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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of October 11, 2005

14
15

1. CALL TO ORDER

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

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

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

23 ABSENT: None.

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26

3. PLEDGE OF ALLEGIANCE Assemblymember Tesche led the pledge.

27
28

4. MINUTES OF PREVIOUS MEETINGS

29 4.A. Special Meeting – August 31, 2005.

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

32
33 Ms. Jennings moved, to amend the Minutes on Page 1,
34 Mr. Coffey seconded, by *deleting* the word 'were,'
35 and this was approved without objection.

36
37 and the main motion, as amended, was passed unanimously,
38 with Ossiander abstaining, due to an excused absence on that date.

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5. MAYOR'S REPORT

42 Mayor Begich recognized all new board and commission appointments present that evening. New appointments and
43 reappointments included, Colin Dey, Building Board of Examiner and Appeals; Michele Miller and Pamela Cravez, Arts
44 Advisory; Mark Mew, Public Safety; Eric Gurley, Transportation; Mike Gutierrez and Rosalie Sandoval, Equal Rights;
45 Robert Scher and Tom Krzewinski, Geotechnical Advisory; David Barton, Americans with Disabilities Act Advisory;
46 Dawnia Clements, Joan Notti and Carolyn Gardner, Seniors Citizens Advisory; Karen Turner, Board of Ethics; James
47 Gurke, Jim Nordlund and Rod McCoy, Housing and Neighborhood Development; Bill Parker, Historic Preservation
48 Board; Jim Fero and Robert Ferrell, Cemetery Advisory; Lori Pickett and Stacie Papineau, Women's Advisory; Eric
49 McCallum, Parks and Recreation; Art Isham, Planning and Zoning; and Dan Dickinson, Budget Advisory.

50
51 Chair Fairclough and Mayor Begich thanked all the appointees for volunteering their time and service. Mayor Begich
52 commended all these professionals for their advice and recommendations on important issues to the city.

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54
55

6. ASSEMBLY CHAIR'S REPORT None.

56
57

7. COMMITTEE REPORTS

58 Mr. Sullivan reported that he and Mr. Coffey met with Budget Director Janet Mitson to discuss the upcoming budget.
59 They would have all their requested information by the next scheduled budget worksession.

60
61 Mr. Bauer reported on the recent Public Safety Committee Meeting, where they discussed the concerns of
62 methamphetamines use. There were currently 20-30 operating 'meth' labs in the city and the ordinance would help to
63 control the sale of ingredients used. The Anchorage Police Department fully supported this effort.

64
65 Ms. Ossiander reported the Title 21 Committee would meet on Friday, from 10:00 to 12:00 in the Assembly
66 Conference Room to discuss design standards in Chapter 7 of Title 21. It was open to the public. Meeting Minutes
67 were posted on the Planning Department website.

68
69 Mr. Birch reported that he and Ms. Ossiander had participated with the Audit Committee meeting on September 29th.
70 They had reviewed the background study of the auditing company and determined that KPMG was strong and capable
71 and KPMG would continue to provide municipal auditing services.

72
73
74

8. ADDENDUM TO AGENDA

75 Chair Fairclough called for a motion and read the Addendum items. She called for additional items and AO 2005-151,
76 AIM 78-2005 and AO 2005-150 were added. She assigned to these items Agenda Numbers 9.F.18, 9.F.11.B and

1 9.F.19, respectively. Mr. Sullivan distributed AO 2005-98(S), which was added as 13.A.2. Chair Fairclough called for
2 a vote to incorporate the Addendum items into the Agenda.

3
4 Ms. Ossiander moved, to approve the inclusion of the Addendum items
5 Mr. Coffey seconded, into the Consent Agenda,
6 and this motion was passed.

7
8 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
9 NAYES: None.

10
11 Chair Fairclough called for a motion on the Consent Agenda.

12
13 Mr. Tesche moved, to approve the Consent Agenda,
14 Mr. Traini seconded,

15
16 Chair Fairclough called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
17 discussion. Mr. Traini declared conflicts of interest with items 9.D.6 and 9.D.21 and stated that he would abstain from
18 participating with those items. Mr. Coffey declared conflicts of interest with items 9.D.31 and 9.D.32 and stated that he
19 would abstain.

20
21 **9. CONSENT AGENDA**

22 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** None.

23
24 **9.B. RESOLUTIONS FOR ACTION - OTHER**

25 9.B.1. Resolution No. AR 2005-256, a resolution of the Municipality of Anchorage appropriating \$15,000 as a
26 donation from ConocoPhillips to the Miscellaneous Operations Grants Fund (261) for the support of
27 the **Westchester Saturday Family Skate**; Office of Economic & Community Development.
28 a. Assembly Memorandum No. AM 705-2005.

29
30 **9.C. BID AWARDS**

31 9.C.1. Assembly Memorandum No. AM 716-2005, recommendation of award to Rain Proof Roofing LLC for
32 the **Kincaid Bunker roof replacement** for the Municipality of Anchorage, Maintenance and
33 Operations Department (ITB 25-C052) (\$117,400); Purchasing.
34 9.C.2. Assembly Memorandum No. AM 717-2005, recommendation of award to the Purcell Security Services
35 for providing **security guard services** for the Municipality of Anchorage, Municipal Light & Power
36 Utility (ITB 25-B070) (\$1,178,634); Purchasing.

37
38 **9.D. NEW BUSINESS**

39 9.D.1. Assembly Memorandum No. AM 722-2005, **Platting Board** appointments (Scott Brodt, Ellen McKay,
40 Stacey Dean); Mayor's Office.

41
42 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See Agenda 10.D.1*)

43
44 9.D.2. Assembly Memorandum No. AM 723-2005, **Urban Design Commission** reappointments (Blasé
45 Burkhardt, James Dougherty, Bill Puckett); Mayor's Office.

46
47 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See Agenda 10.D.2*)

48
49 9.D.3. Assembly Memorandum No. AM 724-2005, **Zoning Board of Examiners & Appeals** reappointments
50 (Dean Karcz, Cindy Thomas, Thomas Van Flein, Kenneth Walch); Mayor's Office.

51
52 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See Agenda 10.D.3*)

53
54 9.D.4. Assembly Memorandum No. AM 725-2005, **AWWU Authority Board of Directors** (Randal
55 Buckendorf, Craig Woolard, Lynette Fox, Jeff Sinz, Elizabeth Funk, Patricia Curl, George M. Sullivan);
56 Mayor's Office.

57
58 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See item 10.D.4*)

59
60 9.D.5. Assembly Memorandum No. AM 726-2005, **Americans with Disabilities Act Advisory Commission**
61 reappointments (David Barton, Elizabeth Edmands, Paulette Synegal-Law); Mayor's Office.

62
63 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.D.5*)

64
65 9.D.6. Assembly Memorandum No. AM 727-2005, **Animal Control Advisory Board** reappointments (Laura
66 Bain, Sandy Traini); Mayor's Office.

67
68 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. Mr. Traini declared a conflict of
69 interest. (*See item 10.D.6*)

70
71 9.D.7. Assembly Memorandum No. AM 728-2005, **Arts Advisory Commission** appointments (Pamela
72 Cravez, Michele Miller, Michael Morris, Melinda Taylor); Mayor's Office.

73 9.D.8. Assembly Memorandum No. AM 729-2005, **Budget Advisory Commission** appointments (Bernie
74 Smith, Dan Dickinson, Joni Whitmore); Mayor's Office.

75 9.D.9. Assembly Memorandum No. AM 730-2005, **Building Board** appointment (Colin Dey); Mayor's Office.

76 9.D.10. Assembly Memorandum No. AM 731-2005, **Emergency Medical Service Board** reappointments (Tim
77 Garbe, Mary Leemhuis, Timothy Silbaugh, Keith Winkle); Mayor's Office.

78 9.D.11. Assembly Memorandum No. AM 732-2005, **Board of Ethics** appointment (Karen Turner); Mayor's
79 Office.

- 1 9.D.12. Assembly Memorandum No. AM 734-2005, **Geotechnical Advisory Commission** appointments
2 (David Cole, Thomas Krzewinski, Robert Scher); Mayor's Office.
- 3 9.D.13. Assembly Memorandum No. AM 735-2005, **Health and Human Services Commission**
4 reappointments (Cathy Giessel, Rusty Myers, Elizabeth Posey, Brian Saylor); Mayor's Office.
- 5 9.D.14. Assembly Memorandum No. AM 736-2005, **Heritage Land Bank Advisory Commission**
6 reappointment (Robert Teachworth); Mayor's Office.
- 7 9.D.15. Assembly Memorandum No. AM 737-2005, **Historic Preservation Board** appointments (Jane Angvik,
8 William Parker); Mayor's Office.
- 9 9.D.16. Assembly Memorandum No. AM 738-2005, **Housing and Neighborhood Development**
10 **Commission** reappointments (Jim Nordlund, James Gurke, Rod McCoy); Mayor's Office.
- 11 9.D.17. Assembly Memorandum No. AM 739-2005, **Human Resources Advisory Board** appointment (Arnold
12 Nash); Mayor's Office.
- 13 9.D.18. Assembly Memorandum No. AM 740-2005, **Investment Advisory Commission** reappointments
14 (Laura Bruce, Donald Simmons, Suresh Srivastava); Mayor's Office.
- 15 9.D.19. Assembly Memorandum No. AM 741-2005, **Memorial Park Cemetery Advisory Commission**
16 appointments (James Fero, Robert Ferrell); Mayor's Office.
- 17 9.D.20. Assembly Memorandum No. AM 742-2005, **On-Site Wastewater System Technical Review Board**
18 reappointments (Mark Musial, Joel Neimeyer, J. Wesley Turner); Mayor's Office.
- 19 9.D.21. Assembly Memorandum No. AM 743-2005, **Parks and Recreation Commission** appointments
20 (Sandy Traini, Eric McCallum); Mayor's Office.
- 21

22 Mr. Traini declared a conflict of interest and stated that he would abstain from participation.

23

- 24 9.D.22. Assembly Memorandum No. AM 744-2005, **Public Safety Advisory Commission** reappointment
25 (Mark Mew); Mayor's Office.
- 26 9.D.23. Assembly Memorandum No. AM 746-2005, **Senior Citizens Advisory Commission** appointments
27 (Joan Notti, William Nugent, Julie Beatty, Dawnia Clements, Ella Craig, Carolyn Gardner, Kathie Neu,
28 Gail Pass, Stuart Rader, Blanca Wasson, Harold Wolverton); Mayor's Office.
- 29 9.D.24. Assembly Memorandum No. AM 747-2005, **Sister City Commission** appointments (Mary Lou
30 Cannelos, Carol Carlson, James Cunningham, Conrad Jager, Yoshi Ogawa); Mayor's Office.
- 31 9.D.25. Assembly Memorandum No. AM 748-2005, **Transportation Commission** appointments (Michelle
32 Czajkowski, Eric Gurley); Mayor's Office.
- 33 9.D.26. Assembly Memorandum No. AM 749-2005, **Women's Commission** reappointments (Lydia Heyward,
34 Stacie Papineau, Lori Pickett); Mayor's Office.
- 35

36 To Chair Fairclough, Stacie Papineau thanked the Assembly and the Mayor for her reappointment and support. She
37 responded that the Commission would begin Public Hearings the following day, discussing domestic violence issues.

38

- 39 9.D.27. Assembly Memorandum No. AM 718-2005, approval of Amendment No. 1 to Alaska Pollution Control,
40 Inc. contract (PO No. 251043) increasing contract by \$100,000 for road rehabilitation projects within
41 **Rabbit Creek View/Heights Limited Road Service Area (LRSA)** to Not-To-Exceed (NTE) \$140,000;
42 Maintenance & Operations Department.
- 43 9.D.28. Assembly Memorandum No. AM 719-2005, proprietary purchase with CRW Engineering Group to
44 provide professional engineering services for the **Kincaid Park Access Road, Phase II** Nordic Ski
45 Bunker to Raspberry Road for the Municipality of Anchorage, Project Management and Engineering
46 Department (\$371,000); Purchasing.
- 47 9.D.29. Assembly Memorandum No. AM 720-2005, Amendment No. 2 to the Utility Relocation Agreement with
48 Alaska Communications Systems (ACS) for **King Street Phase II**, Project No. 98-26 (\$58,340.29);
49 Project Management and Engineering Department.
- 50 9.D.30. Assembly Memorandum No. AM 721-2005, Change Order No. 1 to Purchase Order 250518 with
51 MACTEC Engineering & Consulting, Inc. to provide quality assurance services in support of **Cell 7**
52 **construction activities** for the Municipality of Anchorage; Solid Waste Services (\$70,182);
53 Purchasing.
- 54 9.D.31. Assembly Memorandum No. AM 755-2005, **Birch Tree Dining #4528 – 2005/2006 New**
55 **Restaurant/Eating Place Liquor License (Airport Heights & Russian Jack Community Councils)**; Clerk's
56 Office. **(Addendum)**
- 57

58 Mr. Coffey declared a conflict of interest and stated that he would abstain from participation.

59

- 60 9.D.32. Assembly Memorandum No. AM 756-2005, **Samurai Sushi Garden # 4529 – 2005/2006 New**
61 **Restaurant/Eating Place Liquor License (Northeast Community Council)**; Clerk's Office. **(Addendum)**
- 62

63 Mr. Coffey declared a conflict of interest and stated that he would abstain from participation.

64

- 65 9.D.33. Assembly Memorandum No. AM 758-2005, recommendation of award to VPSI Services, Inc. for
66 providing fleet management and operations services for the **Vanpool Program** for the Municipality of
67 Anchorage; Public Transportation Department (RFP 25-P032) (\$1,591,097); Purchasing.
68 **(Addendum)**
- 69

70 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See item 10.D.33)

71

- 72 9.D.34. Assembly Memorandum No. AM 733-2005, **Equal Rights Commission** appointments (Susan Brady,
73 Rosalie Sandoval, Richard Michael Gutierrez); Mayor's Office. **(Addendum)**
- 74

75 **9.E. INFORMATION AND REPORTS**

- 76 9.E.1. Information Memorandum No. AIM 66-2005, Internal Audit Report 2005-11 – **Municipal Leases,**
77 **Heritage Land Bank**; Internal Audit.
- 78

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

- 1
2 9.E.2. Information Memorandum No. AIM 67-2005, **2004 Merrill Field Improvements** SKW/Eskimos, Inc
3 (P.O. 240763) Report Of Construction Contract Change Orders (\$297,349.74), Merrill Field Airport.
4 9.E.3. Information Memorandum No. AIM 68-2005, Notice of Award to Alaska Frontier Services for **Mountain**
5 **View Garden Art Park** for the Municipality of Anchorage; Project Management & Engineering;
6 Purchasing.
7 9.E.4. Information Memorandum No. AIM 69-2005, **contracts awarded between \$50,000 and \$100,000**
8 **through formal competitive processes** for the month of August 2005; Purchasing.
9 9.E.5. Information Memorandum No. AIM 70-2005, **Sole Source Procurement Report** for the month of
10 August 2005; Purchasing.
11 9.E.6. Information Memorandum No. AIM 71-2005, List of **Boards and Commissions**; Mayor's Office.
12

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

- 14 9.F.1. Ordinance No. AO 2005-140, an ordinance of the Municipality of Anchorage, Alaska, authorizing and
15 providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate amount not
16 to exceed \$21,967,600 for the purpose of financing a portion of the costs of various **water capital**
17 **improvement projects** in the Municipality, and providing for related matters; Anchorage Water &
18 Wastewater Utility. (*Public Hearing 10-25-05*)
19 a. Assembly Memorandum No. AM 710-2005.
20 9.F.2. Ordinance No. AO 2005-141, an ordinance of the Municipality of Anchorage, Alaska, authorizing and
21 providing for the borrowing from the State of Alaska Clean Water Fund of an aggregate amount not to
22 exceed \$21,857,000 for the purpose of financing a portion of the costs of various **AWWU sewer**
23 **improvements projects** in the Municipality, and providing for related matters; Anchorage Water &
24 Wastewater Utility. (*Public Hearing 10-25-05*)
25 a. Assembly Memorandum No. AM 711-2005.
26 9.F.3. Resolution No. AR 2005-260, a resolution of the Municipality of Anchorage, Alaska, confirming and
27 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
28 **05-S-5**, setting date of payment and providing for penalties and interest in the event of delinquency;
29 Anchorage Water & Wastewater Utility. (*Public Hearing 11-01-05*)
30 a. Assembly Memorandum No. AM 712-2005.
31 9.F.4. Ordinance No. AO 2005-142, an ordinance amending Anchorage Municipal Code Chapter 3.20
32 relating to organization of the **Executive Branch** (*Department of Neighborhoods*); Office of Economic
33 & Community Development. (*Public Hearing 10-25-05*)
34 a. Assembly Memorandum No. AM 714-2005.
35 9.F.5. Ordinance No. AO 2005-143, an ordinance of the Municipality of Anchorage creating Special
36 Assessment District 04-25 for **sediment removal from Campbell Lake**, and determining to proceed
37 with proposed improvements therein; Project Management & Engineering. (*Public Hearing 11-01-05*)
38 a. Assembly Memorandum No. AM 715-2005.
39 9.F.6. Ordinance No. AO 2005-144, an ordinance of the Municipality of Anchorage adopting the **Biennial**
40 **General Government Operating Budget** for Fiscal Years 2006 and 2007, and appropriating funds for
41 Fiscal Year 2006; Office of Management & Budget. (*Public Hearing 10-25-05 & 11-8-05*)
42 a. Assembly Memorandum No. AM 750-2005.
43 9.F.7. Ordinance No. AO 2005-145, an ordinance adopting the **2006 General Government Capital**
44 **Improvement Budget**; Office of Management & Budget. (*Public Hearing 10-25-05 & 11-8-05*)
45 a. Assembly Memorandum No. AM 751-2005.
46 9.F.8. Resolution No. AR 2005-262, a resolution of the Municipality of Anchorage adopting the **2006-2011**
47 **General Government Capital Improvement Program**; Office of Management & Budget. (*Public*
48 *Hearing 10-25-05 & 11-8-05*)
49 9.F.9. Ordinance No. AO 2005-146, an ordinance adopting the **Biennial Municipal Utilities/Enterprise**
50 **Activities Operating Budget** for Fiscal Years 2006 and 2007, adopting the Municipal
51 Utilities/Enterprise Activities Capital Budget for Fiscal Year 2006, and appropriating funds for the 2006
52 Municipal Utilities/Enterprise Activities Operating and Capital Budgets for the Municipality of
53 Anchorage; Office of Management & Budget. (*Public Hearing 10-25-05 & 11-8-05*)
54 a. Assembly Memorandum No. AM 752-2005.
55 9.F.10. Resolution No. AR 2005-263, a resolution approving the **2006-2011 Municipal Utilities Capital**
56 **Improvement Program**, Office of Management & Budget. (*Public Hearing 10-25-05 & 11-8-05*)
57 9.F.11. Ordinance No. AO 2005-147, an ordinance repealing Anchorage Municipal Code Section 15.35.100
58 and providing for a new Anchorage Municipal Code Section 15.35.100 which changes the **open**
59 **burning requirements** and removing the specific dates of permissible burning for a revised system
60 which considers current fire danger and air quality; Assembly Member Ossiander. (*Public Hearing 10-*
61 *25-05*)
62 a. Assembly Memorandum No. AM 755-2005.
63 b. Assembly Memorandum No. AIM 78-2005. (*Laid on the Table*)
64

65 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.F.11*)
66

- 67 9.F.12. Resolution No. AR 2005-257, a resolution of the Municipality of Anchorage, Alaska, accepting and
68 appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$2,000,000 for
69 financing a portion of the costs of the **SCADA Sewer Project**; Anchorage Water & Wastewater Utility.
70 (*Public Hearing 10-18-05*)
71 a. Assembly Memorandum No. AM 707-2005.
72 9.F.13. Resolution No. AR 2005-258, a resolution of the Municipality of Anchorage appropriating \$960,814
73 from the Alaska Department of Health and Social Services as a grant to the State Categorical Grants
74 Fund (231), Department of Health and Human Services to fund **Community Health Nursing**
75 **Services**. (*Public Hearing 10-18-05*)
76 a. Assembly Memorandum No. AM 708-2005.
77 9.F.14. Resolution No. AR 2005-259, a resolution appropriating \$1,364,550 from a State of Alaska
78 Department of Transportation and Public Facilities (ADOT&PF) Transfer of Responsibilities Agreement

(TORA) with the Municipality of Anchorage to the State Categorical Grants Fund (231) under the Municipal Traffic Department for the **On Street Sign Inventory**; Traffic Department.

a. Assembly Memorandum No. AM 709-2005. (*Public Hearing 10-18-05*)

9.F.15. **Resolution No. AR 2005-261**, a resolution of the Municipality of Anchorage appropriating \$126,558 from Alaska Housing Finance Corporation (AHFC) as a supplemental grant to the State Categorical Grants Fund (231), the Office of Economic and Community Development to fund the **Weatherization Assistance Program**. (*Public Hearing 10-18-05*)

a. Assembly Memorandum No. AM 713-2005.

9.F.16. **Assembly Memorandum No. AM 706-2005, Employee Relations Board** reappointment (Douglas Mills); Mayor's Office. (*Public Hearing 10-25-05*)

9.F.17. **Ordinance No. AO 2005-148**, an ordinance of the Anchorage Municipal Assembly to waive the requirement of Anchorage Municipal Code 21.15.015, **Public Facility Site Review**; Assemblymembers Traini. (*Public Hearing 10-25-05*) (**Addendum**)

a. Assembly Memorandum No. AM 757-2005.

9.F.18. **Ordinance No. AO 2005-151** an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 3.30.172C. regarding **classification of Assembly** positions; Assembly Vice Chair Coffey. (**Laid on the Table**) (*Public Hearing 10-25-05*)

(Clerk's Note: This item was introduced and discussed. See Agenda item 10.F.18.)

Mr. Coffey moved, *to introduce* AO 2005-151, with Public Hearing set for
Mr. Stout seconded, October 25, 2005,
and Ms. Ossiander was the concurring third.

Mr. Coffey stated this was a housekeeping issue, relative to the elimination of the Budget and Legislative Services Office. He requested Public Hearing be set for October 25, 2005.

9.F.19. **Ordinance No. AO 2005-150(S)**, an ordinance amending Anchorage Municipal Code Section 21.35.020 to amend and to add definitions relating to the accessory use of **large domestic animal facilities** and home based business; to amend Sections 21.40.020, 21.40.070, 21.40.080, 21.40.090, 21.40.100, 21.40.110, 21.40.115, 21.40.117; to add large domestic animal facilities and home based businesses as permitted accessory or conditional uses in the R-5A Rural Residential District (Large Lot), R-6 Suburban Residential District (Large Lot), R-7 Intermediate Rural Residential district, R-8 Rural Residential District (Large Lot), R-9 Rural Residential District, R-10 Residential Alpine/Slope District and R-11 Turnagain Arm District; to amend Chapter 21.45 to add accessory building standards and to establish supplementary district standards for large domestic animal facilities; and to amend Chapter 21.50 to establish conditional use standards for large domestic animal facilities; Assemblymember Ossiander and Shamberg. (**Laid on the Table**) (*Public Hearing 10-25-05*)

Ms. Ossiander moved, *to introduce* AO 2005-150(S) with Public Hearing set for
Mr. Coffey seconded, October 25, 2005,
and Ms. Shamberg was the concurring third.

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

and the motion, as amended, was passed,
with Mr. Traini abstaining on items 9.D.6 and 9.D.21,
and with Mr. Coffey abstaining on items 9.D.31 and 9.D.32.

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

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** None.

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 722-2005, Platting Board** appointments (Scott Brodt, Ellen McKay, Stacey Dean); Mayor's Office. (*Continued to 10-25-05*)

Mr. Coffey moved, *to Continue* AM 722-2005 to October 25, 2005, to allow the
Mr. Birch seconded, mandatory 10-day public comment period,
and this was approved without objection.

10.D.2. **Assembly Memorandum No. AM 723-2005, Urban Design Commission** reappointments (Blasé Burkhart, James Dougherty, Bill Puckett); Mayor's Office. (*Continued to 10-25-05*)

Mr. Coffey moved, *to Continue* AM 723-2005 to October 25, 2005, to allow the
Mr. Birch seconded, mandatory 10-day public comment period,
and this was approved without objection.

1 10.D.3. Assembly Memorandum No. AM 724-2005, Zoning Board of Examiners & Appeals reappointments
2 (Dean Karcz, Cindy Thomas, Thomas Van Flein, Kenneth Walch); Mayor's Office. (*Continued to 10-*
3 *25-05*)
4

5 Mr. Coffey moved, *to Continue* AM 724-2005 to October 25, 2005, to allow the
6 Mr. Birch seconded, mandatory 10-day public comment period,
7 and this was approved without objection.
8

9 10.D.4. Assembly Memorandum No. AM 725-2005, AWWU Authority Board of Directors (Randal
10 Buckendorf, Craig Woolard, Lynette Fox, Jeff Sinz, Elizabeth Funk, Patricia Curl, George M. Sullivan);
11 Mayor's Office. (*Public Hearing set for 10-25-05*)
12

13 Deputy Municipal Manager Michael Abbott stated that AWWU had requested a 10-day public comment period to
14 satisfy notification requirements and recommended setting Public Hearing for October 25, 2005.
15

16 Mr. Sullivan moved, *to Continue* AM 725-2005 to October 25, 2005, to allow the
17 Mr. Coffey seconded, mandatory 10-day public comment period,
18 and this was approved without objection.
19

20 To Chair Fairclough, Mayor George Sullivan explained he had many years of regulation experience, including being a
21 former Anchorage Mayor, a Senior Vice President to Western Airlines, experience with a trucking company and on the
22 Railroad Board. Chair Fairclough and Mayor Begich thanked him for his service.
23

24 10.D.5. Assembly Memorandum No. AM 726-2005, Americans with Disabilities Act Advisory Commission
25 reappointments (David Barton, Elizabeth Edmands, Paulette Synegal-Law); Mayor's Office.
26

27 Ms. Ossiander moved, [~~to Postpone~~] to approve AM 726-2005 [~~to October 18, 2005~~],
28 Ms. Jennings seconded,
29 and this was amended,
30

31 Ms. Ossiander stated there was a member who had not been able to make the majority of the meetings, which had
32 resulted in the commission's not reaching a quorum for many of their meetings. She requested the Administration
33 review this issue, to determine if that member would be able to attend in the future. Mayor Begich responded that he
34 had contacted Ms. Synegal-Law, and she had indicated she wished to be reappointed and she gave assurances that
35 her attendance would be improved. Ms. Ossiander changed her motion to approve and the second concurred.
36

37 and this was approved without objection.
38

39 10.D.6. Assembly Memorandum No. AM 727-2005, Animal Control Advisory Board reappointments (Laura
40 Bain, Sandy Traini); Mayor's Office. (*Bifurcated; Laura Bain's confirmation postponed to 10-18-05*)
41

42 Mr. Traini declared a conflict of interest with this item because his wife was being reappointed to this board.
43

44 Ms. Ossiander moved, *to postpone* AM 727-2005 to October 18, 2005,
45 Ms. Jennings seconded,
46 and this was later substituted,
47 with Mr. Traini abstaining.
48

49 Ms. Ossiander stated that her comments form the last Agenda item, concerning a member's attendance, needed to
50 apply to this board also. Mayor Begich stated that his office had not yet contacted Laura Bain to address her
51 attendance. He recommended bifurcation of the item, to confirm the reappointment of Sandy Traini. Ms. Ossiander
52 and the second concurred.
53

54 Mr. Coffey moved, *to bifurcate* AM 727-2005 the two reappointment
55 Ms. Jennings seconded, confirmations,
56 and this was approved without objection,
57 with Mr. Traini abstaining.
58

59 Ms. Ossiander moved, *to approve* the reappointment confirmation of Sandy Traini
60 Mr. Coffey seconded, to the Animal Control Advisory Board.
61 and this was approved without objection,
62 with Mr. Traini abstaining.
63

64 Ms. Ossiander moved, *to postpone* the reappointment confirmation of Laura
65 Mr. Coffey seconded, Bain to the Animal Advisory Board until October 18, 2005,
66 and this was approved without objection,
67 with Mr. Traini abstaining.
68

69 10.D.33. Assembly Memorandum No. AM 758-2005, recommendation of award to VPSI Services, Inc. for
70 providing fleet management and operations services for the **Vanpool Program** for the Municipality of
71 Anchorage; Public Transportation Department (RFP 25-P032) (\$1,591,097); Purchasing. (**Addendum**)
72

73 Ms. Jennings stated the former contractor had issue with the contract's being awarded to VPSI and felt he had not had
74 the opportunity to protest it properly. Purchasing Officer Bart Maudlin responded the bid process had been properly
75 followed and they had not heard from the incumbent contractor. The MOA was currently under a two-month extension
76 with that firm. They were not aware of any problem, concern or appeal with this award.
77

78 Ms. Jennings moved, *to approve* AM 758-2005,
79 Mr. Coffey seconded,

1 and this was approved unanimously.
2

3 **10.E. INFORMATION AND REPORTS**

4 10.E.1. Information Memorandum No. AIM 66-2005, Internal Audit Report 2005-11 – **Municipal Leases,**
5 **Heritage Land Bank**; Internal Audit.
6

7 Mr. Coffey moved, to accept AIM 66-2005,
8 Ms. Ossiander seconded,
9

10 To Mr. Coffey, Mayor Begich responded the Administration had requested this audit because there were many leases
11 that needed to be addressed and there had been no property management. The leases were now being managed by
12 the Heritage Land Bank (HLB) and the concerns would be addressed. HLB Executive Director Robin Ward concurred.
13

14 Mr. Coffey stated that now, with public-private partnership arrangements and with the city leasing more and more
15 properties, the audit requested by Mayor Begich was necessary. Mayor Begich responded it would be addressed by
16 ordinance before the Assembly again in two weeks. They were addressing all city leases and agreements.
17

18 and this was approved without objection.
19

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

21 10.F.11. Ordinance No. AO 2005-147, an ordinance repealing Anchorage Municipal Code Section 15.35.100
22 and providing for a new Anchorage Municipal Code Section 15.35.100 which changes the **open**
23 **burning requirements** and removing the specific dates of permissible burning for a revised system
24 which considers current fire danger and air quality; Assembly Member Ossiander. (*Public Hearing ~~40-~~*
25 *~~25-05~~ 11-08-05*)
26

- 27 a. Assembly Memorandum No. AM 755-2005.
28 b. Assembly Memorandum No. AIM 78-2005. (**Laid on the Table**)

29 Ms. Ossiander moved, to introduce AM 78-2005 as an attachment to AO 2005-147,
30 Mr. Coffey seconded,
31 and Mr. Birch was the concurring third.
32

33 At the request of the Fire Department, Ms. Ossiander proposed to change the Public Hearing date.
34

35 Ms. Ossiander moved, to change the Public Hearing to November 8, 2005,
36 Mr. Traini seconded,
37 and this passed without objection.
38

39 10.F.18. Ordinance No. AO 2005-151 an ordinance of the Anchorage Assembly amending Anchorage
40 Municipal Code Section 3.30.172C. regarding **classification of Assembly** positions; Assembly Vice
41 Chair Coffey. (**Laid on the Table**) (*Public Hearing 10-25-05*)
42

43 Mr. Coffey moved, to introduce AO 2005-151 with Public Hearing set for
44 Mr. Stout seconded, October 25, 2005,
45 and Ms. Ossiander was the concurring third.
46

47 (*Clerk's Note: AO 2005-151 was reconsidered, following Assembly discussion and action on AO 2005-138. See*
48 *Agenda item 14.I, for related discussion and action.*)
49

50 Mr. Tesche moved, for immediate reconsideration of AO 2005-151,
51 Mr. Coffey seconded,
52

53 Mr. Tesche urged a YES-vote.
54

55 and this passed without objection.
56

57 Mr. Tesche moved, to amend AO 2005-151, by changing the title to read:
58 Mr. Coffey seconded, AO 2005-151, an ordinance of the Anchorage Assembly
59 amending Anchorage Municipal Code, Chapter 3.30
60 regarding classification "and supervision" of Assembly
61 positions,
62

63 To Mr. Birch, Mr. Tesche responded the title needed to be changed to allow the Assembly to address policy questions
64 raised that evening, involving the Assembly executives and staff members and to address who had authority to impose
65 disciplinary action, including firing.
66

67 Mr. Coffey read the activity description as 'dismiss, demote or suspend.' Mr. Tesche responded that it was his intent
68 that those activities would be described under 'supervision.' Municipal Attorney Fred Boness concurred.
69

70 and this was passed without objection.
71

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

73 11.A. Assembly Memorandum No. AM 673-2005, **Board of Adjustment** reappointment (Susan Reeves);
74 Mayor's Office. (*Postponed from 9-27-05*)
75

76 Mr. Coffey moved, to approve AM 673-2005,
77 Ms. Jennings seconded,
78

1 Mr. Coffey stated that Ms. Reeves was a very fine attorney and had served on the Board of Adjustment from the
2 beginning. He thanked her for her service and urged a YES-vote.

3
4 To Chair Fairclough, Municipal Clerk Barbara Gruenstein responded that her office had received no comments on this
5 appointment.

6
7 Mr. Tesche thanked Ms. Reeves for her professional service.

8
9 and this motion was unanimously passed.

10
11 11.B. Assembly Memorandum No. AM 674-2005, Planning and Zoning Commission reappointments
12 (Shaun Debenham, Art Isham, Nancy Pease); Mayor's Office. (*Postponed from 9-27-05*)

13
14 Mr. Coffey moved, to approve AM 674-2005,
15 Ms. Jennings seconded,

16
17 Mr. Coffey supported Mayor Begich's selection of appointments, comprising a diverse group of dedicated professionals
18 to better review the issues.

19
20 and this motion was approved, 11-0.

21
22 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

23 NAYES: None.

24
25 Art Isham thanked the Assembly and Administration for the appointment and their confidence with his association.

26
27 11.C. Ordinance No. AO 2005-96, an ordinance amending Anchorage Municipal Code Section 21.50.320 to
28 permit and provide standards for **automobile display lots** in conjunction with large retail
29 establishments (Planning and Zoning Commission Case 2005-036); Planning Department.

30 1. Assembly Memorandum No. AM 511-2005.

31 (*Carried Over from 8-23-05 and 9-13-05; Public Hearing Closed 9-27-05; Carried Over from 9-27-05*)

32
33 Mr. Coffey moved, to approve AO 2005-96,
34 Ms. Shamberg seconded,

35
36 Ms. Shamberg stated that constituents had requested to address limiting the lights and speakers of display lots. To
37 her question, Mr. Weaver responded this ordinance was basically a housekeeping issue, to include automobile lots
38 because they had not been listed before. He responded that loud speakers did not need to be addressed.

39
40 Ms. Ossiander stated that Wal-Mart had addressed this issue and was no longer allowing RV parking in their lots.

41
42 Mr. Coffey stated that the snow storage areas were not closed all summer. Mr. Weaver responded that a change to
43 the dates would be acceptable.

44
45 Mr. Coffey moved, to amend AO 2005-96 on Page 1, Line 24, *by changing*
46 Ms. Ossiander seconded, to read: ... may occupy required snow storage areas only
47 and this passed unanimously. from ~~July 1~~ "May 1," through September.

48
49 To Mr. Coffey, Mr. Weaver responded this ordinance was created, as a result of a new facility on the corner of Dimond
50 and the Old Seward Highway. There had been no objections to this change in policy.

51
52 Question was called on the main motion.

53
54 and the main motion, as amended, was unanimously passed.

55
56 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

57 NAYES: None.

58
59 11.D. Resolution No. AR 2005-193, a resolution of the Anchorage Municipal Assembly approving an
60 amendment to an alcoholic beverages conditional use in the B-3 District for a beverage dispensary
61 use per AMC 21.40.180 D.8 for **The Setter**, located on Lot 1, Fantasies Subdivision and Lots 4, 5 and
62 6, Block 26C, Fourth Addition Subdivision; site address being 1911 East 5th Avenue, generally located
63 between East 4th and East 5th Avenues, on the east side of Sitka Street (Mountain View Community
64 Council) (Case 2005-103); Planning Department.

65 1. Assembly Memorandum No. AM 519-2005. (*Carried Over from 8-9-05; Continued from 8-30-*
66 *05 Special Meeting; Public Hearing Closed 9-27-05; Postponed from 9-27-05*)

67
68 Chair Fairclough read the resolution title and gave the history of this item. Public Hearing was closed on September
69 27. She called the Question.

70
71 Mr. Coffey moved, to approve AR 2005-193,
72 Mr. Sullivan seconded,

73
74 Mr. Coffey questioned the Municipal Clerk's role with resolving the physical separation of the entrances to this
75 establishment. Municipal Clerk Barbara Gruenstein responded the licensing process involved being reviewed by her
76 office and then forwarded to different departments for review. Planning Department Administrator Jerry Weaver
77 responded that resolving this with the Municipal Clerk was fine.

78
79 Mr. Coffey moved, to amend AR 2005-193 on Page 2, Line 20, *by deleting to*

1 Ms. Ossiander seconded,
2 and this was passed without objection.

read: ...resolve the physical separation of the entrances to
the lounge and to the adult-oriented use with the Municipal
Clerk's Office [~~and the Planning Department~~],

3
4
5 To Ms. Ossiander, Mr. Weaver responded the majority of necessary improvements were located on the south side of
6 the establishment. The maximum amount of right of way was being used on 5th Avenue and there currently was
7 adequate access. Surrounding streets would allow additional access, once the Glenn Highway was expanded.

8
9 and the main motion, as amended, was passed, 8-3.

10
11 AYES: Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Jennings.

12 NAYES: Tesche, Shamberg and Traini.

13
14 **12. APPEARANCE REQUESTS**

15 12.A. **Rhonda E. Merrihew, R.T. (CT/MRI)**, regarding radiation safety for all citizens living in Alaska.

16
17 RHONDA MERRIHEW, Radiology Technician (*R.T.*), spoke on radiation safety. Copies of proposed State House Bill
18 150(S) were distributed to members. Anyone in the State of Alaska could take x-rays without being trained. DONNA
19 RUFSHOLM, R.T, Licensing Committee Chair, Legislative Affairs Committee for the Alaska Society of Radiology
20 Technologists, testified she had worked on HB 150 for the last seven years. In 1981 Congress required each state to
21 have a licensure program in affect by 1986 and Alaska was one of nine states that had not yet complied. They
22 supported radiology technicians who were credentialed, licensed and met educational requirements. They had
23 witnessed highly unprofessional, poor quality radiographs from all over Alaska. They viewed this as a safety issue,
24 because radiation was a carcinogen, was accumulative and was harmful both to the operator and the patient. To Ms.
25 Jennings, Mr. Merrihew responded there were approximately 400-500 unlicensed individuals who were operating
26 without credentials in both urban and rural Alaska. There were about 300 credentialed radiologists practicing in the
27 state. Dental radiologists were not included in this bill.

28
29 **13. CONTINUED PUBLIC HEARINGS**

30 13.A. Ordinance No. AO 2005-98, an ordinance of the Anchorage Municipal Assembly amending Anchorage
31 Municipal Code by adding a new Chapter 8.90 regarding the **Sale of Methamphetamine Precursor**
32 **Drugs** within the Municipality of Anchorage; Mayor Begich; Assemblymembers Tesche, Traini,
33 Shamberg and Jennings. (*Carried Over from 8-9-05, 8-23-05, 9-13-05 and 9-27-05*)

34 1. Assembly Memorandum No. AM 517-2005.

35 2. Ordinance No. AO 2005-98(S), an ordinance of the Anchorage Municipal Assembly amending
36 Anchorage Municipal Code by adding a new Chapter 8.90 regarding the Sale of
37 Methamphetamine Precursor Drugs within the Municipality of Anchorage; Assemblymember
38 Sullivan, Mayor Begich, Assemblymembers Tesche, Traini, Shamberg, Ossiander, Jennings
39 and Stout. (**Laid on the Table**)

40
41 Chair Fairclough read the ordinance title and opened Public Hearing on 13.A, including the substitute version. With no
42 one to testify, she closed Public Hearing and called the Question.

43
44 Mr. Sullivan moved, to approve AO 2005-98(S),
45 Mr. Bauer seconded,

46
47 Mr. Sullivan stated the substitute version included his proposed changes to the ordinance sponsored by Mr. Traini and
48 Mr. Tesche. The changes were a result of process, involving the Public Safety Committee and the retail community,
49 and were highlighted for review on the last page. He explained those changes.

50
51 Mr. Traini stated that he appreciated the work Mr. Sullivan and Mr. Bauer had done on this issue because
52 methamphetamine was a problem across the nation. He would be a YES-vote.

53
54 Mr. Traini, Ms. Shamberg, Mayor Begich, Ms. Ossiander, Ms. Jennings, Mr. Tesche and Mr. Stout requested to be
55 added as cosponsors.

56
57 To Mr. Tesche, Anchorage Police Chief Walt Monegan responded the APD supported the (S)Version and it would
58 make a difference in the fight against the creation of 'meth' labs. Mr. Tesche requested that Chief Monegan report
59 back to the Assembly in six or nine months, at his discretion, to explain the effects to the community. Chief Monegan
60 concurred. Mr. Tesche thanked Mr. Sullivan and Mr. Bauer for their work.

61
62 Mr. Coffey thanked Mr. Sullivan and Mr. Bauer for their work. He defended the Assembly for the time taken to
63 complete this process. The review from the Public Safety Committee had resulted in appropriate and effective
64 improvements to the ordinance, which made for a good chance of succeeding in its purpose.

65
66 Chair Fairclough put the Question.

67
68 and the main motion, as amended, was passed unanimously.

69
70 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

71 NAYES: None.

72
73 13.B. Ordinance No. AO 2005-122, an ordinance adopting the **Anchorage Bowl Park, Natural Resource,**
74 **and Recreation Facility Plan** as an element of the Comprehensive Plan and amending Section
75 21.05.030 of the Anchorage Municipal Code (Planning and Zoning Commission Case 2004-021);
76 Planning Department. (*Carried Over from 9-27-05*) (*Continued to 11-01-05*)

77 1. Assembly Memorandum No. AM 656-2005.

78

1 Chair Fairclough read the ordinance title and stated it was the Assembly's intention to continue this issue to November
2 1, 2005. She opened Public Hearing. With no one to testify, she called the Question.

3
4 Mr. Coffey moved, *to Continue* AO 2005-122 to November 1, 2005,
5 Ms. Ossiander seconded,
6 and this was approved without objection, 11-0.

7
8 13.C. Ordinance No. AO 2005-115, an ordinance adopting the **Anchorage Long-Range Transportation**
9 **Plan ~ 2025**, and concurrent amendments to the Official Streets and Highways Plan (OS&HP), as
10 revised elements of *Anchorage 2020 – The Anchorage Bowl Comprehensive Plan* and amending
11 Anchorage Municipal Code Chapter 21.05; Traffic Department.

12 1. Assembly Memorandum No. AM 609-2005. (*Carried Over from 9-27-05; Continued to*
13 *10-25-05*)

14
15 Chair Fairclough read the ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing
16 and called the Question.

17
18 Mr. Coffey moved, *to Continue* AO 2005-115 to October 25, 2005,
19 Ms. Ossiander seconded,

20
21 Mr. Coffey stated the Planning and Zoning Commission had reviewed this issue and the Assembly was involved with a
22 series of worksessions and reviews and more time was needed to make additional changes. There had been a
23 request for another worksession on this matter before the 25th.

24
25 To Mr. Traini, Chair Fairclough responded that Assemblymembers should send their proposed amendments to Deputy
26 Municipal Manager Michael Abbott. Chair Fairclough requested that copies of all amendments also be sent to herself
27 and to AMATS representatives, Ms. Ossiander and Mr. Birch.

28
29 Ms. Ossiander stated that she and Ms. Jennings had submitted a series of questions to Mr. Wilber and she requested
30 his responses also be sent to Assemblymembers.

31
32 Question was put on the main motion.

33
34 and the motion was passed unanimously, 11-0.

35
36 13.D. Ordinance No. AO 2005-126, an ordinance amending Anchorage Municipal Code Title 12 to enact a
37 **sales and use tax** on the sale of goods within the Municipality for the exclusive purpose of reducing
38 property taxes proportionately throughout the Municipality, with certain exemptions, with a cap and
39 with reimbursement for collection, all within the tax cap, subject to a sunset provision, and submitting
40 the question of whether or not to approve a sales tax to the qualified voters of the Municipality at its
41 next Regular Election on April 4, 2006 with re-approval required at a subsequent Regular Election as
42 established by ordinance; Assemblymember Coffey. (*Carried Over from 9-27-05*)

43 1. Ordinance No. AO 2005-126(S), an ordinance amending Anchorage Municipal Code Title 12
44 to enact a sales and use tax on the sale of goods within the Municipality for the exclusive
45 purpose of reducing property taxes proportionately throughout the Municipality, with certain
46 exemptions, with a cap and with reimbursement for collection, all within the tax cap, subject to
47 a sunset provision, and submitting the question of whether or not to approve a sales tax to the
48 qualified voters of the Municipality at its next Regular Election on April 4, 2006 with re-
49 approval required at a subsequent Regular Election as established by ordinance;
50 Assemblymember Coffey. (**Laid on the Table**) (*Continued to 10-18-05*)

51
52 Mr. Coffey moved to combine Public Hearing on 13.D and 13.E, concerning sales tax. Ms. Jennings seconded and
53 there were no objections. Chair Fairclough opened Public Hearing. There was no one to testify and she stated AO
54 2005-123 would be taken up again on October 18, 2005.

55
56 13.E. Ordinance No. AO 2005-51, an ordinance of the Anchorage Municipal Assembly to levy a **three (3)**
57 **percent sales tax** on the sale of goods with certain exemptions, with a cap and with a reimbursement
58 for collection, all within the tax cap and for the exclusive purpose of reducing property taxes
59 proportionately throughout the Municipality of Anchorage, subject to a sunset provision and submitting
60 the question of whether or not to approve said sales tax to the qualified voters of the Municipality at its
61 next Regular Election on April 4, 2006 with re-approval required at the April 7, 2009 Regular Election;
62 Assemblymember Coffey. (*Carried Over from 9-27-05*) (**Postponed Indefinitely**)

63 1. Assembly Memorandum No. AM 205-2005.

64
65 (*Clerk's Note: See details of Combined Public Hearing in Agenda item 13.D*)

66
67 Chair Fairclough closed Public Hearing on AO 2005-51 and put the Question.

68
69 Mr. Coffey moved, *to postpone indefinitely* AO 2005-51,
70 Ms. Jennings seconded,

71
72 Mr. Coffey stated AO 2005-126 was an improved document that would be carried forward.

73
74 and this motion was unanimously approved, 11-0.

75
76 **14. NEW PUBLIC HEARINGS**

77 14.A. Ordinance No. AO 2005-139, an ordinance amending Anchorage Municipal Code Section 10.40.050,
78 regarding the premises and licensing of **Adult-Oriented Establishments**; Assembly Chair Fairclough
79 & Assembly Vice-Chair Coffey and Assemblymembers Traini, Ossiander and Tesche.

1
2 Chair Fairclough read the ordinance title and opened Public Hearing.

3
4 KATHY HARTMAN, owner of Fantasies, cited State House Bill 430, which allowed establishments to employ 18 to 20
5 year-olds to work on the premises, as long as they did not sell, serve, dispense or deliver alcohol beverages. She
6 opposed the ordinance.

7
8 MARCO GONZALEZ opposed the ordinance and thought there was an organized movement to blackmail their
9 business. There were other things in the community that needed Assembly attention.

10
11 LEANNE CHRISTENSON, former dancer and current limousine driver for the Setter, testified in support of the
12 business. To Mr. Birch, she responded the Setter had the same standards as other adult-oriented establishments.

13
14 CAROL HARTMAN opposed the ordinance, which had gone beyond the issue of building construction. It was a
15 personal attack on their business. Ms. Ossiander stated it was not the intent of Assemblymembers or Planning and
16 Zoning to harass the owners or employees, but rather to allow the same standards for under-aged dancers as were
17 already imposed in over-21 clubs. The language had been crafted by the Municipal Attorney, which was similar to the
18 language used by the Alcoholic Beverage Control Board. Ms. Hartman responded the reputation of the business had
19 been ruined.

20
21 "TINY" (Alatautuisafanva Peter Lilo-Asia) testified that this issue was supposed to be a land use issue, but the
22 Assembly and the public were addressing sexual conduct, under-aged dancers and the glass separating the two
23 establishments. To Mr. Coffey, 'Tiny' responded he did not understand the standards of dancers, as addressed in the
24 new ordinance,

25
26 CORINTHIAN WILEY, a regular customer at Fantasies, testified the establishment had been abused. There were so
27 many lies and so much confusion with this issue and they had suffered. He testified to their credibility.

28
29 KIM KINGSFORD testified that Section J applied specifically to Fantasies, addressing the viewing wall and floor at
30 their business. If they removed this clause, she would support the ordinance, allowing the women additional
31 protection. To Mr. Coffey, she thought it was a taking away their constitutional rights.

32
33 KATHLEEN PLUNKETT supported the ordinance.

34
35 ARMANDO GONZALEZ, manager at Fantasies, agreed with Ms. Kingsford. The ordinance singled out Fantasies.

36
37 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question.

38
39 Mr. Traini moved, to approve AO 2005-139,
40 Mr. Tesche seconded,

41
42 Additional persons in the audience indicated they wanted to speak to the ordinance and Chair Fairclough called for a
43 motion to reopen Public Hearing. Mr. Coffey so moved, seconded by Traini and there were no objections. The Chair
44 reopened Public Hearing.

45
46 CARLOS GONZALEZ stated that his establishment had been abused and had been discriminated against. They had
47 followed a legal and fair process to expand their business and put in the viewing floor. If the ordinance was passed as
48 it was, there would be a lawsuit. To Mr. Coffey, Mr. Gonzalez responded that he wanted to have the doors and
49 windows opened in the summer and he wanted the viewing floor.

50
51 AMY LISTON approved of women's rights and protection. She thought their business was being pin-pointed.

52
53 ROBERT PEARSON, a regular patron of Fantasies, approved of the doors and windows being allowed open in the
54 summer. He thought patrons should be able to move back and forth between businesses.

55
56 ELI DALTON did not see a problem with the viewing wall. Moving the bar upstairs would solve the problem.

57
58 CARL WELSH supported Setters and Fantasies. They ran a very strict and responsible business.

59
60 SUMMER GONZALEZ testified that Setters and Fantasies had been side-by-side for many years and only when they
61 were expanding was there a problem with the viewing wall.

62
63 STEVE KLINE supported the proposed amendments and thought they should be allowed to prop the doors and
64 windows open.

65
66 Chair Fairclough closed Public Hearing. A motion was on the floor by Mr. Traini, seconded by Mr. Tesche.

67
68 Mr. Coffey requested time to prepare amendments. Ms. Jennings moved to Change the Order of the Day to take up
69 14.B and there were no objections. Upon completion of 14.B, D, F, G, H and 11.D, the Chair returned the body to this
70 item. Mr. Coffey indicated the amendments were completed and had been reviewed by the Municipal Attorney.

71
72 Mr. Coffey moved, to amend AO 2005-139 on Page 1, Line 26 *by adding* a new
73 Mr. Birch seconded, Subsection to read: "e. A separation of a minimum of four
74 (4) feet shall be maintained between entertainers, dancers
75 and/or strippers and patrons."

76
77 To Mr. Coffey, Ms. Shamberg responded that she proposed this amendment because lap dances were troubling to her
78 constituents. She responded this law was in effect in other cities in the nation. Mr. Coffey stated it may be problematic
79 to address additional issues, when the intent had been to bring clubs into compliance with Title 4.

1
2 To Mr. Tesche, Municipal Attorney Fred Boness responded a four-foot separation requirement would stand up in court.
3 APD Chief Walt Monegan responded that, while officers did periodic bar-checks, enforcement would rely upon
4 voluntary compliance. Mr. Tesche stated that he would support the Shamberg Amendment.

5
6 Mr. Sullivan stated they were now exceeding their original intent, and without a review or understanding of the
7 standards for this new type of requirement, he hesitated to support an arbitrary number.

8
9 Mr. Traini stated that Seattle, Washington had recently passed a similar ordinance, with a four-foot regulation.

10
11 To Ms. Ossiander, Mr. Boness responded that under Municipal Code, this amendment would not affect over-21 strip
12 clubs associated with bars and would only apply to strip clubs with no liquor licenses, which catered to 18-21 year-
13 olds. Mr. Coffey responded that he was concerned that different groups of adults would be treated differently, and was
14 unsure of those consequences.

15
16 Ms. Shamberg stated her intent was to protect the young women.

17
18 and this was approved, 7-4.

19
20 AYES: Tesche, Shamberg, Ossiander, Sullivan, Stout, Traini and Jennings.

21 NAYES: Fairclough, Coffey, Birch and Bauer.

22
23 Mr. Coffey moved,
24 Mr. Birch seconded,

to amend AO 2005-139 on Page 2, at the end of Line 9 *by adding* to read: ...establishment by any person "where the licensee knew or reasonably should have known,"

25
26
27 Mr. Coffey stated this related to the section in the ordinance dealing with alcohol on premises. This would help protect
28 owners from patrons sneaking alcoholic beverages into the business.

29
30 Mr. Sullivan responded this did not make it clear, with the language 'reasonably should have known.'

31
32 To Ms. Jennings, Police Chief Monegan responded that enforcement would be reliant upon complaints, voluntary
33 compliance and occasional bar-checks.

34
35 and this was passed, 7-4.

36
37 AYES: Shamberg, Fairclough, Coffey, Birch, Stout, Traini and Jennings.

38 NAYES: Tesche, Ossiander, Sullivan and Bauer.

39
40 Mr. Coffey moved,
41 Mr. Bauer seconded,
42 and this was passed unanimously, 11-0.

to amend AO 2005-139 on Page 3, Lines 18-21 *by changing* to read: ...of the premises form public view. ~~[No exterior door or window shall be propped or kept open at any time during the hours of operation and e] Exterior windows shall be covered with opaque coverings at all times.~~

43
44
45
46 Mr. Coffey moved on behalf of Mr. Traini,
47 Ms. Jennings seconded,
48 and this was later amended,

to amend AO 2005-139 on Page 3 *by adding* a new Section to read: "Convicted felons shall not be employed at any adult-oriented establishment."

49
50 To Mr. Coffey, Mr. Traini responded that his amendment was self-explanatory.

51
52 Mr. Sullivan stated that convicted felons, who had served their time and had paid their debt, needed an opportunity to
53 be employed in society. The crime may have happened 30 years ago and those folks may have become long-
54 standing, good citizens for many years. The amendment overreached its intent.

55
56 To Mr. Traini, Mr. Tesche responded there were many crimes that were considered felonies, the most serious included
57 rapes, murders, arson and certain theft offences. Mr. Traini stated if the felony had not been removed from their
58 record, they had no business being in a facility like this one. He urged a YES-vote.

59
60 Mr. Tesche stated that consideration was needed for protection of the pubic interest, by keeping felons out of sexually-
61 charged business, fueled by alcohol. He would support the amendment.

62
63 Mr. Coffey stated it was not right to continue a prohibition, when a rehabilitated felon wanted to become functional in
64 society again. Mr. Tesche proposed to amend the Traini Amendment. which Mr. Traini accepted as a friendly
65 amendment.

66
67 Mr. Coffey moved,
68 Mr. Birch seconded,
69 and this was later amended,
70 and again amended,

to amend the Traini Amendment, *by adding* to read: "Persons convicted of a felony within the past five years" ~~[Convicted felons] shall not be employed at any adult-oriented establishment."~~ ~~["provided that the conviction was greater than five years ago."]~~

71
72
73 Mr. Sullivan stated it was not appropriate establishing time frames by which felons could work at establishments.
74 There were felons for accounting fraud or other white-collar crimes that had nothing to do with working with an
75 establishment of this nature. It would be better to address this at a later date with amendments that specify what
76 felony crimes. Amendments were being created on the fly and it was not looking very pretty.

77
78 Mr. Tesche proposed new language, which specified the definition of a felony, as based on State Law.
79

1 Mr. Bauer requested input from the Municipal Attorney or from the Police Chief. Police Chief Monegan responded the
2 State Alcohol Beverage and Control regulations stated the board could deny a license if there was a felony history for
3 ten years immediately preceding the application. Mr. Bauer stated there were also similar, specific requirements listed
4 for airport security, where he worked.

5
6 Mr. Sullivan stated the Police Chief had given the example of requirements for person applying for the liquor license,
7 but not for an employee at the establishment. He urged a NO-vote. He recommended those interested in pursuing
8 this issue to do a little more research and the document could be amended at a later date.

9
10 Mr. Traini stated this was not a hard situation. He saw no need for a convicted felon to be exposed to the youth of
11 Anchorage. He would support the amendment. Mr. Birch, the second, concurred.

12
13 Question was called on the amendment to the Traini Amendment.

14
15 and the motion was passed, 7-4.

16
17 AYES: Tesche, Shamberg, Fairclough, Birch, Stout, Traini and Jennings.

18 NAYES: Ossiander, Sullivan, Coffey and Bauer.

19
20 Mr. Coffey stated the amended Traini Amendment was on the floor. It would apply to all adult-oriented businesses,
21 and he urged caution in considering this issue. He urged a NO-vote.

22
23 Vice Chair Coffey assumed the Chair, allowing Ms. Fairclough to address this issue. Because she ran a rape-crisis
24 center, her involvement with the issue created a possible conflict of interest, if it were specific to sex offenders. She
25 proposed to abstain from participation on this issue. Mr. Sullivan responded that the amendment was not specific to
26 her job duties or any other responsibilities in her professional or private life. He put the Question.

27
28 Mr. Sullivan moved, that Assemblymember Fairclough *does not* have a conflict of
29 Mr. Bauer seconded, interest with this amendment,
30 and this was approved without objection.

31
32 Chair Coffey ruled there was no conflict and ordered Ms. Fairclough to participate. He called for additional discussion.

33
34 Mr. Bauer urged a NO-vote because the language was not specific when describing felons.

35
36 Mr. Birch urged a NO-vote.

37
38 Mr. Sullivan urged a NO-vote.

39
40 Mr. Tesche urged a YES-vote, to send a clear statement that felons do not belong in adult establishments.

41
42 Question was called on the amended amendment concerning felons.

43
44 and this motion, as amended, failed, 3-8.

45
46 AYES: Tesche, Shamberg and Traini.

47 NAYES: Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Jennings.

48
49 Chair Coffey explained the next amendment, would change subsection I.1.g, to include three criteria under which a
50 license could be suspended or revoked.

51
52 Mr. Coffey moved, to amend AO 2005-139 on Page 2, Line 14, *by adding a "new*
53 Mr. Sullivan seconded, *subsection g," Standards for issuance of license. with*
54 *subsections 1, 2 and 3, and renumbering the remaining,*

55
56 To Chair Fairclough, Health and Human Services Director Beverly Wooley explained the intent was to include defined
57 restrictions to adult-oriented establishment by any person, with specific offenses.

58
59 Mr. Sullivan and Mr. Coffey urged YES-votes.

60
61 and this motion was passed, 11-0.

62
63 Mr. Coffey moved, to amend AO 2005-139 on Page 2, Line 5, Section 6, *by*
64 Ms. Shamberg seconded, *adding: "4. The Municipal Clerk may deny renewal of license*
65 *or permit for any of the reasons identified in section*
66 *10.40.050." (revocation of license)*

67
68 Mr. Traini moved, to amend AO 2005-139 on Page 3, Line 16, following '...from
69 Ms. Shamberg seconded, *outside the licensed premises' by adding [-] "or be*
70 *and this was amended, broadcast to any site outside the licensed premises."*

71
72 To Chair Fairclough, Mr. Traini responded that this would restrict establishments from broadcasting outside the
73 licensed premises. Mayor Begich responded this would include web cam, broadcasting activities to outside the
74 building. Ms. Jennings responded that this was very forward thinking and she supported. Mr. Coffey supported and
75 offered clarified language, which was accepted by the second.

76
77 Mr. Sullivan stated there may be a conflict with FCC regulations concerning freedom of broadcast. Municipal Attorney
78 Fred Boness responded the FCC did not govern closed-circuit broadcasts and the amendment dealt with requirements

1 with respect to establishments licensed by the Municipality. Mr. Sullivan stated this was another example of last
2 minute changes, with no public testimony and lacked legal research.

3
4 Ms. Ossiander stated that cell phones with a camera, taking pictures on the premises would be restricted and needed
5 to be addressed. Mr. Boness responded this amendment referred to the establishment but not a patron.

6
7 and this was approved, 9-2.

8
9 AYES: Tesche, Shamberg, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.
10 NAYES: Ossiander and Birch.

11
12 Chair Fairclough put the Question on the main motion, as amended.

13
14 and the main motion, as amended was passed, 11-0.

15
16 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
17 NAYES: None.

18
19 Mr. Sullivan moved the Change the Order of the Day to take up 11.D, seconded by Mr. Coffey and there were no
20 objections.

- 21
22 14.B. Resolution No. AR 2005-251, a resolution of the Municipality of Anchorage appropriating \$602,998 as
23 a grant from the U.S. Department of Health and Human Services to the Federal Categorical Grants
24 Fund (241), Department of Health and Human Services to fund **Family Planning Services**.
25 1. Assembly Memorandum No. AM 684-2005.

26
27 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
28 and called the Question.

29
30 Mr. Coffey moved, to approve AR 2005-251,
31 Ms. Jennings seconded,
32 and this was passed without objection.

33
34 AYES: Tesche, Shamberg, Ossiander, Fairclough, Coffey, Birch, Stout, Bauer and Jennings.
35 NAYES: None.

36 *(Clerk's Note: Sullivan and Traini were temporarily out of Chambers at the time of the vote.)*

37
38 Mr. Coffey moved to Change the Order of the Day to take up 14.D, seconded by Ms. Jennings and there were no
39 objections.

- 40
41 14.C. Ordinance No. AO 2005-135, an ordinance amending Anchorage Municipal Code Chapters 3.30 and
42 3.70 regarding represented and non-represented employee eligibility for **service recognition pay**;
43 Employee Relations Department.
44 1. Assembly Memorandum No. AM 691-2005. **(Postponed to 11-01-05)**

45
46 Chair Fairclough read this ordinance title and opened Public Hearing.

47
48 BARBARA HUFF, Director of Governmental and Legislative Affairs for Teamsters Local 959, opposed. It would
49 eliminate the right to bargain. This was not good business practice and she urged the Assembly to oppose.

50
51 EVERETT ROBBINS, President of the Anchorage Police Department Employees Association, testified that they did
52 not have service recognition, and all items for employees were negotiated during the collective agreement, with
53 compromises being made.

54
55 LARRY BELL, representative of the Electrical Worker's Union, opposed the ordinance. Upon his request, 50-60
56 people from the audience raised their hands to show they opposed. He strongly urged the Assembly to oppose.

57
58 HELENE ANTELL opposed the ordinance and thought it was unnecessary. The Mayor did not need this function
59 because the issue could be negotiated at the bargaining table. To Mr. Tesche, Ms. Antell responded the ordinance
60 may lead to practices which were unconstitutional. On-going and future negotiations could be affected by this
61 ordinance, which would be considered an unfair labor practice and unlawful. She agreed that this was a policy
62 change, concerning an issue that could be legislated or negotiated. To Mr. Traini, Ms. Antell thanked him for his
63 support. Mayor Begich referred to the AMEA contract and described collectively negotiating to reach an agreement.
64 Ms. Antell responded that AMEA had not agreed to changes in the contract language. She urged that the contract
65 remain the same, and for any negotiations to occur when the contract was up for renewal in 2007. Mayor Begich
66 responded the language was clear, creating the option to bring this forward.

67
68 JOYCE MUCHA opposed. Attempts to take away service recognition had failed in the past, and this one should fail
69 also. It was unfair and the ordinance was not equitable.

70
71 RICHARD DARDEN, with the Carpenters Union, opposed the ordinance because it was unfair and unjust.

72
73 ELAINE BRIGGS, a 24-year municipal employee represented by AMEA, opposed. She urged the Assembly to
74 oppose.

75
76 KEN LANGFORD, Municipal Light and Power Supervisor, non-represented, opposed the ordinance.

77
78 TIM CHRISTY testified the rules should not be changed in the middle of a contract. It led to a lack of trust.
79

1 LARRY METZLER, IBEW shop steward, opposed. It was the Mayor's intent to legislate instead of negotiation.

2
3 PETER JESKIE, AWWU, opposed the ordinance, which took away the negotiation process and left just legislated
4 contracts.

5
6 DEIRDRE BRUST opposed the ordinance and urged the Mayor and the Assembly to oppose.

7
8 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question

9
10 Mr. Coffey moved, *to postpone* AO 2005-135 to [~~October 18~~], "**November 1,**"
11 Mr. Sullivan seconded, 2005,
12 and this was later amended,

13
14 Mr. Coffey stated additional review was needed before taking action on this item.

15
16 Ms. Shamberg and Mr. Tesche stated they would be absent at the Special Meeting of October 18th.

17
18 Ms. Jennings opposed postponing to the 18th.

19
20 Mr. Traini opposed postponement.

21
22 Chair Fairclough stated the Agenda was full on the 25th and recommended the 18th or November 1st.

23
24 Mr. Coffey proposed November 1st and the second concurred.

25
26 Chair Fairclough put the Question on the motion to postpone.

27
28 and the motion, as amended, passed, 6-5.

29
30 AYES: Ossiander, Sullivan, Fairclough, Coffey, Stout and Bauer.

31 NAYES: Tesche, Shamberg, Birch, Traini and Jennings.

- 32
33 14.D. Ordinance No. AO 2005-128, an ordinance of the Anchorage Municipal Assembly amending
34 Anchorage Municipal Code Section 9.26.020, setting a **maximum speed limit on unpaved roads**;
35 Assemblymember Shamberg.
36 1. Assembly Memorandum No. AM 672-2005.

37
38 Chair Fairclough read the ordinance title and opened Public Hearing.

39
40 HAROLD BROWN, Street Maintenance employee, questioned their definition of an 'unpaved road.' Ms. Shamberg
41 responded it referred to a road which was unpaved, without recycled asphalt pavement (*RAP*) or anything else on it.

42
43 With no additional testimony, Chair Fairclough closed Public Hearing and called the Question.

44
45 Ms. Shamberg moved, *to postpone indefinitely* AO 2005-128,
46 Mr. Coffey seconded,
47 and this was approved unanimously.

48
49 Mr. Coffey moved to Change the Order of the Day to take up 14.F, seconded by Mr. Bauer and there were no
50 objections.

- 51
52 14.E. Resolution No. AR 2005-252, a resolution of the Municipality of Anchorage adding Section
53 11.10.009.F to the Anchorage Municipal Code of Regulations limiting the lease amount paid by
54 taxicab chauffeurs, adding Section 11.10.009.G to the Anchorage Municipal Code of Regulations
55 requiring the Anchorage Transportation Commission to review **taxicab meter rates** no less frequently
56 than every two years, and amending Sections 11.10.009.A and 11.10.009.B of the Anchorage
57 Municipal Code of Regulations increasing the rates and fares for taxicab service; Transportation
58 Inspection.
59 1. Assembly Memorandum No. AM 685-2005.

60
61 Chair Fairclough read the resolution title and opened Public Hearing.

62
63 JACKIE BELTON supported the resolution. She talked of the challenges with operating taxis in the city, including high
64 costs, long hours and expensive leases. To Ms. Jennings, she responded that, with the loss of her husband, she had
65 taken over the business. To Mr. Sullivan, she responded insurance was carried by the operator. Mr. Sullivan
66 responded that he appreciated her perseverance and efforts in addressing this issue.

67
68 JOHN ALEXANDER, Chair of the Transportation Commission, supported the rate increases. Drivers needed the
69 higher rates to cover their increased costs. To Mr. Coffey, Mr. Alexander explained the recently imposed cap on
70 operator leases. He responded there was a decrease of numbers of drivers. Mr. Coffey and Mr. Sullivan thanked him
71 for his service.

72
73 LYNETTE MONAHAN handed out copies of a petition and gas receipts from taxicab drivers who would actively protest
74 if the rates were not increased. Mr. Birch thanked her for her testimony. To Mr. Tesche, she responded the public had
75 to be involved and be given time to respond.

76
77 ADAM HAGASSIE supported the meter rate increase because of increased costs.

78

1 PETER DENO, both a lease holder and cab driver, paid \$15,000 for insurance and had a total of \$30,000 in expenses
2 for his one cab. To Mr. Coffey, he responded the cab leases should be reviewed every two years. To Mr. Birch, he
3 responded the banks had valued his permit at \$1400.

4
5 MOUSTAFA AYDIN, a cab driver, supported the rate increase. To Mr. Sullivan's request, about 50-60 people in the
6 audience raised their hands, showing support for the rate increase.

7
8 JIMMY TANNER supported the meter increase and thought the cab industry should be able to set and regulate its own
9 lease rates. To Mr. Coffey, he responded he had tried to persuade the Transportation Commission.

10
11 DEAN PAUL, co-owner of Alaska Cab, supported raising meter rates and thought cab companies should be allowed to
12 regulate their own rates. To Mr. Coffey, he responded that he did not understand why the Commission had proposed
13 the changes. To Ms. Ossiander, he responded it was not economically feasible to drive to Eagle River just to give a
14 two-mile drive. To Mr. Bauer, he responded the main reason for supporting the meter increase was because of rising
15 costs and inflation. To Mr. Tesche, he responded lease rates were not under regulation.

16
17 LARRY NAGELSTEIN, Dispatcher Supervisor at Checker Cab, supported the meter increase. To Mr. Bauer, he
18 responded a fuel surcharge would not solve the problem.

19
20 LORI O'MALLEY, a cab-van driver, testified that it cost her about \$3000 a month, with gas prices and the lease. She
21 supported the meter increase. To Ms. Jennings, she responded she made about \$75 per day, and worked a 12-hour
22 shift. To Mr. Birch, she responded that Alaska Cab had a GPS system for their cabs, but no video cameras.

23
24 YUSTOS REGIS, driver of a wheelchair-accommodating taxi, supported the meter rate increase. He urged the
25 Assembly to put a limit on the lease amounts.

26
27 AGGA YAVUAN supported the meter rate increase and more control on the leases.

28
29 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question.

30
31 Mr. Sullivan moved, to approve AR 2005-252,
32 Ms. Jennings seconded,

33
34 To Mr. Sullivan, Municipal Transportation Inspector Brent Fraser responded the intent was to have a two-year
35 examination of caps and lease rates, with the involvement of the Transportation Commission and public testimony.
36 The majority of testimony supported rate increases and creating a lease cap. Mr. Sullivan responded if the lease rates
37 were so high they may price themselves out of existence. Mr. Fraser concurred.

38
39 Ms. Ossiander supported the resolution and urged the Commission to address the issue of providing equal service
40 throughout the city.

41
42 Mr. Coffey moved, to amend AR 2005-253 on Page 2, Line 8-9, Section 1.G, by
43 Mr. Sullivan seconded, adding to read: '..shall review taxicab meter rates and "permit
44 lease rates" no less frequently than once every two...,'

45
46 Mr. Coffey stated that it would be a good practice to review the meter and the lease rates every two years.

47
48 Ms. Jennings supported the Coffey Amendment. Currently the Transportation Commission was directed to review
49 permit lease rates on a quarterly basis. Mr. Coffey responded that his amendment would change it. Quarterly was too
50 frequently, and once every two years was adequate. To Ms. Jennings, Mr. Fraser responded there were currently 162
51 lease holders in Anchorage, of which 158 were transferable. Municipal Code allowed additional permits to be issued
52 when needed.

53
54 To Mr. Traini, Mr. Fraser responded that he would send him the details on the transferable permits issued in 1984.

55
56 and the motion was unanimously approved.

57
58 To Mr. Tesche, Mr. Fraser responded that the last meter rate increase was followed by a lease rate increase.

59
60 Mr. Sullivan stated it was still a free industry. Mr. Fraser responded the Transportation Commission met monthly and
61 would address any new concerns. Municipal Attorney Fred Boness responded that minimum wage laws did not apply
62 to this industry.

63
64 Ms. Jennings urged a YES-vote.

65
66 Chair Fairclough put the Question on the main motion, as amended.

67
68 and the main motion, as amended, was passed, 11-0.

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

72
73 14.F. Ordinance No. AO 2005-136, an ordinance of the Anchorage Municipal Assembly amending
74 Anchorage Municipal Code Section 3.97.030, **Procedures for Naming Municipal Buildings**, Other
75 Fixed Facilities and Public Places, to require the citizen panel to include at least one Assembly
76 Member and one community council representative from the district in which the facility is located;
77 Assemblymember Bauer.

78 1. Assembly Memorandum No. AM 692-2005. (Continued to 10-25-05)
79

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

3
4 Mr. Bauer stated there would be a newer, improved version coming.

5
6 Mr. Bauer moved, *to Continue* AO 2005-136 to October 25, 2005,
7 Mr. Stout seconded,
8 and this passed without objection.

9
10 14.G. Resolution No. AR 2005-254, a resolution of the Anchorage Municipal Assembly approving an
11 alcoholic beverages conditional use in the B-1A District for a new restaurant or eating place use per
12 AMC 21.40.140 D.9. for **Birch Tree Dining**; located on Tract F-2, Penland Park Subdivision; site
13 address being 3801 DeBarr Road; generally located at the northwest corner of DeBarr Road and
14 Bragaw Street (Airport Heights Community Council) (Case 2005-132); Planning Department.
15 1. Assembly Memorandum No. AM 703-2005.

16
17 Mr. Coffey declared a conflict of interest. Chair Fairclough ruled he did have a conflict of interest and ordered him to
18 abstain. Chair Fairclough read the resolution title and opened Public Hearing.

19
20 SHERMAN ERNOUF, representing the Birch Tree owners, testified in support of the resolution with proposed
21 amendments. He requested consideration of removing conditions 4 and 5, which were for additional and unnecessary
22 architectural planning. This restaurant had been active since 1975 and the property was leased from the city.

23
24 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question.

25
26 Ms. Ossiander moved, *to approve* AR 2005-254,
27 Mr. Sullivan seconded,

28
29 To Ms. Ossiander, Planning Department Administrator Jerry Weaver responded they had reevaluated the property and
30 were satisfied with the conditions. They would approve the removal of the conditions, mentioned by Mr. Ernouf.

31
32 Ms. Ossiander moved, *to amend* AR 2005-254 on Page 1 and 2, *by deleting* 4 and
33 Mr. Sullivan seconded, 5 and the subsections,
34 and this was approved without objection,
35 with Mr. Coffey abstaining.

36
37 and the main motion, as amended was passed, 10-0.

38
39 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Birch, Stout, Bauer, Traini and Jennings.

40 NAYES: None.

41 ABSTAIN: Coffey.

42
43 14.H. Resolution No. AR 2005-255, a resolution of the Anchorage Municipal Assembly approving a final
44 alcoholic beverages conditional use in the B-3 District for a restaurant/eating place use and license per
45 AMC 21.40.180 D.8 for **Samurai Sushi Garden** located on Tract A, Muldoon Heights Subdivision, site
46 address being 1265 Muldoon Road, generally located at the northeast intersection of Muldoon Road
47 and DeBarr Road (Northeast Community Council) (Case 2005-133); Planning Department.
48 1. Assembly Memorandum No. AM 704-2005.

49
50 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
51 and called the Question. Mr. Coffey declared a conflict of interest and the Chair ruled that he did have a conflict of
52 interest and ordered him to abstain.

53
54 Ms. Ossiander moved, *to approve* AR 2005-255,
55 Ms. Shamberg seconded,
56 and this motion was passed, 10-0.

57
58 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Birch, Stout, Bauer, Traini and Jennings.

59 NAYES: None.

60 ABSTAIN: Coffey.

61
62 Ms. Ossiander moved to Change the Order of the Day to take up 11.D, seconded by Mr. Sullivan and this was
63 approved with one objection.

64
65 14.I. Ordinance No. AO 2005-138, an ordinance amending Anchorage Municipal Code by repealing
66 Chapter 2.80, pertaining to the Assembly Budget and Legislative Services Office, and enacting a new
67 Section 2.20.055, pertaining to the **Municipal Clerk's Office**; Assembly Chair Fairclough & Assembly
68 Vice-Chair Coffey and Assembly Members Bauer, Birch, Stout, Sullivan and Ossiander.
69 1. Assembly Memorandum No. AM 702-2005. (*Notice of Reconsideration was given 10-12-05*)

70
71 Mr. Coffey moved to Change the Order of the Day to take up 14.I and 14.J, with combined Public Hearing, seconded
72 by Mr. Sullivan and this was approved with one objection. Mr. Tesche stated it was his intention to postpone AO 2005-
73 127 indefinitely. Mr. Coffey moved to amend his motion, to first take up 14.J and he withdrew his motion to combine
74 Public Hearing and the second concurred.

75
76 Chair Fairclough read the ordinance title and opened Public Hearing. With no public testimony, she closed Public
77 Hearing and called the Question.

78
79 Mr. Coffey moved, *to approve* AO 2005-138,

1 Mr. Birch seconded,
2

3 Mr. Coffey stated a new ordinance had been introduced that evening, concerning executives and the authority of firing
4 employees. There still needed to be a policy discussion of Municipal Code, concerning hiring and firing.
5

6 Mr. Tesche proposed an amendment to the title. Municipal Attorney Fred Boness responded that since it had been
7 Laid on the Table that evening, changes could be made to the title.
8

9 Mr. Birch moved,
10 Mr. Coffey seconded,

to amend AO 2005-138 on Page 2, Lines 15-18, Subsection
4, *by changing* to read: ...all staff members shall be
appointed by the [~~Presiding Officer~~] "Municipal Clerk," in
consultation with the [~~Municipal Clerk~~] "Presiding Officer" and
shall serve at the pleasure of the [~~Presiding Officer~~]
"Municipal Clerk. The Deputy Municipal Clerk(s) shall be
confirmed by the Assembly,"

11
12
13
14
15
16
17 Mr. Birch stated the intent was to put the Municipal Clerk fully in charge of the Clerk's Office, allowing appointments
18 and to restore accountability and responsibility from one position.
19

20 Mr. Coffey stated this would clarify the Clerk's Office and the Attorney's Office. The Ombudsman's Office would
21 remain separate.
22

23 Mr. Coffey moved to extend the Assembly Meeting to finish this issue, seconded by Mr. Birch and it passed with Ms.
24 Jennings objecting.
25

26 To Ms. Jennings, Chair Fairclough responded the Ombudsman's Office would remain a separate department, not
27 managed by the Clerk's Office.
28

29 To Ms. Ossiander, Mr. Coffey responded there would be four positions that would remain executive positions, including
30 the Assembly Attorney. The rest would be considered staff.
31

32 Mr. Traini stated the Ombudsman's Office would remain separate and he supported the ordinance.
33

34 To Mr. Sullivan, Mr. Coffey clarified that the Assembly would appoint the executive positions, including the Municipal
35 Clerk, the Deputy Clerk, the Assembly Attorney and the Ombudsman. The Ombudsman would manage the
36 Ombudsman's staff, the Clerk would manage the Clerk's staff, and the Attorney would manage the Attorney's staff.
37

38 Mr. Tesche stated the termination of employees was to be done by their respected supervisors. The Assembly would
39 impose hiring and firing for the four executive positions. Mr. Coffey responded the title change would reflect that policy
40 change was to be addressed.
41

42 Ms. Jennings stated this was a complicated issue which needed additional clarification and discussion.
43

44 Ms. Jennings moved,
45 Ms. Shamberg seconded,

to postpone AO 2005-138 to October 18, 2005,
46

47 Mr. Birch and Mr. Coffey opposed postponement.
48

49 and this motion failed, 1-10.
50

51 AYES: Jennings.

52 NAYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Traini.
53

54 Question was called on the Birch Amendment.
55

56 and this was passed, 10-1,
57 with Jennings opposing.
58

59 Question was called on the main motion.
60

61 and the main motion, as amended, was passed, 11-0.
62

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

64 NAYES: None.
65

66 *(Clerk's Note: AO 2005-138 was amended and approved on 10-11-05 and Notice of Reconsideration was given by*
67 *Mr. Coffey on 10-12-05)*
68

69 Mr. Tesche moved for immediate reconsideration of AO 2005-151 to amend the title and urged a YES-vote. Mr.
70 Coffey seconded and there was no objection. *(Clerk's Note: See Agenda item 10.F.18)*
71

72 14.J. Ordinance No. AO 2005-127, an ordinance of the Anchorage Municipal Assembly maintaining medical
73 benefits and other compensation for staff assigned to the **Office of Budget and Legislative Services**
74 until enactment of a Staff Reorganization Plan, providing that vacant positions in that office may not be
75 filled before the new Plan is enacted, and providing for an effective date; Assemblymembers Tesche
76 and Traini.
77

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

1
2 Mr. Tesche moved, *to postpone indefinitely* AO 2005-127,
3 Mr. Coffey seconded,
4 and this was passed, 10-1.

5
6 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Bauer, Traini and Jennings.
7 NAYES: Stout.

8
9 **15. SPECIAL ORDERS** None.

10
11 **16. UNFINISHED AGENDA** None.

12
13 **17. AUDIENCE PARTICIPATION** None.

14
15 **18. ASSEMBLY COMMENTS**

16
17 Chair Fairclough stated that parliamentary procedures, according to *Robert's Rules of Order*, involved decorum of
18 issues heard before the Assembly. Discussion needed to pertain to issues, rather than persons and personalities.
19 Over the process of the recent Assembly Department reorganization, that had not been followed. She questioned if
20 the Assembly wanted to take up formal disciplinary actions in the future, of Assemblymembers who did not follow
21 those rules. She requested that Assemblymembers respond to her on the matter.

22
23 **19. EXECUTIVE SESSIONS** None.

24
25 **20. ADJOURNMENT**

26
27 Chair Fairclough called for a motion to adjourn the meeting.

28
29 Mr. Coffey moved, to adjourn the Regular Assembly Meeting,
30 Mr. Stout seconded,
31 and this motion was unanimously passed.

32
33 The Regular Assembly Meeting was adjourned at 11:13 p.m.

34
35
36
37
38
39 _____
ANNA FAIRCLOUGH, Assembly Chair

40
41 ATTEST:

42
43
44
45
46 _____
47 BARBARA GRUENSTEIN, Municipal Clerk
48 Date Minutes Approved: November 8, 2005.
49 MC/BG

50
51
52 *(Copies of Approved Documents and Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250,*
53 *Anchorage, Alaska, (907)343-4311, or on the Municipal Web Site, www.muni.org ~Assembly)*
54