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MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of June 26, 2007

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Coffey 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.

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

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Assemblymember Ossiander led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – May 22, 2007.

Ms. Ossiander moved, to approve the Regular Meeting Minutes
Mr. Sullivan seconded, of May 22, 2007,
and this was approved without objection.

5. MAYOR'S REPORT There was none.

6. ASSEMBLY CHAIR'S REPORT There was none.

7. COMMITTEE REPORTS

Mr. Claman reported the next Public Safety Meeting would be held at noon on July 18th and would address issues of public inebriation.

Mr. Bauer stated that Municipal Auditors KPMG would report on the 2006 Municipal Audit that evening.

Mr. Birch reported the Anchorage Metropolitan Transportation System (AMATS) Policy Committee met on June 14th and reviewed the Transportation Improvement Program. A follow-up meeting was scheduled for June 27th.

Ms. Johnston reported the Anchorage School Board (ASB) and the Assembly held a Joint Meeting on June 22nd, discussing topics of the budget, school site selection and creating an active committee to discuss matters of the Assembly and the ASB. The next Joint Meeting would be scheduled for the fall.

Ms. Ossiander reported the Title 21 Committee had completed the review of the draft of Chapter 12, addressing nonconformity. The next committee meetings would be on July 12th and 13th at the Planning Department Conference Room, to meet with the contractor completing the economic analysis of the Title 21 draft. The committee would return to their weekly schedule in late July.

Mr. Sullivan, as liaison to the Chamber of Commerce Board of Directors, reported that he would be out of town and Mr. Birch would be attending and reporting on any upcoming board meetings.

8. ADDENDUM TO AGENDA

Chair Coffey called for a motion and read the Addendum items. He called for additional items and AR 2007-163 and AR 2007-164 were added and assigned Agenda Numbers 9.B.6 and 9.B.7, respectively. There were no additional Addendum items and he called for a vote to incorporate the Addendum items into the Consent Agenda. Mr. Sullivan declared a potential conflict of interest with item 9.D.3 because he had an owner interest in the establishment. (*Clerk's Note: See item 9.D.3*)

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

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

NAYES: None.

Chair Coffey called for a motion on the Consent Agenda.

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

Chair Coffey 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 2007-159, a resolution of the Anchorage Municipal Assembly **honoring Ruth Moulton, Shirley Brundage, and Avis Cupples** as symbols of many public advocates in the creation of Town Square.

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

9.A.2. Resolution No. AR 2007-160, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich recognizing the 30th Anniversary of the **Trans Alaska Pipeline. (Addendum)**

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

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2007-149, a resolution of the Municipality of Anchorage appropriating \$6,550 from the Alaska Mental Health Trust Authority, and \$110 as a contribution from the Areawide General Fund (101), Anchorage Fire Department 2007 Operating Budget, to the State Categorical Grants Fund (231), Anchorage Fire Department, to fund **video monitoring system upgrades** at the Community Service Patrol (CSP) Transfer Facility; Anchorage Fire Department.

a. Assembly Memorandum No. AM 393-2007.

9.B.2. Resolution No. AR 2007-150, a resolution of the Municipality of Anchorage appropriating \$5,000 of audit cost reimbursements, to be received from the State of Alaska, to the Areawide General Fund (101), Department of Internal Audit, to fund **technology improvements**.

a. Assembly Memorandum No. AM 394-2007.

9.B.3. Resolution No. AR 2007-151, a resolution of the Municipality of Anchorage appropriating \$66,810 as a prior year expense recovery from Dimond Center Holdings, LLC to the Areawide General Fund (101) Office of Economic & Community Development for the **branch libraries**.

a. Assembly Memorandum No. AM 395-2007.

9.B.4. Resolution No. AR 2007-152, a resolution of the Municipality of Anchorage appropriating \$10,000 from the Totem LRSA Fund Balance (Fund 124) to the Totem BP2007 General Operating Budget (Fund 124) for the **Totem LRSA summer road work program**; Maintenance & Operations Department.

a. Assembly Memorandum No. AM 396-2007.

9.B.5. Resolution No. AR 2007-161, a resolution of the Anchorage Municipal Assembly appointing Assemblymembers Dan Sullivan and Chris Birch to the **Anchorage Metropolitan Area Transportation Study (AMATS) Policy Committee**; Assembly Chair Coffey. **(Addendum)**

9.B.6. Resolution No. AR 2007-163, a resolution of the Anchorage Municipal Assembly scheduling a Public Hearing on an appeal under AMC 12.35.010, on Hamilton Homestead, LLC application for **deteriorated property tax exemption** involving a multi-use development; Assembly Chair Coffey. **(Laid on the Table)**

Ms. Ossiander moved, to introduce AR 2007-163,
Mr. Sullivan seconded,
and there was no objection.

9.B.7. Resolution No. AR 2007-164, a resolution of the Anchorage Municipal Assembly scheduling a Public Hearing on an appeal under AMC 12.35.010, on KAPP, LLC application for **deteriorated property tax exemption** involving redevelopment of the Knik Arm Power Plant; Assembly Chair Coffey. **(Laid on the Table)**

Ms. Ossiander moved, to introduce AR 2007-164,
Mr. Sullivan seconded,
and there was no objection.

9.C. BID AWARDS

9.C.1. Assembly Memorandum No. AM 418-2007, recommendation of award to Roger Hickel Contracting, Inc. for the **Fish Creek Improvements, Phase IVc, Cuddy Family Midtown Park Improvements**, Project Management and Engineering Department (ITB 27-C018) (\$2,760,932.15); Purchasing. **(Addendum)**

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 405-2007, appointment of **Department Director: Department of Neighborhoods** (Tyler P. Robinson); Employee Relations Department.

9.D.2. Assembly Memorandum No. AM 406-2007, re-appointment to the **Executive Staff** (Timothy G. Middleton, Administrative Hearing Officer); Legal Department.

Mr. Traini requested this item be pulled for review on the Regular Agenda. *(See item 10.D.2)*

9.D.3. Assembly Memorandum No. AM 371-2007, **McGinley's Alaskan Pub #4545** – Restaurant Designation Permit for a Beverage Dispensary Liquor License (Downtown Community Council); Clerk's Office.

Mr. Sullivan declared a potential conflict of interest with this item because he had an owner interest in McGinley's Alaskan Pub, as the body had determined in the past. Chair Coffey ruled that Mr. Sullivan did have a conflict of interest and ordered that he abstain from participation in this item. There were no objections.

- 9.D.4. Assembly Memorandum No. AM 392-2007, La Mex #635 – Restaurant Designation Permit for a Beverage Dispensary License (Spenard Community Council); Clerk's Office.
- 9.D.5. Assembly Memorandum No. AM 407-2007, proprietary purchase of **flexible suspension seats** from Clarin Seating for the Municipality of Anchorage, Office of Economic & Community Development (\$327,775); Purchasing.
- 9.D.6. Assembly Memorandum No. AM 408-2007, recommendation of approval of MetroFi, Inc. proposal for **wireless broadband service** and attachment rights license agreement under RFP 26-P057; Information Technology Department.

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

- 9.D.7. Assembly Memorandum No. AM 409-2007, cooperative purchase of **Harris/Stratex digital microwave system equipment** from Harris Corporation for the Municipality of Anchorage, (MOA), Traffic Department (\$1,804,692) and Municipal Light & Power (\$260,753); Purchasing.

Deputy Municipal Manager Michael Abbott requested this item be pulled for review on the Regular Agenda. (See item 10.D.7)

- 9.D.8. Assembly Memorandum No. AM 410-2007, Change Order No. 4 to Purchase Order 244112 with Alaska Laser Printing & Mailing Services Inc. for providing **printing & bulk mailing services** for the Municipality of Anchorage, Municipal Light & Power (ML&P) (\$62,811.68); Purchasing.
- 9.D.9. Assembly Memorandum No. AM 411-2007, Amendment No. 2 to contract with Tam Construction, Inc., **Bayshore Drive Improvements – 100th Avenue to Discovery Bay Drive**, Project No. 03-12 (\$787,000); Purchasing.
- 9.D.10. Assembly Memorandum No. AM 412-2007, an agreement to reimburse Chugach Electric Association (CEA) for costs to **relocate overhead electrical lines** within the existing Strawberry Road Right-of-Way, Project No. 90-07 (\$275,000); Project Management & Engineering.
- 9.D.11. Assembly Memorandum No. AM 413-2007, Amendment No. 10 to contract with Quality Asphalt Paving, Inc. for the **W. Northern Lights Boulevard Upgrade, Nathaniel Court to Wisconsin Street**; and Aero Avenue Reconstruction, 36th Avenue to W. Northern Lights Boulevard, Project Nos. 01-10 & 03-11 (\$254,000); Project Management & Engineering.
- 9.D.12. Assembly Memorandum No. AM 416-2007, Change Order No. 2 to Purchase Order No. 270265 with KME Fire Apparatus to furnish three (3) additional **triple combination pumper trucks** to the Municipality of Anchorage, Anchorage Fire Department (\$1,351,275); Purchasing. (**Addendum**)
- 9.D.13. Assembly Memorandum No. AM 417-2007, Contract Amendment No. 4 to Vendor Contract 23MLP144 with Kemppe, Huffman & Ellis, PC for providing **professional legal services** for the Municipality of Anchorage, Municipal Light & Power (\$100,000); Purchasing. (**Addendum**)

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 63-2007, Internal Audit Report 2007-7 - **Front Counter Cash Controls, Anchorage Police Department**; Internal Audit.
- 9.E.2. Information Memorandum No. AIM 64-2007, Internal Audit Report 2007-8 - **Business Personal Property Tax, Property Appraisal Division, Finance Department**; Internal Audit.
- 9.E.3. Information Memorandum No. AIM 65-2007, **Anchorage Water & Wastewater Utility Report** for May 2007.
- 9.E.4. Information Memorandum No. AIM 66-2007, **2006 Comprehensive Annual Financial Report**; Finance/Controller.

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

- 9.E.5. Information Memorandum No. AIM 67-2007, **Administrative Hearing Office Statistics** for 2006; Legal Department.
- 9.E.6. Information Memorandum No. AIM 68-2007, **contracts awarded between \$50,000 and \$500,000 through formal competitive processes** for the month of May 2007; Purchasing.
- 9.E.7. Information Memorandum No. AIM 69-2007, **Sole Source Procurement Report** for the month of May 2007; Purchasing.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2007-90, an ordinance creating **Maui Industrial Park Area Lateral Sanitary Sewer Special Assessment District 2116**, and determining to proceed with the proposed improvements therein; Anchorage Water & Wastewater Utility. (*Public Hearing 7-17-07*)
 - a. Assembly Memorandum No. AM 402-2007.

Deputy Municipal Manager Michael Abbott requested this item be pulled for review on the Regular Agenda. (See item 10.F.1)

- 9.F.2. Ordinance No. AO 2007-91, an ordinance authorizing withdrawal of a portion of **Parcel 1-075** from Heritage Land Bank Inventory to the Real Estate Services Division for disposal to the State of Alaska for road right-of-way; Heritage Land Bank. (*Public Hearing 7-17-07*)
 - a. Assembly Memorandum No. AM 403-2007.
- 9.F.3. Ordinance No. AO 2007-92, an ordinance amending Anchorage Ordinance 97-101 (As Amended) regarding **Hollywood Vista** to delete a Special Limitation requirement for buffer landscaping along the

1 south facing bluff of Tracts 1 & 2, U.S. Survey 3026, Section 8, T13N, R3W, Seward Meridian;
2 Assemblymember Tesche. *(Public Hearing 7-17-07)*

3 a. Assembly Memorandum No. AM 404-2007.

4 9.F.4. Ordinance No. AO 2007-93, an ordinance amending Anchorage Municipal Code Chapter 1.15, Code
5 of Ethics and Chapter 27.20, **Supervisory Boards**, to authorize elected service area board members
6 to hold other compensated employment with the Municipality or the Anchorage School District, subject
7 to the Code of Ethics; Assemblymembers Birch and Johnston. *(Public Hearing 7-17-07)*

8 9.F.5. Ordinance No. AO 2007-94, an ordinance of the Anchorage Municipal Assembly adopting a new
9 chapter in Title 29, Schools, and amending Anchorage Municipal Code Chapter 16.55, Child Care and
10 Educational Facilities, to require all public, private and religious schools and child care facilities to file
11 **emergency contact information** with the Anchorage Police Department; Assemblymember Claman.
12 *(Public Hearing 7-17-07)*

13 a. Assembly Memorandum No. AM 414-2007.

14
15 Mr. Claman requested this item be pulled for review on the Regular Agenda. *(See item 10.F.5)*

16
17 9.F.6. Ordinance No. AO 2007-95, an ordinance of the Anchorage Municipal Assembly amending Anchorage
18 Municipal Code Chapter 3.97, **Naming of Municipal Buildings, Other Fixed Facilities and Public**
19 **Places**, to implement policy; clarify and amend criteria and procedures in honorary naming;
20 Assemblymember Bauer. *(Public Hearing 7-17-07)*

21
22 Mr. Tesche requested this item be pulled for review on the Regular Agenda. *(See item 10.F.6)*

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24 9.F.7. Resolution No. AR 2007-153, a resolution of the Municipality of Anchorage accepting and
25 appropriating **2007 State of Alaska Legislative grants** (\$89,614,800) per Senate Bill 53; Office of
26 Management & Budget. *(Public Hearing 7-17-07)*

27 a. Assembly Memorandum No. AM 397-2007.

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29 Dr. Selkregg requested this item be pulled for review on the Regular Agenda. *(See item 10.F.7)*

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31 9.F.8. Resolution No. AR 2007-154, a resolution of the Municipality of Anchorage, Alaska, accepting and
32 appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$5,300,000 for
33 financing a portion of the costs of the **SCADA Water, Phase III Project**; Anchorage Water &
34 Wastewater Utility. *(Public Hearing 7-17-07)*

35 a. Assembly Memorandum No. AM 398-2007.

36 9.F.9. Resolution No. AR 2007-155, a resolution of the Municipality of Anchorage appropriating an amount
37 not to exceed \$407,510 from the Chugiak Fire Service Area Fund Balance (104), through the
38 Anchorage Fire Department Chugiak Fire 2007 Operating Budget, as a contribution to the Chugiak
39 Fire Service Area Capital Improvement Fund (404), Anchorage Fire Department, to purchase a new
40 **emergency response fire apparatus** for the Chugiak Volunteer Fire Department; Anchorage Fire
41 Department. *(Public Hearing 7-17-07)*

42 a. Assembly Memorandum No. AM 399-2007.

43 9.F.10. Resolution No. AR 2007-156, a resolution of the Municipality of Anchorage appropriating an amount
44 not to exceed \$1,500,000 as a contribution from the Port of Anchorage Capital Improvement Fund
45 (571) to the Anchorage Community Development Authority Fund (598) and revising the Anchorage
46 Community Development Authority 2007 Capital Improvement Budget for gravel removed from the
47 **Tak'atnu Development site** and related costs; Anchorage Community Development Authority.
48 *(Public Hearing 7-17-07)*

49 a. Assembly Memorandum No. AM 400-2007.

50 9.F.11. Resolution No. AR 2007-157, a resolution of the Municipality of Anchorage accepting a Federal Transit
51 Administration Section 5307 Urban Area Capital Assistance grant and appropriating \$600,000 for the
52 design and construction of **transit bus stop improvements** to the Public Transportation Capital Fund
53 (485); Public Transportation Department. *(Public Hearing 7-17-07)*

54 a. Assembly Memorandum No. AM 401-2007.

55 9.F.12. Ordinance No. AO 2007-96, an ordinance adopting the **Anchorage Pedestrian Plan**, an element of
56 the Anchorage Non-Motorized Plan, as revised elements of *Anchorage 2020* – the Anchorage Bowl
57 Comprehensive Plan and amending Anchorage Municipal Code Chapter 21.01; Traffic Department.
58 *(Public Hearing 7-17-07)* **(Addendum)**

59 a. Assembly Memorandum No. AM 419-2007.

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61 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.F.12)*

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63 9.F.13. Ordinance No. AO 2007-97, an ordinance of the Anchorage Municipal Assembly amending the **Utility**
64 **Corridor Plan** to add a new water transmission line corridor (Planning and Zoning Commission Case
65 No. 2007-068). *(Public Hearing 7-17-07)* **(Addendum)**

66 a. Assembly Memorandum No. AM 420-2007.

67 9.F.14. Resolution No. AR 2007-162, a resolution appropriating \$19,500,000 from the Alaska Energy Authority
68 to Municipal Light & Power (Fund 531), authorizing Municipal Light & Power to act as Project Manager
69 in constructing the **Teeland/Douglas Transmission Line Upgrade Project** for the State of Alaska,
70 Alaska Energy Authority, and revising the 2007 Capital Improvement Budget for Municipal Light and
71 Power. *(Public Hearing 7-24-07)* **(Addendum)**

72 a. Assembly Memorandum No. AM 421-2007.

73
74 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.F.14)*

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76 Chair Coffey called the Question on the remainder of the Consent Agenda.

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78 and the motion, as amended, was passed,

with Mr. Sullivan abstaining on item 9.D.3, due to a conflict of interest.

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

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2007-159, a resolution of the Anchorage Municipal Assembly **honoring Ruth Moulton, Shirley Brundage, and Avis Cupples** as symbols of many public advocates in the creation of Town Square.

Mr. Traini moved, to approve AR 2007-159,
Ms. Ossiander seconded,

Mr. Traini moved, to take up AR 2007-159 concurrently with 11.B.;
Ms. Ossiander seconded,
and this was passed without objection.

(Clerk's Note: See Agenda item 11.B for related discussion and action on AR 2007-159 and AR 2006-116. Mr. Sullivan moved to substitute AR 2007-159 for AR 2007-116, seconded by Mr. Birch, and this passed 7-4. Chair Coffey then returned the body to complete action on AR 2007-159.)

Mr. Sullivan moved, to amend AR 2007-159 on Page 1, beginning on Line 38, by
Mr. Bauer seconded, creating a new Section 3, to read: "Section 3. The Park and
and this was later amended. Recreation Department shall develop a conceptual plan for
the designated garden area in Town Square Park and shall
submit the conceptual design to the Assembly for approval
within six months of the passage of this resolution." And, by
renumbering the remaining [Section 3] to be "Section 4;"

Mr. Sullivan stated this would allow for closure on this matter. The six months would fit with the timeframe for Town Square Park and the E Street Corridor development planning.

To Mr. Traini, Mr. Sullivan responded the six months was the timeframe of the Parks and Recreation Department. Mayor Begich responded that designated garden areas would be reviewed in the redesign process. Parks and Recreation Department Director Jeff Dillon responded the term "garden" could be a flowerbed or other physical element. Mr. Sullivan stated he had kept in mind the Anchorage Garden Club, with his use of "garden. Within the designing process of Town Square Park, there was to be a significant feature with a strong garden element incorporated.

Dr. Selkregg moved, to amend the Sullivan Amendment by adding to read:
Mr. Sullivan seconded, "Section 3. The Park and Recreation Department shall
and this was approved without objection. [develop a conceptual plan for the designated garden area in
Town Square Park and shall submit the conceptual design to
the Assembly for approval within six months of the passage
of this resolution.] ", as part of the planning process,
designate an element in Town Square Park, and shall
submit a conceptual design to the Assembly for approval
within six months of the passage of this resolution."

Mr. Claman requested consideration of changing language in Section 2. Mr. Sullivan concurred and moved to amend.

Mr. Sullivan moved, to amend AR 2007-159 on Page 1, Section 2, Lines 33-36 by
Mr. Birch seconded, changing to read: Section 2. In honor of Ruth Moulton,
and this was approved without objection. Shirley Brundage, and Avis Cupples, the early efforts of the
Anchorage Garden Club and the contributions of other
citizens, the Assembly approves the designation of [a garden
area and cache] "an area" within Town Square, to include
placement of a commemorative plaque describing the early
history, public initiative, and individual efforts leading to the
creation of Town Square.;

and the main motion, as amended, was passed, 9-2.

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

Mr. Sullivan moved for immediate reconsideration and urged a NO-vote.

Mr. Sullivan moved, for immediate reconsideration of AR 2007-159, as amended,
Mr. Birch seconded,
and this motion failed, 2-9.

AYES: Tesche (*participating telephonically*) and Traini.

NAYES: Sullivan, Starr, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

(Clerk's Note: Chair Coffey excused Mr. Bauer for the remainder of the meeting and moved the body to take up 14.A.)

10.A.2. Resolution No. AR 2007-160, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich recognizing the 30th Anniversary of the **Trans Alaska Pipeline. (Addendum)**

Mr. Birch moved, to approve AR 2007-160,
Ms. Ossiander seconded,

Mr. Birch read the resolution in its entirety, recognizing June 30, 2007 as the 30th Anniversary of the Trans Alaska Pipeline (TAPS) and paying tribute to all employees and contractors who had engineered, constructed and maintained TAPS, a historic achievement with many economic and social contributions that had far exceeded expectations. Alyeska Pipeline Service Company Senior Vice President and Chief Financial Officer Arthur A. Mitchell accepted the resolution and thanked the Assembly for the recognition.

Mr. Sullivan and Mr. Coffey thanked Mr. Mitchell and recognized TAPS as a great achievement. Mayor Begich thanked Alyeska for their civic and financial contributions, from which the city had benefited.

and this was passed without objection.

10.B. RESOLUTIONS FOR ACTION - OTHER None were pulled for review.

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

10.D. NEW BUSINESS

10.D.2. Assembly Memorandum No. AM 406-2007, re-appointment to the **Executive Staff** (Timothy G. Middleton, Administrative Hearing Officer); Legal Department.

Mr. Traini moved, to approve AM 406-2007,

To Mr. Traini, Municipal Attorney Jim Reeves responded the Hearing Officer had reported there had been 202 hearings in 2005. The cases were grievances, initiated by Municipal departments and individuals. All cases filed were reviewed by the Hearing Officer. Mr. Traini stated that there were complaints from several community councils about the Hearing Officer and he requested that a Public Hearing be held on the matter. Mr. Reeves responded the process used by the Hearing Officer was an effective and efficient way the city took care of business and produced very little objection from the public. He was not aware of a single case where a court had ruled the Hearing Officer was wrong.

Mr. Traini moved, to postpone AM 406-2007 to July 17, 2007
Ms. Ossiander seconded, and to hold Public Hearing,

Ms. Ossiander stated that Mr. Traini had talked about community concerns on this matter for three years and she supported postponement and holding Public Hearing.

Mr. Tesche supported hearing from the public.

To Mr. Bauer, Mr. Traini responded that Public Hearing would be on the re-appointment of Mr. Middleton. Mr. Bauer stated that if the complaints were concerning the process, perhaps that could be addressed separately. Chair Coffey responded the re-appointment and the process could be addressed at the same time. Mr. Traini responded the councils needed to speak. Deputy Municipal Manager Michael Abbott responded the Administration had no objection.

Mr. Claman stated this would be an opportunity for the Assembly to review the process and the officer. He supported the Public Hearing. Mr. Bauer responded that the Assembly should review other positions and salaries more often.

Mr. Sullivan opposed Public Hearing on the matter. He recommended holding an Assembly worksession with the Hearing Officer to talk about the case load and the support needed or to analyze the function of the process. This matter could be postponed until after the worksession.

and the motion passed, 8-3.

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

NAYES: Sullivan, Coffey and Birch.

Chair Coffey called for discussion on scheduling a worksession.

Dr. Selkregg stated this involved consideration of two different points and she would support a worksession.

Mr. Traini supported a worksession, which would be open to the public. Chair Coffey responded the worksession would not be for public testimony, which would be scheduled for July 17th.

10.D.6. Assembly Memorandum No. AM 408-2007, recommendation of approval of MetroFi, Inc. proposal for **wireless broadband service** and attachment rights license agreement under RFP 26-P057; Information Technology Department.

Ms. Ossiander moved, to approve AM 408-2007,
Mr. Traini seconded,

To Ms. Ossiander, MetroFi Business Manager Ben Zifrony responded there were no (*reception*) issues anticipated from rain or snow or cold weather conditions. Reception was limited to within 500 feet of each transmitter and some laptop modems were not sufficient for using the system. Outdoor transmitters would provide overlapping coverage in the targeted area. MetroFi's economic viability was based on components of advertising, business service in partnership with local communication companies and services the city chooses to use. To Ms. Ossiander, Information Technology Director Fred Carpenter responded that there was no cost or contractual obligation by the Municipality to buy services in this agreement. Mayor Begich reiterated that there was no contractual obligation, which was different than other MetroFi agreements. The MOA made it clear this (*free wi-fi*) was at no cost to the city. The city was trading the use of the light poles and MetroFi paid for power. When it was determined that this technology would improve service and save money, the city would consider investment.

Mr. Traini stated that he supported expanding wireless service to midtown. Wireless service to a mounted security camera would help control weekly robberies to a little league snack shack. Mayor Begich responded that expansion would be part of Phase II, which would include options for school security. Mr. Zifrony responded that Phase I would be completed by July and if there was interest, Phase II could be completed in October or November.

To Mr. Claman, Mr. Zifrony responded that MetroFi was hopeful that the city would become a tenant after realizing the costs savings, efficiencies and improved service. He responded that wireless routers, standard equipment which could be purchased at any computer store, would be needed to bring the signal inside buildings.

To Mr. Sullivan, Mr. Zifrony responded that MetroFi was reimbursing the city for its usage of electricity. Mayor Begich responded the agreement involved a five-year contract, with four, one-year optional renewals, totaling nine years. Deputy Municipal Attorney Rhonda Fehlen Westover responded the contract was revocable and nonexclusive. Mr. Zifrony responded MetroFi had invested in 24 cities and all web systems would be able to use the system for free.

To Mr. Starr, Mr. Carpenter responded there were no restrictions for access to the web. Port 25 was used to block spam.

To Mr. Traini, Mr. Zifrony responded there were no parental controls included with the service at this time. Mayor Begich responded this agreement was not considered a franchise and the only current obligation was providing locations for the antennas.

To Dr. Selkregg, Mr. Zifrony responded Anchorage service was similar to that installed in Portland, which under contract had spent \$16 million over the past five years. Dr. Selkregg asked if the municipality's contracting with MetroFi, once the investment was in and the IT director thought it was good enough and attractive enough, was not an ultimate part of their business plan. Mr. Zifrony responded that was correct.

To Chair Coffey, Purchasing Officer Bart Mauldin responded that the Municipality would only be involved if the service was competitively bid. Chair Coffey stated that the matter would come before the Assembly again when reviewing the budget.

To Mr. Sullivan, Mr. Zifrony responded that municipal employees could access their accounts through the services.

and this motion passed without objection, 11-0.

10.D.7. Assembly Memorandum No. AM 409-2007, cooperative purchase of **Harris/Stratex digital microwave system equipment** from Harris Corporation for the Municipality of Anchorage, (MOA), Traffic Department (\$1,804,692) and Municipal Light & Power (\$260,753); Purchasing.

Ms. Ossiander moved, to approve AM 409-2007,
Mr. Starr seconded,

To Chair Coffey, Purchasing Officer Bart Mauldin requested a correction to the dollar amount listed in the Agenda title. Chair Coffey responded the dollar amount was correct in the document and there was no need to correct the Agenda and no action was needed.

and this was approved without objection.

10.E. INFORMATION AND REPORTS

10.E.4. Information Memorandum No. AIM 66-2007, **2006 Comprehensive Annual Financial Report**; Finance/Controller.

Mr. Bauer moved, to accept AIM 66-2007,
Mr. Sullivan seconded,

Mr. Bauer stated that the Audit Committee met with the financial auditors to discuss the 2006 Comprehensive Annual Financial Report. KPMG Auditor Kathy Porterfield reported that KPMG audited the city, with the exception of the Anchorage School District (ASD) and the Community Development Authority. The Assembly should review the KPMG opinions of the city's financial statements, internal control and the quality of accounting records. Ms. Porterfield reported that KPMG's opinion was that the comprehensive financial statement fairly represented the Municipality's financial position and operating results. The auditors for the ASD and the Community Development Authority also issued "clean" or "unqualified" opinions. KPMG had found the quality of the 2006 financial accounting records in very good shape and had made no adjustments. She thanked Chief Financial Officer Jeff Sinz, Finance Controller Michelle Drew for their cooperation.

Mayor Begich thanked Ms. Drew for all her work on the audit and reported that she would be leaving the city. He introduced newly appointed Controller Wanda Phillips.

and this was accepted without objection.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.1. Ordinance No. AO 2007-90, an ordinance creating **Maui Industrial Park Area Lateral Sanitary Sewer Special Assessment District 2116**, and determining to proceed with the proposed improvements therein; Anchorage Water & Wastewater Utility. (*Public Hearing ~~7-17-07~~ 7-24-07*)
a. Assembly Memorandum No. AM 402-2007.

Ms. Ossiander moved, *to introduce* AO 2007-90 with Public Hearing set
Dr. Selkregg seconded, for July 24, 2007,
Mr. Sullivan was the concurring third.

10.F.5. Ordinance No. AO 2007-94, an ordinance of the Anchorage Municipal Assembly adopting a new chapter in Title 29, Schools, [~~and amending Anchorage Municipal Code Chapter 16.55, Child Care and Educational Facilities,~~] to require all public, private and religious schools [~~and child care facilities~~] to file **emergency contact information** with the Anchorage Police Department; Assemblymember Claman. (*Public Hearing 7-17-07*)
a. Assembly Memorandum No. AM 414-2007.

Mr. Claman stated a change was needed in the title.

Mr. Claman moved, *to introduce* AO 2007-94 with an amended title to read: An
Ms. Ossiander seconded, ordinance of the Anchorage Municipal Assembly adopting a
and this was later substituted. new chapter in Title 29, Schools, and amending Anchorage
Municipal Code Chapter 16.55, Child Care and Educational
Facilities, to require all public, private and religious schools
and child care [~~facilities~~] "centers" to file emergency contact
information with the Anchorage Police Department;

To Chair Coffey, Assembly Counsel Julia Tucker recommended against the change because Code referenced "facilities," to cover everything. Chair Coffey postponed this item until the end of the Consent Agenda, to allow time to determine language.

(*Clerk's Note: Chair Coffey later postponed this item until after the dinner break.*)

Mr. Claman moved, *to introduce* AO 2007-94 with an amended title to read: An
Ms. Ossiander seconded, ordinance of the Anchorage Municipal Assembly adopting a
Mr. Sullivan was the concurring third. new chapter in Title 29, Schools, [~~and amending Anchorage
Municipal Code Chapter 16.55, Child Care and Educational
Facilities,~~] to require all public, private and religious schools
[~~and child care facilities~~] to file emergency contact information
with the Anchorage Police Department; with Public Hearing
set for July 17, 2007,

10.F.6. Ordinance No. AO 2007-95, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 3.97, **Naming of Municipal Buildings, Other Fixed Facilities and Public Places**, to implement policy; clarify and amend criteria and procedures in honorary naming; Assemblymember Bauer. (*Public Hearing ~~7-17-07~~ 8-14-07*)

Mr. Tesche stated that the Public Hearing of this ordinance was set for July 17th and he recommended consideration of postponing AR 2007-116 (11.B) and AO 2007-159 (9.A.1) to that date, so they could all be addressed at one time.

Mr. Sullivan moved, *to introduce* AO 2007-95 with Public Hearing set for
Mr. Bauer seconded, July 17, 2007,
Dr. Selkregg was the concurring third.

Ms. Ossiander moved, *to postpone* AO 2007-95 with Public Hearing set for
Dr. Selkregg seconded, [~~7-17-07~~] "8-14-07,"

Ms. Ossiander recommended changing the Public Hearing to August 14th, to allow the matter to be heard by the Public Facilities Advisory Commission.

Mr. Traini requested that the sponsor's attorney define the use of "absent exceptional and compelling circumstances."

Mayor Begich stated the Public Facility Advisory Commission would be reviewing the City Hall issue which would take priority and a later date may be needed. He questioned how the naming of the Reed Staircase would be affected.

and this was approved, with the revised Public Hearing date, without objection.

10.F.7. Resolution No. AR 2007-153, a resolution of the Municipality of Anchorage accepting and appropriating **2007 State of Alaska Legislative grants** (\$89,614,800) per Senate Bill 53; Office of Management & Budget. (*Public Hearing 7-17-07*)
a. Assembly Memorandum No. AM 397-2007.

Dr. Selkregg moved, *to introduce* AR 2007-153 with Public Hearing
Ms. Ossiander seconded, set for July 17, 2007,
Mr. Sullivan was the concurring third.

Dr. Selkregg stated that she would be asking questions about the proposed location of the Fire Department Training Center listed on Page 5. The University Community Council had questions about the center's location in regard to the hospital, the university and the housing in that area. She was also concerned with the value and cost of that property.

- 10.F.12. Ordinance No. AO 2007-96, an ordinance adopting the **Anchorage Pedestrian Plan**, an element of the Anchorage Non-Motorized Plan, as revised elements of *Anchorage 2020* – the Anchorage Bowl Comprehensive Plan and amending Anchorage Municipal Code Chapter 21.01; Traffic Department. (*Public Hearing 7-17-07 9-11-07*) (**Addendum**)
- a. Assembly Memorandum No. AM 419-2007.

Ms. Ossiander moved, *to introduce* AR 2007-96 with Public Hearing
Mr. Sullivan seconded, set for July 17, 2007,
Mr. Bauer was the concurring third.

Ms. Ossiander moved, *to postpone* AR 2007-96 with Public Hearing
Dr. Selkregg seconded, to ~~[7-17-07]~~ "9-11-07,"

Ms. Ossiander urged members to review the Anchorage Pedestrian Plan and be involved with the development of trails.

and this was approved, with the revised Public Hearing date, without objection.

- 10.F.14. Resolution No. AR 2007-162, a resolution appropriating \$19,500,000 from the Alaska Energy Authority to Municipal Light & Power (Fund 531), authorizing Municipal Light & Power to act as Project Manager in constructing the **Teeland/Douglas Transmission Line Upgrade Project** for the State of Alaska, Alaska Energy Authority, and revising the 2007 Capital Improvement Budget for Municipal Light and Power. (*Public Hearing 7-24-07*) (**Addendum**)
- a. Assembly Memorandum No. AM 421-2007.

Ms. Ossiander moved, *to introduce* AR 2007-162 with Public Hearing
Mr. Sullivan seconded, set for 7-24-07,
Mr. Birch was the concurring third.

Ms. Ossiander stated that there was much interest in this matter from ~~[Chugach]~~ "Matanuska" Electric consumers.

Deputy Municipal Manager Michael Abbott stated that if a worksession was scheduled, he requested consideration of July 13th, when staff would be available. Ms. Ossiander stated there may be no need for a worksession because this was dependent upon Governor Palin's position on a particular (*budget*) line item.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2007-43, an ordinance amending Anchorage Municipal Code Section 25.10.060, **Use of Municipal Land**, by enacting a new Subsection (E) prohibiting imposition of permit fees based on a percentage of concession revenue, and allowing fee reductions where users assume maintenance responsibilities; Assemblymembers Traini and Ossiander.
1. Information Memorandum No. AIM 37-2007.
(*Carried Over from 5-1-07; Public Hearing was Closed 5-15-07; Action was Postponed from 5-15-07*)

Chair Coffey read the ordinance title. He stated that Public Hearing was closed and there was a motion to approve on the floor by Ms. Ossiander, seconded by Mr. Traini.

Ms. Ossiander had moved, *to approve* AO 2007-43
Mr. Traini had seconded,

Ms. Ossiander stated the Parks and Recreation Commission had issued a referral and had indicated there were difficulties changing from a percentage fee to a flat fee, mid-season. She supported postponing this matter until the fall, to allow the Parks Department to complete the summer season.

To Mr. Traini, Parks and Recreation Commission Chair Vic Mollozzi responded the commission had addressed the first part of the ordinance, waiving fees for the non-profit youth leagues. The Municipality of Anchorage (MOA) now had partnership agreements with the soccer and little league groups, which were taking care of their own fields, with the MOA supplying water, fertilizer and chemical toilets. Revenue generated from their sales of popcorn or candy, as long as it was going back into their programs, would not be charged a percentage by the city. More time was needed to review and change the fees for the adult leagues from a percentage of gross to a flat fee. Mr. Mollozzi stated that Downtown Partnership Executive Director Becky Beck had reported that there were over 40 events planned for the summer and it would be disruptive to change the agreed fee structure mid-summer. The new fees should be implemented in 2008 when the budget was addressed.

Ms. Ossiander urged approval of the ordinance, with an implementation date of January, 2008. Mr. Mollozzi responded the matter would be reviewed and discussed with the user groups and he supported the January 1st date.

Mr. Traini declared a possible conflict of interest because his wife was on the Parks and Recreation Commission. Chair Coffey stated that the Assembly had voted that Mr. Traini did not have a conflict of interest when considering a similar conflict of interest concerning Mr. Traini's wife being on the Public Facilities Advisory Commission. He ruled that Mr. Traini did not have a conflict of interest and ordered that he participate. There were no objections.

Mr. Tesche moved, *to amend* AO 2007-43 on Page 2, Line 9 and 10, *by*
Ms. Ossiander moved, *changing* to read: Section 2. This ordinance shall

and this was approved without objection.

become effective "January 1, 2008," [~~immediately upon its passage and approval by the Assembly.~~];

To Mr. Claman, Mr. Mollozzi responded the commission would support postponing to January 1, 2008, which was consistent with the commission's approved resolution. He responded the groups would be treated differently, including the adult and youth leagues, the for-profit vendors and nonprofit vendors.

To Ms. Johnston, Mr. Mollozzi responded the "percentage of gross" had been used since 1984. The Pilots and the Bucs (*baseball teams*) sold beer and paid a percentage of their gross sales. User groups needed to pay to use city park land and youth groups would be subsidized.

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

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

NAYES: Johnston.

11.B. Resolution No. AR 2007-116, a resolution of the Municipality of Anchorage renaming Town Square Park as "**Ruth Moulton Town Square Park**," Mayor's Office.

(*Public Hearing was Closed 6-12-07; Action was Postponed from 6-12-07*)

10.A.1. Resolution No. AR 2007-159, a resolution of the Anchorage Municipal Assembly **honoring Ruth Moulton, Shirley Brundage, and Avis Cupples** as symbols of many public advocates in the creation of Town Square; Assemblymembers Sullivan, Bauer, Starr and Birch.

(*Clerk's Note: Discussion of AR 2007-159 was combined with AR 2007-116. See Agenda item 9.A.1 for additional details.*)

Chair Coffey read the resolution titles and stated Public Hearing was closed and there was a motion on the floor to approve AR 2007-116 by Mr. Traini, seconded by Dr. Selkregg.

Mr. Tesche stated that because the newly introduced AO 2007-95 (*item 9.F.6*) was to be referred to the Public Facilities Advisory Committee and be back before the Assembly for Public Hearing in August, he proposed to postpone action on the two related resolutions until August, to allow public testimony on all three matters.

Mr. Tesche moved,

Dr. Selkregg seconded,

to postpone AR 2007-116 and AR 2007-159 until August 14, 2007,

Mr. Sullivan stated AO 2007-95 was not essential to deciding AR 2007-116 and AR 2007-159. Assembly action was the final step in the process and the body was ready to make a decision that evening. Postponement was not needed.

Mr. Tesche stated the Assembly set a process into motion, by asking for public opinion on the matter of naming Town Square or an integral part of Town Square after Ruth Moulton. The Assembly allowed an extensive public process and now the matter was back before the Assembly. There had been no other names nominated. It was a question of process and it was proper to let the public be heard on all related matters. He urged that the matter be deferred until the public was heard.

Mr. Traini supported postponement. The process had been followed, just as the Assembly had intended. Additional public testimony was needed.

Mr. Claman stated that he had been anxious to get finished with the matter, but had heard the public wanted it continued, and he would support that. He urged the body to postpone to August 14th.

Dr. Selkregg supported postponement. The public testimony had been insightful and there were many people who had been involved in Town Square. The process needed to be done right and it would take time to work through the procedure to find a solution that was in the best public interest and not full of tension and conflict.

Chair Coffey put the Question.

and the motion to postpone failed, 4-7.

AYES: Tesche (*participating telephonically*), Traini, Selkregg and Claman.

NAYES: Sullivan, Starr, Coffey, Ossiander, Johnston, Birch and Bauer.

Mr. Sullivan moved,

Mr. Birch seconded,

to substitute the motion to approve [AR-2007-116] "AR 2007-159,"

Mr. Traini requested the sponsors of AR 2007-159 be identified. Mr. Sullivan responded that he was the sponsor and invited others to join as cosponsors. Chair Coffey responded that cosponsors included Mr. Bauer, Mr. Birch and Mr. Starr.

Ms. Ossiander stated there had been much work from people who supported the naming for one person. People who offered outstanding contributions should be recognized and Ruth Moulton was not the only person who made accomplishments. Often there was much more involved than could be heard within the context of a community council meeting. Town Square was integral to the identity of Anchorage and a generic term like "Anchorage Town Square" seemed to fit well. Her personal responsibility as an elected official was to listen closely to everything that came before her, but then to use her own personal judgment to make final decisions. It would not be considered irresponsible behavior not to agree with the decision of a board or commission. This had become a passionate issue. Ultimately she needed to do the right thing. While she still appreciated the recognition of Ruth Moulton, she would

support the Sullivan resolution. She had been told that private and public support and contributions to this park may be harmed by a single-person naming. "Anchorage Town Square" seemed appropriate.

Mr. Sullivan stated that he had preferred to move to approve AR 2007-159, but the motion was to substitute and the debate was not on the merits of either resolution. Chair Coffey stated the motion on the floor was to substitute, which ended the previous motion to approve AR 2007-116.

Mr. Claman stated that if the motion to substitute passed, the motion to name the park for Ruth Moulton would potentially fail. The Assembly had approved an ordinance that created a procedure to name public facilities. The public came before the Assembly to discuss those issues. Referring matters to committees often did not serve the public. The Assembly was elected to make decisions and did not need to send the matters to or follow recommendations of boards or commissions. He would oppose substitution.

Dr. Selkregg stated she liked "Citizen's Square," which would recognize and honor Ruth Moulton, Shirley Brundage and Avis Cupples, celebrating places in the park in memory of those people. The Assembly had created a well-intended naming process, but this had become a complex issue. She honored the public process, which included public testimony that showed there were many people who had been involved with Town Square. She would oppose substitution. She requested that two recent handouts, including a letter from Mr. Brundage and a proposed amendment on the matter, be made available to the public that evening.

Mr. Birch supported substitution. The Public Hearing process was constructive and helpful and hearing the town history had been insightful. This (AR 2007-159) was a good effort to recognize people who were keenly involved with the process.

Ms. Johnston concurred with Ms. Ossiander and supported substitution. The Assembly had heard the history and public testimony from citizens who testified of others involved and it was important to recognize them. A public area being named for somebody was foreign to her. Naming public areas needed to be central to all the community.

Mr. Sullivan stated many folks had been involved with this issue. Many constituents who were not involved publicly had contacted their Assemblymembers and their emails and phone calls created another side for consideration. Assemblymembers were integral to the process and were responsible for the final decision. Recommendations were just that and Assemblymembers' judgment could be used instead. This matter had become divisive. Ruth was not singularly responsible for Town Square Park. After reviewing early history it was clear that the Anchorage Garden Club had been involved and three women had spearheaded the effort from 1965 until its completion. As suggested in the ordinance previously approved by the Assembly, it was appropriate to find a significant feature in the park to offer recognition and history with plaques to give proper recognition. Local people and visitors would understand the history and the importance of Town Square.

Mr. Tesche stated the Assembly needed to honor the process, which the body had set forth in an ordinance. Assemblymembers needed to maintain a public process with received emails, conversations and ex parte communications. The process had been defined with naming the park or a portion of the park in memory of Ruth Moulton. Now the process was not being followed. He urged a NO-vote on substitution.

Mr. Traini concurred with Mr. Tesche. Substitution was the wrong decision. If the motion to substitute passed the public would rise up with an initiative to change the Assembly decision. Chair Coffey responded that a petition had already been submitted and that was the absolute right of those involved. He put the Question.

and the motion to substitute was passed, 7-4.

AYES: Sullivan, Starr, Coffey, Ossiander, Johnston, Birch and Bauer.

NAYES: Tesche (*participating telephonically*), Traini, Selkregg and Claman.

(Clerk's Note: See Agenda item 10.A.1 for the remainder of discussion and action of AR 2007-159.)

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2007-27, an ordinance approving a **non-exclusive long-term lease** of the William C. Chamberlin Equestrian Center at Ruth Arcand Park to Rainbow Connection Therapeutic Horseback Riding Program and the Anchorage Horse Council, Inc.; Office of Economic & Community Development.

1. Assembly Memorandum No. AM 90-2007. (*Continued from 2-13-07, 5-1-07 and 6-12-07*)

Chair Coffey read the ordinance title and opened Public Hearing.

LORI HACKENBERGER, Anchorage Horse Council President and DAN ROGERS, Rainbow Connection Board President urged support of the ordinance. Ms. Hackenberger stated the ordinance would allow them to move forward with their long-term lease plans. Mr. Rogers thanked the Assembly for the support.

Mr. Starr stated that these people had done a great job with getting the information out to the public. The Assembly had been well informed and every community council meeting which he had attended had been given good information and understood the facts. He admired the process, which had worked in a clear and eloquent way. He thanked them for stepping forward.

To Mr. Claman, Mr. Rogers responded that the Anchorage Horse Council and the Rainbow Connection had different missions, but they were collaboratively sharing the equestrian center, which would also be open to the community. There were still questions about the lease agreement, being negotiated with the Municipality.

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

Mr. Birch moved, to approve AO 2007-27,
Mr. Traini seconded,

To Dr. Selkregg, Economic and Community Development Deputy Director Schawna Thoma responded that once the ordinance was approved, the Parks and Recreation Department would outline the details in a management sublease agreement for the two user groups.

Mr. Tesche stated that when AO 2007-27 was originally considered by the Assembly he had offered a floor amendment that limited the acreage to 15 acres. Ms. Thoma responded that after consideration the acreage had not been included on the ballot. The Administration would work through the process for a lease for the whole land and then work out the details of responsibilities.

Mr. Tesche recalled the ballot language limiting the area to 15 acres. Dr. Selkregg responded that 15 acres would be inadequate for those user groups and urged Mr. Tesche to allow the Administration to determine the agreement and make it work.

Chair Coffey remembered the buildings would remain exclusive, but the trails and track would be maintained by the user groups and would be open to community use. Ms. Thoma read the ballot language, which omitted reference to the 355 acres and had not specified any number of acres.

Chair Coffey stated the language would permit the lease negotiations to be concluded in a way that recognized some exclusivity and mostly non-exclusivity. Mr. Tesche, Mayor Begich and Ms. Thoma concurred.

and this motion was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

Chair Coffey moved to Agenda item 14.C.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2007-89, an ordinance of the Anchorage Municipal Assembly authorizing the Municipality of Anchorage to co-locate the Eagle River Library with other municipal offices and services in Eagle River and providing for waiver of Anchorage Municipal Code 25.10.030B.7, relating to Sealed Competitive Solicitation, for **lease of space in the Valley River Center**; Mayor Begich; Assemblymembers Starr, Ossiander and Tesche.

Chair Coffey read the ordinance title and opened Public Hearing.

DENNIS JOHNSON, a 36-year resident of Eagle River and a 23-year business owner in the Downtown Eagle River Business District, supported waiver of the sealed bid process and supported the lease of the Valley River Center. It was good for the community and for the business climate of the town and it was good for the Municipality to combine the city services under one roof. He urged support.

DAVE HARRINGTON, Library Advisory Board Chair and member of the Library Renewal Task Force, testified in support of the library relocation and co-locating municipal offices and services. The 15,000 square foot area (*for the library*) in the Valley River Center was undersized and would not meet the demands of the Eagle River area. He urged consideration of increasing the library space to 20,000 square feet.

TED KASSIER, PH.D., Library Advisory Board Vice Chair and Eagle River resident, testified in support of the ordinance. Following projections for future growth, 15,000 (*square feet for the library*) would be too small for the Eagle River area needs. It would be sound management to take advantage of increasing the space.

KATHY STEIN, Friends of the Library President and 18-year resident of Eagle River, testified in support of moving the library to the Eagle River Center, which was a good location. She supported increasing the library square footage to 20,000.

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

Mr. Starr moved, to approve AO 2007-89,
Mr. Claman seconded,

Mr. Starr stated the process, including public testimony, confirmed the passion, commitment and understanding of this matter. The plan had been studied and a needs assessment was completed. The next step was to work up a lease arrangement that would meet with Assembly approval. This was a good example of how the Assembly had partnered with the Administration in response to meeting the community needs. He urged approval.

Chair Coffey recognized and thanked State Representative Bill Stoltze of Chugiak for attending the meeting.

Mr. Traini supported the resolution. The center had been empty since 2000 and this would be a wonderful change for that neighborhood.

Dr. Selkregg supported the ordinance. There were limited resources to negotiate the lease, but she encouraged the Administration to meet the library's need for additional space. Mayor Begich responded the needs assessment

recommended additional space and the Administration recognized the library's needs. Two challenges remained, including determining costs and getting approval from Governor Palin for two capital improvement grants.

Ms. Ossiander requested those in the audience who supported this plan, to raise their hands. *(Clerk's Note: Several people indicated their support.)* Ms. Ossiander stated this project had been discussed for over five years.

Ms. Ossiander moved,	to amend AO 2007-89 on Page 2, Line 10, <i>by adding to</i>
Mr. Starr seconded,	read: Section 2: The present library lease expires
and this was approved without objection.	September 2007. Assembly action on the new lease shall be scheduled no later than " <u>the end of</u> " July 2007.;

Ms. Ossiander urged the Administration to get as much as they could with the lease. Mayor Begich concurred.

and the main motion, as amended, was approved, 10-0.

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

NAYES: None.

ABSENT: Bauer, excused.

Mr. Sullivan moved to Change the Order of the Day to take up AR 2007-147, item 14.I. There were no objections.

14.B. Ordinance No. AO 2007-79, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.10.020, Review and Certification of License Applications and Section 17.15.070, Special Purpose Licensing Procedures for Multi-Animal and Commercial Facility Licenses, to provide that a valid business license may be revoked and renewal may be denied if violation of land use under Title 21 endangers public health and safety; and amending Section 21.25.020, Invalid Land Use Entitlements, to clarify application of prohibitions against issuance of **land use entitlements** under Title 21; Assembly Chair Coffey.

Chair Coffey read the ordinance title and opened Public Hearing.

NEIL KOENIGER, Animal Control Advisory Board Chair, testified that current Anchorage Municipal Code (AMC) outlined the requirements for multiple animal licensing. Section 2 would protect the current license holders from future changes to Title 21, but it removed the explanation to the applicant of how to get a license. The board would make recommendations for changes to Title 17. To Ms. Ossiander, Mr. Koeniger responded that Section 2 would be confusing to applicants. Title 17 laid out what was needed to get a license. The board's recommended changes to Title 17 would offer protection to applicants and property owners.

SUE DAVIS supported the ordinance. The Planning and Zoning Commission (*P&Z*) should not be able to prevent a kennel license renewal based on something unrelated to that license, which had happened to her.

Mr. Traini declared a possible conflict of interest because his wife was on the Animal Control Advisory Board. Chair Coffey stated that the Assembly had voted that Mr. Traini did not have a conflict of interest with the other, similar matter and he ruled that Mr. Traini did not have a conflict of interest and ordered that he participate. There were no objections.

RICK HAVENS stated that he had built a garage in 1992 which was permitted but had never been approved. He had repeatedly tried to get approval from P&Z. The P&Z was now requesting a variance and had denied renewal of his kennel license because the garage and a carport had not been approved. To Mr. Birch, Mr. Havens responded a variance would cost \$2000.00. To Mr. Traini, Mr. Havens responded they ran a clean and noiseless kennel and the (*license*) denial was for something completely unrelated to the kennel.

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

Dr. Selkregg moved,	to approve AO 2007-79,
Mr. Tesche seconded,	

Chair Coffey, the sponsor, requested that Ms. Ossiander assume the Chair, to allow him to speak to the matter.

To Mr. Coffey, Assembly Counsel Julia Tucker responded that Section 2 was included with the application and was notification of requirements, but was not meant to be used to regulate dog kennels. There should be a Code section on dog kennel licensing and it was unclear if Enforcement should be using this to regulate dog kennels. Mr. Coffey stated his intent with the ordinance was to address Title 21 violations. It was not his intent to have existing kennel licenses or other entitlements denied if a fireplace or garage or carport was not in compliance. But, if the violations were serious enough to warrant municipal or government action, an enforcement officer could enforce other sections of Code and could deny license renewal. Enforcement was currently using section this for Code enforcement.

Dr. Selkregg proposed to postpone this matter until the next meeting, so the intent can be sorted out.

To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded that Enforcement would not use this with new cases and a delay would not be a problem. Cases where this had been used to preclude license renewal, prior to the introduction of AO 2007-79, would continue. Mr. Coffey recommended postponing to July 17th or July 24th.

Dr. Selkregg moved,	<i>to postpone</i> AO 2007-79 to July 17, 2007,
Mr. Tesche seconded,	
and this was later withdrawn.	

Mr. Traini requested that action not be taken on the pending cases until the Assembly had dealt with the matter. Mr. Abbott responded that the Administration supported the direction of the ordinance, but the Municipality did not have authority to issue license renewals on pending cases that had Title 21 violations.

To Mr. Coffey, Mr. Abbott responded if the ordinance passed, with or without Section 2, the Municipality would have the authority to issue license renewals, including animal facility licenses and liquor licenses, even with outstanding Title 21 issues, unrelated to the licenses.

Mr. Tesche requested consideration of protection from enforcement to those caught in between, during the next two weeks, including the kennel owner who had testified that evening. Mr. Tesche supported postponement.

Dr. Selkregg withdrew her motion to postpone and stated there was a simpler way to deal with the matter, that evening. Acting Chair Ossiander called for objections and there were none.

Mr. Traini moved,	to amend AO 2007-79 on Page 2, Lines 11-27, <i>by deleting</i>
Mr. Coffey seconded,	[Section 2] , in its entirety, and; <i>by renumbering</i> the remaining
and this was later withdrawn.	sections,

Mr. Claman stated the Subsection A.5 was the section that applied to animal license renewal and being out of compliance. If Section 2 was deleted, the Code requirements remained, to which there was dissatisfaction.

To Acting Chair Ossiander, Ms. Tucker responded that Section 2 did not include requirements, but was a notification. She supported deletion because there was no need to notify applicants who were in compliance. It should not be used for enforcement. Mr. Coffey withdrew his amendment, with concurrence from Mr. Traini.

Mr. Claman moved,	to amend AO 2007-79 on Page 2, <i>by deleting</i> Lines 22 to 27,
Mr. Coffey seconded,	subparagraph 2.A.5: [5. Notification that the special purpose
	license is subject to revocation or denial as set out in this
	chapter [SHALL ONLY BE ISSUED IF THE APPLICANT IS
	IN COMPLIANCE, AND REMAIN IN COMPLIANCE, WITH
	ZONING REGULATIONS, AND ALL OTHER LAWS UNDER
	THIS TITLE AS APPLICABLE] , and; <i>by renumbering</i> the
	remaining sections;

To Acting Chair Ossiander, Mr. Claman responded this would repeal the language from the ordinance. Mr. Coffey responded the remainder sections needed to be renumbered. Mr. Claman concurred.

Mr. Coffey stated that Section 17.15.070 was an application process. Section A.5 explained what was needed in the application, which was explained elsewhere in the ordinance. He supported deletion.

To Dr. Selkregg, Mr. Koeniger responded that this would apply to a situation where a facility may not be in full compliance with all of Title 21. Removing Title 5 would not preclude the abuse issues. Zoning, under Title 21, needed to be addressed separately. The public needed to know the rules and requirements to follow.

Acting Chair Ossiander put the Question to the motion to amend.

and the motion passed without objection.

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

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

Chair Coffey resumed the Chair and moved the body to take up Agenda item 13.A.

- 14.C. Ordinance No. AO 2007-84, an ordinance amending Anchorage Municipal Code Section 25.60.100 regarding the **Anchorage Memorial Park Cemetery Perpetual Maintenance Non-Expendable Trust Fund**; Health and Human Services.
1. Assembly Memorandum No. AM 385-2007.

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

Mr. Traini moved,	to approve AO 2007-84,
Ms. Ossiander seconded,	
and this was approved, 9-0.	

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

- 14.D. Ordinance No. AO 2007-85, an ordinance authorizing the **acquisition of the South 150 Feet of Block 1, Third Addition to the Townsite of Anchorage** and accepting when tendered \$1,520,000 from the Federal Aviation Administration Airport Improvement Program Grant and \$40,000 from the State of Alaska Department of Transportation and Public Facilities Grant and appropriating said grants

and \$40,000 from Airport Unrestricted Net Assets to Merrill Field's Capital Improvement Fund for the acquisition of this parcel; Merrill Field Airport.

1. Assembly Memorandum No. AM 386-2007.

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

Dr. Selkregg moved, to approve AO 2007-85,
Mr. Traini seconded,
and this was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

14.E. Ordinance No. AO 2007-86, an ordinance authorizing sale of **Tract C, Lake Ridge Terrace Subdivision**, to the State of Alaska, Department of Transportation and Public Facilities for right-of-way acquisition; Heritage Land Bank/Real Estate Services.

1. Assembly Memorandum No. AM 387-2007.

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

Dr. Selkregg moved, to approve AO 2007-86,
Mr. Traini seconded,
and this was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

14.F. Ordinance No. AO 2007-87, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments (Tax ID 004-132-61-000, Thunderbird Terrace #1 Blk 8 Lt 13; 004-163-46-000, Anchor Park Blk 3 Lt 20; 009-153-42-000, Westcenter Tr A; 009-192-04-000, Wickersham Park #1 Blk 8 Lt 40; 011-121-46-000, Hidden Hills Blk 1 Lt 21; 011-121-47-000, Hidden Hills Blk 1 Lt 22; 014-052-24-000, Shelikof Blk 2 Lt 6; 014-053-47-000, Shelikof Blk 5 Lt 3; 050-411-40-000, T14N R1W Sec 33 SM NE4NE4; 050-411-41-000, T14N R1W Sec 34 SM SW4NW4; 051-061-81-000, Vern Haik Lt 3; 051-105-22-000, T15N R1W Sec 9 SM Lt 32B; 051-283-29-000 T15N R2W Sec 25 SM Lt 117 PTN W of Glenn Hwy REM PTN NW'LY OF NW'LY R.O.W. Line; 051-491-43-000, Wynter Park #1 Blk 1 Lt 10; 075-092-49-000, Snow Valley Lt 23E); Heritage Land Bank/Real Estate Services.

1. Assembly Memorandum No. AM 388-2007.

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

Mr. Traini moved, to approve AO 2007-87,
Dr. Selkregg seconded,

Chair Coffey stated [~~the 4th Avenue (Theatre) was not included with the 2004 foreclosures, but would be listed on the delinquent taxes list for 2005.~~] "these were 2004 foreclosures and that was the reason the 4th Avenue Theatre was not on this list, and assuming they don't pay, they will be on the 2005, which was when they default." Deputy Municipal Manager Michael Abbott concurred.

and this was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

14.G. Resolution No. AR 2007-145, a resolution of the Municipality of Anchorage appropriating \$76,476 from the Federal Seized and Forfeited Monies Police Investigation Fund (257) short term interest and appropriating \$42,981 from the State Seized and Forfeited Monies Police Investigation Fund (257) reimbursed cost and \$31,247 from the street Level Seized and Forfeited Monies Police Investigation Fund (257) reimbursed cost and appropriating \$13,421 from the Federal Seized and Forfeited Monies Police Investigation Fund (257) reimbursed cost and appropriating \$280,375 from the Federal Seized and Forfeited Monies Police Investigation Fund (257) other fines and forfeitures to the **Police Investigation Fund** (257) for use by the Anchorage Police Department.

1. Assembly Memorandum No. AM 382-2007.

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

Dr. Selkregg moved, to approve AR 2007-145,
Ms. Ossiander seconded,

and this was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

14.H. Resolution No. AR 2007-146, a resolution of the Municipality of Anchorage appropriating \$1,378,324 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund (231), the Department of Neighborhoods to fund the **Weatherization Assistance Program**; Department of Neighborhoods.

1. Assembly Memorandum No. AM 383-2007.

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

Dr. Selkregg moved, to approve AR 2007-146,
Mr. Traini seconded,
and this was approved, 9-0.

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

NAYES: None.

ABSENT: Sullivan and Bauer, each excused.

14.I. Resolution No. AR 2007-147, a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee regarding an **amendment to the FFY 2006–2009 Transportation Improvement Program** (TIP); Traffic Department.

1. Assembly Memorandum No. AM 384-2007.

Chair Coffey read the resolution title and opened Public Hearing.

VICKY CANTRELL opposed Victor Road being moved from 2009 to 2010 in the TIP. Taxes were high in her South Anchorage district and she and other residents were still waiting for road improvements.

LOIS EPSTEIN, an engineer and Director of the Alaska Transportation Priorities Project, testified that Michael Replogle, Transportation Director for Environmental Defense, a non-profit group located in Washington D.C., and a national expert on private partnerships, had recently spoken at the University of Alaska, Anchorage about the Knik Arm Bridge. Mr. Replogle had stated that the Knik Arm Bridge would have long-term tax and quality of life implications for future generations. There were uncertainties about contractor financial stability and questions about construction costs, contract requirements to deal with connectivity, noise, pollution, congestion relief standards and maintenance. Mr. Replogle had also spoken before Anchorage Metropolitan Transportation Solutions (AMATS) in June and had stated that neither AMATS nor the Department of Transportation (DOT) had conducted a major investment study (MIS), a requirement under federal transportation law. Without an MIS, AMATS would be vulnerable in its decision to include the Knik Arm Bridge in the Transportation Improvement Program (TIP). The Alaska Transportation Priorities Project urged AMATS to delay this matter until this requirement was met. To Mr. Tesche, Ms. Epstein responded that by including the bridge in the TIP, there would be reduced federal funding for other projects in Anchorage.

SUZANNE DiPIETRO urged the Assembly not to include the Knik Arm Bridge in the TIP. The Government Hill Community Council opposed the project and was not satisfied with the project's mitigation and planning. Including this project in the TIP would reduce funding to other projects. To Mr. Tesche, Ms. DiPietro responded that the Government Hill Community Council urged delay in including the bridge in the TIP.

There was no additional public testimony and Chair Coffey closed Public Hearing.

Mr. Sullivan moved, to approve AR 2007-147,
Mr. Birch seconded,

To Mr. Claman, Municipal Transportation Director Lance Wilber responded the Assembly was being asked to make a recommendation to amend the TIP.

To Dr. Selkregg, Mr. Wilber responded that the Assembly was considering the amendments to the TIP, which was being adjusted from the result of reduced funds and changes in the project, and not just consideration of the Knik Arm Crossing. Dr. Selkregg stated that the costs of public commitments associated with the bridge were large, including development of the other side (*Matanuska-Susitna Borough*), extending services, operation and maintenance, the loss of tax base for warehousing around the Port of Anchorage and other factors. She was not comfortable with including the bridge in the TIP and she would vote against the resolution.

Mr. Tesche concurred with Dr. Selkregg and stated that he would also vote against amending the TIP.

Ms. Ossiander requested more information for a better understanding of the cost increases for the Chester Creek Trail Connection, the Muldoon Road Landscaping and the Pedestrian Improvements.

Mr. Birch stated the concerns involving the bridge were somewhat misplaced. Mr. Wilber had made it clear that state funding did not include the in-house projects, such as Victor Road. The net gain for the overall program and the outside dollars to the TIP were included in Table 8.

To Dr. Selkregg, Mr. Wilber responded that public dollars invested in the bridge which were not reflected in the TIP, totaled about \$93 million of state and federal dollars. The anticipated total cost of private and public dollars was estimated to be \$600 million.

Chair Coffey put the Question.

and the motion to was passed, 7-3.

AYES: Traini, Sullivan, Starr, Coffey, Ossiander, Johnston and Birch.

NAYES: Tesche (*participating telephonically*), Selkregg and Claman.

ABSENT: Bauer, excused.

Mr. Traini moved for immediate reconsideration and urged a NO-vote.

Mr. Traini moved, *for immediate reconsideration of AR 2007-147,*
Mr. Sullivan seconded,
and the motion failed, 0-10.

AYES: None.

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

ABSENT: Bauer, excused.

(Clerk's Note: Chair Coffey excused Mr. Sullivan for the remainder of the meeting and returned the body to 14.B.)

15. SPECIAL ORDERS There were none.

16. UNFINISHED AGENDA There was none.

17. AUDIENCE PARTICIPATION

VICKY CANTRELL reported that House Bill 23, sponsored by Representative Bill Stoltze, would limit the assessed value (*property value for purposes of municipal taxation*) increase to 2% per year and she hoped the Assembly would follow the matter in the next Legislative session.

PAUL D. KENDALL reported that Matanuska Electric Association was calling for a coal/gas-powered generation plant. He supported power generation from hydrogen and requested allowing use of the Assembly Chambers for public testimony and debate on the matter.

18. ASSEMBLY COMMENTS

Mr. Tesche thanked the Municipal Clerk for allowing him to participate with the meeting telephonically, while he was in Tucson, Arizona conducting business.

19. EXECUTIVE SESSIONS There were none.

20. ADJOURNMENT

Chair Coffey adjourned the meeting at 10:00 p.m.

See Archived Document for Signatures

DAN COFFEY, Assembly Chair

ATTEST:

See Archived Document for Signatures

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes amended on Page 9, Line 34 and on Page 15, Lines 52 and 53, and Approved: August 14, 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)