

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of April 10, 2007

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Sullivan at 5:05 p.m. in Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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

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

3. PLEDGE OF ALLEGIANCE Assemblymember Stout led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – February 13, 2007

Ms. Ossiander moved, to approve the Meeting Minutes of February 13, 2007,
Mr. Stout seconded,

Mr. Coffey moved, to amend the Minutes on Page 6, Line 1, *by including that*
Ms. Jennings seconded, Mr. Coffey's law firm worked with Tesoro on matters "outside
and this was approved without objection. of the Municipality of Anchorage,"

Ms. Jennings moved, to amend the Minutes on Page 6, Line 7 *by changing*
Mr. Starr seconded, [~~discourse~~] "discord,"
and this was approved without objection.

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

5. MAYOR'S REPORT

Mayor Begich called on Chief Fiscal Officer Jeff Sinz to report on a recent bond refunding that had monetary savings to the city. Because of favorable market conditions the city was planning an additional refunding, with a future value savings associated with reduced debt service payments.

Mayor Begich introduced William M. Mehner, newly appointed Heritage Land Bank Executive Director and Gail Seiberts, newly appointed to the Public Facilities Advisory Commission.

6. ASSEMBLY CHAIR'S REPORT

Chair Sullivan stated that this would be Mr. Stout's last meeting with the Assembly. He thanked Mr. Stout, an honored American, for his service as an Assemblymember and presented to him a group photo of the Anchorage Assembly. Mr. Coffey, Mr. Starr, Mr. Tesche, Mr. Bauer, Mr. Traini, Ms. Jennings, Ms. Ossiander, Mr. Birch, Ms. Shamberg and Mayor Begich bid him farewell with good wishes, appreciation, commentary and gifts. Mayor Begich and Mr. Traini encouraged him to continue his valued service with local government. Mr. Stout responded that it had been a pleasure and an honor to serve.

7. COMMITTEE REPORTS

Mr. Bauer reported that a Public Safety Meeting was scheduled on Thursday, April 12th, to discuss topics of Anchorage Police Department's reserves and volunteers.

8. ADDENDUM TO AGENDA

Chair Sullivan called for a motion and read the Addendum items. He called for additional items and AIM 53-2007 and AR 2007-92 were added to 14.B.2 and 9.B.5, respectively. With no additional items, he called for a vote to incorporate the Addendum items into the Consent Agenda.

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

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

1 NAYES: None.

2
3 Chair Sullivan called the Question on the Consent Agenda.

4
5 Mr. Tesche moved, to approve the Consent Agenda,
6 Mr. Traini seconded,

7
8 Chair Sullivan called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
9 discussion.

10
11 **9. CONSENT AGENDA**

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

13 9.A.1. Resolution No. AR 2007-93, a resolution of the Anchorage Municipal Assembly honoring and
14 congratulating **Scott Jeffryes**, Turbine Maintenance Superintendent with Municipal Light & Power, for
15 being named the Municipality of Anchorage Employee of the Year; Mayor Begich; Assemblymembers
16 Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini.
17 **(Addendum)**

18
19 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.A.1)

20
21 9.A.2. Resolution No. AR 2007-94, a resolution of the Anchorage Municipal Assembly honoring all those who
22 have given the gift of life through **tissue and organ donation** and to encourage all citizens to consider
23 participating in this charitable act; Mayor Begich; Assemblymembers Sullivan, Bauer, Birch, Coffey,
24 Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. **(Addendum)**

25
26
27 Mr. Starr requested this item be pulled for review on the Regular Agenda. (See item 10.A.2)

28
29 9.A.3. Resolution No. AR 2007-95, a resolution of the Anchorage Municipal Assembly recognizing May 11,
30 2007 as **Police Memorial Day** and an opportunity for remembering and honoring those who have
31 made the ultimate sacrifice in service to our community, Mayor Begich; Assemblymembers Sullivan,
32 Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. **(Addendum)**

33
34 Mr. Traini requested this item be pulled for review on the Regular Agenda. (See item 10.A.3)

35
36 9.A.4. Resolution No. AR 2007-96, a resolution of the Anchorage Municipal Assembly supporting the
37 **15th Annual National Association of Letter Carriers Food Drive** on May 12, 2007; Mayor Begich;
38 Assemblymembers Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout,
39 Tesche and Traini. **(Addendum)**

40
41 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See item 10.A.4)

42
43 **9.B. RESOLUTIONS FOR ACTION - OTHER**

44 9.B.1. Resolution No. AR 2007-85, a resolution of the Municipality of Anchorage appropriating \$10,000 from
45 AT&T Alascom to the Miscellaneous Operational Grants Fund (261) for the "**Good News, Great**
46 **Kids**" Program; Mayor's Office.

47 a. Assembly Memorandum No. AM 238-2007.

48 9.B.2. Resolution No. AR 2007-86, a resolution establishing **delinquent dates for the first and second half of**
49 **yearly real property tax payments** for Tax Year 2007; Finance.

50 a. Assembly Memorandum No. AM 239-2007.

51 9.B.3. Resolution No. AR 2007-87, a resolution of the Municipality of Anchorage providing for the appropriation
52 of \$37,000 of donations from the Alaska Community Foundation, \$16,000, from the Friends of the
53 Library, \$5,000, and from the W.K. Kellogg Foundation, \$16,000 to the Miscellaneous Operational Grant
54 Fund (261) for support of the **Big Read Grant Program**; Office of Economic & Community
55 Development/Library.

56 a. Assembly Memorandum No. AM 240-2007.

57 9.B.4. Resolution No. AR 2007-88, a resolution of the Municipality of Anchorage providing for the appropriation
58 of a grant totaling \$15,252 from the State of Alaska, Department of Education to the State Categorical
59 Grant Fund (231), Office of Economic and Community Development for the **Net Lender**
60 **Reimbursement Program**; Library.

61 a. Assembly Memorandum No. AM 241-2007.

62 9.B.5. Resolution No. AR 2007-92, a resolution of the Anchorage Municipal Assembly appointing **Ramon E.**
63 **Wallace** as Assistant Ombudsman; Ombudsman's Office. **(Laid on the Table)**

64
65 Ms. Ossiander moved to introduce, seconded by Mr. Coffey and Mr. Traini was the concurring third. This item was
66 added to the Consent Agenda. Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See
67 item 10.B.5)

68
69 **9.C. BID AWARDS** There were none.

70
71 **9.D. NEW BUSINESS**

72 9.D.1. Assembly Memorandum No. AM 259-2007, **Emergency Medical Service Board** appointments
73 (Sandra Coons, Debbie Gariepy); Mayor's Office.

74 9.D.2. Assembly Memorandum No. AM 260-2007, **Military and Veterans Affairs Commission** appointment
75 (John Roberson); Mayor's Office.

76 9.D.3. Assembly Memorandum No. AM 261-2007, **Public Facilities Advisory Commission** appointment
77 (Gail Sieberts); Mayor's Office.

- 1 9.D.4. Assembly Memorandum No. AM 262-2007, **Police and Fire Retiree Medical Board** appointments
2 (Bridget Bushue, AFD Representative; Nancy Potter, APD Representative); Employee Relations
3 Department.
4 9.D.5. Assembly Memorandum No. AM 249-2007, proprietary purchase of hardware and software
5 maintenance agreement from **Synergon Solutions, Inc.** for the Municipality of Anchorage, Anchorage
6 Police Department (APD) (\$30,921); Purchasing.
7 9.D.6. Assembly Memorandum No. AM 250-2007, Change Order No. 5 to Purchase Order 241336 with
8 Chugach Electric Association (CEA) for **danger tree removal services** for the Municipality of
9 Anchorage, Anchorage Fire Department (AFD) (\$100,000); Purchasing.
10 9.D.7. Assembly Memorandum No. AM 251-2007, cooperative purchase award to World Wide Technology
11 for furnishing professional services related to **CISCO Systems** to the Municipality of Anchorage,
12 Information Technology Department (\$95,000); Purchasing.
13 9.D.8. Assembly Memorandum No. AM 252-2007, Amendment No. 6 to professional services contract with
14 CRW Engineering Group, **Strawberry Road Improvements**, Project No. 90-07 (\$496,036); Project
15 Management & Engineering.
16

17 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.8)

- 18
19 9.D.9. Assembly Memorandum No. AM 253-2007, an agreement to reimburse Enstar Natural Gas Company
20 for costs to **relocate natural gas lines** within the existing road embankment of Strawberry Road,
21 Project No. 90-07 (\$390,000); Project Management & Engineering.
22 9.D.10. Assembly Memorandum No. AM 254-2007, Contract Amendment No. 2 to the 2005 professional
23 survey services contract with ASTS, Inc. (formerly ASCG, Inc.) to provide **land survey services**
24 (\$350,000); Project Management & Engineering.
25

26 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.D.10)

- 27
28 9.D.11. Assembly Memorandum No. AM 255-2007, Utility Relocation Agreement with Chugach Electric Assn.
29 for the **48th Ave.-Boniface Pkwy. Extension, Tudor Rd. to Bragaw St.**, Project No. 05-30
30 (\$350,000); Project Management & Engineering.
31 9.D.12. Assembly Memorandum No. AM 256-2007, Amendment No. 2 to professional services contract with
32 Lounsbury & Associates, Inc. for the **E. 6th Avenue Reconstruction, Patterson Street to Muldoon
33 Road**, Project No. 05-02 (\$86,756); Project Management & Engineering.
34 9.D.13. Assembly Memorandum No. AM 257-2007, Amendment No. 2 to the Contract with Lounsbury &
35 Assoc. for the **Town & Country Estates Subdivision Street Reconstruction**, Project No. 04-08
36 (\$45,000), Project Management & Engineering.
37 9.D.14. Assembly Memorandum No. AM 258-2007, Contract Amendment No. 11 to Purchase Order 231576
38 with Paratransit Services, Inc. for providing a coordinated transportation system "**AnchorRIDES**" for
39 the Municipality of Anchorage, Public Transportation Department (\$49,000), Purchasing.
40 9.D.15. Assembly Memorandum No. AM 271-2007, Amendment No. 6 to professional services contract with
41 CRW Engineering Group, **Strawberry Road Improvements**, Project No. 90-07 (\$346,746); Project
42 Management & Engineering. (**Addendum**)
43 9.D.16. Assembly Memorandum No. AM 272-2007, **Executive Director of the Heritage Land Bank**
44 appointment (William M. Mehner); Employee Relations Department. (**Addendum**)
45

46 9.E. INFORMATION AND REPORTS

- 47 9.E.1. Information Memorandum No. AIM 43-2007, **Sole Source Procurement Report** for the month of
48 February 2007; Purchasing.
49

50 9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 51 9.F.1. Ordinance No. AO 2007-7, an ordinance of the Anchorage Municipal Assembly amending Anchorage
52 Municipal Code Section 21.40.180, B-3 General Business District, to permit **natural resource
53 extraction** on tracts of not less than five acres as a conditional use and to allow open storage
54 concurrent with the natural resource extraction conditional use; Planning Department. (*Public Hearing
55 5-01-07*)
56 a. Assembly Memorandum No. AM 244-2007.
57 9.F.2. Ordinance No. AO 2007-62, an ordinance amending Anchorage Municipal Code Section 21.35.020B.
58 to clarify the definition of **Habilitative Care Facility**; Planning Department. (*Public Hearing 5-015-07*)
59 a. Assembly Memorandum No. AM 245-2007.
60 9.F.3. Ordinance No. AO 2007-63, an ordinance amending Anchorage Municipal Code Section 4.05.060 to
61 adjust **attendance requirements for board and commission members**; Mayor's Office. (*Public
62 Hearing 5-01-07*)
63 a. Assembly Memorandum No. AM 246-2007.
64 9.F.4. Ordinance No. AO 2007-64, an ordinance authorizing a **lease with GCI Communication
65 Corporation** (GCI), an Alaska Corporation, for construction and use of telecommunications facilities
66 on a portion of Lot 38B, Audacious Subdivision, in Eagle River, Alaska; Heritage Land Bank/Real
67 Estate Services. (*Public Hearing 5-01-07*)
68 a. Assembly Memorandum No. AM 247-2007.
69 9.F.5. Ordinance No. AO 2007-65, an ordinance authorizing **withdrawal of Heritage Land Bank (HLB)
70 Parcel 3-047** from HLB Inventory and transfer of the parcel to the Real Estate Services Division for a
71 conservation easement and mitigation credits; Heritage Land Bank. (*Public Hearing 5-01-07*)
72 a. Assembly Memorandum No. AM 248-2007.
73 9.F.6. Resolution No. AR 2007-89, a resolution appropriating \$24,700,000 from a State of Alaska
74 Department of Transportation & Public Facilities (DOT&PF) Transfer of Responsibilities Agreement
75 (TORA) with the Municipality of Anchorage, to the Anchorage Roads and Drainage Service Area
76 Capital Improvement Fund (441) for the **48th Avenue/Boniface Parkway Extension, Bragaw Street
77 to Tudor Road**; Project Management & Engineering. (*Public Hearing 5-01-07*)
78 a. Assembly Memorandum No. AM 242-2007.

- 1 9.F.7. Resolution No. AR 2007-90, a resolution of the Municipality of Anchorage accepting a Federal Transit
2 Administration Section 5309 Bus and Bus-Related Earmark Allocations Grant and appropriating
3 \$226,710 to the Public Transportation Capital Fund (485) for the construction of a **Paratransit**
4 **Operations Center**; Public Transportation Department. (*Public Hearing 5-01-07*)
5 a. Assembly Memorandum No. AM 243-2007.

6
7 Chair Sullivan called the Question on the remainder of the Consent Agenda.

8
9 and this motion, as amended, was passed.

10
11 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

12 NAYES: None.

13
14 The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items.

15
16 **END OF CONSENT AGENDA**

17
18 **10. REGULAR AGENDA**

19 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 20 10.A.1. Resolution No. AR 2007-93, a resolution of the Anchorage Municipal Assembly honoring and
21 congratulating **Scott Jeffryes**, Turbine Maintenance Superintendent with Municipal Light & Power, for
22 being named the Municipality of Anchorage Employee of the Year; Mayor Begich; Assemblymembers
23 Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini.
24 (**Addendum**)

25
26 Ms. Ossiander moved, to approve AR 2007-93,
27 Mr. Traini seconded,
28 and this was approved without objection.

29
30 Ms. Ossiander read and Chair Sullivan, Mayor Begich and Municipal Light and Power (*ML&P*) General Manager Jim
31 Posey presented the resolution to Scott Jeffryes, Turbine Maintenance Superintendent with ML&P, for being named
32 the Municipality of Anchorage Employee of the Year. Mr. Jeffryes thanked Bob Price, Mr. Posey and the ML&P staff
33 for the honor and recognition.

- 34
35 10.A.2. Resolution No. AR 2007-94, a resolution of the Anchorage Municipal Assembly honoring all those who
36 have given the gift of life through **tissue and organ donation** and to encourage all citizens to consider
37 participating in this charitable act; Mayor Begich; Assemblymembers Sullivan, Bauer, Birch, Coffey,
38 Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. (**Addendum**)

39
40 Ms. Jennings moved, to approve AR 2007-94,
41 Ms. Shamberg seconded,
42 and this was approved without objection.

43
44 Ms. Shamberg read the resolution in its entirety, honoring donors who participated with tissue and organ donations.

- 45
46 10.A.3. Resolution No. AR 2007-95, a resolution of the Anchorage Municipal Assembly recognizing May 11,
47 2007 as **Police Memorial Day** and an opportunity for remembering and honoring those who have
48 made the ultimate sacrifice in service to our community, Mayor Begich; Assemblymembers Sullivan,
49 Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. (**Addendum**)

50
51 Mr. Traini moved, to approve AR 2007-95,
52 Mr. Tesche seconded,
53 and this was approved without objection.

54
55 Mr. Tesche read and Mr. Coffey presented the resolution to Anchorage Police Chief Rob Heun on behalf of the fallen
56 police officers, who had made the ultimate sacrifice in service to the community. Chief Heun thanked the Assembly
57 and the community for supporting the APD. He announced the Annual Memorial would be held on May 11th at 3:00
58 p.m. at the State Troopers Headquarters on Tudor Road. Mr. Traini stated it was important to remember the fallen
59 officers and to appreciate officers for their service and dedication. Chair Sullivan stated it was appropriate to recognize
60 police officers' mission.

- 61
62 10.A.4. Resolution No. AR 2007-96, a resolution of the Anchorage Municipal Assembly supporting the
63 **15th Annual National Association of Letter Carriers Food Drive** on May 12, 2007; Mayor Begich;
64 Assemblymembers Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout,
65 Tesche and Traini. (**Addendum**)

66
67 Mr. Starr moved, to approve AR 2007-96,
68 Mr. Bauer seconded,
69 and this was approved without objection.

70
71 Mr. Starr read the resolution in its entirety into the record, recognizing the 15th Annual Food Drive of the National
72 Association of Letter Carriers, on May 12, 2007.

73
74 **10.B. RESOLUTIONS FOR ACTION - OTHER**

- 75 10.B.5. Resolution No. AR 2007-92, a resolution of the Anchorage Municipal Assembly appointing **Ramon E.**
76 **Wallace** as Assistant Ombudsman; Ombudsman's Office. (**Laid on the Table**)

77
78 Ms. Ossiander moved, to approve AR 2007-92,
79 Mr. Coffey seconded,

1 and this was approved without objection.

2
3 Ms. Ossiander read the resolution and congratulated Ramon E. Wallace, on his appointment as the new Municipal
4 Assistant Ombudsman. Ms. Ossiander and Chair Sullivan welcomed him. Mr. Wallace responded he would assist
5 with all community questions and concerns. Ms. Ossiander stated that she often sent people to the Ombudsman's
6 Office and would support all efforts to have that office remain impartial to the issues.

7
8 **10.C. BID AWARDS** There were none.

9
10 **10.D. NEW BUSINESS**

11 10.D.8. Assembly Memorandum No. AM 252-2007, Amendment No. 6 to professional services contract with
12 CRW Engineering Group, **Strawberry Road Improvements**, Project No. 90-07 (\$496,036); Project
13 Management & Engineering.

14
15 Ms. Ossiander stated that the Administration had requested that AM 252-2007 be postponed indefinitely, because AM
16 271-2007, approved on the Consent Agenda, replaced this item.

17
18 Ms. Ossiander moved, to *Postpone Indefinitely* AM 252-2007,
19 Mr. Traini seconded,
20 and this was approved without objection.

21
22 10.D.10. Assembly Memorandum No. AM 254-2007, Contract Amendment No. 2 to the 2005 professional
23 survey services contract with ASTS, Inc. (formerly ASCG, Inc.) to provide **land survey services**
24 (\$350,000); Project Management & Engineering.

25
26 Mr. Coffey moved, to approve AM 254-2007,
27 Ms. Ossiander seconded,

28
29 Mr. Birch declared a possible conflict of interest because he was employed with ASCG, an affiliated company with
30 ASTS, Inc. To Chair Sullivan, Mr. Birch responded he was Manager of ASCG Alaskan Operations. Chair Sullivan
31 ruled that Mr. Birch did have a conflict of interest and ordered that he abstain from participation.

32
33 and this motion was passed without objection.
34 with Mr. Birch abstaining due to a conflict of interest.

35
36 **10.E. INFORMATION AND REPORTS** None were pulled for review.

37
38 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION** None were pulled for review.

39
40 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

41 11.A. Resolution No. AR 2006-290(S), a resolution of the Anchorage Municipal Assembly in recognition of
42 the continuing contribution made by Fur Rendezvous in the promotion of tourism and Anchorage's
43 visitor industry, and supporting annual funding from the Anchorage Convention and Visitors Bureau
44 room tax revenue to Greater Anchorage, Inc. for the **Fur Rendezvous Festival**; Assemblymembers
45 Fairclough, Tesche, Traini, Stout and Bauer.
46 (*AR 2006-290(S) was Substituted 11-14-06; Action was Postponed from 11-14-06, 12-12-06, 12-19-*
47 *06, 2-13-07 and 3-13-07*)

48
49 Chair Sullivan read the resolution title. There was a motion to approve on the floor from Mr. Traini, seconded by Mr.
50 Bauer.

51
52 JOHN WOOD, Fur Rendezvous Board member and CHARLOTTE JENSEN, Fur Rendezvous President, thanked the
53 Assembly, Mayor Begich, the community and Fur Rendezvous Director SUSAN DUCK, for their efforts and support to
54 Fur Rendezvous (*Fur Rondy*). She thanked the Assembly for the grant, making it possible to have the 2007 parade
55 and keeping their doors open. She reported a continued reduction of debt within the past nine months, with only two
56 remaining debtors and a total of \$11,000, down from 46 creditors and \$100,000. Mr. Wood stated the resolution was a
57 great step forward. He recommended additional improvements and proposed a worksession to discuss use of bed tax,
58 future funding and separation from the Anchorage Convention and Visitors Bureau (ACVB).

59
60 Mr. Traini stated it was important to pass the resolution that evening as a first step and move ahead at a later time.

61
62 To Ms. Shamberg, Mr. Wood responded they had reduced debt by consolidating their offices, closing their retail store,
63 reducing staff and using part time staff during the festival. They were participating with fund raisers and continuing to
64 seek grant money.

65
66 To Mr. Coffey, Mr. Wood responded that he supported institutionalizing the funding from the bed tax and not seeking
67 the appropriation before the Assembly each year.

68
69 Mayor Begich stated the Administration supported Fur Rondy and urged them to work with ACVB. The Assembly had
70 approved a ten-year contract for ACVB to be the entity to use the bed tax revenue.

71
72 Mr. Traini urged support of the resolution to send a message to the ACVB. Mr. Wood responded the ACVB spent
73 funds to promote the Rondy Festival in their national marketing, while Fur Rendezvous needed funds to pay the local
74 bills. Ms. Duck responded the ACVB funds received had gone to support the Wild Fest during the last week of the
75 festival.

76
77 Mr. Coffey stated the resolution had no binding effect relative to the ACVB contribution.
78

1 Mr. Tesche stated that the resolution intent was to start appropriate dialogue between Fur Rendezvous and the ACVB,
2 to resolve the differences. He urged support of the resolution, to send a message of the Assembly's intent to the
3 ACVB.
4

5 Ms. Ossiander concurred with Mr. Tesche and urged support.
6

7 Ms. Jennings stated there was little difference between the ACVB supporting the Mayor's Run and supporting Fur
8 Rony.
9

10 To Chair Sullivan, Assembly Counsel Julia Tucker responded that the ACVB ten-year contract and the resolution
11 would potentially trigger further action for negotiation. Mr. Tesche recommended reviewing the ACVB contract, moving
12 towards an inclusion of Fur Rony as a permanent function. Mr. Wood supported scheduling a worksession.
13

14 and this motion was passed, 11-0.
15

16 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
17 NAYES: None.
18

19 11.B. Ordinance No. AO 2006-172, an ordinance amending Anchorage Municipal Code Title 21 to adopt new
20 **Chapters 21.01, 21.02, 21.08, and 21.13**; Planning Department.
21

22 1. Assembly Memorandum No. AM 853-2006.
23

24 *(Continued from 1-9-07 and 1-23-07; Carried Over from 3-13-07; Public Hearing was Closed 3-27-07;
25 Assembly Committee Substitutes of all Chapters were Substituted; Amended and Action Carried Over
26 from 3-27-07)*

26 Chair Sullivan reported Public Hearing was closed and there was a motion to approve on the floor.
27

28 Ms. Ossiander moved, to amend Chapter 21.08 on Page 8, Line 31, 21.08.030.H.5,
29 Mr. Coffey seconded, Downslope Lots, *by adding* to read: Road/driveway access to
30 all lots "less than five acres" with an average slope of 30% or
31 greater shall be on the upslope side of the lot;
32

33 Ms. Ossiander stated that significantly larger lots would provide greater flexibility to address drainage concerns. To
34 Mr. Tesche, she responded this amendment replaced one that she had previously proposed and partially addressed
35 the problem. Municipal Planning Director Tom Nelson responded the Ossiander Amendment was supported by staff.
36

37 and the motion passed without objection.
38

39 Ms. Ossiander moved, to amend Chapter 21.08 on Page 9, Line 8, *by putting*
40 Mr. Coffey seconded, Section H.8 (*Subdivisions on Slopes and Vehicle Routes*),
41 and the motion passed without objection. into **Reserve Status**,
42

43 Ms. Ossiander moved, to amend Chapter 21.08 on Page 18, 21.08.050.D, Line 10,
44 Mr. Coffey seconded, *by substituting* the "Table 21.08-3," (*Paved Residential*
45 and the motion passed without objection. *Streets, Minimum Standards*), as listed in the Planning
46 Department recommendations,
47

48 Mr. Coffey stated these were housekeeping recommendations. There had been much discussion on total road widths
49 and right-of-way widths, which he would be addressing in the future.
50

51 To Ms. Ossiander, Mr. Nelson responded the intent of these amendments was to create consistency with the Design
52 Criteria Manual.
53

54 Ms. Ossiander moved, to amend Chapter 21.08 on Page 19, 21.08.050D, Line 4,
55 Mr. Coffey seconded, *by substituting* "Table 21.08-5," (*Class A Commercial and*
56 and this passed without objection. *Industrial Streets, Minimum Standards*), as listed in the
57 Planning Department recommendations,
58

59 Ms. Ossiander moved, to amend Chapter 21.08 on Page 27, 21.08.060C.1, Lines
60 Mr. Coffey seconded, 13-17, (*Time Limit for Completion of Improvements*) *by*
61 and this passed without objection. *changing* to read: In considering whether an extension
62 should be granted, the following shall be considered: the
63 manner in which safety hazards, drainage problems, sanding,
64 snow removal, grading and other matters will be handled
65 during the extension period, [~~and may impose performance~~
66 ~~conditions~~] "**Performance conditions may be imposed**" on the
67 extension to ensure that such matters are adequately
68 handled.;
69

70 Ms. Ossiander moved, to amend Chapter 21.08 on Page 33, 21.08.060K, Lines 36-
71 Mr. Coffey seconded, 40 (*End of Warranty Period*), *by adding* to read: Inspection
72 will be made by the municipality at the end of the warranty
73 period and prior to the release of guarantees. The
74 municipality shall have 30 days, which shall begin on the day
75 of the first inspection, to complete the inspection and provide
76 a list of deficiencies, except that the municipal engineers may
77 extend the 30 day period for unusual circumstances such as
78 extreme weather. All deficiencies identified in the warranty
79 period shall be corrected, inspected, and approved [~~prior to~~

~~release of the warranty security] “within 30 days, except that the municipal engineer may extend the 30 day period for unusual circumstances or inappropriate weather.” Upon final acceptance, the municipality will release the remaining security within 90 days.;~~

Ms. Ossiander stated this amendment had been requested by the Planning Department.

Mr. Coffey stated that, under certain circumstances, the municipal engineers could extend the 30 days to allow the developers to make the corrections. The inspection needed to be done before the end of the warranty period, with concerns identified. Given an extension, at the end of that period, there would not be an extension of the warranty period. In the absence of fraud, the warranty period would be done. Municipal Engineer Howard Holtan concurred.

Mr. Tesche challenged the language “inappropriate weather,” and moved to substitute “inclement.” Senior Planner Erika McConnell responded that “inappropriate weather” was language intended to deal with situations, when the correction could not be completed during the winter. Mr. Coffey concurred. Mr. Tesche withdrew his motion.

and this was passed without objection,
and was later rescinded and amended,
and was approved without objection.

Ms. Shamborg stated that her motion to amend, seconded by Mr. Tesche, had been left on the floor on March 27th. She moved to amend, to avoid creating a closed-off common space area and creating common access for neighbors.

Ms. Shamborg had moved,
Mr. Tesche had seconded,
and was amended,
and approved with two objections,
from Mr. Coffey and Mr. Traini;
and was later rescinded and substituted.

to amend Chapter 21.08 on Page 35, Line 35, 21.08.070, Conservation Subdivisions, Section F, Minimum Open Space, *by adding* language at the end to read: Common open space [~~“should be accessible from a public right of way or have pedestrian easements provided to it by the developer.”~~] **“shall be accessible to all property owners in the subdivision.”** [a] Areas in class B improvement areas shall remain undisturbed.; [~~Common open space~~] **“In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space.”** [~~Common open space~~] **“Tracts that comply with these requirements shall be connected to a street by a ten-foot wide “common” [pedestrian] access easement leading into all common open space.”;”**

Ms. Shamborg stated this would create public open space which was abutted only by a few parcels, making it accessible to the public and other members of the subdivision. Mr. Nelson responded that planning staff agreed with the amendment, and made recommendations for improved language, which was accepted as a friendly amendment by Ms. Shamborg and the second, Mr. Tesche.

Mr. Coffey and Mr. Traini opposed.

Chair Sullivan proposed a friendly amendment, by adding “common pedestrian access easement leading into all common open space.” Mr. Nelson stated that in order to clarify the location, it should originate at a street.

Ms. Ossiander opposed the proposed language and supported the original Shamborg motion.

Mr. Coffey stated that the intent was to allow all residents of a development to have access to the common areas. How that was accomplished would depend on the subdivision. Connecting the access to a street did not allow for private common open space. He would support the original Shamborg Amendment.

Mr. Starr concurred with Mr. Coffey. There were considerations of meandering sidewalks that would connect, and he supported more flexibility for the subdivision and the developers.

Ms. Jennings called a point of order, and stated that the original language had been passed with two opposing. Chair Sullivan called for a motion to rescind.

Ms. Ossiander moved,
Mr. Coffey seconded,
and was approved without objection.

to rescind the approved motion and substitute the Planning Department amendment,

(Clerk’s Note: Below is the Rescinded Motion, with Planning Department Administration Substitute Motion.)

Ms. Shamborg had moved,
Mr. Tesche had seconded,
and later rescinded and substituted,
and approved without objection.

to amend Chapter 21.08 on Page 35, Line 35, 21.08.070, Conservation Subdivisions, Section F, Minimum Open Space, *by adding* language at the end to read: ~~Common open space~~ [~~“should be accessible from a public right of way or have pedestrian easements provided to it by the developer.”~~] **“shall be accessible to all property owners in the subdivision.”** [a] Areas in class B improvement areas shall remain undisturbed.; [~~Common open space~~] **“In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space.”** [~~Common open space~~]

~~“Tracts that comply with these requirements shall be connected to a street by a ten-foot wide “common [pedestrian] access easement “leading into all common open space.” “In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space.”~~ Common open space areas in class B improvements areas shall remain undisturbed.;

Ms. Ossiander moved,
Mr. Coffey seconded,
and this was approved without objection.

to amend Chapter 21.08 on Page 31, Line 33 and on Page 32, on Line 3 and Line 22, *by changing* [E-2] to “G-2,” and on Page 33, Line 15 *by changing* [E] to “G.”

Mr. Coffey proposed to rescind and amend the already-approved Ossiander Amendment, amending Page 33, 21.08.060K, Lines 36-40, by adding a new provision at the end.

Mr. Coffey moved,
and this was accepted by Ms. Ossiander,
as a friendly amendment,

to rescind and amend the Ossiander Amendment, amending Chapter 21.08, Lines 36-40, 21.08.060K, (*End of Warranty Period*) Inspection will be made by the municipality at the end of the warranty period and prior to the release of guarantees. The municipality shall have 30 days, which shall begin on the day of the first inspection, to complete the inspection and provide a list of deficiencies, except that the municipal engineers may extend the 30 day period for unusual circumstances such as extreme weather. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within 30 days, except that the municipal engineer may extend the 30 day period for unusual circumstances or inappropriate weather. Upon final acceptance, the municipality will release the remaining security within 90 days.; **“If the MOA does not timely inspect and provide a report before the warranty period expires, the warranty period ends.”**

Mr. Tesche stated that this may be one way to encourage municipal inspectors to complete inspections and close out warranty periods in a timely fashion. Mr. Holtan responded that getting the inspections done in a timely manner also involved the developers not completing their work. Mr. Holtan responded that the Administration did not oppose the amendment.

and this was approved without objection.

Mr. Coffey stated that Section 050A.3, Improvements, Eligibility for Warranty, on Page 15, provided conditional certificates of zoning compliance or certificates of zoning compliance would not be issued until the subdivision improvements had been accepted for warranty by the Municipality. The intent was to make the builders, who may or may not be the developers, have assurance that the improvements in the subdivision had been accepted as a condition of being able to occupy a home in that subdivision. Builders would compel developers to complete the required improvements, so they could build homes. It was important to let the builders know the Assembly would be addressing this matter to find a better solution when taking up Chapter 3 of Title 21.

Ms. Ossiander stated that certificates of zoning compliance involved a significant change for areas outside building service areas, particularly in Eagle River/Chugiak District and parts of the Hillside District. This would be discussed in depth in the future.

Mr. Birch stated that there were more undeveloped areas in the community, including Eagle River and in South Anchorage that would be impacted by the certificates of zoning compliance. The Assembly was listening to those concerns and be addressing it in the future.

Chair Sullivan put the Question on the main motion, as amended.

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

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

11.C. **Resolution No. AR 2007-83**, a resolution of the Anchorage Municipal Assembly addressing the **status of Title 21 Chapters** provisionally adopted by the Assembly and confirming direction to municipal planning staff for a review of Table 21.02-1 for final identification of elements to be included in the Comprehensive Plan; Assemblymembers Coffey and Ossiander.
(Carried Over from 3-27-07)

Chair Sullivan read the resolution title.

Mr. Coffey moved,
Ms. Ossiander seconded,

to approve AR 2007-83,

Ms. Ossiander stated that all Title 21 Chapters needed interconnectivity. The resolution would allow all Chapters to be completed before enactment. It also addressed elements of the Comprehensive Plan, incorporated into Chapter 1. The Planning Department had not had the opportunity to review all elements, for applicability and relevance. The

1 Administration requested enacting 21.08.060, which dealt with warranty periods and subdivision agreements and
2 removed deeds of trust. The Planning Department would be introducing an ordinance to address that enactment.

3
4 Mr. Tesche moved, to amend AR 2007-83 on Page 2, Section 1, *by deleting* the
5 Ms. Ossiander seconded, last sentence, beginning on Line 8: [~~As provisionally~~
6 ~~adopted, these Chapters shall not be deemed law of the~~
7 ~~Municipality, and shall not be applied to land use matters,~~
8 ~~until such time as the Title 21 Chapters are adopted in law,~~
9 ~~with an effective date certain.]~~

10
11 Mr. Tesche understood the intent of the resolution. He questioned language on Page 2, in relation to land use
12 litigation and the Chapters of Title 21 already approved by the Assembly. Municipal Attorney Jim Reeves responded
13 the Assembly could legally address the matter in this manner.

14
15 Mr. Coffey proposed inserting an effective date. Mr. Reeves responded that would be a fine alternative, defining the
16 intent of the Assembly, but was not necessary.

17
18 and this motion failed, 3-8.

19
20 AYES: Tesche, Traini and Jennings.
21 NAYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey and Stout.

22
23 Chair Sullivan put the Question on the main motion.

24
25 and the main motion, as amended, was passed, 10-1.

26
27 AYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
28 NAYES: Tesche.

29
30 11.D. Resolution No. AR 2007-63, a resolution of the Anchorage Assembly approving the **Tudor Road**
31 **Corridor Study, June 2006**; Traffic Department.
32 1. Assembly Memorandum No. AM 181-2007.
33 (*Postponed from 3-13-07*)

34
35 Chair Sullivan read the resolution title and stated there was a motion to approve on the floor by Mr. Bauer, seconded
36 by Ms. Ossiander.

37
38 Mr. Bauer stated that he had requested the matter be postponed to allow time for additional review. He stated this was
39 an important matter for the U-Med District, but the Lake Otis and Tudor Intersection improvements should not be
40 included. If the intersection was included, the costs should be added.

41
42 Mr. Coffey stated he would support the study.

43
44 Mr. Bauer moved, to amend AR 2007-63 by amending the Tudor Road Corridor
45 and this motion died for a lack of a second, Study, dated June 2006 on Page 38, *Recommendation*
46 *Summary, by deleting* [~~Planned capacity upgrades at the~~
47 ~~intersection of Tudor Road and Lake Otis Parkway are~~
48 ~~predicted to reduce delays by 15-20% are recommended for~~
49 ~~construction.] *and, by deleting* the last portion of the 4th
50 bullet, to read: Consolidate driveways where possible as part
51 of a plan, Tudor Road and Folker Street improvements, [~~and~~
52 ~~Lake Otis/Tudor Road Intersection improvements projects];~~~~

53
54 Mr. Bauer moved, to amend AR 2007-63 by amending the Tudor Road Corridor
55 Mr. Stout seconded, Study, dated June 2006, on Page 43, 7.0, Appendix H, *by*
56 *adding* the construction costs of the Lake Otis/Tudor Project;

57
58 To Ms. Ossiander, Chair Sullivan responded that the Study, dated June, 2006, was attached to AR 2007-63.

59
60 To Mr. Coffey, Mayor Begich responded the costs could be included anywhere in the document.

61
62 and this was approved without objection.

63
64 Chair Sullivan put the Question on the main motion.

65
66 and the main motion, as amended, was approved, 10-1.

67
68 AYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
69 NAYES: Tesche.

70
71 **12. APPEARANCE REQUESTS** There were none.

72
73 **13. CONTINUED PUBLIC HEARINGS** There were none.

74
75 **14. NEW PUBLIC HEARINGS**

76 14.A. Ordinance No. AO 2007-45, an ordinance amending Anchorage Municipal Code Subsections
77 3.70.060C.4. and 3.70.060C.11., and adding a new subsection 3.70.060C.15, all regarding **exempt**
78 **employees**; Employee Relations Department.
79 1. Assembly Memorandum No. AM 178-2007.

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

3
4 ARSHELLA SMITH, President of the Anchorage Municipal Employees Association (AMEA), stated that the Association
5 and the Executive Board opposed the proposed ordinance.

6
7 CHUCK DUNNAGAN, AMEA Special Counsel, testified the ordinance was unfair labor practice. The city had
8 completed a reorganization and employees were moved from positions that were exempt from collective bargaining to
9 non-exempt positions. Supervisors, who should remain exempt under Municipal Code, had been moved to non-
10 exempt positions. This ordinance was not just a housekeeping amendment. The matter needed to be addressed by
11 the Employees Relations Board (ERB). To Ms. Ossiander, Mr. Dunnagan responded that AMEA Business
12 Representative John Martin had filed an unfair (*labor practice*) complaint with the ERB. There would be a board
13 investigation and, if probable cause was found, the city would be required to file a reply and the cases would be joined.
14 To Mr. Tesche, Mr. Dunnagan responded that ordinance approval would deny employees of their labor rights, which
15 was defined as unfair labor practice. The Administration's proposal of the ordinance was part of the wrong-doing. If
16 the ordinance was not passed, the wrong-doing stopped. To Mr. Tesche, Mr. Dunnagan responded that there were
17 many considerations, but the ERB's function was to address matters such as this and reach reasoned decisions.
18 Having the Assembly briefly review and pass this matter was unfair, both to the Assembly and to the basic process of
19 labor relations. Positions which were exempt from collective bargaining, under AMC 370.060.10 included confidential
20 employees, labor relations employees, supervisors, Ombudsman staff and a portion of the Treasurer staff, and the
21 ERB would make the determination if the employees could be exempt. Mr. Tesche stated that the city wanted to
22 change basic collective bargaining policy. Mr. Dunnagan responded that the Assembly could change labor policy, but
23 the changes needed to occur in conjunction with reorganization. If the city was unwilling to make an informal
24 agreement, there would be additional proceedings before the ERB, to resolve the matter. To Mr. Birch, Mr. Dunnagan
25 responded the reorganization affected four previously non-represented employees in exempt positions, who were now
26 in non-exempt positions. To Mr. Coffey, Mr. Dunnagan responded if the Administration had made the changes during
27 the reorganization, it would be a different case. If the ordinance passed the charge would be against the Assembly.
28 To Ms. Jennings, Mayor Begich responded that the positions involved the Office of Management and Budget (OMB)
29 and the Office of Emergency Management (OEM), which had always been exempt. With the reorganization, those
30 employees were doing the same work and were still exempt and he disagreed there was unfair labor practice. To
31 Chair Sullivan, Mr. Dunnagan responded that reorganization was a management right and could be done at any time.
32 Exempt issues needed to be addressed at the time of reorganization. Once employees landed in new positions, it was
33 too late to go back and make positions exempt, because the collective bargaining rights were already attached and the
34 change was retroactive. To Ms. Ossiander, Mr. Dunnagan responded that he was not taking the position that the
35 responsibilities of the affected individuals had changed.

36
37 HANK WIEDLE, with AMEA, explained the four affected jobs and the process. Those positions did not exist within the
38 exempt organizations now, and there was no evidence that those positions performed any supervisory or confidential
39 duties, as defined by AMC. The ordinance attacked the heart of the collective bargaining process. Mayor Begich was
40 requesting to exclude collective bargaining from the OMB and OEM. Many of the 600 AMEA employees, including
41 policemen, handled sensitive information. All employees were expected to be discrete. To Ms. Jennings, Mr. Wiedle
42 responded that AMEA had attempted to address this matter with the Administration.

43
44 With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.

45
46 Ms. Ossiander moved, to approve AO 2007-45,
47 Mr. Coffey seconded,

48
49 To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded there was a long-standing practice that
50 Information Technology (IT) employees were exempt. There was also a long-standing practice that non-represented
51 employees would remain non-represented. A few IT employees were now working with Anchorage Water and
52 Wastewater Utility (AWWU) and Municipal Light and Power (ML&P) and reported directly to those departments. The
53 intent of the ordinance was to allow those employees, doing the same job functions, to remain a part of the non-
54 represented class. The Administration did not believe the ordinance involved unfair labor practice. Municipal Attorney
55 Jim Reeves responded the filed claim asserted it was an unfair labor practice for the Administration to ask the
56 Assembly to consider the measure. The logic of the claim could be discerned by the Municipality of Anchorage (MOA).
57 The Administration did not think it was unfair labor practice and the Assembly could exercise its authority to pass the
58 ordinance. Human Relations Director Dave Otto responded that a year ago the Assembly had authorized the
59 exclusion of the Heritage Land Bank (HLB), which was challenged by AMEA, and ended up in the Alaska Superior
60 Court, which ruled that Assembly action made it a moot point. The Assembly had authority, over the ERB, to set the
61 standard.

62
63 To Mr. Traini, Mr. Otto responded that the Assembly had final say in labor negotiations. The MOA had been telling
64 AMEA for the past couple of years that the Assembly would be addressing the matter.

65
66 To Mr. Tesche, Mr. Otto responded the Administration understood the Assembly could redefine employees' rights,
67 which were defined in Code. Mayor Begich responded that department changes had not altered any of the employees'
68 duties or functions. The Administration believed these employees should remain exempt, regardless if the department
69 to which they were being moved was unionized. It was a fundamental management right to exempt positions and
70 departments and to avoid being unionized. Mayor Begich responded there would be no benefit with a two-week delay.
71 Mr. Tesche stated that the ERB would retain jurisdiction and could determine the claim, if the matter was postponed for
72 sixty or ninety days, because part of the claim involved Assembly consideration of the ordinance. He urged
73 consideration of allowing the board to review the matter. Mayor Begich stated that either way, the Assembly would
74 end up making the call.

75
76 To Chair Sullivan, Mr. Reeves responded the only complaint was that the proposal being considered by the Assembly
77 might constitute an unfair labor practice. The ERB did not have authority or the desire to engage in hypothetical
78 exercises.

1 Ms. Ossiander stated that the ERB had already determined that one position was substantially administrative and
2 should be represented by AMEA. Mr. Otto responded the new position was administrative within the IT section. The
3 board understood the intent of the Administration was to get a broader approval by the Assembly, which established
4 the rules. The Administration felt the OMB position was confidential and needed to be excluded. Ms. Ossiander
5 stated that she supported the Administration because the position had historically been exempt and had not changed.
6 But, the position that was now clerical was being treated differently. AWWU General Manager Mark Premo responded
7 that, per Code, IT employees were exempt. AWWU transferred one administrative assistant position to AWWU IT,
8 through the reorganization and felt that the IT position was non-represented. ERB ruled that only employees with the
9 City IT Department were exempt, not AWWU or ML&P. The board requested that Code be re-clarified. The
10 determining language for the board involved 'department.' AWWU was a junior department (*enterprise operation*) and
11 was not considered a department of the city. Mr. Premo responded that AWWU had 17 IT positions which were not
12 being challenged. The one position was not different from any of the other 17 positions. Mr. Wiedle responded that
13 AMEA had jurisdiction over the job class of the administrative assistant job classification.

14
15 Mr. Traini moved, *to Postpone* AO 2007-45 to time-certain at 10:00 p.m.,
16 Ms. Ossiander seconded. following completion of the remainder of the Agenda,
17

18 Chair Sullivan stated it appeared there was much opposition to the motion to postpone and he continued debate.

19
20 To Mr. Coffey, Mayor Begich responded that if the ordinance were approved that evening, the union would file another
21 claim and the ERB would make the determination. Mr. Coffey stated if no Assembly action was taken, business would
22 continue as usual and the union would have to take other action. Mayor Begich stated that in the end, the matter
23 would be back before the Assembly.

24
25 To Mr. Tesche, Mr. Premo responded that the 17 IT positions at AWWU had been always been exempt from collective
26 bargaining. This case had enlightened AWWU that their utility and ML&P were not viewed as departments within the
27 city, per Code. AWWU had established an in-house IT staff in 1991 and since 2002 the IT Department had operated
28 independently from the city. AWWU IT had their own firewall, server and did their own budget, planning and
29 maintenance. Mr. Tesche stated the interpretation of AMC 3.70 was that employee exemption applied to all IT
30 positions, throughout all government departments. Mr. Premo responded that the ERB had ruled that the word
31 'department' was relative only to the Information Technology downtown and did not apply to AWWU and ML&P. The
32 one position was an administrative assistant to AWWU IT Manager. Mayor Begich read from the ERB case, which
33 indicated the Assembly had exempted IT from collective bargaining, but had not addressed the exemption for AWWU
34 or ML&P staff. The Assembly could address additional changes in Code.

35
36 Mr. Coffey called the Question, seconded by Mr. Stout. This was approved, with objections from Mr. Tesche and Ms.
37 Jennings. Chair Sullivan put the Question.

38
39 and the main motion passed, 7-4.
40

41 AYES: Shamberg, Bauer, Starr, Sullivan, Birch, Coffey and Stout.
42 NAYES: Tesche, Ossiander, Traini and Jennings.
43

44 Ms. Shamberg moved to Change the Order of the Day to take up 14.L, seconded by Mr. Coffey and this was approved
45 without objection. (*Clerk's Note: Chair Sullivan moved the body to take up AO 2007-55*)
46

- 47 14.B. Ordinance No. AO 2007-50, an ordinance of the Anchorage Municipal Assembly amending Anchorage
48 Municipal Code Chapters 1.15, Code of Ethics; 14.10, General Provisions of Administrative
49 Enforcement; and 14.60, Fines, to increase the maximum **penalty for an ethics violation** and provide
50 for administrative enforcement; Assembly Chair Sullivan and Assemblymember Stout.
51 1. Assembly Memorandum No. AM 205-2007.
52 2. Information Memorandum No. AIM 45-2007, Summary of Economic Effects for AO 2007-50;
53 Assemblymembers Sullivan and Stout. (**Addendum**)
54 3. Informational Memorandum AIM No. 53-2007, Code of Ethics Fines (**Laid on the Table**)
55

56 Chair Sullivan read the ordinance title. He stated that, because he had sponsored the ordinance with Mr. Stout, he
57 would request Vice Chair Ossiander to assume the Chair, allowing him to speak to the item. He opened Public
58 Hearing. With no one to testify, he closed Public Hearing. Acting Chair Ossiander assumed the Chair and called the
59 Question.

60
61 Mr. Sullivan moved, to approve AO 2007-50,
62 Mr. Coffey seconded,
63

64 Mr. Sullivan stated that when the Assembly had completed the Ethics Code Rewrite, one item that had not been
65 addressed was the penalty section and the procedures used to administer that penalty. He and Mr. Stout had
66 proposed to change the fee amount for an ethics violation, to a more appropriate penalty amount.
67

68 Mr. Sullivan moved, to amend AO 2007-50 on Page 3, Line 12, *by changing*
69 Mr. Stout seconded, the inset table to read: Shall not exceed [~~\$75.00~~] "\$5,000"
70 for each offense;
71

72 Mr. Sullivan stated there were also provisions included in the ordinance that would allow the hearing procedures and
73 enforcement provisions of Title 14 to be applicable. The ordinance was supported by the Ethics Board.
74

75 To Mr. Birch, Municipal Clerk Barbara Gruenstein responded that she could not remember any ethics violation fines
76 being levied in the past four years.
77

78 Mr. Tesche stated that the general procedure of the Ethics Board included a filing a complaint and having that first
79 heard by the board, where people had a right to a lawyer. The board then made recommendation to the governing

1 entity. Assembly Counsel Julia Tucker stated the Ethics Code provided that the board made recommendations,
2 including sanctions and further administrative action. The board could recommend that a fine be levied or restitution
3 be made. Following Assembly consideration of the board's recommendation and decision that the matter would be
4 pursued, an evidentiary hearing would be necessary to ensure due process was offered. Mr. Tesche stated the
5 process involved a three-step proceeding, taking up to seven months. Ms. Tucker concurred. Mr. Tesche questioned
6 if this was overkill.

7
8 To Ms. Shamberg, Mr. Sullivan responded the procedure would not entail greater expense to the Municipality.
9 Additional time would be needed if the procedure used the maximum time allowed for each step.

10
11 To Mr. Traini, Mr. Sullivan responded that in cases involving Assemblymembers, Tim Middleton would be the Hearing
12 Officer. Mayor Begich responded that the Hearing Officer was a Mayoral Appointment, confirmed by the Assembly.
13 Ms. Tucker responded that in a case involving an Assemblymember, there could be a Special Hearing Officer
14 appointed. Acting Chair Ossiander concurred.

15
16 To Mr. Tesche, Ms. Tucker responded the Ethics Board did not need Assembly permission to file a petition in the case
17 of removing an Assemblymember. In the case of an Ethics Board recommendation, following an investigative hearing,
18 the Assembly would decide the type of proceeding, either a fine or removal. A Title 14 proceeding would not have
19 jurisdiction over removal.

20
21 Acting Chair Ossiander put the Question.

22
23 and the motion was approved without objection, 9-0.

24
25 AYES: Tesche, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout and Traini.

26 NAYES: None.

27 *(Clerk's Note: Ms. Shamberg and Ms. Jennings were temporarily out of Chambers at the time of the vote.)*

- 28
29 14.C. Resolution No. AR 2007-74, a resolution of the Municipality of Anchorage, Alaska, accepting and
30 appropriating State of Alaska Water Fund loan offers in the aggregate amount of \$2,121,600 for
31 financing a portion of the costs of the **Klatt Road to New Seward Highway Pressure Zone Intertie**
32 (\$621,600) and Creekside Water Improvements Phase 1 (DeBarr Road, Muldoon to Turpin Water
33 Upgrade Booster Stations) (\$1,500,000); Anchorage Water & Wastewater Utility.

- 34 1. Assembly Memorandum No. AM 224-2007.

35
36 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
37 and called the Question.

38
39 Ms. Ossiander moved, to approve AR 2007-74,

40 Mr. Coffey seconded,

41 and this was approved without objection, 9-0.

42
43 AYES: Tesche, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout and Traini.

44 NAYES: None.

45 *(Clerk's Note: Ms. Shamberg and Ms. Jennings were temporarily out of Chambers at the time of the vote.)*

- 46
47 14.D. Resolution No. AR 2007-75, a resolution appropriating \$204,162 from the State of Alaska, Department
48 of Transportation & Public Facilities and \$46,068 as a contribution from the 2007 Anchorage Police
49 Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical
50 Grants Fund (231) Anchorage Police Department for **highway safety equipment**.

- 51 1. Assembly Memorandum No. AM 225-2007.

52
53 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
54 and called the Question.

55
56 Ms. Ossiander moved, to approve AR 2007-75,

57 Mr. Bauer seconded,

58 and this was approved without objection, 9-0.

59
60 AYES: Tesche, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout and Traini.

61 NAYES: None.

62 *(Clerk's Note: Ms. Shamberg and Ms. Jennings were temporarily out of Chambers at the time of the vote.)*

- 63
64 14.E. Resolution No. AR 2007-76, a resolution of the Municipality of Anchorage appropriating \$315,000 as a
65 restricted contribution from Alaska Center for the Performing Arts, Inc. (ACPA) to the Areawide
66 General CIP Fund (Fund 401), Performing Arts Center Reserve Account, for the **Performing Arts**
67 **Center Lighting Upgrade Project**; Office of Economic & Community Development.

- 68 1. Assembly Memorandum No. AM 226-2007.

69
70 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
71 and called the Question.

72
73 Ms. Ossiander moved, to approve AR 2007-76,

74 Ms. Jennings seconded,

75 and this was approved without objection, 11-0.

76
77 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

78 NAYES: None.

79

- 1 14.F. Ordinance No. AO 2007-56, an ordinance authorizing **sale of two parcels acquired through**
2 **foreclosure** and described in Appendix A (TID 008-073-03, Lot 3 Block 1 Northern Harbor Subd.; TID
3 008-073-04, Lot 4 Block 1 Northern Harbor Subd.); Heritage Land Bank/Real Estate Services.
4 1. Assembly Memorandum No. AM 232-2007.
5

6 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
7 and called the Question.
8

9 Ms. Ossiander moved, to approve AO 2007-56,
10 Mr. Coffey seconded,
11

12 To Mr. Starr, Deputy Municipal Manager Michael Abbott responded that funds from these properties would be used to
13 reimburse the Municipality for work done on an incomplete storm drain in a subdivision off Lake Otis. No proceeds
14 would be returned to the previous owners.
15

16 and this was approved without objection, 11-0.
17

18 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
19 NAYES: None.
20

- 21 14.G. Ordinance No. AO 2007-57, an ordinance waiving permitting requirements in Anchorage Municipal
22 Code Titles 21 and 23 in a R-3 SL (Multiple Family Residential) District with Special Limitations (AO
23 97-101) for **Tract 2A, Hollywood Vista Subdivision**, Plat No. 2006-139; Tract 1, U.S. Survey 3026;
24 and a portion of U.S. Survey 1170, ARR Anchorage Terminal Reserve; Office of Economic &
25 Community Development.
26 1. Assembly Memorandum No. AM 233-2007.
27

28 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
29 and called the Question.
30

31 Ms. Ossiander moved, to approve AO 2007-57,
32 Ms. Jennings seconded,
33

34 Mr. Tesche stated that the parties had signed an agreement to specific conditions for the gravel extraction operations.
35 The ordinance and the operating agreement together provide the security of the operating conditions and the
36 expedited treatment of the project, with the waiver of the traditional conditional use process.
37

38 Mr. Tesche moved, amend AO 2007-57 on Page 1, Line 28, *by redesignating*
39 Ms. Jennings seconded, Section 2 to Section 3 and *by inserting* a new section, to
40 read: "**Section 2.** The terms and conditions of operation for
41 gravel extraction Tak'atnu Development on Government Hill,
42 2007 set forth in the attached agreement signed by the
43 parties on April 10, 2007 are incorporated into this ordinance
44 and are binding on the parties to that agreement.;"
45

46 Ms. Jennings supported the amendment. This resolved her concerns for waiving the conditional use permit and
47 considering the residents in the area. Mr. Tesche responded that there was much support from the Government Hill
48 Community Council, the developer, the Municipality and the Port of Anchorage.
49

50 Mr. Birch stated there had been questions on the quantity of gravel and the revenue to the city from the gravel
51 extraction and the attached summary of economic effects (*SEE*) was not specific with those issues. Office of
52 Economic and Community Development Director Mary Jane Michael responded the extraction involved an estimated
53 180,000 cubic square yards of gravel, which would be delivered to the Port. The port would pay the expenses of
54 extraction and creation of a haul road. To Mr. Birch's question, Ms. Michael responded the value of the gravel was
55 about \$1 million. The cost for the site preparation, excavation and haul road would be about \$500,000. The Port
56 would give about \$200,000 to the Community Development Authority. The compromises would protect the
57 neighborhood and the project would benefit everyone.
58

59 and the motion to amend was approved without objection.
60

61 Chair Sullivan put the Question on the main motion, as amended.
62

63 and the main motion, as amended, was approved, 11-0.
64

65 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
66 NAYES: None.
67

68 Mr. Ossiander moved, seconded by Mr. Coffey, to complete the remainder of the Agenda and take up item 14.H, AO
69 2007-59, at the end of the Agenda. This was approved without objection.
70

- 71 14.H. Ordinance No. AO 2007-58, an ordinance authorizing a Development Agreement with **Kimco/POB**
72 **Glenn Square Anchorage LLC**, for design, engineering, and construction of an office and retail
73 condominium complex; acquiring ownership interests in the complex within Tract 1, Mountain View
74 Development Subdivision; declaring official intent to reimburse expenditures for acquisition of the
75 ownership interests from proceeds of tax exempt revenue bonds; and increasing the Municipal Light &
76 Power (ML&P) 2007 Capital Budget (Fund 531) to fund the acquisition in an amount not to exceed
77 \$24,000,000.
78 1. Assembly Memorandum No. AM 234-2007.

2. Information Memorandum No. AIM 44-2007, *Revised Summary of Economic Effects for AO 2007-58 – Municipal Light & Power Headquarters Facility; Municipal Light & Power.*

Chair Sullivan read the ordinance title and opened Public Hearing.

HUGH WADE, President of the Mountain View Community Council, questioned on Page 3 of the attached memorandum, the item 'Potential Land Purchases,' totaling \$1,336,161.00.

EDEN LARSON, General Manager of Klebs Mechanical, Incorporated, testified this ordinance was an example of poor public policy. There had not been an adequate competitive bidding process and the contract should address only those trades that were covered by that labor agreement for Municipal Light and Power (*ML&P*). The International Brotherhood of Electrical workers (*IBEW*) did not normally provide plumbing or sheet metal work. Mr. Birch thanked Ms. Larson for her letter and testimony and he shared her concern of a lack of competition. To Chair Sullivan, Ms. Larson responded that she had not bid on this job. She understood there were mechanical contractors who had been informed that they would be eligible to bid at the time.

BOB MAYER, Municipal Light and Power (*ML&P*) ratepayer, testified there was a difference between ratepayers and taxpayers. If this was approved, it would be heard by the Regulatory Commission of Alaska (*RCA*). The ratepayers would be represented by the State Attorney General's Office and it would be decided if this project was a prudent use of the utility-ratepayers' money, after examining the entire project. This building would be fast-tracked and was scheduled to be completed in April, 2008. The *RCA* would not have time to review this matter until 2009. Mr. Mayer questioned if the proper process had been followed and was it a proper use of ratepayer money.

DAVID IRWIN, President of POB Montgomery Company, testified that, following the bidding instructions, POB had followed the directions from *ML&P* and city. To Mr. Starr, Mr. Irwin responded that Kimco was a joint venture partner of POB, with developments in Alaska and across the nation. POB would own the ground floor and would be partnered with other entities, using other levels. To Mr. Starr, Mr. Irwin responded POB had been working with *ML&P* for the past six months on the building design, meeting *ML&P*'s specific needs. They had not been paid for the service work they had completed. POB was qualified for professional design engineering services and management for this project. Kimco had invested \$1.5 million for the original development agreement and would not back out of the deal. To Mr. Coffey, Mr. Irwin responded POB had been approached by *ML&P* and had started the earnest redesign about six months ago. The completed project would be a Class-A standard, with allowances for tenant improvements.

LARRY BELL, *IBEW* Business Manager, testified that job duties for *IBEW* workers were addressed on many *ML&P* projects. To Ms. Jennings, Mr. Bell responded the *ML&P* agreement included the *IBEW* claim to complete electrical and mechanical work. To Ms. Ossiander, Mr. Bell responded mechanical work involved heating, ventilation and plumbing. *IBEW* maintained the mechanical functions, but did not construct. To Mr. Coffey, Mr. Bell responded the work traditionally performed complied with the job classifications covered under the agreement. Mayor Begich responded that *IBEW* had claimed work in past contracts on behalf of bargaining units. In past agreements, *IBEW* had claimed work on carpet laying, painting and sheet rocking. To Chair Sullivan, Mr. Bell responded the traditional bargaining unit claim was established through agreement with maintenance work on *ML&P* work in the Municipality. The language, developed over the years, was now in current collective bargaining agreements, allowing the union to be involved with new construction on a new facility.

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

Ms. Shamberg moved, to approve AO 2007-58,
Mr. Tesche seconded,

To Ms. Ossiander, Mayor Begich responded that *IBEW* had claimed the work in past contracts on behalf of other bargaining units and the Municipality was forced to settle in the amount of \$400,000. The Municipality had narrowed the claim down to electrical and mechanical. Municipal Attorney Jim Reeves responded *ML&P* General Manager James Posey had negotiated an agreement with *IBEW* to limit *IBEW*'s claim to be less than what *IBEW* had historically claimed and the city had an obligation with that agreement. Ms. Ossiander stated there had been a formal bid protest from Circle Plumbing and Heating, regarding the mechanical work. Mr. Reeves responded the project involved acquisition of real estate, an agreement between the property owners and the developer and an agreement between the developer and the contractor. The contract required the developer to use a competitive purchasing procedure, and the contractor had complied. Ms. Ossiander stated there could be claim that the union bargaining unit claim on a project was being completed by the developer, not the Municipality. Purchasing Officer Bart Mauldin responded the jurisdiction under the labor agreement allowed *IBEW* to do electrical generation, electrical distribution and operations and maintenance within that system. *IBEW* had all levels of electricians and a full generation plant, which included mechanics and pipefitters. In 2002 the Wuerch Administration modified the agreement and gave *IBEW* a larger jurisdiction, with more responsibility and included painting, carpeting, sheet rocking, plumbing, heating and electrical. The city lost the 2002 labor dispute and now *ML&P* negotiated with *IBEW*, classifying the work in the agreement.

Chair Sullivan called for a motion to extend the meeting, to complete this item.

Mayor Begich supported extending the meeting, to answer all the questions. He moved to extend.

Mayor Begich moved, to extend the meeting to complete AO 2007-58,

To Mr. Starr, Mr. Reeves stated that competitive bidding was not required for the acquisition of real estate. Mr. Mauldin responded real estate was secured under Title 25 and did not require a competitive bidding process. In this case the property was owned by POB Montgomery. Mr. Posey had negotiated an agreement for a sole source agreement for the development of the facility, which included components for competitive bidding, including construction.

Chair Sullivan again called for a motion to extend the meeting.

1 Mr. Starr moved, to extend the meeting to 11:30,
2 Mayor Begich seconded,
3 and this motion failed, 4-7.

4
5 AYES: Bauer, Starr, Birch and Coffey.

6 NAYES: Tesche, Shamberg, Sullivan, Ossiander, Stout, Traini and Jennings.

7
8 Chair Sullivan stated it took a majority of 8 votes to extend. It was 11:00 p.m. and he adjourned the meeting. (Clerk's
9 Note: AO 2007-53 was Carried Over to May 1, 2007.)

10
11 14.I. Ordinance No. AO 2007-59, an ordinance of the Municipality of Anchorage, Alaska, approving
12 submission by the Anchorage Water & Wastewater Utility of a **proposed rate design change** to the
13 Regulatory Commission of Alaska; Anchorage Water & Wastewater Utility.
14 1. Assembly Memorandum No. AM 235-2007.

15
16 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
17 and called the Question.

18
19 Ms. Jennings moved, to approve AO 2007-59,
20 Mr. Coffey seconded,
21 and this was passed, 11-0.

22
23 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

24 NAYES: None.

25
26 14.J. Resolution No. AR 2007-82, a resolution of the Municipality of Anchorage accepting a Federal Transit
27 Administration Section 5309 Bus and Bus-Related Earmark Allocations Grant and appropriating
28 \$1,457,667 to the Public Transportation Capital Fund (485) for the design and construction of an
29 **Intermodal Transit Facility**; Public Transportation Department.
30 1. Assembly Memorandum No. AM 231-2007.

31
32 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
33 and called the Question.

34
35 Ms. Ossiander moved, to approve AR 2007-82,
36 Ms. Jennings seconded,

37
38 To Mr. Coffey, Public Transportation Director Jody Karcz responded the intermodal transit facility at this location would
39 accommodate public busses, tour busses, bikes and pedestrians. It was to help replace the bus stop on 7th Avenue
40 that had been removed following 911. It would be an attractive, covered shelter that would be integrated into the
41 Museum facility. They would only spend what was needed of the appropriation and the remainder would either be
42 returned to the Federal Transit Administration (FTA) or given back to the capital fund, with a request to be used for a
43 different project. The facility would not be staffed and would be easy to maintain. Mayor Begich responded the transit
44 center would include heated sidewalks and would be integrated into the Museum design.

45
46 and the motion was passed, 11-0.

47
48 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.

49 NAYES: None.

50
51 14.K. Ordinance No. AO 2007-47, an ordinance adopting a **Planned Community Master Development**
52 **Plan** designating allowed permitted and accessory land uses, and design standards for a portion of
53 Sections 24 and 25, T16N, R1W S.M. AK (Chugiak Community Council) (Planning and Zoning
54 Commission Case 2007-002); Assemblymembers Coffey and Starr.
55 1. Assembly Memorandum No. AM 193-2007.
56 2. Information Memorandum No. AIM 41-2007.

57
58 Chair Sullivan read the ordinance title and opened Public Hearing.

59
60 TIM POTTER, with DOWL Engineers representing Eklutna, Incorporated and Alaska Aggregate Products, testified
61 they had been working with the Planning Department and the community to compete the Planned Community Master
62 Development Plan of an area west of the Glenn Highway at a previous gravel extraction site, north of Eklutna River.
63 To Ms. Jennings, Mr. Potter responded there would be two phases of extraction and what was currently before the
64 Assembly involved the area north of the river. The neighbors would not be bothered by the project. They had worked
65 closely with the neighbors, including Eklutna Village, with mitigation to ameliorate all of the potential impacts. He
66 responded that all the Planning and Zoning (P&Z) recommendations had been incorporated.

67
68 Mr. Starr stated that a \$40 million performance bond was pledged against the performance of the reclamation.

69
70 To Ms. Ossiander, Mr. Potter responded the P&Z resolution indicated that the recommendations had been
71 incorporated, including the rezone for the master plan. The P&Z had a conditional use review to ensure the
72 development would be compatible with surrounding areas. Ms. Ossiander stated the outreach to the community had
73 been good and the project was supported by the village. She supported the master plan.

74
75 With no additional Public Testimony, Chair Sullivan closed Public Hearing and called the Question.

76
77 Mr. Starr stated that he appreciated the Eklutna vision for this development. Eklutna, Inc. had communicated
78 extensively with the community and community councils, with a good master plan. He was confident that the process
79 and project was top notch.

1
2 Ms. Ossiander moved, to approve AO 2007-47,
3 Mr. Starr seconded,
4 and the motion was passed, 11-0.

5
6 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
7 NAYES: None.

8
9 14.L. Ordinance No. AO 2007-55, an ordinance amending Anchorage Municipal Code Title 16 to add a new
10 Chapter 16.75 creating authority and procedures for **Domestic Violence Fatality Reviews**;
11 Assemblymember Shamberg.

12 1. Assembly Memorandum No. AM 228-2007.

13
14 Chair Sullivan read the ordinance title and opened Public Hearing.

15
16 KATHY HANSEN, Interim Director and Staff Attorney with the Alaska Office of Victims' Rights, represented a group
17 that had developed the ordinance, including Ms. Shamberg, Mr. Bauer, Chris Ashenbrenner, Interim Executive Director
18 for the Alaska Council of Domestic Violence and Sexual Assault and Peggy Brown, Executive Director of Alaska
19 Network on Domestic Violence Executive Director. The ordinance was the result of a crime involving a victim who had
20 been tortured, sexually assaulted and murdered. The perpetrator had ultimately been convicted and sentenced, but
21 the horrific crime had shaken the community. The ordinance addressed the Municipality of Anchorage (MOA) creating
22 a Domestic Violence Fatality Review Team, authorized under Alaska State Statute 18.66.400. To Mr. Birch, Ms.
23 Hansen responded that the advantage of having the ordinance passed by the Assembly involved providing the
24 confidentiality and immunity provisions and identified who would be on the team. Ms. Shamberg thanked Ms. Hansen
25 for her work on this ordinance for the past four years. To Mr. Bauer, Ms. Hansen responded that Amendment Number
26 3 would allow civil rights or service professionals to review minority cases. Mr. Bauer supported the amendments.
27 The group requested leniency with the development of the board, to allow them time to select appropriate
28 professionals to review individual cases.

29
30 CAPTAIN BILL MILLER, with the Anchorage Police Department (APD), testified in support of the ordinance. He
31 described a domestic violence homicide, where a victim was bound, gagged, her nose broken, her hair cut off in
32 patches and shaved to the scalp in some spots, beaten so badly that both shoulder blades were broken and other
33 injuries that were too graphic to mention publicly. There were many groups, including private, governmental and non-
34 profit organizations working together in Anchorage to respond with innovative approaches and ideas. The APD,
35 working with professionals, had completed the 14-year MOA Domestic Violence Study. Creating the Domestic
36 Violence Fatality Review Board would help professionals review the cases. It would allow more data to be collected,
37 identify a trend and make recommendations so future tragedies can be prevented. Mr. Traini thanked Captain Miller
38 for his involvement. To Mr. Birch, Captain Miller responded the appeal process in the case he had described was on-
39 going. Police officers supported longer incarceration periods for perpetrators. The courts were obligated to review
40 each case fully and the process took time. To Mr. Stout, Captain Miller responded copies of the 14-Year Domestic
41 Violence Study had been distributed to Assemblymembers, and included statistics of the crimes in Anchorage.

42
43 With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.

44
45 Mr. Traini moved, to approve AO 2007-55,
46 Mr. Bauer seconded,

47
48 Mr. Bauer, as Chair of the Public Safety Committee, reported that this was a serious issue in the city and he supported
49 development of the Domestic Violence Fatality Review Board. He stated the amendments would help define the
50 purpose and intent of the board's function, as required by State Statute.

51
52 Mr. Bauer moved, to amend AO 2007-55, by including:
53 Ms. Shamberg seconded,
54 and this was approved without objection.

- 55
56 1. Amending Section 1 on Page 1, Line 25, 16.75.010 Intent:
57 *by adding* to read: The purpose is to reduce domestic
58 violence-related injuries and fatalities by reviewing
59 ~~[domestic violence-related injuries and fatalities]~~ "fatal
60 incidents of domestic violence and incidents of domestic
61 violence involving serious physical injury" and making
62 recommendations designed to identify prevention
63 strategies and to strengthen system policies, and;
64 2. Amending Section 1 on Page 2, Line 3, 16.75.020
65 Definitions, *by adding* to read: "Serious physical injury
66 has the same meaning as defined in Alaska's criminal
67 law Title 11 at AS 11.81.900(56).;" and;
68 4. Amending Section 1 on Page 3, Line 1, 16.75.030
69 Composition and Duties of Advisory Committee *by*
70 *changing* to read: 2. Meet at least quarterly to choose
71 cases "of fatal incidents of domestic violence and
72 incidents of domestic violence involving serious physical
73 injury" for review, . . .;

74
75 Mr. Bauer moved,
76 Ms. Shamberg seconded,

77 to amending AO 2007-55 on Page 2, Line 35, 16.75.030
78 Composition and Duties of Advisory Committee; B. Members,
79 The Advisory Committee shall be comprised of; by adding to
80 read: 9. At large members, not to exceed three (3),
81 appointed by the Advisory Committee to serve two-year
82 terms, ~~[to]~~ "may" include representation from civil rights and
83 public defense advocacy groups.;"

1 Mr. Bauer amended his amendment, by adding, 'may.' Ms. Shamberg concurred.

2
3 Ms. Ossiander recommended additional language, 'while attempting to include.' Mr. Bauer stated that it was important
4 to have the ability to gather the professionals when needed, on a case-by-case basis.

5
6 and the motion, as amended, was approved, 10-1.
7 with one objection from Ms. Jennings.

8
9 Ms. Jennings stated that the language was not necessary, because at-large members would include those who
10 seemed necessary for the case being reviewed.

11
12 Mr. Bauer moved, to amend AO 2007-55 on Page 3, Line 12, 16.75.030
13 Ms. Ossiander seconded, Composition and Duties of Advisory Committee; by adding a
14 new subsection, to read:
15 "5. Prepare a preliminary report to the Assembly on the work
16 of the Advisory Committee covering [for] the first nine
17 months one year after the effective date of this
18 ordinance, the report to include status of work and the
19 overall effectiveness of implementation; and;" And, by
20 renumbering subsequent subsections;
21

22 Mr. Bauer stated it was important that this matter be fast-tracked, to be able to address the issues in a timely fashion.

23
24 Ms. Shamberg proposed a language change that would better address Mr. Bauer's intent. Mr. Bauer accepted this as
25 a friendly amendment.

26 and this was approved without objection.

27
28
29 Chair Sullivan put the Question on the main motion, as amended.

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

31
32
33 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
34 NAYES: None.

- 35
36 14.M. Ordinance No. AO 2007-60, an ordinance enacting a new section of the Anchorage Municipal Code
37 9.48.080(B) making it unlawful for any person to operate a motor vehicle if that person has
38 accumulated three or more **delinquent traffic fines** totaling more than \$1,000; providing for forfeiture
39 and impoundment of vehicles driven in violation of that subsection; amending Section 9.28.026 and
40 .027; and providing for an effective date; Assemblymembers Shamberg and Tesche.
41 1. Assembly Memorandum No. AM 237-2007.
42 2. Information Memorandum No. AIM 46-2007, Summary of Economic Effects for AO 2007-60;
43 Assemblymembers Shamberg and Tesche. (**Addendum**)
44

45 Chair Sullivan read the ordinance title and opened Public Hearing.

46
47 JENNY MORRIS supported the ordinance. She had been injured when hit by a driver who had a very long driving
48 record and owed the city at least \$1,008.00 in traffic fines. She had not received much support recovering from the
49 accident. Ms. Morris thanked the Assembly and stated the ordinance would help stop people like him. Ms. Shamberg
50 stated that she and Mr. Birch had had her in mind when they prepared the document, and thanked her for her
51 important testimony. To Mr. Birch, Ms. Morris responded she had been hit by this driver in May (2006) and everything
52 she had collected on the driver was public record from the Prosecutor's Office, the Ombudsman's Office, Mothers
53 Against Drunk Driving (MADD), Traffic Court and the Assembly.

54
55 With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.

56
57 Ms. Shamberg moved, to approve AO 2007-60,
58 Mr. Traini seconded,

59
60 Ms. Ossiander told the story of a man, who had loaned out his vehicle, which was involved with a driving under the
61 influence (DUI) and the owner was responsible for the \$500 fee. Ms. Shamberg stated that it was a very serious
62 matter and the owner needed to be held accountable for loaning out a vehicle.

63
64 Mr. Traini moved, to amend AO 2007-60 on Page 12, Line 29, *by changing* to
65 and this died for a lack of a second. read: **Section 5.** This ordinance shall be come effective [on
66 ~~November 1, 2007~~] "upon the Governor signing the (State)
67 document.;"
68

69 Mr. Traini stated that when the Alaska State Legislature passed a law like this, it would not become effective until the
70 Governor signed it. Mr. Tesche responded that an effective date was selected that would allow time for legislation
71 changes during the process. Chair Sullivan responded it was proper to put additional time to the effective date, to
72 allow implementation. Mr. Tesche concurred.

73
74 Mr. Tesche stated that Assembly Counsel Julia Tucker had recommended a language modification in Section 2.

75
76 Mr. Tesche moved, to amend AO 2007-60 on Page 2, Line 32, Section 2.1.A,
77 Ms. Ossiander seconded, *by changing* to read: Subsection 9.478.080B pertaining to
78 and this was passed without objection. operation of a motor vehicle on a public street with three or

1 more delinquent traffic fines [~~greater than~~] "totaling" \$1,000
2 "or greater.;"
3

4 Ms. Jennings stated that it would be worth it, if one scofflaw driver could be stopped.
5

6 Chair Sullivan stated that the Mayor's Office Communications Director Julie Hasquet had reported that current law
7 would not allow a police officer, stopping a driver on a traffic violation, to arrest a driver for a history of traffic violations.
8 Anchorage Police Chief Heun responded that, under Title 9, traffic violations were handled by the city and were taken
9 up by civil court. There was a long list of repeat traffic violators who remained un-prosecuted, one with more than 70
10 violations. To Chair Sullivan, Chief Heun responded that the court system process needed to be improved. Chair
11 Sullivan stated it was frustrating not be able to arrest a violator who had over 70 violations, totaling \$40,000 worth of
12 fines. He stated this ordinance was a step in the right direction and he put the Question.
13

14 and the motion, as amended, was passed, 11-0.
15

16 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
17 NAYES: None.
18

19 14.N. Ordinance No. AO 2007-37, an ordinance of the Anchorage Municipal Assembly repealing Anchorage
20 Municipal Code Sections 4.40.125 and 21.10.028, **Urban Design Commission**, and amending AMC
21 Chapter 7.40 to remove the Urban Design Commission from the jury in selection of art in public
22 facilities, and providing for transition of advisory urban design commission work in progress to the
23 Planning and Zoning Commission; Assemblymember Birch.

24 1. Information Memorandum No. AIM 47-2007, Summary of Economic Effects for AO 2007-37;
25 Assemblymember Birch. (**Addendum**)
26

27 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
28 and called the Question.
29

30 Ms. Ossiander moved, *to Postpone AO 2007-37 until the Title 21 Committee*
31 Mr. Starr seconded, *made a recommendation on the UDC;*
32

33 Chair Sullivan stated that may take a year and proposed postponing indefinitely. Ms. Ossiander concurred. Mr. Coffey
34 responded that the matter on the Urban Design Commission (*UDC*) would be addressed in Title 21 and it was not
35 necessary to keep two ordinances on-going.
36

37 Ms. Ossiander moved, *to Postpone Indefinitely AO 2007-37,*
38 Ms. Jennings seconded,
39

40 Mr. Birch stated that he was confident that Title 21 would adequately address the concerns with the UDC, including
41 their tremendous workload and the issues that tended to compound and delay project reviews.
42

43 and the motion was passed, 11-0.
44

45 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.
46 NAYES: None.
47

48 **15. SPECIAL ORDERS** None.
49

50 **16. UNFINISHED AGENDA** None.
51

52 **17. AUDIENCE PARTICIPATION** None.
53

54 **18. ASSEMBLY COMMENTS**
55

56 Chair Sullivan stated that this was Mr. Stout's last meeting and that he would be missed.
57

58 **19. EXECUTIVE SESSIONS** None.
59

60 **20. ADJOURNMENT**
61

62 Chair Sullivan adjourned the meeting at 11:00 p.m.
63
64
65
66
67

See Archived Document for signatures

DAN SULLIVAN, Assembly Chair

69 ATTEST:
70
71
72
73

See Archived Document for signatures
74
75

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: May 22, 2007.

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