

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of July 15, 2008
Continued to July 16, 2008

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18 **1. CALL TO ORDER**

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20 The Assembly Meeting of July 15, 2008 was convened by Chair Claman at 5:00 p.m. in Assembly Chambers, Room
21 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

22
23 **2. ROLL CALL** On July 15, 2008 a Quorum was achieved with Assemblymembers present.

24
25 PRESENT: William Starr, Mike Gutierrez, Elvi Gray-Jackson, Chris Birch, Matt Claman, Sheila Selkregg, Harriet
26 Drummond, Debbie Ossiander, Patrick Flynn, Jennifer Johnston and Dan Coffey.
27 ABSENT: None.

28
29 **3. PLEDGE OF ALLEGIANCE** Assemblymember Ossiander led the pledge.

30
31 **4. MINUTES OF PREVIOUS MEETINGS**

32 4.A. Regular Meeting – May 20, 2008.

33
34 Ms. Johnston moved, to approve the Regular Meeting Minutes of May 20, 2008,
35 Mr. Birch seconded,
36 and the motion passed without objection.

37
38 4.B. Regular Meeting – June 10, 2008.

39
40 Mr. Flynn moved, to approve the Regular Meeting Minutes of June 10, 2008,
41 Ms. Johnston seconded,

42
43 Mr. Flynn moved, to amend the June 10th Minutes on Page 6, Lines 32 & 33 by
44 Ms. Drummond seconded, *changing* to read: Mr. Flynn concurred and responded the
45 and this was approved without objection. [State-Administration] "committee" wanted to find permanent
46 solutions to "reduce" Alaskans' cost of living.; on Page 12,
47 Line 69 *by changing* to read: "Mr. Flynn stated that the
48 "Elections and Ethics Committee" would address disclosure
49 requirements, and; on Page 14, Line 73 *by changing* to read:
50 [Terry] "Terry" Potter,

51
52 Ms. Ossiander moved, to amend the June 10th Minutes on Page 7, Line 72, by
53 Ms Johnston seconded, *adding* to read: Municipal Attorney Jim Reeves responded he
54 and this was approved without objection. believed it was permissible "*(in this case.)*"

55
56 and the main motion, as amended, passed without objection.

57
58 4.C. Regular Meeting – June 24, 2008.

59
60 Mr. Flynn moved, to approve the Regular Meeting Minutes of June 24, 2008,
61 Ms. Drummond seconded,

62
63 Mr. Birch stated that due to technical difficulties he was unable to participate telephonically. He requested to be
64 reflected as abstaining from participating. He addressed the need to improve dialing-in capabilities for meetings.

65
66 Ms. Johnston moved, to amend the June 24th Minutes on Page 9, Line 69 by
67 Mr. Coffey seconded, *changing* to read: Mr. Flynn stated the "football" stadium in
68 and this was approved unanimously, Seattle [would be] "is" called Quest Field [after losing the
69 with Mr. Birch abstaining. Liberty Mutual name], and; on Line 71, *by changing* to read:
70 He stated the amendment would be stronger if "*it were*
71 *restricted to*" incremental costs [were included].;

72
73 and the main motion, as amended, passed without objection,
74 with Mr. Birch abstaining, due to his excused absence on that date.

75
76 **5. MAYOR'S REPORT** There was none.

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2 **6. ASSEMBLY CHAIR'S REPORT**
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4 Chair Claman recognized newly appointed and reappointed board and commission members, including Paul Benson
5 to the Housing and Neighborhood Development Commission; Tracie Krauthoefer to the Historic Preservation
6 Commission, and; Seth Weaver to the Youth Advisory Commission. Mr. Flynn and Chair Claman thanked them for
7 their service. *(Clerk's Note: Later in the meeting the Assembly also recognized Victoria Bledsoe, newly appointed to
8 the Youth Advisory Commission, who was currently out of town but was represented by her father.)*
9

10 **7. COMMITTEE REPORTS**
11

12 Mr. Gutierrez reported the Public Safety Committee met on July 9th and discussed the issue of junk vehicles. The
13 committee would address issues of drug addition and treatment in the future.
14

15 Ms. Gray-Jackson reported the Budget and Finance Committee would meet July 17th at noon at City Hall to discuss
16 revisions to AR 2007-283(S), concerning the budget. The committee had requested comments from the Budget
17 Advisory Commission, which had not met. She would solicit commission comments through the mail and the matter
18 would be heard on July 29th. She stated that the vacancy factor would also be addressed.
19

20 Mr. Birch urged that the focus remain on the potential energy savings through joint operations of Chugach Electric and
21 Municipal Light and Power.
22

23 Dr. Selkregg reported the Community and Economic Development Committee would meet on July 30th to discuss
24 energy.
25

26 Ms. Drummond reported that she met with Anchorage School District Superintendent Carol Comeau and Anchorage
27 School Board President Jeff Friedman that morning to discuss issues the ASD and the Assembly could work on
28 cooperatively. She would schedule an Education Committee Meeting for August.
29

30 Ms. Ossiander reported the Title 21 Committee would meet Thursday to finalizing amendments to Chapter 5. She
31 stated that a design criteria manual should not be created until Chapter 7 was finalized. Municipal Manager Michael
32 Abbott responded the design criteria manual was consistent with Title 21 and primarily for roads and drainage and
33 subdivision issues. Dr. Selkregg stated the worksession had included open discussion about public concerns. Mr.
34 Coffey stated a design criteria manual was not regulated by the Assembly unless it had been adopted as regulation by
35 the Assembly.
36

37 Mr. Coffey reported that he and Ms. Drummond had worked on AO 2008-15 *(item 13.C, concerning Site Plan*
38 *Authority)* and would report on the matter later in the meeting.
39

40 **8. ADDENDUM TO AGENDA**
41

42 Chair Claman called for a motion and read the Addendum items. There were no additional items added to the
43 Consent Agenda. AM 483-2008 was added and assigned Agenda number 14.A.4. Chair Claman called for a vote to
44 incorporate the Addendum items into the Consent Agenda.
45

46 Mr. Flynn moved, to approve the inclusion of the Addendum items
47 Ms. Johnston seconded, into the Consent Agenda,
48 and this motion was passed.

49
50 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
51 Coffey.

52 NAYS: None.
53

54 Chair Claman called for a motion on the Consent Agenda.
55

56 Ms. Johnston moved, to approve the Consent Agenda,
57 Mr. Coffey seconded,
58

59 Chair Claman called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
60 discussion.
61

62 **9. CONSENT AGENDA**
63

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

65 9.A.1. Resolution No. AR 2008-145, a resolution of the Anchorage Municipal Assembly and Mayor Mark
66 Begich recognizing and honoring **Donald B. Warden** for his nearly 10 years of service to the
67 Municipality of Anchorage.

68 Dr. Selkregg requested this item be pulled for review on the Regular Agenda. *(See 10.A.1)*
69

70 **9.B. RESOLUTIONS FOR ACTION - OTHER**

71 9.B.1. Resolution No. AR 2008-146, a resolution establishing **delinquent dates for the first and second half**
72 **of yearly personal property tax payments** for Tax Year 2008, Finance Department.
73 a. Assembly Memorandum No. AM 442-2008.

74 9.B.2. Resolution No. AR 2008-147, a resolution of the Municipality of Anchorage accepting and
75 appropriating \$100,000 as a donation from the ConocoPhillips-Alaska, Inc. Spirit of conservation
76 Program to Fund 261, Miscellaneous Operational Grants, Office of Economic and Community
77 Development, for **Salmon in the City Educational Displays** along Chester Creek at Westchester
78 Lagoon.
79

a. Assembly Memorandum No. AM 443-2008.

- 1 9.B.3. Resolution No. AR 2008-148, a resolution of the Anchorage Assembly appropriating \$1,000 from the
2 State of Alaska to the State Categorical Grants Fund (231) to the Office of Economic and Community
3 Development, for the reimbursement of **library conference travel costs**.
4 a. Assembly Memorandum No. AM 444-2008.
- 5 9.B.4. Resolution No. AR 2008-149, a resolution of the Municipality of Anchorage appropriating \$30,000 from
6 the Mountain Park Estates LRSA Fund Balance (Fund 117) to the **Mountain Park Estates LRSA**
7 **BP2008 Operating Budget** (Fund 117), Maintenance and Operations Department, for summer work
8 program.
9 a. Assembly Memorandum No. AM 445-2008.
- 10 9.B.5. Resolution No. AR 2008-150, a resolution of the Municipality of Anchorage appropriating \$20,000 from
11 the Raven Woods/Bubbling Brook LRSA Fund Balance (Fund 116) to the **Raven Woods/Bubbling**
12 **Brook LRSA BP2008 Operating Budget** (Fund 116), Maintenance and Operations Department, for
13 summer work program.
14 a. Assembly Memorandum No. AM 446-2008.
- 15 9.B.6. Resolution No. AR 2008-151, a resolution of the Municipality of Anchorage appropriating \$35,000 from
16 the Section 6/Campbell Airstrip LRSA Fund Balance (Fund 112) to the **Section 6/Campbell Airstrip**
17 **Road LRSA BP2008 Operating Budget** (Fund 112), Maintenance and Operations Department, for
18 summer work program.
19 a. Assembly Memorandum No. AM 447-2008.
- 20 9.B.7. Resolution No. AR 2008-153, a resolution of the Municipality of Anchorage appropriating \$12,266 as a
21 grant from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland
22 Security and Emergency Management and appropriating \$225 as a contribution from the 2008
23 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the
24 State Categorical Grants Fund (231), Anchorage Police Department, for the purchase of **terrorism**
25 **response and prevention equipment**.
26 a. Assembly Memorandum No. AM 477-2008. (*Addendum*)
- 27 9.B.8. Resolution No. AR 2008-154, a resolution of the Municipality of Anchorage appropriating \$100,000
28 from the Glen Alps Service Area (SA) Fund Balance (Fund 105) to the **Glen Alps SA BP2008**
29 **Operating Budget** (Fund 105), Maintenance and Operations Department, for summer work program.
30 a. Assembly Memorandum No. AM 478-2008. (*Addendum*)

31 9.C. BID AWARDS

- 32 9.C.1. Assembly Memorandum No. AM 454-2008, recommendation of award to Yukon Electric, Inc. for
33 providing **electrical day labor services** to the Municipality of Anchorage, Maintenance & Operations
34 Department and Traffic Department (ITB 28-B038) (\$2,000,000), Purchasing.

35 Chair Claman requested this item be pulled for review on the Regular Agenda. (*See 10.C.1*)

- 36 9.C.2. Assembly Memorandum No. AM 455-2008, recommendation of award to Feeney Wireless for
37 furnishing **Panasonic CF-30 Toughbook laptop computers with mounting hardware** to the
38 Municipality of Anchorage, Information Technology Department (RFQ 28-Q073) (\$53,914.58),
39 Purchasing.

40 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.C.2*)

- 41 9.C.3. Assembly Memorandum No. AM 481-2008, recommendation of award to Roger Hickel Contracting,
42 Inc. for **Independence Drive Roadway Improvements, Abbott Road to Colony Loop (South)**,
43 PM&E Project No. 04-019 for the Municipality of Anchorage, Project Management & Engineering
44 Department (ITB 28-C047) (\$4,191,669.20), Purchasing. (*Addendum*)

45 Ms. Drummond requested this item be pulled for review on the Regular Agenda. (*See 10.C.3*)

46 9.D. NEW BUSINESS

- 47 9.D.1. Assembly Memorandum No. AM 456-2008, **Emergency Medical Service Board** appointment
48 (Kenneth Mariott), Mayor's Office.
- 49 9.D.2. Assembly Memorandum No. AM 457-2008, **Historic Preservation Commission** appointment (Tracie
50 Krauthoefer), Mayor's Office.
- 51 9.D.3. Assembly Memorandum No. AM 458-2008, **Housing and Neighborhood Development**
52 **Commission** appointment (Paul Benson), Mayor's Office.
- 53 9.D.4. Assembly Memorandum No. AM 459-2008, **Youth Advisory Commission** appointments (Victoria
54 Bledsoe, Michael McCambridge, Cierra Murphy, Seth Weaver, and Conrad Wharton), Mayor's Office.
- 55 9.D.5. Assembly Memorandum No. AM 460-2008, **Section 6/Campbell Airstrip Road Limited Road**
56 **Service Area Board of Supervisors** appointment (Ted Trueblood), Mayor's Office.
- 57 9.D.6. Assembly Memorandum No. AM 461-2008, **Talus West Limited Road Service Area Board of**
58 **Supervisors** appointment (Anthony Winsor), Mayor's Office.
- 59 9.D.7. Assembly Memorandum No. AM 441-2008, **Rumrunners Old Towne Bar & Grill #4157-** Application
60 for the Transfer of a Beverage Dispensary Liquor License and Restaurant Designation Permit
61 (Downtown Community Council), Clerk's Office.
- 62 9.D.8. Assembly Memorandum No. AM 462-2008, proprietary purchase with Dataradio Corporation to furnish
63 **thirty (30) mobile radio modems** to the Municipality of Anchorage, Maintenance & Operations
64 Department, Fleet Services Division (\$77,459.92), Purchasing.
- 65 9.D.9. Assembly Memorandum No. AM 463-2008, Change Order No. 1 to Purchase Order No. 280585 with
66 Interior Surfaces for **carpet, sheet vinyl and rubber base replacement** at the Department of Health
67 & Human Services (DHHS) Building Project for the Municipality of Anchorage, Maintenance and
68 Operations Department (\$61,875.00), Purchasing.
- 69 9.D.10. Assembly Memorandum No. AM 464-2008, approval of Amendment No. 2 to the Alaska Pollution
70 Control Contract (26M&O178) increasing the contract amount by \$150,000 for a contract amount Not To
71 Exceed (NTE) \$1,150,000 for capital road and drainage rehabilitation projects within the **Glen Alps**
72 **Service Area (SA)**, Maintenance and Operations Department.

- 1 9.D.11. Assembly Memorandum No. AM 465-2008, approval of Amendment No. 2 to the Alaska Pollution
2 Control contract (26M&O175) to increase the contract by \$20,000 for the contract period ending August
3 31, 2008 for an amount Not To Exceed (NTE) \$55,000 to fund the 2008 summer work program and the
4 approval of a \$20,000 increase for subsequent contract periods for NTE \$55,000 annual contract on an
5 "as required" basis within the **Mountain Park Estates LRSA** (Fund 117), Maintenance and Operations
6 Department.
7 9.D.12. Assembly Memorandum No. AM 466-2008, approval of Amendment No. 5 to the Alaska Pollution
8 Control contract to increase the contract by \$200,000 for the contract period ending August 31, 2008 for
9 a total contract amount Not To Exceed (NTE) \$1,830,000 to fund the 2008 summer work program on an
10 "as required" basis within the **Upper O'Malley LRSA** (Fund 143), Maintenance and Operations
11 Department.
12

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

- 14
15 9.D.13. Assembly Memorandum No. AM 467-2008, Change Order No. 2 to Vendor Contract No. 27MLP067
16 with **Turbocare Gas Turbine Services, LLC** for providing technical service and labor (repairs &
17 inspections) for the Municipality of Anchorage, Municipal Light & Power Utility (ML&P) (\$1,000,000),
18 Purchasing.
19

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

- 21
22 9.D.14. Assembly Memorandum No. AM 468-2008, recommendation for Community Development Block Grant
23 Award to **Safe Harbor Inn Inc.** for the purchase of the Ramada Limited Hotel for the Municipality of
24 Anchorage, Department of Neighborhoods (\$450,000), Purchasing.
25 9.D.15. Assembly Memorandum No. AM 469-2008, proprietary grant award to Habitat for Humanity for
26 **Affordable Housing Program** for the Municipality of Anchorage, Community Development Division
27 (\$300,000), Purchasing.
28 9.D.16. Assembly Memorandum No. AM 470-2008, Contract Amendment No. 1 Utility Relocation Agreement
29 with Chugach Electric Association (CEA) for the **48th Avenue/Boniface Parkway Extension, Tudor**
30 **Road to Elmore Road**, Project No. 05-30 (\$855,000), Project Management & Engineering.
31 9.D.17. Assembly Memorandum No. AM 471-2008, Contract Amendment No. 3 to Colaska, Inc. dba QAP for
32 the construction of **Raspberry Road Improvements, Minnesota Drive to Arctic Boulevard**, Project
33 No. 02-13 (\$562,188.03), Project Management & Engineering.
34

35 Mr. Flynn requested this item be pulled for review on the Regular Agenda. (See item 10.D.17)

- 36
37 9.D.18. Assembly Memorandum No. AM 472-2008, Contract Amendment No. 1 to professional services
38 contract with Trawver Land Services and HDR Alaska, Inc. for providing **right of way land**
39 **acquisition services** for the Municipality of Anchorage, Project Management & Engineering
40 (\$400,000).
41 9.D.19. Assembly Memorandum No. AM 473-2008, Amendment No. 4 to professional services contract with
42 DOWL Engineers for the **Chester Creek Trail Connection Project and the Fish Creek Trail Project**,
43 Project No. 96-19 (\$134,480), Project Management & Engineering.
44

45 Mr. Flynn requested this item be pulled for review on the Regular Agenda. (See item 10.D.19)

- 46
47 9.D.20. Assembly Memorandum No. AM 474-2008, Amendment No. 2 to the Utility Relocation Agreement with
48 Chugach Electric Association, Inc. for the design of an overhead-to-underground relocation required to
49 facilitate the **Arctic Boulevard Right Turn-Lane Project**, Project No. 02-10b (\$40,000), Project
50 Management & Engineering.
51

52 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.20)

- 53
54 9.D.21. Assembly Memorandum No. AM 479-2008, recommendation of award to Fosselman & Associates,
55 CPAs, Inc. for providing **ambulance and fire inspection billing and collection services** for the
56 Municipality of Anchorage, Anchorage Fire Department (AFD) (RFP 28-P007) (\$1,581,783),
57 Purchasing. (**Addendum**)
58

59 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.21)

- 60
61 9.D.22. Assembly Memorandum No. AM 480-2008, authorization to enter into a Transfer of Responsibilities
62 Agreement between the State of Alaska and the Department of Transportation and Public Facilities for
63 the **demolition of a pedestrian overpass at 84th Avenue and Lake Otis Parkway** adjacent to the
64 Abbott Loop Elementary School, Project Management & Engineering. (**Addendum**)
65

66 Ms. Gray-Jackson requested this item be pulled for review on the Regular Agenda. (See item 10.D.22)

67
68 **9.E. INFORMATION AND REPORTS**

- 69 9.E.1. Information Memorandum No. AIM 52-2008, Assembly request for information regarding **Mayor's**
70 **Task Force on Obesity and Health 10 Year Plan Progress Report**, Health and Human Services.
71

72 Mr. Gutierrez requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)

- 73
74 9.E.2. Information Memorandum No. AIM 53-2008, **Vacancies and the Budget Process**, Office of
75 Management and Budget.
76 9.E.3. Information Memorandum No. AIM 54-2008, **contracts awarded between \$50,000 and \$500,000**
77 **through formal competitive processes** for the month of May 2008, Purchasing.
78 9.E.4. Information Memorandum No. AIM 55-2008, **Sole Source Procurement Report** for the month of May
79 2008, Purchasing.

- 1 9.E.5. Information Memorandum No. AIM 56-2008, **Sole Source Procurement Report** for the month of June
2 2008, Purchasing.
3

4 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.E.5)
5

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

- 7 9.F.1. Ordinance No. AO 2008-85, an ordinance amending Anchorage Municipal Code Section 31.20.020 to
8 **revise the requirement for payment of a dividend from the Anchorage Water and Wastewater**
9 **Utility** to the Municipality of Anchorage under certain conditions. P.H. 7-29-08.
10 a. Assembly Memorandum No. AM 449-2008.
11 9.F.2. Ordinance No. AO 2008-86, an ordinance amending Anchorage Municipal Code Section 8.15.010 to
12 **raise the minimum value of property in the crime of theft by shoplifting**; amending Section 8.75.160 to
13 **raise the value threshold and add a civil violation alternative remedy**; and amending Section 14.60.030
14 **to establish a fine and confer jurisdiction on the Administrative Hearing Officer, Department of Law.**
15 P.H. 7-29-08.
16 a. Assembly Memorandum No. AM 450-2008.
17

18 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.F.2)
19

- 20 9.F.3. Ordinance No. AO 2008-87, an ordinance amending Anchorage Municipal Code Section 10.75.010 to
21 **reduce the fee for progress inspections and to add fees for special occupancy inspections, fire**
22 **protection systems report review, and standby fire service operations**, Anchorage Fire
23 Department. P.H. 7-29-08.
24 a. Assembly Memorandum No. AM 451-2008.
25 9.F.4. Ordinance No. AO 2008-88, an ordinance authorizing the **purchase of six lots located in Mountain**
26 **View** in Anchorage, from Habitat for Humanity, with an appropriation from the Heritage Land Bank
27 Fund Balance (221) to the Heritage Land Bank Capital Fund (421) for \$27,786 plus closing costs.
28 P.H. 7-29-08.
29 a. Assembly Memorandum No. AM 452-2008.
30 9.F.5. Ordinance No. AO 2008-89, an ordinance repealing and re-enacting Anchorage Municipal Code
31 Chapter 4.90 to establish the **Watershed & Natural Resources Advisory Commission**, Office of
32 Economic & Community Development. P.H. 7-29-08.
33 a. Assembly Memorandum No. AM 453-2008.
34 9.F.6. Resolution No. AR 2008-152, a resolution of the Municipality of Anchorage appropriating \$145,000 from
35 Birch Tree/Elmore LRSA Fund Balance (Fund 111) to **Birch Tree/Elmore LRSA BP2008 Operating**
36 **Budget** (Fund 111), Maintenance and Operations Department, for summer work program. P.H. 7-29-
37 08.
38 a. Assembly Memorandum No. AM 448-2008.
39

40 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.F.6)
41

- 42 9.F.7. Ordinance No. AO 2008-90, an ordinance amending Anchorage Municipal Code to add a new Title 32
43 for the **Municipal Power Authority** and enacting Section 4.80.030, amending Chapter 26.30 and
44 Sections 3.20.070, 3.70.060, 4.50.020, 4.70.010, and 26.10.025, and repealing Section 4.70.030 to
45 provide for consistency with new Title 32. [P.H. 7-29-08] "September 9, 2008." (**Addendum**)
46 a. Assembly Memorandum No. AM 476-2008.
47

48 Mr. Starr requested this item be pulled for review on the Regular Agenda. (See item 10.F.7)
49

- 50 9.F.8. Resolution No. AR 2008-112, a resolution confirming the assessment roll and levying special
51 assessments for services on property specially benefited in the **Downtown Business Improvement**
52 **District, Special Assessment District 1SD97**, setting the dates of assessment, and providing for
53 assessment billing, payment due dates, application of payments, delinquency, penalties, interest and
54 costs for delinquency and enforcement and \$71,443 in assessment revenues when tendered to
55 Special Assessment Fund 271 for services benefiting the property owners in Special Assessment
56 District 1SD97, Office of Management and Budget. P.H. 8-19-08. (**Addendum**)
57 a. Assembly Memorandum No. AM 475-2008.
58

59 Dr. Selkregg requested this item be pulled for review on the Regular Agenda. (See item 10.F.8)
60

- 61 9.F.9. Resolution No. AR 2008-155, a resolution of the Municipality of Anchorage appropriating \$781,611 as
62 a Federal Pass-Through grant from the Alaska Department of Fish and Game Southeast Sustainable
63 Salmon Fund to the Areawide General CIP Fund (Fund 401), Project Management & Engineering, for
64 the **Salmon Rearing Habitat Restoration Project/Little Campbell Creek Drainage Improvement**
65 **Project – West of Lake Otis Parkway**. P.H. 7-29-08.
66 a. Assembly Memorandum No. AM 482-2008. (**Addendum**)
67

68 Chair Claman called for a vote on the remainder of the Consent Agenda.
69

70 and the main motion, as amended, was passed.
71

72 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
73 Coffey.
74 NAYS: None.
75

76 The amended Consent Agenda was approved and Chair Claman led the body into discussion of the pulled items.
77
78
79

END OF CONSENT AGENDA

10. **REGULAR AGENDA**

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

10.A.1. Resolution No. AR 2008-145, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich recognizing and honoring **Donald B. Warden** for his nearly 10 years of service to the Municipality of Anchorage.

Mr. Flynn moved, to approve AR 2008-145,
Mr. Gutierrez seconded,
and this was approved, 11-0.

Mr. Flynn read and Dr. Selkregg presented the resolution, recognizing and honoring Donald B. Warden for his nearly 10 years of service to the Municipality of Anchorage, including his service as Anchorage Memorial Park Cemetery Director. Mr. Warden thanked the Assembly and the Administration for the recognition. Anchorage Memorial Park Cemetery Advisory Board Chair Ernie Hall stated that Mr. Warden had improved and professionally maintained the cemetery. He, Mr. Coffey, Dr. Selkregg, Chair Claman and Mayor Begich thanked Mr. Warden for his service.

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

10.C. **BID AWARDS**

10.C.1. Assembly Memorandum No. AM 454-2008, recommendation of award to Yukon Electric, Inc. for providing **electrical day labor services** to the Municipality of Anchorage, Maintenance & Operations Department and Traffic Department (ITB 28-B038) (\$2,000,000), Purchasing.

Mr. Flynn moved, to approve AM 454-2008,
Dr. Selkregg seconded,

Chair Claman stated there had been a bid for \$1.3 million, but the award was for \$2,000,000. Purchasing Officer Bart Mauldin responded the bids varied with amounts for the proposed fieldwork. The bid schedule was to compare bids for each level of work and the total project cost was two million dollars.

and this passed without objection, 11-0.

10.C.2. Assembly Memorandum No. AM 455-2008, recommendation of award to Feeney Wireless for furnishing **Panasonic CF-30 Toughbook laptop computers with mounting hardware** to the Municipality of Anchorage, Information Technology Department (RFQ 28-Q073) (\$53,914.58), Purchasing.

Mr. Flynn moved, to approve AM 455-2008,
Ms. Ossiander seconded,

Ms. Ossiander stated that she had researched and found Panasonic Toughbook CF-30 laptops considerably cheaper than the bid. There should be discounts for large orders. Purchasing Officer Bart Mauldin responded the bid included a number of support items, including cases, adapters and vehicle docking stations. The cost was a good deal.

To Mr. Starr, Mr. Mauldin responded the Cooperative Services Administration (CSA) was not used for this type of purchase. A much larger nation-wide service was required to purchase this type of equipment for less cost.

and this motion was passed, 10-1,
with Ms. Ossiander objecting.

10.C.3. Assembly Memorandum No. AM 481-2008, recommendation of award to Roger Hickel Contracting, Inc. for **Independence Drive Roadway Improvements, Abbott Road to Colony Loop (South)**, PM&E Project No. 04-019 for the Municipality of Anchorage, Project Management & Engineering Department (ITB 28-C047) (\$4,191,669.20), Purchasing. (*Addendum*)

Mr. Birch moved, to approve AM 481-2008,
Mr. Gutierrez seconded,

To Ms. Drummond, Mayor Begich responded the project involved 2008 dollars and the process was being followed. Ms. Drummond stated that road projects needed to be started earlier in the year, instead of being bid mid-summer.

Mr. Birch stated that he was pleased with the bidding process and the project, which would be a significant improvement to Independence Drive and would be completed by the end of the season. He was thrilled to support the project.

To Chair Claman, Mr. Mauldin responded the project should be completed in the next 120 days.

and this was approved without objection, 11-0.

10.D. **NEW BUSINESS**

10.D.12. Assembly Memorandum No. AM 466-2008, approval of Amendment No. 5 to the Alaska Pollution Control contract to increase the contract by \$200,000 for the contract period ending August 31, 2008 for a total contract amount Not To Exceed (NTE) \$1,830,000 to fund the 2008 summer work program on an "as required" basis within the **Upper O'Malley LRSA** (Fund 143), Maintenance and Operations Department.

Mr. Flynn moved, to approve AM 466-2008,
Ms. Ossiander seconded,

1 Mr. Starr stated that Limited Road Service Areas (LRSAs) in Eagle River were successfully combined to efficiently share
2 purchasing power efficiently. Municipal Manager Michael Abbott responded the Hillside Plan would include a
3 recommendation for LRSA consolidation, which would come before the Assembly later in the year. The Chugiak
4 Birchwood Eagle River Rural Road Service Area (CBERRRSA) involved the local community councils.
5

6 Ms. Johnston declared a potential conflict of interest because this matter involved her LRSA. Chair Claman stated that
7 Ms. Johnston was entitled to vote on the matter and ruled that she did not have a conflict of interest and ordered her to
8 participate. There were no objections.
9

10 and this passed without objection, 11-0.

11
12 10.D.13. Assembly Memorandum No. AM 467-2008, Change Order No. 2 to Vendor Contract No. 27MLP067
13 with **Turbocare Gas Turbine Services, LLC** for providing technical service and labor (repairs &
14 inspections) for the Municipality of Anchorage, Municipal Light & Power Utility (ML&P) (\$1,000,000),
15 Purchasing.
16

17 Mr. Starr moved, to approve AM 467-2008,
18 Mr. Flynn seconded,
19

20 To Mr. Starr, Purchasing Officer Bart Mauldin responded this involved competitively bidding for services and parts for
21 turbines used by Municipal Light & Power (ML&P). ML&P General Manager Jim Posey responded that the request for
22 parts and service was on an as-needed basis. Predetermined refurbishing services involved contracts reviewed by the
23 Assembly. When Turbine 3 was serviced, it was determined that the unit needed to be replaced.
24

25 and this motion passed, 10-1,
26 with Mr. Starr opposing.
27

28 10.D.17. Assembly Memorandum No. AM 471-2008, Contract Amendment No. 3 to Colaska, Inc. dba QAP for
29 the construction of **Raspberry Road Improvements, Minnesota Drive to Arctic Boulevard**, Project
30 No. 02-13 (\$562,188.03), Project Management & Engineering.
31

32 Mr. Flynn moved, to approve AM 471-2008,
33 Ms. Ossiander seconded,
34

35 Mr. Flynn declared a possible conflict of interest because the winning bidder was Quality Asphalt and Paving which
36 worked with the Alaska Railroad (*his employer*). Chair Claman questioned Mr. Flynn whether his relationship would
37 affect his ability to act on this matter in the public interest. Mr. Flynn responded NO. Chair Claman questioned Mr.
38 Flynn whether he would directly benefit financially from this contract. Mr. Flynn responded NO. Chair Claman ruled
39 there was no conflict of interest and ordered that Mr. Flynn participate. There were no objections.
40

41 and the motion was passed, 11-0.
42

43 10.D.19. Assembly Memorandum No. AM 473-2008, Amendment No. 4 to professional services contract with
44 DOWL Engineers for the **Chester Creek Trail Connection Project and the Fish Creek Trail Project**,
45 Project No. 96-19 (\$134,480), Project Management & Engineering.
46

47 Mr. Flynn moved, to approve AM 473-2008,
48 Mr. Starr seconded,
49

50 Mr. Flynn stated that the Municipality would be using its transportation dollars to buy land and build a bike trail on
51 university land exclusively for the benefit of the University of Alaska (UA), Alaska. While the UA was to raise as much
52 money for the university as it could, he wanted to register on record that he still found this project disappointing.
53

54 Dr. Selkregg stated the UA, Fairbanks Statewide Lands Office had primarily decided the action. A statewide university
55 system was challenging and made it tough to forward Anchorage goals when permission was needed from Fairbanks.
56

57 Mr. Coffey stated the project would hook up with the Chester Creek trail system and was not exclusively for the
58 university's benefit. He concurred with Dr. Selkregg and stated that some day there should be a division between the
59 two universities.
60

61 Mr. Birch stated that the UA was a land-grant college and had a responsibility to raise as much revenue as possible.
62 He supported adoption.
63

64 and this was approved without objection, 11-0.
65

66 10.D.20. Assembly Memorandum No. AM 474-2008, Amendment No. 2 to the Utility Relocation Agreement
67 with Chugach Electric Association, Inc. for the design of an overhead-to-underground relocation
68 required to facilitate the **Arctic Boulevard Right Turn-Lane Project**, Project No. 02-10b (\$40,000),
69 Project Management & Engineering.
70

71 Ms. Ossiander moved, to approve 474-2008,
72 Mr. Flynn seconded,
73

74 Ms. Ossiander stated that every time she heard about burying utilities, the city paid for it. Project Management and
75 Engineering (PM&E) Director Jerry Hansen responded that under Title 21 the city was responsible for costs of
76 undergrounding utilities that were necessitated by road construction projects. This project involved a right turn lane for
77 Arctic Boulevard and there were additional phases that would require the city to pay for undergrounding. Ms.
78 Ossiander requested cost estimates. Mr. Gutierrez responded that reporting was required on an annual basis.
79

1 Dr. Selkregg stated that the Assembly had addressed standards for burying utilities in cooperation with the utilities.
2 Planning Director Tom Nelson responded the utilities determined the needed improvements.
3

4 Ms. Ossiander understood there would be a cooperative arrangement required on reporting and the utilities would
5 absorb some of the costs. Mr. Nelson responded the city was working with ML&P and Chugach Electric.
6

7 and the motion was passed unanimously, 11-0.
8

9
10 10.D.21. Assembly Memorandum No. AM 479-2008, recommendation of award to Fosselman & Associates,
11 CPAs, Inc. for providing **ambulance and fire inspection billing and collection services** for the
12 Municipality of Anchorage, Anchorage Fire Department (AFD) (RFP 28-P007) (\$1,581,783),
13 Purchasing. (**Addendum**)

14 Mr. Gutierrez moved, to approve AM 479-2008,
15 Dr. Selkregg seconded,
16

17 To Ms. Ossiander, Purchasing Officer Bart Mauldin responded the bid had been competitively bid and the existing
18 vendor had been selected as the top ranked bid. The bid was over one million dollars and needed Assembly approval.
19

20 and this was approved unanimously, 11-0.
21

22 10.D.22. Assembly Memorandum No. AM 480-2008, authorization to enter into a Transfer of Responsibilities
23 Agreement between the State of Alaska and the Department of Transportation and Public Facilities for
24 the **demolition of a pedestrian overpass at 84th Avenue and Lake Otis Parkway** adjacent to the
25 Abbott Loop Elementary School, Project Management & Engineering. (**Addendum**)
26

27 Mr. Flynn moved, to approve AM 479-2008,
28 Dr. Selkregg seconded,
29

30 Ms. Gray-Jackson thanked the Administration for reporting to the Assembly about this project, which she supported.
31 Mr. Coffey concurred.
32

33 and this was approved unanimously, 11-0.
34

35 10.E. INFORMATION AND REPORTS

36 10.E.1. Information Memorandum No. AIM 52-2008, Assembly request for information regarding **Mayor's**
37 **Task Force on Obesity and Health 10 Year Plan Progress Report**, Health and Human Services.
38

39 Mr. Flynn moved, to accept AM 52-2008,
40 Mr. Gutierrez seconded,
41

42 To Mr. Gutierrez, Health & Human Services Commission Chair Brian Saylor responded the commission reported the
43 obesity epidemic was a serious health concern. The future looked bleak for the health of children, with a shorter life
44 expectancy than their parents. Implementing the 10-Year Health Plan was recommended by the Mayor's Task Force,
45 but progress would be limited due to a lack of resources. Mr. Gutierrez stated that the school district was cooperating.
46 Mr. Saylor responded the obesity plan included realistic goals that could be achieved, but involved changing behavior
47 of one or two generations. Better nutrition, enhanced physical activity and better attention to the environment to
48 promote exercise were needed.
49

50 To Dr. Selkregg, Mr. Saylor responded a local administrator would coordinate all available services and initiatives. The
51 commission had focused on the government and the school district, but not the private sector. Dr. Selkregg urged the
52 commission to attend an August worksession on the matter. She looked forward to hearing additional reports.
53

54 Mr. Flynn thanked Mr. Saylor and the commission for their service.
55

56 To Mr. Starr, Mr. Saylor responded it was the government's responsibility to oversee what private sector restaurants
57 served to the public and to encourage restaurants to serve healthier choices. Mr. Starr questioned whether the
58 government had a responsibility to oversee or influence consumer choice.
59

60 To Mr. Birch, Mr. Saylor responded the commission had the responsibility of overseeing public health concerns.
61

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

64 10.E.5. Information Memorandum No. AIM 56-2008, **Sole Source Procurement Report** for the month of June
65 2008, Purchasing.
66

67 Ms. Johnston moved, to accept AIM 56-2008,
68 Mr. Flynn seconded,
69

70 Mr. Birch requested copies of the transition plan, surveys, related materials from worksessions and all work product
71 provided by the Boutet Company for Municipal Light & Power (ML&P) for this project. Deputy Municipal Manager
72 Heather Handyside responded the information would be made available.
73

74 Ms. Ossiander stated she had also requested additional information about this contract.
75

76 and this was approved without objection, 11-0.
77

78 10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

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10.F.2. Ordinance No. AO 2008-86, an ordinance amending Anchorage Municipal Code Section 8.15.010 to raise the minimum value of property in the crime of theft by **shoplifting**; amending Section 8.75.160 to raise the value threshold and add a civil violation alternative remedy; and amending Section 14.60.030 to establish a fine and confer jurisdiction on the Administrative Hearing Officer, Department of Law. P.H. [~~July 29,~~ "August 12," 2008.

a. Assembly Memorandum No. AM 450-2008.
Mr. Flynn moved, *to introduce* AO 2008-86, with Public Hearing set for
Dr. Selkregg seconded, [~~July 29,~~ "August 12," 2008,
Mr. Coffey was the concurring third.

Mr. Birch stated that a constituent, who was a retailer, had requested a discussion on this change, which elevated the threshold of the value of shoplifted items from \$5.00 to \$25.00. The increase could potentially enable shoplifters to get a free ride for shoplifting items valued under \$25.00. Mr. Birch requested more information on the matter before it was heard by the Assembly. Municipal Manager Michael Abbott recommended postponing Public Hearing to August 12th to allow time to collect additional information. Chair Claman changed the Public Hearing date.

10.F.6. Resolution No. AR 2008-152, a resolution of the Municipality of Anchorage appropriating \$145,000 from Birch Tree/Elmore LRSA Fund Balance (Fund 111) to **Birch Tree/Elmore LRSA BP2008 Operating Budget** (Fund 111), Maintenance and Operations Department, for summer work program. P.H. 7-29-08.
a. Assembly Memorandum No. AM 448-2008.

Mr. Birch moved, *to introduce* AR 2008-152 with Public Hearing set for
Mr. Flynn seconded, July 29, 2008,
Mr. Gutierrez was the concurring third.

To Ms. Ossiander, Municipal Manager Michael Abbott responded that appropriations over \$100,000 require Public Hearing.

10.F.7. Ordinance No. AO 2008-90, an ordinance amending Anchorage Municipal Code to add a new Title 32 for the **Municipal Power Authority** and enacting Section 4.80.030, amending Chapter 26.30 and Sections 3.20.070, 3.70.060, 4.50.020, 4.70.010, and 26.10.025, and repealing Section 4.70.030 to provide for consistency with new Title 32. P.H. [~~7-29-08,~~ "9-9-08," (*Addendum*)
a. Assembly Memorandum No. AM 476-2008.

Mr. Coffey moved, *to introduce* AO 2008-90 with Public Hearing set for
Ms. Johnston seconded, [~~July 29,~~ "September 9," 2008,
Mr. Flynn was the concurring third.

Chair Claman appointed Mr. Gutierrez, Mr. Flynn, Ms. Johnston, with Mr. Coffey as chair, to investigate the Municipal Power Authority.

10.F.8. Resolution No. AR 2008-112, a resolution confirming the assessment roll and levying special assessments for services on property specially benefited in the **Downtown Business Improvement District, Special Assessment District 1SD97**, setting the dates of assessment, and providing for assessment billing, payment due dates, application of payments, delinquency, penalties, interest and costs for delinquency and enforcement and \$71,443 in assessment revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners in Special Assessment District 1SD97, Office of Management and Budget. P.H. 8-19-08. (*Addendum*)
a. Assembly Memorandum No. AM 475-2008.

Mr. Flynn moved, *to introduce* AR 2008-112 with Public Hearing set for
Mr. Coffey seconded, August 19, 2008,
Dr. Selkregg was the concurring third.

To Dr. Selkregg, Mr. Flynn responded that most of this funding was for the Downtown Partnership, which would report to the Assembly on August 19, 2008. Office of Economic & Community Development Director Mary Jane Michael responded the Downtown Partnership would report.

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

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

13. **CONTINUED PUBLIC HEARINGS**

13.A. Ordinance No. AO 2008-67, an ordinance of the Anchorage Municipal Assembly repealing AO 2007-122(S); reinstating Anchorage Municipal Code Chapters 15.80 and 15.85, relating to the **Motor Vehicle Emissions Inspection and Maintenance (I/M) Program**; reinstating Anchorage Municipal Code Subsection 9.30.155 E., relating to Vehicle License Plates and Registration; reinstating portions of the fine schedule in Anchorage Municipal Code Section 14.60.030; amending Anchorage Municipal Code Chapters 15.80 and 15.85 regarding certain loaded mass emissions testing on modified or replacement engines, exemptions for vehicle models 25-years-old or greater and during the first six years of new vehicle models; and establishing effective dates, Assembly Chair Claman, Assemblymembers Drummond, Gutierrez, Gray-Jackson and Selkregg. (*Continued to July 16, 2008*)
1. Information Memorandum No. AIM 51-2008.

Mr. Flynn moved, *combine* Public Hearing on AO 2008-67 and AO 2008-84,
Ms. Drummond seconded, Agenda items 13.A and 14.A.,
and this was approved without objection,
with Mr. Coffey abstaining due to a conflict of interest.

1
2 Chair Claman reported that the Assembly had previously approved Mr. Coffey's having a conflict of interest in this
3 matter and he would abstain from participation. Chair Claman read the ordinance's titles and opened Combined Public
4 Hearing.

5
6 BRIAN SAYLOR, Emissions Task Force Chair, testified that the Assembly had followed many of the task force
7 recommendations and six of the nine members supported a modified I/M Program. A reputable public opinion poll had
8 indicated that a majority of citizens supported continuing the I/M Program.

9
10 STEVE MELARVIE, a 30-year auto mechanic who had performed I/M tests for 14 years, testified the program had run
11 its course. The city had not failed federal air quality standards for 12 years. The improved air quality was not due to
12 I/M testing, but to new automobiles with better technology. The program needed to go.

13
14 MARIANNE DeLONG testified against reinstating the I/M Program.

15
16 DEBORAH WILLIAMS, President of Alaska Conservation Solutions, former President of the Alaska Lung Association,
17 a former Municipal Health Commissioner and involved with the initial I/M Program implementation, testified the
18 program was still needed. I/M testing proceeds funded air quality monitoring. Weather changes affected air quality.
19 Non-compliance with air quality standards would cause highway funding to be stopped. Cost would be high to
20 reinstate the program. Ms. Ossiander stated the Administration had indicated air quality monitoring would continue.

21
22 WINNIE CHANG, Alaska Transportation Priorities Project (ATPP) researcher speaking for Director Lois Epstein,
23 testified in support of continuing a modified I/M Program, as recommended by the I/M Task Force. This included
24 eliminating high polluting vehicles, reducing emissions, saving fuel and improving the walkability of Anchorage.

25
26 GEORGE STEWART, a lung disease specialist, testified in support of continuing the I/M Program which had improved
27 the air quality. He supported exempting cars that were newer than six years old. He responded to questions from Dr.
28 Selkregg and Mr. Starr concerning increased levels of carbon monoxide (CO), sulfur and nitrogen in the air,
29 emergency room visits, the Sierra Study on air pollution, reimplementing the program and additional causes of asthma.

30
31 KWIE-HOA SIEM, a physician who specialized in lung diseases, testified in support of the I/M Program. The program
32 had made Anchorage a better place to live. Clean air should not be taken for granted.

33
34 HEIDI BERNARD speaking for her son, ERIC, testified that her nine-year-old son had asthma. He checked the air
35 quality and took medications when air quality was poor. Eric supported keeping the I/M Program.

36
37 CURT RHINE supported eliminating the program. Air quality could be maintained by using laws. Other pollutants
38 came from the harbor and the airport and included dust, bus emissions and idling vehicles. Dr. Selkregg questioned
39 whether Mr. Rhine knew that Anchorage was one of the ten areas in the country with the highest levels of CO
40 emissions. Mr. Rhine responded that he had heard that Anchorage had better air quality than the lower 48.

41
42 EMILY NENON, American Cancer Society (ACS) Alaska Government Relations Director, testified in support of the
43 current, modified version. The program had reduced levels of benzene which had lowered cancer statistics. She
44 responded to questions from Mr. Gutierrez, Mr. Starr, Dr. Selkregg and Ms. Ossiander concerning CO testing,
45 benzene levels indoors and outside, reducing cancer statistics and the standard minimum risk levels for non-
46 carcinogenic pollutants. Ms. Nenon stated that her twenty year-old car had failed an emission test and a five dollar
47 part had reduced the toxic emissions and increased her gas mileage.

48
49 THAD WOODARD, pediatrician and asthma specialist, testified in support of continuing the I/M Program. Dr. Woodard
50 stated the high benzene levels outside affected indoor air quality. People were aware of the importance of clean air.
51 Automobile emissions, even at the current level, were associated with respiratory disorders, heart disease and cancer.

52
53 BARRY MADISON opposed the I/M Program. The air was cleaned up and the program needed to go away. The
54 program could be addressed again if the air quality deteriorated.

55
56 RICK BRAUN supported ending the program. He responded to questions from Mr. Flynn, Mr. Starr and Dr. Selkregg,
57 concerning types of testing, benzene levels and adding benzene to gasoline.

58
59 DICK MANDSAGER pediatrician and Providence Children's Hospital Director testified in support of keeping I/M
60 testing, which was working. Dr. Mandsager gave examples of additional measure that would help improve air quality.

61
62 CRAIG BAQUIRES testified that he believed in clean air, but supported ending the I/M Program because it was not
63 effective. The program only targeted a segment of vehicles in the city and did not include commuters.

64
65 MARY MORGAN testified in support of reinstating the program. She questioned the 25-year exemption and made
66 recommendations to improve the ordinances.

67
68 KYLE THOMAS testified that the I/M Program had served its purpose and needed to be ended. State and municipal
69 programs on greenhouse emission standards agreed that the city's program was obsolete. The Alaska Department of
70 Environmental Conservation summary draft on greenhouse gasses reported that 7% of greenhouse gasses generated
71 in Alaska were from automobiles. The reports on vehicle emissions and older vehicles were inconsistent.

72
73 BERT HOKE opposed the I/M Program which would not make a difference and was obsolete. To Ms. Gray-Jackson,
74 he responded that he did not care about the state's opinion. Dr. Selkregg questioned if Mr. Hoke knew that correcting
75 automobile problems with I/M testing would increase a car's mileage and lead to saving over \$100.00 per year on
76 gasoline. Mr. Hoke responded that the program should be free, just to save gas.

77
78 KEN BETTISWORTH supported clean air, but opposed reinstating the program. He listed statistics of pollutants, with
79 factors of winter, airports and wood burning. Newer automobile technology contributed to cleaner air.

1
2 MARGE LARSON, Executive Director of the American Lung Association of Alaska, supported I/M testing. The
3 program worked, was supported by a majority of Anchorage citizens and contributed to the quality of life. Ms.
4 Ossiander stated that projections showed air quality would continue to improve, even without an I/M Program. Ms.
5 Larson responded there was not enough evidence and the high benzene levels were enough reason to proceed with
6 caution. To Dr. Selkregg, Ms. Larson responded that cars needed to be maintained so they would not pollute.
7

8 EDDIE BURKE stated an initiative on the next ballot would kill the I/M Program if the Assembly reinstated the program.
9 To Mr. Starr, Mr. Burke responded that the evidence substantiated by the Task Force was not being considered by all
10 Assemblymembers. To Dr. Selkregg, he responded a majority of the Task Force voted to approve the program, but
11 there were board members appointed by the Mayor who supported continuing the program.
12

13 CLINT CYR testified that working class car owners had vehicles that were seven to twenty-four years old. His truck
14 had passed the emissions part of the test, but had failed the mechanical part of the test, with an estimate of \$3,200 for
15 repairs. He stated the financial obligations were not affordable.
16

17 JOSEPH ELLIOT, an I/M technician, testified in support of keeping the program. He had failed vehicles because of
18 mechanical problems, including exhaust leaking into cabs. If emission testing was eliminated old cars would come out
19 of storage and be driven. To Mr. Gutierrez, he responded that even with clean tail pipes pollutants were being emitted
20 directly from engines.
21

22 TIM SCROGGIE, owner of an I/M testing business, testified that the question was whether people wanted Anchorage
23 to be just average or to exceed the standards. The I/M Program would play a role with making the city a better place.
24 He responded to questions from Ms. Ossiander and Mr. Starr concerning costs of fees, increased testing costs and
25 cold starts creating high emissions.
26

27 BILL REINER testified that the state or federal governments should be in charge of an emissions program, not the city.
28 Emissions were continually decreasing. Benzene was in natural gas and affected air quality.
29

30 PAUL D. KENDALL testified that there was no emission problem. There was an energy problem. He was wanted
31 leadership to protect people's freedom and his rights. Hydrogen energy was being addressed all over the world.
32

33 RICHARD CLINE, an I/M technician and twenty-three year owner of Cline's Tesoro, testified in support of the I/M
34 Program, to create cleaner air and make cars safer. Many people did not regularly maintain their cars. To Ms.
35 Ossiander, Mr. Cline responded that he was not aware of the city's new sliding fees for I/M centers, based on the
36 numbers of vehicles tested. He had not increased his fees.
37

38 LAURA MILLER, asthma sufferer with a daughter who also had asthma, testified that more needed to be done to
39 improve air quality. She supported keeping I/M testing. She urged the Assembly to evaluate the program based on
40 the merits of the program and for the long term health of the community that citizens deserved.
41

42 KEITH BEESON, former owner of an I/M testing center and involved with the I/M Program since 1985 and Program
43 Administrator until 2005, testified the program needed to go away. The original goal to reduce CO to levels mandated
44 by the Environmental Protection Agency (EPA) had been obtained. Anchorage no longer had poor air quality and EPA
45 supported doing away with the program. Mr. Beeson responded to questions from Dr. Selkregg and Mr. Starr,
46 concerning the cost benefit analysis, calculating program costs and the cost per ton to remove CO.
47

48 DAVE CATCHBAUM opposed continuing I/M testing. Benzene levels needed to be addressed by the state and were
49 not part of the current I/M Program. There were very few cars over 25 years old in Anchorage which would not make a
50 difference and should be exempt. If the program continued there may be additional ordinances to govern safety
51 checks and noise issues that would involve more expensive tests. Other things in the air caused asthma. To Mr.
52 Gutierrez, Mr. Catchbaum responded the program had done its job and needed to be sunsetted. If the Assembly
53 thought it was necessary to keep the program, there should be allowances and exemptions.
54

55 MIKE DRUISON, who owned older vehicles, testified against the program because of the costs to keep vehicles in
56 compliance. Ms. Ossiander stated the ordinance included a waiver for repair costs.
57

58 NATHAN WHOOP! testified against the I/M Program. His older van had passed the emissions tests, but after
59 changing out the engine, it had not passed the visual inspection, even though the tail pipe was cleaner. The van was
60 now in Finland, where it passed the test, which only tested the tail pipe. If the Assembly was to pass the program, he
61 urged that the test only involve emissions and not the visual inspection.
62

63 With no additional public testimony, Chair Claman closed Combined Public Hearing and called for a vote on AO 2008-
64 84. (Clerk's Note: See Agenda item 14.A for details. Final Assembly Discussion and Action on AO 2008-67 was
65 Continued to July 16, 2008.)
66

- 67 13.B. Resolution No. AR 2008-99, a resolution of the Municipality of Anchorage, Alaska, confirming and
68 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
69 **08-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency,
70 Anchorage Water and Wastewater Utility.

- 71 1. Assembly Memorandum No. AM 328-2008. (Continued from 6-10-08)
72

73 (Clerk's Note: AR 2008-99 was Carried Over to July 16, 2008.)
74

- 75 13.C. Ordinance No. AO 2008-15, an ordinance amending Anchorage Municipal Code Sections 21.10.028,
76 21.15.015, and 21.15.030 to give **site plan authority** over certain developments to the Urban Design
77 Commission (Planning Case 2007-136), Planning Department.

- 78 1. Assembly Memorandum No. AM 43-2008. (Public Hearing was Closed 5-20-08; Public
79 Hearing was re-opened and Continued from 6-10-08)

1
2 Chair Claman reported that Public Hearing on AO 2008-15 would be continued to August 19th after it was heard by the
3 Parks and Recreation Commission. He read the ordinance title and opened Public Hearing.

4
5 BARBARA HOOD, Vice Chair of the Parks (and Recreation) Commission but speaking for herself, testified that it was
6 important that this matter be reviewed by the commission, but only after the commission's role was defined. A
7 substitute version mentioned the role of the commission. Mr. Coffey stated the S-version was not completed and
8 requested the commission's opinion on their role. Ms. Hood concurred.

9
10 PAUL D. KENDALL questioned Public Hearing procedures. Chair Claman explained the process.

11
12 There was no additional public testimony. Chair Claman stated that it had been recommended to continue the matter
13 until August 19th. He called for a motion.

14
15 Mr. Coffey moved, *to continue AO 2008-15 Public Hearing to August 19, 2008;*
16 Dr. Selkregg seconded, *(Chair Claman referred AO 2008-15(S) to the Parks and*
17 *Recreation Commission, the Chugiak-Eagle River Parks and*
18 *Recreation Service Area Board of Supervisors and the*
19 *Girdwood Valley Service Area Board of Supervisors.);*

20
21 To Ms. Ossiander, Mr. Coffey responded that her amendment to change the gross floor area to 50,000 was included in
22 the S-version being prepared by the Planning Department.

23
24 Upon Mr. Coffey's request, Chair Claman referred the matter to the Parks and Recreation Commission, the Chugiak-
25 Eagle River Parks and Recreation Service Area Board of Supervisors and the Girdwood Valley Service Area Board of
26 Supervisors. To Mr. Coffey, Municipal Manager Michael Abbott responded that things approved in Girdwood would
27 come before the Planning and Zoning Commission or the Urban Design Commission.

28
29 and the motion passed, 11-0.

30
31 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
32 Coffey.

33 NAYS: None.

34
35 13.D. Resolution No. AR 2008-121, a resolution approving **Updated Heritage Land Bank Policies** for
36 management of Heritage Land Bank Land and the Heritage Land Bank Fund.
37 1. Assembly Memorandum No. AM 368-2008.

38
39 (Clerk's Note: AR 2008-121 was Carried Over to July 16, 2008.)

40
41 **14. NEW PUBLIC HEARINGS**

42 14.A. Ordinance No. AO 2008-84, an ordinance of the Anchorage Municipal Assembly repealing AO 2007-
43 122(S) in its entirety; reinstating and amending Anchorage Municipal Code Chapters 15.80 and 15.85,
44 and Sections 9.30.155E. and 14.60.030, and amending Title 12 to add a new chapter, all regarding
45 **procedures, fees and requirements for vehicle I/M testing and related inspections, licensing,**
46 **registration, exemptions, I/M Program changes, and fines;** and establishing effective dates,
47 Assembly Chair Claman.
48 1. Assembly Memorandum No. AM 440-2008.
49 2. Ordinance No. AO 2008-84(S), an ordinance of the Anchorage Municipal Assembly repealing
50 AO 2007-122(S) in its entirety; reinstating and amending Anchorage Municipal Code Chapters
51 15.80 and 15.85, and Sections 9.30.155E. and 14.60.030, and amending Title 12 to add a
52 new chapter, all regarding procedures, fees and requirements for vehicle I/M testing and
53 related inspections, licensing, registration, exemptions; I/M program changes, and fines; and
54 establishing effective dates, Assembly Chair Claman. (**Addendum**)
55 3. Information Memorandum No. AIM 58-2008.
56 4. Assembly Memorandum No. AM 483-2008. (**Laid on the Table**)

57
58 (Clerk's Note: See item 13.A for Combined Public Hearing on AO 2008-67 and AO 2008-84.)

59
60 Ms. Drummond moved, *to approve AO 2008-84(S),*
61 Mr. Gutierrez seconded,

62
63 Dr. Selkregg moved, *to amend AO 2008-84(S) on Page 24, by adding to read:*
64 Mr. Gutierrez seconded, *B. In addition, 1975 "through 1995" [and later] model-year*
65 *vehicles for which emission inspections are specified under*
66 *Section 15.85.720 shall be functionally checked to determine*
67 *whether the following components are correctly operating on*
68 *those vehicles that were originally factory-equipped with such*
69 *components;*

70
71 To Mr. Flynn, I/M Program Administrator Ty Coleman responded that 1995 model-year and newer vehicles came with
72 onboard diagnostics.

73
74 To Mr. Starr, Mr. Coleman responded that this was a housekeeping issue and language needed to be clarified. Mr.
75 Starr stated that an inspection may conclude that a part existed but it may not determine if the part was working. Mr.
76 Coleman responded the computer systems approved by EPA would report problems. Mr. Starr stated that the same
77 standard should be required for all vehicles.

78
79 and the motion passed, 9-1.

1
2 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn and Johnston.
3 NAYS: Starr.
4 ABSTAIN: Coffey, with a conflict of interest.
5

6 To Ms. Ossiander, Mr. Coleman responded the program included a two-year waiver for repairs, to have less impact to
7 motorists. Health and Human Services Director Diane Ingle responded that a tail pipe-emissions test alone would not
8 meet EPA standards.
9

10 Mr. Birch stated that he would not support the ordinance. Anchorage air quality was consistently improving and the
11 program had run its course and was not needed. The Assembly had voted this down last November. There were
12 other concerns in the community that had a more substantial impact on residents that needed to be addressed.
13

14 Mr. Starr stated that air quality would continue to improve with or without the program. Air quality in the future would
15 be affected by other factors, like wood burning stoves or dust. Benzene occurred naturally in crude oil and was added
16 to gas to improve the combustion process. The highest pollution occurred during the first two minutes of a vehicle
17 cold-startup. The Sierra Research Study showed decreased pollution due to newer cars with better technology, fewer
18 emissions and better fuel efficiency. There were no mileage exemption solutions. Higher gas prices would reduce
19 miles driven. The Assembly's job was not to mandate, but to research the facts, separate out the emotion and act on
20 behalf of the greater good of citizens, who believed the I/M Program had done its job. Revisiting the matter after it had
21 been previously finalized eroded the public trust in the Assembly to do the right thing. He would not support the
22 ordinance.
23

24 Mayor Begich moved,
25 Ms. Ossiander seconded,
26

to amend AO 2008-84(S) on Page 26, Section 16, *by adding*
to read: "The Department of Health and Human Service is
directed to work with the State of Alaska to implement the
provisions of this ordinance by removing the I/M program as a
requirement in the State Implementation Plan (SIP) for air
quality, with a stipulation that it be retained as a local option
and not be subject to further SIP revision if future local action
results in changes to or discontinuation of the program.";
27
28
29
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31
32

33 Mayor Begich stated the process needed to be out of the SIP. At any time in the future after implementation the
34 process would continue as a local option and would not need state approval. This was a public policy decision.
35

36 Mr. Birch stated the amendment was inconsistent with implementation of the internal provisions of the ordinance.
37 Mayor Begich responded that once this ordinance was in play the program would be removed from the SIP. Ms. Ingle
38 responded that including the language helped the department work with entities to implement the future direction. Mr.
39 Birch urged the body to vote down the amendment.
40

41 Mr. Starr opposed the amendment. It was needless to address this again in 2010.
42

43 Dr. Selkregg concurred with Mr. Starr.
44

45 Mr. Gutierrez stated he would support the amendment which would allow the Assembly to act independently and
46 quickly.
47

48 Ms. Ossiander supported the amendment which would allow the decisions to be made locally and not be tied to a
49 funding source.
50

51 Ms. Gray-Jackson stated the ordinance approved in November, 2007 was to sunset in January 2010. The I/M
52 Program needed to be continued under federal EPA requirements and the State of Alaska would have to take over the
53 program, which might take six months. The program still needed to be continued during that period, unless EPA
54 eliminated the requirements. The amendment would eliminate that issue.
55

56 Ms. Drummond stated that local businesses would possibly be affected if control was under state authority, and the
57 program was suspended.
58

59 Chair Claman stated that he would support the amendments because it gave flexibility. Chair Claman stated that
60 getting out of the SIP would not stop the program and the Municipality would be allowed to decide whether or not to
61 stop the program.
62

63 and the motion passed, 8-2.
64

65 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Drummond, Ossiander, Flynn and Johnston.
66 NAYS: Starr and Selkregg,
67 ABSTAIN: Coffey, with a conflict of interest.
68

69 Mayor Begich moved,
70 Ms. Ossiander seconded,
71

to amend AO 2008-84(S) on Page 26, Section 17, *by adding*
to read: "By July 1, 2010 the Anchorage Health and Human
Services Commission shall review and report to the Assembly
of its need to continue the I/M Program as well as other
options and then every three years thereafter.";
72
73
74

75 To Ms. Ossiander, Chair Claman stated the economic consequences extension was summarized in AM 483-2008,
76 which indicated there would be no shortfall to the city.
77

78 Mr. Gutierrez proposed having the report include concrete alternatives to the I/M Program and a funding source for air
79 quality monitoring.

1
2 Mr. Starr stated that Mayor Begich had good intentions to reach a compromise, but it was the Assembly's job to
3 legislate. He opposed the amendment.

4
5 Dr. Selkregg concurred with Mr. Starr and she would not support the amendment.

6
7 Mayor Begich stated that the H&HS Commission would review the matter every three years and advise the Assembly.

8
9 Chair Claman recommended a language modification to Mayor Begich's amendment and there were no objections.

10
11 and the motion passed, 7-3.

12
13 AYES: Gutierrez, Gray-Jackson, Claman, Drummond, Ossiander, Flynn and Johnston.

14 NAYS: Starr, Birch and Selkregg.

15 ABSTAIN: Coffey, with a conflict of interest.

16
17 Mayor Begich moved,
18 Ms. Ossiander seconded,

to amend AO 2008-84(S) on Page 24, Line 17, by adding to
read: "This ordinance shall sunset on 12-31-2010 unless the
Assembly reauthorizes the ordinance.";

19
20
21 Mr. Gutierrez opposed the amendment.

22
23 Mr. Starr opposed. The Sierra Report showed the projected air quality in 2012 without the I/M Program would be
24 significantly better than it was today. The program was not necessary and it needed to be terminated. He did not want
25 to readdress the matter in the future.

26
27 Dr. Selkregg opposed. Anchorage had the second highest CO levels in the nation. The I/M Program was an important
28 tool and until there were better options she would not support eliminating the program.

29
30 Ms. Ossiander stated it was difficult to envision what Anchorage would be like in three or four years. There would be
31 fewer people driving with higher gas prices, a better transit system and new federal regulations on emissions.

32
33 Mr. Birch stated if the ordinance passed, the Mayor could veto it and none of this would be necessary.

34
35 Ms. Gray-Jackson opposed the amendment.

36
37 and the motion failed, 3-7.

38
39 AYES: Starr, Ossiander and Johnston.

40 NAYS: Birch, Selkregg, Gutierrez, Gray-Jackson, Claman, Drummond and Flynn.

41 ABSTAIN: Coffey, with a conflict of interest.

42
43 Ms. Ossiander stated the city had had no violations of emissions standards since 1996. Studies showed CO and
44 benzene levels had decreased over sixty percent and all projections showed a continued decrease. The ordinance
45 would not have a financial impact on the city, but she was concerned about the costs to citizens. She would be a NO-
46 vote on the ordinance.

47
48 Ms. Johnston concurred with Ms. Ossiander, Mr. Starr and Mr. Birch. The price of fuel would do more for air quality.
49 She would be a NO-vote on the ordinance.

50
51 Dr. Selkregg stated she would be a YES-vote. Anchorage had benzene levels 100 times higher than the levels that
52 were needed to avoid cancer. Anchorage was in a category of cities that had the worst air in the country, even though
53 the national EPA standards had been met. Anchorage still had a serious problem and this program was a good tool
54 that would reduce the CO levels by nine tons a day and people who repaired their cars would save money because of
55 better efficiency. There was also consideration of associated health problems, which had not been adequately
56 addressed. She would stay committed to the program.

57
58 Mr. Flynn thanked the community for their response. There were additional tools available to address the concerns
59 and he would support continuing the program and revisiting the matter as more analysis was completed in the future.

60
61 Ms. Drummond supported the ordinance. There were many other good recommendations to improve air quality, which
62 she would like to pursue. These include traffic light coordinating and better spring clean-up of streets.

63
64 Ms. Gray-Jackson thanked the community for their response. She had cosponsored the ordinance and the program
65 which should never have gone away. She would continue working in the best interest of everyone in the community

66
67 Mr. Gutierrez thanked the people who testified. Good Assembly decisions included process and public participation.

68
69 Chair Claman stated that he believed in clean air. The I/M Program may not do it all and he looked forward to
70 addressing alternatives that would do more to improve the air quality and determine how to pay the costs of the
71 programs. The program was the best that could be done today. More solutions needed to be pursued to maintain air
72 quality to live a healthy lifestyle. He would support the ordinance.

73
74 and the main motion, as amended, passed, 6-4.

75
76 AYES: Gutierrez, Gray-Jackson, Claman, Drummond, Selkregg and Flynn.

77 NAYS: Starr, Birch, Ossiander and Johnston.

78 ABSTAIN: Coffey, with a conflict of interest.

79

1 Mr. Gutierrez moved, *for immediate reconsideration of AO 2008-84(S),*
2 Ms. Gray-Jackson seconded,

3
4 Mr. Gutierrez urged a NO-vote.

5
6 and this motion failed, 2-7.

7
8 AYES: Birch and Ossiander.

9 NAYS: Starr, Johnston, Gutierrez, Gray-Jackson, Claman, Drummond, Selkregg and Flynn.

10 ABSTAIN: Coffey, with a conflict of interest.

11
12 Chair Claman called for a motion to extend the meeting.

13
14 Ms. Drummond moved, *to extend the Assembly Meeting past 11:00 p.m. to take up*
15 Dr. Selkregg seconded, *items that needed to be addressed,*

16
17 Ms. Ossiander and Mr. Gutierrez objected.

18
19 To Chair Claman, Deputy Municipal Manager Heather Handyside responded that there were financial matters and
20 contracts that needed to be addressed that evening that would be impacted by a delayed decision. The most critical
21 items included 13.B, 14.C, 14.D, 14.E, 14.F, 14.K, 14.L and 14.O.

22
23 *(Clerk's Note: A majority vote was needed to extend the meeting.)*

24
25 and the motion to extend failed, 6-4.

26
27 AYES: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond and Flynn.

28 NAYS: Starr, Birch, Ossiander and Johnston.

29 ABSENT: Coffey.

30
31 Chair Claman ordered a Call of the House to locate Mr. Coffey and have him participate in the vote. Municipal
32 Manager Michael Abbott reported that Mr. Coffey could not be located.

33
34 *(Clerk's Note: Ms. Ossiander moved, seconded by Mr. Starr to adjourn the meeting. See Agenda item 20 for*
35 *Adjournment details.)*

36
37 *(Clerk's Note: Chair Claman returned the Assembly to address a motion to reconsider the previously failed motion to*
38 *extend the meeting. See Agenda item 20 for details.)*

39
40 Dr. Selkregg moved, *for immediate reconsideration of the motion to extend the*
41 Mayor Beglich seconded, *meeting past 11:00 p.m.,*

42
43 Dr. Selkregg urged reconsideration, to be able to get through the Agenda that night.

44
45 Mr. Starr stated there was a motion on the floor to adjourn the meeting.

46
47 Chair Claman stated that he would call a meeting on Wednesday to continue if the meeting was not extended. He
48 called for a vote.

49
50 and the motion to reconsider failed, 3-7.

51
52 AYES: Starr, Birch and Ossiander.

53 NAYS: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond, Flynn and Johnston.

54 ABSENT: Coffey.

55
56 *(Clerk's Note: See Agenda item 20 for details of Adjournment.)*

57
58 14.B. Ordinance No. AO 2008-82, an ordinance of the Anchorage Municipal Assembly amending Anchorage
59 Municipal Code Section 9.44.400, Owner's Responsibility, and Section 15.70.090, Motor Vehicle
60 Noise Emission Standards, to require **vehicle noise and safety inspections** and to provide program
61 implementation, fees and fines, and effective dates, Assembly Vice-Chair Selkregg, Assemblymember
62 Drummond.

63 1. Assembly Memorandum No. AM 434-2008.

64 2. Information Memorandum No. AIM 57-2008, Summary of Economic Effects for AO 2008-82,
65 Assemblymember Selkregg. **(Addendum)**

66
67 Chair Claman stated the sponsor intended to postpone AO 2008-82 indefinitely. The sponsor wanted to take a closer
68 look at the State's review and the issue of safety checks. A new ordinance may be introduced in the future.

69
70 *(Clerk's Note: AO 2008-82 was Carried Over to July 16, 2008.)*

71
72 14.C. Ordinance No. AO 2008-79, an ordinance authorizing the long term lease between the Municipality of
73 Anchorage as lessor and **Janssen Hangars LLC** as lessee of the westerly 150 feet of Lots 5-9 Block
74 1 Merrill Field Subdivision Third Addition located between Runway 16/34 and Orca Street, Merrill Field
75 Airport.

76 1. Assembly Memorandum No. AM 413-2008.

77
78 *(Clerk's Note: AO 2008-79 was Carried Over to July 16, 2008.)*

79

- 1 14.D. Resolution No. AR 2008-144, a resolution of the Municipality of Anchorage reappropriating \$1,500,000
2 of Federal Highway Grant Funds, to the Project Management & Engineering Department from the
3 Anchorage Roads and Drainage Service Area Capital Improvement Fund (441) to the Anchorage
4 Parks & Recreation Capital Improvement Fund (461), for design costs and right of way acquisition
5 related to **Chester Creek Trail**, Project Management & Engineering Department.
6 1. Assembly Memorandum No. AM 439-2008.
7

8 (Clerk's Note: AR 2008-144 was Carried Over to July 16, 2008.)
9

- 10 14.E. Ordinance No. AO 2008-83, an ordinance amending Anchorage Municipal Code Chapter 26.80 to
11 **eliminate special disposal rates for commercially hauled residential refuse** and Chapter 26.70 to
12 increase residential garbage collection rates commensurate with the disposal rate increase, Solid
13 Waste Services.
14 1. Assembly Memorandum No. AM 435-2008.
15

16 (Clerk's Note: AO 2008-83 was Carried Over to July 16, 2008.)
17

- 18 14.F. Resolution No. AR 2008-141, a resolution of the Anchorage Municipal Assembly **revising the approved**
19 **2008 Solid Waste Services Operating and Capital Budgets** to reflect recent Assembly approval of rate
20 increases and community recycling initiatives.
21 1. Assembly Memorandum No. AM 436-2008.
22

23 (Clerk's Note: AR 2008-141 was Carried Over to July 16, 2008.)
24

- 25 14.G. Resolution No. AR 2008-134, a resolution amending Anchorage Municipal Code of Regulations
26 Sections 21.20.002, **Schedule of Fees – Zoning**; 21.20.005, Schedule of Fees – Hillside Wastewater
27 Plan Amendments; 21.20.006, Schedule of Fees – Wetlands Plan Amendments; and 21.20.007,
28 Schedule of Fees – Miscellaneous Fees, Planning Department.
29 1. Assembly Memorandum No. AM 412-2008.
30

31 (Clerk's Note: AR 2008-134 was Carried Over to July 16, 2008.)
32

- 33 14.H. Ordinance No. AO 2008-73, an ordinance of the Municipality of Anchorage creating **Special**
34 **Assessment District 08-10** for construction of a gas line extension to serve the Potter Heights
35 Subdivision Area, and determining to proceed with proposed improvements therein, Project
36 Management & Engineering Department.
37 1. Assembly Memorandum No. AM 360-2008.
38

39 (Clerk's Note: AO 2008-73 was Carried Over to July 16, 2008.)
40

- 41 14.I. Ordinance No. AO 2008-81, an ordinance of the Anchorage Municipal Assembly amending Anchorage
42 Municipal Code Section 2.30.030, **Meetings**, to confirm that the Assembly meets in regular session at
43 least twice each month in accordance with the Charter, Assemblymembers Gray-Jackson, Gutierrez,
44 Drummond.
45 1. Assembly Memorandum No. AM 427-2008.
46

47 (Clerk's Note: AO 2008-81 was Carried Over to July 16, 2008.)
48

- 49 14.J. Ordinance No. AO 2008-78, an ordinance of the Anchorage Municipal Assembly amending Anchorage
50 Municipal Ethics Code Section 1.15.035, **Additional Provisions for Elected Officials**, to clarify that a
51 member's participation in official action may be excused in the public interest, Assemblymember
52 Selkregg.
53 1. Assembly Memorandum No. AM 406-2008.
54

55 (Clerk's Note: AO 2008-78 was Carried Over to July 16, 2008.)
56

- 57 14.K. Resolution No. AR 2008-132, a resolution of the Municipality of Anchorage, Alaska, accepting and
58 appropriating three State of Alaska Clean Water Fund loan offers in the aggregate amount of
59 \$2,250,000 for financing a portion of the costs of the **Sand Lake Sewer Extension, Pump Station**
60 **Upgrades, and Eagle River Wastewater Treatment Facility Improvements Projects**, Anchorage
61 Water & Wastewater Utility.
62 1. Assembly Memorandum No. AM 410-2008.
63

64 (Clerk's Note: AR 2008-132 was Carried Over to July 16, 2008.)
65

- 66 14.L. Resolution No. AR 2008-133, a resolution of the Municipality of Anchorage, Alaska, accepting and
67 appropriating three State of Alaska Drinking Water Fund loan offers in the aggregate amount of
68 \$1,200,000 for financing a portion of the costs of the **Sand Lake Water Extension, South Addition**
69 **Phase IV, and 68th Pebblebrook-Baby Bear Water Upgrade Projects**, Anchorage Water &
70 Wastewater Utility.
71 1. Assembly Memorandum No. AM 411-2008.
72

73 (Clerk's Note: AR 2008-133 was Carried Over to July 16, 2008.)
74

- 75 14.M. Resolution No. AR 2008-135, a resolution of the Municipality of Anchorage appropriating \$285,796
76 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical
77 Grants Fund (231), for an **Air Quality Public and Business Awareness Education Campaign** in the
78 Department of Health and Human Services.
79 1. Assembly Memorandum No. AM 417-2008.

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(Clerk's Note: AR 2008-135 was Carried Over to July 16, 2008.)

- 14.N. Resolution No. AR 2008-136, a resolution of the Municipality of Anchorage appropriating \$135,195 from the U.S. Environmental Protection Agency and \$323,000 as a contribution from the 2008 Department of Health and Human Services General Government Operating Budget Fund (101) to the Federal Categorical Grants Fund (241) for the **Air Quality Program** in the Department of Health and Human Services.
 - 1. Assembly Memorandum No. AM 418-2008.

(Clerk's Note: AR 2008-136 was Carried Over to July 16, 2008.)

- 14.O. Resolution No. AR 2008-137, a resolution of the Municipality of Anchorage accepting a Federal Transit Administration Section 5309 Bus and Bus-Related Earmark Allocations grant and appropriating \$238,000 to the Public Transportation Capital Fund (485) as additional funding for **Phase 2 construction of a Paratransit Operations and Maintenance Center**, Public Transportation Department.
 - 1. Assembly Memorandum No. AM 423-2008.

(Clerk's Note: AR 2008-137 was Carried Over to July 16, 2008.)

- 14.P. Resolution No. AR 2008-138, a resolution appropriating \$118,261 from the State of Alaska Department of Transportation and Public Facilities (ADOT&PF) to the State Categorical Grants Fund (231) under the Traffic Department for enhancement of **Traffic Safety Database System**.
 - 1. Assembly Memorandum No. AM 424-2008.

(Clerk's Note: AR 2008-138 was Carried Over to July 16, 2008.)

15. SPECIAL ORDERS There were none.

16. UNFINISHED AGENDA There was none.

17. AUDIENCE PARTICIPATION There was none.

18. ASSEMBLY COMMENTS

Mr. Coffey reported there were 150 nine and ten year old Little Leaguers playing for the season. He stated that he had patrolled the fields for safety purposes and found only one pile of dog waste. He urged the public to attend the games.

19. EXECUTIVE SESSIONS There were none.

20. ADJOURNMENT

(Clerk's Note: See Agenda item 14.A for details of related discussion and action preceding the motion to adjourn.)

Ms. Ossiander moved, to adjourn the Regular Meeting,
Mr. Starr seconded,

To Chair Claman, Municipal Manager Michael Abbott recommended a meeting scheduled for Wednesday or Thursday night. Dr. Selkregg, Mr. Starr and Ms. Ossiander each responded they would not be available for those evenings.

(Clerk's Note: Dr. Selkregg moved, seconded by Mayor Begich to reconsider the motion to extend the meeting. See 14.A for continued details of reconsidering the previously-failed motion to extend the meeting. Reconsideration failed.)

Chair Claman announced the meeting would continue at 5:00 the following night and the Assembly Meeting of July 15, 2008 concluded at 11:00 p.m.

**MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY**

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

**Minutes for Regular Meeting of July 15, 2008,
Continued to July 16, 2008**

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1. CALL TO ORDER

The Regular Meeting Continued to July 16th was convened by Chair Claman at 5:05 p.m. in Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

2. ROLL CALL On July 16, 2008 a Quorum was achieved with Assemblymembers present.

PRESENT: William Starr, Mike Gutierrez, Elvi Gray-Jackson, Chris Birch, Matt Claman, Sheila Selkregg, Harriet Drummond, Jennifer Johnston and Dan Coffey.

ABSENT: Debbie Ossiander and Patrick Flynn, each as an excused absence.

(Clerk's Note: See Assembly Comments, Agenda item 18, or view the Live Video of the Continued Meeting for details of Assembly discussion on the question of the meeting being a Continued or Special Meeting.)

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2008-67, an ordinance of the Anchorage Municipal Assembly repealing AO 2007-122(S); reinstating Anchorage Municipal Code Chapters 15.80 and 15.85, relating to the **Motor Vehicle Emissions Inspection and Maintenance (I/M) Program**; reinstating Anchorage Municipal Code Subsection 9.30.155 E., relating to Vehicle License Plates and Registration; reinstating portions of the fine schedule in Anchorage Municipal Code Section 14.60.030; amending Anchorage Municipal Code Chapters 15.80 and 15.85 regarding certain loaded mass emissions testing on modified or replacement engines, exemptions for vehicle models 25-years-old or greater and during the first six years of new vehicle models; and establishing effective dates, Assembly Chair Claman, Assemblymembers Drummond, Gutierrez, Gray-Jackson, Selkregg.

1. Information Memorandum No. AIM 51-2008. *(Continued from July 15, 2008.)*

(Clerk's Note: Refer to the Regular Meeting of July 15, 2008 for details of Combined Public Hearing of AO 2008-67 and AO 2008-84, and Assembly discussion and action on AO 2008-84(S), concerning the Motor Vehicle I/M Program.)

Ms. Drummond moved, *to postpone indefinitely* AO 2008-67,
Dr. Selkregg seconded,

To Mr. Coffey, Chair Claman ruled that Mr. Coffey did not have to leave the room, but because of a predetermined conflict of interest, he would not participate in the vote.

To Mr. Starr, Chair Claman responded that Combined Public Hearing of both I/M ordinances had been closed.

and this passed unanimously, 8-0.

AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond and Johnston.

NAYS: None.

ABSTAIN: Mr. Coffey, due to a conflict of interest.

ABSENT: Ossiander and Flynn, each excused.

13.B. Resolution No. AR 2008-99, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 08-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water and Wastewater Utility.

1. Assembly Memorandum No. AM 328-2008. *(Continued from 6-10-08; Carried Over from 7-15-08.)*

Chair Claman read the resolution title and opened Public Hearing.

PAUL D. KENDALL objected to a short meeting notice. He testified that water was the foundation of energy. Mr. Coffey objected. Chair Claman requested that Mr. Kendall speak to the sewer assessment. Mr. Kendall stated that he was concerned about water assessments affecting single family residential homes, which needed to be protected.

There was no additional testimony and Chair Claman closed Public Hearing and called for a motion.

Mr. Coffey moved, *to approve* AR 2008-99,

Ms. Gray-Jackson seconded,

Dr. Selkregg moved, *to amend* AR 2008-99 on Page 1, Line 26, *by changing*

1 Ms. Drummond seconded, to read: [~~September 30, 2008~~] "October 31, 2008," and; on
 2 Page 1, Line 28, *by changing* to read: [~~September 4, 2008~~]
 3 "October 1, 2008," and; on Page 3, Line #6, *by removing* the
 4 LUC Roll [~~049-402-24-000 Skyway park estates, BLK 8-LT~~
 5 ~~42A~~],
 6

7 Deputy Municipal Manager Heather Handyside stated this property owner had requested additional time to review the
 8 assessment and was currently out of town. Chair Claman reported that Anchorage Water and Wastewater Utility
 9 (AWWU) had agreed to hear the matter in October.
 10

11 To Mr. Coffey, AWWU General Manager Mark Premo responded this involved assessments of individual hookups to
 12 an existing line and would not affect special assessment district costs.
 13

14 Ms. Drummond stated the assessments were spread all over town and included a school sewer assessment. Mr.
 15 Premo responded this involved assessments to the affected rate payers in the specific area. The property owners
 16 were informed of the costs and had the decision to either connect or not connect.
 17

18 To Mr. Starr, Mr. Premo responded he would provide additional information on the hookup dates and costs of the
 19 assessment for involved schools. Mr. Starr stated there was still much to be completed on the roads surrounding
 20 Chugiak High School and a sewer hookup may not be wanted this year.
 21

22 Dr. Selkregg stated there had been a worksession on the Chugiak High School sewer hookup, which included large
 23 properties along the road. Mr. Premo responded there would be another worksession on the matter on July 29th.
 24

25 Ms. Drummond stated the assessment included property that was not in the area, which may be a future school site.
 26

27 and the motion to amend passed, 9-0.
 28

29 and the main motion, as amended, was passed, 9-0.
 30

31 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Johnston and Coffey.
 32 NAYS: None.
 33 ABSENT: Ossiander and Flynn, each excused.
 34

35 13.D. Resolution No. AR 2008-121, a resolution approving **Updated Heritage Land Bank Policies** for
 36 management of Heritage Land Bank Land and the Heritage Land Bank Fund.
 37 1. Assembly Memorandum No. AM 368-2008. (*Carried Over from 7-15-08*)
 38

39 Chair Claman stated that AR 2008-121 would be continued to August 12th. He read the resolution title and opened
 40 Public Hearing.
 41

42 PAUL D. KENDALL testified that he wanted the opportunity to comment on the subject, but he had not seen the
 43 document and requested information.
 44

45 There was no additional public testimony and Chair Claman called for a motion.
 46

47 Mr. Starr moved, to *continue* AR 2008-121 Public Hearing to August 12, 2008,
 48 Ms. Johnston seconded,
 49

50 Mr. Birch requested an accounting summary on Heritage Land Bank's annual sales and expenditures.
 51

52 To Ms. Gray-Jackson, Chair Claman responded that a Heritage Land Bank (HLB) worksession scheduled for July 11th
 53 had been cancelled. Continuing Public Hearing to August 12th would allow a worksession to be held on the matter.
 54

55 Dr. Selkregg requested information on the distinction of roles between the HLB and the Anchorage Community
 56 Development Authority (ACDA).
 57

58 Mr. Coffey supported continuing Public Hearing and holding a worksession. He requested comments from Ms.
 59 Ossiander, who had researched the matter. He supported getting additional information before action was taken.
 60

61 and the motion to continue passed unanimously, 9-0.
 62

63 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Johnston and Coffey.
 64 NAYS: None.
 65 ABSENT: Ossiander and Flynn, each excused.
 66

67 Dr. Selkregg moved, to Change the Order of the Day to take up 14.C, 14.D, 14.E,
 68 Mr. Coffey seconded, 14.F, 14.K, 14.L and 14.O,
 69 and this was later amended,
 70

71 To Mr. Starr, Municipal Manager Michael Abbott recommended Assembly action that evening to keep a commitment to
 72 the commercial haulers to post the new rates by the middle of July. Mr. Starr stated that Mr. Flynn had constituents
 73 who would be affected by 14.E and 14.F and should be present. Taking action on these issues may be questioned,
 74 considering the confusion between a Continued Meeting and a Special Meeting. He urged the Assembly to proceed
 75 with caution and moved to delete 14.E and 14.F.
 76

77 Mr. Starr moved, to amend the motion to Change the Order of the Day *by*
 78 Mr. Coffey seconded, removing to include: 14.C, 14.D, [~~14.E, 14.F,~~] [~~14.E,~~] 14.K,
 79 and this was later amended, 14.L and 14.O,

1
2 Mr. Coffey concurred with Mr. Starr and stated that the items had to do with increased rates and he supported waiting.

3
4 Municipal Manager Michael Abbott stated that he had been informed by Mr. Madden that ordering the specific (trash)
5 cans was dependent upon the matter being addressed that evening. He urged Assembly action on 14.F.

6
7 To Ms. Johnston, Mr. Madden responded that Solid Waste Services (SWS) needed to determine the can size and
8 place the order, arrange for shipping, assembling and delivery of the rollcarts to customers in time to start the program.
9 The program was at a standstill until 14.F was dealt with. Ms. Johnston stated she would support taking up 14.F that
10 evening.

11
12 Dr. Selkregg stated the ordinance had been discussed and it was important to move ahead with the services. She
13 would not support the amendment and would support taking up 14.F.

14
15 Mr. Starr stated that residential and curbside rates would be affected. The meeting was not publicly noticed and no
16 one was present to testify. If the items were heard he would request to be excused from the meeting, abstain or leave
17 the meeting. He supported using good public process and he urged using caution. Mr. Abbott responded that after
18 discussing the matter with Mr. Madden, it was determined that 14.E dealt with the rate increase and was important to
19 address that evening. Action on 14.F could be delayed. Mr. Starr stated the meeting was not publicly noticed and
20 both 14.E and 14.F should wait for two weeks.

21
22 Mr. Coffey moved to remove 14.F altogether and urged unanimous approval.

23
24 Mr. Coffey moved, to amend the Starr motion by deleting 14.F altogether,
25 Ms. Drummond seconded,
26 and there were no objections.

27
28 Chair Claman called for a vote on the Starr motion. A NO-vote would keep item 14.E in the Order of the Day.

29
30 and the motion failed, 4-5.

31
32 AYES: Starr, Gutierrez, Birch and Coffey.
33 NAYS: Gray-Jackson, Claman, Selkregg, Drummond and Johnston.
34 ABSENT: Ossiander and Flynn, each excused.

35
36 Chair Claman called for a vote on the main motion to Change the Order of the Day.

37
38 and the motion, as amended, was passed, 8-1.

39
40 AYES: Gutierrez, Birch, Gray-Jackson, Claman, Selkregg, Drummond, Johnston and Coffey.
41 NAYS: Starr.
42 ABSENT: Ossiander and Flynn, each excused.

43
44 Mr. Starr requested to be excused from the Assembly Meeting because he could not in good conscious participate
45 because of the confusion between the Special or Continued Meeting and not being publicly noticed. To Dr. Selkregg,
46 Mr. Starr responded that his performance would be compromised under the guise of an inappropriate meeting.

47
48 To Chair Claman, Assembly Counsel Julia Tucker stated that her opinion was that the record was not sufficient to
49 waive the 24-hour notice requirement. Municipal Attorney Jim Reeves concurred there was significant risk. Chair
50 Claman called for a motion to readdress taking up 14.E.

51
52 Dr. Selkregg moved, to delete 14.E from the motion to Change the Order
53 Mr. Coffey seconded, of the Day,
54 and this was approved, 9-0,
55 with Ms. Ossiander and Mr. Flynn, each as an excused absence.

56
57 Mr. Birch requested that 14.H be taken up that evening because there was a property owner present to testify.

58
59 Mr. Birch moved, to add 14.H to the motion to Change the Order of the Day,
60 Mr. Coffey seconded,
61 and this passed without objection, 9-0,
62 with Ms. Ossiander and Mr. Flynn, each as an excused absence.

63
64 (Clerk's Note: Chair Claman led the body to take up 14.C, 14.D, 14.K, 14.L, 14.O and 14.H.)

65
66 **14. NEW PUBLIC HEARINGS**

67 14.B. Ordinance No. AO 2008-82, an ordinance of the Anchorage Municipal Assembly amending Anchorage
68 Municipal Code Section 9.44.400, Owner's Responsibility, and Section 15.70.090, Motor Vehicle
69 Noise Emission Standards, to require **vehicle noise and safety inspections** and to provide program
70 implementation, fees and fines, and effective dates, Assembly Vice-Chair Selkregg, Assemblymember
71 Drummond.

- 72 1. Assembly Memorandum No. AM 434-2008.
73 2. Information Memorandum No. AIM 57-2008, Summary of Economic Effects for AO 2008-82,
74 Assemblymember Selkregg. (**Addendum**) (Carried Over from July 15, 2008)

75
76 (Clerk's Note: See 14.B in the Regular Meeting of July 15th for details of Chair Claman's statement on the sponsor's
77 intention to postpone indefinitely AO 2008-82.) (AO 2008-82 was Carried Over to July 29, 2008.)

78

1 14.C. Ordinance No. AO 2008-79, an ordinance authorizing the long term lease between the Municipality of
 2 Anchorage as lessor and **Janssen Hangars LLC** as lessee of the westerly 150 feet of Lots 5-9 Block
 3 1 Merrill Field Subdivision Third Addition located between Runway 16/34 and Orca Street, Merrill Field
 4 Airport.
 5 1. Assembly Memorandum No. AM 413-2008. *(Carried Over from 7-15-08)*
 6

7 Chair Claman read the ordinance title and opened Public Hearing.

8
 9 PAUL D. KENDALL stated that he wanted to understand the process and testify. Mr. Starr and Dr. Selkregg each
 10 called a Point of Order to request public testimony be the topic of the lease agreement. Mr. Kendall stated that citizens
 11 were not privy to the information. Dr. Selkregg explained that all information was available for public review. Mr. Chair
 12 Claman called Mr. Kendall out of order because he was not speaking to the airport hanger lease.
 13

14 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.

15
 16 Dr. Selkregg moved, to approve AO 2008-79,
 17 Mr. Birch seconded,
 18

19 Chair Claman stated that Mr. Flynn had prepared an amendment with the Administration.

20
 21 Mr. Birch moved, to amend AO 2008-79 on Page 1, Lines 22 and 23, by adding
 22 Ms. Drummond seconded, to read: WHEREAS the new Lease Agreement requires
 23 Janssen Hangars to provide considerable improvements to
 24 the leasehold, including the demolition and removal of
 25 existing structures and the construction, operation and
 26 maintenance of a new aircraft hangar building "with aircraft
 27 access to the hanger only from the airport side of the hanger
 28 building," and,
 29

30 Mr. Starr stated that he would support, but this involved a specific property use change that may be contrary to the
 31 industrial zoning. It also may be contrary to an airport master plan design. This specified use may better be presented
 32 as an attached informational memorandum.
 33

34 Ms. Drummond stated that all entities were in agreement with the restrictions.

35 and the motion passed without objection.

36 and the main motion, as amended, was passed, 9-0.
 37
 38

39
 40 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Johnston and Coffey.

41 NAYS: None.

42 ABSENT: Ossiander and Flynn, each excused.
 43

44 14.D. Resolution No. AR 2008-144, a resolution of the Municipality of Anchorage reappropriating \$1,500,000
 45 of Federal Highway Grant Funds, to the Project Management & Engineering Department from the
 46 Anchorage Roads and Drainage Service Area Capital Improvement Fund (441) to the Anchorage
 47 Parks & Recreation Capital Improvement Fund (461), for design costs and right of way acquisition
 48 related to **Chester Creek Trail**, Project Management & Engineering Department.
 49 1. Assembly Memorandum No. AM 439-2008. *(Carried Over from July 15, 2008.)*
 50

51 Chair Claman read the resolution title and opened Public Hearing.

52
 53 PAUL D. KENDALL testified that responsible leadership was needed to address energy, roads and the quality of life.
 54 Chair Claman requested that Mr. Kendall speak to the matter of the Chester Creek Trail right of way acquisition. Mr.
 55 Kendall testified there were air cars with 1,000-mile capacity that would work on the trail.
 56

57 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.

58
 59 Mr. Gutierrez moved, to approve AR 2008-144,
 60 Mr. Coffey seconded,
 61 and the motion passed, 9-0,
 62 with Ms. Ossiander and Mr. Flynn, each as an excused absence.
 63

64 14.E. Ordinance No. AO 2008-83, an ordinance amending Anchorage Municipal Code Chapter 26.80 to
 65 **eliminate special disposal rates for commercially hauled residential refuse** and Chapter 26.70 to
 66 increase residential garbage collection rates commensurate with the disposal rate increase, Solid
 67 Waste Services.
 68 1. Assembly Memorandum No. AM 435-2008. *(Carried Over from July 15, 2008.)*
 69

70 *(Clerk's Note: AO 2008-83 was Carried Over to July 29, 2008.)*
 71

72 14.F. Resolution No. AR 2008-141, a resolution of the Anchorage Municipal Assembly **revising the approved**
 73 **2008 Solid Waste Services Operating and Capital Budgets** to reflect recent Assembly approval of rate
 74 increases and community recycling initiatives.
 75 1. Assembly Memorandum No. AM 436-2008. *(Carried Over from July 15, 2008.)*
 76

77 *(Clerk's Note: AR 2008-141 was Carried Over to July 29, 2008.)*
 78

1 14.G. Resolution No. AR 2008-134, a resolution amending Anchorage Municipal Code of Regulations
2 Sections 21.20.002, **Schedule of Fees – Zoning**; 21.20.005, Schedule of Fees – Hillside Wastewater
3 Plan Amendments; 21.20.006, Schedule of Fees – Wetlands Plan Amendments; and 21.20.007,
4 Schedule of Fees – Miscellaneous Fees, Planning Department.
5 1. Assembly Memorandum No. AM 412-2008. (*Carried Over from July 15, 2008.*)
6

7 (*Clerk's Note: AR 2008-134 was Carried Over to July 29, 2008.*)
8

9 14.H. Ordinance No. AO 2008-73, an ordinance of the Municipality of Anchorage creating **Special**
10 **Assessment District 08-10** for construction of a gas line extension to serve the Potter Heights
11 Subdivision Area, and determining to proceed with proposed improvements therein, Project
12 Management & Engineering Department.
13 1. Assembly Memorandum No. AM 360-2008. (*Carried Over from July 15, 2008.*)
14

15 Chair Claman read the ordinance title and opened Public Hearing.

16
17 DARRELL KROLICK testified in support of the special assessment and construction of the gas line extension. He
18 urged approval, to be able to get moving during the 2008 construction season. Chair Claman stated that the matter
19 would be continued to August 12th. Mr. Birch stated that this was a time-critical issue, which needed to be addressed
20 that evening. Dr. Selkregg concurred. Ms. Johnston concurred. To Mr. Gutierrez, Mr. Krolick responded that the gas
21 line project had been approved by the involved homeowners.
22

23 PAUL D. KENDALL urged that alternative energy sources be sought. Chair Claman requested that Mr. Kendall speak
24 to the special assessment before the Assembly. Mr. Kendall stated that the air car had to do with energy. He
25 supported the natural gas extension because natural gas could be put into automobiles. He opposed using fossil
26 fuels.
27

28 Chair Claman closed Public Hearing and called for a motion.

29
30 Mr. Birch moved, to approve AO 2008-73,
31 Mr. Gutierrez seconded,
32

33 To Dr. Selkregg, Project Management & Engineering Director Jerry Hansen responded that this project would be paid
34 by the property owners and involved extending the natural gas line to their properties.
35

36 Mr. Coffey stated that because there had not been 24-hour public notice for the meeting and because the document
37 indicated there was objection from one property owner, he urged to proceed with caution. Mr. Hansen responded the
38 board had approved the matter, 14 to 1, with 5 members not voting.
39

40 Dr. Selkregg stated that the meeting was not publicly noticed and action taken that evening could be challenged in
41 court. Mr. Krolick responded the person opposing the matter did not live in the neighborhood. Dr. Selkregg stated that
42 proceeding would be a risk. Mr. Krolick responded that he understood the risk and would support a two-week delay.
43

44 Ms. Johnston concurred with Mr. Birch and stated that the exposure to a lawsuit was minimal.
45

46 Mr. Gutierrez moved, to continue AO 2008-73 to July 29, 2008,
47 Ms. Gray-Jackson seconded,
48 and this motion was later substituted.
49

50 Ms. Gray-Jackson supported reopening and continuing Public Hearing to the 29th.
51

52 Ms. Gray-Jackson moved, to substituting [~~to continue AO 2008-73 to July 29, 2008,~~]
53 Mr. Gutierrez seconded, "to reopen AO 2008-73 Public Hearing and to continue to July
54 29, 2008."
55

56 Mr. Birch objected to postponing the matter for two weeks. He urged the Assembly to get on with the meeting.
57

58 Mr. Gutierrez stated there was a risk and it was worth taking the time.
59

60 Chair Claman called for a vote.
61

62 (*Clerk's Note: A majority of 6 votes was needed to pass the motion.*)
63

64 and the motion failed, 5-4.
65

66 AYES: Starr, Gutierrez, Gray-Jackson, Selkregg and Drummond.
67

68 NAYS: Birch, Claman, Johnston and Coffey.
69

69 ABSENT: Ossiander and Flynn, each excused.
70

70 Mr. Coffey urged consideration of the consequences if the matter were to fail.
71

72 Chair Claman called for a vote on the main motion.
73

74 and the motion passed, 7-2.
75

76 AYES: Starr, Birch, Claman, Selkregg, Drummond, Johnston and Coffey.
77

77 NAYS: Gutierrez and Gray-Jackson.
78

78 ABSENT: Ossiander and Flynn, each excused.
79

- 1 14.I. Ordinance No. AO 2008-81, an ordinance of the Anchorage Municipal Assembly amending Anchorage
2 Municipal Code Section 2.30.030, **Meetings**, to confirm that the Assembly meets in regular session at
3 least twice each month in accordance with the Charter, Assemblymembers Gray-Jackson, Gutierrez,
4 Drummond.

5 1. Assembly Memorandum No. AM 427-2008. *(Carried Over from July 15, 2008.)*
6

7 *(Clerk's Note: AO 2008-81 was Carried Over to July 29, 2008.)*
8

- 9 14.J. Ordinance No. AO 2008-78, an ordinance of the Anchorage Municipal Assembly amending Anchorage
10 Municipal Ethics Code Section 1.15.035, **Additional Provisions for Elected Officials**, to clarify that a
11 member's participation in official action may be excused in the public interest, Assemblymember
12 Selkregg.

13 1. Assembly Memorandum No. AM 406-2008. *(Carried Over from July 15, 2008.)*
14

15 *(Clerk's Note: AO 2008-78 was Carried Over to July 29, 2008.)*
16

- 17 14.K. Resolution No. AR 2008-132, a resolution of the Municipality of Anchorage, Alaska, accepting and
18 appropriating three State of Alaska Clean Water Fund loan offers in the aggregate amount of
19 \$2,250,000 for financing a portion of the costs of the **Sand Lake Sewer Extension, Pump Station**
20 **Upgrades, and Eagle River Wastewater Treatment Facility Improvements Projects**, Anchorage
21 Water & Wastewater Utility.

22 1. Assembly Memorandum No. AM 410-2008. *(Carried Over from July 15, 2008.)*
23

24 Chair Claman read the resolution title and opened Public Hearing.

25 PAUL D. KENDALL testified that the Assembly needed to proceed with caution on all expenditures involving water
26 because new energy was heading toward water-based technology. Chair Claman requested that Mr. Kendall speak to
27 the matter, which involved a sewer extension for Sand Lake and Eagle River. Mr. Kendall stated that the Assembly
28 needed to be aware that the larger picture had to do with saving water, supporting the single family home, saving lives
29 and supporting hydrogen fuel. Chair Claman stated the matter had to do with a sewer extension and called Mr.
30 Kendall out of order.
31

32 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.
33

34 Mr. Birch moved, to approve AR 2008-132,
35 Ms. Johnston seconded,
36 and the motion passed, 9-0,
37 with Ms. Ossiander and Mr. Flynn, each as an excused absence.
38

- 39 14.L. Resolution No. AR 2008-133, a resolution of the Municipality of Anchorage, Alaska, accepting and
40 appropriating three State of Alaska Drinking Water Fund loan offers in the aggregate amount of
41 \$1,200,000 for financing a portion of the costs of the **Sand Lake Water Extension, South Addition**
42 **Phase IV, and 68th Pebblebrook-Baby Bear Water Upgrade Projects**, Anchorage Water &
43 Wastewater Utility.

44 1. Assembly Memorandum No. AM 411-2008. *(Carried Over from 7-15-08)*
45

46 Chair Claman read the resolution title and opened Public Hearing.
47

48 PAUL D. KENDALL requested the title be read again. Chair Claman reread the title. Mr. Kendall stated this matter
49 had to do with water which could be used for fuel. There was no formula or accountability to protect the environment.
50 Chair Claman stated that Mr. Kendall was not speaking to the matter before the Assembly.
51

52 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.
53

54 Ms. Gray-Jackson moved, to approve AR 2008-133,
55 Dr. Selkregg seconded,
56 and the motion passed, 9-0,
57 with Ms. Ossiander and Mr. Flynn, each as an excused absence.
58

- 59 14.M. Resolution No. AR 2008-135, a resolution of the Municipality of Anchorage appropriating \$285,796
60 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical
61 Grants Fund (231), for an **Air Quality Public and Business Awareness Education Campaign** in the
62 Department of Health and Human Services.

63 1. Assembly Memorandum No. AM 417-2008.
64

65 *(Clerk's Note: AR 2008-135 was Carried Over to July 29, 2008.)*
66

- 67 14.N. Resolution No. AR 2008-136, a resolution of the Municipality of Anchorage appropriating \$135,195
68 from the U.S. Environmental Protection Agency and \$323,000 as a contribution from the 2008
69 Department of Health and Human Services General Government Operating Budget Fund (101) to the
70 Federal Categorical Grants Fund (241) for the **Air Quality Program** in the Department of Health and
71 Human Services.

72 1. Assembly Memorandum No. AM 418-2008.
73

74 *(Clerk's Note: AR 2008-136 was Carried Over to July 29, 2008.)*
75

- 76 14.O. Resolution No. AR 2008-137, a resolution of the Municipality of Anchorage accepting a Federal Transit
77 Administration Section 5309 Bus and Bus-Related Earmark Allocations grant and appropriating
78 \$238,000 to the Public Transportation Capital Fund (485) as additional funding for **Phase 2**

construction of a Paratransit Operations and Maintenance Center, Public Transportation Department.

1. Assembly Memorandum No. AM 423-2008. *(Carried Over from 7-15-08)*

Chair Claman read the resolution title and opened Public Hearing. Mr. Coffey called a Point of Order and stated that a full reading of a document title could be waived, regardless of demands and not kowtowing to an obstructionist.

PAUL D. KENDALL stated that British Petroleum and Ford Motor Company were working together, addressing hydrogen energy. Chair Claman requested that Mr. Kendall speak to the matter of the paratransit center. Mr. Kendall stated that he was on topic. Allocating money to these projects was not supporting new hydrogen energy, which would eliminate the need for a maintenance center.

There was no additional public testimony and he closed Public Hearing and called for a motion.

Mr. Starr moved, to approve AR 2008-137,
 Mr. Gutierrez seconded,

To Mr. Starr, Municipal Manger Michael Abbott stated this project would be completed by September 15th. There were no additional funds required. Mr. Starr stated that a good transit center was important to make sure the fleet ran well. He supported the project.

and the motion passed, 9-0,
 with Ms. Ossiander and Mr. Flynn, each as an excused absence.

14.P. Resolution No. AR 2008-138, a resolution appropriating \$118,261 from the State of Alaska Department of Transportation and Public Facilities (ADOT&PF) to the State Categorical Grants Fund (231) under the Traffic Department for enhancement of **Traffic Safety Database System**.

1. Assembly Memorandum No. AM 424-2008. *(Carried Over from July 15, 2008)*

(Clerk's Note: AR 2008-138 was Carried Over to July 29, 2008.)

18. ASSEMBLY COMMENTS

Chair Claman stated that it was his opinion the meeting that evening would be a continuation of the Regular Meeting of July 15th. Mr. Starr responded that the Meeting of July 15th had been adjourned and a Continued Meeting could not be adjourned. Chair Claman stated that Deputy Municipal Attorney Rhonda Westover and Municipal Clerk Barbara Gruenstein had carefully reviewed the last five minutes of the meeting on video. It was the opinion of Ms. Westover that the Assembly (*meeting*) could proceed as a Continuation of the July 15th Meeting. Mr. Starr objected the Assembly Chair had distinctly called a Special Meeting and the meeting time had run out. There had not been a motion to continue. It was important for the public to know what the Assembly was doing.

Mr. Coffey stated a clear understanding of the meeting could be determined by referring to the time of the meeting's recorded clock. Items discussed that evening may lead to litigation because of the discrepancy of the type of meeting. He proposed addressing only items that needed to be rushed. He urged caution, addressing the rest of the agenda. Chair Claman stated the Municipal Clerk's computer had an accurate world clock. Mr. Coffey stated it was important for all computers used in Chambers to have a concise and precise time.

Dr. Selkregg stated the Assembly needed to revote because the machines had not reflected the vote to reconsider, which had occurred after 11:00 p.m. Fundamentally, that vote had occurred.

Mr. Starr stated there were different notice requirements for Special Meetings than there were for Continued Meetings. The final motion was made on July 15th after 11:00 p.m. after the meeting time had elapsed.

To Chair Claman, Municipal Attorney Jim Reeves responded that Deputy Municipal Attorney Ms. Westover and Municipal Clerk Barbara Gruenstein had determined that it was legally appropriate and permissible for the meeting to occur as a Continuation of the Regular Meeting of July 15, 2008, which would follow the same Agenda. Mr. Starr questioned whether a Continued Meeting required Assembly action prior to adjournment of the Regularly Scheduled Meeting. Ms. Gruenstein read Ms. Westover's response which detailed the final five minutes of the July 15th meeting, which included a verbal motion and a second, but no final vote on the motion to adjourn. Robert's Rules allowed the Chair to entertain a motion to extend or continue the meeting or call a Special Meeting, which would require 24 hour notice, except for a Special Meeting that was called by agreement of the majority at a Regular Meeting, with all Assemblymembers present. Mr. Starr responded that after 11:00 p.m. a Special Meeting was called without public notice and without all members in attendance.

Ms. Drummond stated she was disappointed that the Assembly had not extended the meeting and completed the Agenda the night before. She stated the Assembly needed to get on with the meeting. She remembered the Chair declining the motion to adjourn and the video could be reviewed by Assemblymembers.

Ms. Gray-Jackson stated that regardless of what had happened the previous night, she believed that the Chair meant that the Assembly would continue the meeting.

Mr. Gutierrez stated that getting the process right was tedious and frustrating and inconvenient, but there was a reason that there was a stringent process. The Assembly should be exceedingly cautious (addressing Agenda items that evening) given that there may be question or controversy and not wanting to end up in a lawsuit.

(Clerk's Note: Chair Claman led the Assembly to take up 13.A, AO 2008-67.)

20. ADJOURNMENT


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Mr. Birch wished Ms. Johnston a Happy Birthday.

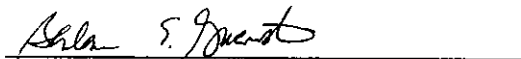
Chair Claman called for a motion to adjourn the meeting.

Mr. Coffey moved, to adjourn the Regular Meeting Continued to July 16th,
Ms. Johnston seconded,
and this motion was passed unanimously,
with Ms. Ossiander and Mr. Flynn, each as an excused absence.

The Continued Meeting on July 16th was adjourned at 6:42 p.m.


MATT CLAMAN, Assembly Chair

ATTEST:


BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: September 30, 2008.
MC/BG

(View Live and Archived Videos of Assembly Meetings and Approved Meeting Minutes online at the Municipal Web Site, www.muni.org or call the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505)

