

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of September 26, 2006

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Sullivan at 5:02 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, Chris Birch, Dan Coffey, Ken Stout, Dick Traini and Pamela Jennings.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Anchorage Police Chief Walt Monegan led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – August 15, 2006.

Ms. Fairclough moved, to approve the Regular Meeting Minutes of
Ms. Jennings seconded, of August 15, 2006,

Mr. Coffey requested that on Page 13, the Minutes include his explanation that his law firm was a tenant in the building and represented the petitioner, and he wanted to make the disclosure clear. This was accepted without objection. Mr. Coffey moved, seconded by Ms. Jennings, to amend on Page 14, Line 41, by including his testimony that he had also submitted his written disclosure to the Municipal Clerk, who had provided that disclosure to all Assemblymembers. This was approved without objection.

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

4.B. Regular Meeting – September 12, 2006.

Ms. Fairclough moved, to approve the Regular Meeting Minutes of
Ms. Ossiander seconded, September 12, 2006,

Ms. Jennings requested a correction on Page 9, Line 78, by changing scheduled worksession date to September 22nd.

and the motion was approved without objection,
with Mr. Birch abstaining, due to an excused absence from that meeting.

5. MAYOR'S REPORT

Mayor Begich presented a formal proclamation recognizing October as Disability Awareness Month. Trevor Storres, Mona McAleese, Paula Harrison and David Barton accepted, on behalf of the commission. Mr. Storres reported that the Municipality was recognizing the needs of people experiencing disabilities. Ms. McAleese distributed bracelets and explained they were to celebrate ability versus disability. To Ms. Ossiander, she responded that one in five people had a disability, with a higher incidence in Alaska. Mayor Begich distributed copies of a Parks and Recreation Department memorandum, comparing Municipal parks with other parks in similar cities across the nation. Copies of a report on 2004-2005 National Violent Crime Trend Comparisons were distributed, which indicated an increase nationwide. Ms. Jennings responded the report was disturbing. Mayor Begich concurred and reported that cities were working together to create an action plan. Mayor Begich reported on a conference on national violence, Public Art in Anchorage viewed by means of a walking trail, fishing access to Ship Creek, a construction update on the Civic and Convention Center and a list of Municipal employees currently serving overseas in Afghanistan and Iraq. Ms. Ossiander requested that a study be completed on access to fishing in Peters Creek and Mayor Begich concurred. Ms. Jennings responded that the single largest convention in the history of Anchorage had been booked for 2011, for 3500 people.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS

Mr. Stout thanked the Parks and Recreation Department and the Administration for the improvements underway on the Baxter Bog trail system. Mr. Stout reported there had been two recent worksessions on the Ethics Code, with

participation from Ethics Board member Dr. Liszka, Anchorage Schools Superintendent Carol Comeau and Anchorage School Board President Jeff Friedman. Purchasing Officer Bart Mauldin, Employee Relations Director Dave Otto and Mark Ertischek and Rhonda Fehlen Westover with the Municipal Attorney's Office had also offered assistance. He thanked Mr. Tesche for his recommendations to include prohibition of consulting fees and paid representation by elected officials on matters of municipal government. Mr. Stout reported the next worksession on the topic would be Friday, October 6, 2006 from 10:30 to noon in the Assembly Conference Room. The Ethics Code revisions would be introduced on October 10th, with a Public Hearing set for November 14, 2006. He reported that Chair Richard Benjamin would be retiring from the Ethics Board and his dedicated service had been appreciated. Chair Sullivan concurred.

Ms. Fairclough reported that the Budget Committee met on September 22nd, and the budget was being introduced that evening, with Public Hearing scheduled for October 17th and 24th. Ms. Fairclough reported that she had, that day, attended, along with the Mayor, the convention, covering national violent crime, which had included domestic violence and sexual assault. She reported that criminals who had histories of arson, robbery and animal cruelty tended to escalate to higher crimes of sexual assault and child abuse.

Mr. Bauer, Public Safety Committee Chair, reported that at the Friday worksession, newly appointed Police Chief Rob Heun had been introduced and welcomed and had participated in discussions of department issues of employment, gangs, new technologies, crime statistics and importantly, officer recruitment.

8. ADDENDUM TO AGENDA

Chair Sullivan called for a motion and read the Addendum items. He called for additional items and AR 2006-259, AR 2006-260, AR 2006-261, AM 707-2006, AM 708-2006, AM 709-2008, AM 710-2006 and AM 2006-711 were added and assigned to Agenda Numbers 9.A.4, 9.A.5, 9.A.6, 9.D.18, 9.D.19, 9.D.20, 9.D.21 and 9.D.22, respectively. He called for additional Addendum items, and there being none, he called for a vote to incorporate the Addendum items into the Consent Agenda.

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

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

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 2006-239, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Brian Irving Crewdson** for his 34 years of service with the Municipality of Anchorage; Mayor Begich and Assembly Members Birch, Bauer, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

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

9.A.2. Resolution No. AR 2006-246, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Don Poulton** for his many years of community service on the occasion of the end of his term as Chair of the Municipal Planning and Zoning Commission; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.A.2*)

9.A.3. Resolution No. AR 2006-256, a resolution of the Municipality of Anchorage recognizing and honoring **Walt Monegan** for his 33 years of service with the Municipality of Anchorage; Anchorage Police Department, Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. (**Addendum**)

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.A.3*)

9.A.4. Resolution No. AR 2006-259, a resolution of the Anchorage Municipal Assembly expressing appreciation for, and honoring **Greg Moyer** for his many years of loyal and exceptional service to the Municipality of Anchorage; Mayor Begich and Assemblymembers Sullivan, Fairclough, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Stout, Tesche and Traini. (**Laid on the Table**)

Mr. Tesche moved, seconded by Ms. Jennings, to incorporate AR 2006-259 into the Consent Agenda and this was passed without objection.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See item 10.A.4*)

9.A.5. Resolution No. AR 2006-260, a resolution of the Anchorage Municipal Assembly reaffirming a commitment to inclusion as a fundamental aspect of our community, and joining the National League

of Cities “**Partnership For Working Toward Inclusive Communities.**” Mayor Begich;
Assemblymember Tesche. **(Laid on the Table)**

Mr. Tesche moved, seconded by Ms. Ossiander, to incorporate AR 2006-260 into the Consent Agenda and this was passed without objection.

Mr. Traini requested this item be pulled for review on the Regular Agenda. *(See item 10.A.5)*

- 9.A.6. Resolution No. AR 2006-261, a resolution of the Anchorage Municipal Assembly recognizing the **Third Annual Mayor’s Diversity Week**, September 25th through October 1st. Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. **(Laid on the Table)**

Mr. Tesche moved, seconded by Ms. Fairclough, to incorporate AR 2006-261 into the Consent Agenda and this was passed without objection.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. *(See item 10.A.6)*

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2006-240, a resolution of the Municipality of Anchorage appropriating \$30,000 of revenues received from the Anchorage Economic Development Corporation to the Areawide General Fund (101) as reimbursement to the Planning Department for the cost of preparing the **Economic Development Feasibility and Marketing Study** for the Central Business District Plan; Planning Department.
a. Assembly Memorandum No. AM 668-2006.
- 9.B.2. Resolution No. AR 2006-247, a resolution of the Municipality of Anchorage appropriating \$4,200 from the interest accrued on the U.S. Department of Justice, Office of Justice Programs, **Local Law Enforcement Block Grant** (241-45534G) to the Federal Categorical Grants Fund (241) Anchorage Police Department, for the purpose of funding police programs and activities; Anchorage Police Department.
a. Assembly Memorandum No. AM 682-2006.
- 9.B.3. Resolution No. AR 2006-255, a resolution of the Anchorage Municipal Assembly urging the Alaska State Legislature to introduce and support legislation and administrative action to levy **enhanced traffic fines** in work zones only when workers are present; Assemblymember Traini.

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

- 9.B.4. Resolution No. AR 2006-257, a resolution authorizing the disposal of municipal interests on **Tract 1, Seclusion Bay Subdivision** (per Plat 2000-111) via relinquishment, the parcel generally located in the N1/2 of Section 25, T12N, R4W, S.M., Alaska (north and west of the intersection of Discovery Bay Drive and Southport Drive); Anchorage Water & Wastewater Utility. **(Addendum)**
a. Assembly Memorandum No. AM 697-2006.
- 9.B.5. Resolution No. AR 2006-258, a resolution of the Municipality of Anchorage appropriating \$6,000 from **Rockhill Limited Road Service Area** (LRSA) Fund Balance (Fund 148) to Rockhill LRSA BY2006 Operating Budget (Fund 148) for year round road maintenance services within Rockhill LRSA; Maintenance & Operations Department. **(Addendum)**
a. Assembly Memorandum No. AM 698-2006.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 666-2006, recommendation of award to HR Redmond Co. Inc. for providing year round road maintenance services in the **Girdwood Valley Service Area** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B063) (\$500,000); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 677-2006, recommendation of award to Rockford Corporation for the **Asplund Incinerator Upgrade** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 26-C060) (\$3,497,086); Purchasing.
- 9.C.3. Assembly Memorandum No. AM 699-2006, recommendation of award to Green Acres for providing **snow removal services** at various municipal parking lots for the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B057) (\$136,268.50); Purchasing. **(Addendum)**
- 9.C.4. Assembly Memorandum No. AM 704-2006, recommendation of award to Alaska Pollution Control, Inc. for providing year round road maintenance services in the **Section 6/Campbell Airstrip Road Limited Road Service Area** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B058) (\$150,000); Purchasing. **(Addendum)**

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 654-2006, **Executive Appointments** (Fred Carpenter - Director, Information Technology; Robert Dillon - Director, Cultural and Recreational Services; Craig Goodrich - Chief, Anchorage Fire Department; Rob Huen – Chief, Anchorage Police Department; Janet Mitson - Director, Office of Management and Budget; James Reeves - Municipal Attorney); Mayor Begich.

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

- 9.D.2. Assembly Memorandum No. AM 667-2006, **AWWU 2003 Wastewater Master Plan Update** - Amendment No. 2 to the Professional Engineering Services Contract (P.O. 000026141) with HDR Alaska, Inc. (\$130,453); Anchorage Water & Wastewater Utility.
- 9.D.3. Assembly Memorandum No. AM 678-2006, recommendation of award to CRW Engineering Group, LLC for providing professional engineering services for **B5-B6 Trunk Sewer Upgrade Phase II**

Project for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (RFP 26-P032, Project D)(\$650,000); Purchasing.

- 9.D.4. Assembly Memorandum No. AM 679-2006, Amendment No. 3 for the Subrecipient Agreement 240742 with Anchorage Neighborhood Housing Services, Inc. (ANHS) to operate **Anchorage Community Home Ownership Resource (AnCHOR) Program** for the Municipality of Anchorage (\$1,321,006); Department of Neighborhoods.
- 9.D.5. Assembly Memorandum No. AM 680-2006, recommendation of award to Lounsbury & Associates, Inc. to provide professional engineering services for the **Edward Street Upgrade, 6th Avenue to DeBarr Road Project** for the Municipality of Anchorage, Project Management &Engineering (RFP 26-P013, Project C) (\$652,501); Purchasing.
- 9.D.6. Assembly Memorandum No. AM 681-2006, Contract Amendment No. 4 to the professional services contract with Trawver Land Services providing **right of way land acquisition services** to the Municipality (\$50,000); Project Management & Engineering.
- 9.D.7. Assembly Memorandum No. AM 700-2006, **AWWU Authority Board of Directors** appointment (Tina Grovier); Mayor's Office. **(Addendum)**

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

9. D.8. Assembly Memorandum No. AM 706-2006, **Planning and Zoning Commission** appointments (Jim Frederick, Andrew Josephson, Bruce Phelps, Thomas Wang); Mayor's Office. **(Addendum)**

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.D.7)*

- 9.D.9. Assembly Memorandum No. AM 692-2006, **Wal-Mart Supercenter #4558** – Transfer of Ownership of a Package Store Liquor License (Taku/Campbell Community Center); Clerk's Office. **(Addendum)**
- 9.D.10. Assembly Memorandum No. AM 693-2006, **City Diner #4667** – New Restaurant/Eating Place Liquor License (Spenard Community Council); Clerk's Office. **(Addendum)**
- 9.D.11. Assembly Memorandum No. AM 694-2006, **Eagle River Liquor #1011** – Transfer of Ownership of a Package Store Liquor License (Eagle River Community Council); Clerk's Office. **(Addendum)**
- 9.D.12. Assembly Memorandum No. AM 695-2006, 2007/2008 Renewal: **Chepo's Mexican Restaurant #3765** – Beverage Dispensary (Eagle River Community Council); Clerk's Office. **(Addendum)**
- 9.D.13. Assembly Memorandum No. AM 696-2006, **Wrap It Up #4558** – Transfer of Ownership of a Restaurant/Eating Place Liquor License (Girdwood Board of Supervisors); Clerk's Office. **(Addendum)**
- 9.D.14. Assembly Memorandum No. AM 705-2006, **Celestial Meads #4671** – New Winery Liquor License (Midtown Community Council); Clerk's Office. **(Addendum)**
- 9.D.15. Assembly Memorandum No. AM 691-2006, proprietary lease award to Seibu Alaska, Inc. dba Alyeska Resort (Lessor) providing **subleased space** within the building known as the Seven Glaciers Restaurant in Girdwood, Alaska for radio equipment for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (AWWU) (\$300). **(Addendum)**
- 9.D.16. Assembly Memorandum No. AM 701-2006, recommendation of award to Stephi Engineering, LLC for providing professional engineering services for **Gambell Street Sewer Upgrade Project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (RFP 26-P032, Project C) (\$609,000); Purchasing. **(Addendum)**
- 9.D.17. Assembly Memorandum No. AM 702-2006, recommendation of award to University of Alaska for providing services to conduct an **Asthma and Indoor Air Quality Study** for the Municipality of Anchorage, Department of Health & Human Services (RFP 26-P016DC) (\$354,000); Purchasing. **(Addendum)**
- 9.D.18. Assembly Memorandum No. AM 707-2006, **Board of Adjustment** appointments (Kevin Waring, Martha Beckwith, Bernd Guetschow); Mayor Begich. **(Laid on the Table)**

Ms. Ossiander moved, seconded by Ms. Jennings, to incorporate AM 707-2006 into the Consent Agenda and there were no objections.

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

- 9.D.19. Assembly Memorandum No. AM 708-2006, **Community Development Authority Board** of Directors appointments (Ron Baird, Louise Lazur and Jeff Sinz); Mayor Begich. **(Laid on the Table)**

Ms. Jennings moved, seconded by Ms. Ossiander, to incorporate AM 708-2006 into the Consent Agenda and there were no objections.

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

- 9.D.20. Assembly Memorandum No. AM 709-2006, **Platting Board Appointments** (Jody Moses, Carol Carlson, Art Clark, Carol Stolpe); Mayor Begich. **(Laid on the Table)**

Ms. Ossiander moved, seconded by Ms. Jennings, to incorporate AM 709-2006 into the Consent Agenda and there were no objections.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. *(See item 10.D.20)*

- 9.D.21. Assembly Memorandum No. AM 710-2006, **Zoning Board of Examiners** (Thomas Van Flein and Dan Freitas); Mayor Begich. **(Laid on the Table)**

Ms. Ossiander moved, seconded by Ms. Jennings, to incorporate AM 710-2006 into the Consent Agenda and there were no objections.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. *(See item 10.D.21)*

- 9.D.22. Assembly Memorandum No. AM 711-2006, Urban Design Commission reappointments (Juan Ania, Allen Kemplen, Peter Briggs); Mayor Begich. **(Laid on the Table)**

Ms. Ossiander moved, seconded by Ms. Jennings, to incorporate AM 711-2006 into the Consent Agenda and there were no objections.

Mr. Coffey requested this item be pulled for review on the Regular Agenda. *(See item 10.D.22)*

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 102-2006, Anchorage Water & Wastewater Utility Monthly Report for August 2006.
- 9.E.2. Information Memorandum No. AIM 103-2006, contracts awarded between \$50,000 and \$100,000 through formal competitive processes for the month of August 2006; Purchasing.
- 9.E.3. Information Memorandum No. AIM 104-2006, School Bonds Issued on August 10, 2006 and Rating Agency Action; Finance.
- 9.E.4. Information Memorandum No. AIM 106-2006, Sole Source Procurement Report for the month of August 2006; Purchasing. **(Addendum)**

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2006-129, an ordinance authorizing a non-exclusive underground electrical easement to Chugach Electric Association, Inc., across a portion of **Tract 5 Spenard Heights Addition Subdivision**, located in the NW1/4 of Section 2, T12N, R4W, S.M. Alaska, Tax # 012-052-12; Anchorage Water & Wastewater Utility. *(Public Hearing 10-17-06)*
- a. Assembly Memorandum No. AM 655-2006.
- 9.F.2. Ordinance No. AO 2006-131, an ordinance of the Municipality of Anchorage, Alaska, approving submission by the Anchorage Water & Wastewater Utility (AWU, ASU) **proposed rate changes** to the Regulatory Commission of Alaska; Anchorage Water & Wastewater Utility. *(Public Hearing 10-10-06)*
- a. Assembly Memorandum No. AM 669-2006.
- 9.F.3. Ordinance No. AO 2006-130, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2007 (Updated) General Government Operating Budget** for the Municipality of Anchorage; Office of Management and Budget. *(Public Hearing 10-17-06 & 10-24-06)*
- a. Assembly Memorandum No. AM 656-2006.
- 9.F.4. Resolution No. AR 2006-238, a resolution approving the **2007-2012 General Government Capital Improvement Program (CIP)**; Office of Management and Budget. *(Public Hearing 10-17-06 & 10-24-06)*
- a. Assembly Memorandum No. AM 657-2006.
- 9.F.5. Ordinance No. AO 2006-132, an ordinance adopting the **2007 General Government Capital Improvement Budget (CIB)**; Office of Management and Budget. *(Public Hearing 10-17-06 and 10-24-06)*
- a. Assembly Memorandum No. AM 658-2006.
- 9.F.6. Resolution No. AR 2006-234, a resolution approving the **2007-2012 Municipal Utilities/Enterprise Activities Capital Improvement Program**; Office of Management and Budget. *(Public Hearing 10-17-06 and 10-24-06)*
- a. Assembly Memorandum No. AM 662-2006.
- 9.F.7. Ordinance No. AO 2006-133, an ordinance adopting and appropriating funds for the **Municipal Utilities/Enterprise Activities Operating Budget Fiscal Year 2007 (Update) and the 2007 Municipal Utilities/Enterprise Activities Capital Improvement Budget**; Office of Management and Budget. *(Public Hearing 10-17-06 and 10-24-06)*
- a. Assembly Memorandum No. AM 659-2006.
- 9.F.8. Ordinance No. AO 2006-134, an ordinance adopting and appropriating funds for the **2007 Operating and Capital Budgets for the Cooperative Services Authority (CSA)**; Office of Management and Budget. *(Public Hearing 10-17-06 and 10-24-06)*
- a. Assembly Memorandum No. AM 660-2006.
- 9.F.9. Ordinance No. AO 2006-135, an ordinance adopting and appropriating funds for the **2007 Operating and Capital Budgets for the Anchorage Community Development Authority (ACDA)**, Office of Management and Budget. *(Public Hearing 10-17-06 and 10-24-06)*
- a. Assembly Memorandum No. AM 661-2006.
- 9.F.10. Ordinance No. AO 2006-136, 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 #3-015, legally described as **Tract F2, Penland Park Subdivision**, located at DeBarr Avenue and Bragaw Street in Anchorage, for at least fair market value; Heritage Land Bank. *(Public Hearing 10-10-06)*
- a. Assembly Memorandum No. AM 670-2006.
- 9.F.11. Ordinance No. AO 2006-137, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments; Real Estate Services. *(Public Hearing 10-10-06)*
- a. Assembly Memorandum No. AM 671-2006.
- 9.F.12. Ordinance No. AO 2006-138, an ordinance approving a Development Agreement for the **Block 70 Parking Garage** with Alaska Center for Convention & Trade, LLC, approving an agreement with Alaska Housing Finance Corporation to license, assign, construct and purchase the Block 70 Parking Garage, accepting an assignment from CivicVentures of the right to build a parking garage, approving parking on Block 70 until construction commences for the parking garage, and approving site plans and landscaping for the Block 70 Parking Garage; Office of Economic & Community Development. *(Public Hearing 10-10-06)*
- a. Assembly Memorandum No. AM 683-2006.
- 9.F.13. Resolution No. AR 2006-235, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**

- 1 **06-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency;
2 Anchorage Water & Wastewater Utility. (*Public Hearing 10-17-06*)
3 a. Assembly Memorandum No. AM 663-2006.
- 4 9.F.14. Resolution No. AR 2006-236, a resolution of the Municipality of Anchorage, Alaska, confirming and
5 levying assessments for the sewer special improvements within **Levy-Up-on-Connection (LUC) Roll**
6 **06-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency;
7 Anchorage Water & Wastewater Utility. (*Public Hearing 10-17-06*)
8 a. Assembly Memorandum No. AM 664-2006.
- 9 9.F.15. Resolution No. AR 2006-241, a resolution of the Municipality of Anchorage appropriating \$200,000
10 from the U.S. Forest Service, under the 2005 and 2006 Forest Health Protection Grant Program, to the
11 Anchorage Fire Department, Federal Categorical Grants Fund (241), for the restoration of areas
12 significantly impacted by the **spruce bark beetle infestation**; Anchorage Fire Department. (*Public*
13 *Hearing 10-10-06*)
14 a. Assembly Memorandum No. AM 672-2006.
- 15 9.F.16. Resolution No. AR 2006-242, a resolution of the Municipality of Anchorage appropriating \$1,519,460
16 from the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency
17 Management and contribution of \$8,125 from Areawide General Fund (101) Fire Department 2006
18 Operating Budget, \$8,125 from Anchorage Fire Service Area Operating Fund (131) Fire Department
19 2006 Operating Budget and \$16,250 from Anchorage Metropolitan Police Service Area Fund (151)
20 Police Department 2006 Operating Budget, to the State Categorical Grants Fund (231) to purchase
21 equipment for the **Municipality of Anchorage Wide Area Radio Network Project** and for emergency
22 communications planning; Office of Emergency Management. (*Public Hearing 10-10-06*)
23 a. Assembly Memorandum No. AM 673-2006.
- 24 9.F.17. Resolution No. AR 2006-248, a resolution of the Municipality of Anchorage appropriating \$983,720
25 from the Alaska Department of Health and Social Services as a grant to the State Categorical Grants
26 Fund (231), Department of Health and Human Services for the provision of **Women, Infants and**
27 **Children Supplemental Nutrition Services**. (*Public Hearing 10-10-06*)
28 a. Assembly Memorandum No. AM 684-2006.
- 29 9.F.18. Resolution No. AR 2006-249, a resolution of the Municipality of Anchorage appropriating \$617,998 as
30 a grant from the U.S. Department of Health and Human Services to the Federal Categorical Grants
31 Fund (241), Department of Health and Human Services to fund **Family Planning Services**. (*Public*
32 *Hearing 10-10-06*)
33 a. Assembly Memorandum No. AM 685-2006.
- 34 9.F.19. Resolution No. AR 2006-250, a resolution of the Municipality of Anchorage appropriating \$169,500 as
35 a grant from the Alaska Department of Health and Social Services to the State Categorical Grants
36 Fund (231), Department of Health and Human Services for the provision of **HIV Prevention Work**.
37 (*Public Hearing 10-10-06*)
38 a. Assembly Memorandum No. AM 686-2006.
- 39 9.F.20. Resolution No. AR 2006-243, a resolution of the Municipality of Anchorage appropriating a \$371,010
40 contribution of BY2006 tax revenues approved in the BY2006 General Government Operating Budget
41 from the **Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA)** Fund 119 to the
42 CBERRRSA Capital Improvement Program (CIP) Fund 419 for road and drainage capital improvement
43 projects within the CBERRRSA; Maintenance & Operations Department. (*Public Hearing 10-10-06*)
44 a. Assembly Memorandum No. AM 674-2006.
- 45 9.F.21. Resolution No. AR 2006-244, a resolution of the Municipality of Anchorage appropriating the sum of
46 \$306,532 from the State of Alaska, Department of Transportation and Public Facilities (DOTPF) to the
47 Municipality of Anchorage (MOA), State Categorical Grants Fund 231 and authorizing the Transfer of
48 Responsibility Agreement (TORA) with the DOTPF for **best management practices for PM 10 dust**
49 **control**; Maintenance & Operations Department. (*Public Hearing 10-10-06*)
50 a. Assembly Memorandum No. AM 675-2006.
- 51 9.F.22. Resolution No. AR 2006-245, a resolution of the Municipality of Anchorage appropriating \$481,371 to
52 the State Categorical Grants Fund (231) from the Federal Highway Administration through the Alaska
53 Department of Transportation and Public Facilities to provide funding for **Congestion Mitigation and**
54 **Air Quality Improvement Program** through expansion of public transportation services within the
55 Municipality of Anchorage; Public Transportation Department. (*Public Hearing 10-10-06*)
56 a. Assembly Memorandum No. AM 676-2006.
- 57 9.F.23. Resolution No. AR 2006-251, a resolution of the Municipality of Anchorage authorizing the acceptance
58 of a Federal Highway Administration Congestion Mitigation and Air Quality (CMAQ) grant and
59 appropriating \$2,592,387 from the Federal Highway Administration through State of Alaska, the
60 Department of Transportation and Public Facilities, to the Public Transportation Capital Improvement
61 Fund (485) for the purchase of **fixed Route 40' buses and vanpool vehicles**; Public Transportation
62 Department. (*Public Hearing 10-10-06*)
63 a. Assembly Memorandum No. AM 687-2006.
- 64 9.F.24. Resolution No. AR 2006-252, a resolution appropriating five \$560,516 from a Transfer of
65 Responsibilities Agreement between the State of Alaska Department of transportation & Public
66 Facilities (ADOT&PF) and the Municipality of Anchorage (MOA) to the State Categorical Grants Fund
67 (231) for the **Anchorage Metropolitan Area Transportation Solutions (AMATS) Hillside District**
68 **Plan**; Traffic Department. (*Public Hearing 10-10-06*)
69 a. Assembly Memorandum No. AM 688-2006.
- 70 9.F.25. Resolution No. AR 2006-253, a resolution appropriating \$175,161 to the State Categorical Grants
71 Fund (231) under Amendment No. 2 to a Transfer of Responsibilities Agreement (TORA) between the
72 State of Alaska Department of Transportation (ADOT&PF) and Public Facilities and the Municipality of
73 Anchorage (MOA) for the **Traffic Control Signalization Project**; Traffic Department. (*Public Hearing*
74 *10-10-06*)
75 a. Assembly Memorandum No. AM 689-2006.
- 76 9.F.26. Resolution No. AR 2006-254, a resolution of the Municipality of Anchorage appropriating \$200,000 as
77 a donation from ConocoPhillips Alaska, Inc. Earth Energy Partners Program to the Office of Economic
78 and Community Development, Miscellaneous Operational Grants Fund (Fund 261), for **Salmon in the**

City Initiative Projects including educational displays and stream bank and sport fishing access improvements; Office of Economic and Community Development. (*Public Hearing 10-10-06*)
a. Assembly Memorandum No. AM 690-2006.

9.F.27. Assembly Memorandum No. AM 703-2006, **Employee Relations Board** reappointment (John Palmatier); Mayor's Office. (*Public Hearing 10-10-06*) (**Addendum**)

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

and this motion, as amended, was passed unanimously.

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

NAYES: None.

The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items. Ms. Fairclough requested to take up AR 2006-256 first, honoring Police Chief Walt Monegan. Chair Sullivan changed the Order of the Day to take up 10.A.3.

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2006-239, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Brian Irving Crewdson** for his 34 years of service with the Municipality of Anchorage; Mayor Begich and Assembly Members Birch, Bauer, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

Ms. Shamberg moved, to approve AR 2006-239,
Ms. Jennings seconded,
and this motion was unanimously passed.

Ms. Shamberg read and Ms. Jennings presented the resolution to Brian Crewdson, honoring him for his 34 years of service in many capacities with Municipal Light and Power and Anchorage Water and Wastewater Utility (AWWU). Mr. Crewdson thanked the Assembly, the Administration and AWWU General Manager Mark Premo for the recognition, the support and working relationship, helping him to make contributions to the city. Chair Sullivan, Ms. Jennings and Mayor Begich thanked him for his years of service.

10.A.2. Resolution No. AR 2006-246, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Don Poulton** for his many years of community service on the occasion of the end of his term as Chair of the Municipal Planning and Zoning Commission; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

Ms. Ossiander moved, to approve AR 2006-246,
Ms. Fairclough seconded,
and this was passed without objection.

Ms. Ossiander read and Ms. Fairclough presented the resolution to Don Poulton, recognizing and honoring him for his many years of service to the city, including his service to many boards and commissions, most recently as Planning and Zoning Chair. Mr. Poulton thanked the Assembly, the Administration, the division directors and fellow employees and stated that it had been a privilege to make Anchorage a better place to live. Mayor Begich thanked him for his many contributions and stated that Mr. Poulton was nationally recognized for his professional leadership. Mr. Coffey and Chair Sullivan thanked him for his service.

10.A.3. Resolution No. AR 2006-256, a resolution of the Municipality of Anchorage recognizing and honoring **Walt Monegan** for his 33 years of service with the Municipality of Anchorage; Anchorage Police Department, Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. (**Addendum**)

Ms. Ossiander moved, to approve AR 2006-256,
Ms. Fairclough seconded,
and this motion passed without objection.

Ms. Ossiander read and Chair Sullivan presented the resolution to Walt Monegan, recognizing and honoring him for his 33 years of service to the Anchorage Police Department (APD), having served in many positions, most recently as Chief of Police. He was honored for his involvement with many groups, boards, task forces, councils and advisory committees. Chief Monegan and his wife, Terry, accepted the resolution and the Chief thanked Mayors Wuerch and Begich and the Assembly for their support and trust. He acknowledged his wife, for all her support. Mayor Begich thanked Chief Monegan for his inspiration and improvement of the department, working with the entire municipality on the issues of public safety. Mr. Tesche thanked the Chief and his wife for their service and efforts in the community. Mr. Coffey thanked him for his contributions to the community. Ms. Fairclough thanked the Chief for treating all people with dignity, compassion and respect. To Ms. Jennings, Chief Monegan responded that police work needed to involve the entire city and include issues such as recreation facilities, road maintenance, balancing the needs to reduce crime and improve public safety. Mr. Traini thanked Chief Monegan and wished him luck in the future. Ms. Shamberg stated that the Chief had the respect, dedication and love of local police officers and she thanked him for his open-door policy. Ms. Ossiander stated that she appreciated the Chief's calmness, acceptance of diversity and his skills that brought Anchorage together and that it was an honor and privilege to know him over the years. Chair Sullivan stated that the Chief understood that police work was more than business, and that it was about people. Mr. Stout thanked

Chief Monegan and stated that he had never heard anything spoken badly about him and that the Chief was leaving a big set of shoes to fill.

10.A.4. Resolution No. AR 2006-259, a resolution of the Anchorage Municipal Assembly expressing appreciation for, and honoring **Greg Moyer** for his many years of loyal and exceptional service to the Municipality of Anchorage; Mayor Begich and Assemblymembers Sullivan, Fairclough, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Stout, Tesche and Traini. **(Laid on the Table)**

Mr. Tesche moved, to approve AR 2006-259,
Mr. Bauer seconded,
and this was passed without objection.

Mr. Tesche read and Mr. Bauer presented the resolution, expressing appreciation and honoring Greg Moyer for his over twenty years of loyal and exceptional service and contributions to the city, serving in many capacities including Assembly Office Director, Municipal Clerk and Ombudsman. Mr. Moyer thanked the Assembly for their recognition, specifically Dick Traini, Elvi Gray-Jackson, Joy Pantaleon, Linda Heim, Vickie Cantrell, Kristi Cada and Patty Smith. He thanked the Administration and the School District Administration. He thanked the Administration, specifically Municipal Manager Denis LeBlanc and Mayor Begich. He would soon be submitting his annual report and stated that Anchorage was in good shape. Mr. Traini, Ms. Ossiander, Ms. Jennings, Mr. Stout, Mr. Coffey and Mayor Begich thanked him for his dedication, effectiveness and professionalism. Chair Sullivan thanked him for all his service, specifically his assistance to Assemblymembers. Chair Sullivan announced that Deputy Ombudsman Kristi Cada would complete Mr. Moyer's term, as Interim Ombudsman

10.A.5. Resolution No. AR 2006-260, a resolution of the Anchorage Municipal Assembly reaffirming a commitment to inclusion as a fundamental aspect of our community, and joining the National League of Cities "**Partnership For Working Toward Inclusive Communities.**" Mayor Begich; Assemblymembers Tesche and Traini. **(Laid on the Table)**

Mr. Traini moved, to approve AR 2006-260,
Mr. Tesche seconded,

Mr. Traini supported the resolution and requested to be added as a cosponsor, which was accepted by sponsors Mayor Begich and Mr. Tesche.

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

10.A.6. Resolution No. AR 2006-261, a resolution of the Anchorage Municipal Assembly recognizing the Third Annual **Mayor's Diversity Week**, September 25th through October 1st. Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. **(Laid on the Table)**

Mr. Tesche moved, to approve AR 2006-261,
Mr. Traini seconded,
and this was passed without objection.

Ms. Fairclough read and Mr. Tesche presented the resolution proclaiming this week as Diversity Week, to Celeste Hodge, Director of the Office of Equal Opportunity, representing the Diversity Council. Ms. Hodge thanked the Assembly and the Administration for their support. Mayor Begich stated that Ms. Hodge was the backbone of this effort and was actively involved with the community, responsible for over seventy events on diversity. He thanked Ms. Hodge for her advocacy. Ms. Fairclough thanked Ms. Hodge for her contributions, which had made a difference in the community.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.3. Resolution No. AR 2006-255, a resolution of the Anchorage Municipal Assembly urging the Alaska State Legislature to introduce and support legislation and administrative action to levy **enhanced traffic fines** in work zones only when workers are present; Assemblymember Traini.

Ms. Shamberg moved, to approve AR 2006-261,
Ms. Jennings seconded,

Ms. Shamberg questioned jeopardizing safety with reducing fines. Mr. Traini responded that he had not discussed this matter with local police. The resolution urged the State Legislature to review the matter and support reducing fines in construction zones when no workers were present. He distributed a list of twenty-two other states which had already ~~improved~~ "changed" the laws.

Ms. Fairclough questioned the safety hazard that may occur with this being implemented.

Mr. Bauer was concerned with the coordination that would be necessary with road projects, police and construction workers' schedules. The current laws were in place to slow down traffic in the construction zones. He requested a police analysis on predicted costs of the changes.

Mr. Coffey stated this did not change the speed limit, only the fine imposed. It was designed to protect the workmen present. There were inconsistencies with judges' rulings, with some not imposing double fines if workmen were not present. This was an appropriate matter for the Legislature to take up and he supported it.

Mr. Tesche stated that additional wording on signs "When Workers Present" was a reminder to motorists of the safety of construction workers. The resolution made good sense and he supported the Legislature looking into this matter.

Ms. Jennings stated that police may be reluctant to enforce this, if it was unknown if workers were present. When roads were under construction there were ~~[changes in speed, traffic patterns and direction and double fines, which encouraged people to slow down]~~ "changes in speed, traffic pattern and direction. Double fines would encourage people to slow down."

Mr. Bauer stated there was a concern of public perception of there being no double fines.

Ms. Fairclough stated that the ordinance indicated double fines would be restricted to when workers were present. She supported double fines, which got drivers' attention. Newly appointed Anchorage Police Department (APD) Chief Rob Heun responded that the double fines caught people's attention and modified driving behavior.

Mr. Traini stated that the double fines needed to be dropped when workers were not present. Chief Heun responded it was for workers' safety and he supported additional language on Page 1.

To Mr. Coffey, Chief Heun responded that the APD was only interested in the ultimate affect of slowing down drivers.

Chair Sullivan stated that he supported the Legislature reviewing the matter, but not as written in this resolution, which was too prescriptive and would indicate Assembly approval.

Mr. Traini requested a technical correction on Page 1, Line 29, by changing to read: when workers ~~[be]~~ "are present." Chair Sullivan stated this was accepted as a clerical correction and there were no objections.

and this motion, as amended, failed 5-6.

AYES: Tesche, Birch, Coffey, Stout and Traini.

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

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

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 654-2006, Executive Appointments (Fred Carpenter - Director, Information Technology; Robert Dillon - Director, ~~[Cultural]~~ Anchorage Parks and Recreational Services; Craig Goodrich - Chief, Anchorage Fire Department; Rob Huen – Chief, Anchorage Police Department; Janet Mitson - Director, Office of Management and Budget; James Reeves - Municipal Attorney; Jody Karcz – Director, Public Transit); Mayor Begich.

Ms. Fairclough moved, to approve AM 654-2006,

Ms. Jennings seconded,

Deputy Municipal Manager Michael Abbott requested a technical correction and consideration of adding an executive appointment that had been inadvertently omitted from the document.

Mr. Coffey moved, to amend AM 654-2006 *by changing* reference to Robert
Ms. Jennings seconded, Dillon - Director, ~~[Culture]~~ "Anchorage Parks" and Recreation;
and this was approved without objection.

Mr. Coffey moved, to amend AM 654-2006 *by adding* a new Executive
Ms. Jennings seconded, Appointment: "Jody Karcz, Director, Public
and this was approved without objection. Transit,"

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

10.D.7. Assembly Memorandum No. AM 700-2006, AWWU Authority Board of Directors appointment (Tina Grovier); Mayor's Office. **(Addendum) (Postponed to 10-10-06)**

Ms. Fairclough moved, to approve AM 700-2006,

Ms. Ossiander seconded,

Ms. Fairclough moved, *to postpone* AM 700-2006 to October 10, 2006, to permit a
Mr. Coffey seconded, ten-day public comment period pursuant to Anchorage
and this was approved without objection. Municipal Code (AMC),

10.D.8. Assembly Memorandum No. AM 706-2006, Planning and Zoning Commission appointments (Jim Frederick, Andrew Josephson, Bruce Phelps, Thomas Wang); Mayor's Office. **(Addendum) (Postponed to 10-10-06)**

Ms. Fairclough moved, to approve AM 700-2006,

Ms. Ossiander seconded,

Ms. Fairclough moved, *to postpone* AM 700-2006 to October 10, 2006, to permit a
Mr. Coffey seconded, ten-day public comment period pursuant to Anchorage
and this was approved without objection. Municipal Code (AMC),

10.D.18. Assembly Memorandum No. AM 707-2006, Board of Adjustment appointments (Kevin Waring, Martha Beckwith, Bernd Guetschow); Mayor Begich. **(Laid on the Table) (Public Hearing 10-10-06)**

Mr. Coffey moved, to accept AM 707-2006,

Mr. Stout seconded,

Mr. Coffey moved, *to postpone* AM 707-2006 to October 10, 2006, to permit
Ms. Ossiander seconded, a ten-day public comment period pursuant Anchorage
and this was approved without objection. Municipal Code (AMC),

10.D.19. Assembly Memorandum No. AM 708-2006, Community Development Authority Board of Directors appointments (Ron Baird, Louise Lazur and Jeff Sinz); Mayor Begich. (**Laid on the Table**) (**Public Hearing set for 10-10-06**)

Mr. Coffey moved, to accept AM 708-2006,
Mr. Stout seconded,

Mr. Coffey moved, *to postpone* AM 708-2006 to October 10, 2006, to permit
Mr. Stout seconded, a ten-day public comment period pursuant to Anchorage
and this was approved without objection. Municipal Code (AMC),

10.D.20. Assembly Memorandum No. AM 709-2006, Platting Board Appointments (Jody Moses, Carol Carlson, Art Clark, Carol Stolpe); Mayor Begich. (**Laid on the Table**) (**Public Hearing 10-10-06**)

Mr. Coffey moved, to accept AM 709-2006,
Mr. Stout seconded,

Mr. Coffey moved, *to postpone* AM 709-2006 to October 10, 2006, to permit
Ms. Jennings seconded, a ten-day public comment period pursuant to Anchorage
and this was approved without objection. Municipal Code (AMC),

10.D.21. Assembly Memorandum No. AM 710-2006, Zoning Board of Examiners (Thomas Van Flein and Dan Freitas); Mayor Begich. (**Laid on the Table**) (**Public Hearing set for 10-10-06**)

Mr. Coffey moved, to accept AM 710-2006,
Mr. Stout seconded,

Mr. Coffey moved, *to postpone* AM 710-2006 to October 10, 2006, to permit
Mr. Stout seconded, a ten-day public comment period pursuant to AMC,
and this was approved without objection.

10.D.22. Assembly Memorandum No. AM 711-2006, Urban Design Commission reappointments (Juan Ania, Allen Kemplen, Peter Briggs); Mayor Begich. (**Laid on the Table**) (**Public Hearing set for 10-10-06**)

Mr. Coffey moved, to accept AM 711-2006,
Mr. Stout seconded,

Mr. Coffey moved, *to postpone* AM 711-2006 to October 10, 2006, to permit
Mr. Stout seconded, a ten-day public comment period pursuant to Anchorage
and this was approved without objection. Municipal Code (AMC),

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

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

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 640-2006, Urban Design Commission appointments (Peter Briggs, Mark Kimerer); Mayor's Office. (*Postponed from 9-12-06*)

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

Mr. Traini moved, to approve AM 640-2006,
Ms. Jennings seconded,
and this motion was passed, 10-1.

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

11.B. Assembly Resolution No. AR 2006-224, 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 8-26-06 and 9-12-06*)

Chair Sullivan requested that Ms. Ossiander assume the Chair, allowing him to participate in this matter.

Mr. Sullivan moved, *to postpone indefinitely* AR 2006-224,
Mr. Coffey seconded,

Mr. Sullivan stated that Anchorage Police Department (APD) Chief Heun met with Assemblymembers and had discussed the department's needs. Mr. Sullivan requested this resolution be postponed and it was his intention to bring forth a new resolution to assist Chief Heun with his recommendation for increased recruitment of qualified applicants for police officers. He looked forward to working with the Chief on these matters.

and this was passed without objection.

Acting Chair Ossiander returned the Assembly Chair to Mr. Sullivan.

11.C. 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.

1. Assembly Memorandum No. AM 561-2006. *(Carried Over from 8-15-06 and 8-29-06; Public Hearing was Closed 9-12-06; Action was Postponed from 9-12-06)*

Chair Sullivan read the resolution title and stated Public Hearing was closed on September 12, 2006. He called the Question.

Ms. Fairclough moved, to approve AR 2006-212,
Ms. Ossiander seconded,
and this motion was passed, 11-0.

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

NAYES: None.

11.D. Ordinance No. AO 2006-104, an ordinance amending the zoning map and providing for the rezoning of approximately 53.52 +/- acres, from I-1 (Light Industrial), R-2M (Multiple Family Residential), and R-3 (Multiple Family Residential) to B-3 SL (General Business with Special Limitations) and PLI (Public Lands and Institutions), for **Proposed Tracts A, B, C, D, E, F, G, and H, Creekside Subdivision** per Preliminary Plat S-11451, Exhibit A; generally located north of DeBarr Road and west of Muldoon Road (Northeast Community Council) (Planning and Zoning Case 2006-010); Assemblymember Bauer. *(Public Hearing was Closed 8-29-06; Action was Postponed from 8-29-06)*

Chair Sullivan read the ordinance title and stated that Public Hearing was closed on September 12, 2006. He explained a valid protest petition had been filed and a vote of eight affirmative votes from Assemblymembers was required to adopt the ordinance. Chair Sullivan stated that the Assembly had previously determined that Mr. Tesche had a conflict of interest and he excused him from participating in this matter.

Mr. Bauer moved, to postpone AO 2006-104 to October 10, 2006
Ms. Ossiander seconded,

Mr. Bauer requested consideration of postponing. Community leaders and the Begich Administration were continuing negotiations with Wal-Mart to increase the benefits to the community and meeting the standards of a rezone, while mitigating the negative impacts to adjacent residential neighborhoods and businesses. Alternatives were being considered and changes would be included in a substitute version of the ordinance.

Mr. Traini moved to remand AO 2006-104 to the Planning and Zoning Commission (P&Z).

Chair Sullivan stated that the Traini motion would be considered if the Bauer motion failed. The Bauer motion on the floor took precedence.

Mr. Birch stated that postponement would undermine some of the negotiations that had already been made and alter some of the concessions being offered to residents.

Mayor Begich responded that a two-week delay would help enhance the concessions.

Ms. Shamberg supported postponement.

Mr. Stout supported postponement.

To Mr. Traini, Mayor Begich responded that the Assembly held authority to add conditions to a rezone, as they saw fit. The changes were enhancements to what had already been recommended by P&Z.

Ms. Ossiander stated that Mr. Bauer and Mr. Stout deserved appreciation for their assertive efforts, working with the Administration, the community and Wal-Mart, to improve this matter.

To Ms. Jennings, Mayor Begich responded that the next P&Z meeting was scheduled for October 2, 2006. She responded there may be merit for remanding back to P&Z, if there were many changes. Mayor Begich responded that all the changes offered definitions and clarity, including donations to the community and responsibilities for costs.

To Mr. Traini, Mayor Begich responded the matter before the Assembly was enhanced well beyond the big-box (store) ordinance.

and the Bauer motion passed, 10-0.

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

NAYES: None.

ABSTAIN: Tesche.

- 11.E. Ordinance No. AO 2006-101, an ordinance amending the *Hillside Wastewater Management Plan*, Anchorage Municipal Code 21.05.030.D.4., to add to the area recommended for public sewerage the 7.5-acre **Tract A, Ashland Subdivision**, generally located southeast of the intersection of John's Pointe Drive and Olena Pointe Circle in the South Hillside Area (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2006-052); Planning Department.
1. Assembly Memorandum No. AM 487-2006.
(*Public Hearing was Closed 8-29-06; Action was Postponed from 8-29-06*)

Chair Sullivan read the ordinance title and called the Question.

Mr. Bauer moved, to approve AO 2006-101,
Ms. Fairclough seconded,

Ms. Shamberg stated there were many unfortunate instances of sewer work on the Hillside causing drainage problems and flooding. This developer had denuded the property, extracting gravel to build the road, and now there was not enough soil to develop an on-site sewer system. Gravel could be returned to the property and the developer could pursue a modern, high-tech, on-site system, which was less expensive, safe and effective. It was supported by the Hillside Wastewater Management Plan (HWMP), which had set development guidelines, using as sources the Soil [Conversation] "Conservation" Service, the U.S. Geological Survey, the Municipal Wetlands Management Plan, the Coastal Zone Management Plan, the Metropolitan Anchorage Urban Study, 1300 sewer questionnaires and Municipal Planning files.

Mr. Birch supported the Administration's request to modify the HWMP to use public sewer lines. He preferred that his Hillside property and neighborhood have public sewer. The problems associated with Ashland Subdivision involved shallow bedrock and had gravel extraction. He supported extending public sewer to these lots, which would be good for the community.

Ms. Ossiander stated there were similar bedrock conditions on land in her district of Chugiak-Eagle River. Anchorage Water and Wastewater Utility (AWWU) recommended having both city water and septic installed, which she thought would be good public policy. AWWU General Manager Mark Premo responded that the matter before the Assembly involved amending the HWMP, by adding public sewer. The developer would be required to create plans that met conditions and design standards. Mr. Premo responded that the contract engineers used by developers were professionals, licensed by the State of Alaska, who understood design standards. AWWU also had professional engineers to analyze the designs. Planning Department Administrator Jerry Weaver responded that the Assembly could add engineering and design recommendations to the ordinance. He responded that Prominence Pointe had bedrock and drainage situations that contributed to drainage issues in the surrounding areas. Municipal Engineer Howard Holtan responded that the department was working with the engineer of Prominence Pointe to revise the design plan and correct the problems.

Ms. Shamberg stated that there were things on the Hillside that were still being discovered that would affect drainage, including underground streams. For the past four years, the developer had not fixed the problems that he had created.

Ms. Jennings stated there was a Hillside Wastewater Management Plan, which supported using septic system.

To Mr. Stout, Municipal On-site Water and Wastewater Supervisor Dan Roth responded that he had not been asked to review the subdivision, but he never objected to replacing backfill on a site.

To Mr. Coffey, Municipal Engineer Howard Holtan responded that this involved a lateral trench, which would be backfilled and compacted. Mr. Premo responded that natural drainage flowed on top of the bedrock. Porous material compacted in the trenches would create a French drain. In an approved design, the buried sewer lines would be imbedded in material that would maintain structural strength and not be affected by water drainage.

Mr. Birch stated that P&Z had recommended approval. The commission generally favored the extension of public sewer, where practical and possible, for public health considerations. This was a public health issue, the concerns regarding surface drainage were well addressed, and it was a positive change and a first step in modifying the plan. He supported the amendment.

To Ms. Jennings, Mr. Holtan responded that as requirements and standards for planning a subdivision continued to improve, there would be better planning and fewer problems.

Ms. Shamberg stated that people had been led to believe that public sewer was better than a septic system, which was not the case. The developer should not be rewarded for intentionally removing the top ground surface to create the roads, and now could not put in a public sewer. A good septic system would not contaminate surrounding wells.

To Mr. Coffey, Mr. Roth described Anchorage Municipal Code (AMC) requirements of a septic system, created by importing material for an absorption field six feet on top of bedrock, without blasting. Mr. Coffey stated this did not need to wait for the Hillside District Plan. He had not heard that public sewer caused drainage problems. The developer should not be penalized for doing it wrong in the past, when he was rectifying conditions that were made when the city had not been prepared to deal with the matters. Developers were taking responsibility and making it right and Project Management and Engineering (PM&E) was taking the steps to ensure it would not happen again. Hillside development was substantially different than other areas of Anchorage and there would be mistakes made and there would be consequences. Things were not perfect, but that was the reason for the Hillside District Plan. Development needed to be done on the basis of the merits. Adding public sewer had a real benefit to the community. He supported the amendment.

Ms. Ossiander stated that development was destroying parts of our community that should remain rural. Septic, on-site systems were in the best interest of good public health. Development involving ditching and clearing in an area which had already proven to create drainage problems was only [acerbating] "exacerbating" the situation. She saw more arguments against public sewer in this case and she would not support it.

Mr. Tesche stated there were people who opposed this because the Hillside District Plan was still in process. The issue should be whether to amend the HWMP. Tony Hoffman, a LanTech engineer representing the petitioner, responded that the costs of extending sewer would be more expensive to the developer. The costs of on-site systems would be to the homeowner.

Ms. Jennings stated that "not" approving this amendment would not stop development on the Hillside.

Chair Sullivan stated that a management plan was being developed. Progress could not be stopped and issues needed to be examined on a case-by-case basis. The key points were to protect existing wells and resolve drainage problems, which would be minimized by public sewer in this case. He would support the amendment, with the caveat that the developer be held to high standards, including on past developments where corrections were needed.

and the motion was passed, 6-5.

AYES: Bauer, Fairclough, Sullivan, Birch, Coffey and Traini.

NAYES: Tesche, Shamberg, Ossiander, Stout and Jennings.

Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

Ms. Fairclough moved, *for immediate reconsideration of AO 2006-101,*
Mr. Coffey seconded,
and this motion failed, 4-7.

AYES: Shamberg, Sullivan, Ossiander and Jennings.

NAYES: Tesche, Bauer, Fairclough, Birch, Coffey, Stout and Traini.

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

- 13.A. 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.
1. Information Memorandum No. AIM 84-2006. *(Continued from 9-12-06)*

Chair Sullivan read the ordinance title.

Mr. Traini declared a possible conflict of interest because his wife served as a Parks and Recreation Commissioner. Chair Sullivan stated that a conflict of interest of this nature had never been addressed, concerning persons associated with Assemblymembers, who volunteered on boards or commissions, which made recommendations presented for Assembly consideration. He stated that currently there was no rule to cover this matter. Mr. Stout responded that the Ethics Code revision would be addressing the matter.

VIC MOLLOZZI, Parks and Recreation Commission Chair, testified that the commission unanimously opposed this ordinance. He urged consideration of returning the matter to the commission to allow a complete and thorough process before returning it to the Assembly. Mr. Traini responded the commission was very capable of making decisions, was doing a good job and would save the Assembly time on reviewing park matters. To Mr. Tesche, Mr. Mollozzi responded the commission process involved the matter being heard by the Advisory Group, the Parks and Recreation Commission, the Urban Design Commission and the Planning Department, when Title 21 issues were involved. The process involved noticed Public Hearings. Chair Sullivan responded that ordinances heard before the Assembly also required noticed Public Hearings. The Delaney Park Strip Master Plan would be heard before the Assembly. To Mr. Coffey, Mr. Mollozzi responded the commission had adequate public process with each level of professional review. Mr. Bauer stated there was high confidence in the commission and their accomplishments but he supported the ordinance, which involved the Assembly with the site plan review and development of the Delaney Park Strip. Mr. Mollozzi responded that all meetings were publicly noticed. To Mayor Begich, Mr. Mollozzi responded that the system had been improved and was effective. Mr. Mollozzi responded that the Kincaid Park matter had at least ten meetings, with hundreds of people testifying. Cuddy Midtown and Russian Jack Parks had been handled in the same manner.

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

Mr. Coffey moved, *to approve AO 2006-108,*
Ms. Ossiander seconded,

Ms. Ossiander stated that monthly updates were not necessary.

Ms. Ossiander moved, *to amend AO 2006-108 on Page 2, Line 14, by inserting to*
Mr. Coffey seconded, *read: The Office of Economic & Community Development, or*
and this was later amended, *other administrative unit designated by the mayor, shall*
and this was passed without objection. *submit to the assembly, through the chair [monthly] [regular]*
"quarterly" updates with a comprehensive schedule of
performance dates for completion of the Delaney Park Strip
Master Plan...;

Ms. Fairclough proposed that the word 'regular' was too subjective. Ms. Ossiander concurred and amended her amendment by adding 'quarterly,' with the concurrence of Mr. Coffey.

Mr. Traini stated that the Parks and Recreation Commission did an excellent job and he did not want to change the process. He did not want every project to come before the Assembly. He would not support the ordinance.

Mr. Tesche stated the current public process was effective. This particular ordinance singled out one park, but could apply to other, equally important parks. The Assembly needed to rely on the Parks Commission to thoroughly review these matters with more expertise on parks planning than Assemblymembers. Ordinance language allowed the opportunity to avoid public testimony. He opposed the ordinance.

Mayor Begich stated community involvement with this matter had been corrected and the process was professional and effective. He and the Administration had great faith in the Parks Commission and wanted to rely on their professionalism. He urged a NO-vote.

To Mr. Coffey, Mayor Begich responded that development of E. Street and 9th Avenue would be considered in future links with the Downtown Plan. Parks and Recreation Department Director Jeff Dillon responded those links were an active component of the Delaney Park Master Plan. Mr. Coffey stated that the community had objected to the proposed changes to the long-standing uses of Delaney Park Strip.

Mr. Bauer stated that it was important for the Assembly to support Public Hearing on these matters. The Assembly would ultimately be held responsible for any changes to the Delaney Park Strip.

Mr. Coffey moved,	to amend AO 2006-108 on Page 2, Line 3, <i>by adding</i> to read:
Ms. Fairclough seconded,	Any provision of this code or approved plan notwithstanding,
	the assembly shall " <u>after public hearing</u> ," have the final
	review and decision-making authority...

(Clerk's Note: Final action on the Coffey Amendment was postponed to October 10, 2006 by the following motion to postpone action on AO 2006-108 to October 10, 2006.)

Mr. Coffey stated that this corrected any possibility of not allowing Public Hearing before the Assembly. Mr. Tesche responded this did not address his other two concerns and he opposed the ordinance.

Chair Sullivan turned the Chair over to Ms. Ossiander, allowing him to debate the matter.

Mr. Sullivan, ordinance sponsor, stated that Mr. Tesche's points were covered. It was not the ordinance intent for the Assembly to become involved with details on all park matters. This only involved the Delaney Park Strip, where there had been questions of process from residents. The local community council had voted, 18-4, in support of the ordinance. He had a vested interest in the development of the Park Strip, not only as an Assemblymember but he had grown up a block from the Park Strip. The Assembly providing final review was only improving the process. He stated this would ensure Assembly involvement with the Master Plan for the entire area and he urged a YES-vote.

Mr. Coffey moved,	to postpone AO 2006-108 to October 10, 2006,
Ms. Jennings seconded,	

Mr. Coffey stated that both sides of the matter carried validity. A two-week postponement would allow time to address some of the concerns mentioned by Mr. Mollozzi.

Mr. Tesche disagreed with Mr. Coffey on the merits of the ordinance, but agreed that additional discussion between Mayor Begich and Assemblymembers was a good idea.

Ms. Fairclough supported postponement.

Mr. Sullivan opposed postponement. This had been continually postponed and the Assembly needed to proceed.

Acting Chair Ossiander called the Question on postponement.

and this motion passed, 9-2.

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

NAYES: Sullivan and Ossiander.

Chair Sullivan resumed as Chair and stated that the Coffey Amendment would be addressed on October 10, 2006.

13.B. 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; Continued from 9-12-06)

Chair Sullivan read the ordinance title and opened Public Hearing.

VICKIE CANTRELL testified the name and identity of the land was confusing, but she had figured out what land was involved. She urged the Assembly to consider waiting if there was not complete disclosure of all information on land parcels and land swaps. To Ms. Ossiander, Ms. Cantrell responded the language had not clearly identified the land on the ballot, which indicated it was an equal trade. Mr. Coffey responded that he was not concerned that another parcel of property was needed to make up (*equal*) fair market value. It bothered him that completed appraisals were promised before the ballot proposition was voted on. Ms. Cantrell responded actions like this would risk voter confidence. To Ms. Ossiander, Ms. Cantrell responded the language had not clearly indicated there was an additional parcel involved. She would not trust future ballot propositions on land trades.

VIC MOLLOZZI, Parks and Recreation Commission Chair, testified this matter was supported by the commission. He stated this was in the best interest of the community and he urged approval. To Mr. Coffey, he responded there was no lack of integrity on the part of the Assembly concerning the ballot language. Mr. Coffey responded that the appraisal had been promised before the matter was on the ballot, but the Legal Department had indicated that had not invalidated the vote. Mr. Mollozzi supported the legal decision. The commission believed the consolidation of the South Anchorage Sports Park was an asset to the community. Ms. Ossiander responded that she had gotten angry calls from constituents. Mr. Mollozzi responded that he had not heard any negative response on this matter.

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

Mr. Birch moved, to approve AO 2006-124,
Ms. Jennings seconded,

Ms. Ossiander stated this was a good deal and the city would come out ahead. Folks assumed this involved a fair and equal trade. She did not want a repeat of the Mount Baldy trade. Ms. Fairclough responded that the Mount Baldy land trade was close to being resolved.

To Ms. Fairclough, Heritage Land Bank Executive Director Robin Ward explained the difference in language between the two land trades. Ms. Fairclough stated that if challenged, the Legal Department would defend the position.

To Mr. Bauer, Ms. Ward responded that she recommended amending the document, to make the trade contingent upon the Anchorage School District (ASD) approval. Ms. Ward responded that it would be difficult to guarantee that the ASD would not need the property in the future.

To Ms. Jennings, Ms. Ward responded that the land in Muldoon was not park land, but a vacant and unused parcel under ASD management. The land trade involved two transactions and the Klatt property was more valuable than the city land. It was understood that the parcels were not equally valued.

Mr. Birch stated that even though the appraisals were not completed before the voters approved the land disposal, the Parks and Recreation Commission had approved the land exchange, which supported the South Anchorage Sports Park. It was good for the community and he urged a YES-vote.

Mr. Coffey stated that voters approved of disposing of the 69 acres of parkland. The appraisals were now completed and the additional land would make an equal trade. He supported the legal opinions issued by the Department of Law. He supported the ordinance and urged a YES-vote.

To Mr. Traini, Municipal Attorney Jim Reeves responded that the proposed land transactions met legal requirements.

Ms. Shamberg stated that nothing had been changed, but the process had not followed a proper sequence, which had raised questions. She recommended support of the ordinance.

Mr. Stout stated that the transaction was not yet settled, because the ASD property involved in the transaction may not be available. Additional properties may have to be considered to fulfill the obligations of the trade. Ms. Ward concurred.

Mr. Tesche stated the Assembly would have preferred that the appraisal and specifics of the land trade be completed and made public before it was voted on. It was appropriate that the Assembly acknowledge it could have been done differently. But the deal still had basic merit and he supported the ordinance.

To Mr. Bauer, Ms. Ward responded that an amendment would be in order. Mayor Begich made recommendations of language to add and a location of the addition. Mr. Bauer proposed to amend.

Mr. Birch moved, to amend AO 2006-124 on Page 1, Line 34, *by adding* to
Mr. Stout seconded, read: Section 1. The disposal of a portion of Tract B, T13N,
and this was later amended, R3W, Section 12, located generally at the intersection of
and this was approved without objection. Muldoon Road and the Glenn Highway to Park Improvement
Project, LLC for fair market value is approved, [~~"contingent
upon the Anchorage School District making the land
available."~~] **"contingent upon (the Anchorage) School
District finding no school district use within the next 30
days."**

Mr. Birch requested the transaction be made time-certain. Mayor Begich made a recommendation of additional language. Mr. Birch accepted this as a friendly amendment, with concurrence of Mr. Stout.

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

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

Chair Sullivan granted a personal privilege to Mr. Bauer, who requested a press release from the Administration summarizing the land trade.

14. NEW PUBLIC HEARINGS

- 14.A. 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.

1. Assembly Memorandum No. AM 642-2006.
2. Information Memorandum No. AIM 101-2006.

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

Ms. Fairclough moved, to approve AO 2006-128,
Ms. Ossiander seconded,

Mr. Traini moved, to amend AO 2006-128 on Page 1, Line 19, *by adding* to
Mr. Stout seconded, read: Members of the Commission may be nominated by
and this was approved without objection. the mayor, any member of the assembly or any member of
the public, and shall be appointed by the mayor and the
mayor shall set their terms “, confirmed by the Assembly.,”

and the main motion, as amended, was approved, 8-0.

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

NAYES: None.

(Clerk's Note: Ms. Shamberg, Mr. Birch and Mr. Coffey were temporarily out of Chambers at the time of the vote.)

- 14.B. 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.
1. Assembly Memorandum No. AM 631-2006.

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

Ms. Fairclough moved, to approve AO 2006-127,
Ms. Ossiander seconded,
and the motion was approved, 8-0.

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

NAYES: None.

(Clerk's Note: Ms. Shamberg, Mr. Birch and Mr. Coffey were temporarily out of Chambers at the time of the vote.)

- 14.C. 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.
1. Assembly Memorandum No. AM 634-2006.

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 2006-229,
Ms. Ossiander seconded,
and the motion was approved, 10-0.

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

NAYES: None.

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

- 14.D. 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.
1. Assembly Memorandum No. AM 630-2006.

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 2006-227,
Ms. Ossiander seconded,
and the motion was approved, 10-0.

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

NAYES: None.

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

- 14.E. Resolution No. AR 2006-237, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant/eating place use per AMC 21.40.180 D.8, for **Kinley's Restaurant & Bar, Inc.**, located on Coven Village Subdivision, Block 1, Lots 4 and 5; generally located at the northwest corner of 33rd Avenue and New Seward Highway (Midtown Community Council) (Case 2006-128); Planning Department.

1. Assembly Memorandum No. AM 665-2006.

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 2006-237,
Mr. Traini seconded,

Mr. Coffey stated that everything concerning this license appeared to be in order. It was an appropriate use and he urged approval. He recommended reducing the amount of paperwork involved with future liquor licenses.

and the motion was approved, 11-0.

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

14.F. Ordinance No. AO 2006-126, an ordinance amending the zoning map and providing for the rezoning of approximately 4.3 acres, from B-3SL (General Business District with special limitations) to I-1SL (Light Industrial District with Special Limitations), for **Mystical Raven Subdivision, Tract A**, generally located at Eklutna Lake Road and Glenn Highway, 28100 Eklutna Lake Road (Chugiak and Eklutna Valley Community Councils) (Planning and Zoning Commission Case 2006-097); Planning Department.

1. Assembly Memorandum No. AM 627-2006.

Chair Sullivan read the ordinance title and opened Public Hearing.

CLEVE COOPER, an Eklutna resident, opposed the rezone. The proposed bottle plant would be an eyesore to Eklutna and to the main highway. The Municipality had codes to prevent things like this from happening. To Ms. Jennings, he responded that a 30-foot vegetation buffer would not hide the factory and he recommended an 8-foot high fence. To Mr. Birch, he explained the exact location of the proposed bottling factory.

JIM BRENNAN, representing Alaska Glacier Refreshments, Incorporated (AGR), testified that the owners had agreed to the Planning and Zoning Commission's recommendation of a 30-foot highway landscaping screening buffer. They had also agreed to a 20-foot buffer to neighboring residential zones, which were not yet developed. To Ms. Jennings, he responded that the water source would be piped from the Eklutna Lake Water Treatment Plant and would be completed in two years. The water would be trucked in the interim.

JASON SERRANO, Vice President of AGR, responded to Mr. Birch by saying the 30-foot screen would be aesthetic landscape planting.

Ms. Jennings moved, to approve AO 2006-126,
Ms. Shamberg seconded,

Mr. Stout declared a possible conflict of interest because he had discussed this subject with his next-door neighbor, who was an investor with this company. Chair Sullivan ruled that Mr. Stout did not have a conflict of interest. There were no objections.

To Ms. Ossiander, Planning and Zoning Department Administrator Jerry Weaver responded the highway screening standards established by Municipal Code were not applicable to this property, but the applicants had agreed to make the improvements. Two rows of evergreens were scheduled for the northwest property boundary, which would protect the surrounding areas. Motorists would not be able to see the plant once the vegetation had matured.

and this motion was passed, 11-0.

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

Chair Sullivan granted a point of personal privilege to Ms. Ossiander. Ms. Ossiander stated there were requirements to submit a landscape plan, which would allow public comment.

14.G. Ordinance No. AO 2006-125, an ordinance amending the zoning map and providing for the rezoning of approximately 4.4 acres, from R-3SL (Multiple Family Residential with Special Limitations) to R-3SL (Multiple Family Residential with Special Limitations), for **Independence Park Subdivision, Tract S**, generally located on the west side of Independence Drive, north of O'Malley Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 2006-080); Planning Department.

1. Assembly Memorandum No. AM 607-2006.

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 2006-125,
Mr. Birch seconded,

Mr. Coffey stated that the density of the rezone would be two to six times that of the surrounding area. Planning and Zoning Department Administrator Jerry Weaver responded it would be within range of the proposed density for that area. Mr. Weaver responded that the owner's obligations included completing upgrades to Independence Drive.

To Mr. Coffey, Tony Hoffman, representing the petitioner, responded that the developer had agreed to a full site plan review, which would include Public Hearing and be heard before the Planning and Zoning Commission. The plan would include proposed density, landscaping, parking and a traffic impact analysis.

To Mr. Birch, Mr. Hoffman responded that he did not know the timeframe of the local area road development.

Ms. Jennings disclosed that she had a possible conflict of interest because her mother lived in an apartment building in the area. Chair Sullivan ruled that Ms. Jennings did not have a conflict of interest and ordered her to participate in the matter. There were no objections.

To Ms. Jennings, Mr. Hoffman responded that the Assembly could impose additional requirements and the developer would consider an additional buffer to protect the apartments. Mr. Weaver responded that the proposed buffer area involved a private park.

To Ms. Shamberg, Mr. Hoffman responded that the wetlands had deep peat, which would require expensive excavating for any development. The developer had proposed increased density with less sprawl to avoid the wetlands. He responded that he had not yet taken the plan to the Abbott Loop Community Council.

and this motion was passed, 11-0.

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

NAYES: None.

- 14.H. Ordinance No. AO 2006-121, an ordinance of the anchorage Municipal Assembly amending Anchorage Municipal Code Sections 21.35.020, 21.40.070, 21.40.080, 21.40.090, 21.40.100, 21.40.110, 21.40.115, 21.40.117, 23.10.Table 3-I, and 23.85.AE102.7.2. to allow the **temporary use of motor homes and recreational vehicles** with self-contained sanitation systems as temporary living quarters, under certain conditions, in certain zoning districts for a limited period of time during construction, repair or rehabilitation of a permanent dwelling; Assemblymember Coffey.
1. Assembly Memorandum No. AM 567-2006.
 2. Information Memorandum No. AIM 105-2006, Summary of Economic Effects; Assemblymember Coffey.

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 2006-121,
Mr. Traini seconded,

Mr. Coffey stated the ordinance had included definitions of motor homes, recreational vehicles and trailers. The intent was to allow these to be temporarily used during construction, for a maximum of eighteen months.

Chair Sullivan stated that the Planning Department had proposed amendments.

Mr. Coffey moved, to amend AO 2006-121 on Page 4, Lines 13-16; Page 6,
Ms. Jennings seconded, Lines 29-33; Page 8, Lines 38-39; Page 9, Lines 1-2; Page
11, Lines 13-17; Page 13, Lines 29-33; Page 16, Lines 1-3
and Page 18, Lines 10-13, *by including* to read: Only one
motor home or other recreational vehicle shall be permitted
for use as temporary living quarters on any parcel of land
during the construction or repair of a permanent dwelling.
"The motor home or recreational vehicle placement on the lot
shall comply with the yard setbacks of the underlying zoning
district."

Ms. Ossiander stated that this applied to only vehicles and yard setbacks. Mr. Weaver concurred. Ms. Ossiander supported the amendment.

and the motion to amend was approved without objection.

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

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

NAYES: None.

15. SPECIAL ORDERS

Ms. Shamberg moved, *for immediate reconsideration of AM 666-2006,*
Mr. Tesche seconded,
and this motion was later withdrawn.

Ms. Shamberg stated that following Assembly action on this matter, she had received an emergency email, indicating that there was another qualified contractor who would complete the work for less than the awarded \$500,000 contract. To Deputy Municipal Manager Michael Abbott, Ms. Shamberg responded the email was from John Gallup with the Girdwood Board of Supervisors (GBOS).

Ms. Fairclough supported postponement of the contract to further review the matter.

Ms. Jennings stated there were timelines on bids. Ms. Shamberg responded the GBOS was concerned with the high costs of the one bid submitted, but had received another bid. Ms. Jennings stated she would support reconsideration so the Purchasing Department could review the matter.

Mayor Begich stated that a motion to reconsider would be good until 5:00 p.m. the following day. He recommended that Purchasing Officer Bart Maudlin review the matter and if there were no contractual legal concerns, the matter could be postponed to the next meeting.

Mr. Tesche stated that Chair Sullivan could consider Ms. Shamberg's request, following investigation of the matter. Ms. Shamberg could withdraw her motion, with concurrence of the second, by 5:00 p.m. the following day. Chair Sullivan responded that Ms. Shamberg could submit a written notice of reconsideration to the Municipal Clerk by 5:00 the following day.

Mr. Birch stated that it needed to be determined if the competitive bid was submitted in time for consideration. If a bid was submitted in time and was not considered, the flawed process needed to examine how the soliciting was occurring. Meanwhile, he supported reconsideration of the matter.

Ms. Shamberg withdrew her motion of reconsideration, with the concurrence of Mr. Tesche.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Sullivan called for a motion to adjourn the meeting.

Mr. Coffey moved, to adjourn the Regular Assembly Meeting,
Ms. Jennings seconded,
and this motion was passed without objection.

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

The Regular Assembly Meeting was adjourned at 10:45 p.m.

DAN SULLIVAN, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Amended and Approved: October 31, 2006.
(Amended, Pages 8, 9, 12 & 13)
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)