

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of April 17, 2007

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Sullivan at 5:10 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.

PRESENT: Allan Tesche, Janice Shamberg, Paul Bauer, William Starr, Dan Sullivan, Debbie Ossiander, Chris Birch (*participating telephonically*), Dan Coffey, Dick Traini and Pamela Jennings.
ABSENT: Ken Stout, excused.

(Clerk's Note: Following the scheduled dinner break, newly elected Assemblymembers assumed their seats and participated in the remainder of the Assembly Meeting.)

3. PLEDGE OF ALLEGIANCE Assemblymembers Shamberg and Jennings led the pledge.

4. MINUTES OF PREVIOUS MEETINGS There were none.

5. MAYOR'S REPORT There was none.

6. ASSEMBLY CHAIR'S REPORT

Chair Sullivan reported the meeting that evening would include the certification of the Municipal Election, swearing in newly-elected and re-elected members and an Assembly reorganization, with the selection of a new Chair and Vice Chair.

7. COMMITTEE REPORTS

Mr. Bauer stated the Public Safety Meeting scheduled for the preceding week had been cancelled and would be rescheduled next month, to discuss police volunteers and auxiliary reserves.

Ms. Ossiander reported that AO 2007-71, Agenda item 9.F.13, was being introduced with Public Hearing scheduled for May 1st. This would authorize Anchorage Municipal Code Section 21.08.060 to be effective immediately and would delete Chapter 21.87 in its entirety immediately. Mr. Coffey stated this ordinance needed to be disseminated and the Title 21 Committee believed that it would be supported. Ms. Ossiander responded that the Administration felt it was important to get this in place before the construction season began.

8. ADDENDUM TO AGENDA

Chair Sullivan called for a motion and read the Addendum items. Ms. Ossiander moved, seconded by Mr. Coffey to move item 9.B.3, AR 2007-105, to 9.A.1 on the Agenda and there were no objections. Chair Sullivan called for additional items and AO 2007-107, AR 2007-108, AR 2007-109 and AO 2007-72 were added and assigned Agenda Numbers 9.B.3, 9.B.4, 9.B.5 and 9.F.14, respectively. With no additional items, Chair Sullivan 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. Coffey seconded, into the Consent Agenda,
and this motion was passed.

AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Traini and Jennings.

NAYES: None.

ABSENT: Stout, excused.

Chair Sullivan called the Question on the Consent Agenda.

Ms. Ossiander moved, to approve the Consent Agenda,
Mr. Coffey seconded,

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution No. AR 2007-105, a resolution of the Anchorage Municipal Assembly honoring and expressing appreciating for **Bernice I. Saupe** and her dedicated service to the Municipality of Anchorage's Election Board; Mayor Begich and Assemblymembers Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. **(Addendum)** *(Clerk's Note: AR 2007-105 was moved from Agenda item 9.B.3 to 9.A.1)*

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

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2007-102, a resolution of the Municipality of Anchorage appropriating \$72,060 from within the **Girdwood Fire Apparatus Capital Improvement Fund** (406) for the purchase of new fire apparatus; Anchorage Fire Department.
a. Assembly Memorandum No. AM 277-2007.
- 9.B.2. Resolution No. AR 2007-103, a resolution of the Municipality of Anchorage accepting and appropriating \$42,530 as a grant from the Alaska Department of Fish and Game Southeast Sustainable Salmon Fund, to the Project Management & Engineering Department within the State Categorical Grant Fund (231), for the **Water Quality Monitoring and Education Project**; Project Management & Engineering.
a. Assembly Memorandum No. AM 278-2007.
- 9.B.3. Resolution No. AR 2007-105, a resolution of the Anchorage Municipal Assembly honoring and expressing appreciating for **Bernice I. Saupe** and her dedicated service to the Municipality of Anchorage's Election Board; Mayor Begich and Assemblymembers Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. **(Addendum)**

(Clerk's Note: AR 2007-105 was moved to Agenda item 9.A.1 and AR 2007-107 was placed as 9.B.3)

- 9.B.3. Resolution No. AR 2007-107, a resolution of the Anchorage Municipal Assembly supporting the request for a State Grant by the **Alaska Territorial Guard** Organization, Inc., in order to assist the Alaska Territorial Guard in gaining the recognition and entitlements they have earned through their service to the U.S. Military and Alaska; Mayor Begich and Assemblymembers Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. **(Laid on the Table)**
- 9.B.4. Resolution No. AR 2007-108, a resolution of the Anchorage Municipal Assembly pertaining to the use in 2007 of **General Operational Funding** from the State of Alaska; Finance Department. **(Laid on the Table)**
- 9.B.5. Resolution No. AR 2007-109, a resolution of the Anchorage Municipal Assembly authorizing issuance of **areawide tax credit** against the total amount of property taxes levied for taxes for 2007; Finance Department. **(Laid on the Table)**

Deputy Municipal Manager Michael Abbott requested this item be pulled for review on the Regular Agenda. *(See item 10.B.5)*

9.C. BID AWARDS There were none.

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 269-2007, **2007/2008 Liquor License Renewals**: O'Brady's Burgers & Brew #2 (#4614 from 3396), Simon & Seafort's #1050, T.G.I.F #4279, Pancho's Villa Restaurant #74, The O #4515, The O #4516, Millennium Hotel, Anchorage #2486, Bear Tooth Theatre Pub #4065, Applebees II #4173, - Beverage Dispensary; Bear Tooth Grill #4143, Blues Central #217, Black Angus Steak House #2 #531, Fletchers #2290, Alaskan Samovar Inn #598, Carpentier's Cocktail Lounge #201, Cattle Co. Steakhouse #1090, Eddie's Sports Bar #4317, Carlos' Fine Mexican Restaurant #3538, F Street Station #762, Crow's Nest #290, Rumrunner's Old Time Bar & Grill #4157, Mixx Grill #4283 - Beverage Dispensary; Residence Inn by Marriott #3934, Twin Dragon #733, Sicily's Pizza #4485, Clair d'Loon #4291 The Golden Pond #2845, The Greek Corner #3251, Kobe Teppayaki House #2958, Jewel Lake Tea Garden #1805, Café Savannah #4295, Hometown Restaurant #4150, Café 817 #4449 Little New Orleans #4337, Qdoba Mexican Grill #4474 - Restaurant/Eating Place; Midnight Sun Brewing Co. #3486 - Brewery; V.F.W. Post 9981 #2706, Kulis ANG NCO Club #603, AMVETS Post 49 #3588, Wolfie's #4509 - Club; Fred Meyer 11 #4179, In and Out Liquor 1 #156, Costco Wholesale 10 #2020, Costco Wholesale 63 #3149, Oaken Keg #1806 #795, Oaken Keg #1809 #799, Oaken Keg 1802 #792, Oaken Keg 1812 #1397, Oaken Keg 1805 #793, Oaken Keg 1817 #2094, Oaken Keg 1813 #1799, Oaken Keg 1807 #1464, Oaken Keg #2628 #4167 - Package Store; K & L Beverage Co LLC #3964, K & L Distributors #1510 - Wholesale-General; Glacier Brewhouse #3985 - Brewpub (Oceanview/Old Seward, Spenard, Downtown, South Addition, Taku/Campbell, Midtown, Fairview, Northstar, Northeast, Sand Lake, Turnagain, Russian Jack, Huffman/O'Malley, Bayshore/Klatt, Airport Heights, Abbott Loop, Eagle River, Sand Lake Community Councils); Clerk's Office.

Mr. Coffey stated that he had been of counsel to his law firm for the past 16 months and he had not been involved with any of the license renewals listed in 9.D.1. He felt a disclosure of a possible conflict of interest was not necessary, but he would leave that final decision to the Assembly Chair. Chair Sullivan stated that Mr. Coffey's past declarations *(of possible conflicts of interest)* had been covered thoroughly in the past. Mr. Coffey had had no professional contact with any business listed in this memorandum in over a year and no further disclosure was necessary.

- 1 9.D.2. Assembly Memorandum No. AM 270-2007, Henry's Great Alaskan Restaurant #4694 – Transfer of
2 Ownership for a Beverage Dispensary Liquor License (Taku/Campbell Community Council); Clerk's
3 Office.
4

5 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.D.2)
6

- 7 9.D.3. Assembly Memorandum No. AM 282-2007, proprietary purchase of **GeoView 3000 Spherical Video**
8 **Camera System** from iMove, Inc. for the Municipality of Anchorage, Anchorage Police Department
9 (APD) (\$110,659); Purchasing.
10

11 Mr. Bauer requested this item be pulled for review on the Regular Agenda. (See item 10.D.3)
12

- 13 9.D.4. Assembly Memorandum No. AM 283-2007, Contract Amendment No. 1 to Purchase Order No.
14 254292 with Peak Oilfield Services for the **replacement of Unit #3 (GE Turbine-Generator)** for the
15 Municipality of Anchorage, Municipal Light & Power (\$2,311,670); Purchasing.
16 9.D.5. Assembly Memorandum No. AM 284-2007, sole source award to Anchorage Waterways Council to
17 provide **creek clean-up and in-stream monitoring** for the Municipality of Anchorage, Project
18 Management & Engineering Department (\$64,830); Purchasing.
19 9.D.6. Assembly Memorandum No. AM 285-2007, Change Order No. 1 to Vendor Contract 23PFM036 with
20 FleetOne, LLC, for providing **fuel (gasoline and diesel) and fueling services** for the Municipality of
21 Anchorage (MOA), Various Departments (\$3,250,000); Purchasing.
22 9.D.7. Assembly Memorandum No. AM 287-2007, **Executive Director of the Anchorage Community**
23 **Development Authority** appointment (Carma Reed); Employee Relations Department. (**Addendum**)
24 9.D.8. Assembly Memorandum No. AM 288-2007, Amendment No. 3 to Purchase Order 250993 with The
25 Wilson Agency for **employee benefit consultant services** for the Municipality of Anchorage,
26 Employee Relations (\$195,400); Purchasing. (**Addendum**)
27 9.D.9. Assembly Memorandum No. AM 289-2007, Amendment No. 2 to Contract 22MIS105 with Alaska
28 Communication Systems, Inc. (ACS) for **local telephone services** to the Municipality of Anchorage,
29 Information Technology Department (\$660,000); Purchasing. (**Addendum**)
30 9.D.10. Assembly Memorandum No. AM 290-2007, recommendation of award to MV Public Transportation,
31 Inc. to provide a coordinated transportation system "**AnchorRIDES**" for the Municipality of Anchorage,
32 Public Transportation (RFP 26-P058) (\$11,504,396); Purchasing. (**Addendum**)
33 9.D.11. Assembly Memorandum No. AM 291-2007, cooperative purchase of **Paratransit Buses** from Shepard
34 Brothers, Inc. for the Municipality of Anchorage, Public Transportation Department (\$599,840);
35 Purchasing. (**Addendum**)
36

37 **9.E. INFORMATION AND REPORTS**

- 38 9.E.1. Information Memorandum No. AIM 48-2007, Executive Appointments (Calvin E. Williams – Special
39 Admin Assistant I; Eric Chancy Croft – Municipal Attorney I; David Michael Hammond – Municipal
40 Attorney I, Shawn David Traini – Municipal Attorney I, Patsy D. Gunn – Special Admin Assistant II,
41 Erin E. White – Municipal Attorney II); Employee Relations Department.
42

43 Mr. Traini requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)
44

- 45 9.E.2. Information Memorandum No. AIM 49-2007, Quarterly Department Head Report; Employee
46 Relations Department.
47 9.E.3. Information Memorandum No. AIM 50-2007, 2007 First Quarter Summary Report of AWWU
48 **Awards**; AWWU Board of Directors.
49 9.E.4. Information Memorandum No. AIM 51-2007, contracts awarded between \$50,000 and \$500,000
50 **through formal competitive processes** for the month of March, 2007; Purchasing.
51 9.E.5. Information Memorandum No. AIM 52-2007, Sole Source Procurement Report for the month of
52 March, 2007; Purchasing.
53

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

- 55 9.F.1. Ordinance No. AO 2007-66, an ordinance setting the rates of tax levy, approving the amount of
56 municipal property tax, and **levying taxes for all service areas of the Municipality of Anchorage**
57 **General Government** for Fiscal Year 2007; Office of Management & Budget. (*Public Hearing 5-01-07*)
58 a. Assembly Memorandum No. AM 266-2007.
59 9.F.2. Ordinance No. AO 2007-67, an ordinance setting the rate of tax levy, approving the amount of
60 municipal property tax, and **levying taxes for the Anchorage School District** for Tax Year 2007;
61 Office of Management & Budget. (*Public Hearing 5-01-07*)
62 a. Assembly Memorandum No. AM 267-2007.
63 9.F.3. Resolution No. AR 2007-97, a resolution of the Municipality of Anchorage **revising and appropriating**
64 **funds for the 2007 General Government Operating Budget**; Office of Management & Budget.
65 (*Public Hearing 5-01-07*)
66 a. Assembly Memorandum No. AM 265-2007.
67 9.F.4. Resolution No. AR 2007-98, a resolution of the Municipality of Anchorage appropriating \$4,995,000 of
68 General Obligation Bond Proceeds to the **Anchorage Parks and Recreation Service Area General**
69 **Capital Improvement Program (CIP) Fund (461)**, to pay the costs of parks and recreation capital
70 improvement projects; Office of Management & Budget. (*Public Hearing 5-01-07*)
71 a. Assembly Memorandum No. AM 273-2007.
72 9.F.5. Resolution No. AR 2007-99, a resolution of the Municipality of Anchorage appropriating \$4,800,000 of
73 General Obligation Bond Proceeds to the **Areawide General Capital Improvement Program (CIP)**
74 **Fund (401)** to pay the costs of Public Safety Capital Improvement Projects and appropriating \$900,000
75 of proceeds of General Obligation Bonds to the Public Transportation CIP Fund (485) to pay the costs of
76 public transportation capital improvement projects; Office of Management & Budget. (*Public Hearing 5-*
77 *01-07*)
78 a. Assembly Memorandum No. AM 274-2007.

- 1 9.F.6. Resolution No. AR 2007-100, a resolution of the Municipality of Anchorage appropriating \$3,075,000 of
2 General Obligation Bond Proceeds to the **Anchorage Fire Service Area Capital Improvement**
3 **Program** (CIP) Fund (431) to pay the costs of fire protection capital improvement projects; Office of
4 Management & Budget. (*Public Hearing 5-01-07*)
5 a. Assembly Memorandum No. AM 275-2007.
- 6 9.F.7. Resolution No. AR 2007-101, a resolution of the Municipality of Anchorage appropriating \$35,550,000 of
7 General Obligation Bond Proceeds to the **Anchorage Roads and Drainage Service Area Capital**
8 **Improvement Program** (CIP) Fund (441) to pay the costs of road and storm drainage capital
9 improvement projects; Office of Management & Budget. (*Public Hearing 5-01-07*)
10 a. Assembly Memorandum No. AM 276-2007.
- 11 9.F.8. Ordinance No. AO 2007-69, an ordinance amending Anchorage Municipal Code Section 12.35.050A.
12 to provide the Municipality with the **full exemption authority** granted under Alaska Statute; Finance.
13 a. Assembly Memorandum No. AM 279-2007. (*Public Hearing 5-01-07*)
- 14 9.F.9. Ordinance No. AO 2007-70, an ordinance amending Anchorage Municipal Code Chapters 24.30,
15 24.80 and 14.60 to establish an **Annual Vertical Bore Permit**, and establish fines and/or penalties to
16 improve excavation safety for the Right-of-Way Division; Development Services Department. (*Public*
17 *Hearing 5-01-07*)
18 a. Assembly Memorandum No. AM 280-2007.
- 19 9.F.10. Resolution No. AR 2007-104, a resolution approving **real property taxation exemption for Tract 13,**
20 **Alaska Village Subdivision**, under Anchorage Municipal Code Chapter 12.35; Finance Department.
21 (*Public Hearing 5-01-07*)
22 a. Assembly Memorandum No. AM 281-2007.
- 23 9.F.11. Resolution No. AR 2007-91, a resolution of the Municipality of Anchorage providing for a **revision of**
24 **the Anchorage School District Financial Plan for FY 2007-2008**; Anchorage School District.
25 (*Public Hearing 5-01-07*) (**Addendum**)
26 a. Assembly Memorandum No. AM 263-2007.
- 27 9.F.12. Resolution No. AR 2007-106, a resolution authorizing the Municipality of Anchorage, Public
28 Transportation Department, to enter into a Transfer of Responsibilities Agreement in the amount of
29 \$131,371 with the State of Alaska, Department of Transportation and Public Facilities for the purpose of
30 developing a **High-Priority Transportation Plan** and appropriating these funds to the State Categorical
31 Grants Fund (231); Public Transportation Department. (*Public Hearing 5-01-07*) (**Addendum**)
32 a. Assembly Memorandum No. AM 292-2007.
- 33 9.F.13. Ordinance No. AO 2007-71, an ordinance authorizing **Anchorage Municipal Code**
34 **Section 21.08.060** to be effective immediately, clarifying cross references, and deleting Chapter 21.87
35 in its entirety; Planning Department. (*Public Hearing 5-01-07*) (**Addendum**)
36 a. Assembly Memorandum No. AM 293-2007.
- 37 9.F.14. Ordinance No. AO 2007-72, an ordinance to the Anchorage Municipal Assembly amending Anchorage
38 Municipal Code Chapters 2.35, regulations of lobbying to provide for disclosure of criminal conviction,
39 gees for criminal justice information and national criminal history record check and to **prohibit**
40 **registration and action as a lobbyist** by a person with a conviction for egregious criminal conduct;
41 Assemblymember Barer and Assembly Chair Sullivan. (**Laid on the Table**)
42

43 Mr. Bauer moved to introduce, seconded by Ms. Ossiander and Mr. Traini was the concurring third.

44
45 Chair Sullivan called the Question on the remainder of the Consent Agenda.

46
47 and this motion, as amended, was passed.

48
49 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Traini
50 and Jennings.

51 NAYES: None.

52 ABSENT: Stout, excused.

53
54 The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items.

55 56 57 58 **END OF CONSENT AGENDA**

59 **10. REGULAR AGENDA**

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

- 61 10.A.1. Resolution No. AR 2007-105, a resolution of the Anchorage Municipal Assembly honoring and
62 expressing appreciating for **Bernice I. Saupe** and her dedicated service to the Municipality of
63 Anchorage's Election Board; Mayor Begich and Assemblymembers Sullivan, Bauer, Birch, Coffey,
64 Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. (**Addendum**) (*Clerk's Note: AR*
65 *2007-105 was moved from Agenda item 9.B.3 to 9.A.1*)

66 Ms. Shamberg moved, to approve AR 2007-105,
67 Ms. Jennings seconded,
68 and this motion was passed unanimously.

69
70 Ms. Shamberg read and Ms. Jennings presented the resolution to Bernice I. Saupe, recognizing and expressing
71 appreciation for her service to the Municipal Elections. Ms. Saupe responded that she had enjoyed offering her
72 services to the area. Ms. Ossiander thanked her for her 50 years of service to both Municipal and State Elections.

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

- 75 10.B.5. Resolution No. AR 2007-109, a resolution authorizing issuance of an **areawide tax credit** against the
76 total amount of property taxes levied for taxes for 2007; Mayor Begich and Assemblymembers
77 Sullivan, Bauer, Birch, Coffey, Jennings, Ossiander, Shamberg, Starr, Stout, Tesche and Traini. (**Laid**
78 **on the Table**)

To Chair Sullivan, Deputy Municipal Manager Michael Abbott recommended postponing action on this resolution for two weeks, so it could be taken up with the first quarter budget revisions being considered by the Assembly on May 1st.

Ms. Ossiander moved, *to Postpone* AR 2007-109 until May 1, 2007,
Ms. Jennings seconded,

Mr. Tesche requested to be listed as a cosponsor of the resolution. Chair Sullivan requested that all Assemblymembers be added as cosponsors. There were no objections.

and this motion, as amended, was passed without objection,
with Mr. Stout as an excused absence.

10.C. BID AWARDS There were none.

10.D. NEW BUSINESS

10.D.2. Assembly Memorandum No. AM 270-2007, Henry's Great Alaskan Restaurant #4694 – Transfer of Ownership for a Beverage Dispensary Liquor License (Taku/Campbell Community Council); Clerk's Office.

Mr. Coffey stated that while he had been of counsel to his law firm for the past 16 months, his law office had requested his legal and professional advice on this recent matter, concerning a liquor license transfer for Henry's Great Alaskan Restaurant. Mr. Coffey disclosed that he had not charged the client for his services, but he had shared information relative to this matter. Chair Sullivan ruled that Mr. Coffey did have a conflict of interest and ordered that he abstain from participation.

Ms. Ossiander moved, *to approve* AM 270-2007,
Mr. Bauer seconded,
and this motion was passed without objection,
with Mr. Coffey abstaining due to a conflict of interest,
and Mr. Stout as an excused absence.

10.D.3. Assembly Memorandum No. AM 282-2007, proprietary purchase of **GeoView 3000 Spherical Video Camera System** from iMove, Inc. for the Municipality of Anchorage, Anchorage Police Department (APD) (\$110,659); Purchasing.

Mr. Bauer moved, *to approve* AM 282-2007,
Ms. Ossiander seconded,

To Chair Sullivan, Deputy Municipal Manager Michael Abbott requested that this item be postponed indefinitely, because the Administration had found less expensive equipment available.

To Mr. Bauer, Deputy Police Chief Stephen Smith stated this equipment was originally requested primarily to cover the International Whaling Conference (*IWC*). Deputy Chief Smith responded the equipment would be used for monitoring and providing additional security for special events in the future. Mr. Bauer supported postponement.

Chair Sullivan stated that the *IWC* had chosen Anchorage to hold their annual international conference this year and the Police Department and other resources were preparing for that event.

Ms. Ossiander moved, *to Postpone Indefinitely* AM 282-2007,
Mr. Bauer seconded,
and this motion was passed unanimously
with Mr. Stout as an excused absence.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 48-2007, Executive Appointments (Calvin E. Williams – Special Admin Assistant I; Eric Chancy Croft – Municipal Attorney I; David Michael Hammond – Municipal Attorney I, Shawn David Traini – Municipal Attorney I, Patsy D. Gunn – Special Admin Assistant II, Erin E. White – Municipal Attorney II); Employee Relations Department.

Ms. Ossiander moved, *to accept* AIM 48-2007,
Ms. Jennings seconded,

Mr. Traini declared a conflict of interest because his son was an Executive Appointments listed in this informational memorandum. Chair Sullivan ruled that Mr. Traini had a conflict of interest and ordered that he abstain.

and this motion was passed without objection,
with Mr. Traini abstaining, due to a conflict of interest,
with Mr. Stout as an excused absence.

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

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Resolution No. AR 2007-78, a resolution of the Anchorage Municipal Assembly recommending approval of a minor amendment to the Anchorage Bowl 2025 Long-Range Transportation Plan to the Anchorage Metropolitan Area Transportation Solutions (AMATS) to advance the **Lake Otis and Tudor Intersection Improvements**; Assemblymembers Coffey, Traini and Tesche.
(*Postponed from 3-27-07*)

Chair Sullivan read the resolution title. There was a motion to approve on the floor from Mr. Stout, seconded by Mr. Coffey.

Mr. Coffey stated the DOWL Engineers study was completed and there would be significant reduction of traffic time delays at this intersection with this project. The State Department of Transportation and Public Facilities (DOT) supported this project and construction could begin. He had amended the Administration's original proposal to keep the major north-south intersection open during construction. Completion of the Bragaw Extension would be an alternative north-south access and the project could be completed in 2008. He urged support.

To Mr. Tesche, Mayor Begich responded that this would allow the project, with an improved design, to be completed in 2008, in one construction season. Municipal Engineer Howard Holtan responded this project would be put on the short-term priority list for completion. Mayor Begich responded that sufficient study had been completed.

Mr. Tesche urged support of the resolution.

Ms. Ossiander stated that studies had shown that intersection improvements would help. Additional work would be needed. Mayor Begich responded that the project would avoid construction and traffic impacts by working at night and by avoiding peak traffic times. Mr. Holtan concurred.

Mr. Bauer stated that a report from the Municipal Traffic Engineer and DOT was to be submitted to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee six months after the Abbott Loop and Dowling projects were completed, but there was no completion dates recommended. He questioned spending \$12 - \$14 million for four turn lanes, which was not really addressing the through traffic at the Lake Otis and Tudor intersection. Consideration should be made to address this intersection when all other projects in the area were completed.

Mr. Traini stated that the Lake Otis and Tudor intersection exemplified the traffic problems in the city. This intersection was in the heart of his and Mr. Coffey's district and traffic was continually backed-up to Northern Lights. Relief was needed to those residents who used this route and he supported the resolution.

Mr. Bauer stated that the design had supposedly been improved since 2006, but the 2008 design looked the same, with a \$14 million cost to reduce traffic time by 37 seconds. Mayor Begich responded the design change included a reduction of curve and turn components to provide more visibility of pedestrians and increase right-of-way changes. The improvements were a cost benefit to the community.

Mr. Coffey stated that there was a significant benefit, with a proposed reduction of 37 seconds per vehicle, which, multiplied by 50,000 vehicles was a reduction of 5000 hours saved per day. DOT had indicated the time savings would help pay for the costs of the improvements. He supported the resolution.

Mr. Bauer questioned if saving 37 seconds per vehicle was worth \$14 million. Completion of the surrounding projects would help fix the traffic density, not additional turn lanes. Truck and bus traffic and bus turnouts were obstacles that still needed to be addressed. More study was needed on signalization and signage.

Ms. Shamberg stated that she would support the resolution. The improvements would reduce traffic accidents in the intersection and were well worth the cost.

Chair Sullivan stated that not much was changed in the additional study over the past two years. Completing the Bragaw and Dowling Road Extensions would better accommodate traffic during construction. The Assembly had requested a study upon completion of those projects, to better determine improvements. Improvements to the turn lanes would improve the traffic flow, but it was impossible to predict the final traffic needs for the intersection once the surrounding road projects were completed and accommodating traffic. Additional study was needed, including the use of raised, left turn lanes. He would not support the resolution.

Mr. Bauer stated this was a citywide issue and he would support the ordinance with the deletion of Section 2.

Mr. Bauer moved,
and motion died for a lack of a second.

to amend AR 2007-78 on Page 2, Lines 17-20, *by deleting*
~~**Section 2.** That the Lake Otis Parkway/Tudor Road Intersection Improvements project should commence as soon as practicable after the opening of the Bragaw to Abbott Loop Extension, which is anticipated to occur in 2007, so as to permit construction at the intersection to begin in 2008; and];~~

and the main motion was passed , 8-2.

AYES: Tesche, Shamberg, Starr, Ossiander, Birch (*participating telephonically*), Coffey, Traini and Jennings.

NAYES: Bauer and Sullivan.

ABSENT: Stout, excused.

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

1. Assembly Memorandum No. AM 234-2007.

2. Information Memorandum No. AIM 44-2007.

(Public Hearing was Closed 4-10-07; Action was Carried Over from 4-10-07)

Chair Sullivan read the ordinance title. Public Hearing was closed and there was a motion to approve on the floor by Ms. Shamberg, seconded Mr. Tesche.

Ms. Ossiander moved, *to Postpone* AO 2007-58 until May 1, 2007,
Ms. Jennings seconded,

Ms. Ossiander stated that the project needed a needs assessment. This matter was a complex issue and was contingent upon other city projects. She urged support for postponing two additional weeks. Mayor Begich supported a two-week delay and scheduling a worksession.

Mr. Coffey stated the previous worksession occurred while he had been campaigning and he wanted to have time to review the information. The ordinance waived four titles in Municipal Code, there were concerns about sole source contracts with project construction and it was a \$24 million project. He supported postponing for two weeks and scheduling a worksession to allow the Administration an opportunity to explain the process and benefits of this project.

Mr. Traini supported a two-week delay. The Administration needed to answer Assembly questions.

Mr. Starr supported a two-week delay. He concurred on the importance of a needs assessment. He had toured the facility and more questions arose, including the financing package, the costs to ratepayers and operating efficiencies.

Mr. Tesche stated this was a \$24 million project that would have tremendous consequences to the Mountain View Community and the ratepayers. For all the reasons stated by his colleagues, he supported postponement to May 1st.

Mr. Birch supported a two-week postponement to answer questions, including an explanation of the \$2 million spent on renovating the old building.

Chair Sullivan stated a worksession would be scheduled on April 27th from 2:00 to 3:30 p.m. Mayor Begich responded that the developer would be invited to attend. Mr. Starr recommended holding the worksession at ML&P. Chair Sullivan responded there were additional worksessions that day and it would be best to keep all worksessions in City Hall.

and the motion to postpone passed, 10-0.

AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Traini and Jennings.

NAYES: None.

ABSENT: Stout, excused.

12. APPEARANCE REQUESTS

12.A. **Robert C. "Beau" Bassett**, regarding building the spirit of the Anchorage community. Points of Light Institute: *A Decade of Service to Alaska Youth and Families*.

ROBERT C. BASSETT reported on the Points of Light Program and thanked Prudential Life Insurance Company for their corporate mission of educating and training young leaders to serve their community. Since 1998 Prudential had helped train over 600 high school students and had honored thousands of high school, middle school and college students for their service to the community. OLGA PTAK announced that the awards ceremony would be held the following weekend. EDGAR LYTLE supported the program, which was a method of rewarding students for volunteering and he was happy to be a part of it. CARL WING stated that he was involved with the Points of Light Program while in high school and the training had changed his life tremendously. Ms. Ossiander thanked Prudential for their contributions to many young folks in the community. To Ms. Jennings, Mr. Bassett responded that on Saturday awards would be presented to many students, recognizing them for their service. Chair Sullivan announced that the National Youth Service Day was April 21st, from 6:00 to 8:00 p.m. at the Prudential Center Point Building.

12.B. **Al Tamagni, Sr.**, to request an exemption from the Little Davis-Bacon Act requirements for the Parks and Recreation Department and the Parks Foundation for all contract work under \$100,000.

AL TAMAGNI, SR. testified about wage provisions for improvements to Anchorage Parks. He proposed that all contracts for improvements less than \$100,000 be exempt from the Parks and Recreation requirements and that city permitting fees be waived for these services. The process needed to be reviewed to give small contractors with proper credentials and insurance a chance to participate. To Mr. Coffey, Municipal Attorney Jim Reeves responded this involved the Davis Bacon Act. To Chair Sullivan, Purchasing Officer Bart Mauldin responded the State Statute involved contracts over \$2,000. Mr. Tamagni urged the Assembly to ask the State of Alaska to review the statute.

Ms. Ossiander moved, *to Change the Order of the Day to take up Special*
Ms. Jennings seconded, *Orders, beginning with item 15.A, Certification of*
and this was approved without objection. *the April 3, 2007 Regular Municipal Election,*

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

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2007-64, a resolution of the Municipality of Anchorage approving the naming of a proposed Little League Ball Field at South Anchorage Sports Complex as "**Chad A. Bax Baseball Field**;" Office of Economic & Community Development.

Chair Coffey read the resolution title and opened Public Hearing.

SHERRY JACKSON supported the naming. She thanked Mayor Begich, Community Development Specialist Michael Johnson and Alaska State Representative Lesil McGuire for their support with this important naming. Her son had been a friend of Chad Bax and they shared a love for baseball.

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

Ms. Ossiander moved, to approve AR 2007-64,
Mr. Sullivan seconded,
and this passed unanimously, 11-0.

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

14.B. Resolution No. AR 2007-65, a resolution of the Municipality of Anchorage approving the naming of the staircase at 1361 West 12th Avenue as the **"Maxine and Frank Reed Family Staircase;"** Office of Economic & Community Development and Assemblymembers Sullivan, Tesche, Johnston, Bauer, Starr, Coffey, Ossiander, Birch, Selkregg, Traini and Claman.

Chair Coffey read the resolution title and opened Public Hearing.

JEAN PAAL testified in support of naming the stairs for the Reeds, who were dedicated to serving the community. A street had been built at the base of a popular neighborhood sledding hill which made sledding dangerous for the local kids. Maxine had worked with the city to get the stairs built.

KELLY BLOOMER supported the naming of the stairs after Maxine and Frank Reed, who would be celebrating their 70th wedding anniversary this summer. They were a wonderful family who had contributed much to the community.

JENNIFER KLUGH, a former tenant of the Reeds, supported the naming.

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

Mr. Tesche moved, to approve AR 2007-65,
Mr. Sullivan seconded,

Mr. Tesche supported the naming. He stated the small staircase was simple and somewhat inadequate for the caliber of people the Reeds were.

Mr. Sullivan stated that he had lived right next door to the Reeds since 1959. The Reed family had contributed to the neighborhood and community. He supported the naming and requested to be added as a cosponsor.

Mayor Begich stated that Pauline Reed, daughter of Maxine and Frank, had originally suggested the idea of the naming. It was a small token of the community's recognition of the family.

Chair Coffey requested that all Assemblymembers be added as cosponsors. There were no objections.

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

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

14.C. Ordinance No. AO 2007-61, an ordinance authorizing a lease with **Clearwire US LLC**, a Nevada Limited Liability Company, for construction and use of telecommunications facilities on a portion of Tract A-2, Brendlwood Subdivision, in Eagle River, Alaska; Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 201-2007.

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

Mr. Starr moved, to approve AO 2007-61,
Ms. Ossiander seconded,
and this motion was passed, 11-0.

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

14.D. Resolution No. AR 2007-73, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 07-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency; Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 223-2007.

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

Mr. Sullivan moved, to approve AR 2007-73,

Mr. Traini seconded,
and the motion was passed, 11-0.

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

NAYES: None.

- 14.E. Ordinance No. AO 2007-51, an ordinance amending Anchorage Ordinance 2004-19 regarding **Turnagain Heights Water Special Assessment District 1416** and authorizing the proposed improvements; Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 219-2007.

Ms. Ossiander moved, seconded by Mr. Sullivan, to combine Public Hearing on AO 2007-51, AR 2007-52 and AO 2007-53 and there were no objections. Chair Coffey read the ordinance titles and opened Combined Public Hearing.

CARLA GRUMMAN, resident of Turnagain and owner of property in this area, testified that she had been denied the opportunity to build. The community had supported and the Assembly had approved allowing development in this area in 2004. The improvements to this district were very expensive, but the area was not yet developed and she urged support of this ordinance. She and the other lot owners still wanted to develop.

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

Ms. Ossiander moved, to approve AO 2007-51,
Mr. Sullivan seconded,

To Mr. Tesche, Deputy Municipal Manager Michael Abbott responded that these projects were at a 30% design level. If the project costs exceeded what was expected by the margin defined in Code, the district would be reevaluated and the matter would be heard again by the Assembly. Adequate provisions were being taken by the Administration to control and monitor costs.

To Mr. Claman, Project Management and Engineering CIP Coordinator Jim Lamson responded that the higher costs were due to the area being earthquake sensitive. Factors included the need for an extensive storm drain system and retaining walls to stabilize the sub-base. Construction costs had also increased up to 40% in the past three years. Project construction would be bid next May, following road bond funding. He responded the Pump 10 upgrade, in the same area, was a different project that would be bid this year by Anchorage Water and Waste Water Utility (AWWU). He responded that any additional information on that project would be incorporated into their planning of the area development.

To Chair Coffey, Mr. Lamson responded the margin of allowance was 10%, to require rebalancing.

Mr. Sullivan stated the land owners of this area had dealt with this matter for many years. This was now a 100% increase cost for improvements for this area. The land owners still wanted to proceed, even with the increased building costs. To his question, Mr. Lamson responded that he was confident with the cost estimate for the final design and construction. Mr. Sullivan urged support.

Chair Coffey put the Question.

and the motion was passed, 11-0.

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

NAYES: None.

- 14.F. Ordinance No. AO 2007-52, an ordinance amending Anchorage Ordinance 2004-20 regarding **Turnagain Heights Sanitary Sewer Lateral Special Assessment District 1415**, and authorizing the proposed improvements; Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 220-2007.

(Clerk's Note: See 14.E for Combined Public Hearing for Agenda items 14.E, 14.F and 14.G)

Chair Coffey called the Question.

Mr. Sullivan moved, to approve AO 2007-52,
Ms. Ossiander seconded,

Mr. Sullivan urged a YES-vote.

and this motion was passed, 11-0.

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

NAYES: None.

- 14.G. Ordinance No. AO 2007-53, an ordinance of the Municipality of Anchorage amending Anchorage Ordinance 2004-2 that created **Special Assessment District 1P03** and authorized the proposed road improvements to Marston Drive and Foraker Drive; Project Management & Engineering.
1. Assembly Memorandum No. AM 221-2007.

(Clerk's Note: See 14.E for Combined Public Hearing for Agenda items 14.E, 14.F and 14.G)

Chair Coffey called the Question.

Mr. Sullivan moved, to approve AO 2007-53,
Ms. Ossiander seconded,

Ms. Ossiander stated the Assembly reviewed road improvement district (*RID*) projects. Municipal Code guaranteed a match if local property owners wanted to upgrade their roads. With such increased costs, it was now a burden to individual property owners to pay and she was concerned how the city was going to shoulder the increased share of those projects. If the city followed this practice and put the local match for these RIDs on bonds, the amount of the city's bonding capacity that would be caught up in these smaller road projects may prove to be detrimental to getting the big road projects done. There needed to be a plan to address this matter systematically. Deputy Municipal Manager Michael Abbott responded that the Administration would make recommendations for Assembly consideration on how to best address RID projects. He responded the city's contribution to this project was \$1.3 million. Mr. Lamson responded that this was the last of the eight reconstruction RID projects. The other seven projects were already approved by property owners and would be added to the capital improvement program that would come before the Assembly in the fall. Ms. Ossiander stated it would also take voter approval.

To Mr. Claman, Mr. Lamson responded that Title 19 established the funding programs for different kinds of RIDs. There were seven reconstruction RID projects in the category where the city paid 90% and the property owners paid 10% for the reconstruction. This last project was the only one in the 30% (*city*) - 70% (*property owners*) split. Mr. Claman stated that the city owned a park on a portion of this property and the city would be paying closer to 50% of the costs, which would be the total amount that needed to be bonded. Mr. Lamson concurred and responded the costs would be closer to 55%. All RID project costs were bonded and the property owners' share was repaid from special assessments, rather than through property taxes.

To Chair Coffey, Mr. Lamson responded that there were about ten more reconstruction RID projects that had been requested. The Administration was considering alternatives to address the increased costs. Chair Coffey put the Question.

and this motion was passed, 11-0.

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

NAYES: None.

- 14.H. Ordinance No. AO 2007-54, an ordinance amending the zoning map and providing for the rezoning of approximately 95.2 acres, from T (Transition) District to B-3 SL (General Business District with Special Limitations) for **Elmendorf "95" Subdivision, Tracts A and B**; generally located at the northwest corner of North Muldoon Road and the Glenn Highway (Northeast Community Council) (Planning and Zoning Commission Case 2006-154); Planning Department.
1. Assembly Memorandum No. AM 222-2007.

Chair Coffey read the ordinance title and opened Public Hearing.

TIM POTTER, with DOWL Engineers (*DOWL*), testified in support of the rezone. State of Alaska Department of Transportation and Public Facilities (*DOT*) and Municipality of Anchorage (*MOA*) staff had addressed this rezone through many processes, working with the local community councils and the Planning and Zoning Commission (*P&Z*), which had unanimously approved the rezone. To Ms. Ossiander, Mr. Potter responded DOWL's position was that the traffic impact analysis (*TIA*) not be attached to a zoning process, and would be better addressed in the platting process or the big box (*ordinance*) requirements. Mr. Bauer stated that community interests were considered when the Wal-Mart project was reviewed. Mr. Potter responded that DOWL had surpassed what Wal-Mart had accomplished prior to development, meeting with the local community, DOT, the Anchorage School District (*ASD*), Elmendorf Air Force Base, the Alaska Native Heritage Center (*ANHC*) and the Veterans Administration (*VA*). The project had had been supported by the Northeast Community Council. Dr. Selkregg stated that the council may not have comprehended the magnitude of the development, which would be three times the size of the Dimond Center. There was concern for increased traffic and it was important to make certain that all development phases met minimum Title 21 standards. Mr. Potter responded this project had a better (*traffic*) circulation prospect than the Wal-Mart development. DOWL had conducted a study of (*vehicle*) trips during peak hours, which came within 1%-2% of the predicted count. Large developments created traffic circulation within the development. DOT was skeptical and had requested 15% be added to those traffic counts. DOT based TIA projections on Phase 1 of the development and requested an additional TIA study for the increased proposed retail square footage. To Dr. Selkregg, Mr. Potter responded that DOWL had completed the studies and contingencies. The developers believed they had adequately worked with the city and the state to identify and accommodate the thresholds. To Ms. Ossiander, Mr. Potter responded DOT had received the final TIA and had agreed that it addressed their concerns. P&Z had not yet seen the final TIA. Ms. Ossiander urged representatives of the Northeast Community Council to respond, specifically to the table which showed a 2018 TIA, with roads growing to a level D. To Mr. Claman, Mr. Potter responded this development would need to be reviewed again by the Assembly if the type of development changed, including building height or specifics that were not allowed in a B-3 SL zoning. Modifications to the fragment lot site plan, fragment lot subdivision, the commercial tract or the large retail establishment would require a public hearing process with P&Z. He responded P&Z could authorize modifications without the matter's being heard by the Assembly. It could be possible that this project would not move forward and a residential development could be considered within the B-3 zoning.

DARRYL BROWMAN, with Browman Development Company, testified they were working with Cook Inlet Regional, Incorporated (*CIRI*) on this project. DOT had agreed to put a limit on the gross square footage allowed for Phase 1. To Mr. Bauer, Mr. Browman responded the trip rate data completed by DOWL was in the TIA, distributed to Assemblymembers that morning. Dr. Selkregg stated that she hoped the new development would have more improved roads than D-level. Mr. Browman responded when projects this large were proposed there needed to be

assumptions. Both DOT and the MOA were comfortable with Phase 1 and additional study would be needed before allowing further development. Ms. Ossiander stated that she had amendments proposed by the Traffic Department that would identify solutions. Mr. Browman responded that, as a responsible developer, they would accommodate traffic at the Bartlett High School and ANHC with installation of a signal, but they did not want that included as part of the zoning special limitations requirements. Ms. Ossiander stated the improvements were based on completion, prior to issuance of a conditional or final certificate of occupancy. Mr. Browman responded that the development would be responsible for a fourth leg and a new traffic signal on the eastern-most driveway. The VA was to make road improvements, including a traffic signal, left turn lanes and turning pockets on Oilwell Road, to accommodate the VA Clinic traffic. DOT would act as mediator to help monitor surrounding improvements. The developer was proposing 810,000 square feet of retail structure development with 140,000 square feet of warehouse space. They had agreed with DOT to recheck the trip rate for the site, after 500,000 square feet of development was built, which would determine future development.

PEGGY ROBINSON, Northeast Community Council Chair, testified the council had passed a resolution in support of the rezone on November 14th. Representatives from DOWL Engineers, CIRI and Browman Developers had met with the council regularly to discuss additional changes, including site plan changes and adding a second stop light to accommodate traffic. P&Z had addressed economic impacts of the other developments in the area. The council viewed this development as an increase to the area's revitalization and made recommendations for additional reductions of traffic congestion at the Glenn Highway.

GREG JONES, President of CIRI Land Development, testified that CIRI's objective was to become a long-term owner of the highest quality retail establishment that they could offer the community. CIRI had worked closely with Browman Developers, DOWL, MOA, DOT and the military bases and anticipated creation of 1500 new jobs. The project was well thought out. Ms. Ossiander stated the Assembly had included language to address traffic problem remediation in the final zoning changes with the recent Wal-Mart and Powder Ridge developments. She had similar amendments proposed for this development. Mr. Jones responded this development had done a better analysis and they would do their fair share of the improvements. They had agreed to not open the stores until the improvements were completed. More than one party would be responsible for some of the improvements and DOT had agreed to mediate. The negotiations would be conducted fairly and the MOA should not be involved. To Chair Coffey, Mr. Jones responded that CIRI agreed the improvements needed to be done, which were already required as part of the platting and big box (*ordinance*) requirements. Mr. Potter responded the improvements were not needed as a condition of the rezone. Mr. Jones concurred and stated the allowance of 810,000 square feet of retail and 140,000 square feet of warehouse was included in the TIA agreement. Mr. Potter responded that after completion of 500,000 square feet of retail, DOT was requiring a re-evaluation, under their direction, of the original projection, prior to the final development completion. Ms. Ossiander and Dr. Selkregg were requesting the Assembly cap the development at 500,000 square feet and conduct the re-evaluation. CIRI did not believe that was necessary. To Mr. Claman, Mr. Jones responded that conservative cushions had been added to allow them to build an economic-sized project or the development could not begin. DOT would re-evaluate the project and CIRI was optimistic that the calculated traffic counts were well above what the project would generate. There were many developments of this magnitude across the United States and it was possible to predict traffic counts accurately.

With additional public testimony, Chair Coffey closed Public Hearing and called the Question.

Mr. Sullivan moved, to approve AO 2007-54,
Ms. Ossiander seconded,

Ms. Ossiander stated that she wanted this project to happen. There were already traffic concerns with Oilwell Road and the Glenn Highway. A project of this size needed to address all implications of traffic. The Assembly had just received the final TIA and there were indications that upon project completion the service roads would deteriorate from a level A to a level D, which seemed significant. She requested that DOT, the MOA Planning Department and Traffic Department comment if the problems in the TIA were being addressed. Municipal Traffic Engineer Bob Kniefel responded that the new plan addressed the entire facility, with full build-out. Oilwell Road would be constructed to a standard, with a signal. A new signal was needed at Bartlett High School for pedestrians and traffic. The development of the new VA Clinic would generate 250 trips and the improvements to Oilwell Road would logically be supported by the VA. The Bartlett High School signal was assigned to the CIRI project along with the revised connection for the eastern portion of Bartlett and the ANHC. The western Bartlett access onto Oilwell Road would be realigned with the VA project. The VA would be assigned to three of the four legs of the improvements at Tuckard Avenue, with one leg being assigned to this (*CIRI project*). The current plan, with the CIRI project deciding to change the square footage, would have the opportunity to keep the same area or to add on additional square retail footage. The trip rates noted were consistent with the national average. The concern had to do with the development size, with a scale that the city had not dealt with before. There would be predicted high (*traffic*) peaking periods on Fridays, Saturdays and Sundays and DOT had required an additional 15% be added to compensate for those days. Mr. Kniefel responded the MOA was responding conservatively and there would be more road capacity than was needed. Ms. Ossiander urged support for the amendments.

Mr. Claman declared a possible conflict of interest, because his wife worked for Cook Inlet Tribal Council and had been working on labor agreements with this developer, relating to that (*CIRI development*).

Ms. Ossiander moved, that Mr. Claman does have a conflict of interest with
Mr. Sullivan seconded, AO 2007-54, based on a financial or private interest,

To Ms. Ossiander, Mr. Claman responded there would be no financial impact to his family with the approval of this rezone. His wife was General Counsel to Cook Inlet Tribal Council and was on a salary. This was just one of numerous projects of the non-profit organization and her involvement would not impact her status with the organization.

To Mr. Sullivan, Mr. Claman responded that Cook Inlet Tribal Council provided a number of services to the native community in Anchorage. Cook Inlet Tribal Council had a non-profit association with CIRI, but it was not technically a

1 subsidiary. A majority of the non-profit money came from federal and state grants. Mr. Sullivan stated that if CIRI
2 received gains through development, associated entities would prosper and there may be a connection. The
3 Assembly could decide.

4
5 To Chair Coffey, Mr. Claman responded there was no activity of his wife associated with CIRI and this rezone that
6 would influence his decision on this matter.

7
8 Ms. Ossiander stated there was sufficient distance between Mr. Claman's wife's work and this matter and there was
9 not a conflict of interest. She urged a NO-vote.

10
11 Chair Coffey thanked Mr. Claman for the disclosure and stated it was an important function of the Assembly to disclose
12 all possible personal or financial conflicts of interest. He put the Question.

13
14 and the motion failed, 0-10.

15
16 AYES: None.

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

19 ABSTAIN: Claman.

20
21 To Chair Coffey, Mr. Kniefel responded that the condition of the plat with the TIA addressed all the improvements and
22 needed DOT approval. The improvements would be completed before a certificate of occupancy would be issued.
23 Municipal Attorney Jim Reeves concurred.

24
25 To Mr. Traini, Mr. Kniefel responded that DOT had not yet approved the TIA.

26
27 To Mr. Sullivan, Planning Department Director Tom Nelson responded that conditions of a site plan review and the
28 subdivision plat, approved by the P&Z, referenced (*the developer/CIRI*) having to comply with the requirements listed
29 in the approved TIA.

30
31 To Dr. Selkregg, Mr. Kniefel responded the final TIA had just been received and there had not been time to review it.

32
33 Ms. Ossiander moved,
34 Mr. Tesche seconded,
35 and this was later amended,
36 and again amended,

to amend AO 2007-54 on Page 2, Line 16, *by adding a*
new Special Limitation to read:

Section 5. The **[following]** improvements **[as]** required in
the **"final"** approved Traffic Impact Analysis (TIA) for
Planning and Zoning Case 2006-155 shall be installed prior to
issuance of any Conditional or Final Certificate of Occupancy
for any development on this site~~[-]~~**"."** **"The improvements**
shall include:"

- a. Reconstruct Oilwell Road to a five lane facility from the Glenn Highway to the Elmendorf Gate, including all turn lanes as shown in the TIA.
- b. Construct the new intersection of Oilwell Road/Bartlett High/ANHC/East Mall access intersection to include signalization and connection to the signal interconnection system.
- c. Relocate the interior road to connect Bartlett High School/ANHC to the new Oilwell Road/Bartlett High/ANHC signal location as shown in figure 4-1 of the TIA.

When the site development reaches ~~[500,000]~~ **"810,000"**
square feet of **"retail"** structure development, the TIA shall
be addressed to determine the need to enter into an
agreement with the State of Alaska Department of
Transportation and Public Facilities for further improvements.

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61 Ms. Ossiander stated this was the Assembly's only chance to participate in the outcome of this project that would have
62 a large impact to the community. There were still concerns that the needed infrastructure to support the project may
63 not fully be addressed and the responsibility could possibly fall on public taxpayers. The Municipal Traffic Engineer
64 and the Planning Director had recommended a special limitation on the rezone. The Assembly had added special
65 limitations that addressed traffic concerns to the two other complex projects. She urged support.

66
67 Dr. Selkregg stated the completed study was sound. With this development it would be very difficult to anticipate the
68 impacts of traffic at different times of the year. It was a critically important intersection. It was important for the
69 applicant and the client to be responsible and that no public dollars be used for needed improvements.

70
71 Mr. Starr supported the amendment, which would document the requirements and make the developer adhere to
72 (*completing*) certain needed improvements. He trusted that the developer, who owned the property, would make the
73 needed improvements to provide a quality final product.

74
75 To Mr. Sullivan, Mr. Browman responded CIRI was pursuing the highest quality tenants for long-term leases over time.
76 The infrastructure with 500,000 square feet, needed to be completed, which was partial completion of the 810,000
77 square feet. In the future there may many other developments or military expansion in the area and millions of dollars
78 of infrastructure improvements would be necessary. They needed assurances that development of Phase 1 would be

1 allowed, with infrastructure requirements that were affordable. Otherwise the project would not be built. To Mr. Potter,
2 Mr. Kniefel responded that one concern was that the current final TIA had omitted turn pockets on the Glenn Highway
3 Bridge. Mitigation language on Page 40 allowed the developer to negotiate with any entity to determine the mitigation,
4 scope and cost of the project. CIRI preferred including language now to list what improvements were expected. Mr.
5 Potter responded the DOT requirements would not be less than what were agreed to in the final TIA. Big box
6 (*ordinance*) requirements included conditions for intersections, signalization, lane improvements or other
7 improvements required by the approved TIA, prior to opening for retail sales. The subdivision agreement also included
8 requirements for completion, based on the approved TIA, and included erosion, sedimentation, control mitigation
9 measures and drainage improvements, prior to the recording of the final plat. The developer needed to enter into a
10 contract with the city, based on requirements approved by DOT, and bond for improvements before the plat could be
11 recorded.

12
13 Mr. Claman stated the Planning Department had recommended approval of the first study of the new development,
14 subject to finalizing the TIA and meeting compliance of conditions. That requirement had been removed on the
15 second study. Mr. Potter responded that the conditions in the final TIA would be acceptable to the developer. It was
16 inappropriate for the rezone to list the specifics of the improvements to be completed. Mr. Browman responded the VA
17 was responsible for a contribution, which was not included in the TIA.

18
19 To Dr. Selkregg, Mr. Browman responded that because the development was sensitive to delays, he supported
20 dealing with the matter that evening, instead of postponing two weeks. The developer had built a one-million square
21 foot development in California and had successfully met traffic predictions. The CIRI development was addressing all
22 concerns. He requested consideration of amending the listed square footage limitation.

23
24 Mr. Starr proposed to amend the Ossiander Amendment by deleting a, b and c and by changing the square footage to
25 810,000 and adding "retail," describing the structure development.

26
27 Ms. Ossiander stated that large developments had a responsibility to provide a public infrastructure. Listing the
28 responsibilities for the developer was fair and appropriate. She supported increasing the square footage and adding
29 'retail.' Mr. Kniefel responded that he had helped create the original amendment to specifically include the
30 improvement requirements.

31
32 To Mr. Starr, Mr. Kniefel responded that the proposed improvement requirements would not interfere with the
33 negotiations of the responsibilities of the VA and the developer. The amendment addressed the improvements
34 appropriately.

35
36 Chair Coffey stated there had not been time to review the recent, final TIA. The Assembly made recommendations to
37 DOT, but the final responsibility was with DOT. Chair Coffey questioned why that language could not be added.

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39 Ms. Ossiander responded there was a specific obligation of large developers to provide infrastructure.

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41 Ms. Ossiander moved, to amend her original amendment *by changing* [500,000]
42 Mr. Starr seconded, "810,000" square feet and *by adding* the word "retail"
43 and this was approved without objection. structure space. (*Clerk's Note: This amendment was added*
44 *to the previous Ossiander Amendment.*)

45
46 Mr. Sullivan would not support the amendment, as amended, even with the correction of the square footage. It was
47 not necessary for the Assembly to micromanage a development. There were adequate guarantees in the process to
48 make certain the TIA was developed and enforced. He had confidence that the developer would do an outstanding
49 job. He had confidence with the city staff and DOT to require the developer to complete the requirements. The size
50 and scope of this project dictated nothing less than completion of the requirements.

51
52 To Mr. Traini, Mr. Jones responded that he would support the amendment.

53
54 Mr. Tesche supported the additional special limitation. It was not unusual for the Assembly to impose conditions
55 because of the size and scope of the project. He supported the amendment and the main motion.

56
57 Ms. Ossiander stated the main concern with the TIA had been addressed by the petitioner, the administration and
58 DOT. This was new territory for Anchorage. If the (*vehicle*) numbers were wrong, the implications would be significant
59 to the community. If the Glenn (*Highway*) interchange failed, there would be no way to remediate the problem. The
60 bridge had not been identified with a timeline in the LRTP.

61
62 Dr. Selkregg stated that this was moving into uncharted territory. She wanted the project to work and she would
63 support the amendment to allow the project to move forward.

64
65 To Mr. Sullivan, Mr. Jones responded the considerations of items a, b and c were addressed in the TIA. Negotiation
66 was still needed on the unresolved matter of the driveways on the north side of Oilwell Road. Disagreement remained
67 between ASD and the Traffic Engineers on the configuration of those driveways. Item c. required the driveways to
68 intersect the school parking lot, which ASD opposed. They wanted the right to discuss this matter with ASD and
69 distribute those costs accordingly. Mr. Sullivan requested that Mr. Jones propose additional language. Mr. Jones
70 responded that it was important to keep the DOT mechanism listed in the TIA that would allow a comparison and
71 calculation of the development once the 500,000 square feet was completed. He proposed consideration of
72 eliminating c. and proposed new language.

73
74 Mr. Sullivan moved, to amend the Ossiander Amendment, as amended, amending
75 Mr. Bauer seconded, AO 2007-54 on Page 2, Line 16 *by changing* to read:

76
77 d. **"Reach a negotiated settlement with all interested**
78 **parties to"** [R]"r"elocate the interior road to connect

Bartlett High School/ANHC to the new Oilwell Road/Bartlett High/ANHC signal location as shown in figure 4-1 of the TIA.;

Ms. Ossiander stated that item c. would require relocating the interior road to Bartlett High School. The developer wanted to assign financial responsibility to ASD for relocating the road. But, ASD would have no desire to complete that road if the development did not occur. Mr. Kniefel responded that the only interested parties would be ANHC or Bartlett High School. She opposed the amendment.

Chair Coffey stated this identified the road and addressed that its relocation would be done, but did not assign responsibility. He would support the amendment.

Mr. Sullivan stated the amendment would put the burden on the petitioner, who had asked for the rezone.

Mr. Traini opposed the way it was written and urged a NO-vote.

Dr. Selkregg concurred. The added language implied that ASD had to participate financially, which she opposed.

Chair Coffey put the Question on the motion to approve the amendment.

and the Sullivan Amendment to the Ossiander Amendment failed, 3-8.

AYES: Coffey, Birch (*participating telephonically*) and Sullivan.

NAYES: Tesche, Johnston, Bauer, Starr, Ossiander, Selkregg, Traini and Claman.

Mr. Claman moved,
Mr. Birch seconded,
and Ms. Ossiander accepted
this as a friendly amendment.

to amend the Ossiander Amendment, as amended, amending AO 2007-54 on Page 2, Line 16 *by changing* to read:

Section 5. The ~~[following]~~ improvements ~~[as]~~ required in the **“final”** approved Traffic Impact Analysis (TIA) for Planning and Zoning Case 2006-155 shall be installed prior to issuance of any Conditional or Final Certificate of Occupancy for any development on this site~~[-]“.”~~ **“The improvements shall include:”**

Chair Coffey put the Question on the motion to approve the Ossiander Amendment, as amended.

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

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

NAYES: None.

To Chair Coffey, Mr. Nelson responded there was a legal problem with the current wording at the end of the Special Limitation of Section 2, Number 1. If the Assembly wanted to retain authority, the language could be left in. If the site plan review was to be referred to the P&Z, the language needed to be deleted. He recommended deletion.

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

to amend AO 2007-54 on Page 1, Line 24 to 26, *by deleting* Section 2. in its entirety;
~~[1. — Development of the petition site is limited to the site plan (Planning Case 2006-155) approved by the Planning and Zoning Commission, or as subsequently amended.];~~
(and the remaining to be renumbered)

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

NAYES: None.

Chair Coffey stated that the Planning Department had proposed to amend by changing Section 2, number 2.

To Mr. Sullivan, Mr. Potter responded the developer had recommended the amendment at the worksession.

Mr. Sullivan moved,
Mr. Bauer seconded,
and this was passed without objection.

to amend AO 2007-54 on Page 1, Line 28, *by changing* Section 2, Number 2, to read:
2. Maximum height of any structure shall be no more than ~~[200]~~ **“75”** feet~~[-]~~ **“unless otherwise approved as a conditional use. Under no circumstances shall a structure exceed 200 feet in height.”**

Mr. Sullivan stated it was important to discuss the details of a project of this magnitude. The Assembly's intent with the special limitations of Number 5, was to make certain that the improvements were accomplished.

To Ms. Ossiander, Mr. Kniefel responded that he had sent a memo, with the associated costs assigned to the developer.

Chair Coffey put the Question on the main motion.

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

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

15. SPECIAL ORDERS

15.A. Certification of the April 3, 2007 Regular Municipal Election.

Chair Sullivan called for a motion to make a correction to the memorandum.

Ms. Ossiander moved, to amend AM 268-2007 on Page 1, Line 27, *by changing*
Ms. Jennings seconded, [~~Beverly Dalzell~~] "Evelyn Hanson," Vice Chair,
and this was approved without objection.

Members of the Election Commission introduced themselves, including Chair Ethel Tuck, Vice Chair Evelyn Hanson, Thomas Freeman, Norma Sullivan, Barbara Mishler and Max Olson. Also present was Kirk Waldhaus, Chair of the Data Processing Review Board. Ms. Tuck reported on the 7,651 ballot count of absentee-in-person, absentee-by-mail and question ballots. A total of 187 ballots were rejected. The number of absentee ballots was higher than normal. To Ms. Ossiander, Ms. Hanson responded that it would be helpful to have more staff with the upcoming 2009 Mayoral Race. Ms. Ossiander and Chair Sullivan requested they make the request to the Assembly Elections Committee. Mr. Tesche thanked them for their service and requested their advice on improving the election and making the process better. Chair Sullivan thanked Municipal Elections Coordinator Guadalupe Marroquin for her work.

Ms. Ossiander moved, to approve AM 268-2007, as amended, certifying the election,
Ms. Jennings seconded,
and this motion was passed unanimously, 10-0,
with Mr. Stout as an excused absence.

15.B. Oath of Office to be administered to re-elected and newly-elected Assemblymembers.

Alaska Superior Court Judge Stephanie E. Joannides, swore in newly-elected Assemblymembers Matt Claman, Jennifer Johnston and Sheila Selkregg, appointed Assemblymember Bill Starr and re-elected Assemblymembers Dan Coffey and Debbie Ossiander. (*Clerk's Note: Mr. Starr had previously been appointed and sworn in on January, 2007, replacing Assemblymember Anna Fairclough.*)

Assemblymembers Sullivan, Ossiander, Coffey, Tesche, Traini, Bauer and Mayor Begich said goodbye to Janice Shamberg, with comments on her advocacy and contributions to Hillside residents and wished her well. Ms. Shamberg thanked all those who had supported her and allowed her to serve. Being an Assemblymember had been a valuable education on how a government operated, for which she had gained a tremendous respect. She had enjoyed serving with all the Assemblymembers.

Assemblymembers Sullivan, Ossiander, Tesche, Coffey, Traini, Bauer and Mayor Begich said farewell to Ms. Jennings, with comments on her public service to her district and the community, respecting her dedication and knowledge of the issues. Ms. Jennings stated it had been a pleasure and an honor to serve with all Assemblymembers and the Begich Administration. She was pleased with the new fund balance policy, increasing the bond rating and saving millions of dollars for taxpayers. She was proud of her involvement with passing the Clean Air Ordinance and adding more police officers and fire fighters.

(*Clerk's Note: Assemblymembers Matt Claman, Sheila Selkregg and Jennifer Johnston were seated after taking the oath of office, replacing outgoing members Janice Shamberg, Ken Stout and Pamela Jennings.*)

15.C. Assembly Reorganization: Election of Chair and Vice-Chair.

Chair Sullivan called for nominations for Assembly Chair.

Mr. Birch nominated, Dan Coffey for Assembly Chair,
Mr. Bauer seconded,

Mr. Tesche moved to close the nominations and urged a unanimous ballot for Dan Coffey as Assembly Chair.

Mr. Tesche moved, that nominations be closed,
Mr. Birch seconded,
and this was approved without objection.

Chair Sullivan stated that since the nominations were closed and there was a single nominee, he waived the provision for a written ballot and supported the unanimous decision to approve Dan Coffey as the new Assembly Chair. He called for objections and there were none.

and the main motion was approved without objection.

Mr. Coffey thanked the body for the support and assumed the seat of Assembly Chair.

Assembly Chair Coffey called for nominations for Assembly Vice Chair.

Mr. Birch nominated, Debbie Ossiander as Assembly Vice Chair,
Mr. Bauer seconded,

Mr. Birch moved, that nominations to be closed,

Mr. Bauer seconded,
and this was passed without objection.

Mr. Tesche moved that provisions for a written ballot be waived. He urged unanimous support for Debbie Ossiander.

Mr. Tesche moved, that provisions for a written ballot be waived,
Mr. Birch seconded,
and this was approved without objection,

and the main motion was approved without objection.

(Clerk’s Note: Ms. Ossiander resumed as Assembly Vice Chair.)

Chair Coffey congratulated her and presented to her a plaque, acknowledging her serving as Assembly Vice Chair.

Chair Coffey thanked Mr. Sullivan for his service as Assembly Chair and presented to him an honorary gavel. Ms. Ossiander and Mr. Bauer also thanked Mr. Sullivan for his serving as Assembly Chair. Mr. Sullivan responded it had been a pleasure to serve. He appreciated the Assemblymember’s preparation and organization for the meetings, which gave him the opportunity to officiate a well-run and timely meeting. He looked forward to working with Chair Coffey and Vice Chair Ossiander.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS

Chair Sullivan announced there were visiting Cub Scouts from Den 6, Pack 9, sponsored by Sand Lake Elementary School, present that evening. Cub Scouts included Kevin Doran, Quinn Johnson, Josef Sommers, Tyler Montano, Taki Varlamos and Gunner Karsten. To Chair Sullivan, Den Leader Glenn Doran responded the 6- and 7-year old Tiger Scouts were learning about citizenship and how the city worked.

Chair Coffey stated he would submit his Assemblymember seating assignments and committee assignments to the Municipal Clerk the following day.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Mr. Sullivan moved, to adjourn the Regular Assembly Meeting,
Mr. Starr seconded,
and this motion was passed without objection.

The Regular Assembly Meeting was adjourned at 10:47 p.m.

See Archived Document for Signatures

DAN SULLIVAN, Assembly Chair

See Archived Document for Signatures

DAN COFFEY, Assembly Chair

ATTEST:

See Archived Document for Signatures

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: June 12, 2007.
MC/BG

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