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

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

**Minutes for Regular Meeting of December 11, 2007**

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19

**1. CALL TO ORDER**

20 The Assembly Meeting was convened by Chair Coffey at 5:00 p.m. in Assembly Chambers, Room 108 of the Loussac  
21 Library, 3600 Denali Street in Anchorage, Alaska.

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23  
24

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

25 PRESENT: Allan Tesche, Dick Traini, Dan Sullivan (*participating telephonically*), William Starr, Dan Coffey,  
26 Debbie Ossiander, Jennifer Johnston, Chris Birch, Paul Bauer, Sheila Selkregg and Matt Claman.

27 ABSENT: None.

28  
29  
30

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

31  
32

**4. MINUTES OF PREVIOUS MEETINGS**

33 4.A. Special Meeting – November 9, 2007.

34 Ms. Ossiander moved, to approve the Special Meeting Minutes  
35 Ms. Johnston seconded, of November 9, 2007,  
36 and this was approved without objection.

37  
38 AYES: Tesche, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

39 NAYES: None.

40 ABSTAIN: Traini, Sullivan and Starr abstained due to their excused absences on that date.

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43

**5. MAYOR'S REPORT** There was no report.

44  
45

**6. ASSEMBLY CHAIR'S REPORT**

46 Chair Coffey reported that the Downtown Comprehensive Plan would be addressed that evening. The leadership  
47 team requested that Municipal Clerk Barbara Gruenstein prepare a detailed Assembly budget report of total allocations  
48 and spending, prior to the budget discussion. He had received responses from the Administration and the Department  
49 of Law on the new (*substitute*) version of the budget resolution being introduced that evening. He introduced newly  
50 elected board and commission members, including Jim Colver to the Port Commission, Gretchen Bersch to the Sister  
51 Cities Commission and Seth Andersen to the Public Transit Advisory Commission.

52  
53  
54

**7. COMMITTEE REPORTS**

55 Mr. Claman reported the Public Safety Committee would meet on Wednesday, December 19<sup>th</sup> in the Assembly  
56 Conference Room. There would be a presentation from Fire Chief Goodrich on general services of the EMS.

57  
58 Dr. Selkregg reflected on the terrible events that had recently occurred, with the loss of Jason Wenger. She  
59 acknowledged the police officers who played a key role in apprehending the armed suspect, by driving their patrol car  
60 into the suspect's car to stop him. The officer's actions of valor and their commitment were appreciated. She stated it  
61 was essential that everyone think about public safety at all levels, which involved how the community was built and  
62 how kids were treated.

63  
64 Mr. Bauer reminded Assemblymembers that topics for the 2008 Audit Plan needed to be turned in before the  
65 December 21<sup>st</sup> deadline. Chair Coffey responded that Municipal Auditor Peter Raiskums had sent out a memorandum,  
66 urging members to respond.

67  
68 Mr. Birch reported the Administration was finalizing the Legislative Priority List, which would be distributed to members  
69 in preparation for a two-hour meeting at noon on Friday, December 14<sup>th</sup>. He reported that members were please with  
70 the State Administration's capital and budget priorities recently released. He reported the ML&P Merger Committee  
71 would hold another meeting in December. Mayor Begich responded the meeting would include discussion on joint  
72 operation opportunities of ML&P and Chugach Electrical Association.

73  
74 Ms. Johnston reported there would be a Joint Meeting with the Anchorage School Board on December 14<sup>th</sup> in the  
75 Assembly conference Room.

76

1 Mr. Traini reported that there would be a dedication ceremony on Friday, December 14th for the newly-completed  
2 Elmore Road. The new state road had significantly reduced traffic on Tudor and Lake Otis Roads. Municipal Manager  
3 Denis LeBlanc responded that the ribbon cutting was scheduled for 1:00 p.m. Mr. Traini stated that a representative  
4 from the Assembly would attend the dedication. He reported that newly reconstructed Fire Station 4 off Tudor Road  
5 was scheduled to be opened on December 15<sup>th</sup>.

6  
7 Ms. Ossiander reported that the Title 21 Committee would have its last 2007 meeting on Thursday, December 13<sup>th</sup>.  
8 Chapter 12 which dealt with nonconformities and grandfathering had created much public interest, discussion and  
9 involvement. The Real Estate Task Force had also been actively involved with the Chapter 12 draft. The P&Z and the  
10 Title 21 Committee recommended amendments would be distributed that evening for consideration. Chair Coffey  
11 responded that issues of nonconformities had been well thought out and well vetted, but there would be unintended  
12 consequences because of unexpected things that would arise that would need to be addressed by the Assembly.

13  
14 Mr. Starr reported the Budget and Finance Committee had met on December 4<sup>th</sup> to review a proposed resolution being  
15 introduced that evening. The committee had discussed the concept of marketization as it related to municipal  
16 programs and had set up an ad hoc committee to review the matter.

17  
18 Mr. Sullivan reported the Ethics Committee would meet at 3:30 p.m. on Tuesday, December 18<sup>th</sup>, in Assembly  
19 Chambers, to review the Ethics Board's standards, relative to contributions.

## 20 21 **8. ADDENDUM TO AGENDA**

22  
23 Chair Coffey called for a motion and read the Addendum items. He called for additional items and AM 786-2007, AR  
24 2007-296, AIM 109-2007 and AO 2007-132(S) were added and assigned Agenda Numbers 9.B.11, 9.F.17, 13.B.1 and  
25 13.D.1, respectively. He called for a motion to incorporate the Addendum items into the Consent Agenda.

26  
27 Ms. Ossiander moved, to approve the inclusion of the Addendum items  
28 Mr. Starr seconded, into the Consent Agenda,  
29 and this motion was passed, 11-0.

30  
31 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
32 Selkregg and Claman.

33 NAYES: None.

34  
35 Chair Coffey called the Question on the Consent Agenda.

36  
37 Mr. Tesche moved, to approve the Consent Agenda,  
38 Mr. Traini seconded,

39  
40 Chair Coffey called for Assemblymembers to request items be pulled and moved to the Regular Agenda for  
41 discussion.

## 42 43 **9. CONSENT AGENDA**

44 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were no items.

### 45 46 **9.B. RESOLUTIONS FOR ACTION - OTHER**

47 9.B.1. Resolution No. AR 2007-268, a resolution of the Anchorage Assembly approving the updated  
48 **Records Retention Schedule for the Maintenance & Operations Department**, in accordance with  
49 Municipal Policy and Procedure 52.2; Information Technology Department.

50 9.B.2. Resolution No. AR 2007-269, a resolution of the Anchorage Assembly approving the updated  
51 **Records Retention Schedule for Municipal Light & Power**, in accordance with Municipal Policy and  
52 Procedure 52.2; Information Technology Department.

53 9.B.3. Resolution No. AR 2007-270, a resolution of the Anchorage Assembly approving the updated  
54 **Records Retention Schedule for Anchorage Fire Department/ Planning and Development/Data**  
55 **Systems**, in accordance with Municipal Policy and Procedure 52.2; Information Technology  
56 Department.

57 9.B.4. Resolution No. AR 2007-271, a resolution of the Anchorage Assembly approving the updated  
58 **Records Retention Schedule for Finance/Controller/Accounts Payable**, in accordance with  
59 Municipal Policy 9.B. and Procedure 52.2; Information Technology Department.

60 9.B.5. Resolution No. AR 2007-272, a resolution of the Municipality of Anchorage appropriating \$100,000  
61 from the U.S. Forest Service, under the 2007 Forest Health Protection Grant Program, to the  
62 Anchorage Fire Department, Federal Categorical Grants Fund (241), for the restoration of areas  
63 significantly impacted by the **spruce bark beetle infestation**.

64 a. Assembly Memorandum No. AM 743-2007.

65 9.B.6. Resolution No. AR 2007-273, a resolution of the Municipality of Anchorage appropriating \$15,000 as a  
66 donation from the Alaska Regional Hospital Auxiliary to the Miscellaneous Grants Fund (261) for the  
67 Anchorage Police Department to provide for the purchase of additional **defibrillators**.

68 a. Assembly Memorandum No. AM 744-2007.

69 9.B.7. Resolution No. AR 2007-274, a resolution of the Municipality of Anchorage appropriating \$2,000 as a  
70 donation from the Aurora Borealis Post 21 American Legion to the Miscellaneous Grants Fund (261)  
71 for the Anchorage Police Department to provide for the purchase of additional **defibrillators**.

72 a. Assembly Memorandum No. AM 745-2007.

73 9.B.8. Resolution No. AR 2007-275, a resolution of the Municipality of Anchorage appropriating \$63,000 from  
74 the State of Alaska, Department of Transportation & Public Facilities; and appropriating \$1,170 as a  
75 contribution from the 2007 Anchorage Police Operating Budget, Anchorage Metropolitan Police  
76 Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department,  
77 for **impaired driving enforcement**.

78 a. Assembly Memorandum No. AM 749-2007.

1 9.B.9. Resolution No. AR 2007-276, a resolution of the Municipality of Anchorage appropriating \$15,000 from  
2 the **Eagle River Street Light Service Area (SLSA) Fund Balance** (Fund 129) to the Eagle River SLSA  
3 2007 Operating Budget (Fund 129) for 2007 electric utility services; Maintenance & Operations  
4 Department.

5 a. Assembly Memorandum No. AM 750-2007.

6 9.B.10. Resolution No. AR 2007-282, a resolution of the Municipality of Anchorage supporting a grant  
7 application for \$20,000 from *Preserve America* funds to assist the completion of **Downtown**  
8 **Anchorage Historic Walking Tour**; Office of Economic & Community Development. (**Addendum**)

9 9.B.11. Assembly Memorandum No. AM 786-2007, Chugiak-Eagle River **Parks and Recreation Board of**  
10 **Supervisors** appointment of Jessica Coltrane to replace Andrew Brewer; Mayor's Office. (**Laid on**  
11 **the Table**)

12  
13 **9.C. BID AWARDS** There were no items.

14  
15 **9.D. NEW BUSINESS**

16 9.D.1. Assembly Memorandum No. AM 735-2007, **Girdwood Board of Supervisors** appointment (Brian  
17 Epley); Mayor's Office.

18 9.D.2. Assembly Memorandum No. AM 736-2007, **Port Commission** appointment (Jim Colver); Mayor's  
19 Office.

20 9.D.3. Assembly Memorandum No. AM 737-2007, **Public Transit Advisory Board** appointment (Seth  
21 Andersen); Mayor's Office.

22 9.D.4. Assembly Memorandum No. AM 738-2007, **Sister Cities Commission** appointment (Gretchen  
23 Bersch); Mayor's Office.

24  
25 Dr. Selkregg requested this item be pulled for review on the Regular Agenda. (*See item 10.D.4.*)

26  
27 9.D.5. Assembly Memorandum No. AM 739-2007, proprietary purchase of computer software maintenance  
28 support from **TriTech Software System** for the Municipality of Anchorage; Anchorage Fire  
29 Department (AFD) (\$91,824.55), Purchasing.

30 9.D.6. Assembly Memorandum No. AM 740-2007, proprietary purchase of **urban park benches** from Forms  
31 + Surfaces for the Municipality of Anchorage, Parks & Recreation Department (\$65,890); Purchasing.

32  
33 Ms. Johnston requested this item be pulled for review on the Regular Agenda. (*See item 10.D.6.*)

34  
35 9.D.7. Assembly Memorandum No. AM 741-2007, proprietary purchase of **trash receptacles** from Division  
36 10 Products, Inc. for the Municipality of Anchorage, Parks & Recreation Department (\$58,505);  
37 Purchasing.

38  
39 Ms. Johnston requested this item be pulled for review on the Regular Agenda. (*See item 10.D.7.*)

40  
41 9.D.8. Assembly Memorandum No. AM 742-2007, Contract Amendment No. 3 to Palmerco Construction,  
42 Inc., for the construction of the **Northern Lights Boulevard Sound Barrier**, New Seward Highway to  
43 Lake Otis Parkway, Project No. 04-03 (\$292,270); Project Management & Engineering.

44 9.D.9. Assembly Memorandum No. AM 756-2007, Amendment No. 1 to Roger Hickel Contracting, Inc. for the  
45 **Fish Creek Improvements, Phase IVc, Cuddy Family Midtown Park Improvements**, Project No.  
46 06-17 (\$14,737.20); Project Management & Engineering.

47 9.D.10. Assembly Memorandum No. AM 755-2007, Change Order No. 1 to Purchase Order No. 274101 with  
48 Construction Machinery LLC (CMI) for providing **heavy equipment rental** to the Municipality of  
49 Anchorage, Municipal Light & Power Utility (ML&P) (\$30,000); Purchasing.

50 9.D.11. Assembly Memorandum No. AM 760-2007, 2008/2009 Liquor License Renewals: **Shopper's Cache**  
51 #2535 – Package Store (Chugiak Community Council); Clerk's Office. (**Addendum**)

52 9.D.12. Assembly Memorandum No. AM 762-2007, proprietary purchase with **NC Machinery Company** (NC)  
53 to rebuild a 1998 Cat 988B loader for the Municipality of Anchorage, Solid Waste Services (SWS)  
54 (\$554,080); Purchasing. (**Addendum**)

55 9.D.13. Assembly Memorandum No. AM 763-2007, **Bidding Review Board** appointments (Scott Bohne,  
56 David Dickhaus, Susanne DiPietro, and George Sullivan); Mayor's Office. (**Addendum**)

57  
58 **9.E. INFORMATION AND REPORTS**

59 9.E.1. Information Memorandum No. AIM 106-2007, Internal Audit Report 2007-12 - **Cash Controls, Health**  
60 **and Human Services**.

61  
62 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

63 9.F.1. Ordinance No. AO 2007-162, an ordinance submitting to the qualified voters residing in the **Bear**  
64 **Valley Limited Road Service Area** at the Regular Municipal Election April 1, 2008, a ballot  
65 proposition approving the continuation of the limited road service area until altered or abolished by  
66 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
67 Section 27.30.370 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)

68 9.F.2. Ordinance No. AO 2007-163, an ordinance submitting to the qualified voters residing in the **Birch**  
69 **Tree/Elmore Limited Road Service Area** at the Regular Municipal Election April 1, 2008, a ballot  
70 proposition approving the continuation of the limited road service area until altered or abolished by  
71 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
72 Section 27.30.290 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)

73 9.F.3. Ordinance No. AO 2007-164, an ordinance submitting to the qualified voters residing in the **Section**  
74 **6/Campbell Airstrip Road Limited Road Service Area** at the Regular Municipal Election April 1,  
75 2008, a ballot proposition approving the continuation of the limited road service area until altered or  
76 abolished by majority vote of those voting within the affected area, and amending Anchorage  
77 Municipal Code Section 27.30.300 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)

78 9.F.4. Ordinance No. AO 2007-165, an ordinance submitting to the qualified voters residing in the **Sequoia**  
79 **Estates Limited Road Service Area** at the Regular Municipal Election April 1, 2008, a ballot

- 1 proposition approving the continuation of the limited road service area until altered or abolished by  
2 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
3 Section 27.30.380 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)  
4 9.F.5. Ordinance No. AO 2007-166; an ordinance submitting to the qualified voters residing in the **SRW**  
5 **Homeowner's Limited Road Service Area** at the Regular Municipal Election April 1, 2008, a ballot  
6 proposition approving the continuation of the limited road service area until altered or abolished by  
7 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
8 Section 27.30.650 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)  
9 9.F.6. Ordinance No. AO 2007-167, an ordinance submitting to the qualified voters residing in the **Upper**  
10 **O'Malley Limited Road Service Area** at the Regular Municipal Election April 1, 2008, a ballot  
11 proposition approving the continuation of the limited road service area until altered or abolished by  
12 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
13 Section 27.30.210 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)  
14 9.F.7. Ordinance No. AO 2007-168, an ordinance submitting to the qualified voters residing in the **Villages**  
15 **Scenic Parkway Limited Road Service** area at the Regular Municipal Election April 1, 2008, a ballot  
16 proposition approving the continuation of the limited road service area until altered or abolished by  
17 majority vote of those voting within the affected area, and amending Anchorage Municipal Code  
18 Section 27.30.390 accordingly; Municipal Clerk. (*Public Hearing 1-08-08*)  
19 9.F.8. Ordinance No. AO 2007-172, an ordinance amending Anchorage Municipal Code Section 28.30.030,  
20 **Declaration of Candidacy**, to revise the deadline for candidate withdrawal. (*Public Hearing 1-08-08*)  
21 a. Assembly Memorandum No. AM 757-2007.  
22 9.F.9. Ordinance No. AO 2007-173, an ordinance amending Anchorage Municipal Code Section 28.60.040,  
23 **Special Needs Voting**, to delete the restriction on the number of qualified voters represented by a  
24 single representative. (*Public Hearing 1-08-08*)  
25 a. Assembly Memorandum No. AM 758-2007.  
26 9.F.10. Ordinance No. AO 2007-169, an ordinance authorizing a lease for the continued use and maintenance  
27 of telecommunication facilities, on a portion of **Section 35, T13N, R3W, S.M., Alaska** generally  
28 located south of Tudor Road and east of Baxter and west of Patterson between Anchorage Water and  
29 Wastewater Utility, a Public Corporate Authority of the Municipality of Anchorage, and Alaska  
30 Communications Systems Wireless Inc.; Anchorage Water & Wastewater Utility. (*Public Hearing 1-08-*  
31 *08*)  
32 a. Assembly Memorandum No. AM 746-2007.  
33 9.F.11. Ordinance No. AO 2007-170, an ordinance authorizing a lease for the continued use and maintenance  
34 of telecommunication facilities, for a portion of **Spenard Heights, Tract 5 N&S 2**, located west of  
35 Cheigny Street and north of W. 64<sup>th</sup> Avenue Between Anchorage Water And Wastewater Utility, a  
36 Public Corporate Authority of the Municipality of Anchorage, and Alaska Communications Systems  
37 Wireless Inc.; Anchorage Water & Wastewater Utility. (*Public Hearing 1-08-08*)  
38 a. Assembly Memorandum No. AM 747-2007.  
39 9.F.12. Ordinance No. AO 2007-171, an ordinance authorizing a lease for the continued use and maintenance  
40 of telecommunication facilities, on a portion of **Section 4, T12N, R4W, Lot 7**, north of Kincaid Road  
41 and east of Jodhpur Road between Anchorage Water and Wastewater Utility, a Public Corporate  
42 Authority of the Municipality of Anchorage, and Alaska Communications Systems Wireless Inc.;  
43 Anchorage Water & Wastewater Utility. (*Public Hearing 1-08-08*)  
44 a. Assembly Memorandum No. AM 748-2007.  
45 9.F.13. Resolution No. AR 2007-277, a resolution of the Municipality of Anchorage appropriating \$199,000  
46 from the Southcentral Foundation to the Federal Categorical Grants Fund (241) for the **Emergency**  
47 **Alcohol Services Program** in the Anchorage Fire Department. (*Public Hearing 1-08-08*)  
48 a. Assembly Memorandum No. AM 751-2007.  
49 9.F.14. Resolution No. AR 2007-278, a resolution of the Anchorage Municipal Assembly appropriating  
50 \$299,956 from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice  
51 and Delinquency Prevention and \$5,560 as a contribution from the 2007 Anchorage Police Operating  
52 Budget, Anchorage Metropolitan Police Service Area Fund (151), to the Federal Categorical Grants  
53 Fund (241), Anchorage Police Department, for the purpose of establishing the **Alaska Internet**  
54 **Crimes Against Children Task Force**. (*Public Hearing 1-08-08*)  
55 a. Assembly Memorandum No. AM 752-2007.  
56 9.F.15. Resolution No. AR 2007-279, a resolution authorizing the Municipality of Anchorage, Public  
57 Transportation Department, to enter into a Transfer of Responsibilities Agreement in the amount of  
58 \$384,726 with the Department of Transportation and Public Facilities, State of Alaska, for **Municipal**  
59 **Share-A-Ride Program** and appropriating these funds to the State Categorical Grants Fund (231).  
60 (*Public Hearing 1-08-08*)  
61 a. Assembly Memorandum No. AM 753-2007.  
62 9.F.16. Resolution No. AR 2007-280, a resolution authorizing the Municipality of Anchorage, Public  
63 Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the  
64 amount of \$259,690 with the State of Alaska, Department of Transportation and Public Facilities, for  
65 financing the implementation of a **Public Transportation Marketing Program** and appropriating  
66 these funds to the State Categorical Grants Fund (231). (*Public Hearing 1-08-08*)  
67 a. Assembly Memorandum No. AM 754-2007.  
68 9.F.17. Resolution No. AR 2007-296 a resolution adopting the **2008 Legislative Program** for the Municipality  
69 of Anchorage; Mayor's Office. (*Laid on the Table*)  
70

71 Ms. Ossiander moved, *to introduce AR 2007-296, with Public Hearing*  
72 Mr. Claman seconded, *scheduled for December 18, 2007,*  
73 Mr. Traini was the concurring third.

74  
75 Chair Coffey called the Question on the remainder of the Consent Agenda.

76  
77 and this motion, as amended, was passed without objections, 11-0.  
78

1 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
2 Selkregg and Claman.

3 NAYES: None.  
4

5 The amended Consent Agenda was approved and Chair Coffey led the body into discussion of the pulled items.  
6

7 **END OF CONSENT AGENDA**  
8

9 **10. REGULAR AGENDA**

10 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were no items.

11 **10.B. RESOLUTIONS FOR ACTION - OTHER** No items were pulled for review.

12 **10.C. BID AWARDS** There were no items.

13 **10.D. Information and Reports**

14 **10.D.4. Assembly Memorandum No. AM 738-2007, **Sister Cities Commission** appointment (Gretchen  
15 Bersch); Mayor's Office.**

16 Dr. Selkregg moved, to approve AM 738-2007,  
17 Mr. Claman seconded,  
18 and this was approved without objection.  
19

20 Dr. Selkregg recognized Gretchen Bersch, newly appointed to the Sister Cities Commission. Ms. Bersch, a longtime  
21 resident of Anchorage, had been actively involved with developing a center for women in Magadan, Russia, with money  
22 she had received when she was recognized as a wonderful teacher. There could not be a better representative.  
23

24 **10.D.6. Assembly Memorandum No. AM 740-2007, proprietary purchase of **urban park benches** from Forms  
25 + Surfaces for the Municipality of Anchorage, Parks & Recreation Department (\$65,890); Purchasing.**

26 Ms. Johnston moved, to approve AM 740-2007,  
27 Ms. Ossiander seconded,  
28

29 To Ms. Johnston, Parks and Recreation Director Jeff Dillon responded the park benches were more durable than wood  
30 and had a life expectancy of 25 years, which was longer than the plastic benches, which was 12 years.  
31

32 To Ms. Ossiander, Mr. Dillon responded the department had done a product, cost and maintenance comparison to  
33 evaluate the products and determine the best cost value. The catalogs were available for review.  
34

35 To Mr. Bauer, Mr. Dillon responded that in the past benches had been donated by community members for  
36 Westchester Lagoon and Kincaid Park. The park benches being considered that evening would replace benches at  
37 Delaney Park. Mayor Begich responded the Rasmuson Foundation had made direct contributions for park benches.  
38

39 and the motion was passed, 11-0.  
40

41 **10.D.7. Assembly Memorandum No. AM 741-2007, proprietary purchase of **trash receptacles** from Division  
42 10 Products, Inc. for the Municipality of Anchorage, Parks & Recreation Department (\$58,505);  
43 Purchasing.**

44 Ms. Johnston moved, to approve AM 741-2007,  
45 Mr. Starr seconded,  
46

47 To Ms. Johnston, Parks and Recreation Director Jeff Dillon responded the trash containers were made of rust-resistant  
48 steel and were expected to last 12 to 15 years. Ms. Johnston stated that when she researched this item online she  
49 noticed that this was a popular product.  
50

51 and the motion was approved without objection.  
52

53 **10.E. INFORMATION AND REPORTS** No items were pulled for review.

54 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION** No items were pulled for review.  
55

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

57 **11.A. Ordinance No. AO 2007-113, an ordinance adopting the **Anchorage Downtown Comprehensive**  
58 **Plan** as an element of the *Comprehensive Plan*, amending Anchorage Municipal Code  
59 Sections 21.05.030, and amending AO 2006-172, Attachment A, at Anchorage Municipal Code  
60 Section 21.01.080 (Planning and Zoning Commission Case 2007-076); Planning Department.**

61 1. Assembly Memorandum No. AM 475-2007. (*Public Hearing was Closed 9-25-07; Action was*  
62 *Carried Over from 9-25-07, 10-9-07 and 10-23-07; Plan was Amended 10-23-07; Plan was*  
63 *Further Amended 11-6-07; Action was Postponed from 11-6-07*)  
64

65 Ms. Ossiander had moved, to approve AO 2007-113,  
66 Mr. Sullivan had seconded,  
67

68 (*Clerk's Note: Ms. Ossiander assumed the Assembly Chair, allowing Mr. Coffey to present his amendments.*)  
69

70 Mr. Coffey moved, to approve Coffey Amendment #1, amending AO 2007-113  
71 Ms. Johnston seconded, on Page 125 of the draft Plan *by deleting [P-4], (deleting a*  
72 *Downtown Advisory Group);*  
73  
74  
75  
76  
77  
78  
79

1  
2 Mr. Coffey stated the need for a Downtown Advisory Group to track the achievement of the Plan was unnecessary.  
3 The Planning Department, the Downtown Partnership, the Chamber of Commerce, the ACVB and the community  
4 councils provided this type of assistance and another group was not needed.

5  
6 To Mr. Tesche, Mr. Coffey responded that staff had supported the amendment.

7  
8 Dr. Selkregg stated that forming the Downtown Advisory Group had been recommended by a group of business  
9 owners and investors who felt it was important to advocate for implementing the Downtown Plan, but there was  
10 already enough commitment and many interested people who supported the plan.

11  
12 Mr. Coffey stated that the P&Z, the Platting Board, community councils and others groups were established and  
13 recognized bodies. Ad hoc committees were often used by special interest groups. One more ad hoc group was not  
14 needed. The plan would be overseen by the Planning Department and the Municipality. Planning Department Director  
15 Tom Nelson responded the Downtown Partnership already used this approach.

16  
17 and this was approved, 9-2.

18  
19 AYES: Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer and Claman.

20 NAYES: Tesche and Selkregg.

21  
22 Mr. Coffey moved,  
23 Mr. Bauer seconded,  
24 and this was approved, 10-1.

to approve Coffey Amendment #3, amending AO 2007-113  
on Page 127 – LU-11 of the draft Plan *by changing* to read:  
“The Parks and Recreation Commission shall” [~~establish a  
downtown park community advisory group to help~~] determine  
open space and recreational needs and opportunities in the  
Downtown area “and make recommendations for  
amendments to the existing Park Plan to implement those  
recommendations.”

25  
26  
27  
28  
29  
30  
31 AYES: Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg  
32 and Claman.

33 NAYES: Tesche.

34  
35 Mr. Coffey moved,  
36 Mr. Bauer seconded,

to approve Coffey Amendment #4, amending AO 2007-113  
on Page 127 of the draft Plan *by deleting* [LU-12];

37  
38 Mr. Coffey stated that Amendment #3 referred to the Parks and Recreation Commission's determining open space and  
39 recreational needs. LU-12 directed that effort inappropriately by instructing the commission to examine 'acquisition  
40 strategies' which was contrary to the established directives of the Assembly and the Administration to maintain and  
41 operate existing facilities. Dr. Selkregg responded that an acquisition strategy and a needs and opportunity strategy  
42 were two different things. One was a planning strategy and the other was a strategy for acquiring the property. Mr.  
43 Coffey stated that the LU-12 directed an effort that was contrary to the existing Park Plan. Dr. Selkregg responded  
44 that the Downtown Plan addressed the need for additional open spaces and the Parks Plan needed to recognize that.

45  
46 and this was passed, 8-3.

47  
48 AYES: Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch and Bauer.

49 NAYES: Tesche, Selkregg and Claman.

50  
51 Mr. Coffey moved,  
52 Mr. Bauer seconded,

to approve Coffey Amendment #5, amending AO 2007-113  
on Page 127 of the draft Plan *by changing* LU-15 to read:  
“The Historic Preservation Commission shall inventory  
historic sites and structures and shall develop” immediate and  
long term historic preservation policies, initiatives and  
incentives “and make recommendations to the Assembly to  
Ordinances and / or Resolutions relative to historic  
preservation” [~~INVENTORY HISTORIC RESOURCES~~].;

53  
54  
55  
56  
57  
58  
59  
60 Mr. Coffey stated that this would allow the Historic Preservation Commission to inventory the sites. The LU-15 allowed  
61 establishment of the commission with specific duties and responsibilities to make recommendations to the Assembly  
62 on historic preservation issues and opportunities. Planning staff had concurred.

63  
64 To Mr. Tesche, Mr. Coffey responded that he had deleted the redundant language. His intent was to state the policy  
65 and role of the commission. Mr. Tesche concurred and recommended approval.

66  
67 and this motion was passed, 11-0.

68  
69 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
70 Selkregg and Claman.

71 NAYES: None.

72  
73 Mr. Coffey moved,  
74 Mr. Bauer seconded,

to approve Coffey Amendment #6, amending AO 2007-113  
on Page 128 of the draft Plan *by changing* to read:  
“The Traffic Department and other appropriate departments  
of the Municipality, including the Parks and Recreation  
Department, are directed to review the pros and cons of  
converting” 9<sup>th</sup> Avenue to a typical three-lane section,  
coordinating with transit operations planning and pedestrian

1 improvements ~~[RECOMMENDED BY THIS PLAN AND THE~~  
2 ~~DELANEY PARK MASTER PLAN]~~. “Upon completion of this  
3 review, a report is to be made to the Assembly on this issue  
4 of what, if any changes should be made to 9<sup>th</sup> Avenue to  
5 accommodate traffic, transit, bike and pedestrian  
6 requirements within the context of the Delaney Park Master  
7 Plan.”  
8

9 Mr. Coffey stated that he did not want to mandate a three-lane road on 9th Avenue because people involved with  
10 Delaney Park were divided on the issue. He was proposing the Parks and Recreation and Traffic Departments to  
11 make a list of the pros and cons of the conversion and to report to the Assembly.  
12

13 Dr. Selkregg stated that she supported the amendment. The plan process already addressed this matter and there  
14 had been many designs for 9<sup>th</sup> Avenue.  
15

16 Mr. Starr stated the 9<sup>th</sup> Avenue connection to the Coastal Trail was not clear in the new language. Mr. Nelson  
17 responded the Pedestrian Plan was only addressed to L Street. The Delaney Park Master Plan would be addressed at  
18 a later time. Mr. Starr concurred. Dr. Selkregg responded that proposed bike paths were considered in the Downtown  
19 Plan and both plans would work together.  
20

21 Mr. Claman supported the amendment. The question of the number of lanes was a divided issue and it was wise to  
22 involve the community.  
23

24 and this was approved, 11-0.  
25

26 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
27 Selkregg and Claman.

28 NAYES: None.  
29

30 Mr. Coffey moved,  
31 Mr. Bauer seconded,  
32 and this was approved, 11-0.  
33

to approve Coffey Amendment #11, amending AO 2007-113  
on Page 130 of the draft Plan, the list of Proposed  
Implementers for P-1, *by adding* to read: Downtown  
Partnership, MOA (OECD AEDC) and “ACVB;”  
34

35 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
36 Selkregg and Claman.

37 NAYES: None.  
38

39 Mr. Coffey moved,  
40 Ms. Johnston seconded,  
41

to approve Coffey Amendment #12, amending AO 2007-113  
on Page 131 of the draft Plan *by deleting*: [~~P-8: Establish a~~  
~~Downtown Safety and Security Committee to strengthen~~  
~~current efforts to improve safety and security Downtown.~~];  
42  
43

44 Mr. Coffey stated that the responsibility of security needed to be with the Downtown Partnership and the Anchorage  
45 Police Department and a new Downtown Safety and Security Commission was not needed.  
46

47 Dr. Selkregg urged a NO-vote.  
48

49 and this was approved, 10-1.  
50

51 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer and  
52 Claman.

53 NAYES: Selkregg.  
54

55 Mr. Coffey moved,  
56 Ms. Johnston seconded,  
57

to approve Coffey Amendment #13, amending AO 2007-113  
on Page 131 of the draft Plan *by deleting*: [~~P-16: Improve~~  
~~Town Square Park for large community events.~~];  
58

59 Mr. Coffey stated that this provision was already listed in LU-14 with duties and responsibilities of the Parks and  
60 Recreation Department and the Parks and Recreation Commission and did not need to be repeated. Mr. Nelson  
61 concurred.  
62

63 and the motion was passed, 11-0.  
64

65 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
66 Selkregg and Claman.

67 NAYES: None.  
68

69 Mr. Coffey moved,  
70 Dr. Selkregg seconded,  
71

to approve Coffey Amendment #9, amending AO 2007-113  
on Page 130 of the draft Plan in UD-1, *by changing* to read:  
[~~As part of the Downtown park and open space plan (L-12,~~  
~~above);] “Identify and prioritize scenic view corridors and  
potential measures and incentives for their protection.”  
72  
73  
74~~

75 To Acting Chair Ossiander, Mr. Nelson responded the amendment was a Planning Department recommendation.  
76

77 Dr. Selkregg stated this was a housekeeping action.  
78

79 and this was passed unanimously, 11-0.

1  
2 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
3 Selkregg and Claman.

4 NAYES: None.

5  
6 Mr. Coffey moved,  
7 Ms. Johnston seconded,

8 to approve Coffey Amendment #2, recommended by  
9 Planning staff, amending AO 2007-113 on Page 125 and 126  
10 of the draft Plan, *Opportunity Sites*, at the beginning of LU-3,  
11 LU-4 and LU-5, *by adding*: "If development occurs prior to  
adoption of the new Downtown Code provided for in LU-1,  
encourage [ensure] design to adhere[s] to..."

12  
13 Mr. Coffey stated this was listed in the Planning Department recommendations. If development occurred before the  
14 new code was adopted, this was intended to keep those developments in conformance with the requirements that  
15 were currently being finalized. Mr. Nelson responded the LU-3, LU-4 and LU-5 would be changed to be more  
16 permissive.

17  
18 Dr. Selkregg stated that she would support the amendment. It was the Assembly's prerogative to encourage those  
19 sites to meet the plan's expectations. There would be a risk that the sites could be developed in a radically different  
20 way that would affect all of Downtown, such as the parking garage across from the new convention center.  
21 Encouraging compliance could occur in a variety of ways.

22  
23 and this was approved, 11-0.

24  
25 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
26 Selkregg and Claman.

27 NAYES: None.

28  
29 Dr. Selkregg stated for the record that she had already declared a possible conflict of interest with the matter because  
30 she had been the Project Manager (*on the Downtown Plan*). Acting Chair Ossiander stated Dr. Selkregg's possible  
31 conflict of interest had been addressed before the Assembly and the Chair's ruling had been that Dr. Selkregg did not  
32 have a conflict of interest in the matter.

33  
34 Mr. Coffey moved,  
35 Mr. Bauer seconded,

36 to approve Coffey Amendment #7, recommended by  
37 Planning Staff, amending AO 2007-113 on Page 129, T-11, of  
38 the draft Plan, *by substituting the existing language in it's*  
39 *entirety* to read: [~~Develop a Pedestrian Improvement Plan~~  
40 ~~and coordinated implementation program for improving the~~  
41 ~~Downtown Plan's designated primary and secondary~~  
42 ~~pedestrian connections, enhanced intersection crossings~~  
43 ~~pedestrian and bicycle trails, on-street bicycle connections~~  
44 ~~and other pedestrian amenities and traffic calming strategies.~~  
45 ~~Include street amenities for transit ridership (Page 83) such~~  
46 ~~as curb extensions at bus stops, heated bus stops and~~  
47 ~~schedule information.] "The Traffic Department and other  
48 appropriate departments of the Municipality are directed to  
49 develop and implement strategies to enhance pedestrian,  
50 transit and bicycle amenities in the Downtown core area [as  
51 depicted on the map on page 47] while continuing to  
52 accommodate vehicular traffic. In addition, consideration  
53 should be given to other amenities such as public art,  
54 landscaping, self cleaning rest rooms, seating opportunities  
55 and other amenities.;"~~

56 To Mr. Coffey, Mr. Nelson responded the Planning Department recommended the substitute language, including  
57 deleting reference to the map. Mr. Coffey stated that the proper strategies needed to be in place for pedestrian,  
58 bicycle and transit amenities to continue accommodating vehicular traffic through Downtown. Mr. Nelson concurred.

59 To Mr. Starr, Mr. Nelson responded this was being proposed as Appendix C to the Downtown Plan and provided  
60 guidance in the design of improvements for the rights-of-way within the core area. The map conflicted with the  
61 vehicular transportation suggestions in the document.

62  
63 and this was approved unanimously, 11-0.

64  
65 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
66 Selkregg and Claman.

67 NAYES: None.

68  
69 Mr. Coffey moved,  
70 Mr. Bauer seconded,  
71 and this was passed, 11-0.

72 to approve Coffey Amendment #10, recommended by  
73 Planning Staff, amending AO 2007-113 on Page 130, *by*  
74 *deleting in its entirety*: [~~UD-2: As part of the Pedestrian~~  
75 ~~Improvements Plan (T-11 above) and Downtown Core~~  
76 ~~Streets Streetscape Plan, identify and prioritize pedestrian~~  
77 ~~amenities, including funding sources and potential locations.~~  
78 ~~Amenities include public art, landscaping, seating~~  
~~opportunities, self-cleaning restaurants, and other amenities~~  
~~recommended by the Downtown Plan.];~~

1 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
2 Selkregg and Claman.

3 NAYES: None.

4  
5 Mr. Coffey moved,  
6 Ms. Johnston seconded,

to approve Coffey Amendment #8, amending AO 2007-113 recommended by Planning Staff, on Page 129, Lines 12-15, T-12, *by changing* to read: Adjust the timing of traffic signals on ~~[ARTERIALS IN THE DOWNTOWN]~~ "on all roads and streets within the Downtown core area, as defined below," to reduce average speeds to 20 MPH ~~[OR LESS]~~ within "the" Downtown "core area as defined below. For purposes of this provision, the Downtown core area is defined as the area north of 9<sup>th</sup> Avenue (but not including 9<sup>th</sup> Avenue) as the south boundary of the Downtown core area, the area west of C Street (but not including C Street) as the east boundary of the Downtown core area, the area east of I Street (but not including I Street) as the west boundary of the Downtown core area and the area south of the north side of 3<sup>rd</sup> Avenue as the north boundary of the Downtown core area."

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21 Mr. Coffey stated his intent was to reach some sort of balance to prevent unintended consequences that might be  
22 harmful to traffic flow, pedestrians, merchants and other matters. Planning staff believed that 25 miles per hour would  
23 be sufficient. It was a reasonable accommodation of the concerns and could always be revisited in the future.

24  
25 Dr. Selkregg stated that the traffic speed was extremely dangerous to pedestrians and was a big concern for a vital  
26 Downtown. There were lots of good reasons to slow down traffic speed, including many people being killed.

27  
28 To Mr. Claman, Mr. Coffey responded that currently to make all the signals a speed of 29 miles per hour was  
29 necessary and the traffic lights would be changed to reduce the speed to 25 miles per hour.

30  
31 Dr. Selkregg stated that the Assembly had heard testimony about increased degrees of vehicle-pedestrian injury as  
32 the speeds increased. Portland, Seattle and most big cities across the country successfully maintained a speed of 20  
33 miles per hour.

34  
35 and this was passed, 10-1.

36  
37 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
38 and Claman.

39 NAYES: Selkregg.

40  
41 Acting Chair Ossiander reported that Agenda item 12, Appearance Request, needed to be taken up before 6:30 p.m.

42  
43 (*Clerk's Note: Acting Chair Ossiander led the body to take up Appearance Requests and upon completion, returned*  
44 *the body to continue the Downtown Comprehensive Plan. Mr. Coffey resumed as Assembly Chair. The following*  
45 *motions are as they were presented on record.*)

46  
47 Mr. Sullivan moved,  
48 Mr. Bauer seconded,

to amend AO 2007-113 on Page 129 of the draft Plan, *Implementation Action Plan*, T-18 *by substituting* to read: ~~[Program the transition of on-street parking from individual parking meters to a kiosk system of parking meters.]~~ "Institute a one year demonstration project on a select downtown street to test the use, reliability and public acceptance of kiosk type parking meters in Anchorage's winter environment." And, to amend *by changing* the cost in the fourth column from ~~[\$\$]~~ to "\$."

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56  
57 Ms. Ossiander stated that Mr. Sullivan was sponsoring this new approach, because in a winter environment it would  
58 difficult to walk distances in snow and ice to the kiosks. Mr. Sullivan stated it was prudent to see how this new plan  
59 worked and to determine its success.

60  
61 Dr. Selkregg supported a plan that would work out the kinks without spending a lot of money.

62  
63 Mr. Claman stated that the kiosk set up on a small lot at 3<sup>rd</sup> and L Street kept breaking. He supported the plan, but  
64 recommended finding a kiosk meter that would work effectively in winter conditions.

65  
66 and this motion was passed, 11-0.

67  
68 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
69 Selkregg and Claman.

70 NAYES: None.

71  
72 Mr. Traini moved,  
73 Mr. Tesche seconded,  
74 and this was later amended,

to amend AO 2007-113 on Page 83, at the end of the first paragraph (*4. Develop a Coordinated Parking Strategy*), *by adding* to read: "Operate surface lots and parking facilities to better meet customer service needs.  
1. Require owners of surface lots and parking facilities, including out-of-state owners to maintain a local office for transactions, business and customer service;

2. Require owners of surface lots and parking facilities to improve sidewalk maintenance, especially winter snow removal on public areas;"

Mr. Traini opposed citizens having to deal long distance with parking companies outside of the state. More and more parking facilities were being bought by outside companies. He proposed that outside parking businesses maintain a local office so customers did not have to rely on phone or a fax to get resolution of a parking ticket. To Chair Coffey, Mr. Traini stated that Diamond Parking provided enforcement from Seattle. Mayor Begich responded businesses on private lots could do what they wanted, including ticketing, towing or sending a collection agency to pursue delinquent tickets.

Mr. Tesche stated that this and inadequate sidewalk maintenance irritated downtown residents and businesses. To Chair Coffey, Mr. Tesche and Mayor Begich responded that a paved surface lot was a lot that provided parking and was not a parking garage.

Dr. Selkregg stated this should not apply to the Carrs parking lots. Mayor Begich recommended using 'commercial.' Mr. Traini and Mr. Tesche accepted as a friendly amendment.

Dr. Selkregg moved,  
Mayor Begich seconded,  
and a friendly amendment was accepted,

to amend the Traini amendment amending AO 2007-113 on Page 83, at the end of the first paragraph *by adding* to read:  
"Operate surface lots and parking facilities to better meet customer service needs.

1. Require owners of "commercial" surface lots and parking facilities, including out-of-state owners to maintain a local office for transactions, business and customer service;
2. Require owners of "commercial" surface lots and parking facilities to improve sidewalk maintenance, especially winter snow removal on public areas;"

To Mr. Starr, Mr. Tesche responded that a subsequent ordinance approved by the Assembly could define businesses and address implementation and enforcement of this section.

To Chair Coffey, Mr. Nelson responded the Planning staff supported the amendment and recommended placing the change on Page 85 under 'Parking Strategies.' Mr. Traini and Mr. Tesche accepted this as a friendly amendment.

Mr. Traini moved,  
Mr. Tesche seconded,  
and a friendly amendment was accepted,

to amend the Traini amendment amending AO 2007-113 on Page [83 at the end of the first paragraph] **"85, under Parking Strategies,"** *by adding* to read:  
"Operate surface parking facilities to better meet customer service needs.

1. Require owners of "commercial" surface lots and parking facilities, including out-of-state owners to maintain a local office for transactions, business and customer service;
2. Require owners of "commercial" surface lots and parking facilities to improve sidewalk maintenance, especially winter snow removal on public areas;"

Mr. Sullivan stated that this amendment would apply to the downtown area only. Mr. Tesche concurred and responded that under law sidewalk maintenance was already required. Mr. Sullivan questioned the legality of requiring somebody to have a local office. Mr. Tesche responded that it was common law used by the State of Alaska and the Municipality could also make those requirements. Mr. Sullivan stated that there were no local offices for customer service for overdrawn bankcards and thought the amendment was a bit of a stretch.

Mr. Traini stated the Assembly was charged with protecting local citizens and this was appropriate.

and the motion, as amended, was passed, 7-4.

AYES: Tesche, Traini, Starr, Birch, Bauer, Selkregg and Claman.  
NAYES: Sullivan (*participating telephonically*), Coffey, Ossiander and Johnston.

Mr. Tesche moved,  
Ms. Ossiander seconded,

to amend AO 2007-113 on Page 33, *Strategy Diagram*, in a memorandum from Planning Director Tom Nelson dated October 23, 2007, *by adding* certain property to the legal office downtown mixed-use district,

Mr. Tesche stated that this would add certain property to the legal office downtown mixed-use district.

Chair Coffey stated this matter was well-understood and he supported and urged approval.

and this was approved, 11-0.

AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.  
NAYES: None.

Mr. Starr moved,  
Ms. Ossiander seconded,

to amend AO 2007-113, Appendix C *The Downtown Core Streetscape Plan* on Page 76 *by changing* the last sentence

1 and a friendly amendment was accepted, to read: Full implementation of the remaining improvements  
2 [will] [~~could~~] "**should**" follow in subsequent years.;"  
3

4 Mr. Starr stated that using 'will' may be subsequent to funding the improvements and he supported softening the  
5 language. To Mr. Claman, Mr. Starr responded he would consider using 'should' instead of 'could.'  
6

7 Dr. Selkregg stated there was value with plans that had intent.  
8

9 To Mr. Claman, Mr. Nelson responded the amendment gave intent and a commitment. Use of 'should' or 'will' was  
10 often used in plans, to show intent. Mr. Claman stated that he would support the amendment with 'should.' Mr. Starr  
11 accepted this as a friendly amendment.  
12

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

15 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
16 Selkregg and Claman.

17 NAYES: None.  
18

19 Dr. Selkregg thanked Ms. Ossiander and Mr. Coffey for their hard work on the Downtown Plan and finding  
20 compromises that would make a difference.  
21

22 Mayor Begich thanked the Planning staff for the many years of hard work on this Downtown Comprehensive Plan. He  
23 recognized the contributions from the Downtown business community and from those who were involved with public  
24 testimony throughout the process, which had helped develop a good plan.  
25

26 Chair Coffey called for a vote on the main motion.  
27

28 and the main motion, as amend, was approved without objection.  
29

30 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
31 Selkregg and Claman.

32 NAYES: None.  
33

## 34 12. APPEARANCE REQUESTS

35 12.A. **Les Shephard**, regarding the 4<sup>th</sup> Avenue Theatre acquisition and community preservation.  
36 (**Addendum**)  
37

38 LES SHEPHARD and SAM COMBS testified about preserving the 4<sup>th</sup> Avenue Theatre. The sale price of \$2,800,000,  
39 which included everything, was an outstanding buy. A post office box and a website had been set up to hear from the  
40 public and 93% of the 830 people responding supported preserving the theatre. A large non-profit group was working  
41 on the effort. He urged for the Assembly and the State of Alaska to be involved because the theatre was important to  
42 the community, the city and the entire state. Mr. Combs, an Historic Preservation Commissioner involved with  
43 restoration efforts, supported Mr. Shephard's plan. To Mr. Traini, Mr. Combs responded the sale price did not include  
44 the liquor license. To Mr. Tesche, Mr. Shephard responded the private non-profit group would raise funds to pay off  
45 the building. To Dr. Selkregg, Mr. Combs responded that the art panels were included in the sale. To Chair Coffey, he  
46 responded that he had commitments for donations over \$60,000. Foreclosure was scheduled for February 27, 2008.  
47

## 48 13. CONTINUED PUBLIC HEARINGS

49 13.A. Ordinance No. AO 2007-116, an ordinance of the Anchorage Municipal Assembly to provisionally  
50 adopt a new Chapter 21.12, **Nonconformities**, amending Anchorage Municipal Code Title 21 subject  
51 to concurrent final passage and approval of all provisionally adopted chapters of Title 21; Assembly  
52 Vice-Chair Ossiander.

- 53 1. Assembly Memorandum No. AM 500-2007.
- 54 2. Information Memorandum No. AIM 97-2007.  
55

56 Chair Coffey read the ordinance title and opened Public Hearing.  
57

58 KRIS MANN KULLBERG opposed the nonconformities pertaining to pre-existing towers or antennas, which would be  
59 detrimental if approved in Title 21. She recommended new language to address damaged or destroyed tower and  
60 antenna replacement.  
61

62 Chair Coffey stated that Planning staff had addressed this matter in the issue/response document.  
63

64 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.  
65

66 Ms. Ossiander moved, to approve AO 2007-116,  
67 Dr. Selkregg seconded,  
68

69 To Dr. Selkregg, Planning Department Director Tom Nelson responded that Ms. Kullberg had referenced language in  
70 21.12.040F. The Planning staff recommended eliminating the entire section because it was covered in another section  
71 of code. Ms. Ossiander responded that there was a whole section on tower construction in Chapter 21.  
72

73 Dr. Selkregg stated that if a tower was destroyed or blew down, reconstruction would have to conform to new code.  
74

75 To Chair Coffey, Mr. Nelson responded that there were two options for structures damaged more than 50% to be  
76 rebuilt, which included an application for an administrative approval or an application for a conditional use approval.  
77 Chair Coffey stated that repairs could not exceed the preexisting structure. Mr. Nelson concurred.  
78

1 Dr. Selkregg stated that the language should be included in Section 12, Preexisting Towers and Antennas. Ms.  
2 Ossiander responded the general processes described by Mr. Nelson were comprehensive enough and the committee  
3 felt the language was inclusive of towers. There was strict language on tower construction in Chapter 5. Dr. Selkregg  
4 preferred the language on replacement towers remain in this section. Ms. Ossiander responded that the matter could  
5 be addressed after she presented her amendments.

6  
7 Ms. Ossiander distributed three documents of recommended amendments, including a memorandum from Mr. Nelson,  
8 Attachment A with a list from the P&Z and Planning Department and a list from the Title 21 Committee.

9  
10 To Mr. Tesche, Municipal Attorney Jim Reeves responded that the Department of Law had not reviewed the proposed  
11 amendments. Ms. Ossiander stated the review process had begun with general research completed by Mr. Boness  
12 and other staff attorneys at the committee level, but the specific amended language had not received a legal review.  
13 Mr. Tesche urged caution when considering the proposed language for this section of code that was not carefully  
14 reviewed by counsel. Ms. Ossiander responded that this had been reviewed by a number of people who were very  
15 familiar and comfortable with commercial real estate. Mr. Tesche stated there was a section that made the ordinance  
16 provisional, which may provide the avenue for continuing review by the Title 21 Committee, and he would continue  
17 working with Ms. Ossiander on additional changes.

18  
19 Mr. Claman stated there was always the potential of litigation, with challenges of literal meaning. The Assembly still  
20 needed to address this issue and move on.

21  
22 *(Clerk's Note: The following are amendments from the document entitled "Attachment A; Amendments to Chapter*  
23 *21.12, Recommended by the Planning Department and Planning and Zoning Commission" and refer to the Public*  
24 *Hearing Draft dated August 5, 2007. For purposes of motion language, these are referred to as "Attachment A."*  
25 *Administrative corrections were not made to these amendments, which appear in the motions as they were presented*  
26 *on record.)*

27  
28 Ms. Ossiander moved,  
29 Ms. Johnston seconded,  
30 and this was approved, 11-0.

to approve Attachment A, amendments #1, #2 and #3, as amended, amending AO 2007-116 to read:

- 31 1. Section 21.12.010B.a., *Conditional Uses and Site Plan*  
32 *Reviews*, on Page 2, Lines 34-42, *changing* to read: A  
33 site that lawfully existed as of [~~EXISTING PRIOR TO~~]  
34 the effective date of this title that is "allowed by"  
35 [~~PERMITTED AS A~~] conditional use "or through an"  
36 administrative "or" [~~SITE PLAN REVIEW, OR~~] major site  
37 plan review in the district in which it is located under this  
38 title, but which lacks a[~~N APPROVED~~] conditional use  
39 "approval" [~~PERMIT~~] or an approved site plan review,  
40 shall not be deemed a nonconforming use, but rather  
41 shall be considered to exist as a conditional use or to  
42 have an approved site plan. "Associated nonconforming  
43 structures or lots and characteristics of use that are out  
44 of compliance with this title shall be governed by the  
45 provisions of this Chapter, and if applicable, shall be  
46 modified under the provisions of this chapter. Other  
47 modifications shall be in accordance with the  
48 appropriate modification processes in chapter 21.03."  
49 [~~THE SCOPE OF SUCH A CONDITIONAL USE OR~~  
50 ~~APPROVED SITE PLAN SHALL BE GOVERNED BY~~  
51 ~~THE PROVISIONS OF THIS CHAPTER UNLESS~~  
52 ~~MODIFIED BY THE DECISION-MAKING BODY IN~~  
53 ~~ACCORDANCE WITH THE APPROPRIATE PROCESS~~  
54 ~~IN CHAPTER 21.03.];~~  
55 2. Section 12.101F.1.c., *Maintenance and Repair*, on Page  
56 3, Line 27, *adding* to read: Replacement, repair, or  
57 maintenance of mechanical "and electrical" equipment;  
58 3. Section 21.12.030B.1., *Change of Use*, on Page 5,  
59 Lines 20-21, *by changing* to read: Any nonconforming  
60 use may be changed to another nonconforming use if  
61 "all" [~~BOTH~~] of the following criteria are met:

62 Ms. Ossiander moved,  
63 Ms. Johnston seconded,

to approve Attachment A, amendments #4, #5, #6, #7 and #8, as amended, amending AO 2007-116, to read:

- 64 4. Section 21.12.030C.2.a., *Approval Criteria*, on Page 6,  
65 Lines 15-17, *changing* to read: The nonconforming use  
66 "is or shall" [~~CAN~~] be made compatible with uses  
67 allowed on adjacent properties, in terms of site design  
68 and operating characteristics (such as lighting, noise,  
69 odor, dust, and other external impacts);  
70 5. Section 21.12.030D.1.b., *Abandonment or Cessation of*  
71 *Use*, on Page 6, Lines 31-32, *adding* to read: A  
72 conforming "use," or "a" less intensive nonconforming  
73 use "approved by the zoning board," has replaced the  
74 nonconforming use.;  
75 6. Section 21.12.030E.4., *Overcoming Presumption of*  
76 *Abandonment*, on Page 7, Lines 11-15, *changing* to  
77 read: The owner[~~:~~] "has been engaged in activities that  
78 would affirmatively prove there was no intent to  
79 abandon, such as" [~~A. HAS BEEN~~] "actively and

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continuously marketing the land or structure for sale or lease.” [-OR-B. HAS BEEN ENGAGED IN OTHER ACTIVITIES THAT WOULD AFFIRMATIVELY PROVE THERE WAS NO INTENT TO ABANDON.];

7. Section 21.12.040A.1., *Continuation of Nonconforming Structures Generally*, on Page 7, Lines 20-21, *adding to read*: No nonconforming structure may be enlarged or altered in a way that increases its nonconformity“<sup>1</sup>, except as allowed pursuant to B.2 below.”
8. Section 21.12.040B.2., *Overheight Buildings*, on Page 7, Lines 20-21, *changing to read*: Where a lawful “building” [STRUCTURE], existing on [date of passage], is engineered and constructed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories. “This provision shall apply to buildings that conform to the height limitations as well as to overheight buildings.”

To Chair Coffey, Ms. Ossiander responded that these amendments were recommendations made by P&Z, which offered clarity to the document.

To Dr. Selkregg, Ms. Ossiander responded that number 8 addressed the concern with an existing building and would accommodate property owners who had previously designed the building to a taller height.

To Mr. Starr, Ms. Ossiander responded that the issue addressed in number 5 was defining a less conforming use, which was decided by P&Z. Mr. Starr urged approval.

and the motion was approved, 11-0.

Ms. Ossiander moved,  
Ms. Johnston seconded,  
and the motion was approved, 11-0.

to approve Attachment A, amendment #9, as amended, amending AO 2007-116, to read:

9. Section 21.12.040D.1.iii, *Conditional Use Approval*, on Page 9, Lines 1-6, *adding to read*: An approved replication conditional use shall expire if start of construction has not begun within one year of the planning and zoning commission’s approval. “The director may approve an extension of up to one year upon written request showing cause.” For the purposes of this section, “replicate” shall mean to rebuild to the same dimensions and in the same location as the damaged or destroyed structure, but this shall not prevent moving towards conformity.

Ms. Ossiander moved,  
Ms. Johnston seconded,  
and this was taken up later in the meeting.

to approve Attachment A, amendment #10, amending AO 2007- 116 on Page 10, Lines 12-19, *by deleting*:

10. Section 21.12.040F., *Preexisting Towers and Antennas*, ~~**F. PREEXISTING TOWER AND ANTENNAS EXCEPT FOR ABANDONED TOWERS AND/OR ANTENNAS, PREEXISTING TOWER STRUCTURES SHALL BE ALLOWED TO CONTINUE THEIR USAGE AS THEY PRESENTLY EXIST, OR MAY BE REPLACED WITH A NEW TOWER STRUCTURE OR ANTENNA OF LIKE CONSTRUCTIONS AND HEIGHT. BUILDING PERMITS TO REBUILD THE FACILITY SHALL BE OBTAINED WITHIN 180 DAYS FROM THE DATE THE FACILITY IS DAMAGED OR DESTROYED. IF NO PERMIT IS OBTAINED OR IF SAID PERMIT EXPIRES, THE TOWER OR ANTENNA SHALL BE DEEMED ABANDONED. NEW CONSTRUCTION OTHER THAN ROUTINE MAINTENANCE OF A PREEXISTING TOWER STRUCTURE SHALL COMPLY WITH THE REQUIREMENTS OF THIS TITLE.**~~];

Ms. Ossiander stated that P&Z had recommended this deletion, which would clarify that changes to existing towers that exceeded 50% would have to conform to new standards. The Title 21 Committee supported the amendment.

Dr. Selkregg stated that the amendment was helpful, and she questioned the provisions being deleted. Mr. Nelson responded the first sentence and the last sentence conflicted. Provisions for structures damaged over 50% and applications were provided in other sections of code. Dr. Selkregg questioned the provisions for existing permits and the time allowed for damaged or destruction of a facility. She questioned the public comment period. Chair Coffey stated that the Assembly needed to move on and ordered that Dr. Selkregg sit down with Mr. Nelson to resolve her questions on amendment #10, and the matter could be taken up later in the evening. Dr. Selkregg concurred.

Ms. Ossiander moved,  
Ms. Johnston seconded,  
and the motion was approved, 10-0,  
with Dr. Selkregg excused.

to approve Attachment A, amendment #12, as amended, amending AO 2007-116, on Page 11, Lines 12-13, *adding to read*:  
12. Section 21.12.050C.1., *Legalization of Lots Created*

Prior to September 16, 1975: Lots existing prior to September 16, 1975 “, that do not meet the district requirements for minimum area and/or width, and that were not created in accordance with the regulations of the state and the municipality,” may continue in existence provided the following requirements are met;

(Clerk’s Note: The following are Title 21 Committee amendments, from a handout entitled “Additional amendments to Chapter 21.12, proposed by the Assembly Title 21 Committee,” amending Title 21 Public Hearing Draft dated August 5, 2007.” For purposes of motion language, each is referred to as “Title 21 Committee Amendment(s).”)

Ms. Ossiander moved,  
Ms. Johnston seconded,  
and a friendly amendment was accepted,

to approve Title 21 Committee Amendments #1, #2, and #3, as amended, amending AO 2007-116, to read:

1. Section 21.12.01D., *Government Agency Property Acquisitions*, Page 3, Lines 10-13, *adding* to read: If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this title solely as a result of an acquisition of land by a government agency for a public purpose, then such structure, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. “At the time of such acquisition, the municipality shall provide documentation of conformity to the affected property owner(s).”
2. Section 21.12.040D., *Damage or Destruction*, Page 8, Line 9, *adding* to read: The application shall be made within one year of the damage or destruction. “The director, with the concurrence of the building official, may approve an extension upon written request showing “good” cause.”
3. Section 21.12.040E.1, *Generally*, Page 9, Lines 25-27, *changing* to read: “Structures that encroach [EXISTING STRUCTURES WITH DIMENSIONAL ENCROACHMENTS] into required setbacks “and were built before” [THAT WERE CONSTRUCTED PRIOR TO] January 1, 1986, may continue in existence provided the following requirements are met;

Ms. Ossiander stated that government would provide the documentation of conformity, rather than the property owner.

To Mr. Tesche, Mr. Nelson stated the Planning Department supported the amendments. Mr. Tesche proposed to add ‘good’ to the last sentence in number 2. Ms. Ossiander accepted this as a friendly amendment, with the concurrence of Ms. Johnston, the second.

and this passed, as amended, without objection, 11-0.

Ms. Ossiander moved,  
Ms. Johnston seconded,  
and a friendly amendment was accepted,

to approve Title 21 Committee Amendment # 4, as amended, amending AO 2007-116, to read:

4. Section 21.12.050A., *Nonconforming Lots*, Page 10, Lines 22-23, *changing* to read:
  - 1. Residential Districts**
    - a. Except as restricted in subsection B. below, “[t]n any residential zoning district “except the R-3, R-4, and R-4A, “ notwithstanding limitations imposed by other provisions of this title, “one single-family detached dwelling [DWELLINGS] and customary accessory buildings may be erected on [ANY] lot”s that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:
      - i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
      - ii. The lot is of record [a] “as of” the effective date of the original adoption or amendment of applicable regulations.

~~[PROVIDED THE UNDERLYING ZONING DISTRICT AND DIMENSIONAL AND DESIGN STANDARDS, SUCH AS SETBACKS, PARKING, OPEN SPACE, LANDSCAPING, ETC. CAN BE MET, THAT IS OF RECORD AT THE EFFECTIVE DATE OF THE ORIGINAL ADOPTION OF AMENDMENT OF APPLICABLE REGULATIONS, EXCEPT AS RESTRICTED IN SUBSECTION B. BELOW. THIS PROVISION SHALL APPLY EVEN IF THE LOT FAILS TO MEET THE REQUIREMENTS FOR THE AREA OR WIDTH, OR BOTH, THAT ARE APPLICABLE IN THE DISTRICT. FURTHERMORE, SETBACK AND LOT COVERAGE~~

REQUIREMENTS APPLICABLE TO NONCONFORMING LOTS OF RECORD SHALL BE THOSE OF THE ZONE WITH THE LARGEST LOT AREA REQUIREMENT WITHIN WHICH THE LOT AREA WOULD BE CONFORMING. A LOT THAT FAILS TO BE CONFORMING IN ANY ZONE SHALL MAINTAIN A FRONT SETBACK OF 20 FEET, SIDE SETBACKS OF FIVE FEET, A REAR SETBACK OF FIVE FEET, AND MAXIMUM LOT COVERAGE OF 50 PERCENT.]

- b. Except as restricted in subsection B. below in the R-3 zoning district, notwithstanding limitations imposed by other provisions of this title, one two-family dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width provided all of the following conditions are met:
  - i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
  - ii. The lot is of record [a] "as of" the effective date of the original adoption or amendment of applicable regulations.
- c. Except as restricted in subsection B. below, in the R-4 and R-4A zoning districts, notwithstanding limitations imposed by other provisions of this title, one multifamily structure containing not more than three dwelling units, and customary accessory building may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:
  - i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and
  - ii. The lot is of record [a] "as of" the effective date of the original adoption or amendment of applicable regulations.

**2. Nonresidential Districts**

Except as restricted in subsection B. below, [i]n any nonresidential zoning district notwithstanding limitations imposed by other provisions of this title, any use allowed in the district by table 21.05-2 may be erected on [ANY] lot "s that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

- a. The review and approval process indicated in table 21.05 is applied;
- b. The use does not have a minimum lot size greater than the minimum lot size required by the underlying zoning district;
- c. Any district-specific standards, use-specific standards, and dimensional and design standards, such as setbacks, parking, open space, landscaping etc. are met; and
- d. The lot is of record [a] "as of" the effective date of the original adoption or amendment of applicable regulations.;"

To Ms. Ossiander, Mr. Coffey responded lots that were undersized and nonconforming had been allowed to be used for the purpose for which they were zoned, so long as they met the setback requirements. The Title 21 Committee had addressed incidents of multi-family structures, which had been allowed to be built on these lots. Mr. Nelson concurred. Chair Coffey stated the committee was addressing an unintended consequence of allowing higher density use, which was impacting adjacent properties.

Mr. Birch proposed administrative corrections in all amendment language by changing to read, 'the lot is of record as of the effective date.' This was accepted as a friendly amendment by Ms. Ossiander and Ms. Johnston.

and this, as amended, passed, 11-0.

Ms. Ossiander moved,  
Ms. Johnston seconded,

to approve Title 21 Committee Amendment # 5, amending AO 2007-116, by adding to read: (This replaces amendment #12 of the Planning and Zoning Commission recommended amendments.)

- 5. Section 21.12.050C.1., *Legalization of Lots created prior to September 16, 1975*: Lots existing prior to September 16, 1975", that do not meet the district requirements for minimum area and/or width, and that

1 were not created in accordance with the regulations of  
2 the federal, state, or municipal government," may  
3 continue in existence provided the following  
4 requirements are met;

5  
6 Ms. Ossiander stated that the committee wanted to clarify and identify government lots so that property owners would  
7 not have undue burden. To Chair Coffey, Mr. Nelson stated that the Administration supported the addition.

8  
9 and this was approved, 11-0.

10  
11 Ms. Ossiander requested that the amendment from Attachment A, Number 10 be finalized. She urged support. Mr.  
12 Nelson concurred.

13  
14 Ms. Ossiander had moved,  
15 Ms. Johnston had seconded,

to approve Title 21 Committee Amendment # 10, amending  
AO 2007-116 on Page 10, *by deleting* Lines 12-19 to read:  
10. Section 21.12.040F., *Preexisting Towers and Antennas:*  
16 ~~[F. PREEXISTING TOWER AND ANTENNAS EXCEPT~~  
17 ~~FOR ABANDONED TOWERS AND/OR ANTENNAS,~~  
18 ~~PREEXISTING TOWER STRUCTURES SHALL BE~~  
19 ~~ALLOWED TO CONTINUE THEIR USAGE AS THEY~~  
20 ~~PRESENTLY EXIST, OR MAY BE REPLACED WITH A~~  
21 ~~NEW TOWER STRUCTURE OR ANTENNA OF LIKE~~  
22 ~~CONSTRUCTIONS AND HEIGHT. BUILDING~~  
23 ~~PERMITS TO REBUILD THE FACILITY SHALL BE~~  
24 ~~OBTAINED WITHIN 180 DAYS FROM THE DATE THE~~  
25 ~~FACILITY IS DAMAGED OR DESTROYED. IF NO~~  
26 ~~PERMIT IS OBTAINED OR IF SAID PERMIT EXPIRES,~~  
27 ~~THE TOWER OR ANTENNA SHALL BE DEEMED~~  
28 ~~ABANDONED. NEW CONSTRUCTION OTHER THAN~~  
29 ~~ROUTINE MAINTENANCE OF A PREEXISTING~~  
30 ~~TOWER STRUCTURE SHALL COMPLY WITH THE~~  
31 ~~REQUIREMENTS OF THIS TITLE.];~~

32  
33  
34 To Ms. Ossiander, Dr. Selkregg responded that there were other options available to address the issue and she  
35 supported eliminating the 180-day requirement.

36  
37 and this was approved, 11-0.

38  
39 Ms. Ossiander stated that this revision was the culmination of four years of work and was now provisionally adopted.  
40 She thanked the Assembly for their support.

41  
42 Chair Coffey thanked Ms. Ossiander for her hard work, which was appreciated by everyone. He requested that the  
43 Legal Department take a final review of the revisions.

44  
45 and the main motion, as amended, was approved, 11-0.

46  
47 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
48 Selkregg and Claman.

49 NAYES: None.

50  
51 13.B. Ordinance No. AO 2007-152, an ordinance submitting to the qualified voters of the Municipality of  
52 Anchorage at the Regular Municipal Election on April 1, 2008, a ballot proposition amending Home  
53 Rule Charters Article XI, Section 11.02, **Election Procedures**, to require a run-off election if no  
54 candidate for the Office of Mayor receives more than fifty percent (50%) of the votes cast for the office;  
55 Assemblymember Sullivan. (*Carried Over from 11-27-07*)

56 1. Assembly Informational Memorandum No. 109-2007, Summary of Economic Effects;  
57 Municipal Clerk's Office. (**Laid on the Table**)

58  
59 Chair Coffey read the ordinance title and opened Public Hearing.

60  
61 Ms. Ossiander and Mr. Sullivan requested that Public Hearing be continued to December 18<sup>th</sup>.

62  
63 Ms. Ossiander moved, to *continue* AO 2007-152 to December 18, 2007,  
64 Mr. Bauer seconded,

65  
66 To Mr. Tesche, Mr. Sullivan responded there were people who wanted the matter continued to the 18<sup>th</sup>.

67  
68 and this was approved without objection, 11-0

69  
70 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
71 Selkregg and Claman.

72 NAYES: None.

73  
74 13.C. Ordinance No. AO 2007-158, an ordinance authorizing disposal of **Heritage Land Bank Parcel 3-004**,  
75 located on Reeve Boulevard, by competitive bid sale to the highest qualifying bidder; Heritage Land  
76 Bank.

77 1. Assembly Memorandum No. AM 698-2007. (*Carried Over from 11-27-07*)  
78

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

3  
4 Dr. Selkregg moved, to approve AO 2007-158,  
5 Ms. Ossiander seconded,  
6

7 To Dr. Selkregg, HLB Executive Director Bill Mehner responded that this land was located in Mountain View and was a  
8 one-acre property.

9  
10 and this was passed without objection.

11  
12 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer,  
13 Selkregg and Claman.

14 NAYES: None.

15  
16 13.D. Ordinance No. AO 2007-132, an ordinance of the Anchorage Municipal Assembly amending  
17 Anchorage Municipal Code Section 8.75.040, **Fireworks**, to permit the use of certain common  
18 fireworks for a limited time period annually in celebration of the new year; Assemblymember Traini.  
19 (*Carried Over from 11-6-07; Continued from 11-13-07*)

- 20 1. Ordinance No. AO 2007-132(S), an ordinance of the Anchorage Municipal Assembly  
21 amending Anchorage Municipal Code Section 8.75.040, Fireworks, to permit the use of certain  
22 common fireworks for a limited time period annually in celebration of the new year;  
23 Assemblymember Traini. (**Laid on the Table**)  
24

25 Chair Coffey read the ordinance title and opened Public Hearing. There was no one to testify and Chair Coffey closed  
26 Public Hearing and called the Question.

27  
28 Mr. Traini moved, to approve AO 2007-132(S),  
29 Mr. Tesche seconded,  
30

31 Mr. Traini stated the ordinance would restrict the time to a five-hour annual period. It limited the type of fireworks to  
32 simple sparklers and fountain-type and eliminated the firecrackers and bottle rockets that people were concerned with.  
33 He stated that on the preceding day Wasilla had passed the original version, dealing with fireworks.  
34

35 To Chair Coffey, Fire Chief Goodrich responded that from an official position, representing the Fire Department and  
36 the Public Safety and Health Departments, he could not speak favorably to the issue. However, he would adhere to  
37 the decisions of the Assembly.  
38

39 To Mr. Claman, Chief Goodrich responded that he was not in favor of the ordinance.  
40

41 To Mr. Bauer, Chief Goodrich stated that a recent serious accident involving an irresponsible adult and a Roman  
42 candle that become wayward had seriously injured a two-year-old. Fireworks could be enjoyed if handled correctly,  
43 but mixing alcohol and fireworks on New Year's Eve did not work for some people. He responded the hospitals could  
44 report incidents to the Police Department.  
45

46 To Mr. Traini, Chief Goodrich responded that there were fireworks on the Fourth of July and occasionally tickets were  
47 issued by the Police Department. The Fire Department did not have an enforcement division.  
48

49 To Dr. Selkregg, Chief Goodrich responded that he could not predict whether approving this ordinance would increase  
50 fireworks activity, but he assumed there would be a little rise and those already involved would continue to set off  
51 fireworks.  
52

53 Mr. Bauer moved, to amend AO 2007-132(S) on Page 1, Lines 24-26, *by adding*  
54 Mr. Sullivan seconded, to read:

- 55 1. Provisions of AMC 15.70.060B.6 notwithstanding, the  
56 discharge of Class C Common Fireworks defined as salable  
57 under AS 18.72.100, lawfully purchased outside the  
58 jurisdiction of the municipality, shall be allowed without permit  
59 during the 5-hour annual period beginning 11:30 p.m. Alaska  
60 Standard Time on December 31 "and July 4<sup>th</sup>," ending 4:30  
61 a.m. Alaska Standard Time on January 1, "and on  
62 Independence Day," except in these restricted areas;  
63

64 To Mr. Tesche, Counsel Julia Tucker responded there would be a title problem with including the amendment.  
65 Municipal Attorney Jim Reeves Assembly concurred. Mr. Bauer withdrew his amendment, with the concurrence of the  
66 second, Mr. Sullivan.  
67

68 and the motion was withdrawn.  
69

70 Dr. Selkregg stated that she had heard from constituents who lived in mobile homes and opposed any increase to  
71 allowing fireworks, due to their concerns of increase incidents of noise and fire.  
72

73 Mr. Traini stated that America had always been involved and would continue to be involved with fireworks on New  
74 Years and the Fourth of July. People would continue to bring fireworks into the city. He was proposing to address the  
75 noise and make legal what already took place.  
76

77 To Mr. Tesche, Mr. Traini responded the S-version had been completed that day. Mr. Tesche proposed postponing  
78 the ordinance for 30 days and sending the matter to the Public Safety Committee, to allow more time for questions and  
79 discussion with the Fire Department.

1  
2 Mr. Tesche moved, *to postpone* AO 2007-132(S) for 30 days, to allow review by  
3 the Public Safety Committee,  
4

5 Mr. Claman, Public Safety Committee Chair, stated that the committee agenda was full for the rest of the year. Mr.  
6 Tesche withdrew the amendment.

7  
8 and this motion was withdrawn.  
9

10 Mr. Bauer supported fireworks, under the supervision of a responsible adult, but understood the concern with Roman  
11 candles and the high-flying pyrotechnic fireworks. He questioned the restrictions set for allowing fireworks. Mr. Traini  
12 responded that it was his intent to allow people to have fireworks in their own yards.

13  
14 Dr. Selkregg urged a NO-vote. There would be incidents of poor supervision on New Year's Eve and those who would  
15 be hurt the most would be children.

16  
17 and the main motion failed, 5-6.  
18

19 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr and Birch.

20 NAYES: Coffey, Ossiander, Johnston, Bauer, Selkregg and Claman.  
21

22 13.E. Ordinance No. AO 2007-139, an ordinance amending Anchorage Municipal Code Chapters 21.40 and  
23 21.50 regarding **Correctional Community Residential Centers**, amending the B-3 (General  
24 Business) Zoning District, and amending conditional use standards regarding correctional community  
25 residential centers (Planning and Zoning Commission Case 2007-094); Assembly Chair Coffey.  
26 (*Carried Over from 10-23-07 and 11-6-07; Continued from 11-13-07*)

27 14.G. Ordinance No. AO 2007-156, an ordinance amending Anchorage Municipal Code Chapters  
28 21.40, and 21.50 regarding **Correctional Community Residential Centers**, amending the B-3  
29 (General Business) Zoning District, and amending conditional use standards regarding  
30 correctional community residential centers (Planning and Zoning Commission Case 2007-094);  
31 Planning Department.

32 1. Assembly Memorandum No. AM 693-2007.  
33

34 Chair Coffey read the ordinance title and called for a motion to combine Public Hearing on AO 2007-139 and 14.G, AO  
35 2007-156.

36  
37 Ms. Ossiander moved, *to combine* Public Hearing on AO 2007-139 and  
38 Ms. Johnston seconded, AO 2007-156,  
39

40 Mr. Claman declared a possible conflict of interest because his wife worked with the Cook Inlet Tribal Council (*CITC*).  
41 He did not have a financial interest in the matter, but had a personal interest because his wife was deeply involved with  
42 the Chanlyut Program in Mountain View. He would personally support it and he could not be viewed as objective in  
43 any way on this matter. Chair Coffey ruled that Mr. Claman had a substantial personal interest and directed that he  
44 not participate. There were no objections.  
45

46 SUSAN KLEIN, representing the University Area Community Council, supported Correctional Community Residential  
47 Centers (*CCRC's*) in PLI and Industrial zoned districts, but not in B-3 districts. Residents who lived close to business  
48 districts opposed allowing the facilities in B-3 zoned areas and supported a ½ mile and would prefer a mile separation,  
49 which was better than the originally allowed 1000 feet. The council opposed clustering these types of centers and  
50 requested that the facilities be publicly and securely supervised and monitored. While the council supported helping  
51 the youth, they were concerned with neighborhood safety.  
52

53 DON CRANDALL, Mountain View Community Council President, testified the council voted 13-0 in favor of the  
54 ordinance, with one abstention. The council supported dispersing these facilities throughout the entire community and  
55 would support them along Mountain View Drive. These facilities had a good record, were well managed, safe and  
56 secure. They supported individuals who were changing their lives, in a supervised manner.  
57

58 GLORIA O'NEILL, President and Chief Executive Officer of CITI supported the ordinance. The Tribal Council  
59 maintained a mission to support many programs, including the Chanlyut Program in Mountain View. *CCRCs* offered  
60 individuals critically needed services and a place for recovery while offering safety to the community, with no cost to  
61 the taxpayers or the clients. To Mr. Traini, Ms. O'Neill responded their model in Mountain View, supported 30  
62 residents. She responded that *CCRCs* were good environments for felons newly released from prison who were  
63 focused and learning to adjust back into society. To Mr. Tesche, Ms. O'Neill responded that the Chanlyut Center was  
64 about eight months old. Planning Department Administrator Jerry Weaver responded felons were allowed in these  
65 facilities in PLI districts, but not in business districts.  
66

67 LISA RIEGER testified that a felon released from prison could live anywhere in the city.  
68

69 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.  
70

71 (*Clerk's Note: Ms. Ossiander moved to approve AO 2007-156. See 14.G for details of that discussion and action.*  
72 *Upon completion of that item Chair Coffey returned the body to complete action on AO 2007-139.*)  
73

74 Ms. Ossiander moved, *postpone indefinitely* AO 2007-139,  
75 Dr. Selkregg seconded,  
76 and this was approved without objection, 10-0,  
77 with Mr. Claman abstaining with a conflict of interest.  
78

79 Ms. Ossiander moved, *to Change the Order of the Day* to take up

1 Mr. Claman seconded, 14.H as the last Agenda item that evening,  
2 and there were no objections.

3  
4 **14. NEW PUBLIC HEARINGS**

5 14.A. Ordinance No. AO 2007-143, an ordinance of the Anchorage Municipal Assembly amending  
6 Anchorage Municipal Code Section 14.60.030, **Fine Schedule**; amending Section 25.70.050,  
7 Penalties and Remedies for Violations on Public Lands; and amending Section 25.70.060, Activities  
8 Prohibited in Parks, to establish fines for litter in public parks and animal feces not immediately  
9 collected and properly disposed from sport areas in parks; Assemblymember Claman.

- 10 1. Ordinance No. AO 2007-143(S), an ordinance of the Anchorage Municipal Assembly  
11 amending Anchorage Municipal Code Section 14.60.030, Fine Schedule; amending Section  
12 25.70.050, Penalties and Remedies for Violations on Public Lands; and amending Section  
13 25.70.060, Activities Prohibited in Parks, to establish fines for litter in public parks and animal  
14 feces not immediately collected and properly disposed from sport areas in parks;  
15 Assemblymember Claman. (**Addendum**)

16  
17 Chair Coffey read the ordinance title and opened Public Hearing.

18  
19 Mr. Claman moved, *to continue* Public Hearing on AO 2007-143 and  
20 Mr. Traini seconded, AO 2007-143(S) until March 25, 2008,

21  
22 To Mr. Traini, Mr. Claman responded that the Animal Control Advisory Board had reviewed the matter and had  
23 requested this matter be postponed to the end of March, 2008 to allow time for further review.

24  
25 and this was approved without objection, 10-0,  
26 with Mr. Sullivan as an excused absence.

27  
28 14.B. Ordinance No. AO 2007-142, an ordinance submitting to the qualified voters residing in the **Mountain**  
29 **Park/Robin Hill Limited Road Service Area** (LRSA) at the Regular Municipal Election April 1, 2008 a  
30 ballot proposition approving the reduction of the number of members of the Mountain Park/Robin Hill  
31 LRSA Board of Supervisors from six (6) to five (5) members and amending Anchorage Municipal Code  
32 Section 27.20.280 accordingly; Maintenance & Operations Department.

- 33 1. Assembly Memorandum No. AM 687-2007.

34  
35 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
36 called for a motion.

37  
38 Ms. Ossiander moved, *to approve* AO 2007-142,  
39 Dr. Selkregg seconded,  
40 and this was passed, 10-0.

41  
42 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

43 NAYES: None.

44 ABSENT: Sullivan, excused.

45  
46 14.C. Resolution No. AR 2007-267, a resolution of the Anchorage Municipal Assembly approving an  
47 alcoholic beverages conditional use in the B-3 (General Business) District for a beverage dispensary  
48 use per AMC 21.40.180 D.8, for B. P. Billiards, LLC, dba **Anchorage Billiard Palace**, located at 3400  
49 C Street, within Calais Subdivision, Block 11, Lot 2B; generally located on the southwest corner of 'C'  
50 Street and West 34<sup>th</sup> Avenue (Midtown Community Council) (Case 2007-173); Planning Department.

- 51 1. Assembly Memorandum No. AM 734-2007.

52  
53 Chair Coffey read the resolution title and opened Public Hearing.

54  
55 JOE PERROZZI, who lived a block away from the establishment, testified that he and other residents in the area had  
56 seen a decline in the quality of their neighborhood and were concerned with alcohol use, the hours, the increased  
57 noise and increased numbers of streetwalkers and loiterers. Chair Coffey stated that this was an upscale business  
58 and a quality pool hall. Mr. Claman appreciated the concern, but businesses needed to be given a chance.

59  
60 RANDY RILEY, who lived directly across the street from Wayne's Barbeque, testified that he and his neighbors were  
61 concerned and wanted more information. To Mr. Tesche, Mr. Riley responded the new place would have late hours,  
62 partying, fast traffic and noise. There had been no problems with Wayne's BBQ.

63  
64 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.

65  
66 Ms. Ossiander moved, *to approve* AR 2007-267,  
67 Ms. Johnston seconded,

68  
69 Chair Coffey stated that this was a different business than what was previously located at 34<sup>th</sup> and C Street. It was  
70 surrounded by apartment buildings and some single family homes. The Assembly had options for consideration.

71  
72 Dr. Selkregg stated that residents could voice their concerns, and when the Assembly reviewed the license in a year,  
73 account could be taken of all activities and if there were problems, the Assembly could pull the liquor license.

74  
75 To Mr. Traini, Chair Coffey responded this establishment was applying for a complete beverage dispensary license  
76 and would operate from 10:00 a.m. until 2:30 a.m. SUE GRIFFIN, Anchorage Billiard Palace owner, responded she  
77 had had this business for 25 years, had 15 antique (*pool*) tables, with no complaints or police calls at its previous  
78 location.

1 To Dr. Selkregg, Ms. Griffin responded that she understood the concerns of the neighborhood. She maintained  
2 closed-circuit security cameras for the parking lots and 24-hour security. Dr. Selkregg encouraged Ms. Griffin to  
3 continually offer monitoring, to make certain it would work. Ms. Griffin concurred.  
4

5 Mr. Tesche stated that the Assembly needed to consider the land use for this area. He had never heard of problems  
6 with Wayne's Barbeque Restaurant with a beer and wine license, but increased use of alcohol with a full beverage  
7 dispensary license may be too much for that area. It was a land use issue and had nothing to do with the quality of the  
8 management, staff or the establishment. He would oppose the resolution because of the land use issues.  
9

10 and the main motion, as amended, was passed, 8-2.

11  
12 AYES: Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.  
13 NAYES: Tesche and Traini.  
14 ABSENT: Sullivan, excused.  
15

16 14.D. Ordinance No. AO 2007-150, an ordinance amending Anchorage Municipal Code Subsections  
17 21.09.040.F.4.d.ii and 21.40.510(d)(2)h. to amend the uses allowed under conditional uses in the **GIP**  
18 **(Girdwood Institutions and Parks) District** (Planning and Zoning Commission Case 2007-096);  
19 Planning Department.

20 1. Assembly Memorandum No. AM 688-2007.  
21

22 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
23 called for a motion.  
24

25 Ms. Ossiander moved, to approve AO 2007-150,  
26 Ms. Johnston seconded,  
27 and this was passed, 9-0.  
28

29 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Selkregg and Claman.  
30 NAYES: None.  
31 ABSENT: Sullivan, excused.  
32

33 *(Clerk's Note: Mr. Bauer was temporarily out of Chambers at the time of the vote.)*  
34

35 14.E. Ordinance No. AO 2007-151, an ordinance amending Anchorage Zoning Ordinance 94-235 (S-1)(AA),  
36 an ordinance that rezoned to PC (Planned Community) District and Master Development Plan for  
37 **Tract A of the Powder Reserve**, modifying the principal circulation requirements for access and  
38 street circulation regarding internal collector road standards and to insert references to Title 21 and the  
39 current municipal Design Criteria Manual (DCM) standards for collector streets, generally located  
40 within 126+- acres south of Eklutna Park Drive, containing Development Areas M, N, O, P and Q,  
41 generally located immediately southwest of the North Eagle River Interchange of the New Glenn  
42 Highway, located within portions of Sections 2, 35 and 36, T15N, R2W, S.M., Alaska  
43 (Birchwood/Eagle River Community Council) (Planning and Zoning Commission Case 2007-069);  
44 Planning Department.

45 1. Assembly Memorandum No. AM 689-2007.  
46

47 Chair Coffey read the ordinance title and opened Public Hearing.

48 TIM POTTER, representing Eklutna, Incorporated, stated this was a housekeeping issue. As plans and development  
49 changed, it had been determined that a smaller road would best serve the community. That smaller road needed to be  
50 reviewed and approved by the Assembly.  
51

52 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.  
53

54 Ms. Ossiander moved, to approve AO 2007-151,  
55 Mr. Traini seconded,  
56

57 Ms. Ossiander concurred with Mr. Potter and stated the road had a history of controversy. The land use was not  
58 conforming and the landscaping needed to be monitored. Planning Department Administrator Jerry Weaver  
59 responded that enforcement was complaint-driven and the department would review the matter.  
60

61 and the motion was passed, 9-0.  
62

63 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Selkregg and Claman.  
64 NAYES: None.  
65 ABSENT: Sullivan, excused.  
66

67 *(Clerk's Note: Mr. Bauer was temporarily out of Chambers at the time of the vote.)*  
68

69 14.F. Ordinance No. AO 2007-157, an ordinance of the Anchorage Municipal Assembly amending the  
70 zoning map, and provide for the rezoning of **Lot 7A, Block 57, L Street Slide Replat**, from R-3 to R-O  
71 SL; generally located at the northeast corner of M Street and 6<sup>th</sup> Avenue (South Addition Community  
72 Council) (Planning and Zoning Case 2007-143); Planning Department.

73 1. Assembly Memorandum No. AM 694-2007.  
74

75 Chair Coffey read the ordinance title and opened Public Hearing.

76 KEN AYRES with Lounsbury and Associates and representing the Wongs, the petitioners, requested Assembly  
77 consideration and approval of the rezone, which had unanimous approval from the P&Z and Planning staff.  
78

1 MATT HORNER, property owner adjacent to the subject lot, opposed the rezone, which could potentially limit access  
2 to the property. It would allow the petitioner to use the property to the west, along the M Street right-of-way for parking  
3 and access, putting an added strain on the already strained and substandard right-of-way. He urged that vehicular  
4 traffic be limited to the east side of the property. Planning Department Administrator Jerry Weaver responded that staff  
5 had addressed the impacts and that was the reason for the special limitation. The proposed use was for a small  
6 accounting office with limited staff and there would not be any immediate impacts.

7  
8 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.

9  
10 Mr. Tesche moved, to approve AO 2007-157,  
11 Ms. Johnston seconded,

12  
13 Mr. Tesche recommended approval.

14  
15 and this was passed, 9-0.

16  
17 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Selkregg and Claman.

18 NAYES: None.

19 ABSENT: Sullivan, excused.

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

- 21  
22 14.G. Ordinance No. AO 2007-156, an ordinance amending Anchorage Municipal Code Chapters 21.40, and  
23 21.50 regarding **Correctional Community Residential Centers**, amending the B-3 (General Business)  
24 Zoning District, and amending conditional use standards regarding correctional community residential  
25 centers (Planning and Zoning Commission Case 2007-094); Planning Department.  
26 1. Assembly Memorandum No. AM 693-2007.

27  
28 *(Clerk's Note: See 13.E for Combined Public Hearing on AO 2007-156 and AO 2007-139, concerning CCRCs. Upon*  
29 *closing Combined Public Hearing, Chair Coffey led the body to first take up 14.G, AO 2007-156.)*

30  
31 Ms. Ossiander moved, to approve AO 2007-156,  
32 Mr. Traini seconded,

33  
34 To Dr. Selkregg, TIM POTTER with DOWL Engineers responded that P&Z had addressed CCRC facility locations and  
35 distributions, with consideration of surroundings. It was calculated that the Anchorage Bowl could handle 4-5 more  
36 facilities, but it would not work well with the PLI zoning. He distributed maps of the city's B-3 zoning areas. Dr.  
37 Selkregg stated there was a need for these facilities to provide support and offer transitional homes for people  
38 released from prison or in recovery. People in B-3 districts would be impacted more by these facilities, which would  
39 need to be closely monitored. If facilities were densely clustered in one area of town, this would have to be  
40 readdressed.

41  
42 To Mr. Bauer, Mr. Weaver responded neighborhood locations of parks and schools in proximity to these facilities had  
43 been addressed, but not locations of liquor establishments.

44  
45 To Mr. Traini, Assembly Counsel Julia Tucker responded that felons with convictions for sexual crimes were already  
46 restricted by the terms of their probation or parole. Felon would be restricted from residential neighborhoods, but  
47 perhaps not in the B-3 (*zoning*). She responded that an amendment to the standards may be appropriate, which she  
48 could prepare that evening.

49  
50 To Chair Coffey, Mr. Weaver responded the P&Z had reviewed the matter, but had not prepared an amendment. The  
51 commission had reviewed facility history, which led to their decision to include provisions, including distances from  
52 schools and parks.

53  
54 To Dr. Selkregg, Mr. Weaver responded the applicant was required to complete a full disclosure of the program  
55 function, staff and operation and how it was funded. The Department of Corrections had specific limitations on where  
56 those individuals could go and the duration of their stays. He responded the city was complaint-driven and would  
57 respond, but otherwise did not offer enforcement. Mr. Potter responded that the conditional use application review  
58 included a screening process that eliminated sex offenders and people with known violence or were determined to be  
59 harmful to anyone inside or outside the program. Dr. Selkregg questioned what entity took responsibility for regulating  
60 the facility. Mr. Potter responded the people within the program offered review and compliance. Mr. Weaver  
61 responded that dealing with sexual misconduct was left to the Department of Corrections. To Chair Coffey, Mr.  
62 Weaver responded that the city could also make that determination under the conditional use process.

63  
64 Mr. Sullivan stated that sexual misconduct had been addressed by P&Z and was addressed in the resolution under  
65 Number 12 on Page 3, which read, 'Those convicted of sexual misconduct will not be in these facilities.' Mr. Weaver  
66 responded the facility under consideration by the Assembly that evening would not allow sexual offenders, but the  
67 Assembly could include specific language to prohibit those convicted of sexual misconduct that would pertain to other  
68 facilities. Mr. Sullivan encouraged an amendment.

69  
70 Mr. Birch supported the ordinance, as submitted, and commended Cook Inlet Tribal Council for their outreach  
71 initiatives and efforts undertaken, which were supported by the Mountain View Community Council. He urged  
72 approval.

73  
74 Chair Coffey stated that facilities like this were needed. There was a huge B-3 district in Midtown and allowances  
75 would be determined by the conditions imposed and by setting standards with a conditional use (*permit process*), and  
76 the city would have an ability to investigate and enforce the matter. The program could be set up to offer protection to  
77 citizens.

1 Ms. Ossiander stated the definition of a CCRC included a determination of whether a prisoner imposed a threat or  
2 danger to the public for violent or sexual misconduct without imprisonment or physical confinement made by the  
3 Commissioner of Corrections, the U.S. Attorney General or the Director of the Bureau of Prisons. Ms. Rieger  
4 responded that it was a Municipal standard to which the State of Alaska adhered. Mr. Weaver responded that the  
5 definition was included in Municipal Code and the Department of Corrections determined individual placement of  
6 felons. Ms. Ossiander stated that the determination could be based on a past sexual offense and not just if there was  
7 a danger to the community. Ms. Rieger responded that sex offenders could be referred to special treatment programs,  
8 and they could live anywhere, but not in specific CCRCs.

9  
10 Mr. Traini stated that history had shown sexual offenders were repeat addicts and if those individuals were turned  
11 loose in specific areas of the community, there needed to be provisions in place to protect the public.

12  
13 Mr. Traini moved,  
14 Mr. Sullivan seconded,

to amend AO 2007-156 on Page 2, Line 7, **Section 2,**  
**21.50.035 Standards for correctional community**  
**residential center.**; *by adding* Section B to read:  
"B. Correctional Community Residential Centers shall not  
house sex offenders." And, *by renumbering accordingly.*

15  
16  
17  
18  
19 Mr. Sullivan stated the people in the facilities were on probation from prison and were transitioning back into society.  
20 Mr. Weaver concurred and responded residents were under the jurisdiction of the Department of Corrections. Mr.  
21 Sullivan stated the people were still serving their sentences. Mr. Weaver concurred. Mr. Sullivan supported  
22 maintaining those still in the system until it was determined that they could be safely released into the community.

23  
24 Dr. Selkregg stated that the people in the facilities were transitioning at the end of a sentence and would eventually be  
25 released. Ms. O'Neill responded there was a large range of different descriptions for residents and CCRCs had  
26 programs and conditionally accepted residents in lieu of prison. Dr. Selkregg stated the Assembly needed to consider  
27 if sex offenders should receive an opportunity to go through a residential treatment program. Residents having an  
28 opportunity to improve with programs that were managed well, was better than being newly-released without  
29 treatment.

30  
31 Ms. Ossiander concurred with Mr. Sullivan. She stated special treatment was needed for sex offenders.

32  
33 Mr. Tesche stated the Mountain View Project needed this ordinance to be able to operate. Ms. O'Neill stated that sex  
34 offenders were specifically excluded from the Chanlyut Program, because specific treatment was not offered. She  
35 understood there was no program for sex offenders in the community. While the Assembly would need to address sex  
36 offenders in the future, it did not need to be addressed with this ordinance. Mr. Tesche stated that it was necessary for  
37 the Assembly to know if sex offenders were released to any CCRC.

38  
39 Mr. Traini stated that including this language would do no harm. It would not apply to the Chanlyut Program. The  
40 state may eventually address the issue and he would like to include the language to offer protection for constituents.

41  
42 Dr. Selkregg stated she was uncomfortable passing this with the emotional issue of sex offenders. Having safe  
43 houses in the community for sex offenders was not the safest thing. She supported centers being addressed one-by-  
44 one through a conditional use permit process.

45  
46 Mr. Sullivan objected to this being referred to as an emotional issue. Statistics on recidivism for sexual offenders  
47 showed overwhelmingly that rehabilitation was impossible for sex offenders. Until the offenders served their time in a  
48 higher security facility, there was no problem with including a prohibited use. He urged support.

49  
50 Mr. Tesche stated this was an emotional issue based on fear. There was a history of people who escaped from these  
51 facilities. There was concern for public safety and he would not gamble with the community or his family. He  
52 supported the Traini amendment.

53  
54 Mr. Sullivan called the Question. There were no objections.

55  
56 Chair Coffey called for a vote on the motion to amend.

57  
58 and the motion passed, 6-4.

59  
60 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey and Bauer.

61 NAYES: Ossiander, Johnston, Birch and Selkregg.

62 ABSTAIN: Claman, with a conflict of interest.

63  
64 and the main motion, as amended, passed, 10-0.

65  
66 AYES: Tesche, Traini, Sullivan (*participating telephonically*), Starr, Coffey, Ossiander, Johnston, Birch, Bauer and  
67 Selkregg.

68 NAYES: None.

69 ABSTAIN: Claman, with a conflict of interest.

70  
71 (*Clerk's Note: Chair Coffey returned the body to complete Assembly action on AO 2007-139, Agenda item 13.E.*)

72  
73 14.H. Ordinance No. AO 2007-141, an ordinance amending the Anchorage Municipal Code of Ordinances  
74 Section 21.40.020 **PLI Public Lands and Institutions District**, to permit hotels as a conditional use,  
75 to permit reduction or abatement of side and rear yards under certain conditions, and to permit large  
76 campus institutional developments with multiple principal buildings to locate required parking  
77 anywhere within the designated campus; Assemblymember Ossiander.

78 2. Ordinance No. AO 2007-141(S), an ordinance amending the Anchorage Municipal Code of  
79 Ordinances Section 21.40.020 PLI Public Lands and Institutions District, to permit hotels as a

1 conditional use, to permit reduction or abatement of side and rear yards under certain  
2 conditions, and to permit large campus institutional developments with multiple principal  
3 buildings to locate required parking anywhere within the designated campus (Planning and  
4 Zoning Commission Case 2007-170); Planning Department. **(Addendum)**  
5 3. Assembly Memorandum No. AM 761-2007. **(Addendum)**  
6

7 *(Clerk's Note: Following completion of Agenda item 13.E a motion was approved to Change the Order of the Day to*  
8 *take up 14.H as the last Agenda item that evening. Following completion of Agenda item 15.A, Chair Coffey returned*  
9 *the body to take up AO 2007-141.)*  
10

11 Mr. Birch declared a possible conflict of interest because of his association with Northwest Arctic Native Association  
12 (NANA) Development, as Vice President for Business Development. NANA had an interest in Assembly action on the  
13 PLI rezone, which in part would affect a proposed NANA-owned hotel. To Chair Coffey, Mr. Birch responded that he  
14 would not gain financially from the rezone, and was a NANA employee. To Mr. Tesche, Mr. Birch responded that he  
15 would be involved with the development, construction and marketing in the future. Chair Coffey stated that because of  
16 Mr. Birch's association with NANA, he ruled that Mr. Birch did have a conflict of interest and ordered that he abstain  
17 from participating. There were no objections.  
18

19 *(Clerk's Note: This was the last item taken up that evening and Chair Coffey excused Mr. Birch from the rest of the*  
20 *meeting.)*  
21

22 Chair Coffey read the ordinance title, reported there was a substitute version and opened Public Hearing.  
23

24 TIM POTTER, with DOWL Engineers, representing NANA Development Corporation and Alaska Pacific University  
25 (APU), testified that the ordinance dealt with interior lot lines in the PLI district. Significant setbacks established within  
26 this district had been problematic. The ordinance addressed modifications, which were considered housekeeping  
27 items, addressing interior lots and parking lot locations on a campus-wide basis. A 162-room hotel project was  
28 proposed for development by NANA on the APU Campus, overlooking University Lake, with lease agreements that  
29 tied it directly into the university's educational programs. NANA would provide internships, jobs and training in  
30 association with hospitality and hotel management programs. The project was demand-driven by entities within the U-  
31 Med District, including the universities, medical facilities and hospital. A conditional use would make sure the project  
32 was compatible with the district. To Mr. Traini, Mr. Potter responded he had discussed the development with the  
33 University Community Council, which was generally supportive. He responded that the dog park would not be a  
34 concern with a proposed barrier fence separation. To Dr. Selkregg, Mr. Potter responded this site was selected  
35 because of its central location, direct trail system access and access to a primary shuttle bus and other transportation.  
36

37 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.  
38

39 Ms. Ossiander moved, to approve AO 2007-141(S),  
40 Dr. Selkregg seconded,  
41

42 Chair Coffey stated that the Planning and Zoning Commission had been invited to attend that evening to answer  
43 questions on the matter. Municipal Attorney Jim Reeves responded that a member of the Planning and Zoning  
44 Commission could respond to questions and provide information.  
45

46 To Mr. Tesche, P&Z Vice Chair Art Isham testified that the substitute version included recommendations from the P&Z  
47 and tied the development to the university, to adhere with Title 21 regulations. He responded that the P&Z had  
48 addressed only the things in the ordinance and had not reviewed the factors driving the development. He believed that  
49 development would begin in the spring.  
50

51 To Ms. Ossiander, Municipal Assessor Marty McGee responded the S-version addressed his concerns of tax  
52 implications to PLI districts, specific to only the U-Med area and not the entire Municipality. With all factors taken into  
53 consideration, the development would be consistent with educational purposes. Mr. McGee responded that the State  
54 Assessor had concurred with his assessment of the topic.  
55

56 Ms. Ossiander moved, to amend AO 2007-141(S) on Page 2, Line 8, *by adding a*  
57 Mr. Traini seconded, *new subsection (d), to read: "(d) In lieu of subsection c.*  
58 *and this was later substituted. above, prior to the issuance of a complete building permit*  
59 *related to the conditional use the applicant shall submit a*  
60 *master plan for development of its lands with a*  
61 *recommendation from the Planning and Zoning Commission*  
62 *following a public hearing to the Assembly for review and*  
63 *approval." And, *by renumbering* the remaining sections;  
64*

65 Ms. Ossiander stated the question was whether this should be a rezone or simply allowed in the existing PLI district.  
66 Submitting a master plan would address many of the potential concerns. She urged approval. Mayor Begich  
67 concurred and responded there was no question that the proposed NANA development was a good use to  
68 complement the U-Med area. The amendment addressed the timing of submitting the master plan as part of the  
69 process.  
70

71 Dr. Selkregg stated that setting standards for master planning within PLI districts was important and she would support  
72 the amendment.  
73

74 Chair Coffey summarized that a building permit would not be issued until a master plan was submitted to the P&Z,  
75 which would issue a recommendation to the Assembly for approval. Planning Director Tom Nelson responded  
76 approval of the conditional use would allow for preparations for construction, but not a complete building permit for the  
77 structure until after Assembly approval. If the master plan was submitted to the P&Z tomorrow, it would be on the  
78 agenda in six weeks, to accommodate a Public Hearing. Mr. Potter understood Mayor Begich's intent was to issue a  
79 full building permit prior to the master plan going through P&Z or to the Assembly.

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Mr. Traini moved, *to extend* the Assembly Meeting for the purpose of  
Mr. Tesche seconded, completing discussion and action on AO 2007-141(S),  
and there were no objections.

Ms. Ossiander moved, *to extend* the Assembly Meeting until 11:30 p.m.,

Dr. Selkregg questioned what would happen if the P&Z would not approve the master plan at this point. She supported addressing master plans, which would affect future PLI development.

Mr. Claman stated that it was fine to have a master plan submitted and for the Assembly to consider it. But, if the master plan was not approved, a foundation might have already been completed.

To Mr. Tesche, Mayor Begich responded he had created amendment language that would correct the concern.

Ms. Ossiander moved, to approve the Ossiander amendment *by substituting* the  
Mr. Traini seconded, following to read: “(d) In lieu of subsection c, above, prior to the issuance of a complete building permit related to the conditional use the applicant shall submit a master plan for development of its lands. The master plan shall be submitted to the Planning and Zoning Commission for a public hearing and transmission to the Assembly for review and approval.” And, *by renumbering* the remaining section;

Chair Coffey stated that this would apply to all future PLI developments. Mayor Begich concurred and responded that Providence Hospital already had a master plan that was approved by the P&Z and UAA had started a master plan. Chair Coffey stated that if a developer submitted a master plan they could be issued a complete building permit. Mayor Begich and Mr. Nelson concurred. Mr. Potter responded this was acceptable to the applicant.

and the motion was approved without objection.

Dr. Selkregg stated that it appeared there were no restrictions on the property and she appreciated Mr. Potter providing the additional information. She stated that taxes still needed to be addressed. APU was currently contesting and pursuing state litigation on taxes owed on the Spinal Institute. Mayor Begich responded that the city viewed the land as taxable and that APU's arguments were without merit. The city also viewed the proposed NANA development property as taxable. Mr. Potter responded that it was his opinion that the hotel would pay bed taxes and that the Municipal Assessor would determine to what extent the facility and program was fully educational or fully commercial and tax appropriately. The agreement between NANA and APU specifically lined out all functions and ways the facility was tied directly to the program. Mayor Begich responded that in the past operations had pursued tax-exempt status from the state, but the state had supported local control on these issues. The city would aggressively pursue this commercial operation as taxable property. Dr. Selkregg stated that she had checked with legal counsel and the ordinance could address taxes that evening.

Mr. Claman Called the Question.

To Mr. Tesche, Mr. Nelson responded the 2020 Comprehensive Plan did not address this issue with respect to PLI zoned land. The U-Med Plan provided direction for development and future development of lands and included standards for design and development. The hotel was identified for a specific use for that area, but a specific location was not identified. The fundamental issue would be addressing the future use of PLI districts.

Ms. Ossiander Called a Point of Order. She had a privileged motion on the floor, which had been to adjourn at a time-certain. Her motion had not been recognized. Mr. Claman seconded.

Ms. Ossiander *had previously* moved, to adjourn the meeting at 11:30 p.m.,  
Mr. Claman seconded,

Mr. Tesche stated the motion was to extend the meeting to complete the matter. He opposed adjourning at 11:30 p.m. and supported extending to complete the matter.

and this motion passed, 7-2.

AYES: Traini, Starr, Coffey, Ossiander, Bauer, Selkregg and Claman.  
NAYES: Tesche and Johnston.  
ABSENT: Sullivan, excused.  
ABSTAIN: Birch, excused with a conflict of interest.

Dr. Selkregg Called for the Question,  
Mr. Claman seconded,  
and this was approved, 8-1,  
with Mr. Tesche objecting.

and the main motion, as amended, was approved, 9-0.

AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Bauer, Selkregg and Claman.  
NAYES: None.  
ABSENT: Sullivan, excused.  
ABSTAIN: Birch, excused with a conflict of interest.

1 (Clerk's Note: It was 11:30 p.m. and following completion of this item, Chair Coffey adjourned the meeting. See  
2 Agenda number 20 for adjournment details.)

- 3  
4 14.I. Ordinance No. AO 2007-160, an ordinance of the Anchorage Municipal Assembly to amend and clarify  
5 procedures for Assembly appointment of members to the **Board of Equalization** under Anchorage  
6 Municipal Code Section 12.05.050; Assembly Chair Coffey.

7  
8 Chair Coffey read the ordinance title and opened Public Hearing. There was no one to testify and he closed Public  
9 Hearing and called for a motion.

10  
11 Ms. Ossiander moved, to approve AO 2007-160,  
12 Mr. Traini seconded,

13  
14 Ms. Ossiander assumed the Assembly Chair to allow Mr. Coffey to speak to this matter.

15  
16 Mr. Coffey stated the Assembly used to act as the Board of Equalization. The standards for appointing or reappointing  
17 had remained unchanged and the ordinance was intended to clarify methods of appointments or reappointments to the  
18 Board of Equalization.

19  
20 Mr. Coffey moved, to amend AO 2007-160 on Page 1, Line 36, at the end of the  
21 Dr. Selkregg seconded, first sentence and before the beginning of the second  
22 and this was approved without objection. sentence, by adding to read: "All applications received by the  
23 Clerk shall be forwarded to the Assembly Chair and to the  
24 Chair of the Board of Equalization within ten (10) days of  
25 receipt. Thereafter, so as to allow for timely appointments  
26 and/or re-appointments, the Chair of the Assembly and the  
27 Chair of the Board of Equalization shall review all  
28 applications. The Chair of the Assembly shall make  
29 recommendations to the full Assembly for the appointment or  
30 re-appointment of those seeking membership on the Board of  
31 Equalization. The Chair's recommendations shall be made  
32 prior to the end of each calendar year so as to facilitate  
33 appointment or re-appointment by the Assembly in January of  
34 each year so as to allow for the training of new Board  
35 Members which will allow for the timely and efficient  
36 performance of the duties and responsibilities of the Board  
37 which commence with the issuance of annual real property  
38 assessments.;"

39  
40 Acting Chair Ossiander called for a vote.

41  
42 and the main motion, as amended, was passed, 9-0.

43  
44 AYES: Tesche, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

45 NAYES: None.

46 ABSENT: Sullivan, excused.

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

48  
49 Mr. Coffey resumed the Assembly Chair.

- 50  
51 14.J. Ordinance No. AO 2007-161, an ordinance repealing AO 2007-60, re-enacting Anchorage Municipal  
52 Code Sections 9.48.080, 9.28.026, and 9.28.027 and adding a new Section 9.28.035 for **abatement**  
53 **of vehicles** as a public nuisance if a person accumulates delinquent traffic fines exceeding one  
54 thousand dollars (\$1,000).  
55 1. Assembly Memorandum No. AM 733-2007.

56  
57 Chair Coffey read the ordinance title and opened Public Hearing.

58  
59 JENNIE MORRIS thanked the Assembly for their help and support for the ordinance that was approved in April.  
60 (Clerk's Note: See Assembly Meeting Minutes of April 10, 2007 and AO 2007-60 concerning delinquent traffic fines, to  
61 help stop repeat offenders. Ms. Morris had testified that a reckless driver had crashed into her on May, 2006, causing  
62 her bodily injury.) Ms. Morris stated that AO 2007-161 was the final step that would prevent someone from going  
63 through what she had experienced, or possibly losing their lives by a reckless driver. Ms. Ossiander stated that she  
64 would support the ordinance and she thanked Ms. Morris for sharing her tragic experience and for her perseverance.  
65 Mr. Tesche stated that he would support the ordinance and he thanked Ms. Morris for her advocacy and her  
66 persistence in bringing this forward, which would help the entire community. Ms. Morris urged consideration of adding  
67 an effective date, for immediate implementation, before New Year's Eve. Mr. Claman appreciated all the work that Ms.  
68 Morris had done on this effort and he would support the ordinance. Dr. Selkregg thanked her and agreed with the  
69 previously stated praise. Mr. Starr thanked the ordinance sponsors and Ms. Morris for her efforts and stated that  
70 historic movements start with small steps. He would support the ordinance. Ms. Morris stated that Governor Palin had  
71 recently signed a similar law, Senate Bill 145, spurred by her advocacy.

72  
73 With no additional public testimony, Chair Coffey closed Public Hearing and called for a motion.

74  
75 Ms. Ossiander moved, to approve AO 2007-161,  
76 Mr. Traini seconded,

77  
78 Ms. Ossiander requested that this ordinance be effective by New Year's Eve. Municipal Attorney Jim Reeves  
79 responded that with an amended implementation date, the law could be effective the following day. Mayor Begich

1 stated that the ordinance could be amended, but the Treasury Department would need time to implement the changes.  
2 Mr. Reeves responded that an effective date of the following day was a tool that would serve as a deterrent. Municipal  
3 Treasurer Dan Moore responded that the Department of Safety would be notified and their updating process of  
4 schedule fines took approximately two weeks. 'Hot sheets' would be issued, to inform police officers of the new law.  
5 Implementation prior to the New Year's Eve was very possible.

6  
7 Ms. Ossiander moved, to amend AO 2007-161 on Page 21, Line 31 *by changing to*  
8 Mr. Tesche seconded, read: **Section 6.** This ordinance shall be effective [~~on~~  
9 and this was approved without objection. ~~January 1, 2008~~] "immediately."

10  
11 Mr. Traini requested a guarantee that the ordinance, upon approval, would be implemented and enforced. Mr. Reeves  
12 concurred. Mayor Begich responded the Police Department was present that evening, waiting for this ordinance to be  
13 approved. Mr. Reeves responded the ordinance dealt with impoundment of vehicles and the municipal staff was ready  
14 to make changes to code. Police officers would be ready to enforce once the mechanical changes were made to the  
15 system.

16  
17 Mr. Starr stated that following impounding and selling the vehicle the collected proceeds would be returned to the  
18 original owner. Mr. Reeves concurred and stated that was current law and there were underlying legal considerations  
19 for changing that, but the Legal Department would review the matter. Mr. Starr requested reviewing local and state  
20 laws to determine if any remaining proceeds could be given to the victim. Mr. Reeves concurred. To Mr. Starr, Mayor  
21 Begich responded that there were no local assistance programs for victims of this type of crime.

22  
23 and the main motion, as amended, was passed, 10-0.

24  
25 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

26 NAYES: None.

27 ABSENT: Sullivan, as an excused absence.

28  
29 14.K. Resolution No. AR 2007-259, a resolution of the Municipality of Anchorage, Alaska, accepting and  
30 appropriating two State of Alaska Clean Water Fund loan offers in the aggregate amount of  
31 \$6,701,000 for financing a portion of the costs of the **Asplund Wastewater Treatment Facility**  
32 **Process Improvement** (\$4,000,000) and Asplund Building Improvements (\$2,701,000) Projects;  
33 Anchorage Water & Wastewater Utility.

34 1. Assembly Memorandum No. AM 720-2007.

35  
36 Chair Coffey read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
37 called for a motion.

38  
39 Ms. Ossiander moved, to approve AR 2007-259,  
40 Dr. Selkregg seconded,  
41 and this was passed, 10-0.

42  
43 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

44 NAYES: None.

45 ABSENT: Sullivan, as an excused absence.

46  
47 14.L. Resolution No. AR 2007-260, a resolution of the Municipality of Anchorage, Alaska, accepting and  
48 appropriating one State of Alaska Drinking Water Fund loan offer in the amount of \$846,000 for  
49 financing a portion of the costs of the **Miscellaneous Water Projects (2006)**, Anchorage Water &  
50 Wastewater Utility.

51 1. Assembly Memorandum No. AM 721-2007.

52  
53 Chair Coffey read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
54 called for a motion.

55  
56 Ms. Ossiander moved, to approve AR 2007-260,  
57 Mr. Birch seconded,  
58 and this was passed, 10-0.

59  
60 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

61 NAYES: None.

62 ABSENT: Sullivan, excused.

63  
64 14.M. Resolution No. AR 2007-264, a resolution of the Municipality of Anchorage appropriating \$825,580  
65 from the Federal Highway Administration (FHWA), via the State of Alaska Department of  
66 Transportation and Public Facilities (ADOT&PF), to the State Categorical Grants – Pass Through  
67 Fund (231) for the Traffic Department, Transportation Planning Division, **Anchorage Metropolitan**  
68 **Area Transportation Solutions** (AMATS).

69 1. Assembly Memorandum No. AM 732-2007.

70  
71 Chair Coffey read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
72 called for a motion.

73  
74 Ms. Ossiander moved, to approve AR 2007-264,  
75 Mr. Bauer seconded,  
76 and this was passed, 10-0.

77  
78 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

79 NAYES: None.

1 ABSENT: Sullivan, excused.  
2

3 **15. SPECIAL ORDERS**

4 15.A. **NOTICE TO RESCIND:** Resolution No. AR 2003-223, a resolution of the Anchorage Municipal  
5 Assembly relating to the USA Patriot Act, the Bill of Rights, the Constitution of the State of Alaska, and  
6 the **civil liberties, peace, and security** of the citizens of our country.  
7 (*Amended and Approved 7-16-03; Immediate Reconsideration failed 7-16-03; on 11-29-07 Mr.*  
8 *Sullivan Gave Notice to Rescind AR 2003-223.*)  
9

10 Chair Coffey called for a motion.

11  
12 Mr. Claman moved, *to continue* AR 2003-223 to December 18, 2007,  
13 Ms. Ossiander seconded,  
14 and this was passed without objection, 10-0.

15  
16 AYES: Tesche, Traini, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

17 NAYES: None.

18 ABSENT: Sullivan, excused.  
19

20 (*Clerk's Note: Following completion of Agenda item 13.E a motion was approved to Change the Order of the Day to*  
21 *take up AO 2007-141 as the last Agenda item that evening and there were no objections. Following completion of*  
22 *15.A, Chair Coffey returned the body to take up 14.H.*)  
23

24 **16. UNFINISHED AGENDA** None.

25  
26 **17. AUDIENCE PARTICIPATION** None.

27  
28 **18. ASSEMBLY COMMENTS** None.

29  
30 **19. EXECUTIVE SESSIONS** None.

31  
32 **20. ADJOURNMENT**  
33

34 Chair Coffey called for a motion to adjourn.

35  
36 Mr. Sullivan moved, *to adjourn* the Regular Meeting of December 11, 2007,  
37 Ms. Ossiander seconded,  
38 and this was approved without objection.  
39

40 And the meeting was adjourned the Regular Meeting at 11:30 p.m.  
41  
42  
43  
44

45 *See Archived Document for Signatures*

46 \_\_\_\_\_  
47 DAN COFFEY, Assembly Chair

48 ATTEST:  
49  
50  
51  
52

53 *See Archived Document for Signatures*  
54

55 \_\_\_\_\_  
56 BARBARA GRUENSTEIN, Municipal Clerk

57 Date Minutes Approved: January 29, 2008.

58 MC/BG  
59

60 (*Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6<sup>th</sup> Avenue, Suite 250, Anchorage,*  
61 *Alaska, (907)343-4505, or on the Municipal Web Site, [www.muni.org](http://www.muni.org) ~Assembly~Minutes~year~month~day*)  
62