MUNICIPALITY OF ANCHORAGE ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of September 12, 2006

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Sullivan at 5:01 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, Paul Bauer, Anna Fairclough, Dan Sullivan, Debbie Ossiander, Dan

Coffey, Ken Stout, Dick Traini and Pamela Jennings.

ABSENT: Chris Birch, excused.

- 3. PLEDGE OF ALLEGIANCE Assemblymember Traini led the pledge.
- 4. MINUTES OF PREVIOUS MEETINGS None.

5. MAYOR'S REPORT

Mayor Begich reported on the study for the Anchorage Weekend Market and distributed the summary. The study conducted by the Municipal Project for Public Spaces, included recommendations, following thorough research, review and commentary of vendors, downtown businesses and consumers. He reported the preliminary revenue forecast had been distributed, which included summaries of property tax relief and proposals for use of the State grant money and amounts of anticipated grant money for 2007. Mayor Begich reported that Anchorage would be hosting a group of forty mayors from cities across the nation for a climate change conference in Girdwood, scheduled for Saturday through Monday. The Administration's goal was to have this group see what Alaska was all about and that Anchorage was a very metropolitan city with a unique and attractive environment.

Mayor Begich introduced newly appointed members to the Health and Human Services Commission, including Larry Weiss, George Conway, Joel Wieman, Ronald Hale and Jim Pfeiffer.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS

Mr. Stout reported the draft of the *(revised)* Ethic Code had been distributed to Assemblymembers, the Anchorage School District Administration, the Ethics Board, the Administration and the Law Department for review and comments. An Assembly Worksession was scheduled for September 15th, from 12:30 to 2:30 p.m. in the Assembly Conference Room on this matter.

Mr. Coffey reported on a meeting that he had attended with Mayor Begich, Planning Department staff and the Real Estate Task Force, discussing the Title 21 review process. Through a competitive bid process, an economic impact analysis would be completed, to determine costs and benefits to the community. The next meeting on this matter was scheduled for September 21st at 2:00 p.m. in the Mayor's Conference Room.

Ms. Ossiander announced there were meetings scheduled for September 13th at Homestead Elementary School and on September 14th at Mirror Lake Elementary School, with Public Hearing on the Chugiak/Eagle River Long Range Transportation Plan. On September 18th, the Planning and Zoning Commission would meet at Gruening Middle School, taking action on the Chugiak/Eagle River Comprehension Plan and holding a Public Hearing on the Chugiak/Eagle River Long Range Transportation Plan.

Municipal Clerk Barbara Gruenstein announced a Joint Meeting with the Assembly and the Anchorage School Board was scheduled for September 15th at the Anchorage School District Administrative Offices.

To Ms. Fairclough, Mayor Begich responded that the all gubernatorial candidates had made clear their desire to reinstate State revenue sharing with the municipalities. The Administration was confident of the additional \$22 million, if introduced by the new governor to the Legislature. The projected 2007 budget included this anticipated revenue.

8. ADDENDUM TO AGENDA

Chair Sullivan called for a motion and read the Addendum items. He called for additional items and there being none, he called for a vote to incorporate the Addendum items into the Consent Agenda.

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

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

NAYES: None.
ABSENT: Birch, excused.

Chair Sullivan called the Question on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda,

Mr. Traini seconded,

Chair Sullivan 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 2006-226, a resolution of the Anchorage Municipal Assembly honoring **Mr. Whitekeys** and the Fly By Night Club; Mayor Begich; Assemblymembers Sullivan, Fairclough, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Stout, Tesche and Traini.

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

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2006-228, a resolution of the Municipality of Anchorage appropriating \$22,000 from Mt. Park/Robin Hill Estates Limited Road Service Area (LRSA) Fund Balance (Fund 118) to Mt. ark/Robin Hill LRSA BY2006 Operating Budget (Fund 118) for summer work projects and year round maintenance services within Mt. Park/Robin Hill LRSA; Maintenance and Operations Department. a. Assembly Memorandum No. AM 633-2006.
- 9.B.2. Resolution No. AR 2006-230, a resolution of the Municipality of Anchorage appropriating the sum of \$14,470 from the State of Alaska, Department of Transportation & Public Facilities and \$270 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 this Impaired Driving Holiday Blitz Enforcement Program; Anchorage Police Department.
 a. Assembly Memorandum No. AM 637-2006.
- 9.B.3. Resolution No. AR 2006-231, a resolution of the Municipality of Anchorage appropriating the sum of \$10,000 from the Alaska Mental Health Trust Authority and \$190 as a contribution from the 2006 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the Miscellaneous Grants Fund (261) Anchorage Police Department, for this Crisis Intervention Team Training Conference program grant; Anchorage Police Department.
 - Assembly Memorandum No. AM 638-2006.
- 9.B.4. Resolution No. AR 2006-232, a resolution of the Anchorage Assembly supporting the revised planning schedule for the **Title 21 Rewrite Project**; Planning Department.
 - a. Assembly Memorandum No. AM 643-2006.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.B.4)

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 632-2006, recommendation of award to Mainline Information Systems, Inc. (Mainline) for furnishing an **IBM System z9 Business Class Mainframe Server** with associated hardware, software and services to the Municipality of Anchorage, Information Technology Department (ITB 26-B026) (\$580,675); Purchasing.
- 9.C.2. <u>Assembly Memorandum No. AM 646-2006</u>, recommendation of award to Annette's Trucking, Inc. for the **Northeast Anchorage Water Improvements**, **Phases 2 and 3 Project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 26-C061) (\$737,965); Purchasing. (Addendum)
- 9.C.3. Assembly Memorandum No. AM 647-2006, recommendation of award to Alaska Pollution Control, Inc. for providing year round road maintenance services in the **Glen Alps Service Area** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B059) (\$500,000); Purchasing. (Addendum)

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.C.3)

9.D. NEW BUSINESS

- 9.D.1. <u>Assembly Memorandum No. AM 639-2006</u>, **Health and Human Services Commission** appointments (George Conway, Ronald Hale, Jim Pfeiffer, Joel Wieman, and Larry Weiss); Mayor's Office.
- 9.D.2. <u>Assembly Memorandum No. AM 640-2006</u>, **Urban Design Commission** appointments (Peter Briggs, Mark Kimerer); Mayor's Office.
- Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.D.2)
 - 9.D.3. <u>Assembly Memorandum No. AM 641-2006</u>, **Police and Fire Retiree Medical Pre-Funding Investment Board** appointment (Charles Laird); Mayor's Office.
 - 9.D.4. <u>Assembly Memorandum No. AM 645-2006</u>, Game On, LLC "**Players House of Rock**" #2097 Transfer of Ownership of a Beverage Dispensary Liquor License (Spenard Community Council); Clerk's Office.

- 9.D.5. Assembly Memorandum No. AM 635-2006, approval of Amendment No. 3 to Alyeska Land Services, LLC contract (PO No. 250780) increasing the contract amount by \$12,784.89 for a contract amount Not-To-Exceed (NTE) \$155,388.41 for the BY2006 summer work program and year round maintenance series within Mt. Park/Robin Hill Limited Road Service Area (LRSA) on an "as required" basis; Maintenance and Operations Department.
- Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.D.5)
 - 9.D.6. <u>Assembly Memorandum No. AM 636-2006</u>, Change Order No. 1 to Vendor Contract 26MLP033 with Alaska Roteq to provide **Original Equipment Manufactured (OEM) products** on an "as required" basis to the Municipality of Anchorage, Municipal Light & Power Utility (ML&P) (\$50,000), Purchasing.
 - 9.D.7. <u>Assembly Memorandum No. AM 648-2006</u>, recommendation of awards to various contractors for providing professional **engineering services** on an "as required" basis to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 26-P026) (\$3,690,000); Purchasing. *(Addendum)*
 - 9.D.8. Assembly Memorandum No. AM 649-2006, recommendation of award to CRW Engineering Group for providing professional engineering services for **G-H Alley 10th-13th Water Upgrade Project** for the Municipality of Anchorage, AWWU (RFP 26-P032, Project E) (\$605,000); Purchasing. *(Addendum)*
- Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.D.8)
 - 9.D.9. <u>Assembly Memorandum No. AM 650-2006</u>, recommendation of award of a non-competitive purchase of **computer software and maintenance services** from Group 1 Solutions Inc. for the Municipality of Anchorage, Anchorage Fire Department (\$77,370); Purchasing. *(Addendum)*
 - 9.D.10. <u>Assembly Memorandum No. AM 651-2006</u>, Change Order No. 1 to Purchase Order No. 260344 with Alaska Glazing, Inc. for **additional work at Z. J. Loussac Library** for the Municipality of Anchorage, Maintenance and Operations Department (\$23,612); Purchasing. *(Addendum)*
 - 9.D.11. <u>Assembly Memorandum No. AM 652-2006</u>, Change Order No. 1 to Purchase Order 260811 to Construction Machinery LLC to provide an additional **motor grader** to the Municipality of Anchorage, Merrill Field Airport (\$266,086); Purchasing. *(Addendum)*
 - 9.D.12. <u>Assembly Memorandum No. AM 653-2006</u>, Change Order No. 3 to Purchase Order 254050 with EES Consulting, Inc. for providing **Engineer-of-Record services** for the Municipality of Anchorage, Municipal Light & Power (\$75,000); Purchasing. *(Addendum)*

9.E. INFORMATION AND REPORTS

9.E.1. <u>Information Memorandum No. AIM 100-2006</u>, notice of award to Seacoast Construction, Inc. for **Traffic Calming 2006 Improvements** for the Municipality of Anchorage, Project Management & Engineering (ITB 26-C063) (\$1,016,678); Purchasing.

Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2006-127, an ordinance of the Municipality of Anchorage authorizing the sale of a 10,758 square foot parcel owned by the Municipality of Anchorage (MOA) and under Anchorage Water and Wastewater Utility (AWWU) management, legally described in Appendix A, for a minimum fair market value, plus costs; Real Estate Services. (Public Hearing 9-26-06) a. Assembly Memorandum No. AM 631-2006.
- 9.F.2. Ordinance No. AO 2006-128, an ordinance amending Anchorage Municipal Code Title 4 and Title 5, to rename the Standing Committee on the Promotion of Tolerance and Diversity as the Anchorage Community Diversity Advisory Commission, and to provide staff support for the new commission from the Office of Equal Opportunity; Equal Rights Commission. (Public Hearing 9-26-06)
 a. Assembly Memorandum No. AM 642-2006.
- 9.F.3. Resolution No. AR 2006-227, a resolution of the Municipality of Anchorage re-appropriating \$200,000 of Alaska Legislative Senate Bill 231 Grant Funds, from the Anchorage Roads and Drainage Service Area Capital Improvement Fund (441), to the Project Management & Engineering Department's Areawide General Capital Improvement Fund (401), for the Lower Fire Lake Dam Rehabilitation Project; Project Management & Engineering. (Public Hearing 9-26-06)
 a. Assembly Memorandum No. AM 630-2006.
- 9.F.4. Resolution No. AR 2006-229, a resolution of the Municipality of Anchorage, Alaska accepting and appropriating a State of Alaska Clean Water Fund loan offer increase in the amount of \$1,000,000 for financing a portion of the costs of the **AWWU Operations Facility Phase III Project**; Anchorage Water & Wastewater Utility. (Public Hearing 9-26-06)
 - a. Assembly Memorandum No. AM 634-2006.

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

and this motion, as amended, was passed.

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

NAYES: None.

ABSENT: Birch, excused.

The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items.

END OF CONSENT AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. <u>Resolution No. AR 2006-226</u>, a resolution of the Anchorage Municipal Assembly honoring **Mr. Whitekeys** and the Fly By Night Club; Mayor Begich; Assemblymembers Sullivan, Fairclough, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Stout, Tesche and Traini.

Mr. Tesche moved,

to approve AR 2006-226,

Ms. Jennings seconded,

and this was approved without objection.

Mr. Tesche read and Chair Sullivan presented the resolution to Mr. Whitekeys, (*Douglas Haggar*) humorously honoring him for his 30 years as an entertainer at the Fly By Night Club in Downtown Spenard. Mr. Whitekeys in his unique comedic style, thanked the Assembly for the honor, from the bottom of his "sleazy little heart." He reported that at his last Whale Fat Follies performance on September 8th, Mayor Begich had proclaimed September 8th as Mr. Whitekeys' Day and presented to him a key, which turned out to be, not a key to the City of Anchorage, but to Duluth, Georgia. Mr. Whitekeys accommodated Chair Sullivan's request to perform one last tune. His commemorative tune was a unique and witty satiric review of politics and government, focusing on the Assembly.

Ms. Jennings thanked Mr. Whitekeys for his years of fun and comedy and stated it would be difficult to find similar entertainment for their out-of-town guests. He would be missed.

Ms. Shamberg thanked Mr. Whitekeys for his wonderful entertainment and for carefully not humiliating Assemblymembers too badly.

10.B. RESOLUTIONS FOR ACTION - OTHER

- 10.B.4. <u>Resolution No. AR 2006-232</u>, a resolution of the Anchorage Assembly supporting the revised planning schedule for the **Title 21 Rewrite Project**; Planning Department.
 - Assembly Memorandum No. AM 643-2006.

Mr. Coffey moved,

to approve AR 2006-232,

Mr. Stout seconded,

Mr. Coffey summarized the work that had gone into the Title 21 Rewrite and explained it would be difficult to meet any timelines of completion because of the scope of the project. There had been no provisions for economic analysis for this project. There had been no study of the costs or benefits to determine impacts to property owners or the city. There were chapters that offered new clarity and held little or no controversy and could be adopted. He, Ms. Ossiander and Ms. Jennings, had served on the Title 21 Review Committee and along with the Administration, proposed a new Fall 2007 timeline to complete the rewrite, which would allow time to deal with conflicts to Municipal Code, complete an economic impact analysis and generate additional interest and response. To Ms. Shamberg, Mr. Coffey responded the chapters could be approved, but they would not become effective until the entire process was complete. Mayor Begich responded that Chapters 9 and 11, concerning Girdwood and the Sign Standards, had already been completed. After all chapters were accepted, there could be one final housekeeping ordinance that would clean-up the document and allow for consistency throughout the document.

Ms. Shamberg stated that when working separately on different chapters the necessary references could be confusing and incomplete. She proposed an amendment to clarify that the 2020 Plan worked together with the Title 21 Plan and the Comprehensive Plan.

Ms. Shamberg moved, Mr. Tesche seconded, and this motion was later withdrawn. to amend AR 2006-232 on Page 1, Line 7, by adding to read, "WHEREAS the purpose of the code rewrite is "to implement the Anchorage 2020 Comprehensive Plan and to eliminate conflicting requirements;" to modernize the land use regulations to include new development techniques and design standards; to make the code more useable and easier to understand' and to implement recently adopted plan and policies; and;

Ms. Ossiander opposed. Title 21 was broader than what was covered in the Anchorage 2020 Plan, which was a comprehensive master plan for the Anchorage Bowl area, but not for Girdwood or Chugiak-Eagle River. The amendment would create limitations and it was important to maintain flexibility.

Mayor Begich stated the amendment created restrictions. Chapters could be debated individually. The Comprehensive Plan was designed to continually evolve, based on conditions, time and change. Ms. Shamberg withdrew her motion, with the concurrence of Mr. Tesche.

Ms. Fairclough proposed to amend, to allow the text to be studied as a whole, instead of by individual chapters.

Ms. Fairclough moved, and this died for a lack of a second.

to amend AR 2006-232 on Page 1, Lines 14-15, to read, [WHEREAS, the adoption of the code in sections will be more manageable for the public and the decision-makers; and]

Ms. Fairclough stated she would not support a segmented plan because it would lack consistency. She stated the public had been promised a deadline. The plan now would go on and on and would swerve from the original intent and this was a disservice to the community.

Mr. Tesche stated a constituent had requested action on this resolution be withheld, pending further, formal review by the Federation of Community Councils (FCC). Mayor Begich responded that the FCC had been and would continue to be part of the process and urged the process to move forward. Mr. Tesche urged approval of the resolution. He

requested that the Planning Department encourage the FCC to appoint a liaison to the Municipality, to receive input, advice and periodic updates on the project and to report to the community councils.

Ms. Ossiander stated that because of the volume and complexity of the material involved with the project, it was difficult for a citizen to understand the interrelated pieces to be able to comment. The project should continue to move forward, incrementally, as long as final action would be deferred until the entire project was completed. She concurred with the importance of FCC and community council involvement and was pleased that many councils had active Title 21 Committees. They were moving in the right direction and she would continue to be involved in the process. She urged a YES-vote.

Mr. Coffey moved, Ms. Fairclough seconded, and this was later amended, and again, amended, and approved without objection. to amend AR 2006-232 on Page 1, Line 29, by adding a new Section [3] 2, to read, "[3] 2) Commencing in November, 2006, and every sixty (60) days thereafter, planning department staff shall submit a written report to the Assembly as to the status of the Title 21 code re-write." and by renumbering Section 2 to be Section 3;

Mr. Coffey stated that updates would make certain people were better informed and that the process stayed on track. Chair Sullivan and Mayor Begich made recommendations of creating a new Section 2 for the Coffey Amendment and specifying the report to the Assembly be in writing, which were accepted as friendly amendments by Mr. Coffey and Ms. Fairclough. Mr. Traini concurred. Mayor Begich responded that the Administration would provide a written memorandum every sixty days.

Ms. Ossiander requested that weekly Assembly Committee Meetings be reinstated, so members could be kept informed of the changes to the draft.

Ms. Fairclough stated that Ms. Ossiander, Mr. Coffey and Ms. Jennings needed to be appreciated for their involvement with this process. She thanked the Administration for their efforts to make the document easy to understand. She opposed the delay in finalizing the document.

Mr. Coffey stated it had been difficult to predict legal ramifications and it was important to complete an economic impact analysis. While he had originally hoped the rewrite would be completed by now, it was important to see it through to the end.

and the main motion, as amended, was passed.

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

NAYES: Fairclough. ABSENT: Birch, excused.

10.C. BID AWARDS

10.C.3. <u>Assembly Memorandum No. AM 647-2006</u>, recommendation of award to Alaska Pollution Control, Inc. for providing year round road maintenance services in the **Glen Alps Service Area** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B059) (\$500,000); Purchasing. (Addendum)

Ms. Fairclough moved, to approve AM 647-2006,

Ms. Jennings seconded,

To Ms. Fairclough, Purchasing Officer Bart Mauldin responded that the contract amount included estimated costs, which would vary, depending upon the amount of maintenance and snow removal required during the winter. This cost was a typical amount for the Glen Alps road maintenance services budget. The contract amount would cover costs for the remainder of 2006 and all of 2007.

and this motion was passed without objection.

10.D. NEW BUSINESS

10.D.2. <u>Assembly Memorandum No. AM 640-2006</u>, **Urban Design Commission** appointments (Peter Briggs, Mark Kimerer); Mayor's Office. *(Postponed to 9-26-06)*

Ms. Fairclough moved, to approve AM 640-2006,

Ms. Jennings seconded,

Ms. Fairclough moved, to postpone AM 640-2006 until September 26, 2006, to Ms. Jennings seconded, and this was approved without objection. to postpone AM 640-2006 until September 26, 2006, to permit a 10-day public comment period pursuant to Anchorage Municipal Code,

10.D.5. <u>Assembly Memorandum No. AM 635-2006</u>, approval of Amendment No. 3 to Alyeska Land Services, LLC contract (PO No. 250780) increasing the contract amount by \$12,784.89 for a contract amount Not-To-Exceed (NTE) \$155,388.41 for the BY2006 summer work program and year round maintenance series within **Mt. Park/Robin Hill Limited Road Service Area** (LRSA) on an "as required" basis; Maintenance and Operations Department.

Ms. Fairclough moved, to approve AM 635-2006,

Ms. Jennings seconded,

Ms. Fairclough stated there were conflicting amounts on the two documents concerning the Mt. Park/Robin Hill Limited Road Service Area *(LRSA)*. Office of Management and Budget Director Janet Mitson responded the first item included the \$22,000, which was the anticipated amount needed for expenses for the remainder of 2006.

and this motion was approved without objection.

10.D.8. <u>Assembly Memorandum No. AM 649-2006</u>, recommendation of award to CRW Engineering Group for providing professional engineering services for **G-H Alley 10th-13th Water Upgrade Project** for the Municipality of Anchorage, AWWU (RFP 26-P032, Project E) (\$605,000); Purchasing. *(Addendum)*

Mr. Tesche declared a potential conflict of interest, because this project involved improvements to the alley behind his home. Chair Sullivan stated that these improvements would potentially add value to his home and he ruled that Mr. Tesche did have a conflict of interest and ordered that he abstain from participation with this matter. There were no objections.

Ms. Ossiander moved,

to approve AM 649-2006,

Ms. Fairclough seconded,

and this was approved without objection,

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

NAYES: None. ABSTAIN: Tesche

ABSENT: Birch, excused.

10.E. INFORMATION AND REPORTS

10.E.1. <u>Information Memorandum No. AIM 100-2006</u>, notice of award to Seacoast Construction, Inc. for **Traffic Calming 2006 Improvements** for the Municipality of Anchorage, Project Management & Engineering (ITB 26-C063) (\$1,016,678); Purchasing.

Ms. Shamberg moved,

to accept AIM 100-2006,

To Ms. Shamberg, Deputy Municipal Manager Michael Abbott responded that he would direct Traffic Engineer, Bob Kniefel, to keep Assemblymembers informed of the traffic calming efforts. Mayor Begich responded that this was a neighborhood-based program and neighborhoods were nominating themselves for the studies. Mr. Abbott responded the initial traffic calming project had identified dozens of areas and listed specific neighborhoods. As funds become available, the projects would be prioritized and completed. Mr. Abbott responded that the city had funded several projects in 2006 and there would be additional traffic calming projects available in 2008.

To Mr. Traini, Mr. Abbott responded that the Administration would distribute information of the completed plans to the Assembly and the community councils.

Mr. Stout requested the information be sent to the Russian Jack Community Council Chair, so it could be discussed at their council meeting the following evening. He requested that he and Mr. Bauer also get copies. He requested the Administration include additional information on all expenditures over \$1 million. Mr. Abbott concurred and responded that the Russian Jack and Northeast Community Councils had already received the information on traffic calming and he would make certain that Assemblymembers received copies.

To Ms. Jennings, Mr. Abbott responded that the program was a result of her efforts with the 2006 Budget. She requested that the Turnagain area be added to the lists of studies. Mr. Abbott responded that a study on Turnagain had recently been completed, along with Northeast and Abbott Loop areas.

and this motion was accepted without objection.

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

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. <u>Assembly Memorandum No. AM 586-2006</u>, professional lobbying services with **Birch**, **Horton**, **Bittner and Cherot** (BHBC) for the Municipality of Anchorage, Municipal Light & Power (\$29,000); Purchasing. (*Postponed from 8-15-06*)

Chair Sullivan read the memorandum title and stated that Public Hearing was closed and there was a motion to approve on the floor by Ms. Ossiander, seconded by Mr. Stout.

Ms. Ossiander moved,

to approve AM 586-2006 (motion on the floor from 8-15-06),

Mr. Stout seconded,

Ms. Ossiander stated that this had been supported at the North Anchorage Land Agreement (NALA) meeting and she urged a YES-vote.

Mr. Bauer repeated his request for maps to accompany this document. Mayor Begich concurred.

To Mr. Stout, Mayor Begich responded that he was not aware of any trails on the parcel of land.

and this motion was passed.

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

NAYES: None.

ABSENT: Birch, excused.

11.B. <u>Assembly Memorandum No. AM 599-2006</u>, Van Abel, Inc. dba **Suite 100** #4662 – Transfer of Ownership and Location for a Beverage Dispensary Liquor License (Taku/Campbell Community Council); Clerk's Office. (Postponed from 8-29-06)

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

Mr. Traini moved,

to approve AM 599-2006.

Ms. Ossiander seconded,

Mr. Coffey disclosed that he had been a friend and business partner with the applicant, Mr. Van Abel, for years in many businesses, including Dollar Rent-A-Car, Express Lube, the Alaska Aces Hockey Team and Noodlum Equities.

To Chair Sullivan, Mr. Coffey responded that he had no business relationship or financial interest in the matter before the Assembly. Chair Sullivan ruled that Mr. Coffey did not have a conflict of interest and ordered him to participate with the matter. There were no objections.

To Ms. Jennings, Municipal Clerk Barbara Gruenstein confirmed that this memorandum was a protest until the approval of the condition use permit (*Agenda item 14.C*) and approval by the Fire Department and the Health and Human Services.

Mr. Traini moved,

to combine AM 599-2006 with "AR 2006-233" (Agenda item

Ms. Fairclough seconded,

and this was approved without objection.

Chair Sullivan read the AR 2006-233 title (*Agenda item 14.C*) and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question. Chair Sullivan stated that his ruling that Mr. Coffey did not have a conflict of interest included this item as well.

Mr. Coffey moved,

to approve AR 2006-233, Agenda item 14.C,

Mr. Train seconded,

and this motion was passed, 10-0.

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

NAYES: None.

ABSENT: Birch, excused.

Chair Sullivan stated the motion on the floor, to approve AM 599-2006.

Ms. Fairclough moved, Mr. Coffey seconded,

and this was later amended,

and this was approved without objection.

to amend AM 599-2006 on Page 1, Lines 30-31, by deleting and adding language to read; AMC 21.50.160 requires that any use, whether principal or accessory, involving the retail, sale or dispensing of alcoholic beverage is permitted only by conditional use. There is [net] a conditional use permit at the location. The conditional use permit [is to be] was heard before the assembly 9/12/06.;

Mr. Coffey moved,

Mr. Traini seconded,

and this was approved without objection.

to amend AM 599-2006 on Page 1, Lines 40-41, by changing to read, Approval of this memorandum will PROTEST the transfer of location/ownership for the Beverage Dispensary Liquor license for the above establishment until [a conditional use permit is approved, as well as] approvals from AFD and H&HS.;

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To Mr. Coffey, Municipal Clerk Barbara Gruenstein responded AFD and H&HS approvals should be completed soon.

Ms. Fairclough moved, seconded by Mr. Coffey, to amend her amendment No. 1, by replacing "is to be" for "was." There were no objections.

Chair Sullivan called the Question on the main motion.

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

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

NAYES: None.

 ABSENT: Birch, excused.

11.C. <u>Assembly Memorandum No. AM 621-2006</u>, **Kinley's Restaurant & Bar** #4664 – New Restaurant/Eating Place Liquor License (Midtown Community Council); Clerk's Office. (*Postponed from 8-29-06*)

Chair Sullivan read the memorandum title and opened Public hearing. With no one to testify he closed Public Hearing and called the Question.

Mr. Coffey moved,

to approve AM 621-2006,

Ms. Fairclough seconded,

Mr. Coffey moved,

to amend AM 621-2006 on Page 1, Line 31 by changing

Ms. Fairclough seconded, [9-29-06] to "9-26-06";

and this was approved without objection.

and the main motion, as amended, was passed.

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

NAYES: None. ABSENT: Birch, excused.

11.D. <u>Assembly Resolution AR No. 2006-224</u>, a resolution of the Anchorage Municipal Assembly to provide for an **independent audit** of deployment and resource allocation within the Anchorage Police Department to be funded by appropriation of monies from the 2006 Areawide Fund (101) Balance; Assemblymember Sullivan. *(Postponed from 8-29-06)*

Chair Sullivan read the resolution title.

Mr. Coffey moved, to postpone AR 2006-224 to September 26, 2006,

Ms. Ossiander seconded,

To Ms. Fairclough, Mayor Begich responded that a worksession had been scheduled for the 22nd with the Deputy Police Chief (and soon to be appointed Chief) Heun.

and this motion was passed without objection.

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

NAYES: Traini.

ABSENT: Birch, excused.

11.E. Ordinance No. AO 2006-103, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 25.35, **Anchorage Community Development Authority**, to require Assembly approval of expenditures over \$3 million; Assemblymember Stout.

1. Information Memorandum No. AIM 83-2006. (Postponed from 8-29-06)

Chair Sullivan read the resolution title.

Mr. Stout moved, to postpone AR 2006-224 to [September 26, 2006] "October Mr. Coffey seconded, and this was later amended, and approved without objection.

to postpone AR 2006-224 to [September 26, 2006] "October 17, 2006" with a worksession scheduled for September 15, 2006, at the Assembly Conference Room,"

Mr. Coffey stated the supplemental Agenda sheet *(yellow sheet)* indicated that the Public Hearing had been continued to October 17th. Chair Sullivan proposed consideration of postponing until October 17th, which was accepted as a friendly amendment. Mr. Stout stated that the Development Authority had requested a worksession.

and this motion was passed without objection.

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

NAYES: None ABSENT: Birch, excused.

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2006-95, an ordinance amending the zoning map and providing for the rezoning of approximately 2.3 acres from R-2M (Multiple Family Residential District) to R-3 SL (Multiple Family Residential District with Special Limitations), for **Eastview Estates Subdivision, Tract A**; generally located at Peck Avenue and Wanner Circle (Northeast Community Council) (Planning and Zoning Commission Case 2005-140); Planning Department.

1. Assembly Memorandum No. AM 434-2006. (Continued from 7-25-06)

Chair Sullivan read the ordinance title and opened Public Hearing.

PEGGY ROBINSON, Northeast Community Council President, requested continuing Public Hearing to October 10th, to allow the architect who was working on the development design to attend the council meeting on Sept 21st. To Ms. Jennings, Ms. Robinson responded that Planning and Zoning would have the opportunity to comment on the new design. Ms. Ossiander responded there was a history of traffic concerns in this area of and it would be important to see the design. Mr. Stout concurred and supported postponement.

To Ms. Ossiander, Chair Sullivan responded that Ms. Robinson would have the opportunity to testify again on this matter because of the nature of her testimony that evening.

Ms. Ossiander moved, to continue Public Hearing on AO 2006-95 to October Mr. Coffey seconded, 10, 2006,

and this was passed without objection.

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

77 NAYES: None.

ABSENT: Birch, excused.

Ms. Jennings requested that the Administration prepare an explanation of the differences of the listed density, which were above the allowances of the Comprehensive Plan. Planning and Zoning Administrator Jerry Weaver concurred.

13.B. Ordinance No. AO 2006-64, an ordinance amending Anchorage Municipal Code Chapters 21.35, 21.40, 21.45 and 21.60 to establish design, location, and conditional use standards, and set the maximum heights for **high voltage transmission towers**; Planning Department. (Continued from 7-11-06)

Chair Sullivan read the ordinance title. Planning and Zoning had made substantial changes to the document and Chair Sullivan stated that the body's intention was that the ordinance would be continued to October 10, 2006

Mr. Tesche moved, seconded by Ms. Ossiander, to allow Ms. Wells the opportunity to testify again on the revised AO 2006-64 on October 10th. This was approved without objection.

Chair Sullivan opened Public Hearing.

BOBBI WELLS, a Birchwood resident, referred to the distributed photos and voiced her disapproval of the intrusive and disruptive transmission towers in her community. The towers had been loaded with high volumes of voltage to save money. To Ms. Ossiander, Ms. Wells responded many residents in the area thought the towers were offensive. To Ms. Jennings, she responded the poles were 75 feet high and replaced 50-foot poles.

PEGGY ROBINSON, Northeast Community Council President, testified that the council had passed a resolution, 44 to 2, with three abstaining, supporting removal of all transmission towers in their community. She testified that when the Chugach Electric met with community members prior to the construction, they had not accurately portrayed the towers and the impact to the community. People felt that the utility company had pulled something over them. Mr. Bauer responded that Chugach Electric Association had committed to continued notification for all future construction.

Mr. Coffey moved, to continue Public Hearing on AO 2006-64 to October Ms. Ossiander seconded, and the motion to continue was approved.

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

NAYES: None. ABSENT: Birch, excused.

13.C. Ordinance No. AO 2006-115, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.28.026 regarding **notice and administrative procedures for civil seizure**, impoundment and/or forfeiture, and release of vehicles; Legal Department.

1. Assembly Memorandum No. AM 547-2006. (Carried Over from 8-15-06 and 8-29-06)

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

Mr. Coffey moved, to approve AO 2006-115,

Mr. Bauer seconded,

Ms. Jennings stated the informative worksession had explained many of the changes that would improve the current process. She supported the ordinance.

Mr. Coffey stated that he had requested a legal opinion and the department of law had responded that this would apply to gangs. He supported the ordinance.

Mr. Coffey stated that he and Mr. Bauer had met with Municipal Attorneys Fred Boness and Jim Reeves, who explained this would correct the concerns with the current law. Mr. Coffey urged approval.

Mr. Tesche stated that he had also met with Mr. Boness and Mr. Reeves and concurred that the ordinance would improve sufficient due process. He supported the ordinance.

and this motion was approved.

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

NAYES: None.

ABSENT: Birch, excused.

13.D. Ordinance No. AO 2006-124, an ordinance authorizing disposal of a portion of **Tract "B", T13N, R3W, Section 12** at fair market value to Park Improvement Project LLC; Assemblymember Birch. (Carried Over from 8-15-06 and 8-29-06)

Chair Sullivan read the ordinance title and opened the Continued Public Hearing. Ms. Ossiander responded that the Assembly had requested a legal response on the issue of the legality of ballot language. A local community council and Mr. Birch had requested this matter be continued to September 26th.

To Ms. Jennings, Heritage Land Bank Executive Director Robin Ward responded that she would supply appraisals and maps and all other information.

Ms. Ossiander moved, Mr. Bauer seconded,

to continue AO 2006-124 to September 26, 2006, with a worksession scheduled for September [24] 22nd at 1:00 p.m.,

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and this was approved without objection.

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

NAYES:

ABSENT: Birch, excused.

> Resolution No. AR 2006-212, a resolution of the Municipality of Anchorage appropriating \$280,000 from the Federal Office for Domestic Preparedness, Metropolitan Medical Response System (MMRS) Grant Program, to the Federal Categorical Grants Fund (241), Office of Emergency Management, for training, equipment, medical supplies and public education to enhance emergency response to mass casualty incidents; Office of Emergency Management.

Assembly Memorandum No. AM 561-2006. (Carried Over from 8-15-06 and 8-29-06) 1.

Chair Sullivan read the resolution title and opened Public Hearing.

Deputy Municipal Manager Michael Abbott requested postponement to allow the Administration to get a response from federal partners in this matter. To Ms. Fairclough, Mr. Abbott concurred with closing Public Hearing.

With no one to testify, Chair Sullivan closed Public Hearing and called the Question.

Mr. Coffey moved,

to postpone AR 2006-212 to September 26, 2006,

Ms. Ossiander seconded,

and this motion was passed without objection.

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

NAYES: None.

Birch, excused. ABSENT:

NEW PUBLIC HEARINGS 14.

Ordinance No. AO 2006-108, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 25, Public Lands, to enact a new chapter, AMC 25.80, Delaney Park Strip, to require Assembly approval of site plans and facility development for Delaney Park Strip, including all major additions, deletions and improvements; Assemblymember Sullivan.

Information Memorandum No. AIM 84-2006.

Chair Sullivan read the ordinance title and stated that because he was the sponsor of this ordinance, he would allow Ms. Ossiander to act as Assembly Chair. It was his intention to continue Public Hearing to September 26th Mr. Mollozzi, representing the Parks and Recreation Commission to be present and address this matter. To Mr. Traini, Mr. Sullivan responded that the commission had a formal resolution on this item to present.

Acting Assembly Chair Ossiander opened Public Hearing. With no one to testify, she called for a motion to continue.

Mr. Coffey moved, to continue Public Hearing on AO 2006-108 to Mr. Sullivan seconded, September 26, 2006,

and this was approved without objection.

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

NAYES: None

ABSENT: Birch, excused.

- Ordinance No. AO 2006-113, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.30.280, Civil Penalties for Parking Violations, to reduce expired parking meter fines; Assemblymember Sullivan.
 - 1. Information Memorandum No. AIM 96-2006.
 - Information Memorandum No. AIM 99-2006. 2.

Chair Sullivan requested that Ms. Ossiander act as Assembly Chair, because he was the sponsor of the ordinance. The Community Development Authority had requested this matter be continued to October 10th to allow time to review a new study on the downtown traffic and parking and make a recommendation.

Acting Assembly Chair Ossiander read the ordinance title and opened Public Hearing.

CARL VERNON testified in support of the ordinance. Since he had received a \$20 parking fine he would not return to downtown Anchorage. To Mr. Coffey, Mr. Vernon responded that he had not seen the report from the Downtown Business Community. To Mr. Tesche, Mr. Vernon responded this matter should be on the ballot and decided by the voters. He objected to the limited parking and the stiff fines and thought that the city should get rid of all parking meters.

With no additional testimony, Acting Assembly Chair Ossiander called for a motion.

Mr. Sullivan moved, to continue Public Hearing on AR 20-6-108 to

Mr. Coffey seconded, October 10, 2006,

and this was approved without objection.

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

NAYES: None.

ABSENT: Birch, excused. 14.C. Resolution No. AR 2006-233, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a beverage dispensary use per AMC 21.40.180 D.8, for the Suite 100 Restaurant, located within the Grand Northern Mall Subdivision, Tract B; generally located at the southeast corner of Dimond Boulevard and Old Seward Highway (Taku/Campbell Community Council) (Planning Case No. 2006-122); Planning Department. a. Assembly Memorandum No. AM 644-2006.

Mr. Traini moved, seconded by Ms. Fairclough, to combine AR 2006-233 with AM 599-2006 (*Item 11.B*), each concerning to Suite 100 Restaurant. Both documents were approved without objection.

(Clerk's Note: See Agenda item 11.C, for details of discussion and action on AR 2006-233 and AM 599-2006.)

- 14.D. <u>Resolution No. AR 2006-222</u>, a resolution of the Municipality of Anchorage, Alaska, accepting 2006 State of Alaska Legislative Grants in the amount of \$1,150,000 per Senate Bill 231, Anchorage Water & Wastewater Utility.
 - 1. Assembly Memorandum No. AM 609-2006.

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

Ms. Fairclough moved,

to approve AR 2006-222,

Mr. Traini seconded,

and this motion was passed, 9-0.

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

NAYES: None.

ABSENT: Birch, excused.

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

- 14.E. Resolution No. AR 2006-219, a resolution of the Municipality of Anchorage appropriating an amount not to (exceed) \$278,000, as a contribution from the Chugiak Fire Service Area Fund (104) Balance, to the Chugiak Fire Service Area Capital Improvement Fund (404) to provide partial funding for the purchase of a Chugiak Volunteer Fire Department fire station facility currently leased from a private third party, as requested and approved by the Chugiak Fire Service Area Board of Supervisors; Anchorage Fire Department.
 - 1. Assembly Memorandum No. AM 600-2006.

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

Ms. Fairclough moved, to approve AR 2006-219,

Ms. Ossiander seconded,

and this motion was passed without objection.

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

NAYES: None.

ABSENT: Birch, excused.

Ms. Ossiander thanked the two members of the Chugiak Fire Station Area Board of Supervisors, present that evening, for their work on this matter. Chair Sullivan concurred.

- 14.F. Resolution No. AR 2006-220, a resolution of the Municipality of Anchorage appropriating \$515,000 as a grant award from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231) Department of Health and Human Services to fund the **Child Care Assistance Program**.
 - Assembly Memorandum No. AM 601-2006.

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

Mr. Coffey moved,

to approve AR 2006-220,

Mr. Traini seconded,

To Ms. Jennings, Health and Human Services Director Beverly Wooley responded the city was accommodating the requests for services within 30 days. She responded the department worked within federal guidelines, which were based on the size of the family and the number of children. Subsidies were removed when a certain income was achieved. To Mr. Bauer, she responded that the program dynamics involved a high percentage of low income, working parents, with many single heads of households.

and this motion was passed unanimously.

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

NAYES: None.

ABSENT: Birch, excused.

14.G. Resolution No. AR 2006-223, a resolution of the Municipality of Anchorage appropriating \$545,000 to the State Categorical Grants Fund (231), Department of Public Transportation from the Alaska

Department of Health and Social Services to assist in the funding of **coordinated transportation services for senior citizens** within the Municipality of Anchorage; Public Transportation Department.

1. Assembly Memorandum No. AM 610-2006.

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

Mr. Traini moved,

to approve AR 2006-223,

Ms. Jennings seconded,

To Mr. Stout, Deputy Municipal Manager Michael Abbott responded that this grant was a subsidy specifically for AnchorRIDES for senior citizens.

and this motion was passed unanimously.

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

NAYES: None.

ABSENT: Birch, excused.

- 15. SPECIAL ORDERS None.
- 16. UNFINISHED AGENDA None.
- 17. AUDIENCE PARTICIPATION None.
- 18. ASSEMBLY COMMENTS

To Mr. Bauer, Deputy Municipal Manager Michael Abbott responded that the Administration would copy all members, when responding by email to Assemblymember's questions.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Sullivan called for a motion to adjourn the meeting.

Mr. Coffey moved,

Mr. Traini seconded,

and this motion was passed.

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

NAYES: None. ABSENT: Birch.

The Regular Assembly Meeting was adjourned at 7:46 p.m.

DAN SULLIVAN, Assembly Chair

to adjourn the Regular Assembly Meeting,

ATTEST:

DADDADA CDUENCTEN Municipal Clark

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Amended (Page 9, Line 78) and Approved: September 26, 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)