

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

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

**Minutes for Regular Meeting of April 11, 2006**

**1. CALL TO ORDER**

The Assembly Meeting was convened by Chair Fairclough at 5:00 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 all Assemblymembers present.

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

ABSENT: None.

**3. PLEDGE OF ALLEGIANCE** Assemblymember Traini led the pledge.

**4. MINUTES OF PREVIOUS MEETINGS**

**4.A. Regular Meeting – March 14, 2006**

Mr. Birch moved, to approve the Regular Meeting Minutes of  
Ms. Jennings seconded, March 14, 2006,  
and this motion was passed unanimously,  
with Mr. Traini and Chair Fairclough abstaining, with excused absences on that date.

**5. MAYOR'S REPORT** None.

**6. ASSEMBLY CHAIR'S REPORT**

Chair Fairclough reported that the Municipality had successfully completed another election, which would be certified on April 18, 2006. She thanked Municipal Clerk Barbara Gruenstein, Municipal Elections Officer Guadalupe Marroquin and the members of the Election Commission for their hard work and service to the community.

**7. COMMITTEE REPORTS**

Ms. Ossiander announced that Title 21 Committee would continue to meet Wednesday mornings at the Planning Department Conference Room, from 9:30 to 11:30 a.m. Assemblymembers and the public were invited to attend for discussions of Chapter 5.

Mr. Sullivan reported that he would be traveling to the Juneau the following week, to meet with State Legislators to discuss matters of importance concerning Anchorage and other communities in the state.

Mr. Stout reported that the Ethics Committee was finalizing the new Ethics Ordinance. A worksession was scheduled for May 12<sup>th</sup>, from 2:00 to 4:00 p.m., before the final document would be presented to the Assembly for consideration.

**8. ADDENDUM TO AGENDA**

Chair Fairclough called for a motion and read the Addendum items. Items AR 2006-94 and AIM 52-2006 were added and assigned to 9.B.3 and 9.E.6 in the Agenda. With no additional items, the Chair called for a vote to incorporate the Addendum items into the Consent Agenda. Mr. Coffey declared that he had conflicts of interest with matters in Agenda item 9.D.1, associated with Applebee's, Benihana and Haute Quarter Grill.

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

Items AIM 49-2006, AIM 50-2006 and two Appearance Requests were Laid on the Table and added to Agenda items 14.D.2, 13.F.2 and 12.B, respectively.

Chair Fairclough called for a motion on the Consent Agenda.

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

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

**9. CONSENT AGENDA**

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

- 9.A.1. Resolution No. AR 2006-84, a resolution of the Municipality of Anchorage recognizing and honoring **Charlene Rector** for her 33 years of service with the Municipality of Anchorage. **(Addendum)**

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

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

- 9.B.1. Resolution No. AR 2006-77, a resolution of the Municipality of Anchorage appropriating the sum of \$4,236 from the State of Alaska, Department of Transportation & Public Facilities and \$2,919 as a contribution from the 2006 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Drug Recognition Expert Instructor Course Program**.  
a. Assembly Memorandum No. AM 219-2006.
- 9.B.2. Resolution No. AR 2006-78, a resolution of the Municipality of Anchorage appropriating \$1,500 from the Anchorage Cabaret Hotel Restaurant Association to the Miscellaneous Operational Grants Fund (261) for **Community Service Patrol and Transfer Station services** through the Department of Health and Human Services.  
a. Assembly Memorandum No. AM 220-2006.
- 9.B.3. Resolution No. AR 2006-94, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich in support of the State of Alaska's new **petroleum production tax**; Assembly Chair Fairclough and Mayor Mark Begich. **(Laid on the Table)**

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

**9.C. BID AWARDS**

- 9.C.1. Assembly Memorandum No. AM 226-2006, recommendation of award to Tam Construction, Inc. for the **East Bluff Water Upgrade, Phase 1 Project** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 26-C005) (\$257,784); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 227-2006, recommendation of award to Delta Star Inc. to provide a **12/16/20 MVA power transformer** to the Municipality of Anchorage, Municipal Light & Power Utility (ITB 26-B018) (\$728,748); Purchasing.
- 9.C.3. Assembly Memorandum No. AM 247-2006, recommendation of award to Isabelle Construction & Excavating for the **AWWU Sullivan Arena/Ben Boeke Water Upgrade Project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 26-C008) (\$1,371,481); Purchasing. **(Addendum)**

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

**9.D. NEW BUSINESS**

- 9.D.1. Assembly Memorandum No. AM 246-2006, **2006/2007 Liquor License Renewals**: Applebee's Neighborhood Grill & Bar #3948, Eddie's Sports Bar #3596, Ralfs Sports Bar #1811, Maxine's Glacier City Bistro #4431, Benihana #4161, Whaler Bar & Grill #1456 – Beverage Dispensary; Sushi Garden #3405, Vallarta's #3827, Uncle Joes Pizza #3847, Pizza Olympia #888, Imperial Palace #2010, China Express #2925, Haute Quarter Grill #4075 – Restaurant/Eating Place (Girdwood, Mountain View, Taku/Campbell, Midtown, Downtown, Eagle River, Spenard, Russian Jack, Old Seward, Oceanview Community Councils); Clerk's Office.

Mr. Coffey declared conflicts of interest with matters concerning Applebee's, Benihana and Haute Quarter Grill. Chair Fairclough ruled that he did have conflicts of interest and ordered him to abstain from participation with those matters.

- 9.D.2. Assembly Memorandum No. AM 228-2006, **Anchorage Loop Water Transmission Main (WTM)-Phases IV** - Amendment No. 4 to contract for Professional Services (P.O. 0000226163) with CH2M HILL, Inc. (\$1,633,000); Anchorage Water & Wastewater Utility.
- 9.D.3. Assembly Memorandum No. AM 229-2006, Change Order No. 2 to the 2005 Miscellaneous Construction Services contract with **Tam Construction, Inc.** (\$100,000); Anchorage Water & Wastewater Utility.
- 9.D.4. Assembly Memorandum No. AM 230-2006, proprietary purchase of **computer software maintenance** from ESRI, Inc. for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (\$42,156.17); Purchasing.
- 9.D.5. Assembly Memorandum No. AM 231-2006, proprietary purchase with Rotork to **upgrade the valve actuators** at the Ship Creek Water Treatment Facility for the Anchorage Water & Wastewater Utility (AWWU) (\$31,430); Purchasing.
- 9.D.6. Assembly Memorandum No. AM 232-2006, supplemental award to Berryman & Henigar to provide **commercial plan review services** for the Municipality of Anchorage, Development Services Department (\$100,000); Purchasing.
- 9.D.7. Assembly Memorandum No. AM 233-2006, approval of contract funding for United Way of Anchorage's management of the **Human Services Community Matching Grant Program** for State of Alaska (SOA) Fiscal Year (FY) 07, 08 and 09 (\$1,062,346); Health and Human Services.
- 9.D.8. Assembly Memorandum No. AM 234-2006, **Anchorage Memorial Park Cemetery Floral Placement Plan**; Health and Human Services.

Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.D.8)*

- 1 9.D.9. Assembly Memorandum No. AM 235-2006, Change Order No. 3 to Purchase Order 240144 with  
2 Computer Associates International, Inc. for additional **software licensing and maintenance services**  
3 for the Municipality of Anchorage, Information Technology Department (ITD) (\$223,473); Purchasing.  
4 9.D.10. Assembly Memorandum No. AM 236-2006, reimbursable agreement with Anchorage Economic  
5 Development Corporation (AEDC) to perform a **Barge Dock Feasibility Study** for the Municipality of  
6 Anchorage, Port of Anchorage (\$41,965); Purchasing.  
7

8 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.D.10)*  
9

- 10 9.D.11. Assembly Memorandum No. AM 237-2006, recommendation of award to The Boutet Company for  
11 providing **project management services** for the Municipality of Anchorage, Project Management &  
12 Engineering Department (RFP 26-P006) (\$1,500,000); Purchasing.  
13 9.D.12. Assembly Memorandum No. AM 238-2006, recommendation of award to DOWL Engineers to provide  
14 professional engineering services for the **48th Avenue/Boniface Parkway Extension, Tudor Road**  
15 **to Bragaw Street** for the Municipality of Anchorage, Project Management & Engineering (RFP 25-  
16 P045) (\$1,164,000); Purchasing.  
17

18 Mr. Bauer requested this item be pulled for review on the Regular Agenda. *(See item 10.D.12)*  
19

- 20 9.D.13. Assembly Memorandum No. AM 239-2006, Amendment No. 5 to contract with Pruhs Corporation for  
21 **Timberlane Drive Reconstruction, Huffman Road to West Klatt Road**, Project No. 01-20  
22 (\$117,215); Project Management & Engineering.  
23 9.D.14. Assembly Memorandum No. AM 240-2006, proposed Change Order No. 6 to contract with Alaska  
24 Construction & Paving, Inc., **Turpin Street Upgrade – Glenn Highway to DeBarr Road**, Project No.  
25 01-13 (\$50,000); Project Management & Engineering.  
26

27 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.D.14)*  
28

- 29 9.D.15. Assembly Memorandum No. AM 241-2006, Amendment No. 3 to professional engineering services  
30 contract with DOWL Engineers for the **Arctic Boulevard Surface Rehabilitation Project, Fireweed**  
31 **Lane to Tudor Road**, Project No. 02-10 (\$47,785); Project Management & Engineering.  
32 9.D.16. Assembly Memorandum No. AM 242-2006, Utility Relocation Agreement with **Alaska**  
33 **Communications Systems** for the 84th Ave.-Spruce St. Improvements, Project Nos. 02-02 and 02-08  
34 (\$100,000); Project Management & Engineering.  
35 9.D.17. Assembly Memorandum No. AM 243-2006, Utility Relocation Agreement with **Chugach Electric**  
36 **Association, Inc.**, for the 84th Ave.-Spruce St. Improvements, Project Nos. 02-02 and 02-08  
37 (\$250,000); Project Management & Engineering.  
38 9.D.18. Assembly Memorandum No. AM 244-2006, Utility Relocation Agreement with **ENSTAR Natural Gas**  
39 **Co.** for 84th Ave.-Spruce St. Improvements, Project Nos. 02-02 and 02-08 (\$100,000); Project  
40 Management & Engineering.  
41 9.D.19. Assembly Memorandum No. AM 245-2006, Utility Relocation Agreement with **General**  
42 **Communications Inc. (GCI)** for 84<sup>th</sup> Avenue and Spruce Street Improvements, Project Nos. 02-02  
43 and 02-08 (\$350,000); Project Management & Engineering.  
44

45 **9.E. INFORMATION AND REPORTS**

- 46 9.E.1. Information Memorandum No. AIM 38-2006, Internal Audit Report 2006-8 – **Annual Municipal**  
47 **Procurement Card Review, Purchasing Department**; Internal Audit.  
48

49 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.E.1)*  
50

- 51 9.E.2. Information Memorandum No. AIM 42-2006, Internal Audit Report 2006-9 – **Anchorage Golf Course,**  
52 **Economic and Community Development**; Internal Audit.  
53

54 Mr. Stout requested this item be pulled for review on the Regular Agenda. *(See item 10.E.2)*  
55

- 56 9.E.3. Information Memorandum No. AIM 43-2006, Notice of Award to BC Excavating, Inc. for the **Landfill**  
57 **Gas Collection and Control System, Phase 1 Project** for the Municipality of Anchorage, Solid  
58 Waste Services; Purchasing.  
59 9.E.4. Information Memorandum No. AIM 44-2006, **contracts awarded between \$50,000 and \$100,000**  
60 **through formal competitive processes** for the month of February, 2006; Purchasing.  
61 9.E.5. Information Memorandum No. AIM 45-2006, **Sole Source Procurement Report** for the month of  
62 February, 2006; Purchasing.  
63 9.E.6. Informational Memorandum No. 52-2006, **Hillside District Plan**; Assemblymembers Shamberg and  
64 Birch. *(Laid on the Table)*  
65

66 Ms. Shamberg moved to accept, seconded by Mr. Sullivan and this was accepted by unanimous consent.  
67

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

- 69 9.F.1. Ordinance No. AO 2006-54, an ordinance amending Anchorage Municipal Code Section 14.60.030 for  
70 consistency with **AO 2005-83(S) As Amended**; Legal Department. *(Public Hearing 5-2-06)*  
71 a. Information Memorandum No. AIM 39-2006.  
72 9.F.2. Resolution No. AR 2006-79, a resolution of the Anchorage Assembly approving in concept the  
73 **Anchorage Bowl Land Use Plan Map** and stating the intent to, upon further review of the land use  
74 designations and narrative, adopt the Land Use Plan Map as an amendment to the *Anchorage Bowl*  
75 *Comprehensive Plan*, concurrent with adoption of the rewrite of Title 21; Planning Department. *(Public*  
76 *Hearing 4-27-06 Joint Meeting with the Planning & Zoning Commission.)*  
77 a. Assembly Memorandum No. AM 221-2006.

- 1 9.F.3. Resolution No. AR 2006-80, a resolution of the Municipality of Anchorage, Alaska, approving water  
2 main extensions identified as **NE Anchorage Water Improvements Ph 2 & 3** and providing for  
3 assessment of benefited properties at time of service connection; Anchorage Water & Wastewater  
4 Utility. (*Public Hearing 5-2-06*)  
5 a. Assembly Memorandum No. AM 222-2006.
- 6 9.F.4. Resolution No. AR 2006-81, a resolution of the Municipality of Anchorage accepting and appropriating  
7 \$2,237,000 as a grant from the Alaska Department of Fish and Game Southeast Sustainable Salmon  
8 Fund, to the Project Management & Engineering Department within the Areawide General CIP Fund  
9 401, for the **Chester Creek Aquatic Ecosystem Restoration, Westchester Lagoon to Cook Inlet**;  
10 Project Management & Engineering. (*Public Hearing 5-2-06*)  
11 a. Assembly Memorandum No. AM 223-2006.
- 12 9.F.5. Resolution No. AR 2006-82, a resolution of the anchorage Municipal Assembly appropriating  
13 \$448,300 from the Anchorage School District to the Anchorage Roads and Drainage Service Area  
14 Fund (441) for the construction of a **student drop-off loop** at Abbott Loop Elementary School,  
15 adjacent to the 84th Avenue Improvement Project; Project Management & Engineering. (*Public*  
16 *Hearing 5-2-06*)  
17 a. Assembly Memorandum No. AM 224-2006.
- 18 9.F.6. Resolution No. AR 2006-83, a resolution of the Municipality of Anchorage appropriating \$67,786 to the  
19 Areawide General Capital Improvement Program (CIP) Fund (401), \$123,257 to the anchorage Fire  
20 Service Area Capital Improvement Program (CIP) Fund (431), \$608,016 to the Anchorage Roads and  
21 Drainage Capital Improvement Program (CIP) Fund (441), \$7,643 to the Anchorage Police Service  
22 Area Capital Improvement Program (CIP) Fund (451), \$129,858 to the Anchorage Parks And  
23 Recreation Service Area Capital Improvement Program (CIP) Fund (461), \$35,854 to the Eagle River-  
24 Chugiak Parks and Recreation Service Area Capital Improvement Program (CIP) Fund (462) of 2000  
25 General Obligation Series A bond premium for the payment of **bond issuance costs**; Finance.  
26 (*Public Hearing 5-2-06*)  
27 a. Assembly Memorandum No. AM 225-2006.

28  
29 The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.F.6*)

30  
31 Chair Fairclough called the Question on the remainder of Consent Agenda.

32  
33 and this motion, as amended, was passed.

34  
35 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

36 NAYES: None.

37 ABSTAIN: Coffey, on matters concerning Applebee's, Benihana and Haute Quarter Grill in 9.D.1.

38  
39 The amended Consent Agenda was approved and Chair Fairclough proceeded into discussion of the pulled items.

## 40 41 END OF CONSENT AGENDA

## 42 43 44 10. REGULAR AGENDA

### 45 10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 46 10.A.1. Resolution No. AR 2006-84, a resolution of the Municipality of Anchorage recognizing and honoring  
47 **Charlene Rector** for her 33 years of service with the Municipality of Anchorage. (**Addendum**)

48  
49 Mr. Traini moved, to approve AR 2006-84,  
50 Mr. Bauer seconded,  
51 and this motion was approved unanimously.

52  
53 Mr. Traini read and Mr. Bauer presented the resolution to Charlene Rector, honoring her for her 33 years of service to  
54 the Anchorage Police Department. Ms. Rector thanked the Assembly and the Administration for the recognition and  
55 stated that it had been an honor and a privilege to have served with the Detective Department and Homicide Unit. She  
56 had been involved with some of the biggest cases in the history of the city. Chair Fairclough thanked her for her  
57 service to Anchorage.

### 58 59 10.B. RESOLUTIONS FOR ACTION - OTHER

- 60 10.B.3. Resolution No. AR 2006-94, a resolution of the Anchorage Municipal Assembly and Mayor Mark  
61 Begich in support of the State of Alaska's new **petroleum production tax**; Assembly Chair Fairclough  
62 and Mayor Mark Begich. (**Laid on the Table**)

63  
64 Chair Fairclough read the resolution into the record.

65  
66 Mr. Tesche moved, to approve AR 2006-94,  
67 Mr. Traini seconded,

68  
69 Mr. Tesche stated that consideration of imposing petroleum production tax was an important decision, currently being  
70 considered by the State Legislature. Mayor Begich responded that the resolution would ensure the Municipality and  
71 other Alaskan communities would benefit from created revenues from the tax. Cook Inlet held potential future oil and  
72 gas production and it was important to consider the benefits. Mr. Tesche thanked Chair Fairclough and the Mayor for  
73 creating the resolution. The local communities deserved revenue sharing benefits of development of state resources  
74 and he urged approval.

75  
76 Mr. Sullivan stated that setting oil production tax was a good goal and he appreciated Cook Inlet being mentioned in  
77 the resolution. He urged support.

Mr. Birch supported the resolution. He supported revenue sharing, with local communities receiving benefits.

Chair Fairclough supported the resolution and thanked the Mayor and the Administration for bringing their support. This resolution would bring tax relief to Anchorage citizens.

To Mr. Traini, Chair Fairclough responded that it was appropriate for all communities across Alaska to be considered for revenue sharing from state resources. Mayor Begich thanked her for adding local communities to the resolution.

Ms. Ossiander supported the resolution.

and this motion was passed, 11-0.

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

NAYES: None.

Chair Fairclough requested that Mr. Sullivan hand-carry the approved document to the State Capital to present to State Legislators.

#### 10.C. BID AWARDS

10.C.3. Assembly Memorandum No. AM 247-2006, recommendation of award to Isabelle Construction & Excavating for the **AWWU Sullivan Arena/Ben Boeke Water Upgrade Project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 26-C008) (\$1,371,481); Purchasing.  
**(Addendum)**

Municipal Manager Denis LeBlanc requested this item be postponed indefinitely.

Mr. Coffey moved, *to postpone indefinitely* AM 247-2006,  
Ms. Jennings seconded,  
and this motion was passed unanimously.

#### 10.D. NEW BUSINESS

10.D.8. Assembly Memorandum No. AM 234-2006, **Anchorage Memorial Park Cemetery Floral Placement Plan**; Health and Human Services.

Mr. Stout moved, *to approve* AM 234-2006,  
Mr. Coffey seconded,

Mr. Stout questioned creating this type of business with possibly increased expenses to the city. Cemetery Director Don Warden responded that this involved providing services for out-of-town family members who requested flowers be placed on graves of loved ones. It was a convenient business for the flowers to be delivered, and for the cemetery to keep track of the names, delivery dates and flower placements and there was no markup or additional costs to the city. The records of all activities would be available for audit and Assembly review.

and this motion was passed, 11-0.

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

NAYES: None.

10.D.10. Assembly Memorandum No. AM 236-2006, reimbursable agreement with Anchorage Economic Development Corporation (AEDC) to perform a **Barge Dock Feasibility Study** for the Municipality of Anchorage, Port of Anchorage (\$41,965); Purchasing.

Mr. Stout moved, *to approve* AM 236-2006,  
Mr. Coffey seconded,

To Mr. Stout, Port of Anchorage Director of Finance and Administration Edward Leon responded that the study would be completed by a third party. The Purchasing Department had selected the Anchorage Economic Development Corporation (AEDC) and Northern Economics to complete the study.

To Mr. Coffey, Mr. Leon responded that AEDC would oversee the contract. Mayor Begich responded that AEDC would not benefit from the contract and the appropriation would go directly to Northern Economics, for their work on the survey and the preliminary study.

and the motion was passed, 11-0.

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

NAYES: None.

10.D.12. Assembly Memorandum No. AM 238-2006, recommendation of award to DOWL Engineers to provide professional engineering services for the **48th Avenue/Boniface Parkway Extension, Tudor Road to Bragaw Street** for the Municipality of Anchorage, Project Management & Engineering (RFP 25-P045) (\$1,164,000); Purchasing.

Mr. Bauer moved, *to approve* AM 238-2006,  
Mr. Coffey seconded,

Mr. Bauer stated this construction design work was a step in the right direction, addressing east-west traffic.

To Ms. Jennings, Purchasing Officer Bart Mauldin responded this appropriation would cover approximately 35% of the design costs. Mayor Begich responded this was a normal process and additional costs would continually be determined, right up to the start of construction. Municipal Engineer Howard Holtan concurred. Ms. Jennings stated the Assembly hesitated to consider unfunded projects, when projected costs were undetermined.

To Mr. Coffey, Mr. Mauldin responded that the project costs would be more clearly determined when Phase II was completed. Dowl Engineers would engineer and manage the project and the construction contract would go to bid. It was difficult to determine total costs at this stage. Mayor Begich concurred and stated that the Administration was accelerating this project, which would connect many of the other area road improvements.

and this motion was passed, 11-0.

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

10.D.14. Assembly Memorandum No. AM 240-2006, proposed Change Order No. 6 to contract with Alaska Construction & Paving, Inc., **Turpin Street Upgrade – Glenn Highway to DeBarr Road**, Project No. 01-13 (\$50,000); Project Management & Engineering.

Mr. Stout moved, to approve AM 240-2006,  
Mr. Coffey seconded,

To Mr. Stout, Municipal Attorney Fred Boness explained there were two lawsuits being handled by outside counsel, experienced in construction and litigation matters. The lawsuits were set to be resolved later in April.

To Ms. Jennings, Mr. Boness responded that one was a standard claim, and the contractors thought they were entitled to additional compensation. Municipal Engineer Howard Holtan responded there was no further work to be done on Turpin, concerning one of the lawsuits.

and this motion was passed, 11-0.

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

#### 10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 38-2006, Internal Audit Report 2006-8 – **Annual Municipal Procurement Card Review, Purchasing Department**; Internal Audit.

Mr. Stout moved, to accept AIM 38-2006,  
Mr. Coffey seconded,

Mr. Stout stated it was important to discontinue the use of Procurement Cards (*p-cards*) and requested that the recent audit be addressed. Municipal Manager Denis LeBlanc responded that Internal Audit Director Peter Raiskums reported all p-card transactions to the Municipal Manager and Mayor Begich and they had not found any discrepancy of use, but understood that more instruction was needed. Mayor Begich requested that a worksession be scheduled.

Ms. Ossiander stated this had been addressed before and she urged for this matter to be resolved.

To Ms. Jennings, Mayor Begich responded that it was difficult to change department habits, but the use of p-cards was decreasing. Mr. LeBlanc responded that they continually encouraged all departments to use MuniMart.

To Mr. Sullivan, Mr. LeBlanc responded that they were not prepared to discipline employees at this time because there was no malicious use. Mr. Raiskums concurred. Every p-card use was reported to the Municipal Manager's office, who, in turn, contacted the department director to instruct employees to use MuniMart. The Administration was prepared to begin disciplinary action for employees who repeatedly used p-cards, including time-off without pay.

and the motion was unanimously approved.

10.E.2. Information Memorandum No. AIM 42-2006, Internal Audit Report 2006-9 – **Anchorage Golf Course, Economic and Community Development**; Internal Audit.

Mr. Stout stated that all of his questions had been answered.

Mr. Stout moved, to accept AIM 42-2006,  
Mr. Coffey seconded,  
and this was approved without objection, 11-0.

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

10.F.6. Resolution No. AR 2006-83, a resolution of the Municipality of Anchorage appropriating \$67,786 to the Areawide General Capital Improvement Program (CIP) Fund (401), \$123,257 to the Anchorage Fire Service Area Capital Improvement Program (CIP) Fund (431), \$608,016 to the Anchorage Roads and Drainage Capital Improvement Program (CIP) Fund (441), \$7,643 to the Anchorage Police Service Area Capital Improvement Program (CIP) Fund (451), \$129,858 to the Anchorage Parks And Recreation Service Area Capital Improvement Program (CIP) Fund (461), \$35,854 to the Eagle River-Chugiak Parks and Recreation Service Area Capital Improvement Program (CIP) Fund (462) of 2000 General Obligation Series A bond premium for the payment of **bond issuance costs**; Finance.  
(Public Hearing 5-2-06)  
a. Assembly Memorandum No. AM 225-2006.

Mr. Coffey moved, *to postpone indefinitely* AR 2006-83,  
Mr. Stout seconded,  
and this motion was approved unanimously.

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

11.A. Information Memorandum No. AIM 31-2006, Anchorage Water & Wastewater Utility Monthly Report; AWWU. (*Carried Over from 3-28-06*) (***Carried Over to April 18, 2006***)

11.B. Information Memorandum No. AIM 26-2006, Anchorage School District Six-Year Capital Improvement Program: July 1, 2006 through June 30, 2012; Anchorage School District. (*Carried Over from 3-28-06*) (*Postponed to 6-6-06*)

Chair Fairclough read the memorandum title and stated this matter would be postponed to June 6<sup>th</sup>. Mr. Coffey responded that the Assembly was involved with on-going discussions on the Capital Improvement Program.

Mr. Coffey moved, *to postpone* AIM 26-2006 to June 6, 2006,  
Mr. Traini seconded,  
and this was approved without objection.

11.C. Ordinance No. AO 2006-18, an ordinance amending the zoning map and providing for the rezoning of approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential) for the **NW ¼, NE ¼, S ½, NE ¼ of Section 10, T11N, R3W, S.M., AK** (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2005-139); Assemblymember Birch. (*Public Hearing was closed 2-28-06; Action was Postponed from 2-28-06 & 3-14-06*)(*Postponed to 6-20-06*)

Mr. Coffey stated that this matter involved a rezone of 120 acres in Forest Heights Subdivision and would be postponed to June 20, 2006, at the request of the petitioner, who was preparing a new plan.

Mr. Coffey moved, *to postpone* AO 2006-18 to June 20, 2006,  
Mr. Bauer seconded,  
and this motion was approved without objection.

Ms. Ossiander encouraged the area representatives and the petitioner to determine a completion date, when the new plan would be ready for Assembly review.

**12. APPEARANCE REQUESTS**

12.A. **Patricia Bray**, regarding illegal car impound per AMC 10.54 and loss of property.

PATRICIA BRAY testified that on January 19<sup>th</sup> her car had been illegally towed by Action Towing, from an appointed parking space at her home. It had been impounded and ransacked and her radio/stereo had been stolen. The parking lot signs did not explain the towing process. Her car was set to be auctioned off the following Sunday and she wanted the brand new tires returned to her. To Mr. Stout, she responded that she did not have any paperwork, other than a certified letter, informing her that the car would be sold at auction. Mr. Stout recommended that she continue working with the Municipal Ombudsman to resolve the matter as a civil case. To Mr. Traini, Municipal Clerk Barbara Gruenstein responded that Action Towing had been completing the towing licensing at the time of the tow. Mr. Traini requested that all information on the matter, including the license issuance date. To Ms. Jennings, Ms. Bray responded that she had reported the car stolen to the police department. She knew nothing of the report of her car having been repeatedly ticketed. Her landlord had told her that her car could be parked in that spot until she sold it.

12.B. **Don Shackelford** and **Bill Gehler**, regarding electrical towers. (***Laid on the Table***)

DON SHACKELFORD and BILL GEHLER testified that the large Chugach power poles, newly installed along Northern Lights Boulevard were an eyesore, were hurting the streetscape and were a potential hazard to health and safety. Mr. Gehler testified of the numerous studies that correlated high rates of leukemia with areas of high electromagnetic fields, especially to children. The location of these electrical towers involved the safety of children at Baxter Elementary School and the Anchorage Christian School. There were many lawsuits across the nation, regarding power line transmissions, concerning safety and decreased property values. They urged Assembly consideration of addressing future development. Mr. Tesche stated he had inspected the towers and agreed the matter needed to be addressed. To his question, Mr. Gehler responded that Chugach Electric would not respond to their questions. To Ms. Shamberg, Mr. Gehler responded that Chugach had communicated with the community councils in the 1990's. To Mr. Stout, Mayor Begich responded that residents had complained about the towers in the early 1990's. This was a matter that may be addressed with Title 21. Mr. Birch requested verification of the meetings between Chugach and the community councils. Mr. Bauer requested a worksession be scheduled, with Chugach Electric invited, to give an update and their current plans for future electrical transmission lines.

**13. CONTINUED PUBLIC HEARINGS**

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

1. Information Memorandum No. AIM 3-2006.

2. Ordinance No. AO 2005-163(S), an ordinance of the Municipal Assembly amending Anchorage Municipal Code Chapter 21.47, Sign Standards, regulating nonconforming signs 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.

4. Information Memorandum No. AIM 41-2006. (*Continued from 1-10-06, 2-28-06 & 3-28-06*)

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

3  
4 RAY AMSDEN, Anchorage School District (ASD) Facilities Maintenance Director, presented photos and testified there  
5 were many school signs out of compliance and estimated the costs for upgrades to be \$100,000. To Mr. Traini, he  
6 responded that temporary signs and banners helped recruit bus drivers and kitchen staff. Mr. Birch stated that he would  
7 consider grandfathering rights for the ASD. To Mr. Coffey, Mr. Amsden responded the ASD was requesting continued use  
8 of the existing signs until significant improvements were needed, caused by age or deterioration, in order to save money.

9  
10 MORRY HOLLOWELL, with Yukon Equipment, presented photos of their store signs. He testified that their store had  
11 made many changes to their signs over the years and they blended into the community. To Mr. Sullivan, he urged  
12 consideration of grandfathering rights and for better enforcement for those who did not conform.

13  
14 MARY FAIRBANKS, representing Dimond Center, testified there were over 100 signs at the Center that needed to be  
15 changed out. To Mr. Sullivan, Ms. Fairbanks responded it would cost over \$500,000. Mr. Tesche requested the  
16 details of those costs, within the next ten days. Ms. Fairbanks concurred.

17  
18 MARTEN MARTENSEN, with Continental Auto Group, testified that government should not regulate what businesses  
19 use for advertisement. He urged consideration of allowing balloons, which they traditionally used. Mr. Sullivan  
20 responded that his new AO 2005-163(S-1) made allowances for banners and balloons, if they were kept in like-new  
21 condition. To Ms. Shamberg, Mr. Martensen responded they had 6-7 large events per year and used manufacturer-  
22 issued signs. They added balloons to create a carnival-like atmosphere, which was very important for retail sales. To  
23 Mr. Coffey, Mr. Martensen responded that they used tethered balloons, like from a birthday party. To Ms. Jennings, he  
24 responded that while his business didn't use larger balloons, they were important to other retail businesses.

25  
26 DIRK SISSON, former member of Citizen's Task Force, opposed any changes to the original sign ordinance. He  
27 opposed grandfathering rights and wanted conformed standards to enhance the community and promoted economic  
28 growth. To Ms. Jennings, he responded it would cost about \$5000 to change his business sign.

29  
30 TOM MEACHAM, a small business owner, supported freedom for businesses to have the choice of signs without  
31 restrictions, if the signs were not visible from public roads or sidewalks. He opposed grandfathering rights and  
32 supported an amortization period for business owners to meet new standards.

33  
34 FRED ROSENBERG, owner of Red Robin Restaurants, testified that his business had made many changes to meet  
35 compliance standards. He supported grandfathering rights for signs that were legal when originally constructed. The  
36 taking of signs was considered condemnation and required compensation, which would require substantial  
37 reimbursement by the city, in excess of \$100,000,000 to \$150,000,000, based on the city's most recent economic  
38 impact statement submitted to the Assembly. To Mr. Sullivan, Mr. Rosenberg responded that there was a trend in  
39 court cases across the nation, protecting businesses from being forced to change signs, with consequences to the  
40 cities.

41  
42 MARGARET R. WOLFE opposed the changes to the ordinance. Pole signs and flashing signs were dangerous. She  
43 supported amortization. To Mr. Sullivan, she responded that a consultant had indicated that 80% of the tall pole signs  
44 needed repair. Mr. Sullivan stated that his new ordinance required compliance, when repairs were needed.

45  
46 ANDRE CAMARA supported the original ordinance, protecting property values and aesthetics and promoting  
47 economic well-being to the community. The ASD could appeal, to maintain their signs.

48  
49 ED LARRIVEE II opposed any sign regulations. He quoted the First Amendment of the U.S. Constitution, concerning  
50 personal rights and freedom of speech.

51  
52 AKIS GIALOPSOS, owner of Little Italy Restaurant, opposed new sign standards. It would cost \$16,000 to replace  
53 their pole sign and he requested grandfathering rights. He was worried about laying off employees. Mr. Sullivan  
54 thanked him for his very compelling testimony.

55  
56 RICK MORRISON, owner of Morrison Auto Group, supported creating a more attractive city, but he opposed the new  
57 changes. Costs versus benefits were important to consider. To Mr. Sullivan, he responded that removal of the  
58 banners at the Dimond Center had caused sales to drop 30-40%. To Mr. Stout, he responded it was becoming more  
59 difficult to do business in Anchorage. It would cost him \$20,000 to lower his Volkswagen pole sign ten feet. To Mr.  
60 Tesche, he responded that Portland consultants and the Chamber of Commerce had quoted a \$2,000,000 cost for  
61 businesses to conform, with an estimated 90% of the signs impacted. Mr. Tesche urged him to collect that information  
62 from the consultants. To Mr. Traini, he responded that the National Automobile Dealers Association did not  
63 understand the gains of a strict sign ordinance.

64  
65 BUTCH ALLAN opposed changes in the original ordinance. Grandfathering rights were unfair. To Mr. Sullivan, he  
66 responded that he understood that the new ordinance required compliance when sign repairs or change-outs occurred.

67  
68 KAY WITHERS, with Cal Worthington Ford, opposed any changes to their signs. She urged consideration of  
69 grandfather rights for their signs and she supported the Sullivan Ordinance.

70  
71 DEANNA SLACK, with Mercedes Benz, supported the Sullivan Ordinance and opposed the burden of costs to  
72 businesses. She supported grandfathering rights.

73  
74 MARK BUTLER supported the 10-year allowance for pole sign compliance. He opposed wrapping pole signs and  
75 opposed using balloons. To Mr. Sullivan, he suggested creating one compliance date for all signs.

76  
77 INA FEIST, with Cal Worthington Ford, testified they had three signs out of compliance, which would create a  
78 substantial burden of cost to change. She supported grandfathering rights.



MARGARET AUTH supported the sign ordinance, with uniform compliance, to reduce clutter and promote community aesthetics. Mr. Sullivan responded that he proposed that any signs that were 50% out of compliance would be allowed an amortization schedule, requiring compliance within ten years.

ROBERT AUTH, past Spenard Community Council President, supported the original ordinance. To Mr. Coffey, he responded that he supported a ten-year compliance date. He urged use of enforcement for non-compliance.

GEORGE VAKALIS, member of the Chamber of Commerce Board of Directors, representing 1200 business and 55,000 employees, supported the quality of life created by business economics in a community. There were many businesses that were burdened by the ordinance. He supported the Sullivan Ordinance. He asked supporters to stand, and a majority of the audience stood to show their support.

GAYLE HINNAMAN supported the original ordinance and opposed the Sullivan Ordinance. Anchorage businesses just needed to make the changes. She urged consideration of time allowances for changes needed for pole signs.

SUSAN KLEIN opposed the Sullivan Ordinance. Grandfathering was not fair. Aesthetics in the city were important.

STEVE FLORY supported the Sullivan Ordinance and grandfathering rights. It was unfair to force businesses to make expensive changes.

JOHN TODD, with Glacier Sign and Lighting, supported the Sullivan Ordinance.

JERRY KEN, a local business owner with four signs that were in compliance, opposed special allowances and supported the original ordinance. He showed photographs of out-of-compliance signs in the city.

NICK GIALOPSOS, with Romano's Restaurant, supported the Sullivan Ordinance and opposed the mandatory changes, because of the costs to businesses. To Mr. Sullivan, he responded the cost to bring their signs to compliance had been \$52,000. He responded that the city had cross-walk signs that were out of compliance.

KURT ALDER, owner of Triple-A Subaru with fourteen employees, supported the Sullivan Ordinance and he complained of the burden of cost to small businesses.

RONALD JORDAN, with Taku/Campbell Community Council, supported the Sullivan Ordinance and supported the use of banners and balloons because it was good for business competition.

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

Mr. Sullivan moved,	<i>to postpone</i> AO 2005-163, AO 2005-163(S) and AO 2005-
Ms. Jennings seconded,	163(S-1) to May 2, 2006, with a worksession scheduled for
and this was approved without objection.	April 28, 2006, from 12:00 to 1:00 p.m.,

Ms. Jennings requested that the worksession include a review by Legal on the taking issue.

To Chair Fairclough, Municipal Attorney Fred Boness concurred that he would be involved with the worksession. Chair Fairclough requested that Mr. Sullivan chair that worksession. Mr. Sullivan concurred.

13.B. 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 7<sup>th</sup> Avenue (Calypso) (Case 2006-025); Planning Department.

1. Assembly Memorandum No. AM 181-2006. (*Continued from 3-28-06*)

Chair Fairclough stated this item would be continued to April 18<sup>th</sup>, to be taken up with the liquor license transfer. Persons wanting to speak to this matter would be allowed to testify once.

Mr. Coffey declared a conflict of interest with this matter. While he was no longer a partner with his law firm, the matter concerning the Calypso had been addressed by his office when he was still an attorney of the firm.

Mr. Birch put the Question,	"Does Mr. Coffey have a substantial financial interest
	in the matter before the Assembly?"

Chair Fairclough ruled that Mr. Coffey did have a conflict of interest and ordered him to abstain from participation.

Chair Fairclough declared a possible conflict of interest and explained that her mother was heir to the property located next to the Calypso development.

Municipal Clerk Barbara Gruenstein stated that a majority vote of 6 was needed to pass. Assembly Counsel Julia Tucker concurred.

Mr. Birch put the Question,	"Does Chair Fairclough have a substantial financial interest
and this failed, 5-4,	in the matter before the Assembly?"
and this motion was later reconsidered.	

AYES: Tesche, Shamberg, Ossiander, Traini and Jennings.

NAYES: Sullivan, Birch, Stout and Bauer.

ABSTAIN: Coffey and Fairclough.

Mr. Tesche questioned that Mr. Sullivan may have a possible conflict of interest.

Mr. Traini put the Question,	"Does Mr. Sullivan have a substantial financial interest
and Chair Fairclough ruled he did not.	in the matter before the Assembly?"

To Chair Fairclough, Mr. Sullivan responded that he was involved with a liquor license conditional use for downtown and would leave the decision of his having a conflict of interest to his colleagues. Chair Fairclough ruled that he did not have a conflict of interest and ordered him to participate with the matter before the Assembly. This was approved with one objection.

To Mr. Traini, Chair Fairclough responded there was an appearance of a conflict of interest for her, because she was heir to her mother's estate, involving the property next to the Calypso. Mr. Stout requested that the Question be restated.

Mr. Traini and Mr. Tesche concurred that Chair Fairclough had a conflict of interest, and would be YES-votes.

Mr. Traini put the Question,	"Does Chair Fairclough have a substantial financial interest
and this motion was passed unanimously.	in the matter before the Assembly?"

AYES: Tesche, Shamberg, Osslander, Sullivan, Birch, Stout, Bauer, Traini and Jennings.

NAYES: None.

ABSTAIN: Coffey and Fairclough.

Acting Chair Traini read the ordinance title and opened Public Hearing.

MINA JACOBS, Assistant to Bishop Nikolai and Director of the Russian Orthodox Museum, opposed approval of the Calypso liquor license. In 2003 Saint Tikhon had purchased the building, located next to the proposed Calypso location. The parish had held worship services there for the past three years, along with all other activities associated with the church. During their Holy Week there were fourteen services scheduled. To Ms. Jennings, she responded the Russian Orthodox parish normally had three services a week. To Mr. Tesche, she explained the church's many meetings and worship services.

ARCHPRIEST PAUL MERCULIEF explained the various services and feasts in their church. Their Holy Week was celebrated the following week and they would use the cathedral and the two chapels to accommodate the services.

Mr. Birch stated this was a practicing and established church and there was certainly a conflict of interest. The Calypso liquor license should never have been considered because of the location, adjacent to a church. Municipal Attorney Fred Boness responded that the new information clearly contradicted the original research and the new information indicated it was a church, under state law. Mr. Birch stated that the liquor license should never have been considered for a location next to a church.

To Mr. Traini, ARCHIMANDRITE ISIDORE responded the church owned the property and maintained tax-exempt status, for a portion of the building that was used as a church.

Mayor Begich stated that if this was a church with regular services, a liquor license could not be issued for this location.

Mr. Boness stated that it appeared the church would qualify under state law, as an established church with regular worship services.

Planning and Zoning Administrator Jerry Weaver stated there was less than the allowed 200 feet, measuring from the door of the church to the door of the proposed liquor establishment.

To Mr. Tesche, Father Isidore responded the building had a gold-plated brass cupola with a three-barred cross and had visible signs at both ends of the building identifying it as Russian Orthodox. There was one sign with the parish name and worship times. The church had its own website and the parish was listed in the phone book.

Mr. Birch moved,	<i>to postpone [indefinitely] AR 2006-67, to April 18, 2006,</i>
Mr. Stout seconded,	
and this was later amended,	

To Ms. Jennings, Father Isidore responded their church was never given notification of the proposed liquor license.

Mr. Sullivan stated the 200-foot limit from door-to-door was a state requirement and he proposed to return the matter to the State of Alaska Alcohol Beverage Control (ABC) Board, to give them the opportunity to review a license at this location. Mr. Weaver concurred.

Mr. Boness stated the matter before the Assembly was the question of the conditional use permit. He advised that the matter be returned to the ABC Board.

Mr. Sullivan proposed to return it to the ABC Board and postpone Assembly action until the 18<sup>th</sup>, when the license transfer would be considered by the Assembly. Mr. Birch accepted this as a friendly amendment with the concurrence of the second.

and the motion, as amended, was approved unanimously,  
with Fairclough and Coffey abstaining.

(Clerk's Note: Mr. Coffey left and was an excused absence for the reminder of the Assembly Meeting.)

- 13.C. 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. *(Carried Over from 3-28-06)*

Chair Fairclough read the resolution and memorandum titles of Agenda items 13.C and 13.D, and opened Combined Public Hearing.

THOMAS PURCELL, with Alaska Wild Berry Products, testified in support of the beer and wine license and conditional use permit for the summer season, from Memorial Day to Labor Day. They were currently building a world-class theatre, styled in the image of the Kennecott Mine.

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

Mr. Traini moved, to approve AR 2006-68,  
Ms. Jennings seconded,  
and this was approved, 10-0.

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

NAYES: None.

ABSENT: Coffey, excused.

- 13.D. 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. *(Carried Over from 3-28-06)*

(Clerk's Note: This matter was taken up with Agenda item 13.C, for Combined Public Hearing.)

Mr. Sullivan moved, to approve AM 205-2006,  
Ms. Jennings seconded,  
and this was passed, 10-0.

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

NAYES: None.

ABSENT: Coffey, excused.

- 13.E. 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 80<sup>th</sup> Avenue (Taku/Campbell Community Council) (Planning Case 2006-031); Planning Department.

1. Assembly Memorandum No. AM 183-2006. *(Carried Over from 3-28-06)*

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

Mr. Traini moved, to approve AR 2006-69,  
Ms. Jennings seconded,  
and this was passed, 10-0.

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

NAYES: None.

ABSENT: Coffey, excused.

- 13.F. 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 from 3-28-06)*  
2. Informational Memorandum No. AIM 50-2006, Summary of Economic Effects; Assemblymember Traini. ***(Laid on the Table)***

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

Mr. Traini moved, to approve AR 2006-53,  
Ms. Jennings seconded,

Municipal Manager Denis LeBlanc proposed amendments to dates in the document.

Mr. Traini moved, to amend AR 2006-53, on Page 1, Line 23, *by changing*  
Ms. Jennings seconded, [June 30] to "July 31," 2006; on Page 1, Line 28, *by*

and this was approved without objection. *changing [June 1] to "July 1," 2006; on Page 1, Line 19, by adding "July 31, 2006,"*

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

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

- 13.G. 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 from 3-28-06)*

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

Ms. Ossiander moved, to approve AR 2006-61,  
Mr. Traini seconded,  
and this motion passed, 10-0.

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

- 13.H. 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. *(Carried Over from 3-28-06)*

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

Mr. Sullivan moved, to approve AO 2006-50,  
Ms. Jennings seconded,

Mr. Sullivan stated this ordinance would establish set criteria for the membership of the board. He urged a YES-vote.

To Chair Fairclough, Heritage Land Bank Executive Director Robin Ward responded the Administration was in support.

and the motion passed, 10-0.

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

- 13.I. 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. *(Carried Over from 3-28-06)*

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

Ms. Shamberg moved, to approve AO 2006-45,  
Mr. Traini seconded,

Ms. Shamberg stated this was merely a housekeeping matter, offering clarity to the existing language.

To Ms. Ossiander, Anchorage Police Chief Walt Monegan responded the department supported the ordinance. He encouraged future consideration of offering sectioned-off areas, specifically designed for bicycles in the future. Municipal Manager Denis LeBlanc stated the Administration was in support.

Mr. Tesche supported the improved language.

and this motion passed, 10-0.

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

- 13.J. Ordinance No. AO 2006-39, an ordinance amending Anchorage Municipal Code Chapters 8.25, 14.60 and 25.70 to comply with Alaska Statutes regarding **firearms**; Assemblymember Traini.  
1. Assembly Memorandum No. AM 175-2006.

2. Information Memorandum No. AIM 37-2006. *(Continued from 3-14-06)*

Chair Fairclough read the ordinance title and opened Public Hearing.

GEORGE VAKALIS, Anchorage School District (ASD) Assistant Superintendent, opposed allowing persons 21 years of age or older to have firearms on or near school grounds. There had been injuries resulting from firearms being on school grounds. He cited federal law, which prohibited firearms in a school zone, which was not recognized by the state. He proposed a change to language in Section 3, to offer more restrictions of firearms in vehicles or ammunition near the firearms.

To Chair Fairclough, Municipal Attorney Fred Boness responded that all gun matters were reserved to state law and the Municipality could only adopt ordinances that were identical to state law. No changes could be made.

To Mr. Sullivan, Assistant Superintendent Vakalis responded that the ASD had relied on Municipal Code, which had not allowed firearms on or near school grounds. He requested Assembly consideration of additional restrictions.

Mr. Traini stated that the authority to regulate firearms was reserved to the state. Making changes was not an option.

Ms. Ossiander stated she was aware of the seriousness of guns in the schools. Mr. Vakalis responded that the ASD supported provisions to restrict persons from school grounds who were not attending school functions. Mr. Boness responded that this was not addressed in state law, and could not be added.

To Chair Fairclough, Mr. Boness responded that the matter of ammunition might be addressed and he would research that question.

Mr. Bauer quoted state law on firearms, which would not allow additional restrictions. .

Mr. Traini stated that state law did not include specifics involving Municipal property. Those changes would have to be made by the State Legislature.

Ms. Jennings thanked Mr. Vakalis for his testimony and agreed with his comments and concerns.

Mr. Tesche stated that Mr. Boness and Mr. Bauer were correct. An attempt to create an exception to apply to Anchorage would make any related charge or convictions easily thrown out of court. The remedy was restrictions added by the State Legislature.

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

Mr. Traini moved, to approve AO 2006-39,  
Mr. Bauer seconded,

To Ms. Jennings, Mr. Boness responded the ordinance was created to conform to State Law. Mr. Traini concurred.

and this motion passed, 9-1.

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

NAYES: Jennings.

ABSENT: Coffey, excused.

13.K. 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 from 3-28-06)*

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

Mr. Traini moved, to approve AO 2006-48,  
Mr. Sullivan seconded,

To Ms. Ossiander, Heritage Land Bank Executive Director Robin Ward responded that a new appraisal had been completed that afternoon and would establish the minimum bid price, which included closing costs.

and this motion was passed, 10-0.

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

NAYES: None.

ABSENT: Coffey, excused.

**14. NEW PUBLIC HEARINGS**

14.A. Ordinance No. AO 2006-47, an ordinance adopting the **Crow Creek Area Master Plan** for land in the Girdwood Valley and authorizing an amendment to the Girdwood Area Plan for the Crow Creek neighborhood; Heritage Land Bank.

1. Assembly Memorandum No. AM 160-2006.

Chair Fairclough read the ordinance title and opened Public Hearing.

KATHY FROST, a Girdwood business owner, testified that more research and planning were needed on the Crow Creek Plan, with relationship to the Winter Creek Development Study and the Girdwood Area Plan. To Mr. Birch, she responded that the Girdwood Board of Supervisors had responded to the plan with a non-objection, which was not a true representation of residents' opinions. To Ms. Shamberg, she urged consideration of postponement until all plans were addressed concurrently. To Mr. Sullivan, she responded she was most concerned with high density zoning and preserving the trails.

JAKE THOMSON, homeowner and business owner, testified of his concern with conflicts in zoning, in comparison with the Girdwood Area Plan. There had not been enough time for Girdwood residents to organize in opposition. Cluster housing was out-of-date and should not be considered for this area. To Mr. Birch, he responded the Crow Creek Plan needed to be considered along with the Girdwood Area Plan. He supported the existing neighborhoods, as they were.

CHRIS PERRY opposed increased density. The Crow Creek area was unique and rural and he did not want it resembling the Alyeska Resort area.

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

Ms. Shamberg moved, *to Continue Public Hearing on AO 2006-47 to April 18, 2006,*  
Mr. Sullivan seconded,

Ms. Shamberg stated there was an important Girdwood Land Use meeting that evening and she urged support of postponement until the 18<sup>th</sup>, to allow other Girdwood residents the opportunity to testify on the matter at a later date.

Mr. Birch supported the plan, but would support the motion to continue to the 18<sup>th</sup>. Heritage Land Bank (HLB) Executive Director Robin Ward responded there was a link on their HLB website to review the amended, final 2005 Crow Creek Plan.

Ms. Ossiander stated that many changes in the plan would accommodate private property and protect trailheads. Transportation had been addressed and larger lots were interspersed among the cluster housing. Ms. Ward responded there had been year-long Advisory Committee Meetings, Public Hearings before the Girdwood Board of Supervisors and the Land Use Committee and testimony with the HLB Commission, the Planning and Zoning Commission and the Assembly, which resulted in many changes to the draft.

To Mr. Traini, Mayor Begich responded that the Administration was prepared to move forward on this plan. There were many, differing opinions among Girdwood residents. Ms. Ward responded that Anchorage Water and Wastewater Utility (AWWU) was waiting for approval of the plan, to be able to move forward with their projects.

To Mr. Sullivan, Planning and Zoning Director Tom Nelson responded this involved a normal process of addressing the larger areawide land-use plan and then addressing the more detailed, neighborhood plans. The Crow Creek Plan was basically consistent with the Girdwood Area Plan. Mr. Sullivan stated that the density numbers were significantly lower than the big plan, which indicated the resident's comments had been taken into consideration. Mr. Sullivan would not support postponement.

Chair Fairclough called the Question on the motion to Continue Public Hearing to April 18<sup>th</sup>.

and the motion failed, 2-8,

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

To Ms. Jennings, Ms. Ward responded that the document table included a blank line, where additional open space could be added.

Mr. Sullivan moved, *to approve AO 2006-47,*  
Ms. Jennings seconded,  
and this motion was passed, 10-0.

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

- 14.B. Ordinance No. AO 2006-55, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the **State of Alaska Drinking Water Fund** of an aggregate amount not to exceed \$12,352,000 for the purpose of financing a portion of the costs of various water capital improvement projects in the Municipality, and providing for related matters; Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 216-2006.

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

Mr. Traini moved, *to approve AO 2006-55,*  
Ms. Jennings seconded,  
and this motion was passed, 10-0.

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

- 4  
5 14.C. Resolution No. AR 2006-76, a resolution of the Anchorage Municipal Assembly approving an alcoholic  
6 beverages conditional use in the B-2B (Central Business District – Intermediate) for a beverage  
7 dispensary use per AMC 21.40.160 D.13, for Highwater LLC, dba **McGinley's Alaskan Pub**, located  
8 on Lot 7, Block 69, Original Townsite Subdivision; site address being 645 G Street, Suite 101;  
9 generally located at the northeast corner of West Seventh Avenue and G Street (Downtown  
10 Community Council) (Planning Case 2006-044); Planning Department.  
11 1. Assembly Memorandum No. AM 218-2006.

12  
13 Chair Fairclough ruled that Mr. Sullivan had a conflict of interest with this matter because he was a business partner,  
14 applying for a liquor license conditional use permit (LLC). She ordered him to abstain from participation.

15  
16 Chair Fairclough read the resolution title and opened Public Hearing. There was no public testimony and she closed  
17 Public Hearing and called the Question.

18  
19 Mr. Tesche moved, to approve AR 2006-76,  
20 Mr. Traini seconded,

21  
22 Mr. Tesche supported the resolution and stated the plans were complete for this downtown pub, which would enhance  
23 the location. The applicant had assembled a team of professionals to participate with the business. To his question,  
24 Mr. Sullivan agreed to a prohibition against adult entertainment and nudity in this establishment. Mr. Tesche stated the  
25 Downtown Community Council and the South Addition Community Council had recommended approval of this LLC.  
26 He urged support.

27  
28 To Mr. Traini, Mr. Sullivan responded that parking would be available in the 6<sup>th</sup> Avenue Parking Garage, a proposed  
29 new parking garage north of the Atwood Building, on-street parking and after-hours parking at City Hall.

30  
31 To Ms. Jennings, Mr. Sullivan responded the building was still in the design stage, but they would be complying with all  
32 the listed requirements.

33  
34 and this motion was passed, 9-0.

35  
36 AYES: Tesche, Shamberg, Ossiander, Fairclough, Birch, Stout, Bauer, Traini and Jennings.  
37 NAYES: None.  
38 ABSTAIN: Sullivan.  
39 ABSENT: Coffey, excused.

- 40  
41 14.D. 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.  
44 1. Assembly Memorandum No. AM 185-2006.  
45 2. Informational Memorandum No. AIM 49-2006, summary of economic effects;  
46 Assemblymember Shamberg. (**Laid on the Table**)

47  
48 Chair Fairclough read the ordinance title and opened Public Hearing.

49  
50 Ms. Shamberg moved, to approve AO 2006-52,  
51 Ms. Ossiander seconded,

52  
53 To Ms. Ossiander, Mayor Begich responded that the Administration was in support.

54  
55 and this motion was passed, 10-0.

56  
57 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Birch, Stout, Bauer, Traini and Jennings.  
58 NAYES: None.  
59 ABSENT: Coffey, excused.

- 60  
61 14.E. Ordinance No. AO 2006-53, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
62 Municipal Code Section 7.25.035, Disposition of Unclaimed Disposable Property, to **permit the**  
63 **Purchasing Officer to dispose of firearms to the public**; Assemblymember Traini.  
64 1. Assembly Memorandum No. AM 217-2006. (*Carried Over to April 18, 2006.*)

65  
66 Chair Fairclough read the ordinance title and opened Public Hearing.

67  
68 RONALD ALLEVA, a 21-year, professional auctioneer, testified that selling firearms to the public would create a  
69 liability risk, without certainty of the gun's safety. All firearms needed to be inspected by professionals and only  
70 dealers with Federal Firearms Licenses (FFC) should be used for selling. To Mr. Tesche, Mr. Alleva responded that  
71 licensed dealers could list the Municipality as an extra-insured, providing the city protection from lawsuits.

72  
73 KIM BOWMAN testified that the city should not be in the gun-selling business. He opposed the Municipality selling  
74 guns to private individuals and he supported guns being sold to dealers, who were licensed and insured.

75  
76 (*Clerk's Note: With no more time remaining, the Assembly Meeting was adjourned promptly at 11:00 p.m. and this*  
77 *item was Carried Over to April 18, 2006.*)  
78

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

Chair Fairclough announced that the current score of the Aces-versus-Utah hockey game, was 2-1, in favor of the Anchorage Aces Hockey Team.

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 16, 2006.  
MC/BG

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