

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of March 28, 2006

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:06 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, Ken Stout, Paul Bauer, Dick Traini and Pamela Jennings.

ABSENT: Chris Birch, excused.

3. PLEDGE OF ALLEGIANCE Assemblymember Stout led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – February 14, 2006

Mr. Tesche moved, to approve the Regular Meeting Minutes of
Mr. Sullivan seconded, February 14, 2006,
and this was passed without objection.

4.B. Regular Meeting – February 28, 2006

Mr. Traini moved, to approve the Regular Meeting Minutes of
Mr. Coffey seconded, February 28, 2006,
and this was passed without objection.

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS

Mr. Stout, Chair of the Ethics Committee, reported that he would continue to meet with Assembly Counsel Julia Tucker and Assemblymembers Sullivan and Jennings, to make additional changes to the new working draft of the Ethics Code. The draft would be ready for Assembly review at the worksession, scheduled for April 7, 2006.

Mr. Bauer reported that the Public Safety Committee had addressed all bars in the downtown area and found the Panhandle Bar was among the top four establishments with high numbers of incidents. The new owners of had made measures to patrol the situation, providing security and food service. Anchorage Police Department (APD) indicated concern of the heavy drug activity and loitering, but there was no evidence of crimes or arrests. The Administration opposed renewing the license. Mr. Bauer shared the many recommendations for improvements made by the establishment. He would offer further discussion when the Panhandle Bar was discussed later that evening.

Ms. Ossiander announced the Title 21 Committee would continue to meet on Wednesdays at the Planning Department Conference Room, from 9:30 to 11:30 a.m. and would be addressing Chapter 4. Notes of the meetings were posted on the Title 21 website. She encouraged the public to attend.

Ms. Ossiander invited fellow Assemblymembers to join her, supporting an upcoming Youth Court event, on April 20th, from 6:00 to 9:00 p.m. at the 4th Avenue Theatre.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. She called for additional items and AR 2006-74 was added, to which she assigned Agenda Numbers 9.B.5. Later in the evening AR 2006-75 was introduced and added to 11.A.1. Chair Fairclough called for a vote to incorporate the Addendum into the Consent Agenda. Mr. Coffey declared conflicts of interest with 9.D.8 and Mr. Sullivan declared a conflict of interest with 9.D.5.

Mr. Tesche moved, to approve the inclusion of the Addendum items
Mr. Traini seconded, into the Consent Agenda,
and this motion was passed.

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

NAYES: None.

ABSENT: Birch, excused.

Chair Fairclough called the Question 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 and moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

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

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2006-70, a resolution of the Municipality of Anchorage appropriating \$10,000 from AT&T Alascom to the Miscellaneous Operational Grants Fund (261) for the **“Good News, Great Kids” Program**; Mayor’s Office.

a. Assembly Memorandum No. AM 186-2006.

9.B.2. Resolution No. AR 2006-71, a resolution appropriating \$50,200 from a State of Alaska Department of Transportation and Public Facilities (ADOT&PF) Federal Highway Safety Grant to the Municipality of Anchorage (MOA) to the State Categorical Grants Fund (231) under the MOA Traffic Department for the **Anchorage Pedestrian/Bicycle/Vehicle Safety Program**; Traffic Department.

a. Assembly Memorandum No. AM 187-2006.

9.B.3. Resolution No. AR 2006-72, a resolution of the Anchorage Municipal Assembly supporting the inclusion of a placeholder for a separate chapter in the Final Draft of Title 21 of the Anchorage Municipal Code to include the community of **Chugiak-Eagle River**; Assemblymembers Fairclough and Ossiander.

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

9.B.4. Resolution No. AR 2006-73, a resolution of the Municipality of Anchorage appropriating \$20,000 as a grant from the State of Alaska Division of Homeland Security and Emergency Management and appropriating \$700 as a contribution from the 2006 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) for the purchase of **terrorism response and prevention equipment** for the Office of the Municipal Manager and the Emergency Operations Center; Anchorage Police Department. **(Addendum)**

a. Assembly Memorandum No. AM 215-2006.

9.B.5. Resolution No. AR 2006-74, a resolution of the Anchorage Assembly adopting recommendations to forward to the Mayor for negotiating the **Land Exchange with Eklutna** described in Ballot Proposition 5 of the April 4, 2006 Municipal Election; Assemblymember Ossiander. **(Laid on the Table)**

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

9.C. BID AWARDS

9.C.1. Assembly Memorandum No. AM 188-2006, recommendation of award to Sensus Metering Systems Inc. c/o Pacific Metering for furnishing **kilowatt-hour meters** to the Municipality of Anchorage, Municipal Light & Power Utility (ITB 26-B008) (\$116,654.40); Purchasing.

9.C.2. Assembly Memorandum No. AM 213-2006, recommendation of award to SR Bales Construction, Inc. for **Ben Boeke Ice Arena renovations** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 26-C004) (\$666,000); Purchasing. **(Addendum)**

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 180-2006, **Assembly Meeting Schedule** (August 2006 through January 2007); Assembly Chair Fairclough.

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

9.D.2. Assembly Memorandum No. AM 211-2006, **Military and Veterans Affairs Commission** reappointment (Howard Dash); Mayor’s Office.

9.D.3. Assembly Memorandum No. AM 205-2006, **Alaska Wild Berry Products, Inc. #4553** – New Restaurant/Eating Place Liquor License (Taku/Campbell Community Council); Clerk’s Office.

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

9.D.4. Assembly Memorandum No. AM 206-2006, 2006/2007 Liquor License Renewal: **Manrique’s Brasserie #4411** – Restaurant/Eating Place Liquor License (Spenard Community Council); Clerk’s Office.

9.D.5. Assembly Memorandum No. AM 207-2006, **Billik Inn, Ltd. #122** – Transfer of Ownership and Location of a Beverage Dispensary Liquor License (Downtown Community Council); Clerk’s Office.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda, for the purpose of declaring a conflict of interest. *(See item 10.D.5)*

9.D.6. Assembly Memorandum No. AM 208-2006, 2006/2007 Liquor License Renewal: **Studio 68 #3249** – Restaurant/Eating Place Liquor License (Abbott Loop Community Council); Clerk’s Office.

9.D.7. Assembly Memorandum No. AM 209-2006, **Waites Winery #4561** – Winery License (Oceanview/Old Seward Community Council); Clerk’s Office.

1 9.D.8. Assembly Memorandum No. AM 210-2006, 2006/2007 Liquor License Renewals: Club Oasis
2 #1625, Mad Myrna's #857, Harry's Restaurant #323, The Board Room #4423, Last Frontier Bar #135,
3 How How Inc. #3795, How How Inc. #3796, Boston Pizza #4180, North Slope Restaurant #1949,
4 Moose's Tooth Pub & Pizzeria #3971, Yukon Yacht Club #1036, The Spare Room #505, Coast
5 International Inn #67, Al's Alaskan Inn #10 – Beverage Dispensary; North Slope Restaurant #3453 –
6 Brewpub; Jack Sprat #1632, Da Mi #4456, Southside Bistro #3278, Ski & Benny Pizza #3277, Panda
7 Restaurant #3077, Marx Brothers #4008, Phyllis's Café #3266, Kodiak Kafe #3679, Szechuan
8 Restaurant #4368, PHO Mailee #4223, Villa Nova Restaurant #1608, Jen's Restaurant #2783, Hogg
9 Brother's Café & Watering Hole #1872, Noble's Diner #4452, Peter's Sushi Spot #1866, Harley's Old
10 Thyme Café #2583 – Restaurant/Eating Place; New Party Time Liquors #4377, Crow Creek
11 Mercantile #287, The Liquor Store #469, Value Liquor #1 #1044, Value Liquor #3 #1199, Value Liquor
12 #4 #1197, Holiday Station Store #607 #264, Yukon Spirits #996, Holiday Station Store #631 #660,
13 Fred Meyer-Northgate/Old Glenn Hwy #4186; Fred Meyer-Diamond Blvd #3906, Fred Meyer-Abbott
14 #4160, Fred Meyer-Debarr #4108, Oaken Keg #520 #1358 – Package Store; Viking Hall #1579 - Club
15 (Abbott Loop, Northeast, Taku/Campbell, Bayshore/Klatt, Spenard, Government Hill, Eagle River,
16 Sand Lake, Downtown, Girdwood, Huffman/O'Malley, Mt. View, Russian Jack, Eagle River Community
17 Councils); Clerk's Office.

18
19 Mr. Coffey declared conflicts of interest with matters concerning Club Oasis, Boston Pizza, Al's Alaskan Inn and the
20 three Value Liquor Stores. Chair Fairclough ruled that he did have conflicts of interest and ordered him to abstain from
21 participation with those items.

22
23 9.D.9. Assembly Memorandum No. AM 189-2006, recommendation of award to Honchen & Uhlenkott, Inc.,
24 to provide services to prepare **revenue requirements studies** and obtain regulatory consulting
25 services on an "as required" basis for the Municipality of Anchorage, Anchorage Water & Wastewater
26 Utility (RFP 26-P003WW) (\$1,500,000); Purchasing.

27
28 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.D.9)

29
30 9.D.10. Assembly Memorandum No. AM 190-2006, recommendation of award RFP 25-P049 to Resource
31 Data, Inc. for providing **2005 software application services** for the Municipality of Anchorage,
32 Anchorage Water & Wastewater Utility (AWWU) (\$1,261,604); Purchasing.
33 9.D.11. Assembly Memorandum No. AM 191-2006, Girdwood Place/Holmgren Place Water Extension
34 Change Order No. 2 to Construction Contract Tam Construction, Inc. (\$60,133.19); Anchorage Water
35 & Wastewater Utility.
36 9.D.12. Assembly Memorandum No. AM 192-2006, proprietary purchase of **computer software licensing**
37 **and maintenance support** from MRO Software Corporation for the Municipality of Anchorage,
38 Anchorage Water & Wastewater Utility (AWWU) (\$45,962.35); Purchasing.
39 9.D.13. Assembly Memorandum No. AM 193-2006, Change Order No. 4 to Purchase Order 241336 with
40 Chugach Electric Association (CEA) for **danger tree removal services** for the Municipality of
41 Anchorage, Anchorage Fire Department (AFD) (\$200,000); Purchasing.

42
43 Mr. Bauer requested this item be pulled for review on the Regular Agenda. (See item 10.D.13)

44
45 9.D.14. Assembly Memorandum No. AM 194-2006, Change Order No. 3 to Vendor Contract 24PWK088 with
46 Reid Middleton, Inc. for **commercial plan review services** for the Municipality of Anchorage,
47 Development Services Department (\$200,000); Purchasing.
48 9.D.15. Assembly Memorandum No. AM 195-2006, Amendment No. 1 to Purchase Order 250993 with The
49 Wilson Agency for **employee benefit consultant services** for the Municipality of Anchorage,
50 Employee Relations (\$129,100); Purchasing.
51 9.D.16. Assembly Memorandum No. AM 196-2006, Change Order No. 3 to Purchasing Order 234151 with
52 Dryden & LaRue Inc. for professional services to **repair/replace the existing Eklutna Transmission**
53 **Line** for the Municipality of Anchorage, Municipal Light & Power (\$500,000); Purchasing.

54
55 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.16)

56
57 9.D.17. Assembly Memorandum No. AM 197-2006, proprietary purchase with Speedware, Ltd. for providing
58 specialized **computer consulting services** to the Municipality of Anchorage, Municipal Light & Power
59 (\$375,000); Purchasing.
60 9.D.18. Assembly Memorandum No. AM 198-2006, Change Order No. 5 to Purchase Order 214259 with
61 Southeast Data Cooperative, Inc. (SEDC) for **software maintenance, modifications and training** for
62 the Municipality of Anchorage; Municipal Light and Power (ML&P) (\$100,000); Purchasing.
63 9.D.19. Assembly Memorandum No. AM 199-2006, Amendment No. 3 to professional services contract with
64 DOWL Engineers for design and reconstruction services for the **Tudor Road– Harding Drive**
65 **Improvements**, Project No. 02-15 (\$15,000); Project Management & Engineering.
66 9.D.20. Assembly Memorandum No. AM 200-2006, Amendment No. 2 to Purchase Order 230028 with Hickel
67 Investment Company for **leased space at the Valley River Center** for the Municipality of Anchorage,
68 Real Estate Services (\$79,185.60); Purchasing.
69 9.D.21. Assembly Memorandum No. AM 201-2006, Change Order No. 2 to Purchase Order 250641 with SLR
70 International Corporation, dba SLR Alaska, to provide a **Landfill Water Quality Monitoring Program**
71 for the Municipality of Anchorage, Solid Waste Services (SWS) (\$187,443); Purchasing.
72 9.D.22. Assembly Memorandum No. AM 202-2006, recommendation of award to DOWL Engineers for
73 providing professional engineering services on an "as required" basis to support **highway safety**
74 **improvements projects** for the Municipality of Anchorage, Traffic Department (RFP 25-P048)
75 (\$1,000,000); Purchasing.
76 9.D.23. Assembly Memorandum No. AM 203-2006, cooperative purchase award to Ennis Paint for furnishing
77 **traffic marking paint and beads** to the Municipality of Anchorage, Traffic Department (\$132,142.75);
78 Purchasing.

- 1 9.D.24. Assembly Memorandum No. AM 204-2006, AO 2006-22; an ordinance approving a non-exclusive
2 long-term lease of the Golf Course Facility at Russian Jack Springs Park, a dedicated Municipal park,
3 to **Russian Jack Springs Jr. Golf Course Association**, a Non-Profit Corporation, at less than fair
4 market value; Office of Economic & Community Development.
5 9.D.25. Assembly Memorandum No. AM 212-2006, recommendation of award to The Chariot Group for
6 providing services for the **implementation of a multimedia collaboration** on an "as required" basis
7 for the Municipality of Anchorage, Information Technology (RFP 26-P009WW) (\$250,000);
8 Purchasing.
9 9.D.26. Assembly Memorandum No. AM 214-2006, award of **no cost proposal site development** to Wilder
10 Construction Company for the Municipality of Anchorage, Maintenance and Operations Department;
11 Purchasing. **(Addendum)**
12

13 **9.E. INFORMATION AND REPORTS**

- 14 9.E.1. Information Memorandum No. AIM 26-2006, **Anchorage School District Six-Year Capital**
15 **Improvement Program**: July 1, 2006 through June 30, 2012; Anchorage School District.
16

17 Mr. Coffey requested this item be pulled for review on the Regular Agenda. *(Carried Over to 4-11-06)*
18

- 19 9.E.2. Information Memorandum No. AIM 30-2006, Internal Audit Report 2006-7 – **2005 Parts, Tires and**
20 **Lubricants Inventory, Fleet Maintenance, Facility and Fleet Maintenance, Maintenance and**
21 **Operations**; Internal Audit.
22 9.E.3. Information Memorandum No. AIM 31-2006, **Anchorage Water & Wastewater Utility Monthly**
23 **Report**.
24

25 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. *(Carried Over to 4-11-06)*
26

- 27 9.E.4. Information Memorandum No. AIM 32-2006, AMC 3.70.090.B **Bargaining Status Report – Plumbers**
28 **& Pipe Fitters, Local 367**; Employee Relations.
29

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

- 31 9.F.1. Ordinance No. AO 2006-51, an ordinance of the Anchorage Municipal Assembly amending Anchorage
32 Municipal Code Chapter 3.97, **Naming of Municipal Buildings, Other Fixed Facilities and Public**
33 **Places**, to establish new policies and procedures; amending AMC 21.15.133, Approval of Street
34 Name Alterations, to add criteria for honorary renaming; and amending AMC 4.60.190, Public
35 Facilities Advisory Commission, to designate that body to identify and recommend names for public
36 places; Assemblymember Bauer. *(Public Hearing 5-2-06)*
37 a. Assembly Memorandum No. AM 184-2006.
38 b. Information Memorandum No. AIM 33-2006, **Summary of Economic Effects** for AO 2006-51
39 - Naming of Municipal Buildings, Other Fixed Facilities and Public Places; Assemblymember
40 Bauer. **(Addendum)**
41 9.F.2. Ordinance No. AO 2006-52, an ordinance of the Anchorage Municipal Assembly amending Anchorage
42 Municipal Code Section 8.05.020, **Sentencing**, to be consistent with state law; Assemblymember
43 Shamberg. *(Public Hearing 4-11-06)*
44 a. Assembly Memorandum No. AM 185-2006.
45 9.F.3. Ordinance No. AO 2006-53, an ordinance of the Anchorage Municipal Assembly amending Anchorage
46 Municipal Code Section 7.25.035, Disposition of Unclaimed Disposable Property, to **permit the**
47 **Purchasing Officer to dispose of firearms to the public**; Assemblymember Traini. *(Public Hearing*
48 *4-11-06)*
49 a. Assembly Memorandum No. AM 217-2006, AO 2006-53—amending AMC 7.25.035,
50 Disposition of Unclaimed Disposable Property, to **sell firearms through a licensed**
51 **auctioneer to the public**; Assemblymember Traini. **(Addendum)**
52 9.F.4. Ordinance No. AO 2006-55, an ordinance of the Municipality of Anchorage, Alaska, authorizing and
53 providing for the borrowing from the **State of Alaska Drinking Water Fund** of an aggregate amount
54 not to exceed \$12,352,000 for the purpose of financing a portion of the costs of various water capital
55 improvement projects in the Municipality, and providing for related matters; Anchorage Water &
56 Wastewater Utility. *(Public Hearing 4-11-06)* **(Addendum)**
57 a. Assembly Memorandum No. AM 216-2006.
58

59 Chair Fairclough put the Question on the remainder of Consent Agenda.
60

61 and this motion, as amended, was passed.
62

63 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.
64 NAYES: None.
65 ABSENT: Birch, excused.
66 ABSTAIN: Mr. Coffey abstained from participation with item 9.D.8, AM 210-2006, on matters concerning Club Oasis,
67 Boston Pizza, Al's Alaskan Inn and the three Value Liquor Stores and Mr. Sullivan abstained from
68 participating with 9.D.5, AM 207-2006, concerning the Billik Inn, due to a conflict of interest.
69

70 The amended Consent Agenda was approved and Chair Fairclough proceeded into discussion of the pulled items.
71

72 **END OF CONSENT AGENDA**
73

74
75 **10. REGULAR AGENDA**

76 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** None.
77

78 **10.B. RESOLUTIONS FOR ACTION - OTHER**

10.B.3. Resolution No. AR 2006-72, a resolution of the Anchorage Municipal Assembly supporting the inclusion of a placeholder for a separate chapter in the Final Draft of Title 21 of the Anchorage Municipal Code to include the community of **Chugiak-Eagle River**; Assemblymembers Fairclough, Ossiander and Tesche.

Mr. Tesche moved, to approve AR 2006-72,
Ms. Ossiander seconded,

Mr. Tesche moved, to amend AR 2006-72 on Page 1, Line 13, *by deleting* the
Ms. Shamberg seconded, words, [*by voting for independence*],

Ms. Ossiander and Chair Fairclough both supported the original language. Mr. Tesche responded that while he supported the theory of the resolution, the deletion made it easier to explain and would not interfere with creating a placeholder in Title 21 for Eagle River and Chugiak. Chair Fairclough urged a NO-vote on the amendment.

and the motion failed, 3-7.

AYES: Tesche, Sullivan and Traini

NAYES: Shamberg, Ossiander, Fairclough, Coffey, Stout, Bauer and Jennings.

ABSENT: Birch, excused.

Mr. Tesche moved, to amend AR 2006-72 on Page 1, Line 17, *by changing* to
Ms. Shamberg seconded, read: WHEREAS, Chugiak-Eagle River is in many ways
[~~autonomous~~] "unique" and distinct from the rest of the
Municipality,

Ms. Ossiander opposed and stated her original wording needed to remain. Chair Fairclough concurred.

and the motion failed, 4-6.

AYES: Tesche, Stout, Traini and Jennings.

NAYES: Shamberg, Ossiander, Sullivan, Fairclough, Coffey and Bauer.

ABSENT: Birch, excused.

To Chair Fairclough, Deputy Municipal Manager Michael Abbott responded the Administration supported the resolution and the intent to create a placeholder for a separate chapter in Title 21 to accommodate Eagle River-Chugiak development.

Mr. Tesche moved, to amend AR 2006-72 on Page 2, Line 3 *by adding* to read:
Ms. Jennings seconded, WHERE AS, self-determination "and respect" for the unique
and this was accepted, characteristics of individual neighborhoods are a priority for
this community,

Chair Fairclough, the sponsor, accepted the Tesche Amendment as a friendly amendment.

Mr. Coffey supported the resolution for a placeholder. He requested to review the completed Eagle River Comprehensive Plan and discuss the need for a separate chapter.

Mr. Tesche concurred with Mr. Coffey and urged consideration of the Eagle River-Chugiak Comprehensive Plan. He requested to be added as a co-sponsor and urged unanimous approval.

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

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

NAYES: None.

ABSENT: Birch, excused.

10.B.5. Resolution No. AR 2006-74, a resolution of the Anchorage Assembly adopting recommendations to forward to the Mayor for negotiating the **Land Exchange with Eklutna** described in Ballot Proposition 5 of the April 4, 2006 Municipal Election; Assemblymember Ossiander. (***Laid on the Table***)

Ms. Ossiander moved, to approve AR 2006-74,
Mr. Coffey seconded,

Ms. Ossiander explained the document offered clarity to the ballot proposition and she urged approval. Heritage Land Bank Executive Director Robin Ward concurred.

To Mr. Traini, Acting Municipal Attorney Rhonda Fehlen Westover responded that the resolution was sound and presented no conflict with the ballot proposition.

and the main motion was passed, 10-0.

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

NAYES: None.

ABSENT: Birch, excused.

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

To Mr. Tesche, Mr. Premo responded that the AWWU Authority Board was not involved with this matter. Mr. Tesche opposed postponement.

and the motion to postpone failed, 5-5.

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

Chair Fairclough put the Question on the main motion.

and the motion was passed, 7-3.

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

10.D.13. Assembly Memorandum No. AM 193-2006, Change Order No. 4 to Purchase Order 241336 with Chugach Electric Association (CEA) for **danger tree removal services** for the Municipality of Anchorage, Anchorage Fire Department (AFD) (\$200,000); Purchasing.

Mr. Bauer requested a summary and map locations of the work completed, the forecasted clearing schedule and an explanation of the means and methods of removal, to determine an end to the project.

Mr. Coffey moved, to approve AM 193-2006,
Mr. Bauer seconded,
and the motion was passed, 11-0.

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

10.D.16. Assembly Memorandum No. AM 196-2006, Change Order No. 3 to Purchasing Order 234151 with Dryden & LaRue Inc. for professional services to **repair/replace the existing Eklutna Transmission Line** for the Municipality of Anchorage, Municipal Light & Power (\$500,000); Purchasing.

Mr. Coffey moved, to approve AM 196-2006,
Ms. Ossiander seconded,
and this motion passed, 9-1.

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

Mr. Coffey moved to Change the Order of the Day to take up 11.B, 11.C, 11.D, 11.E and 11.F and there were no objections.

10.E. INFORMATION AND REPORTS *(Clerk's Note: Mr. Coffey and Mr. Sullivan had requested that E.1 and E.3, respectively, be pulled for review, but because of a lack of time, these items were Carried Over to 4-11-06)*

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION None were pulled for review.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Assembly Memorandum No. AM 146-2006, **2006/2007 Liquor License Renewals**: Fantasies Upper Deck, Turnagain House, Seven Glaciers, Anchorage Marriott Hotel, Clarion Suites Hotel, [Panhandle Bar,] Camel Rock Lounge – Beverage Dispensary; Indian House Liquors – Package Store; Kaze, Golden China Restaurant, Yen King, La Scala, Snow City Café, Sack Restaurant, Sushi Ya, I Luv Sushi – Restaurant/Eating Place; Platinum Jaxx Bar & Grill – Beverage Dispensary, Duplicate (Mountain View, Abbott Loop, Taku/Campbell, Downtown, Sand Lake, Spenard, Girdwood, Turnagain Arm); Clerk's Office. *(Clerk's Note: Panhandle Bar was Bifurcated on 3-14-06, Referred to the Assembly Public Safety Committee; Action was Continued from 3-14-06)*
1. Resolution No. AR 2006-75, a resolution recommending imposition of conditions upon the Panhandle Bar liquor license by the Alcoholic Beverage and Control Board; Assemblymembers Bauer, Jennings, Traini and Tesche. ***(Laid on the Table)***
 - a. Memorandum, dated 3-27-06, a joint cooperation agreement signed by Panhandle Bar General Manager Billie Millstadt and the Anchorage Police Chief Monegan.
 - b. Memorandum, as amended, dated 3-28-06, signed by Charles A. Dunnagan, Counselor to Panhandle Bar.

Chair Fairclough read the memorandum title and gave the history.

Mr. Bauer moved, to approve AM 146-2006,
Mr. Stout seconded,

Mr. Bauer reported that the Public Safety Committee had determined there were no liquor license violations that could be verified, to present to the Alcohol Beverage Control (ABC) Board and there was not sufficient cause to oppose the license renewal at that time.

Ms. Jennings presented an agreement of conditions, signed by Panhandle Bar's General Manager Billie Millstadt and Police Chief Walt Monegan. She requested the document be attached to the waive of protest and she read it into the record. There were no objections.

To Chair Fairclough, Counsel to Panhandle Bar Charles Dunnagan responded the owners were in agreement to the conditions and understood the need for accurate communications among APD, bar security and management. Chair Fairclough requested that Mr. Dunnagan report back to the Assembly in 90 days, concerning a solution and a cooperative agreement. Mr. Dunnagan concurred.

To Mr. Tesche, Mr. Dunnagan responded the five conditions could be attached directly to the license, as a condition of the Assembly waiving protest. Mr. Dunnagan responded that he would first like to review and understand the prepared document, before he agreed to the conditions.

Mr. Tesche moved,
Ms. Jennings seconded,
and this was approved without objection.

to bifurcate the Panhandle Bar from AM 146-2006 and to create a new Assembly resolution for a license renewal, including as conditions, the memorandum listing the recommendations to the ABC Board (of March 27, 2006) and the memo from Mr. Dunnagan, (of March 28, 2006); and adding to the memorandum of 2-27-06, additional language describing the requirement for doormen to do security training and to be certified and requesting that Counselor Dunnagan report to the Assembly on the matter in 90 days,

Municipal Manager Denis LeBlanc stated that the Administration would continue to be concerned with the use of fake identifications, underage clientele, narcotics on the premises and violations. They would be improving documentation of incidents and would be addressing concerns. They supported the conditions and would be optimistic that they would be met and were prepared to withdraw the license protest.

To Chair Fairclough and Mr. Tesche, Assembly Counsel Julia Tucker responded that the attachment of conditions and recommendations should be in the form of an Assembly resolution. Mr. Tesche accepted this as a friendly amendment and stated that he would work with counsel to prepare a document that evening.

Chair Fairclough requested additional language be added, describing doormen to be certified in security training and having Mr. Dunnagan report to the Assembly in 90 days. There were no objections.

Mr. Tesche moved, seconded by Mr. Coffey, to defer Assembly action on this matter until later that evening and this was approved without objection. *(Clerk's Note: Chair Fairclough later returned the body to continue action on the new document, AR 2006-75, also listed under Special Orders, Agenda item 15.)*

Mr. Bauer moved,
Mr. Traini seconded,
Ms. Jennings was the concurring third.

to introduce AR 2006-75,

Mr. Bauer read the new resolution in its entirety, including the added conditions to the liquor license renewal. To Mr. Bauer and Mr. Tesche, Chair Fairclough responded that the resolution could be introduced and voted upon that evening. Mr. Tesche urged approval.

Ms. Jennings requested that problematic situations such as this one, be reported to the Assembly in a timely fashion. She supported the resolution.

Ms. Jennings moved,
Mr. Tesche seconded,
and this was approved without objection.

to amend AR 2006-75 in Section, on Page 1, Line 36, by adding, to read: ... the Panhandle Bar shall also report back to the Assembly [in] 90 days "from the date of passage of this resolution," either in person or by memorandum, on effectiveness and compliance with the conditions imposed by this resolution,

Mr. Tesche moved,
Ms. Jennings seconded,
and this was passed, 10-0.

to approve AR 2006-75, as amended,

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

NAYES: None.

ABSENT: Birch, excused.

Chair Fairclough called the Question on the remainder of main motion.

Mr. Coffey requested that the Assembly be kept informed of matters of concern, such as this one, in a timely fashion, so as not to conflict or interfere with the 60-day time allowance from receipt of the ABC Board review to Assembly approval. He supported the memorandum and the resolution.

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

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

NAYES: None.

ABSENT: Birch, excused.

Mr. Coffey thanked the Public Safety Committee and Mr. Bauer for their work on this matter.

11.B. Assembly Memorandum No. AM 177-2006, Platting Board appointment (Jody Moses); Mayor's Office. *(Postponed from 3-14-06)*

Mr. Coffey moved, to approve AM 177-2006,
Mr. Tesche seconded,
and this was approved without objection.

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

Newly appointed Platting Board member, Jody Moses, thanked the Assembly and the Administration and stated that she was excited about working with the Platting Board. Chair Fairclough thanked her for serving the community.

11.C. Assembly Memorandum No. AM 159-2006, AWWU Authority Board of Directors appointment (Calvin West); Mayor's Office. *(Postponed from 3-14-06)*

Mr. Coffey moved, to approve AM 159-2006,
Mr. Traini seconded,
and this was approved without objection.

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

Mayor Begich introduced Calvin West, newly appointed to AWWU Authority Board of Directors, who thanked the Assembly and the Administration for his appointment. Chair Fairclough thanked him for his service.

11.D. Assembly Memorandum No. AM 163-2006, Community Development Authority Board of Directors appointments (Ted Carlson, Debby Sedwick, Jan Sieberts); Mayor's Office. *(Postponed from 3-14-06)*

Mr. Coffey moved, to approve AM 163-2006,
Mr. Stout seconded,
and this was approved without objection.

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

Newly appointed member and former Assemblymember Ted Carlson thanked the Assembly and the Administration for his appointment and stated that he looked forward to serving. Mr. Coffey, Mr. Stout and Chair Fairclough welcomed Mr. Carlson and the other new members to the board. Mr. Stout thanked past board members for their hard work and dedication.

11.E. Ordinance No. AO 2006-38, an ordinance amending Anchorage Municipal Code Title 25 to add a new Chapter 25.75 for **Lower Fire Lake**; Assemblymembers Fairclough and Ossiander. *(Public Hearing was Closed and Action was Postponed from 3-14-06)*
1. Information Memorandum No. AIM 34-2006, Summary of Economic Effects for AO 2006-38 - Lower Fire Lake; Assemblymember Fairclough. **(Addendum)**

Ms. Ossiander moved, to approve AO 2006-38,
Ms. Jennings seconded,

Ms. Ossiander stated this would resolve a long-standing concern with the community.

To Ms. Shamberg, Ms. Ossiander, Chair Fairclough and Municipal Engineer Howard Holtan explained that 'weir invert' referred to the water level depth, measured from the lake bottom.

To Ms. Jennings, Mr. Holtan responded the Administration fully supported the resolution to the problem.

To Mr. Tesche, Mr. Holtan responded that the city was responsible for the maintenance of the facility. Mr. Tesche questioned the necessity of an ordinance to complete normal maintenance. Chair Fairclough responded that the unusual history of resolving this matter with litigation over the past two years had involved the Fire Lake homeowners, Municipal Engineer Howard Holtan, Deputy Municipal Manager Michael Abbott, Heritage Land Bank Executive Director Robin Ward and Mayor Begich.

Chair Fairclough stated an ordinance was required to set and maintain the levels of the lake, to accommodate float planes and to maintain property values.

Mr. Tesche urged approval.

Ms. Ossiander moved, to amend AO 2006-38 on Page 1, Line 16, *by adding*
Mr. Tesche seconded, *“, and providing notification to all owners of property adjacent*
and this was approved without objection, *to Fire Lake.”*

Chair Fairclough called the Question on the main motion.

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

1 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.
2 NAYES: None.
3 ABSENT: Birch, excused.
4

5 Chair Fairclough thanked the residents, Ms. Ossiander and the Administration for helping to resolve this matter.
6

7 11.F. Ordinance No. AO 2005-122, an ordinance adopting the **Anchorage Bowl Park, Natural Resource,**
8 **and Recreation Facility Plan** as an element of the Comprehensive Plan and amending Section
9 21.05.030 of the Anchorage Municipal Code (Planning and Zoning Commission Case 2004-021);
10 Planning Department.

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

12 *(Carried Over from 9-27-05; Continued from 10-11-05, 11-1-05, and 11-8-05; Public Hearing was*
13 *closed 12-13-05; Postponed from 12-13-05 and 1-31-06)*
14

15 Chair Fairclough read the ordinance title and gave the history.
16

17 Mr. Coffey moved, to approve AO 2005-122,
18 Mr. Stout seconded,
19

20 Mr. Coffey moved, to postpone AO 2005-122 to April 18, 2006,
21 Mr. Bauer seconded,
22

23 Mr. Coffey stated that Assemblymembers needed time to review the 90-page Park Plan document. There would be an
24 opportunity to discuss the matter with the Parks Commission and the Administration at a worksession on April 14th.
25

26 Mr. Tesche supported postponement. To his question, Deputy Municipal Manager Michael Abbott responded the
27 public could get a copy by contacting the Parks and Recreation Department. Mr. Tesche urged the Administration to
28 get the document on the web. Mr. Abbott concurred.
29

30 and the motion to postpone was approved without objection.
31

32 12. APPEARANCE REQUESTS

33 12.A. **Theresa Nangle Obermeyer, Ph.D.**, per <http://www.tobermeyer.info> denial of opportunity to speak at
34 Anchorage School Board Meeting March 6, 2006.
35

36 THERESA NANGLE OBERMEYER testified that her request to speak to the Anchorage School Board on March 6,
37 2006 had been denied. She had intended to speak about the disqualifications of the Alaska Permanent Fund Board
38 members.
39

40 12.B. **John Rodda**, Director, Arctic Winter Games International Committee, to present plaques to Mayor
41 Begich and ASD Superintendent Carol Comeau for support and contributions to the 2006 Arctic Winter
42 Games.
43

44 JOHN RODDA, representing the athletes, parents, coaches, officials and volunteers, thanked Anchorage and the
45 Administration for their support to the recent Arctic Winter Games in Kenai. He presented plaques of gratitude to
46 Mayor Mark Begich and Anchorage School Board Superintendent Carol Comeau, for their support, dedication and
47 corporate contributions to the effort. Mayor Begich and Ms. Comeau accepted their awards on behalf of the citizens of
48 Anchorage and thanked Mr. Rodda for his efforts. Mayor Begich stated that the Arctic Winter Games had allowed the
49 Municipality an opportunity to test a new security phone system.
50

51 12.C. **Josef Princiotta**, concerning the April 4 election.
52

53 JOSEF PRINCIOTTA spoke of the erroneous vote numbers from the 2004 State Election, displayed on the State of
54 Alaska website, which showed nearly 100,000 more district votes than the official total votes for the election. Certified
55 results indicated district voter turnouts ranged from 193% to 232%. The explanation given for the irregularities was
56 that there were two ballots for each voter in some districts. To Mr. Stout, he responded with recommendations to
57 improve the process by creating a paper trail to help verify accuracy. To Mr. Tesche, Mr. Princiotta responded that the
58 numbers were confusing and might be wrong and he urged the Municipality to use an audit system to ensure
59 accuracy. Municipal Clerk Barbara Gruenstein responded that, while she could not defend State Elections, Municipal
60 Elections used a stand-alone server for the ballot electronics, which could not be hacked into by outside computers. In
61 previous ballot recounts the system had shown accurate voter numbers. The process was overseen and reviewed by
62 two separate and independent information-technology teams and there had never been a question with Municipal
63 Elections. To Ms. Jennings, Mr. Princiotta responded there were conflicting state reports of district votes cast and
64 voting summary reports. Chair Fairclough responded that this was a valid concern and she requested that Mr. Tesche,
65 Chair of the Elections Committee, look into the matter.
66

67 Mr. Tesche moved, seconded by Mr. Traini, to Change the Order of the Day to take up 14.I, concerning the Calypso
68 Bar and there were no objections.
69

70 13. CONTINUED PUBLIC HEARINGS

71 13.A. Ordinance No. AO 2005-163, an ordinance of the Municipal Assembly amending Anchorage Municipal
72 Code Chapter 21.47, **Sign Standards**, regulating nonconforming signs and other minor revisions;
73 Assemblymember Sullivan.

74 1. Information Memorandum No. AIM 3-2006.

75 2. Ordinance No. AO 2005-163(S), an ordinance of the Municipal Assembly amending
76 Anchorage Municipal Code Chapter 21.47, Sign Standards, regulating nonconforming signs
77 and other minor revisions; Assemblymember Sullivan.

3. Ordinance No. AO 2005-163(S-1), an ordinance of the Municipal Assembly amending Anchorage Municipal Code Chapter 21.47, Sign Standards, regulating nonconforming signs and other minor revisions; Assemblymember Sullivan.
(Continued from 1-10-06 and 2-28-06) **(Continued to 4-11-06)**

Chair Fairclough read the ordinance titles and opened Public Hearing.

To Mr. Tesche, Mr. Sullivan responded that it was his intention to first hear public testimony and then incorporate necessary floor amendments into the existing ordinance or create an S-2 Version.

SHEILA HOWE testified this matter had been ongoing for eight years. She supported the ordinance and stated the corner of Bragaw and Debarr was a good example of sign compliance. To Ms. Shamberg, Ms. Howe responded that people would support the three-year time extension to comply.

LAMAR COTTEN, Planning and Zoning Commissioner, summarized the commission's opposition on changing sign standards. The commission opposed the grandfathering-in provision and thought the changes were in conflict with the 2020 Plan. To Mr. Tesche, Mr. Sullivan and Mr. Coffey, Mr. Cotten explained about an appeal process and the time and expense needed to change out signs.

MARK WIGGIN, President of Turnagain Community Council, testified the council had passed, 17-1, a resolution opposing the Sullivan Ordinance. Communities across the nation had successfully implemented sign standards and had benefited with improved vitality and stronger economies. He urged members not to support the ordinance.

SHEILA SELKREGG testified in support of improved sign standards and stated that consideration was needed to respect the direction of the ordinance and the future improvements to the city.

JOY WINN, owner a small business, supported reasonable change to the sign ordinance because it was too restrictive, burdensome and discriminatory to many small businesses. More research needed to be done. To Mr. Coffey, Ms. Winn responded that changing out their business signs would not be cost-effective.

ROBIN SMITH, a small business owner and formerly a Sign Committee member, testified in support of improving sign standards, but supported a ten-year delay for compliance, with consideration given to small businesses that were experiencing financial hardship. To Ms. Ossiander, Ms. Smith responded that the sign companies in town were well aware of the proposed changes.

DIANNE HOLMES stated that many businesses had already complied with the new sign standards and it was not fair to now allow exemptions for the others. She supported the P&Z's recommendations and the original ordinance.

DENISE MATTOX, a small business owner, opposed changes in pole sign standards. There had been no impact study completed and the sign standards were for aesthetic reasons and did not correlate to safety. She supported the Sullivan ordinance. To Mr. Tesche, Ms. Mattox responded that the \$200 million cost to the local businesses was an estimate made by the business community.

BARBARA HEAD, a small business owner, supported the original ordinance and she opposed the Sullivan Ordinance. Amortization provisions were reasonable to accommodate businesses that were experiencing a hardship.

GLENN CLARY, involved with sign standards since 1988, made recommendations for addressing changes in all districts and compliances of churches. To Mr. Sullivan, Mr. Clary responded that he had not received comments on his recommendations from the P&Z.

DON SMITH, Anchorage resident since the late 1940's, supported the Sullivan Ordinance. To Mr. Coffey, he responded that a new, two-pole sign for his business would cost \$27,000. He urged consideration of extending the compliance date to allow additional time for small businesses to meet sign standards.

RANDY VIRGIN, Director for the Alaska Center for the Environment, supported the improved sign standards and he supported one set of rules for everyone. Mr. Coffey responded that progress was being made and that he supported grandfathering-in rights.

GUS GILLESPIE, owner of the Alaska Fur Exchange, supported the Sullivan Ordinance. His unique and original sign was important to his business and was now out of compliance. Business owners were upset about the changes. He requested consideration of grandfathering-in his sign.

DOUGLAS HARTMAN, a window artist, testified the sign ordinance had put him out of business because it was now illegal to paint windows.

KEN WINN, owner of a business on the corner of Old Seward and Dimond, testified the city could not legally regulate what and how businesses displayed their signs. Research and data were needed on this matter and their decision needed to be based on fact, science and the truth. Mr. Sullivan thanked Mr. Winn for his sign data contributions and economic impact statements.

JACK SHOCKLEY JR., owner of Broadway Sign Company, testified in support of the Sullivan Amendments. He urged consideration of allowing pole covers. Businesses were being cited for many major and minor things and were overwhelmed. He supported grandfathering-in and stated it was an undue burden to change the requirements continually. To Mr. Sullivan, Mr. Shockley responded that pole-wrapping would automatically make an existing sign larger and it would be out of compliance. To Mr. Coffey, Mr. Shockley responded that new code compliance could occur when the land changed ownership, when the building was renovated or when the building had a change of use.

Mr. Sullivan moved,

to extend the Assembly Meeting past 11:00 p.m. to finish

Ms. Ossiander seconded, Public Hearing on the sign standards,
and this motion failed, 8-2.

AYES: Ossiander and Sullivan.

NAYES: Tesche, Shamberg, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.

ABSENT: Birch, excused.

CAROLINE BOLAR testified in support of the sign improvements. To Mr. Sullivan, Ms. Bolar responded that she did not want Anchorage to look like Reno.

(Clerk's Note: At 11:00 p.m., Chair Fairclough adjourned the Assembly Meeting. See Agenda item 20 for related information.)

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2006-37, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District** for its fiscal year 2006-2007 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources; Anchorage School District.

1. Assembly Memorandum No. AM 107-2006.

2. Ordinance No. AO 2006-37(S), an ordinance determining and approving the total amount of the annual operating budget of the Anchorage School District for its fiscal year 2006-2007 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources; Anchorage School District.

3. Assembly Memorandum No. AM 107-2006(A).

Chair Fairclough read the ordinance title. Mr. Traini, Mr. Stout and Mr. Sullivan declared possible conflicts of interest, because their spouses were employees of the Anchorage School District (ASD). Chair Fairclough asked each Assemblymember if approval of this ordinance would affect them financially, or if their spouse's employment status would be jeopardized by Assembly action, to which each responded that it would not. Chair Fairclough ruled that no member had a conflict of interest and ordered all members to participate in the matter.

Chair Fairclough opened Public Hearing.

JEFF FRIEDMAN, President of the Anchorage School Board, and CAROL COMEAU, ASD Superintendent, urged support of AO 2006-37(S).

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

Mr. Coffey moved, to approve AO 2006-37(S),
Mr. Tesche seconded,

Mr. Coffey thanked Ms. Comeau, Mr. Friedman and the School Administration for their work in preparing budget. He stated it was the role of the Assembly to respect the School District and their operations, but he was concerned with the increased amount of money proposed. Given the factors of inflation, increased costs of construction and bonded indebtedness, it did not appear to be an unwarranted increase. He was also concerned of the outcome of the upcoming teacher contract negotiations.

Mr. Sullivan stated it was difficult for the Assembly to determine their role of approving the activities of the ASD. The past two decades of growth in the ASD had exceeded the growth of the Municipal Budget, and student enrollment had remained relatively unchanged over the past decade. He was concerned that the ASD was becoming disconnected from aspects of their spending and the funds available. The Assembly needed to make recommendations to improve management practices of spending.

Mr. Sullivan moved, to amend AO 2006-37(S), *by reducing* the total amount of the
Mr. Traini seconded, proposed ASD [~~General Fund~~] "Total Budget" in the amount
of \$4,696,161.76,

Ms. Ossiander stated the Assembly could not specify a cut from the General Fund and recommended the proposed cut address the total budget. Mr. Sullivan accepted this as a friendly amendment.

To Mr. Coffey, Ms. Comeau responded their budget was based on Governor Murkowski's proposal, which had not yet been approved by the Legislature. A cut would mean reviewing all new and existing programs and staff positions. She was very disappointed in the motion, with no forewarning or discussion.

Ms. Shamberg opposed questioning a budget that had been carefully prepared, based on all factors, without inappropriate allocations. The ASD were professionals who knew more about it than the Assembly.

To Chair Fairclough, Ms. Comeau responded Governor Murkowski had proposed an allocation of \$28,000,000, which had not yet been approved by the Legislature. She urged Assembly reconsideration.

Ms. Ossiander opposed the Sullivan Amendment. The ASD was already facing significant financial concerns if the state did not appropriate the \$28 million. If the upcoming teacher contracts were not resolved successfully, there would be a crisis. The Assembly needed to have frequent discussions with the ASD, to register their concerns of escalating costs. She urged a NO-vote.

Mr. Bauer stated that while he supported the education system, enrollment had not increased in the past ten years and it was the Assembly's role to reflect the community concerns on spending. He urged the ASD to consider any and all additional savings. Ms. Comeau responded that she respected the Assembly's role of approving the budget and the

ASD was continually reviewing all possible cuts to spending and increasing fees to help balance their budget. She urged ongoing discussions, instead of waiting until the last minute for the Assembly to voice their objections.

To Mr. Coffey, Ms. Comeau and ASD Chief Fiscal Officer Janet Stokesbary responded with explanations of the auditor's recommendation for the fund balance.

To Mr. Traini, Ms. Comeau responded that the Governor's recommendation of \$28 million would mean a \$1.9 million gap and the district had prioritized cuts, focusing on the career center, the summer school program, personnel and equipment.

To Chair Fairclough, Mr. Friedman responded that the ASD, the ASB and the Assembly needed to discuss shared services to decrease spending. There were new federal mandates of educating all students, regardless of the diversities, which was expensive and had challenged national school districts.

Mr. Coffey stated that the city budget and the ASD budget used to be within dollars of each other, and now the schools were requiring much more. The Assembly and the ASD needed to collectively address the increasing costs.

Mr. Sullivan stated that while the new state and federal mandates did require additional resources, school spending had escalated long before those mandates had been implemented, and this year the budget included a \$32 million increase. The city had succeeded in holding down employee costs as compared with the ASD. Last year the ASD had given raises to school principals and then declared a shortfall. Assemblymembers had to answer to constituents, who questioned the ASD money management. He urged continued open discussions and joint efforts to improve the process.

To Mr. Tesche, Ms. Comeau and Mr. Friedman responded that it was difficult to determine how long it would take to realize savings with their proposed consolidation of ASD Administrative offices. They would be continually reviewing cuts and it would be difficult to project next year's budget.

To Mr. Bauer, Ms. Comeau and Mr. Friedman responded the business community recommended additional appropriations for improved instructional and technological support and a student information system upgrade. Mr. Bauer stated the Assembly and the ASD needed improved communications.

Mayor Begich commended the ASD for their efforts. The career center and vocational education was expensive but it was critically important and there was an increasing need for those types of skills in the community. Communication between the ASD and the Assembly was important and the Education Committee could help facilitate communications. Ms. Comeau responded they were committed to reviewing shared services with the city to find additional cost savings.

Mr. Traini stated that construction and maintenance of school buildings had been managed by the district since the 1980's. He requested that the ASD review this matter to determine if this agreement needed to be improved. Ms. Comeau welcomed suggestions of additional improvements.

Chair Fairclough called the Question on the motion to approve the Sullivan Amendment.

and the motion failed, 2-8.

AYES: Sullivan and Bauer.

NAYES: Tesche, Shamberg, Ossiander, Fairclough, Coffey, Stout, Traini and Jennings.

ABSENT: Birch, excused.

Question was called on the main motion.

and the main motion passed, 10-0.

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

NAYES: None.

ABSENT: Birch, excused.

Mr. Coffey moved for immediate reconsideration and urged a NO-vote.

Mr. Coffey moved, *for immediate reconsideration of AO 2006-37(S)*,
Mr. Tesche seconded,
and this motion failed unanimously.

AYES: None.

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

ABSENT: Birch, excused.

Mr. Coffey moved, seconded by Mr. Tesche to Change the Order of the Day to take up 14.L, AO 2006-43, to accommodate an out-of-town consultant. Mayor Begich responded the consultant was temporarily out of the room.

- 14.B. Resolution No. AR 2006-55, a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee regarding the adoption of the **FFY 2006-2008 Transportation Improvement Program** (TIP); Traffic Department.
1. Assembly Memorandum AM 135-2006.

Chair Fairclough read the resolution title and opened Public Hearing.

PAUL LAVERTY stated that there were projects listed in Table 6 that were already designated as State projects, including projects off Tudor, Muldoon, Glenn and Seward Highway, I and L Street Corridor and Gambell. There were also projects, such as the Seward Highway Expansion from 20th Avenue to 36th Avenue that were no longer covered by the State. To Chair Fairclough, he recommended an amendment to the Knik Arm Crossing, Table 8, Project C, by removing the earmark from the source column, because this project was no longer earmarked by Congress. He also made recommendations of adding language, indicating priorities.

DIANNE HOLMES, referring to Table 6, testified that the community and the Department of Transportation (DOT) had requested that the Old Seward, East of Potter Marsh, from Potter Valley Road to Rabbit Creek Road, be rescored with a higher priority. This project had not been listed since then and was very heavily used and badly needed improvements. She recommended including the improvements for the Old Seward Highway with Priority Number 5.

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

Mr. Sullivan moved, to approve AR 2006-55,
Mr. Stout seconded,

Ms. Ossiander, referring to Table 3.12, stated the Eklutna River Bridge needed improvements to support Old Glenn Highway Traffic. She requested more information from the city and DOT on this project.

Mr. Traini requested consideration of reinstituting the block heater program. Municipal Transportation Planning Manager Craig Lyons responded the program was included in 2006 and was not required past that date. It could be included in 2007, perhaps as a smaller contribution. State funds were available for this program.

To Ms. Ossiander, Mr. Lyons responded that the city appropriation would probably come out of the transit fleet replacement fund.

To Mr. Stout, Mr. Lyons responded that the block heater program had traditionally been successful in improving air quality. Mr. Stout stated that the program had been implemented for a period of time that would allow interested persons to participate. Mr. Lyons responded there were waiting lists of additional interested persons. The Health and Human Services believed that, while the project would be beneficial, the limited funding may be put to better use.

To Ms. Jennings, Mr. Lyons responded that the Old Seward Highway rehabilitation had been previously identified, but the project had been downsized and reclassified.

To Mr. Sullivan, Mr. Lyons responded that DOT earmarked funds no longer included the Knik Arm Bridge, but the proposed appropriation remained in the state budget.

Chair Fairclough put the Question.

and this motion was passed unanimously, 10-0.

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

Mr. Sullivan moved for immediate reconsideration and urged a NO-vote.

Mr. Sullivan moved, for immediate reconsideration of AR 2006-55,
Mr. Coffey seconded,
and this motion failed, 0-10.

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

Mr. Sullivan proposed to Change the Order of the Day to take up the Sign Code Ordinance, 13.A. Mr. Coffey moved to first take up items 14.E, 14.L and 14.M, which were identified as time-sensitive items by the Administration, followed by 11.A, concerning the Panhandle Bar. This was seconded by Mr. Traini and approved with one objection. Ms. Jennings responded that Mr. Dunnagan, counsel to the Panhandle Bar, had seen the amendments to the new resolution and it was not important to wait for his return. The Panhandle Bar was deleted from the motion with concurrence of Mr. Coffey and Mr. Traini. Chair Fairclough announced that the Sign Ordinance was not a time-sensitive item and would be continued to April 11th.

14.C. Resolution No. AR 2006-53, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 05-S-6**, setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 132-2006. **(Carried Over to 4-11-06)**

14.D. Resolution No. AR 2006-61, a resolution of the Municipality of Anchorage accepting and appropriating \$577,921 as a grant from the Alaska Department of Fish and Game Southeast Sustainable Salmon Fund, to the Project Management & Engineering Department within the State Categorical Grant Fund (231), for the **Pacific Coastal Salmon Recovery Funds Creeks Community Development Manager** position; Project Management & Engineering.

1. Assembly Memorandum No. AM 150-2006. **(Carried Over to 4-11-06)**

14.E. Resolution No. AR 2006-65, a resolution of the Municipality of Anchorage appropriating \$250,000 as a donation from the Anchorage Park Foundation to the Anchorage Parks and Recreation Area Capital

Improvement Fund, (461) for the construction of a **pavilion, sledding hill and playground equipment** at Abbott Loop Community Park; Office of Economic & Community Development.
1. Assembly Memorandum No. AM 178-2006.

Chair Fairclough read the resolution title and opened Public Hearing.

VICTOR MOLLOZZI, Chair of the Anchorage Park Foundation and Chair of the Anchorage Park Commission, representing the Parks Foundation and Wells Fargo Bank, testified in support of the resolution appropriating a \$250,000 donation for parks improvements at Abbott Loop Community Park. He thanked Wells Fargo Bank, President Richard Strutz and Wells Fargo employees for their contributions in this effort. This donation, along with State and Municipal appropriations, would ensure completion of the park. He encouraged support for the park ballot propositions in the upcoming Municipal Election.

Mayor Begich, Mr. Traini, Ms. Jennings and Chair Fairclough thanked Mr. Mollozzi, Mr. Strutz and Wells Fargo Bank for their generous donation and their support of city parks.

Mr. Traini moved, to approve AR 2006-65,
Ms. Jennings seconded,
and this was unanimously passed, 10-0.

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

NAYES: None.

ABSENT: Birch, excused.

14.F. Ordinance No. AO 2006-50, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 25.35.030 to establish qualifications for the **composition of the Anchorage Community Development Authority Board of Directors**; Assemblymember Sullivan.

1. Information Memorandum No. AIM 35-2006, Summary of Economic Effects for AO 2006-50 - composition of the Anchorage Community Development Authority Board of Directors; Assemblymember Sullivan. **(Addendum) (Carried Over to 4-11-06)**

14.G. Ordinance No. AO 2006-45, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.30.080, Parking, to **require bicycles to be parked so as not to obstruct traffic**; Assemblymember Shamberg.

1. Assembly Memorandum No. AM 144-2006.
2. Information Memorandum No. AIM 36-2006, Summary of Economic Effects for AO 2006-45 - require bicycles to be parked so as not to obstruct traffic; Assemblymember Shamberg.
(Addendum) (Carried Over to 4-11-06)

14.H. Ordinance No. AO 2006-48, an ordinance of the Municipality of Anchorage authorizing disposal from the Heritage Land Bank inventory for public sale by competitive sealed bid of the municipal interest in **HLB Parcel #3-014, Tract H, Penland Park Subdivision**, Plat No. 75-83, a 5.51-acre parcel located at DeBarr Road and Columbine Court in Anchorage, for at least fair market value; Heritage Land Bank.

1. Assembly Memorandum No. AM 173-2006. **(Carried Over to 4-11-06)**

14.I. Resolution No. AR 2006-67, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the B-2B District for a new beverage dispensary use per AMC 21.40.160 D.13. for **Calypso**; located on Lot 7, Block 110, Anchorage Original Townsite; site address being 637 A Street; generally located on the northeast corner of A Street and East 7th Avenue (Calypso) (Case 2006-025); Planning Department.

1. Assembly Memorandum No. AM 181-2006. **(Continued to 4-11-06)**

Calling for a Point of Personal Privilege, Mr. Tesche stated that several Assemblymembers had indicated their wish to open and continue Public Hearing on the Calypso liquor license matter to a later date. Chair Fairclough concurred and stated there had been much community input on this matter.

Chair Fairclough read the resolution title and opened Public Hearing.

Mr. Tesche moved, to continue Public Hearing on AR 2006-67, to April 11, 2006,
Mr. Stout seconded, with a worksession scheduled on April 7th, from 2:00 to 3:00
and this was approved without objection. p.m., to review this matter,

Chair Fairclough invited interested guests, present that evening, to the scheduled worksession. She requested the Clerk to list this item as 11.A on the April 11th Agenda.

14.J. Resolution No. AR 2006-68, 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 **Alaska Wild Berry Products Inc.**; located on Campbell Creek Commercial Park Subdivision, Lot E-1D; site address being 5225 Juneau Street, generally located on the southeast corner of Juneau Street and international Airport Road (Taku-Campbell Community Council) (Planning Case 2006-026); Planning Department.

1. Assembly Memorandum No. AM 182-2006.
2. Assembly Memorandum No. AM 205-2006, Alaska Wild Berry Products, Inc. #4553 – New Restaurant/Eating Place Liquor License (Taku/Campbell Community Council); Clerk's Office. **(Agenda item 9.D.3)**

(Clerk's Note: See related details in Agenda item 9.D.3) (Carried Over to 4-11-06)

14.K. Resolution No. AR 2006-69, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC

21.40.180 D.8. for **Henry's Great Alaskan Restaurant**; located on Vans Subdivision, Block 1, Lot 10A; site address being 8001 Old Seward Highway; generally located at the southeast corner of the Old Seward Highway and East 80th Avenue (Taku/Campbell Community Council) (Planning Case 2006-031); Planning Department.

1. Assembly Memorandum No. AM 183-2006. *(Carried Over to 4-11-06)*

14.L. Ordinance No. AO 2006-43, an ordinance amending the zoning map and providing for the rezoning of approximately 35 acres, from I-1 (Light Industrial), I-2 SL (Heavy Industrial with Special Limitations) and PLI (Public Lands and Institutions) to B-3 SL (General Business with Special Limitations) for Alaska Industrial Subdivision, Block 7, Lots 9, 10, and 16; a portion of Orah Dee Clark Junior High School, Tract A; and those portions of Bureau of Land Management Lot 2; the **SW ¼ NE ¼ and the SE ¼ NW ¼ of Section 16, T13N, R3W, SM**, Alaska bounded on the South by the Glenn Highway Right of Way (Project F-0242-1); on the north by Alaska Industrial Subdivision and Mt. View Drive; and on the east by Orah Dee Clark Junior High School; generally located at the northeast corner of the Glenn Highway and Airport Heights Drive (Mountain View Community Council) (Planning and Zoning Commission Case 2005-149); Planning Department.

1. Assembly Memorandum No. AM 127-2006.

Chair Fairclough read the ordinance title and opened Public Hearing.

TIM POTTER with Dowl Engineers, testified in support of the rezone. To Ms. Jennings, Mr. Potter responded that this B-3 zoning district involved a minimum density requirement of twelve dwelling units per acre. Dowl Engineers recommended a higher density, which was supported by the developer and the Planning Department.

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

Mr. Coffey moved, to approve AO 2006-43,
Ms. Jennings seconded,

To Ms. Ossiander, Heritage Land Bank Executive Director Robin Ward responded that the Assembly had approved the transfer of the parcel to the Development Authority, with several conditions, which had been met. Additional Assembly action would not be necessary if all conditions had been met. Ms. Ossiander responded that Assembly approval was still needed for transferring land from the Development Authority to the developer and the Assembly had requested information on and needed to approve the final financial arrangement. Ms. Ward responded that this requirement did not apply to parcels that were valued under \$6 million. Mayor Begich concurred.

To Mr. Coffey, Ms. Ward responded the rezone would be required.

Ms. Ossiander stated she had assumed the transfer of the land to the developer needed Assembly action. To her question, Ms. Ward responded that the appraisal had been based on \$5 per foot and there were no additional conditions added. Ms. Ossiander stated that specific conditions had been added to the original document that, if requirements were deleted, the price of the real property would increase equally to the cost of meeting the imposed requirement. Ms. Ward responded there were no subsidies or conditions. Mayor Begich concurred.

Chair Fairclough put the Question on the main motion.

and this motion was passed, 10-0.

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

Mayor Begich moved, for immediate reconsideration of AO 2006-43,
Mr. Tesche seconded,
and this motion failed, 1-9.

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

14.M. Ordinance No. AO 2006-41, an ordinance amending the zoning map and providing for the rezoning of approximately three plus/minus acres from PLI (Public Land and Institutions) to R-1 (Single-Family Residential District) for **Campbell Lake Outfall Subdivision**, Tract B; generally located southwest of Campbell Lake Outfall at the west end of Cheveley Street (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 2005-137); Planning Department.

1. Assembly Memorandum No. AM 124-2006.

Chair Fairclough read the ordinance title and opened Public Hearing.

LINDA MATHIS-GOLDIN, owner of property next to the parcel, testified that additional clarification was needed in the ordinance, involving Cheveley Street, which was earmarked for a parking lot in the South Coastal Trail Extension Plan and she presented the recently prepared environmental impact statement (EIS). She opposed that property being described as excess inventory. It was wrong that the Assembly had already decided on this rezone, without public comment.

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

Mr. Coffey moved, to approve AO 2006-41,
Ms. Jennings seconded,

To Mr. Coffey, Heritage Land Bank (HLB) Executive Director Robin Ward responded this was the last requirement to closing the contract on this property. A portion of Cheveley Street had been previously designated as part of the Coastal Trail, with a provision for a small parking lot as part of the rezone.

To Mr. Stout, Ms. Ward responded the rezone of this property had gone through a normal public process including the HLB Commission, the Planning and Zoning Department and the Assembly.

and this motion passed, 9-1

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

15. SPECIAL ORDERS (Clerk's Note: See 11.A.1 for details of introducing AR 2006-75)

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

Chair Fairclough welcomed visiting Boy Scout Troop 183, sponsored by Turnagain Church of Jesus Christ of Latter-Day Saints. Boy Scouts Trevor Grisham, Jonathan Walters and Brady Grisham introduced themselves and stated they were learning how the government worked and were earning their community and communication merit badges.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Fairclough adjourned the meeting at 11:00 p.m.

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: May 2, 2006.
MC/BG

(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)