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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 March 27, 2007

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1. CALL TO ORDER

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

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

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

ABSENT: Pamela Jennings, excused.

3. PLEDGE OF ALLEGIANCE Assemblymember Stout led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – November 21, 2006

Ms. Ossiander moved, to approve the Regular Meeting Minutes of
Mr. Traini seconded, November 21, 2006,

Mr. Stout moved, to amend the November 21, 2006 Minutes on Page 11,
Ms. Ossiander seconded, *by deleting* Lines 59-65 and *by adding* a verbatim tape transcription of his discussion concerning the Ethics Code,

To Mr. Coffey, Mr. Stout responded a copy of the transcript had already been supplied.

To Mr. Tesche, Assembly Counsel Julia Tucker responded that a verbatim transcription had been prepared by Assembly Minutes Clerk Mary Croxton the preceding week. To Mr. Tesche, Ms. Croxton responded that she had prepared the literal tape transcription, which was a precise transcript of record and would be added to the Minutes upon Mr. Stout's request.

and this was approved without objection.

and the main motion, as amended, was passed without objection,
with Mr. Starr abstaining due to his not being yet appointed to the Assembly on that date.
and Ms. Jennings as an excused absence.

4.B. Regular Meeting – January 23, 2007

Ms. Ossiander moved, to approve the Regular Meeting Minutes
Mr. Coffey seconded, of January 23, 2007,
and this was passed without objection,

5. MAYOR'S REPORT

Mayor Begich shared the monthly report on the Dena'ina Civic and Convention Center. To Mr. Coffey, Mayor Begich responded that the handout showed the revenue-constrained budget projection and showed accumulating interest earnings on the bonds. Municipal Engineer Howard Holtan stated that value engineering-deducted items were added back as a result of a higher yield of proceeds from the bond sale and that the information would be supplied to Assemblymembers.

6. ASSEMBLY CHAIR'S REPORT

Chair Sullivan announced that Ms. Jennings would not be joining the meeting that evening because she had been recently diagnosed with breast cancer and had just completed her second treatment. He reported that she was doing fine and all Assemblymembers were sending prayers and wishing her a speedy recovery.

7. COMMITTEE REPORTS

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1 Mr. Bauer reported the Public Safety Committee had formalized a letter to Anchorage Police Chief Heun, and had
2 addressed police reports and bar files for the Alcoholic Beverage Control (ABC) Board activities. The Municipal
3 Clerk's Office would continue to send notifications to the Police Department, community councils and to the ABC
4 Board. The ABC Board would continue to notify the Clerk's Office of any violations. Deputy Police Chief Smith had
5 reported on the status of Police Dispatch and E-911, staff recruitment, the training program and expansion of the
6 training facility.

7
8 Mr. Coffey reported the Title-21 Committee met on Friday, March 23rd, and had completed work on Chapters 1, 2, 8
9 and 13 of the Rewrite. The changes in the Title 21 Committee Substitute Versions were posted on the web.

10
11 **8. ADDENDUM TO AGENDA**

12
13 Chair Sullivan called for a motion and read the Addendum items. He called for additional items and AO 2007-61, AR
14 2007-84, AM 236-2007 and AO 2007-35(S) were added and assigned Agenda Numbers 9.F.19, 9.B.9, 9.D.16 and 14,
15 A.2, respectively. Chair Sullivan called for a vote to incorporate the Addendum items into the Consent Agenda.

16
17 Ms. Ossiander moved, to approve the inclusion of the Addendum items
18 Mr. Coffey seconded, into the Consent Agenda,
19 and this motion was passed.

20
21 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
22 and Traini.
23 NAYES: None.
24 ABSENT: Jennings, excused.

25
26 Chair Sullivan called the Question on the Consent Agenda.

27
28 Ms. Ossiander moved, to approve the Consent Agenda,
29 Mr. Stout seconded,

30
31 Chair Sullivan called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
32 discussion.

33
34 **9. CONSENT AGENDA**

35 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were none.

36
37 **9.B. RESOLUTIONS FOR ACTION - OTHER**

38 9.B.1. Resolution No. AR 2007-70, a resolution of the Anchorage Municipal Assembly in support of continued
39 State of Alaska funding of the **Human Services Matching Grant Program**; Mayor's Office.

40 9.B.2. Resolution No. AR 2007-71, a resolution of the Municipality of Anchorage appropriating the sum of
41 \$31,278 from the State of Alaska, Department of Transportation and Public Facilities MS/CVE and
42 \$630 as a contribution from the 2007 Anchorage Police Operating Budget, Anchorage Metropolitan
43 Police Service Area Fund (151), to the State Categorical Grants Fund (231) Anchorage Police
44 Department, for **Commercial Vehicle Inspections**.

45 a. Assembly Memorandum No. AM 206-2007.

46 9.B.3. Resolution No. AR 2007-72, a resolution of the Municipality of Anchorage appropriating \$41,145 from
47 the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency
48 Management and contribution of \$850 from Areawide General Operating Fund (101) Municipal
49 Manager's Department, Office of Emergency Management to the State Categorical Grants Fund (231)
50 to support the Municipality of Anchorage **Citizen Corps Program (CCP) activities**.

51 a. Assembly Memorandum No. AM 207-2007.

52 9.B.4. Resolution No. AR 2007-79, a resolution of the Anchorage Municipal Assembly to provide for
53 appointment of **Assembly designee to Anchorage Metropolitan Area Transportation Solutions**.
54 **(Addendum)**

55
56 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See Agenda item 10.B.4.*)

57
58 9.B.5. Resolution No. AR 2007-78, a resolution of the Anchorage Municipal Assembly recommending
59 approval of a minor amendment to the Anchorage Bowl 2025 Long-Range Transportation Plan to the
60 Anchorage Metropolitan Area Transportation Solutions (AMATS) to advance the **Lake Otis and Tudor**
61 **Intersection Improvements**; Assemblymembers Coffey and Traini. **(Addendum)**

62
63 Mr. Stout requested this item be pulled for review on the Regular Agenda. (*See Agenda item 10.B.5*)

64
65 9.B.6. Resolution No. AR 2007-80, a resolution of the Municipality of Anchorage appropriating \$42,759 from
66 the State of Alaska, Department of Transportation & Public Facilities; and reappropriating \$658 of
67 contributions from the 2003 Youth At Risk Enforcement Grant, State Categorical Grants Fund (231)
68 and appropriating \$222 as a contribution from the 2007 Anchorage Police Operating Budget,
69 Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231)
70 Anchorage Police Department, for **impaired driving enforcement**. **(Addendum)**

71 a. Assembly Memorandum No. AM 229-2007.

72 9.B.7. Resolution No. AR 2007-81, a resolution of the Municipality of Anchorage appropriating \$37,728 from
73 the State of Alaska, Department of Transportation & Public Facilities; and reappropriating \$293 of
74 contributions from the 2004 Commercial Vehicle Inspection Grant, State Categorical Grants Fund
75 (231) and \$477 as a contribution from the 2007 Anchorage Police Operating Budget, Anchorage
76 Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage
77 Police Department, for **seat belt violation enforcement**. **(Addendum)**

78 a. Assembly Memorandum No. AM 230-2007.

1 Ms. Ossiander requested this item be pulled for review on the regular Agenda. (See Agenda item 10.B.7)

- 2
3 9.B.8. Resolution No. AR 2007-83, a resolution of the Anchorage Municipal Assembly addressing the **status**
4 **of Title 21 Chapters** provisionally adopted by the Assembly and confirming direction to municipal
5 planning staff for a review of Table 21.02-1 for final identification of elements to be included in the
6 Comprehensive Plan; Assemblymembers Coffey and Ossiander. (**Addendum**)
7

8 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.B.8) (Clerk's Note:
9 this item was later Continued to the Assembly Meeting of April 10, 2006, due to a lack of time.)

- 10
11 9.B.9. Resolution No. AR 2007-84, a resolution of the Anchorage Municipal Assembly regarding **General**
12 **Municipal Policy Guidelines** for upcoming collective bargaining and labor negotiations; Assembly
13 Chair Sullivan and Vice Chair Ossiander. (**Laid on the Table**)
14

15 Ms. Ossiander moved to introduce, seconded by Mr. Coffey and Mr. Starr was the concurring third. Mr. Tesche
16 requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.B.9)

17 **9.C. BID AWARDS** There were none.

18 **9.D. NEW BUSINESS**

- 19
20 9.D.1. Assembly Memorandum No. AM 200-2007, **confirming appointment of Dan Sullivan to AMATS**
21 **Policy Committee.**
22 9.D.2. Assembly Memorandum No. AM 203-2007, **Anchorage Billiard Palace #2742** – Transfer of
23 Ownership of a Beverage Dispensary Liquor License (Midtown Community Council); Clerk's Office.
24 9.D.3. Assembly Memorandum No. AM 204-2007, 2007/2008 Liquor License Renewal: **Office Lounge #806**
25 (Midtown Community Council); Clerk's Office.
26 9.D.4. Assembly Memorandum No. AM 110-2007, **Anchorage School District Six-Year Capital**
27 **Improvement Program:** July 1, 2007 through June 30, 2013; Anchorage School District.
28
29

30 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.D.4)

- 31
32 9.D.5. Assembly Memorandum No. AM 208-2007, proprietary purchase with Med-Tox Health Services to
33 develop a **medical and physical screening program** for the Municipality of Anchorage, Anchorage
34 Police Department (\$35,950); Purchasing.
35 9.D.6. Assembly Memorandum No. AM 209-2007, proprietary lease with **Xerox Corporation** of a Xerox 6155
36 Black & White Digital Press System, a DocuColor 5000 Color Production System, and associated
37 software upgrades for the Municipality of Anchorage, Information Technology Department
38 (\$794,385.60); Purchasing.
39 9.D.7. Assembly Memorandum No. AM 210-2007, proprietary purchase of computer software license
40 renewal and hardware/software maintenance services from **International Business Machines (IBM)**
41 for the Municipality of Anchorage, Information Technology Department (\$514,647.96); Purchasing.
42 9.D.8. Assembly Memorandum No. AM 211-2007, proprietary purchase of **computer software licensing**
43 **and support** from BMC Software Distribution, Inc. for the Municipality of Anchorage, Information
44 Technology Department (ITD) (\$72,742); Purchasing.
45 9.D.9. Assembly Memorandum No. AM 212-2007, proprietary purchase from McNaughton Book Service for
46 providing **book leasing services** to the Municipality of Anchorage, Office of Community & Economic
47 Development, Library Division (\$137,000); Purchasing.
48

49 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.D.9)

- 50
51 9.D.10. Assembly Memorandum No. AM 213-2007, proprietary purchase of computer hardware and software
52 maintenance support from **OPENERP Solutions** for the Municipality of Anchorage, Municipal Light &
53 Power (ML&P) (\$39,749.10); Purchasing.
54 9.D.11. Assembly Memorandum No. AM 214-2007, recommendation of a HOME Grant Award to **Shiloh**
55 **Community Development, Inc.** for the acquisition and renovation of a four unit rental housing project
56 funded by the Municipality of Anchorage, Department of Neighborhoods (\$150,000); Purchasing.
57

58 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.D.11)

- 59
60 9.D.12. Assembly Memorandum No. AM 215-2007, Change Order No. 5 to Purchase Order No. 211584 with
61 Donald S. Alspach, dba **Plan^Point**, for providing consulting services to the Municipality of
62 Anchorage, Planning Department (\$24,000); Purchasing.
63

64 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.D.12)

- 65
66 9.D.13. Assembly Memorandum No. AM 216-2007, Contract Amendment No. 7 to Purchase Order 230706
67 with Clean Harbors Environmental Services Inc. for **Hazardous Waste Collection Facility**
68 **Operations** for the Municipality of Anchorage, Solid Waste Services Department (\$425,000);
69 Purchasing.
70

71 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See Agenda item 10.D.13)

- 72
73 9.D.14. Assembly Memorandum No. AM 217-2007, cooperative agreement with the U.S. Department of
74 Agriculture (USDA) for **Avian Vector Control Services** for the Municipality of Anchorage, Solid Waste
75 Services (\$117,017); Purchasing.
76 9.D.15. Assembly Memorandum No. AM 218-2007, cooperative purchase award to Polar Supply Company,
77 Inc. for furnishing **traffic marking paint and beads** to the Municipality of Anchorage, Traffic
78 Department (\$148,453.25); Purchasing.

- 1 9.D.16. Assembly Memorandum No. AM 236-2007, propriety purchase with the Law Offices of Mitch D. Gravo
2 for **professional lobbying services** for Municipality of Anchorage, not to exceed twenty thousand
3 dollars (\$20,000); Mayor's Office. (**Laid on the Table**)
4

5 Deputy Municipal Manager Michael Abbott read the document title and stated this memorandum had been
6 electronically distributed that morning. He urged that it be introduced and approved that evening. To Chair Sullivan,
7 he responded that it was the result of a recent evaluation of lobbying activities in Juneau. Mayor Begich moved to
8 introduce, seconded by Ms. Ossiander.
9

10 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See Agenda 10.D.16*)
11

12 **9.E. INFORMATION AND REPORTS**

- 13 9.E.1. Information Memorandum No. AIM 40-2007, Internal Audit Report 2007-4 - **Employee Incentive**
14 **Program**; Employee Relations.
15 9.E.2. Information Memorandum No. AIM 42-2007, Notice of Award for **Campbell Lake Sedimentation**
16 **Reduction Project** for the Municipality of Anchorage, Project Management & Engineering (\$595,000)
17 (ITB 27-C006); Purchasing.
18

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

- 20 9.F.1. Ordinance No. AO 2007-49, an ordinance of the Anchorage Municipal Assembly amending Anchorage
21 Municipal Code Section 27.20.090, **Chugiak Fire Service Area Board of Supervisors**, to specify
22 certain duties, responsibilities, and priority consistent with supervision and oversight by the Board of
23 Supervisors; Assemblymembers Starr and Ossiander. (*Public Hearing 4-10-07*)
24 a. Assembly Memorandum No. AM 202-2007.
25

26 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See Agenda item 10.F.1*)
27

- 28 9.F.2. Ordinance No. AO 2007-50, an ordinance of the Anchorage Municipal Assembly amending Anchorage
29 Municipal Code Chapters 1.15, Code of Ethics; 14.10, General Provisions of Administrative
30 Enforcement; and 14.60, Fines, to increase the maximum **penalty for an ethics violation** and provide
31 for administrative enforcement; Assembly Chair Sullivan and Assemblymember Stout. (*Public Hearing*
32 *4-10-07*)
33 a. Assembly Memorandum No. AM 205-2007.
34 9.F.3. Ordinance No. AO 2007-51, an ordinance amending Anchorage Ordinance 2004-19 regarding
35 **Turnagain Heights Water Special Assessment District 1416** and authorizing the proposed
36 improvements; Anchorage Water & Wastewater Utility. (*Public Hearing 4-17-07*)
37 a. Assembly Memorandum No. AM 219-2007.
38 9.F.4. Ordinance No. AO 2007-52, an ordinance amending Anchorage Ordinance 2004-20 regarding
39 **Turnagain Heights Sanitary Sewer Lateral Special Assessment District 1415**, and authorizing the
40 proposed improvements, Anchorage Water & Wastewater Utility. (*Public Hearing 4-17-07*)
41 a. Assembly Memorandum No. AM 220-2007.
42 9.F.5. Ordinance No. AO 2007-53, an ordinance of the Municipality of Anchorage amending Anchorage
43 Ordinance 2004-2 that created **Special Assessment District 1P03** and authorized the proposed road
44 improvements to Marston Drive and Foraker Drive; Project Management & Engineering. (*Public*
45 *Hearing 4-17-07*)
46 a. Assembly Memorandum No. AM 221-2007.
47 9.F.6. Ordinance No. AO 2007-54, an ordinance amending the zoning map and providing for the rezoning of
48 approximately 95.2 acres, from T (Transition) District to B-3 SL (General Business District with Special
49 Limitations) for **Elmendorf "95" Subdivision, Tracts A and B**; generally located at the northwest
50 corner of North Muldoon Road and the Glenn Highway (Northeast Community Council) (Planning and
51 Zoning Commission Case 2006-154); Planning Department. (*Public Hearing 4-17-07*)
52 a. Assembly Memorandum No. AM 222-2007.
53

54 To Chair Sullivan, Deputy Municipal Manager Michael Abbott responded a worksession was scheduled for the 13th
55 (*April*) pertaining to a proposed rezone for land in northeast Anchorage between Oilwell Road and the Glenn Highway.
56

- 57 9.F.7. Resolution No. AR 2007-73, a resolution of the Municipality of Anchorage, Alaska, confirming and
58 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
59 **07-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency;
60 Anchorage Water & Wastewater Utility. (*Public Hearing 4-17-07*)
61 a. Assembly Memorandum No. AM 223-2007.
62 9.F.8. Resolution No. AR 2007-74, a resolution of the Municipality of Anchorage, Alaska, accepting and
63 appropriating State of Alaska Water Fund loan offers in the aggregate amount of \$2,121,600 for
64 financing a portion of the costs of the **Klatt Road to New Seward Highway Pressure Zone Intertie**
65 (\$621,600) and Creekside Water Improvements Phase 1 (DeBarr Road, Muldoon to Turpin Water
66 Upgrade Booster Stations) (\$1,500,000); Anchorage Water & Wastewater Utility. (*Public Hearing 4-*
67 *10-07*)
68 a. Assembly Memorandum No. AM 224-2007.
69 9.F.9. Resolution No. AR 2007-75, a resolution appropriating \$204,162 from the State of Alaska, Department
70 of Transportation & Public Facilities and \$46,068 as a contribution from the 2007 Anchorage Police
71 Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical
72 Grants Fund (231) Anchorage Police Department for **highway safety equipment**. (*Public Hearing 4-*
73 *10-07*)
74 a. Assembly Memorandum No. AM 225-2007.
75 9.F.10. Resolution No. AR 2007-76, a resolution of the Municipality of Anchorage appropriating \$315,000 as a
76 restricted contribution from Alaska Center for the Performing Arts, Inc. (ACPA) to the Areawide
77 General CIP Fund (Fund 401), Performing Arts Center Reserve Account, for the **Performing Arts**
78 **Center Lighting Upgrade Project**; Office of Economic & Community Development. (*Public Hearing*
79 *4-10-07*)

- 1 a. Assembly Memorandum No. AM 226-2007.
2 9.F.11. Resolution No. AR 2007-77, a resolution recommending to AMATS Policy Committee approval of the
3 **Chugiak-Eagle River 2027 Long-Range Transportation Plan**, and concurrent amendments to the
4 Official Streets and Highways Plan; Traffic Department. (*Public Hearing 4-17-07*)
5 a. Assembly Memorandum No. AM 227-2007.
6

7 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See Agenda item 10.F.11*)
8

- 9 9.F.12. Ordinance No. AO 2007-55, an ordinance amending Anchorage Municipal Code Title 16 to add a new
10 Chapter 16.75 creating authority and procedures for **Domestic Violence Fatality Reviews**,
11 Assemblymember Shamberg. (*Public Hearing 4-10-07*) (**Addendum**)
12 a. Assembly Memorandum No. AM 228-2007.
13 9.F.13. Ordinance No. AO 2007-56, an ordinance authorizing **sale of two parcels acquired through**
14 **foreclosure** and described in Appendix A (TID 008-073-03, Lot 3 Block 1 Northern Harbor Subd.; TID
15 008-073-04, Lot 4 Block 1 Northern Harbor Subd.); Heritage Land Bank/Real Estate Services. (*Public*
16 *Hearing 4-10-07*) (**Addendum**)
17 a. Assembly Memorandum No. AM 232-2007.
18 9.F.14. Ordinance No. AO 2007-57, an ordinance waiving permitting requirements in Anchorage Municipal
19 Code Titles 21 and 23 in a R-3 SL (Multiple Family Residential) District with Special Limitations (AO
20 97-101) for **Tract 2A, Hollywood Vista Subdivision**, Plat No. 2006-139; Tract 1, U.S. Survey 3026;
21 and a portion of U.S. Survey 1170, ARR Anchorage Terminal Reserve; Office of Economic &
22 Community Development. (*Public Hearing 4-10-07*) (**Addendum**)
23 a. Assembly Memorandum No. AM 233-2007.
24 9.F.15. Ordinance No. AO 2007-58, an ordinance authorizing a Development Agreement with **Kimco/POB**
25 **Glenn Square Anchorage LLC**, for design, engineering, and construction of an office and retail
26 condominium complex; acquiring ownership interests in the complex within Tract 1, Mountain View
27 Development Subdivision; declaring official intent to reimburse expenditures for acquisition of the
28 ownership interests from proceeds of tax exempt revenue bonds; and increasing the Municipal Light &
29 Power (ML&P) 2007 Capital Budget (530 & 531) to fund the acquisition in an amount not to exceed
30 \$24,000,000. (*Public Hearing 4-10-07*) (**Addendum**)
31 a. Assembly Memorandum No. AM 234-2007.
32 9.F.16. Ordinance No. AO 2007-59, an ordinance of the Municipality of Anchorage, Alaska, approving
33 submission by the Anchorage Water & Wastewater Utility of a **proposed rate design change** to the
34 Regulatory Commission of Alaska; Anchorage Water & Wastewater Utility. (*Public Hearing 4-10-07*)
35 (**Addendum**)
36 a. Assembly Memorandum No. AM 235-2007.
37 9.F.17. Resolution No. AR 2007-82, a resolution of the Municipality of Anchorage accepting a Federal Transit
38 Administration Section 5309 Bus and Bus-Related Earmark Allocations Grant and appropriating
39 \$1,457,667 to the Public Transportation Capital Fund (485) for the design and construction of an
40 **Intermodal Transit Facility**; Public Transportation Department. (*Public Hearing 4-10-07*)
41 (**Addendum**)
42 a. Assembly Memorandum No. AM 231-2007.
43 9.F.18. Ordinance No. AO 2007-60, an ordinance enacting a new section of the Anchorage Municipal Code
44 9.48.080 (B) making it unlawful for any person to operate a motor vehicle if that person has
45 accumulated three or more **delinquent traffic fines** totaling more than \$1,000; providing for
46 forfeiture and impoundment of vehicles driven in violation of that subsection; amending Section
47 9.28.026 and .027; and providing for an effective date; Assemblymembers Shamberg and Tesche.
48 (*Public Hearing 4-10-07*) (**Addendum**) **To Be Submitted**
49 9.F.19. Ordinance No. AO 2007-61 an ordinance authorizing a lease with Clearwire US LLC, a Nevada limited
50 liability company, for construction and use of **telecommunications facilities** on a portion of Tract A-2
51 Brendlewood Subdivision, in Eagle River, Alaska; Anchorage Water and Wastewater Utility. (**Laid on**
52 **the Table**) (*Public Hearing 4-17-07*)
53

54 Mr. Coffey read the ordinance title and moved to introduce, seconded by Ms. Ossiander and Mr. Starr was the
55 concurring third. Ms. Ossiander requested that Public Hearing be set for April 17, 2007 and there were no objections.
56

57 Chair Sullivan called the Question on the remainder of the Consent Agenda.
58

59 and this motion, as amended, was passed.
60

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

63 NAYES: None.

64 ABSENT: Jennings, excused.
65

66 The amended Consent Agenda was approved and Chair Sullivan led the body into discussion of the pulled items.
67

68 END OF CONSENT AGENDA

69 10. REGULAR AGENDA

70 10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS There were none.
71

72 10.B. RESOLUTIONS FOR ACTION - OTHER

73 10.B.4. Resolution No. AR 2007-79, a resolution of the Anchorage Municipal Assembly to provide for
74 appointment of **Assembly designee to Anchorage Metropolitan Area Transportation Solutions**.
75 (**Addendum**)
76

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

1
2 To Mr. Tesche, Municipal Attorney Jim Reeves responded that the Charter provided that the Assembly act as the
3 decision making body. Whether the Assembly could act as a body to delegate authority to the Assembly Chair and
4 that authority be delegated to a designee was a legal question, which may be interpreted with different points of view.

5
6 Mr. Tesche moved, *to postpone* AR 2007-79 to April 10, 2007,
7 Ms. Ossiander seconded, *to allow time for a legal written response,*

8
9 To Ms. Ossiander, Assembly Counsel Julia Tucker responded the Charter Provision addressed Assembly actions on
10 designating AMATS representatives. Municipal Code, the Charter and State Law listed several requirements for
11 ordinance and Assembly action. She found no prohibition against the Assembly, either delegating or appointing a
12 Chair or an Assemblymember the ability to select a designee. Under the operating agreement with AMATS entities the
13 designated representative could select a designee. The AMATS Committee had requested a designee be appointed.
14 To Ms. Ossiander, Ms. Tucker responded she was comfortable with the resolution and did not need additional time to
15 review the matter.

16
17 To Mr. Coffey, Mr. Reeves responded the delegation could be decided by the Assembly, with the current absence (*Ms.*
18 *Jennings*).

19
20 To Mr. Traini, Mr. Reeves responded that he, as the Municipal Attorney, would be the entity who would provide legal
21 advice on the matter if legally disputed. He stated that he could have a written opinion completed by the next meeting.

22
23 Mr. Tesche stated there was still a question if the delegation was done by the Assembly or by the Assembly Chair, as
24 proposed under the resolution. Mr. Reeves responded the Assembly had the authority to take action and he would
25 support that action, but could not be certain the action would be free from doubt. Mr. Tesche stated that AMATS was
26 reviewing important projects of enormous consequence and he supported taking a conservative approach. He urged a
27 YES-vote for postponement, to allow a legal opinion from the Municipal Attorney.

28
29 Chair Sullivan put the Question.

30
31 and the motion failed, 3-7.

32
33 AYES: Tesche, Starr and Traini.

34 NAYES: Shamberg, Bauer, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey and Stout.

35 ABSENT: Jennings, excused.

36
37 Chair Sullivan called for continued discussion.

38
39 Ms. Ossiander moved, *to amend* AR 2007-79 on Page 1, Line 24, *by adding* to read:
40 Mr. Coffey seconded, *"The Appointee shall subsequently be ratified by the*
41 *and this was passed without objection. Assembly."*

42
43 Mr. Tesche advised using caution and urged waiting for a legal opinion from Mr. Reeves. There was too much risk
44 and he would be a NO-vote.

45
46 Chair Sullivan stated that the Assembly had received advice from Assembly Counsel Julia Tucker. The Charter was
47 silent to the matter and the Ossiander Amendment addressed it.

48
49 and the main motion, as amended, was passed, 9-1.

50
51 AYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Traini and Stout.

52 NAYES: Tesche.

53 ABSENT: Jennings, excused.

54
55 10.B.5. **Resolution No. AR 2007-78**, a resolution of the Anchorage Municipal Assembly recommending
56 approval of a minor amendment to the Anchorage Bowl 2025 Long-Range Transportation Plan to the
57 Anchorage Metropolitan Area Transportation Solutions (AMATS) to advance the **Lake Otis and Tudor**
58 **Intersection Improvements**; Assemblymembers Coffey, [and] Traini and Tesche. (**Addendum**)

59
60 Mr. Stout moved, *to approve* AR 2007-78,
61 Mr. Coffey seconded,

62
63 Mr. Stout stated that this intersection needed to be addressed, but questions still remained. The Assembly had
64 previously discussed having an alternative route around the intersection, completed prior to any construction. He also
65 questioned if the Municipality of Anchorage (*MOA*) had completed enough study and was ready to begin this project.
66 Mayor Begich responded the intersection improvements were shown to be a 21% improvement for a cost of \$11 to 14
67 million. There were plans to work around peak traffic times and the intersection would be able to accommodate traffic
68 without major interruptions. Municipal Engineer Howard Holtan responded that past projects had been successful,
69 working in off-peak hours and at night, completing the project in phases.

70
71 Mr. Traini stated this intersection needed to be fixed and he did not want to delay approval to another meeting.

72
73 Mr. Tesche stated that the intersection needed to be addressed. Mayor Begich concurred. Mr. Tesche requested to
74 be added as a cosponsor. Mr. Traini and Mr. Coffey, the sponsor and cosponsor, concurred.

75
76 Mr. Coffey stated that DOWL Engineers' preliminary report indicated that completion of projects in that area would
77 have a cumulative effect of 46% reduction of traffic congestion in the area. There was concern there was no other
78 north-south road available before construction began. The Bragaw Extension would be done in 2007, allowing a north-

1 south access. He urged consideration of waiting for a full report before they made recommendations to the AMATS
2 Policy Committee.

3
4 Mr. Coffey moved, *to postpone AR 2007-78 to April 17, 2007,*
5 Ms. Ossiander seconded,

6
7 Mr. Traini stated that he would support postponing, but he expected a final decision on the 17th. Mr. Coffey concurred.

8
9 Mr. Stout did not oppose postponement. Working on the intersection for any length of time would create real traffic
10 problems for that area and he requested that a construction period timeframe be addressed. Chair Sullivan proposed
11 that a worksession be scheduled, to allow Mr. Holtan to explain the details.

12
13 Mr. Starr questioned what additional information would be forthcoming, other than what was offered in the final report.
14 Mr. Coffey responded there was additional information incorporated in the final report, which he and Mr. Starr had
15 read, but other Assemblymembers had not.

16
17 Chair Sullivan, Mr. Bauer and Ms. Ossiander stated they had not received the DOWL Engineers' Intersection Study.

18
19 To Mr. Traini, Mayor Begich responded that if the Assembly approved the resolution on April 17th there would still be
20 time for a review process to be completed before beginning construction by 2008. Mr. Traini stated that he would
21 support postponement, if the intersection project would move forward with a schedule.

22
23 Mr. Tesche opposed postponement. This intersection had always been a problem and was getting worse. Looking at
24 one more engineering study would not make a difference. He wanted the project moved to the AMATS Committee.

25
26 Mr. Bauer supported postponement. The Assembly had approved the million-dollar study and it was worth taking the
27 time to have a worksession.

28
29 Mr. Coffey concurred with Mr. Bauer. Postponing would allow the Assembly to make a rational response.

30
31 and this motion passed, 9-1,
32 with Mr. Tesche opposing,
33 and Ms. Jennings as an excused absence.

34
35 10.B.7. Resolution No. AR 2007-81, a resolution of the Municipality of Anchorage appropriating \$37,728 from
36 the State of Alaska, Department of Transportation & Public Facilities; and reappropriating \$293 of
37 contributions from the 2004 Commercial Vehicle Inspection Grant, State Categorical Grants Fund
38 (231) and \$477 as a contribution from the 2007 Anchorage Police Operating Budget, Anchorage
39 Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage
40 Police Department, for **seat belt violation enforcement**. (**Addendum**)
41 a. Assembly Memorandum No. AM 230-2007.

42
43 Ms. Ossiander moved, *to approve AR 2007-81,*
44 Mr. Coffey seconded,

45
46 Ms. Ossiander assumed as Acting Assembly Chair, allowing Mr. Sullivan to speak to the matter.

47
48 Mr. Sullivan stated that while he understood there was money available to help pay for this matter, seatbelt violation
49 enforcement needed to be a low priority for police officers. Police Chief Rob Heun responded that seatbelt violations
50 were now considered primary traffic violations, following the last State Legislative Session. State funding was allowing
51 more police patrol and traffic officers to be on the street and the byproduct of stopping seatbelt violators was
52 tremendous, particularly driving under the influence (*DUI*) violators. Mr. Sullivan resumed as Assembly Chair.

53
54 and this motion was passed without objection.

55
56 10.B.8. Resolution No. AR 2007-83, a resolution of the Anchorage Municipal Assembly addressing the **status**
57 **of Title 21 Chapters** provisionally adopted by the Assembly and confirming direction to municipal
58 planning staff for a review of Table 21.02-1 for final identification of elements to be included in the
59 Comprehensive Plan; Assemblymembers Coffey and Ossiander. (**Addendum**) (*Continued to 4-10-07*)

60
61 Mr. Coffey moved, *to address AR 2007-83 simultaneously with 13.A, AO 2007-*
62 Ms. Ossiander seconded, *172, the new Title 21 Chapters, later that evening,*
63 and this was approved without objection.

64
65 Prior to Adjournment, Chair Sullivan stated that earlier in the meeting AR 2007-83 had been pulled, to be taken up
66 concurrently with the Title 21 Rewrite ordinance. With no time left in the meeting he called for a motion.

67
68 Mr. Coffey moved, *to Continue AR 2007-83 to April 10, 2007,*
69 Ms. Ossiander seconded,
70 and this was approved without objection.

71
72 10.B.9. Resolution No. AR 2007-84, a resolution of the Anchorage Municipal Assembly regarding **General**
73 **Municipal Policy Guidelines** for upcoming collective bargaining and labor negotiations; Assembly
74 Chair Sullivan and Vice Chair Ossiander. (**Laid on the Table**)

75
76 Mr. Tesche moved, *to postpone AR 2007-84 to April 10, 2007,*
77 and this died, due to the lack of a second.

78
79 Ms. Ossiander moved, *to approve AR 2007-84,*

1 Mr. Coffey seconded,

2
3 Mr. Tesche stated that this resolution was very important to the Municipality of Anchorage (MOA) and the labor force
4 and it set out a number of policies. For the Assembly to set this kind of labor relation policy in such haste was
5 reckless. He wanted time to review the document and have appropriate consultations with people concerning this
6 resolution. He would not support the resolution being addressed that evening.

7
8 Ms. Ossiander stated this was in line with the resolution that the Assembly approved last year. It requested that the
9 Administration negotiate wage increases in line with the Consumer Price Index (CPI) and it addressed health care
10 issues. It was time-sensitive because the Administration would begin bargaining very soon and it was important that
11 the Assembly set forth guidelines. Deputy Municipal Manager Michael Abbott responded the bargaining negotiations
12 would begin within the next two weeks.

13
14 Mr. Traini stated that he had a son who did not live at home and was a Teamster and he questioned if there may be a
15 potential conflict of interest with his participation with this matter. Municipal Attorney Jim Reeves responded that he
16 did not have authority to give an opinion on that question. Chair Sullivan responded this was similar to the situation of
17 Assemblymembers having spouses who worked for the Anchorage School District (ASD), when reviewing the ASD
18 budget. He ruled that Mr. Traini did not have a conflict of interest.

19
20 To Mr. Coffey, Mayor Begich responded that he was concerned with the section in the resolution, which referenced
21 benefits. Mr. Coffey stated that language had been included in the resolution that had been addressed in November,
22 2005. Mayor Begich responded that he had responded to that matter then and he would again now.

23
24 Mr. Tesche stated the discussion proved that this matter was being addressed in haste and he urged a NO-vote.

25
26 Ms. Ossiander stated the resolution approved on November 22, 2005, had included specific language related to the
27 2006 General Government Operating Budget and revisions were needed, to be current. She would be amenable to
28 deleting the term, referring to benefit increases. Mayor Begich concurred.

29
30 Ms. Ossiander moved, to amend AR 2007-84 on Page 2, Lines 1 and 2, Subsection
31 Mr. Coffey seconded, 4, by changing to read:

- 32 4. The Administration is expected by the Assembly to
33 negotiate annual wage [~~and benefit increases~~
34 "adjustments" that do not exceed the average of the
35 previous five years' Consumer Price Index-All Urban
36 Consumers (CPI-U).;

37
38 Ms. Ossiander stated that the Administration was the negotiating body, not the Assembly. When negotiating, the
39 Administration would do their best to comply with the Assembly's recommendation. She urged support.

40
41 and this was approved without objection.

42
43 Chair Sullivan, cosponsor of the resolution, stated this mirrored what the Assembly had done last year, with the
44 understanding the benefit portion may be problematic. He supported the approved amendment, which was in
45 response to the Administration's request.

46
47 Mr. Bauer questioned Number 3, concerning negotiating to eliminate service recognition and longevity compensation
48 programs. Mayor Begich responded that the non-represented employees reflected to the Anchorage Municipal
49 Employees Association (AMEA) group. The 'non-reps' would have a similar package when negotiating with that group.
50 This had been policy for many years.

51
52 Ms. Shamberg stated that she would support the resolution and wanted employee expenses addressed. She
53 questioned elimination of language concerning recognition and longevity compensation programs because it was such
54 a vital negotiating point used during labor negotiations. Ms. Ossiander responded that the language had been
55 proposed by Mayor Begich. Chair Sullivan responded that the Assembly recommended that the matter be included in
56 the negotiation process. Mr. Traini responded the Assembly had requested that this be a negotiating item for the
57 Administration.

58
59 Mr. Coffey questioned Number 7, concerning the Administration working with the Assembly to discuss employee
60 benefits. Mr. Abbott responded the Administration would not expect the clause would require consultation with the
61 Assembly during actual labor negotiations. It would be a separate conversation, when addressing the budgeting
62 process. Mr. Coffey stated that alternatives to health care solutions needed to be found. Annual health care cost
63 increases needed to be addressed.

64
65 Chair Sullivan stated that it was clear that governments across the nation needed to find solutions for health care. It
66 was a challenge that the Assembly would continue to address. He put the Question.

67
68 Mr. Birch requested to abstain because he was participating telephonically from out of town and had not read the
69 resolution, as it had been Laid on the Table that evening.

70
71 and the main motion, as amended, was approved, 8-1.

72
73 AYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Coffey, Stout and Traini.

74 NAYES: Tesche.

75 ABSTAIN: Birch (*participating telephonically*).

76 ABSENT: Jennings, excused.

77
78 **10.C. BID AWARDS** None were pulled for review.

79

1 **10.D. NEW BUSINESS**

2 10.D.4. Assembly Memorandum No. AM 110-2007, Anchorage School District Six-Year Capital
3 **Improvement Program: July 1, 2007 through June 30, 2013; Anchorage School District.**

4
5 Mr. Coffey moved, to approve AM 110-2007,
6 Mr. Stout seconded,

7
8 Mr. Coffey stated that a year ago the Assembly had taken exception to the bonding amount proposed for the
9 Anchorage School District (ASD) Capital Budget. As a result the ASD requested increases for bonding equal to or less
10 than the amount of the bonded indebtedness being retired. He read the listed bond package figures and stated that it
11 would be stressing the limits of voters and homeowners, who would be paying for the bonded indebtedness. He would
12 not support something of this magnitude, particularly in light of the experiences over the past several years. He had
13 reservations because the Assembly had given warning, but reducing the dollar amount had not been addressed.

14
15 Ms. Ossiander questioned the annual dollar amount and another new middle school proposed for 2010, particularly
16 with middle school enrollment projections being flat through 2012. Voters had approved funding to acquire an Eagle
17 River elementary school site, which had not been done. ASD Superintendent Carol Comeau responded the
18 Administration was aware of the concern about not recommending bonds that exceeded the amount of debt being
19 repaid. School communities wanted to be included in the 6-year CIP and the Administration was trying to address all
20 future capital needs. The Planning and Zoning (P&Z) Commission and the Anchorage School Board (ASB) had
21 recommended approval. The ASB recommended reprioritizing the middle school over an elementary school in
22 southwest Anchorage because elementary schools were over capacity. There were other middle schools over
23 capacity, including Romig and Hanshew. To Ms. Ossiander, Ms. Comeau responded the Administration was being
24 responsible, pursuing the middle school site selection and purchase process and remained actively searching for an
25 elementary school site. ASD Deputy Superintendent George Vakalis responded that there was money available for
26 investigating Eagle River elementary school sites, but bonding would be needed to purchase a site. The Goldenview
27 Area and Eagle River remained as high priorities for pursuing school sites. But, if there was no money available, it
28 would not help to identify the site too early.

29
30 Mr. Coffey stated that Romig Middle School enrollment was not over capacity and appeared to project a decline. Ms.
31 Comeau responded that it was difficult to predict square footage needs to accommodate program capacities. Mr.
32 Coffey stated he was aware of the community concern of bond indebtedness. Ms. Comeau stated it was a valid
33 concern shared by the ASD Administration, but addressing future needs of each school community was necessary.
34 The ASD was expecting to pay off \$45 to \$50 million debt every year for the next five years. Mr. Coffey appreciated
35 the ASD foresightedness of future needs and concurred that the ASD might better address a ten-year CIP. ASB
36 President Jeff Friedman responded the purpose of the CIP forecast was to announce the needs for capital
37 improvements for schools. Mr. Coffey stated that, as a commercial property owner, the costs of the school building
38 process and methods of maintenance seemed disproportionate to what was being done in the private sector. The
39 methods and means needed to be reviewed.

40
41 Mr. Traini proposed postponing this matter until April 10th. A better time to address the bonds would be after the
42 election was over. Ms. Comeau requested consideration of approving the ordinance that evening and scheduling a
43 serious worksession to discuss the specifics and concerns. Mr. Traini concurred and requested all questions be
44 submitted to the ASD, prior to the worksession.

45
46 Chair Sullivan stated the worksession could be scheduled on the 13th (April), with Assembly action scheduled for the
47 17th.

48
49 Ms. Ossiander stated that she really did not have questions, just issues on policy and priorities. There had been
50 significant improvements when addressing ASD facilities. The ASD CIP was difficult to understand and was used as a
51 promise. Making it a ten-year plan and making it more realistic would make a more valuable document. Chair Sullivan
52 called for additional comments on holding a worksession.

53
54 Mr. Coffey stated that assurances that the CIP would address a ten-year plan would be better than scheduling a
55 worksession. Mr. Friedman concurred and responded a worksession on this topic could still be held at a later time.

56
57 Mr. Starr stated that the Eagle River elementary school site planning was listed at 116, of the 119 priorities. In other
58 sections of the document, it was listed with no priority. Mr. Vakalis responded the process used involved the Joint Site
59 Selection Committee and a review of demographics. As space became more difficult to acquire and with large parcels
60 needed for schools, it was important to find and purchase land now. The money designated for buying school sites
61 had been used up for two other school sites, with only enough money left for a study of proposed sites. The school
62 facility was not currently needed, but it was important to purchase the site now. Mr. Starr stated there were several
63 school sites that had not been purchased when the study was completed and the city had paid more for those lots in
64 later years. The Assembly had supported a proposed Powder Ridge planned community development and the
65 developers could not wait for eight years for acquired property. Mr. Vakalis responded that the MOA Real Estate
66 Services were familiar with that site and they would be addressing it. There had been numerous changes to the
67 Powder Ridge Plan, which had set back Real Estate Services in the past. It may or may not be the best area for the
68 school site. It would all be taken into account with the site selection process and studies. Mr. Starr stated it was time
69 to move ahead on the school site selection study. Mr. Vakalis responded that it was a current ASD priority.

70
71 Mr. Stout supported approving the ordinance that evening and scheduling a worksession in the future. There would be
72 new Assemblymembers following the April 3rd Election and this would be something that might overwhelm them so
73 soon.

74
75 Ms. Ossiander concurred. She stated that an Education Committee Meeting would be scheduled following the
76 Election and this ordinance would be placed back on the Agenda. Chair Sullivan stated that Ms. Ossiander, Mr. Coffey
77 and Mr. Bauer, as members of the Education Committee would address this matter.

78
79 Mr. Stout called the Question, seconded by Mr. Traini.

1
2 and this motion was approved, 9-1.

3
4 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Stout and Traini.
5 NAYES: Coffey.

6 ABSENT: Jennings, excused.

7
8 Chair Sullivan concurred with Mr. Coffey's concern about a proposed \$100 million CIP item more closely reflecting
9 proposed bonds.

10
11 10.D.9. Assembly Memorandum No. AM 212-2007, proprietary purchase from McNaughton Book Service for
12 providing **book leasing services** to the Municipality of Anchorage, Office of Community & Economic
13 Development, Library Division (\$137,000); Purchasing.

14
15 Mr. Stout moved, to approve AM 212-2007,
16 Mr. Coffey seconded,

17
18 Mr. Stout stated that the Assembly had addressed leasing books in the past and library staff had indicated they would
19 review the matter to find a more economical and appropriate way to provide books for the library. Economic and
20 Community Development Director Mary Jane Michael responded this service included the library receiving fiction and
21 non-fiction books that were current and popular. To Mr. Stout, Libraries Collection Development Coordinator Chris
22 Bristah responded this program allowed the library to have multiple copies of popular books for a short period of time,
23 when the books were in high demand. When the Harry Potter books were newly released this service allowed 100
24 copies to quickly fill requests. When demands died down the books were returned to the service. Recently this
25 popular service had expanded to accommodate more children's' and large-title books.

26
27 and this motion was passed without objection.

28
29 10.D.11. Assembly Memorandum No. AM 214-2007, recommendation of a HOME Grant Award to **Shiloh**
30 **Community Development, Inc.** for the acquisition and renovation of a four unit rental housing project
31 funded by the Municipality of Anchorage, Department of Neighborhoods (\$150,000); Purchasing.

32
33 Mr. Stout moved, to approve AM 214-2007,
34 Mr. Coffey seconded,

35
36 To Mr. Stout, Department of Neighborhoods Division Manager Carma Reed responded that a percentage of their home
37 funds were designated for the Community Housing Development Organizations (*CHDOs*). There were currently no
38 applicants and the funding would remain and be carried over to the following year.

39
40 and this motion was approved without objection.

41
42 10.D.12. Assembly Memorandum No. AM 215-2007, Change Order No. 5 to Purchase Order No. 211584 with
43 Donald S. Alspach, dba **Plan^Point**, for providing consulting services to the Municipality of
44 Anchorage, Planning Department (\$24,000); Purchasing.

45
46 Mr. Stout moved, to approve 215-2007,
47 Mr. Starr seconded,

48
49 Mr. Stout stated this was a contract with a person who had worked on right-of-way standards and details of Title 21
50 and Phase I of the Sign Ordinance. The initial contract was for \$40,000, but there were several change orders and the
51 contract now totaled \$103,500. Planning Director Tom Nelson responded Mr. Alspach had assisted with the Title 21
52 Rewrite and other issues for the past five years. He was continually retained because he offered a level of expertise
53 and institutional and historical knowledge on Land Use Code, which most people in the Planning Department did not
54 have. Mayor Begich responded the time and detail needed to address Title 21 had not been predicted five years ago.
55 This was one way to privatize services on a temporary basis and lessen demands to staff. It was a good deal.

56
57 Mr. Coffey highly recommended Mr. Alspach, both personally and professionally, and stated this contract was cheap
58 for what they were getting.

59
60 and the motion was approved without objection.

61
62 10.D.13. Assembly Memorandum No. AM 216-2007, Contract Amendment No. 7 to Purchase Order 230706
63 with Clean Harbors Environmental Services Inc. for **Hazardous Waste Collection Facility**
64 **Operations** for the Municipality of Anchorage, Solid Waste Services Department (\$425,000);
65 Purchasing.

66
67 Mr. Stout moved, to approve AM 216-2007,
68 Mr. Coffey seconded,

69
70 Mr. Stout stated the hazardous waste contract was for one year and was not to exceed \$607,000. There had been
71 additional increases several times and this was an additional \$425,000. Solid Wastes Services Director Robert Hall
72 responded the extension was to keep the contract through Spring Clean Up. The contractor had agreed to continue
73 using the same rates. The next contract would have rates that were considerably higher. Mr. Hall responded the
74 Administration did a fairly accurate job with estimating costs, but dealing with hazardous waste was difficult to predict.

75
76 Chair Sullivan stated memorandum language could better be stated as "The recent decision of the Assembly not to
77 approve...." instead of "In light of the recent failure of the Assembly to approve..."

78
79 and this was approved without objection, 10-0.

1
2 10.D.16. Assembly Memorandum No. AM 236-2007, propriety purchase with the Law Offices of Mitch D. Gravo
3 for **professional lobbying services** for Municipality of Anchorage, not to exceed twenty thousand
4 dollars (\$20,000); Mayor's Office. (**Laid on the Table**)

5
6 Mr. Coffey moved, to approve AM 236-2007,
7 Ms. Ossiander seconded,

8
9 Mr. Coffey moved, to amend AM 236-2007 on Page 1, Line 27 by adding
10 Mr. Starr seconded, to read: "Mr. Gravo will provide the Assembly with a weekly
11 written report on his activities.,"

12
13 Ms. Ossiander stated that all lobbyists should have the same requirements. Chair Sullivan responded that that
14 consideration may be addressed, requesting more consistent updates from the lobbying team. Ms. Ossiander stated
15 that she would support the request, if it was not to a specific gentleman. Deputy Municipal Manager Michael Abbott
16 responded that the Legislative Committee could join the Administration when meeting with the lobbying teams on a
17 weekly basis, either in person or telephonically. Mayor Begich invited the Legislative Committee to participate with
18 weekly briefings with the lobbyists.

19
20 Mr. Traini stated that Mr. Gravo needed to report weekly, relative to the current contract, and not to other things the
21 lobbyist was doing. Mr. Coffey concurred and responded that was his intent.

22
23 Mr. Bauer stated that he would support a summary report, but did not see the necessity of Assemblymembers' direct
24 involvement. To his question, Mayor Begich responded that lobbyist efforts were measured by the success of each
25 issue, addressed for the Municipality.

26
27 Chair Sullivan stated that when he had been a professional lobbyist his clients had required weekly reports. It was a
28 simple weekly report on activities.

29
30 Mr. Coffey did not care how the report was accomplished. A written report or meeting weekly with the Administration.
31 It was his intent to understand what activities the city was getting for the dollars.

32
33 Ms. Ossiander proposed to substitute a verbal report for the weekly written report, considering the difficulties as voiced
34 by the Administration. Mr. Abbott responded that a written report was not an unreasonable request and the proposed
35 requirement involved approximately six reports. Ms. Ossiander concurred.

36
37 and the motion to amend was approved without objection.

38
39 and the main motion, as amended, was approved without objection.

40
41 **10.E. INFORMATION AND REPORTS** None were pulled for review.

42
43 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

44 10.F.1. Ordinance No. AO 2007-49, an ordinance of the Anchorage Municipal Assembly amending Anchorage
45 Municipal Code Section 27.20.090, **Chugiak Fire Service Area Board of Supervisors**, to specify
46 certain duties, responsibilities, and priority consistent with supervision and oversight by the Board of
47 Supervisors; Assemblymembers Starr and Ossiander. (Public Hearing [4-10-07] May 1, 2007)

48 a. Assembly Memorandum No. AM 202-2007.

49
50 Ms. Ossiander moved, to introduce AO 2007-49 and to change the scheduled
51 Mr. Coffey seconded, Public Hearing [~~April 10, 2007~~] to "May 1, 2007;"
52 Mr. Traini was the concurring third.

53
54 10.F.11. Resolution No. AR 2007-77, a resolution recommending to AMATS Policy Committee approval of the
55 **Chugiak-Eagle River 2027 Long-Range Transportation Plan**, and concurrent amendments to the
56 Official Streets and Highways Plan; Traffic Department. (Public Hearing [4-17-07] May 15, 2007)

57 a. Assembly Memorandum No. AM 227-2007.

58
59 Ms. Ossiander moved, to introduce AO 0007-77 and to change the scheduled
60 Mr. Traini seconded, Public Hearing [~~April 10, 2007~~] to "May 15, 2007"
61 Mr. Stout was the concurring third.

62
63 Ms. Ossiander stated that additional time was needed to analyze this matter.

64
65 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS** There were none.

66
67 **12. APPEARANCE REQUESTS**

68 **12.A. Roy Myers**, to request exemption for Mat-Su taxi service. (*Clerk's Note: Mr. Myers did not appear.*)

69
70 Ms. Ossiander moved to Change the Order of the Day to take up 14.B, concerning the Anchorage School District
71 Budget, seconded by Mr. Coffey and this was approved without objection.

72
73 **13. CONTINUED PUBLIC HEARINGS**

74 13.A. Ordinance No. AO 2006-172, an ordinance amending Anchorage Municipal Code Title 21 to adopt new
75 **Chapters 21.01, 21.02, 21.08, and 21.13**; Planning Department.

76 1. Assembly Memorandum No. AM 853-2006.

77 2. Ordinance No. AO 2006-172, Substitute Versions; Title 21 Committee.

78 (*Continued from 1-9-07 and 1-23-07; Carried Over from 3-13-07*)
79

1 To Chair Sullivan, Mr. Coffey responded each chapter was identified as "Assembly Committee Substitute." Ms.
2 Ossiander responded it was the Committee Substitutes that she would move to approve. Chair Sullivan read the
3 ordinance title and reopened Continued Public Hearing.
4

5 ANN JENSEN opposed the new versions, with the removal of language that would prohibit the Municipality of
6 Anchorage (MOA) from entering into a subdivision agreement with particular developers. The MOA needed to protect
7 citizens from developers who continually failed to meet subdivision standards, did not follow Code, were out of
8 compliance or in default of development agreements. Ms. Ossiander responded the Title 21 Committee had tried to
9 address this matter, but it was difficult when developers ran into problems and gave up, but then got new licenses
10 under new names. Adding provisions for cash guarantees would help address this concern. Planning Director Tom
11 Nelson responded the Administration had recommended eliminating using deeds of trust as financial guarantees.
12 Developers would have to deal directly with financial lenders for performance guarantees. Developments were being
13 reviewed that were completed before subdivision improvements were completed. Planning staff recommended that
14 homebuilders not receive certificates of zoning compliance or certificates of occupancy until subdivisions
15 improvements were completed and had been given a warranty, to ensure standards were met. Ms. Ossiander
16 responded that much of this was new territory and the committee would continue to address changes in Title 21. Mr.
17 Coffey stated eliminating deeds of trust and putting the responsibility on the financial institutions to provide letters of
18 credit, bonds or cash guarantees would force a developer to be responsible.
19

20 CHERYL RICHARDSON stated that the Anchorage Coalition was happy with the new Chapter language. There were
21 still longstanding issues with required excessive rights-of-way, up to 70 feet. The Coalition supported the Urban
22 Design Commission (UDC) being retained. Mr. Coffey stated the Title 21 Committee would continue to address and
23 improve the UDC function. Ms. Ossiander stated there was frustration with past functions of the UDC and the
24 committee was considering many of the P&Z recommendations. Ms. Ossiander stated that she consistently argued for
25 smaller rights-of-way, but had received much opposition. Mr. Coffey stated that snow removal and snow storage,
26 reduced land for residential use and increased costs were involved when discussing reducing rights-of-way. To Mr.
27 Tesche, Ms. Richardson responded the Coalition had not yet reviewed all the changes and had several amendments
28 for consideration.
29

30 BOBBI WELLS stated that definitions for *developers* and *subdividers* needed to be included in Chapter 8. There were
31 instances that the financial institutions and developers were the same. Their community council supported the revised,
32 committee substitutes. Rights-of-way and Chugach State Park access still needed to be addressed. Mr. Coffey
33 responded the chapters had addressed the project developers and engineers. Mr. Nelson concurred. Mr. Starr
34 thanked Ms. Wells for her helpful comments and also for her calls about insurance concerns.
35

36 JIM ARNESEN, a property owner and speaking for Skyway Park Estates Homeowner's Association, stated that his
37 subdivision had dealt with a developer trying to use 4 subdivision lots for development of 27 homes. After three appeal
38 processes the association had taken the matter to court, which had ruled the subdivision plat had been vacated.
39 Provisions were needed to protect subdivision covenants, so neighborhoods would not be faced with this type of high-
40 density development. The city did not enforce covenants, which were sometimes in conflict with a developer. The city
41 had approved a plat that was in conflict with the subdivision covenants, which indicated the covenants had no value
42 and no effect. That type of ruling needed to be reserved for the courts. If there was a conflict, the plat should be
43 returned to the applicant and resolved before being considered by the city. Mr. Coffey and Ms. Ossiander were aware
44 of and addressing this concern. Mr. Coffey responded that Chapter 1 would continue to address development. Ms.
45 Ossiander responded that existing covenants would continue to be addressed, including enforcement and
46 homeowners maintaining responsibility for collecting dues and keeping up subdivision requirements. Ms. Shamberg
47 stated that three years ago she had the Municipal Attorney complete a draft to address this conflict, which had
48 eventually been dropped. It was a concern that still needed to be addressed. Ms. Ossiander requested to review that
49 draft. Mr. Stout stated that the Title 21 Committee was reviewing his resolution, addressing that very issue.
50 Subdivision rights were a major concern throughout the city and he was hopeful that they would be resolved.
51

52 KENNETH LANG stated that Chapter 8 addressed strip-paved streets in rural areas, which previously had been gravel
53 streets. Above a certain road grade, paved streets should be illegal, to maintain safety. To Ms. Ossiander, Municipal
54 Engineer Howard Holtan responded that requiring paved roads in areas with steeper slopes helped maintain durability
55 of the road surfaces. He urged Assemblymembers to tour this area, where roads were created on bedrock and if the
56 surfaces were not paved, they would not last. The Administration supported hard-surface roads in this area. Ms.
57 Ossiander stated that the Road Service Board of Supervisors supported use of pavement to reduce maintenance
58 costs.
59

60 JOE BURNHAM, owner of 320 Hillside acres, testified that 200 acres would be impacted by the proposed changes.
61 He urged that the Assembly wait because things still needed to be address. All chapters contained issues that
62 intermingled and needed to be addressed together. The newly-elected Assembly could continue addressing the
63 problems. In his area there was over 1000 acres that had slopes of 25% and above that would be impacted by these
64 proposed changes. Ms. Ossiander stated that there needed to be consideration of flexibility with requirements with
65 down-slope lots of 30% or greater slope, when lots were greater than five acres. Mr. Nelson responded that
66 development of down-slope lots minimized cut-and-fill that would likely occur and help to minimize and alleviate
67 drainage concerns and erosion-slope-stabilization issues. He understood the argument of one structure on a larger lot
68 causing fewer disturbances and it may be worth addressing some provision to accommodate larger lots on steep
69 slopes. Ms. Ossiander concurred. Mr. Burnham responded additional study and new provisions were also needed to
70 address slopes exceeding 30%.
71

72 CHUCK LEKITES, developer and owner of 40 Hillside acres, was in the process of subdividing with the intent of living
73 on the developed land. The current design standards listed in 21.08.03 were often too restrictive to allow use of land
74 suitable for thoughtful development. Responsible development should be considered, on a case-by-case basis,
75 particularly when crossing steep slopes in usable areas. Lot dimensions still needed to be redefined.
76

77 TONI JONES, with the Planning and Zoning Commission, supported the changes and urged the Title 21 Committee to
78 take time to make sure the changes were carefully done. She commended the committee for the time and effort of
79 their review and supported them moving forward. Mr. Coffey stated the committee had reviewed all of the P&Z,

1 Platting Board and staff recommendations. The department's *Issue-Response Summary*, had assisted tremendously
2 with the committee's recommendations.
3

4 DAVE D'AMATO, property owner in South Anchorage, opposed the proposed Chapter 8, which needed to be
5 addressed together with Chapter 7. He urged for additional study concerning gravel roads, affordable development, a
6 cost analysis of future development, slope development and more flexibility with problem development areas.
7

8 With no additional public testimony, Chair Sullivan closed Continued Public Hearing and called the Question.
9

10 Ms. Ossiander moved, to approve the Title 21 Committee's Substitute Versions
11 Mr. Coffey seconded, for all four Chapters (*AO 2006-172, Chapters 21.01, 21.02,*
12 *21.08 and 21.13*),
13

14 Mr. Coffey stated the Title 21 Committee had held weekly publicly noticed meetings, reviewed concerns for all
15 chapters and had reviewed all recommendations of the P&Z, Planning staff and Platting Board. He summarized the
16 changes and stated that Chapter 21.01 was ready. The committee, working with Assembly Counsel Julia Tucker,
17 would bring forward new process and procedure elements for Chapter 21.02, addressing the duties of various boards
18 and commissions, including the UDC. The table, including footnotes, was reinserted because it was a helpful guide to
19 particular entitlements and correlated with Title 21 requirements.
20

21 To Mr. Starr, Mr. Nelson responded that conditional use appeals were heard by the Board of Adjustment. Mr. Coffey
22 responded that 'conditional uses for alcohol use,' were now referred to as 'special land use permits for alcohol,' with
23 the Assembly having final approval of beverage dispensary and package store liquor licenses. Ms. Ossiander stated
24 there would be additional changes to clarify details in other chapters to reflect the changed language.
25

26 To Mr. Starr, Mr. Coffey responded that the committee had placed the matter of the UDC in reserve status, which
27 would be addressed in the future. Mr. Coffey responded addressing the sections in reserved status would involve
28 Public Hearing. Ms. Ossiander responded that the reserved sections, when addressed, would be submitted as an
29 ordinance, which would amend the Chapter.
30

31 Mr. Birch (*participating telephonically*) stated while the Geotechnical Advisory Commission would act as advisory to the
32 Assembly the Urban Design Commission (*UDC*) was proposed to have final decision-making authority - perhaps the
33 UDC should be advisory as well. It had been reported that the UDC had been inconsistent in their project reviews
34 adding to project costs and delaying project approvals. Maybe that can be addressed down the road, by limiting UDC
35 review to a certain dollar threshold, say \$10 million. To Mr. Birch, Mr. Coffey and Ms. Ossiander responded that
36 responsibilities of boards and commission had been addressed in the new S-versions of the Chapters.
37

38 Mr. Coffey stated that Chapter 21.08 dealt with the (*boards and commissions*) process and procedures issues,
39 including the UDC. The committee had reincorporated purposed uses from the Anchorage 2020 Comprehensive Plan,
40 and emphasized and referenced the criteria manual throughout the Chapters. Many recommendations were adopted
41 from the Geotechnical Advisory Commission. The committee had addressed slope development and would be
42 addressing lots over 5 acres in size. The committee had addressed cut-and-fill development, co-locating utilities and
43 landscaping, walkways, sidewalks, trails, park access, reserve tracts, warranties, subdivision agreements,
44 performance guarantees and enforcement for irresponsible development. Public and private sewer and water systems
45 had been addressed, with the preferred method being private when standards were met. Ms. Ossiander stated that
46 utilities currently had provisions to provide reimbursement from future subsequent developers for completing main
47 infrastructure and similar provisions were being addressed for reimbursement to developers who put in collector
48 streets. Conservation subdivisions were being addressed, with more challenging environment issues of the remaining
49 developable land.
50

51 Mr. Coffey stated that Chapter 21.13 dealt with warranty provisions, including required deadlines, standards and
52 inspections. It was incentive for the MOA to do a good inspection, to allow a developer to end the 2-year liability
53 warranty. Provisions for dealing with fraud or breach of contract still needed to be addressed. Minor changes were
54 addressed in the conservation design process.
55

56 Ms. Ossiander moved, to amend Chapter 21.08 on Page 16, Line 16, 21.08.050A.4,
57 Mr. Coffey seconded, Engineers Registered in the State of Alaska, *by adding* a new
58 section to read:
59 "b. The Engineer shall maintain in good standing
60 professional liability insurance in the amount of
61 \$1,000,000 during the term of the agreement.
62 Policies written on a "claims-made" basis must have
63 a two year tail of coverage from the completion of the
64 subdivision agreement term. The required insurance
65 policy shall provide for no less than 30 days advance
66 notice to the municipality prior to cancellation.;"
67

68 Mr. Coffey stated this was language from the MOA's development agreement that would be incorporated into private
69 development, with engineers to provide inspections and compliance on behalf of the city. To Mr. Starr, Mr. Holtan
70 responded the exact language was taken from the city's standard engineering agreement used with consultants.
71

72 and this was approved without objection.
73

74 Ms. Ossiander moved, to amend Chapter 21.08 on Page 28, beginning on Line 29,
75 Mr. Coffey seconded, 21.08.060E.2.b, Inspection, Surveillance and Testing, *by*
76 *adding* a new subsection to read:
77 "2.b. The subdivider shall retain an independent registered
78 engineer, who has no financial interest in the

development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a "claims-made" basis must have a two-year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.;"

To Mr. Starr, Mr. Holtan responded that this was a doable policy. Engineers normally carried these insurance provisions, which covered both design and construction phases of the service.

To Ms. Ossiander, Mr. Holtan responded that a million dollar insurance policy was affordable and would not preclude a smaller engineering firm from doing work.

and this was approved without objection.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Chapter 21.08 on Page 27, beginning on Line 29, 21.08.060.D, Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area, *by adding* a new section to read:

"D.2. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a "claims-made" basis must have a two-year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.;"

Mr. Starr stated that there still was a concern with firms that had their own engineering staff. Mr. Holtan responded engineers on staff with firms often viewed solving problems differently than independent engineers. Engineers on staff with firms, who had a financial interest and were partnered in the development, were often problematic. Mr. Starr stated it was a judgment call, whether smaller businesses would be operating unethically and he viewed this as opposing the small entrepreneurial spirit. Mr. Coffey responded the subdivider and the engineer could not be the same person. There needed to be protection with public improvements that would eventually be owned and maintained by the MOA. Mr. Starr stated that licensed engineers registered in the State of Alaska would not jeopardize their licenses over a fraudulent matter. This was stepping into regulatory guidelines.

Mr. Birch noted that it should not be the business of the city to determine who may engineer or design a privately developed project. Where the city does have a responsibility to conduct a project review, the city was rightfully entitled to hire/employ/contract for those services as they deem necessary.

Mr. Coffey stated this matter had to do with subdivision agreements. It was MOA practice to have private engineers under contract with private developers, to do inspections, ensuring the public improvements were properly constructed and he supported the amendment. Any concerns could be addressed again in the future.

Mr. Birch stated that whether an engineer was working for the city or a property owner, including on their own property, the engineer had an overriding professional objective to carry out the work responsibly and consistent with all municipal requirements.

and this was approved without objection.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Chapter 21.08 on Page 13, Lines 2-23, 21.08.040, Dedication, Trails, *by changing* to read:

D. The platting authority shall require the dedication of an easement for a trail designated on adopted municipal plans. "If the platting authority approves an alternative location for a trail easement as a substitute for an existing easement, the" [Any] existing easement shall be vacated unless the property owner agrees otherwise.

And, amending Chapter 21.08 on Page 13, Lines 12-14, 21.08.040, Dedication, Trails, Access to Chugach State Park, *by changing* to read:

D.1.a. The platting authority shall require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large community use area or natural resource use area (as defined in the Anchorage Bowl Park, Natural Resource and Recreation Facility Plan) "or the Chugiak-Eagle River Comprehensive Plan" and for connectivity with a trail or access point identified in the most current

Chugach State Park Access Inventory [~~Any existing unused easements shall be vacated, unless the property owner agreed otherwise~~]. **"If the platting authority approves an alternative location for a trail easement as a substitute for an existing easement, the existing easement shall be vacated unless the property owner agrees otherwise."**

Ms. Ossiander stated the second portion of her amendment addressed Eagle River-Chugiak, which was not defined in the Anchorage Bowl Park Plan.

Mr. Coffey supported the amendment and proposed to add the same language as had been used in the previous amendment to clarify that multiple easements to access to Chugach (*State Park*) would not be required. Ms. Ossiander accepted this as a friendly amendment.

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

Ms. Ossiander moved,
Mr. Starr seconded,

to amend Chapter 21.08 on Page 35, Lines 12-14, 21.08.070, Conservation Subdivisions, Section D, Reduction in Minimum Lot Area Allowed, *by changing* to read:

D.8. Common open space with level 4 screening landscaping shall be provided along any lot line abutting a residential neighborhood where any adjoining lot is greater than 150% of the average lot size along that lot line of the conservation subdivision. **"In Class B areas this abutting landscaped open space area shall be one hundred feet wide."**

Ms. Ossiander stated this was specific to conservation subdivisions and had come up when addressing development adjacent to large rural 2.5 acre lots, as in the Powder Ridge Development. This would allow large sections of environmentally fragile open space to be reserved and would allow for increased concentration of housing in one section of property. In those particular situations, with conservation subdivisions immediately adjacent to large rural lots, buffers of at least 100 feet would be provided.

Mr. Coffey stated there were already 50-foot setbacks on either side and this would allow an additional 50 feet. He questioned the cost that would be imposed on the property owner. A level 4 screening landscaping requirement was significant and the additional setback was not needed. He would not support the amendment.

To Chair Sullivan, Mr. Nelson responded that the Administration supported the Ossiander Amendment.

Ms. Ossiander stated the additional footage was a significant point for the area residents when Powder Ridge was considered. This was a reasonable request and she urged support.

and this motion passed, 8-1.

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

NAYES: Coffey.

ABSENT: Jennings, excused.

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

Ms. Ossiander stated her next amendment dealt with steep sloped development and large lots.

Ms. Ossiander moved,
Mr. Coffey seconded,
the motion was later withdrawn.

to amend Chapter 21.08 on Page 9, beginning on Line 33, 21.08.030, H. Design Standards, Subdivisions on Slopes, *by adding* a new subsection to read:

"H.9. In the event of a subdivision equal to or greater than five acres the Platting Board is authorized to approve a plat which does not meet each requirement of this section, provided the subdivider demonstrates with sound engineering plans that such requirements are not feasible or appropriate, given the topography of the site being platted."

Ms. Ossiander stated that engineering and surveying specialists would be able to show it was reasonable to have more flexibility when considering larger lots.

To Chair Sullivan, Mr. Coffey responded that engineers would be able to demonstrate and the Platting Board would support ways to resolve specific problems that were normally contrary to the specific requirements already listed in Subsection H.

To Deputy Municipal Manager Michael Abbott, Ms. Ossiander responded that larger lots had more topographical and geographic features that would allow flexibility in development and different standards should be considered. Mr. Abbott responded that it seemed problematic in the sense that it would not be a consideration for other subdivision development. Currently the amendment appeared to be a blanket provision for all subdivisions. Ms. Ossiander responded the intent would allow consideration of greater flexibility for larger lots. The impact of one house on a 7.5-acre lot would be different than on a .5-acre lot. Mr. Abbott requested clarification on how this exemption related to public construction.

1 Chair Sullivan stated that the amendment needed more study and he recommended placing it in reserve status. Mr.
2 Coffey responded the Platting Board would be able to discern an allowance for larger lots. Language could be added
3 making it contingent upon approval by or recommendation of the Municipal Engineer. Ms. Ossiander responded that
4 she would continue to work with Mr. Coffey on improved language.
5

6 Mr. Nelson stated there needed to be some certainty that the exception would not become the rule. This could involve
7 sites in higher elevations with a thin soil mantle, with a greater sensitivity to disturbance. It was important to create
8 standards that protected the areas from unnecessary disturbances. It had been anticipated there may be exceptions,
9 but the burden would be on the subdivision designer, to show the Platting Board why and how a certain design feature
10 could be adequately and safely addressed. The subdivision design process included consideration of variance from a
11 particular standard, when justified. The Administration was more comfortable with that process, rather than creating a
12 'blank check.'
13

14 Ms. Ossiander withdrew the amendment, with concurrence of the body. Instead, she offered a reserved section to
15 create a placeholder for H.9.
16

17 Ms. Ossiander moved, to amend Chapter 21.08 on Page 7 Line 23 to Page 8, Line
18 Mr. Coffey seconded, 10, 21.08.030.H, Design Standards, *by moving* Subsection
19 and this was approved without objection. [H. Subdivisions on Slopes] to **Reserve Status** (*for future*
20 *consideration*);
21

22 Mr. Coffey moved, to amend Chapter 21.08 on Page 13, on Lines 26 and 27
23 Ms. Ossiander seconded, 21.08.040.D.1.a, Dedication, Trails, *by deleting* to read:
24 D.1.a. An acceptable vehicular right-of-way shall be a public
25 street that is platted [~~constructed~~] and dedicated in
26 accordance with relevant provisions of this Code,
27

28 Mr. Coffey stated the Chugach Park Access Coalition had requested that easements be dedicated, but the access
29 points were not identified and the locations were not clear. This would protect the residents in the area, by allowing
30 the sites to be identified and allow the State of Alaska to provide facilities for parking in the future.
31

32 To Ms. Ossiander, Mr. Nelson responded the Administration supported the amendment. The Planning Department
33 and the P&Z recommendation was to require a dedication of the right-of-way, to allow legal access to the park, but did
34 not require that the accesses be constructed. Ms. Ossiander stated that she did not readily accept the deletion of the
35 word and urged continue discussion. Chair Sullivan put the Question.
36

37 and this motion was approved without objection.
38

39 Mr. Starr moved, to amend Chapter 21.08 on Page 14, Lines 26 to 38,
40 Ms. Ossiander seconded, 21.08.040.F, Reserve Tracts *by moving* Subsection F.2 to
41 **Reserve Status** (*for future consideration*);
42 [F.2. Time for Acquisition
43 a. Within 24 months of filing of a final plat, or the period
44 of the school site designation provided by AMC
45 subsection 25.25.040B, whichever is earlier, the
46 municipality or any other public or private agency may
47 acquire any parcel designated as reserve tract on the
48 plat, by purchase or as otherwise authorized by law,
49 for the purpose for which the parcel was reserved
50 under subsection F.1. above.
51 b. If a reserve tract is not acquired within such time, it
52 shall be released from the reserve tract designation,
53 unless the time for acquisition is extended by the
54 reserve tract's owners, or by another provision of law.
55 c. In consideration of the reservation, the municipality
56 shall pay the owners of the reserve tract an amount
57 equal to the municipal real property taxes that accrue
58 on the reserve tract, during the period of reservation.];
59

60 Mr. Starr proposed that this entire section be moved to reserve status, to allow further discussion with the Anchorage
61 School District (ASD) Site Selection Committee. Dedicated lands being proposed by a private agency would
62 potentially be set aside for site selection and 24 months did not allow enough time. Moving this to reserve status
63 would allow time to figure out better language application, dealing with school site selection.
64

65 Mr. Coffey stated that the school site selection process now allowed 15 months. Mr. Nelson responded the reserve
66 status had rarely been used with this process. The city had used a reserved status on a 13-acre site for park
67 acquisition in Eagle River, involving a subdivision that Eklutna (*Incorporated*) was developing at that time. The
68 Heritage Land Bank (HLB) had provided the bulk of the funding in that instance.
69

70 Ms. Ossiander supported the Starr Amendment. She had addressed this section with the ASD and had not yet heard
71 a response. The Education Committee was currently working on the School Site Selection Ordinance and was
72 reexamining the process. This section would be in flux within the next six months.
73

74 Mr. Coffey stated that the Platting Board had the authority to designate a reserve tract and there were other
75 considerations. This could be reconsidered after the Education Committee completed (*Chapter*) 25.25 and the site
76 selection (*process*). He supported leaving the language in the chapter.
77

78 and this motion failed, 5-5.
79

1 AYES: Bauer, Starr, Ossiander, Birch (*participating telephonically*) and Traini.
2 NAYES: Tesche, Shamberg, Sullivan, Coffey and Stout.
3 ABSENT: Jennings, excused.

4
5 Ms. Shamberg moved,
6 Mr. Tesche seconded,
7 which was later bifurcated,
8 and bifurcation was later withdrawn,
9 and this motion was later approved.

to amend Chapter 21.08 on Page 35, Lines 31 to 36,
21.08.070, Conservation Subdivisions, *by changing* Section
F, to read:

F. Minimum Open Space

Open space shall be identified using the standards set
forth in subsection 21.07.030B.4, *Private Open Space,
Standards*, except that no portion of the land preserved
as common open space may be located within the
boundaries of an individual lot for residential
development, or in a road right-of-way, and no portion of
the land preserved as common open space may be less
than ~~[2000 square feet or less than]~~ 30 feet in its
smallest dimension "in Class A Districts or less than 100
feet in its smallest dimension in Class B Districts, or
have less square footage than one-half of the square
footage of the minimum lot size for that district."

Common open space areas in Class B improvement
areas shall remain undisturbed.;

24 Ms. Shamberg stated that the idea of having a 2000 square foot open space, which was fifteen yards by fifteen yards,
25 was not adequate for R-6 zoning. It was very disproportionate to a large lot area.

27 Ms. Ossiander stated the last section describing one-half of the square footage of the minimum lot size, would mean
28 on an R-6 lot, the smallest open space could be less than 20,000 square feet. Ms. Shamberg concurred and stated
29 that it was proportionate to the lot size in the neighborhood and, given open space use, it was not excessive. Ms.
30 Ossiander proposed bifurcation of the two items. Ms. Shamberg concurred, along with Mr. Tesche, the second.

32 Ms. Shamberg moved,
33 Mr. Tesche seconded,
34 and the bifurcation was later withdrawn.

to amend Chapter 21.08 on Page 35, Lines 31 to 35,
21.08.070, Conservation Subdivisions, *by changing* Section
F, to read:

F. Minimum Open Space

Open space shall be identified using the standards set
forth in subsection 21.07.030B.4, *Private Open Space,
Standards*, except that no portion of the land preserved
as common open space may be located within the
boundaries of an individual lot for residential
development, or in a road right-of-way, and no portion of
the land preserved as common open space may be less
than ~~[2000 square feet or less than]~~ 30 feet in its
smallest dimension "in Class A Districts or less than 100
feet in its smallest dimension in Class B Districts.;"

47 To Mr. Coffey, Ms. Shamberg responded this would allow a thirty-foot by thirty-foot open space area in Class A, but
48 not less than half the square footage for the minimum lot size. She stated that her amendment would not work without
49 the additional language. Ms. Shamberg withdrew her bifurcated amendment. Mr. Nelson recommended both
50 sections remain together, without bifurcating. Mr. Coffey concurred. To Mr. Coffey, Ms. Shamberg responded the
51 open space should be proportionate to the subdivision lot size. Mr. Nelson responded the proportionate adjustment
52 would be relative to the surrounding area.

54 and the original, main motion, was approved without objection.

56 Ms. Shamberg moved,
57 Mr. Tesche seconded,
58 new language was later proposed,
59 and the motion was left on the table.

to amend Chapter 21.08 on Page 35, Lines 32 and 35,
21.08.070, H, Conservation Subdivisions, Section F,
Minimum, Open Space, *by adding* language to read:
Common open space [~~should be accessible from a public
right-of-way or have pedestrian easements provided to it by
the developer.~~] "**shall be accessible to all property
owners in the subdivision.**" [a] Areas in class B
improvement areas shall remain undisturbed.;

65 Ms. Shamberg stated this would create public open space which was abutted only by a few parcels would make it
66 accessible to the public and other members of the subdivision.

68 Mr. Coffey stated that it was lawful to create private open space. Creating a public right-of-way would create a public
69 open space. People could elect to make a private open space a public open space. But they may want the private
70 area available for the use of only the subdivision. Ms. Shamberg responded that language would make the open
71 space accessible to the members of the neighborhood. Mr. Coffey proposed a deletion and new language. (*Clerk's
72 Note: this proposed change was left on the table and the matter was continued to April 10, 2007.*)

74 Chair Sullivan proposed to Change the Order of the Day to take up the remaining Agenda items.

76 Mr. Coffey moved,
77 Ms. Shamberg seconded,
78 and this was approved without objection.

to Continue AO 2007-172, as amended, to April 10, 2007,

1 (Clerk's Note: Chair Sullivan moved the body to take up remaining items, beginning with 14.C)

2
3 **14. NEW PUBLIC HEARINGS**

- 4 14.A. Ordinance No. AO 2007-35, an ordinance determining and approving the total amount of the **annual**
5 **operating budget of the Anchorage School District** for its fiscal year 2007-2008 and determining
6 and appropriating the portion of the Assembly approved budget amount to be made available from
7 local sources; Anchorage School District.
8 1. Assembly Memorandum No. AM 144 -2007.
9 2. Ordinance No. AO 2007-35(S), an ordinance determining and approving the total amount of
10 the annual operating budget of the Anchorage School District for its fiscal year 2007-2008 and
11 determining and appropriating the portion of the Assembly approved budget amount to be
12 made available from local sources; Anchorage School District. (**Laid on the Table**)
13

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

15
16 Mr. Traini declared a potential conflict of interest, because his wife worked with the Anchorage School District (ASD).
17 Chair Sullivan stated that being consistent with past rulings, he ruled that Mr. Traini did not have a conflict of interest
18 and ordered him to participate with the matter before the Assembly.
19

20 Ms. Ossiander assumed the Assembly Chair to allow Mr. Sullivan to speak to the matter. Mr. Sullivan declared a
21 potential conflict of interest, because his wife also worked as a tenured teacher for the ASD. Acting Chair Ossiander
22 ruled that Mr. Sullivan did not have a conflict of interest and ordered that he participate. Mr. Sullivan resumed as
23 Assembly Chair.
24

25 Mr. Starr declared a potential conflict of interest because his wife was a substitute nurse with the ASD. Chair Sullivan
26 ruled that Mr. Starr did not have a conflict of interest and ordered that he participate with the matter.
27

28 Mr. Stout declared a potential conflict of interest because his wife was a substitute teacher with the ASD. Chair
29 Sullivan ruled that Mr. Stout did not have a conflict of interest and ordered that he participate with the matter.
30

31 Mr. Traini declared a potential conflict of interest because his daughter was a teaching assistant with the ASD. Chair
32 Sullivan stated that, as in the past, individual employees were not affected by the overwhelming size of a \$700 million
33 budget, as it did not line-item individual employees or their wages. Chair Sullivan ruled that Mr. Traini did not have a
34 conflict of interest.
35

36 Chair Sullivan opened Public Hearing.
37

38 ASD SUPERINTENDENT CAROL COMEAU urged consideration of the Substitute Version (*S-version*), which included
39 a decrease in the new construction portion of the budget, determined by the ASD Office of Management and Budget.
40 It was a net decline of \$231,423.00 in local taxes. She urged support. To Mr. Traini, Ms. Comeau responded there
41 was adequate funding included in the budget for the tentative labor settlement. The ASD had been clear with the
42 settlement agreement that if the ASD did not receive additional revenues from the State, programs and positions would
43 be cut. To Chair Sullivan, Anchorage School Board President JEFF FRIEDMAN responded that the concerns raised
44 on the Student Information System (*SIS*) were legitimate and they had hired an experienced consultant to review the
45 matter. That study was posted on the ASD website. The 20-year old *SIS* was inefficient. To Chair Sullivan, Ms.
46 Comeau responded the collected funding would be enough to get the *SIS* installed and operational. Ongoing costs
47 would be added to the budget. The ASD would consider making the system mandatory for all employees. Benefits
48 would include student interaction, teacher interaction, parent communication and all student information would be
49 available online, with password-protected access. Chair Sullivan stated the Assembly had approved a resolution that
50 evening, urging the Administration involved with contract negotiations to keep wage increases to the next five year
51 CIP, to create a benchmark to follow and to request the employees to share a greater percentage of healthcare costs.
52 Taxpayers were concerned that those burdens should be falling on the employees. Ms. Comeau responded the
53 district was working hard for costs containment and all alternatives for healthcare, but there was an increase this year,
54 next year and the following year and employees were paying higher premiums.
55 With no additional public testimony, Chair Sullivan closed Public Hearing and called the Question.
56

57 Ms. Ossiander moved, to approve AO 2007-35(S),
58 Mr. Starr seconded,
59

60 To Mr. Birch, Chair Sullivan responded the changes in the S-version included an overall net decrease in the budget of
61 \$231,423.00 because of the adjustments for the five-year average population and other tax cap rules.
62

63 Ms. Ossiander thanked the ASD team for their efforts with joining the Cooperative Services Authority (*CSA*), which
64 would be productive. Deputy Municipal Manager Michael Abbott responded the purchasing system had proven to be
65 very successful.
66

67 Mr. Traini stated this was a good budget and he would support it. The ASD was doing a great job.
68

69 and the main motion was passed without objection.
70

71 AYES: Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
72 and Traini.

73 NAYES: None.

74 ABSENT: Jennings, excused.

75 (Clerk's Note: Mr. Tesche was temporarily out of Chambers at the time of the vote.)
76

- 77 14.B. Ordinance No. AO 2007-36, an ordinance of the Anchorage Municipal Assembly amending Anchorage
78 Municipal Code Chapter 16.100, **Private Ambulance Service**, to enact a new subsection AMC

1 16.100.025A.3. creating a new Type III license for limited private ambulance service to provide
2 continuity of patient care with medical air transport; Assemblymember Birch.

3
4 Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing
5 and called the Question.

6
7 Mr. Birch moved, *to postpone indefinitely* AO 2007-36,
8 Ms. Ossiander seconded,
9 and this was passed without objection.

10
11 14.C. Ordinance No. AO 2007-48, an ordinance amending Anchorage Municipal Code Sections 25.35.010
12 and 25.35.040 regarding the appointment and authority of the **Executive Director of the Anchorage**
13 **Community Development Authority**, retroactive to March 2, 2007; Heritage Land Bank.
14 1. Assembly Memorandum No. AM 199-2007.

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

18
19 Ms. Ossiander moved, *to approve* AO 2007-48,
20 Mr. Coffey seconded,
21 and this motion was approved without objection.

22
23 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
24 and Traini.
25 NAYES: None.
26 ABSENT: Jennings, excused.

27
28 14.D. Ordinance No. AO 2007-46, an ordinance authorizing withdrawal of **Heritage Land Bank (HLB)**
29 **Parcels #4-014, 4-015 and 4-016** from the HLB Inventory and transfer to the Real Estate Services
30 Division.
31 1. Assembly Memorandum No. AM 179-2007.

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

35
36 Mr. Coffey moved, *to approve* AO 2007-46,
37 Ms. Ossiander seconded,

38
39 To Ms. Ossiander, Economic Community Development Director Mary Jane Michael responded that the Heritage Land
40 Bank (*HLB*) Commission intended that both properties be managed under one entity. There was no intention to
41 change the use.

42
43 and this was approved without objection, 10-0.

44
45 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
46 and Traini.
47 NAYES: None.
48 ABSENT: Jennings, excused.

49
50 14.E. Resolution No. AR 2007-66, a resolution of the Municipality of Anchorage appropriating \$163,540 as a
51 contribution from the Areawide General Fund (101) Heritage Land Bank/Real Estate Services
52 Department's 2007 Operating Budget to the Areawide Capital Fund (401) Heritage Land Bank
53 Department/Real Estate Services Division for **City Hall capital maintenance and improvements**
54 (\$88,540) and tenant improvements (\$75,000); Heritage Land Bank.
55 1. Assembly Memorandum No. AM 182-2007.

56
57 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
58 and called the Question.

59
60 Ms. Ossiander moved, *to approve* AR 2007-66,
61 Mr. Coffey seconded
62 and this was approved without objection, 10-0.

63
64 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
65 and Traini.
66 NAYES: None.
67 ABSENT: Jennings, excused.

68
69 14.F. Resolution No. AR 2007-67, a resolution of the Municipality of Anchorage appropriating a \$2,641,080
70 contribution of BP2007 tax revenues approved in the BP2007 General Operating Budget from the
71 Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund 119 to the **CBERRRSA**
72 **Capital Improvement Program Fund** 419 for road and drainage capital improvement projects within the
73 CBERRRSA; Maintenance & Operations Department.
74 1. Assembly Memorandum No. AM 183-2007.

75
76 Chair Sullivan read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing
77 and called the Question.

78
79 Mr. Starr moved, *to approve* AR 2007-67,

1 Ms. Ossiander seconded,
2 and this motion was passed, 10-0.

3
4 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
5 and Traini.
6 NAYES: None.
7 ABSENT: Jennings, excused.

8
9 14.G. Ordinance No. AO 2007-41, an ordinance amending the zoning map and providing for the rezoning of
10 approximately 2.12 acres, from R-10 (Residential Alpine/Slope) to R-6 (Suburban Residential) for **Sue**
11 **Tawn Estates #2 Subdivision, Block 3, Lot 11**; generally located at the terminus of Sue Tawn Drive
12 and east of Little Peters Creek (Chugiak Community Council) (Planning and Zoning Commission Case
13 2007-001); Planning Department.
14 1. Assembly Memorandum No. AM 167-2007.

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

18 Ms. Ossiander moved, to approve AO 2007-41,
19 Mr. Starr seconded,
20 and the motion was passed, 10-0.

21
22
23 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
24 and Traini.
25 NAYES: None.
26 ABSENT: Jennings, excused.

27
28 **15. SPECIAL ORDERS** There were none.

29
30 **16. UNFINISHED AGENDA** There were none.

31
32 **17. AUDIENCE PARTICIPATION** There were none.

33
34 **18. ASSEMBLY COMMENTS** There were none.

35
36 **19. EXECUTIVE SESSIONS** There were none.

37
38 **20. ADJOURNMENT**

39
40 Chair Sullivan called for a motion to adjourn the meeting.

41
42 Mr. Coffey moved, to adjourn the Regular Assembly Meeting,
43 Mr. Starr seconded,
44 and this motion was passed without objection,

45
46 AYES: Tesche, Shamberg, Bauer, Starr, Sullivan, Ossiander, Birch (*participating telephonically*), Coffey, Stout
47 and Traini.
48 NAYES: None.
49 ABSENT: Jennings, excused.

50
51 The Regular Assembly Meeting was adjourned at 10:55 p.m.

52
53
54
55
56 *See Archived Document for signatures*

57
58

DAN SULLIVAN, Assembly Chair

59 ATTEST:

60
61
62
63
64 *See Archived Document for signatures*

65
66

BARBARA GRUENSTEIN, Municipal Clerk
67 Date Minutes Approved: May 22, 2007.
68 MC/BG

69
70 *(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage,*
71 *Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)*
72