Page 29,
under 'Chugach State Park,' *by adding* at the end, to read:
"Included, but not limited to [These parcels are] the Eklutna
properties next to Mr. Baldy in Eagle River, Brewsters
property, Oro Stewart property and HLB parcel 2-140 on the
Anchorage hillside."

To Mr. Coffey, Ms. Ossiander responded these were included as properties that were already being worked on and she had received Administration approval. Mr. Coffey proposed to add "included, but not limited to" those parcels and Ms. Ossiander accepted this as a friendly amendment.

and this motion, as amended, was approved unanimously.

Ms. Ossiander moved, to amend AR 2005-207 on Page 32 under Region One,
Mr. Coffey seconded, *by adding* "10. Acquire Municipal Property in Chugiak-Eagle
River for school site and/or town center site."

To Mr. Coffey, Mayor Begich responded it was their intention to continue acquiring land for future sites. Ms. Ossiander responded they were acquiring other sites in Anchorage and sites were needed in Eagle River. Mayor Begich had no objection to her amendment.

and this was passed without objection.

Ms. Ossiander moved, to amend AR 2005-207 on Page 22 *by deleting* the first bullet;
Mr. Coffey seconded, and on Page 26, under 'Creekside Town Center,' *by*
and this was amended, *substituting* "No future expenditures to promote or develop a
Creekside Town Center will occur until a private sector
development proposal is actually received and approved [by
the Assembly] 'by the Municipality of Anchorage,'"

Ms. Ossiander stated it was important to have a concrete basis before moving forward and spending more money. Heritage Land Bank Executive Director Robin Ward made recommendations which would ensure the HLB would maintain authority to hire consultants for review and analysis, while asking for Assembly review.

Mr. Coffey proposed to amend by substituting 'Municipality of Anchorage' for 'approved by the Assembly.' This was accepted as a friendly amendment by Ms. Ossiander. Mayor Begich concurred.

To Mr. Sullivan, Municipal Engineer Howard Holtan responded the only major expense would be an award of a construction contract for the South Loop Road. That would come to the Assembly for approval.

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

| | |
|-------------------------|---|
| Ms. Shamberg moved, | to amend AR 2005-207 on Page 23 <i>by deleting</i> [HLB #6-001- |
| Ms. Ossiander seconded, | Eight platted lots near Indian, each of which is below |
| | minimum acreage for residential construction. The lots may |
| | be sold as a unit to encourage resubdivision into optimum |
| | parcel sizes] and by adding to Page 34 as Number 4, under |
| | "Region 6," <u>"HLB #6-001 – Eight platted lots near Indian,</u> |
| | <u>each of which is below minimum acreage for residential</u> |
| | <u>construction. The lots may be sold as a unit to encourage</u> |
| | <u>resubdivision into optimum parcel sizes.,</u> |

Ms. Shamberg stated that her constituents in the Turnagain Arm area were concerned with the development and wanted it to slow down. Mayor Begich concurred with the amendment.

and the motion was approved without objection.

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|-------------------------|--|
| Ms. Shamberg moved, | to amend AR 2005-207 on Page 31 <i>by adding</i> to the Chart, |
| Ms. Ossiander seconded, | after the entry 'Indian', as the fourth property listed from the |
| | bottom, <u>"6-001 Indian 8 lots, RH, HLB may subdivide into</u> |
| | <u>optimum parcel sized for sale in this area.,"</u> |

Ms. Shamberg stated this completed the reference, from the previous amendment. The Mayor had no objection.

and this was approved without objection.

| | |
|---------------------------------|---|
| Ms. Shamberg moved, | to amend AR 2005-207 <i>by removing</i> the proposal of the |
| Ms. Ossiander seconded, | <u>Land Use Study of the 155 acres</u> from the Five-year |
| and this was later substituted. | <u>Management Plan, <i>but retaining</i> the portion, regarding</u> |
| | <u>boundary survey, in order that the title be conveyed to the</u> |
| | <u>Municipality, found on Pages 31, 33 and 34,</u> |

Ms. Shamberg stated this was another method of slowing development in this area and was requested by the residents. Ms. Ward requested consideration of moving forward with the survey and acquiring the property through the State Entitlement Act, to begin the process of the Land Use Study. This property included wetlands and trails.

Mr. Birch supported Ms. Ward's proposal. He agreed the Land Use Study and the assessment were important and did not conflict with the concerns of the community, which were related to access and traffic onto the Seward Highway.

Ms. Shamberg concurred and accepted this as a friendly amendment. She requested Ms. Ward help create language to reach that goal. Mayor Begich agreed with the concept.

To Ms. Jennings, Ms. Ward responded that all the map changes would be incorporated.

To Mr. Sullivan, Ms. Ward reported they were continuing to work on land swaps and possible purchase with the International Airport Master Plan. They were working with the Airport Manager and the Department of Transportation. She would inform Assemblymembers of their meeting schedule. To Ms. Jennings, Ms. Ward responded this involved Parcel 71.

| | |
|--|--|
| Ms. Shamberg moved, | to amend the Shamberg Amendment <i>by changing</i> on Page |
| Mr. Birch seconded, | 34, #3, to read: ...'Portions of this parcel, which runs from |
| and this was passed without objection. | the Seward Highway north to relatively steep mountain |
| | slopes, are well suited for residential development. HLB will |
| | commission a survey in 2005 as the final step prior to |
| | conveyance [in anticipation of sale or platting prior to sale]. |
| | Geotechnical studies will be needed to identify [suitable |
| | homesites] <u>"developable pods."</u> [Land values in this area are |
| | escalating rapidly.] <u>"Disposal of any portion of the large parcel</u> |
| | <u>will be delayed until the Seward Highway safety issues are</u> |
| | <u>resolved and not anticipated in the next Five-year Plan."</u> |

Chair Fairclough called the Question on the main motion.

and the main motion, as amended, was unanimously approved, 10-0.

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

ABSENT: Stout, excused.

- 11.F. 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.

To Chair Fairclough, Mr. Traini responded his intention was to postpone this item indefinitely and introduce a new ordinance.

Mr. Traini moved, *to postpone indefinitely* AO 2005-116,
Mr. Coffey seconded,

Mr. Traini stated that acting upon legal advice, he wanted to postpone this item indefinitely. Mr. Coffey responded that there was a conflict with this proposed zoning action, because it may prohibit this type of establishment. Mr. Traini responded that a new ordinance would be introduced. Mr. Coffey supported Mr. Traini's effort.

and this motion was approved without objection.

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

NAYES: None.

ABSENT: Stout, excused.

12. APPEARANCE REQUESTS None.

13. CONTINUED PUBLIC HEARINGS

- 13.A Ordinance No. AO 2005-80, an ordinance amending Anchorage Municipal Code Section 4.60.275 to increase the membership of the **Youth Advisory Commission**; Mayor's Office.
1. Assembly Memorandum No. AM 479-2005. *(Carried Over from 7-26-05 and 8-9-05; Continued from 8-23-05)*

Chair Fairclough read the ordinance title and opened Public Hearing.

KARL WING, Chair of the Mayor's Youth Advisory Commission, requested Assembly consideration of expanding the number of students on the commission from nine to fifteen members. He stated it would benefit the youth of the Municipality. He was accompanied by members of the commission, who introduced themselves as Treasurer ZOE MOTE, Secretary PATRICIA POSEY, CODY GRAHAM, Vice Chair CLAIRE CHOI, Public Relations Coordinator KELLI HALLGRIMSON and GREG BOMBECK. Others in the group included CULLEN HAYES, Commissioner, and adult advisors RAESHAUN BIBBS and MICHAEL KEROSKY. All members present supported the ordinance.

To Mr. Sullivan, Mr. Wing responded the top issues they were researching included vandalism, obesity rates and gangs and he encouraged Assembly input. Advisory Commission bracelets were handed out to Assemblymembers, who were encouraged to wear them to show support for the fund raisers and activities.

Mayor Begich stated that members of the Youth Intern Program and the Advisory Commission and helped create a youth web page, full of high interest items for this age group. The group had been a great help.

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

Mr. Coffey moved, *to approve* AO 2005-80,
Mr. Sullivan seconded,

Mr. Sullivan urged a YES-vote.

and this motion passed unanimously.

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

NAYES: None.

ABSENT: Stout, excused.

- 13.B. Resolution No. AR 2005-193, 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 Setter**, located on Lot 1, Fantasies Subdivision and Lots 4, 5 and 6, Block 26C, Fourth Addition Subdivision; site address being 1911 East 5th Avenue, generally located between East 4th and East 5th Avenues, on the east side of Sitka Street (Mountain View Community Council) (Case 2005-103); Planning Department.
1. Assembly Memorandum No. AM 519-2005. *(Carried Over from 8-9-05; Continued from 8-30-05 Special Meeting)*

Chair Fairclough read the resolution title and opened Public Hearing.

KATHLEEN PLUNKETT opposed any changes to this conditional use or any addition of any liquor license. She actively worked with the Weed and Seed Program, dealing with crime reduction and prevention. Their strategy used long-term solutions and involvement of the community, the police, neighborhood groups, parks, legislative groups and others. All strip clubs should offer the same public health safety and protection to their employees, as the alcoholic clubs offered. Mr. Coffey responded that Mr. Traini and Ms. Ossiander had introduced an ordinance that evening, which dealt with those issues.

CAROL HARTMAN testified in support of the Setter. Previous public testimony had shifted to hearsay and gossip about employees and her family, when the issue was the conditional use. To Mr. Sullivan, Ms. Hartman responded there could be another entrance established on the west corner. She responded that she was not willing to give up her viewing floor, separating the bar and the dancers. Legally, the only thing that needed to separate the groups was a wall.

KATHY HARTMAN, owner of the Setter, stated she had complied with all requests and requirements. Their establishment did not cause secondary effects and had an extremely low number of police incidents. To Mr. Sullivan, Ms. Hartman responded that a separate entry was not necessary and the businesses were kept separate.

MARCO GONZALEZ supported the conditional use. He wanted to clear his name from earlier testimony of false accusations. He and the owners of the Setter were proud of their record and they all worked together to keep it clean. He urged Assemblymembers to visit the establishment and talk with the girls.

CARLOS GONZALEZ stated it was a land use issue and should not have anything to do with Fantasies. He invited Assemblymembers to visit any of their employees. They ran a straight forward, clean business. To Ms. Ossiander, Mr. Gonzalez responded that he checked IDs, for clients entering Fantasies. To Ms. Jennings, he responded the alleged rape on the premises had been reported to police from the business. To Mr. Birch, Mr. Gonzalez responded the coffee shop in the parking lot was still unhappy with their landscaping improvements.

CHRISTINE SCOLLAN testified in support of the conditional use. She said there were no major problems with their bar. She had never heard of any problems of the bar from others.

ARMANDO GONZALEZ wanted to clear his name from former testimony when he was referred to as a felon with a criminal history, which was not true. He shared history of his family owning the business. The Setter and Fantasies worked well together.

AMY LITSON testified that she was a dancer at Fantasies. To Mr. Tesche, she responded lap dances were \$20 for topless and \$25 for dancing nude. There was no truth to a lap dance where dancers were horizontal. Their dancers did not have sexual intimacy with customers. Ms. Lipton responded the glass wall only showed the stage.

SUMMER GONZALEZ, dancer and bartender at Fantasies and the Setter, testified in support of the conditional use.

REBECCA ROBERTS opposed the conditional use permit. She did not support any bar or strip club for under-age dancers and sexually oriented bars and motels. The clubs were unhealthy and unsafe. Combining a strip club and bar would compound the problems. She had studied this issue on a state and local level, regarding being sexually exploited and impacting youth in the community. She passed out case studies of this subject.

ASH RAVINO testified in support of the conditional use permit.

"TINY" (Alatauatusafanva Peter Lilo-Asia), a security guard for Fantasies, spoke in favor of the land use permit. To Ms. Ossiander, he responded that he made sure alcohol did not leave the premises, along with other duties. He had not seen any traffic concerns in their parking lot. To Ms. Jennings, he responded that he was a fully-trained security guard and they had enough guards for the establishment.

JESSICA LIPTON opposed the way some of the dancers had been treated by Assemblymembers.

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

Mr. Coffey moved, *to postpone* AR 2005-193 until October 11, 2005,
Mr. Traini seconded,

Mr. Coffey stated this was a unique establishment in many ways. Postponing this issue until October 11 would allow members to reach a satisfactory conclusion on the conditional use and the non-licensed adult establishments.

Mr. Sullivan opposed postponement. The conditional use question could be decided that evening and the question of adult-oriented establishments could be addressed in October.

Mr. Traini supported postponement. He requested additional testimony from Health and Human Services Director Beverly Wooley.

Mr. Birch opposed postponement because they had been dealing with this issue far too long. The delay would be financially affecting the businesses.

Mr. Tesche supported postponement because the ordinance introduced that evening would set new standards for business like Setters and Fantasies.

Chair Fairclough supported postponement.

Mr. Sullivan stated the business deserved a decision.

Question was called and the motion to postpone was passed 7-3.

AYES: Tesche, Shamborg, Ossiander, Fairclough, Coffey, Traini and Jennings.

NAYES: Sullivan, Birch and Bauer.

ABSENT: Stout, excused.

- 13C. 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.
 2. Ordinance No. AO 2005-73(S), an ordinance amending Anchorage Municipal Code Chapter 21.05 to add a new section for creating and adopting a neighborhood or district plan; Assemblymember Coffey.
- (Continued from 7-12-05; Carried Over from 8-9-05, 8-23-05 and 9-13-05)

Chair Fairclough read the ordinance title and opened Public Hearing on both documents. Mr. Coffey explained his substitute version had all of the proposed amendments included.

DARRELL HESS, Chair of the Fairview Community Council, supported this plan and made recommendations. To Mr. Coffey, Mr. Hess responded there was little opposition to the ordinance.

KATHLEEN PLUNKETT testified in support of the plan.

SHERYL SHAMARD, Fairview resident, testified it was important to listen to neighborhood residents, who would most feel the impact of the development.

Ms. Shamberg moved, *to Continue* AO 2005-118 to October 11, 2005,
Mr. Traini seconded,

Ms. Shamberg stated that there were four constituents who understood this item would not be heard that evening and had departed. She moved to continue to October 11th, allowing those the opportunity to speak. Chair Fairclough concurred. Mr. Coffey responded the Rabbit Creek Community Council had submitted their review and it had been their choice to leave. Mr. Tesche responded that it was important to hear from the Rabbit Creek Community Council.

and this motion failed 3-7.

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

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

Mr. Coffey moved, *to approve* AO 2005-73(S),
Ms. Jennings seconded,

Mr. Coffey stated his amendments had been incorporated into the substitute version. It allowed citizens to do the improvements in their district. He explained his amendments.

Ms. Shamberg concurred with Mr. Coffey that a broad base for development was needed. She clarified that these projects would not always be supported with municipal funds and she proposed to amend, adding that Assembly approval was not necessary.

Mr. Coffey responded that he preferred that the city be involved, because Planning Department professionals understood the projects in context with the Comprehensive Plan.

Mr. Tesche supported the "S" Version and stated the concerns of the Fairview Community Council would be accommodated. He proposed changes to ensure standards were met with Planning Department review. Assembly process and approval would not be needed.

Mr. Tesche moved, *to amend* AO 2005-73(S) Page 3, Line 33, *by adding* a new subsection, to read: "b. The group shall demonstrate that it represents the broad, public interest necessary to successfully develop a plan, that they have read and understood the requirements of the ordinance..." and *by renumbering* the remainder of the section,

Mr. Coffey stated it was a policy call, whether the Planning Department or the Assembly should oversee projects, but it would cost less if reviewed by the Assembly, which would not be a burden. Mr. Tesche responded that allocations were typically made when the budget was reviewed and the Administration could review each neighborhood plan.

Mr. Nelson opposed the Tesche Amendment. At the beginning of each project, the Assembly could formally acknowledge the sponsor for each planning process, which was included in the Coffey Amendment. Mr. Tesche withdrew his amendment.

Ms. Jennings moved, *to amend* AO 2005-73(S) on Page 2, Lines 13-15, *by deleting* to read; "... shall not preclude ~~[the Assembly,]~~ any municipal ~~[department or]~~ agency, ~~[or any board or commission of the municipality]~~ from developing other plans or taking actions,"

Ms. Jennings moved, *to amend* AO 2005-73(S) on Page 3, Line 30, D.1.a, *by deleting* to read: "... its sponsoring entity or entities ~~[and the names of the individuals who]~~ which participated in the development..."

Ms. Jennings stated there was no reason to include names of individuals. Mr. Coffey stated it was important that individuals be recognized, to be able to speak to their issues. Ms. Ossiander stated it was important to identify volunteers and sponsors, to show an active outreach to the community.

and this motion failed, 3-7.

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

Mr. Nelson requested a correction be made to the document.

Mr. Tesche moved, to amend AO 2005-73(S) on Page 6, Line 13 and on Lines
Ms. Ossiander seconded, 18-19, *by changing* to read: ...~~seventy-five day~~ "one
and this was passed without objection. hundred and twenty (120) day review period..."

Question was called on the main motion, as amended.

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

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

Chair Fairclough called for a motion to Change the Order of the Day to take up New Public Hearing items, Agenda item 14. Ms. Jennings moved, seconded by Ms. Ossiander and there were no objections.

- 13.D. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code Chapter 1.15, **Code of Ethics**; Legal Department.
1. Assembly Memorandum No. AM 325-2005. (*Continued from 6-28-05; Carried Over from 8-23-05 and 9-13-05*)

Chair Fairclough read the ordinance title. It was the Assembly's intent to continue this item to January, 2006, when a new document was expected to be introduced. She welcomed public testimony on this document and opened Public Hearing. There being no one to testify, she closed Public Hearing.

Mr. Coffey moved, to postpone AO 2005-69 to the first meeting in January, 2006,
Mr. Traini seconded,
and this passed without objection.

Chair Fairclough stated that Public Hearing would again be offered when this issue was addressed in January.

- 13.E. 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 from 8-9-05, 8-23-05 and 9-13-05*)
1. Assembly Memorandum No. AM 517-2005. (***Carried Over to 10-11-05***)
13.F. 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, 8-23-05 and 9-13-05*)

Chair Fairclough stated it was their intention to postpone indefinitely 13.F and 13.G, concerning bicycles. Mr. Coffey moved to combine Public Hearing on these items, seconded by Ms. Jennings and there were no objections. Chair Fairclough opened combined Public Hearing. With no one to testify, she closed Public Hearing and called the Question.

Mr. Coffey moved, to postpone indefinitely AO 2005-93,
Ms. Ossiander seconded,

Mr. Coffey stated this had been designed for protection of bicycles from theft. The Administration would address this issue again in six months, with a proposed program.

Mr. Sullivan concurred. It was a good idea to see a well-developed plan, to determine the source, the effort and the enforcement.

and this passed without objection.

- 13.G. 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.
2. Assembly Memorandum No. AM 608-2005. (*Carried Over from 8-23-05 and 9-13-05*)

(Clerk's Note: See Agenda item 13.F for related discussion)

Mr. Bauer moved, *to postpone indefinitely* AO 2005-100,
Mr. Birch seconded,

Mr. Bauer stated that the comments from the previous discussion also apply to this ordinance. This issue would wait for the Administration's proposed plan.

and the motion was passed without objection.

13.H. Ordinance 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. **(Continued to 10-11-05)**

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

Mr. Birch moved, *to approve* AO 2005-96,
Mr. Coffey seconded,

To Ms. Ossiander, Mayor Begich responded the city had encouraged Wal-Mart not to allow RV parking. It took away from camper parks and did not bring revenues to the city. Mr. Traini responded there were camper parks not getting the clientele.

Ms. Ossiander moved, *to Continue* AO 2005-96 to October 11, 2005,
Ms. Shamberg seconded,
and this motion was passed.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2005-118, an ordinance amending Anchorage Municipal Code Sections 9.30.235 and 9.30.280 regarding **parking reserved for persons with disabilities** and increasing the fine for third and subsequent violation of reserved parking; Legal Department.
1. Assembly Memorandum No. AM 652-2005.

Mr. Coffey moved to combine Public Hearing on 14.A and 14.R. and there were no objections. *(Clerk's Note: See 14.R for related Assembly discussion and action.)* Chair Fairclough read the ordinance titles and opened combined Public Hearing.

CATHERINE DUKE opposed the fare increases. It was important for disabled people to have freedom and dignity of traveling on their own. She recommended stiffer fines for illegal use of handicapped parking. To Ms. Jennings, she responded that she used AnchorRIDES 3-5 times every two weeks.

SANDY SANDERSON, President of the Alaska Independent Blind, opposed the cost increase. The system needed improving because AnchorRIDES service was atrocious and getting worse. To Chair Fairclough, he responded that he supported AR 2005-118.

DAVID STRONG opposed the fare increases. He used AnchorRIDES and People Mover 3-5 times a week.

LYNN SMITH opposed the fare increases, and stated that people who parked illegally in disabled parking spots should receive big penalties. Any citizen should be allowed to write tickets for violating parking laws.

JOSHUA DICKENSON, a dishwasher at Marx Brothers' Café who lived on minimum wage, opposed the fare increase.

Mr. Traini requested this issue be addressed at the budget cycle. The Mayor responded that this was a 2005 problem, and once in place, would be used in 2006.

CHARLES ROGGIE appreciated People Mover, but opposed the fare increases.

DAVID BARTON opposed fare increases. Chair Fairclough accepted signed statements from Mr. Barton, from people who could not attend that evening. *(Clerk's Note: Signed statements were received from CAROL SMITH and DEANNA ST. LOUIS, opposing fare increases.)*

CELINA McGUIRE, a senior citizen, appreciated having public transportation, but opposed fare increases. There were many improvements that were needed in the service.

IAN BRANDEN opposed the fare increases. A liquor store had been built right next to a bus stop at Northern Lights and Spenard and people waiting for the bus had to deal with drunks.

HENRY WATUSIK, a South Anchorage citizen who used AnchorRIDES 10 times a week, opposed the fare increases, especially the additional costs to residents in his area. The increased costs of gas did not justify the increase. Ms. Shamberg thanked him for his testimony.

MICHAEL SAVAGE opposed the fare increase. To Ms. Fairclough, he asked for members in the audience to indicate, who opposed the increase in bus fare. *(Clerk's Note: a large group of people raised their hands.)*

JOHN COURT opposed bus fare increases. Alternative methods needed to be researched.

MONA MacCLEESE supported increasing fines and penalties for illegal use of handicapped parking. She made recommendations for penalties for violators. There was more enforcement needed.

TREVOR STORRS, Chair of the American Disabilities Association (ADA) Commission, supported 14.A. There was more need for enforcing illegal use of disabled parking spots. To Mr. Coffey, Mr. Storrs responded an assessment was needed to determine if there would be a consequential increase of need for disabled parking, if the bus fares increased. While accessibility of disabled parking became scarcer, people with disabilities would turn to transit and there would be a question if they could afford it.

BRIAN ANDERSON, Social Services Director and representing Beans Café, supported a transit system, but opposed fare increases.

DON SMITH opposed fare increases. The additional costs could come from other sources. He agreed that fines for violating handicapped parking should be raised.

DIANNE HOLMES approved of the bounty system, allowing citizens to write citations for illegally use of handicapped parking. She suggested researching the degree of need for public transit, making a priority for disadvantaged citizens. She recommended finding money from other sources to offset the increase costs due to gas prices.

BOB CROON opposed fare increases. There should be allowances made for people who needed transportation and could not afford it. Other resources were needed to help offset costs and he urged the Assembly to help develop a future, long-range plan.

STANLEY WOLFF opposed increased bus fares. He agreed with stiffer fines and more enforcement for illegal use of handicapped parking. To Mr. Coffey, he agreed with deputizing enforcement officers to write citations. Mr. Coffey responded the Assembly had helped get that issue on the ballot for the next election.

With no additional public testimony, Chair Fairclough closed combined Public Hearing. She requested the Assembly allow a visiting Boy Scout Troop to introduce themselves. (*Clerk's Note: See Agenda Item 17.*) She then called for a motion to Change the Order of the Day to take up 14.A, 14.B, 14.C and 14.D. Mr. Coffey moved, seconded by Ms. Jennings, and there were no objections. She later returned the body to finish this item and called for discussion.

Ms. Jennings stated that illegal use of handicapped parking was thoughtless and unthinkable.

Mr. Coffey stated enforcement was needed. He recommended using trainees and newly sworn officers.

To Mr. Traini, Ms. Shamberg responded the numbers of violations being enforced by the magistrates was low and the cases of tickets being contested were dependent upon police officers showing up at the hearings. Mr. Traini requested to postpone this item until it was determined how these cases were handled. Deputy Municipal Manager Michael Abbott recommended this case be deferred to the Municipal Attorney's Office, to determine if this information would assist with deciding the outcome of this document.

Mr. Sullivan concurred. He stated that increasing penalties would be a good thing, regardless of other circumstances.

Mr. Traini proposed fee changes for the first and seconded violations.

| | |
|-----------------------|---|
| Mr. Traini moved, | to amend AR 2005-116 on Page 2, <i>by changing</i> the fines: |
| Mr. Coffey seconded, | on Lines 34, 35, 39 and 40: First violation [\$100.00 |
| and this was amended, | "\$250.00; Second violation [\$250.00] " <u>350.00;</u> " Third and |
| | subsequent violation \$500.00, " <u>and if there were legal</u> |
| | <u>concerns of state maximum fee limits, the issue would be</u> |
| | <u>reconsidered the next day,"</u> |

To Chair Fairclough, Deputy Municipal Manager Michael Abbott responded if there were legal concerns of the state maximum fee limits, it would be addressed the following day. Mr. Traini accepted this as a friendly amendment and the second concurred.

and this was approved without objection.

To Mr. Bauer, Mr. Abbott responded that citations of this sort were parking, rather than traffic violations.

To Ms. Ossiander, the Administration responded the fees listed in the document were recommended by the ADA.

Question was called on the main motion.

and the main motion, as amended, was passed 9-1.

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

NAYES: Ossiander.

ABSENT: Stout, excused.

Chair Fairclough called to Change the Order of the Day to take up 14.R. Mr. Coffey moved, seconded by Ms. Ossiander and there were no objections.

14.B. Ordinance No. AO 2005-120, an ordinance authorizing the disposal of a municipal interest, via relinquishment of easement no longer required, on **Lot 7, Block 5, SLM Subdivision**; Municipal Light & Power.

1. Assembly Memorandum No. AM 654-2005.

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 2005-120,
Ms. Jennings seconded,
and this motion was passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

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

14.C. Resolution No. AR 2005-240, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the I-1 District for a new restaurant, or eating place use per AMC 21.40.200 B.1.k. for **Peter's Sushi Spot**; located on Lot 3A, Block A, Industrial Park 4000 Subdivision; site address being 4140 B Street; generally located between A Street and B Street, south of 40th Avenue and north of Tudor Road (Midtown Community Council) (Case 2005-125); Planning Department.

1. Assembly Memorandum No. AM 670-2005.

2. Assembly Memorandum No. AM 698-2005, Peter's Sushi Spot #4517 – 2005 Restaurant/Eating Place Liquor License (Midtown Community Council); Clerk's Office.

(Addendum)

(Clerk's Note: By Assembly Action, Agenda Item 10.C, AM 698-2005 was combined for Public Hearing with 14.C)

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

Mr. Coffey moved, to approve AR 2005-240,
Mr. Bauer seconded,

Ms. Jennings stated the document indicated there was an occupant capacity of 375, with 147 fixed and 368 non-fixed seats. Planning Department Director Tom Nelson responded the occupancy rates were established by the Fire Department and was based on different criteria.

To Mr. Coffey, Mr. Nelson responded this premises historically had a beverage dispensary license and a conditional use permit. Mr. Coffey requested clarification for such changes of conditional use and the requirements from Land Use Enforcement for the parking and landscaping improvements. Mr. Nelson responded that Planning staff would confirm the necessity of the condition. Mr. Coffey also requested confirmation of the Notice of Zoning Action, filed with the District Records Office within 120 days of the Alcoholic Beverage Control Board's approval, when normally it followed Assembly approval.

Mr. Coffey moved, to amend the accompanying AM 670-2005 on Page 2,
Mr. Bauer seconded, by deleting the conditions listed in Lines 1-6, and by
and this was approved without objection. renumbering the remaining conditions,

To Ms. Ossiander, Mr. Coffey responded a YES-vote would allow the conditional use for the liquor license under protest, pending approval of the Fire Department only.

Question was called on the main motion to approve AR 2005-240.

and this motion, as amended, was passed.

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

NAYES: None.

ABSENT: Stout, excused.

Chair Fairclough responded the attached AM 698-2005 required a separate vote and a YES-vote would protest the transfer, pending the approval of the Fire Department. She called the Question.

Mr. Coffey moved, to approve AM 698-2005,
Ms. Jennings seconded,

Mr. Coffey moved, to amend AM 698-2005, by deleting the two requirements
Ms. Ossiander seconded, from Building Safety and Code Enforcement, leaving only the
PROTEST until resolution with the Fire Department Code,

To Ms. Ossiander, the Administration responded there were no objections.

and the Coffey amendment was passed unanimously.

Chair Fairclough put the Question on the main motion, as amended.

and this motion was passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

- 14.D. Resolution No. AR 2005-241, a resolution of the Anchorage Municipal Assembly approving a final alcoholic beverages conditional use in the B-3 District for a package liquor store use and license per AMC 21.40.180 D.8 for **Brown Jug, Inc.** located on Lot 1A, Block 3, Hansen Subdivision, site address being 2710 Spenard Road, generally located between West 27th Avenue and West Northern Lights (Spenard and North Star Community Council) (Case 2005-126); Planning Department.
1. Assembly Memorandum No. AM 671-2005.
 2. Assembly Memorandum No. AM 699-2005, Brown Jug – 2004/2005 Transfer of a Liquor License #3478 – Package Store (Spenard Community Council); Clerk’s Office. **(Addendum)**
 3. Assembly Memorandum No. AM 699-2005(A), Brown Jug – 2004/2005 Transfer of a Liquor License #3478 – Package Store (Spenard Community Council); Clerk’s Office. **(Laid on the Table)**

(Clerk’s Note: By Assembly Action, AM 699-2005 was combined with 14.D for Public Hearing. See Agenda Item 10.C)

Chair Fairclough read the resolution title and opened combined Public Hearing.

LOWELL SHINN, President of Brown Jug, Inc, requested consideration of elimination of some of the conditions. There were conditions that should be addressed with construction permits, through the Planning Department.

ROBERT AUTH, Chair of the Spenard Community Council, fully supported this conditional use application. It would rehabilitate some deteriorated properties and eliminated a package store next to La Mex. To Ms. Shamberg, Mr. Auth responded the council had not discussed the proposed amendments.

IAN BLANTON, resident of West 27th Avenue, opposed any liquor store selling alcohol in this area. There were under-aged youth buying liquor from this store and there were numerous drunks in the area.

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

Ms. Jennings moved, to approve AR 2005-241,
Mr. Coffey seconded,

To Ms. Jennings, Mr. Shinn responded the Planning Department staff, working with the contractor, had differing views on issuing the conditional use for the liquor license. Construction permit should be kept separate from liquor license issues. Mr. Nelson responded the plans needed to be submitted to Planning for the parking and landscaping. Mr. Coffey responded that building and landscaping permits were not conditions related to the sale of alcoholic beverages and they should be separate issues.

Mr. Coffey moved, to amend AR 2005-241 in Section 2, *by deleting* 2, 3, 4 and 7,
Ms. Jennings seconded,

To Ms. Ossiander, Mr. Nelson understood the point and had no objection to the amendment.

and this was passed without objection.

Mr. Sullivan supported. Brown Jug and Bear Tooth had been good for the community. He requested the location of the bus stop be addressed, and hoped the Brown Jug Liquor Store might do their part on keeping the bus stop safe.

Ms. Jennings supported. She stated Brown Jug had been exemplary citizens and she thanked them for helping to improve the alcohol issues, including public inebriants and homelessness.

To Mr. Coffey, Mr. Shinn responded the approval of the Fire Department, relative to the transfer of location, was most likely conditional upon the improvements being completed.

Question was called on AR 2005-241.

and the main motion, as amended, was passed.

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

Mr. Coffey moved, to approve AM 699-2005(A),
Mr. Birch seconded,

Mr. Coffey moved, to amend AM 699-2005(A), *by deleting* the reference for the
Mr. Birch seconded, conditional use permit, leaving the PROTEST until completion
and there were no objections. of the inspection from the Fire Department,

and the main motion, as amended was passed.

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

- 14.E. Ordinance No. AO 2005-115, an ordinance adopting the **Anchorage Long-Range Transportation Plan ~ 2025**, and concurrent amendments to the Official Streets and Highways Plan (OS&HP), as

revised elements of *Anchorage 2020* – The Anchorage Bowl Comprehensive Plan and amending Anchorage Municipal Code Chapter 21.05; Traffic Department.

1. Assembly Memorandum No. AM 609-2005. **(Carried Over to 10-11-05)**

- 14.F. Resolution No. AR 2005-231, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll 05-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 645-2005.

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

Ms. Ossiander moved, to approve AR 2005-231,
Mr. Coffey seconded,
and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

- 14.G. Resolution No. AR 2005-232, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$1,000,000 for financing a portion of the costs of the **Facility Replacement and Rehabilitation Project** – 1998 (Pump Station 2 – Chester Creek) Project; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 646-2005.

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

Ms. Jennings moved, to approve AR 2005-232,
Ms. Ossiander seconded,
and this motion passed without objection, 10-0.

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

NAYES: None.

ABSENT: Stout, excused.

- 14.H. Resolution No. AR 2005-235, a resolution of the Anchorage Municipal Assembly re-appropriating \$350,000 as a contribution from the Anchorage Metropolitan Police Service Area Capital Improvement Fund (451) to the Anchorage Metropolitan Police Service Area Operating Fund (151) to replenish funds borrowed for **site selection study of the new jail**; Project Management & Engineering Department.

1. Assembly Memorandum No. AM 649-2005.

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

Mr. Coffey moved, to approve AR 2005-235,
Ms Jennings seconded,
and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

- 14.I. Resolution No. AR 2005-237, a resolution of the Municipality of Anchorage appropriating \$185,000 of revenue from the State of Alaska Department of Fish and Game Southeast Sustainable Salmon Fund and \$3,700 as a contribution from the 2001 State Categorical Grants Fund 231 to the Areawide General CIP Fund 401 to the Project Management & Engineering Department for **sport fishing access design and construction at Ship Creek**; Project Management & Engineering.

1. Assembly Memorandum No. AM 651-2005.

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

Mr. Coffey moved, to approve AR 2005-237,
Ms. Ossiander seconded,
and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

- 14.J. Resolution No. AR 2005-229, a resolution of the Municipality of Anchorage appropriating \$1,479,965 from the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS Technology Program and \$53,630 as a contribution from the Anchorage Police Metropolitan Police Service Area Fund (151), Anchorage Police Department 2005 Operating Budget, to the Federal

Categorical Grants Fund (241) Anchorage Police Department for the **COPS Technology Grant Program.**

1. Assembly Memorandum No. AM 643-2005.

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

Mr. Coffey moved, to approve AR 2005-229,
Ms. Shamberg seconded,
and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

14.K. Resolution No. AR 2005-230, a resolution of the Municipality of Anchorage appropriating \$539,000 from the Anchorage Metropolitan Police Service Area Fund Balance (151) to the Anchorage Police Department 151 Fund 2005 Operating Budget, for **attorney fees, settlement interest costs, and court costs** related to *Gregg v. MOA*; Anchorage Police Department.

1. Assembly Memorandum No. AM 644-2005.

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

Mr. Coffey moved, to approve AR 2005-230,
Ms. Jennings seconded,

Chair Fairclough distributed handouts from the Municipal Attorney's Office, explaining settlement issues. Mr. Coffey summarized that the city was paying the remainder of the settlement costs.

and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

14.L. Resolution No. AR 2005-236, a resolution of the Municipality of Anchorage appropriating the sum of \$306,443 from the State of Alaska, Department of Transportation and Public Facilities (DOTPF) to the Municipality of Anchorage (MOA), State Categorical Grants Fund 231 and authorizing the Transfer of Responsibility Agreement (TORA) with the DOTPF for Best Management Practices for **PM 10 Dust Control**; Maintenance & Operations Department.

1. Assembly Memorandum No. AM 650-2005.

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

Mr. Traini moved, to approve AR 2005-236,
Ms. Shamberg seconded,
and this motion passed without objection.

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

NAYES: None.

ABSENT: Stout, excused.

14.M. Resolution No. AR 2005-233, a resolution of the Municipality of Anchorage appropriating \$296,714 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241), and \$150,000 from Alaska Housing and Finance Corporation to State Categorical Grants Fund (231), Department of Health and Human Services for the purpose of providing a one year renewal of the **LINK Homeless Assistance Project** and a contract with Abused Women's Aid in Crisis, Inc.; Health & Human Services.

1. Assembly Memorandum No. AM 647-2005.

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

Mr. Coffey moved, to approve AR 2005-233,
Ms. Ossiander seconded,

To Ms. Jennings, Health and Human Services Director Beverly Wooley responded this program would be tracked side-by-side with the homeless issue.

and this motion passed without objection, 10-0.

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

NAYES: None.

ABSENT: Stout, excused.

- 1 14.N. Resolution No. AR 2005-234, a resolution of the Municipality of Anchorage appropriating \$396,050 as
2 an appropriation from the Areawide General Fund (101) Fund Balance to the Department of Health
3 and Human Services 2005 Operating Budget Fund (101) for **retro pay** related to a grievance
4 arbitration decision for nurses in the Anchorage Municipal Employee Association.
5 1. Assembly Memorandum No. AM 648-2005.
6

7 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
8 and called the Question.
9

10 Mr. Coffey moved, to approve AR 2005-234,
11 Ms. Ossiander seconded,
12

13 Mr. Coffey stated it was necessary to take precautions to protect the city from lawsuits. Health and Human Services
14 Director Beverly Wooley responded this issue had involved a grievance filed from the nurses' union, concerning a pay
15 increase and included retroactive pay.
16

17 To Mr. Coffey, Mayor Begich responded the payment would come out of their budget and not from the fund balance.
18

19 Mr. Birch stated the Anchorage Museum had recently changed to contract employees. Mayor Begich responded that
20 many departments were reviewing issues of services and savings, including the Health Department.
21

22 Chair Fairclough stated it was important to understand how lawsuits affect the tax cap and the general fund. Chief
23 Fiscal Officer Jeff Sinz responded that settlements and judgments were permitted adjustments to the tax cap, which
24 would be made in 2006.
25

26 and this motion passed, 9-1.
27

28 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Traini and Jennings.
29 NAYES: Bauer.
30 ABSENT: Stout, excused.
31

- 32 14.O. Ordinance No. AO 2005-119, an ordinance amending Anchorage Municipal Code Section 3.30.172
33 Classification to incorporate a new title, **Regulatory Administrative Assistant**, to the Range 22(E)
34 Executive Positions; Employee Relations.
35 1. Assembly Memorandum No. AM 653-2005.
36

37 Chair Fairclough read the ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing
38 and called the Question.
39

40 Mr. Coffey moved, to approve AO 2005-119,
41 Ms. Ossiander seconded,
42 and this motion passed without objection.
43

44 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Bauer, Traini and Jennings.
45 NAYES: None.
46 ABSENT: Stout, excused.
47

- 48 14.P. Ordinance No. AO 2005-113, an ordinance of the Anchorage Municipal Assembly amending
49 Anchorage Municipal Code Section 3.70.050 pertaining to the membership of the **Employee**
50 **Relations Board** and annual election of the Chair; Assemblymember Ossiander.
51 1. Assembly Memorandum No. AM 596-2005.
52

53 Chair Fairclough read the ordinance title and opened Public Hearing.
54

55 JOHN MARTIN, representing the Municipal Coalition of Labor Unions, testified in support.
56

57 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question.
58

59 Ms. Ossiander moved, to approve AO 2005-113,
60 Mr. Coffey seconded,
61

62 Ms. Ossiander stated her intent paralleled the body's address to boards, encouraging selected and approved members
63 to have expertise in the area. She had requested positions of the Employee Relations Board follow those
64 recommendations.
65

66 and this motion passed without objection.
67

68 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Bauer, Traini and Jennings.
69 NAYES: None.
70 ABSENT: Stout, excused.
71

- 72 14.Q. Resolution No. AR 2005-239, a resolution of the Municipality of Anchorage appropriating \$121,000 to
73 the Areawide General Fund (101), Department of Public Transportation from \$121,000 in farebox
74 revenues to fund the **purchase of fuel** by the Public Transportation Department.
75 1. Assembly Memorandum No. AM 664-2005.
76

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

Mr. Coffey moved, to approve AR 2005-239,
Ms. Ossiander seconded,

Ms. Jennings stated that public testimony had indicated a decrease in the quality of service. Department of Transportation Director Tom Wilson responded they were aware of the concerns and were working directly with the contractor to improve services, including scheduling pickups and passenger travel time.

Mr. Traini stated this should be a topic when discussing the upcoming budget.

Ms. Shamberg stated that if handicapped transit services were costing an average of \$18 per trip, consideration should be made for issuance of cab vouchers. Mr. Wilson responded they had reviewed that issue and found there was a lack of handicapped-accessable cabs in the city. It was expensive to convert a cab to being handicapped-accessable and the cab services did not want the business.

Question was called on the main motion.

and this was passed unanimously.

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

NAYES: None.

ABSENT: Stout, excused.

14.R. Ordinance No. AO 2005-125, an ordinance amending Anchorage Municipal Code Section 11.70.060 to **increase existing fares in the People Mover Transportation System** to fund increases in fuel costs; Public Transportation Department.

1. Assembly Memorandum No. AM 663-2005.

(Clerk's Note: See 14.A for related, combined Public Hearing, and Assembly discussion and action.)

Chair Fairclough read the ordinance title and called for a motion.

To Mr. Coffey, Mayor Begich responded the Administration was dealing with the increased cost for fuel by reflecting those increased with bus fares. The Administration proposed an amendment to add to Section 2.

Mayor Begich moved, to amend AO 2005-125 on Page 2, Section 2, *by adding*
Mr. Coffey seconded, "The Public Transit Advisory Board shall review fuel prices at least twice each calendar year, at regular intervals, and assess whether fuel prices have changed sufficiently to warrant a fare adjustment. The focus and intent of this review shall be to ascertain whether fuel prices have **decreased** sufficiently to permit roll back of previously assessed fuel surcharges that resulted in increased fares. Recommendations for fare reductions shall be forwarded to the Mayor and the Assembly."

Mr. Bauer stated that, while he welcomed the Mayor's motion, once government raised revenue it rarely returned to the original status. Disabled citizens gave a compelling case for not increasing their bus fares and it was important to study the economic impact of exclusion of seniors and disabled riders. Director of Public Transportation Tom Wilson responded those fare increases would add \$20,000 revenue per year to the AnchorRIDES, involving seniors and disabled. Mayor Begich responded it was their intention to spread the cost increase over all areas of public transportation. Mr. Wilson opposed fare increases or fuel surcharges. They were most focused on increased fares for adult bus riders and were trying to protect senior, disabled and low-income citizens. The additional revenue would still not cover the shortfall for 2005 and they may consider a cut in service in the future. Mr. Bauer urged consideration for the city to absorb those additional costs in other areas, protecting seniors and the disabled from increased fares.

To Mr. Coffey, Mr. Wilson responded that he had proposed no increases for the premium rates, depicted in the ordinance on Line 43, but costs of AnchorRIDES needed to be addressed.

Question was called on the Mayor Begich Amendment.

and the motion was approved without objection.

To Mr. Birch, Mr. Wilson responded the proposed fare increases would not quite cover the increased costs of fuel. As fuel costs continued to increase, additional fare increases would need to be addressed.

To Ms. Shamberg, Mayor Begich responded that if fares were not increased, more tax subsidies would be needed for the service.

Mr. Coffey moved to extend the meeting to take up 14.R, 14.Q, 14.U and 13.H, seconded by Mr. Bauer and there was no objection.

Ms. Shamberg stated the math still did not add up to justify such fare increases. Mr. Wilson responded their calculations were based increased fuel prices and the current projected ridership. Mr. Abbott responded the Transportation Department was predicted to run \$300,000 or more over budget because of increased fuel costs. The two options for revenue sources would be from either fares or taxes, short of actually reducing transit services.

Ms. Shamberg opposed the additional charge to riders outside of the fixed route system, which would apply to all her constituents in her district. She moved to delete the surcharge, leaving the \$1.50.

Ms. Shamberg moved, to amend AR 2005-125 on Page 1, Lines 43-44, *by deleting*
Ms. Ossiander seconded, to read: Premium fare will be charged as a [~~\$2.50~~] "\$1.50"
surcharge to ADA clients outside of ¼ miles from fixed route
service,

Ms. Ossiander supported. It was discriminatory to increase fares for seniors or disabled riders in specific areas of the city. Bus fares should be equal for everyone who used the bus system.

Mr. Coffey stated it cost more to service areas further away. It would encourage people to use the regular buses.

Mr. Bauer stated AnchorRIDES were needed because it would be difficult for wheelchairs to use the regular bus system, especially in the winter.

Question was called on the Shamberg Amendment.

and this motion was passed, 6-4.

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

NAYES: Tesche, Coffey, Traini and Jennings.

ABSENT: Stout, excused.

Ms. Ossiander moved, to amend AR 2005-125 on Page 1, Lines 26, 28, 33 and 36
Mr. Bauer seconded, to remain the same, (*Clerk's Note: Motion was for Fares to*
remain the same.)

Mayor Begich opposed. They had calculated this to balance the system, based on many criteria, to offset fuel price increases. All costs were continuing to rise and the costs of service would come from somewhere, whether from fares or from taxpayers and the general budget.

Mr. Tesche stated they had heard compelling testimony from the disabled community and their inability to pay. It was important for the Assembly to make the right decision for the riders and the tax payers. He urged Assemblymembers to listen to Mayor Begich, who had shared a proper warning on the impact of increased fares. He requested a summary of economic effects be made for this issue and the forecasted effects on service.

Mr. Tesche moved, to postpone AR 2005-125 until October 11th,
Ms. Ossiander seconded,

Mayor Begich stated that he opposed any delay because it would mean a delay in revenue collection and urged a NO-vote. Mr. Tesche withdrew his motion and the second concurred.

and the Tesche Motion was withdrawn.

Mr. Traini opposed the Ossiander Amendment. These were hard times, with continually increased costs. It was right for persons using the service to be charged, rather than the taxpayers.

Mr. Birch opposed the Ossiander Amendment. It was important to move forward with the current plan.

Mayor Begich opposed. Mr. Wilson estimated the savings, using the proposed Ossiander Amendment, of about \$10,000 per year.

Mr. Coffey opposed the Ossiander Amendment. The burden needed to be shared.

Mr. Sullivan stated the bus system needed to be subsidized, but it should not be at the cost of seniors and the disabled. He urged a YES-vote.

Mr. Bauer stated they had an obligation to tend to the disabled and seniors in the city, who most needed the service. October was Disability Awareness Month, and this group needed to be recognized.

and the Ossiander Motion failed, 4-6.

AYES: Shamberg, Ossiander, Sullivan and Bauer.

NAYES: Tesche, Fairclough, Coffey, Birch, Traini and Jennings.

ABSENT: Stout, excused.

Mr. Birch Called the Question on the main motion, seconded by Mr. Traini and there were no objections.

and the main motion, as amended, was approved without objection.

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

NAYES: None.

ABSENT: Stout, excused.

Mr. Coffey moved to Change the Order of the Day to take up 14.Q, seconded by Ms. Ossiander and there were no objections.

- 14.S. **FIRST PUBLIC HEARING:** Ordinance No. AO 2005-126, an ordinance amending Anchorage Municipal Code Title 12 to enact a **sales and use tax** on the sale of goods within the Municipality for the exclusive purpose of reducing property taxes proportionately throughout the Municipality, with certain exemptions, with a cap and with reimbursement for collection, all within the tax cap, subject to a sunset provision, and submitting the question of whether or not to approve a sales tax to the qualified voters of the Municipality at its next Regular Election on April 4, 2006 with re-approval required at a subsequent Regular Election as established by ordinance; Assemblymember Coffey. **(Carried Over to October 11, 2005)**
- 14.T. **FIRST PUBLIC HEARING:** 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. **(Carried Over to October 11, 2005)**
1. Assembly Memorandum No. AM 205-2005.
- 14.U. Ordinance No. AO 2005-121, an ordinance of the Anchorage Municipal Assembly amending the **Utility Corridor Plan** to add a new electrical transmission line corridor alignment (Planning and Zoning Commission Case 2005-105); Planning Department. **(Public Hearing set for 10-25-05)**
1. Assembly Memorandum No. AM 655-2005.

Chair Fairclough called the Question.

Mr. Coffey moved, *to Continue* AO 2005-121 with Public Hearing set for
Mr. Traini seconded, October 25, 2005,
and this passed without objections.

- 14.V. Ordinance No. AO 2005-122, an ordinance adopting the **Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan** as an element of the Comprehensive Plan and amending Section 21.05.030 of the Anchorage Municipal Code (Planning and Zoning Commission Case 2004-021); Planning Department.
1. Assembly Memorandum No. AM 656-2005. **(Carried Over to October 11, 2005)**

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

Chair Fairclough acknowledged a group of Boy Scouts in the audience. The group introduced themselves as Troop 266 and included First Class Jess Wilson, First Class Jared Dee, First Class Taylor Cosper, Second Class Trevor VanBlankenstein and Second Class Eric VanBlankenstein.

18. ASSEMBLY COMMENTS

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Fairclough called for a motion to adjourn the meeting.

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

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

The Regular Assembly Meeting was adjourned at 11:55 p.m.

ANNA FAIRCLOUGH, 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 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4311, or on the Municipal Web Site, www.muni.org ~Assembly)