

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

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of August 12, 2008

(Clerk's Note: Due to technical difficulties the first 4:52 minutes of the recorded video of the August 12, 2008 Assembly Meeting is missing. Please refer to these Meeting Minutes for details of those missing sections.)

1. CALL TO ORDER

The Assembly Meeting of August 12, 2008 was convened by Acting Chair Selkregg at 5:00 p.m. in Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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

PRESENT: Elvi Gray-Jackson, Chris Birch, Sheila Selkregg, Harriet Drummond, Debbie Ossiander, Patrick Flynn, Jennifer Johnston (*participating telephonically for noted portions of the meeting*) and Dan Coffey.
ABSENT: William Starr, Mike Gutierrez and Matt Claman, each as an excused absence.

3. PLEDGE OF ALLEGIANCE Assemblymember Birch led the pledge.

4. MINUTES OF PREVIOUS MEETING

4.A. Special Meeting – July 11, 2008.

Ms. Ossiander moved, to approve the Special Meeting Minutes of July 11, 2008,
Mr. Coffey seconded,
and this was approved unanimously,
with Ms. Ossiander abstaining, due to her excused absence on July 11th,
and Mr. Starr, Mr. Gutierrez and Mr. Claman, each as an excused absence on August 12th.

5. MAYOR'S REPORT

Mayor Begich reported that the Rover Run Trail in Far North Bicentennial Park was now closed and notices were posted, due to the bear problem. He reported the Administration was working with the Alaska Department of Fish & Game and was pursuing state resources to address enforcement and education to ensure safe trails.

6. ASSEMBLY CHAIR'S REPORT

Acting Chair Selkregg stated that four of the bear maulings were in her district and close to her home. She supported the city and state working cooperatively and proactively to create a strong strategy to resolve the problem.

Acting Chair Selkregg recognized newly appointed or reappointed commissioners, including Anthony Cange to the Budget Advisory Commission and Tim Benintendi to the Parks and Recreation Commission.

7. COMMITTEE REPORTS

Ms. Gray-Jackson, Budget and Finance Committee Chair, reported that she met with the Budget Advisory Commission, which supported the Committee budget resolution. She would meet with the Office of Management and Budget to review the budget to improve efficiencies and cut costs. She reported the August 14th Committee Meeting was cancelled.

Ms. Ossiander reported the Title 21 Committee would meet Thursday from 9:30 to 11:30 a.m. at the Planning Department Conference Room to discuss Chapter 6 and to review the amendments to Chapter 5, which would be addressed by the Assembly on the 19th.

Mr. Coffey reported that the Special (*Energy*) Committee would meet on August 19th in the Mayor's Conference Room to discuss the merger of Chugach Electric and Municipal Light & Power.

8. ADDENDUM TO AGENDA

Acting Chair Selkregg called for a motion and read the Addendum items. There were no additional items and she called for a vote to incorporate the Addendum items into the Consent Agenda.

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

- 1
2 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and
3 Coffey.
4 NAYS: None.
5 ABSENT: Starr, Gutierrez and Claman, each excused.
6

7 Acting Chair Selkregg called for a motion on the Consent Agenda.

8
9 Ms. Gray-Jackson moved, to approve the Consent Agenda,
10 Mr. Coffey seconded,

11
12 Acting Chair Selkregg called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
13 discussion.

14
15 **9. CONSENT AGENDA**

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

17
18 **9.B. RESOLUTIONS FOR ACTION - OTHER**

- 19 9.B.1. Resolution No. AR 2008-167, a resolution of the Municipality of Anchorage appropriating \$1,500 as a
20 contribution from Municipal Light and Power, 2008 Cash Pool Equity Fund (530), to the Office of
21 Economic and Community Development Budget, Miscellaneous Operational Grants Fund (261) for the
22 **Big Read Program**, Library.
23 a. Assembly Memorandum No. AM 512-2008.
24 9.B.2. Resolution No. AR 2008-171, a resolution of the Municipality of Anchorage appropriating \$46,500 to
25 **Special Assessment District 08-10** for construction of a gas line serving the Potter Heights
26 Subdivision Area, Finance. (*Addendum*)
27 a. Assembly Memorandum No. AM 534-2008.
28

29 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (*See item 10.B.2*)

30
31 **9.C. BID AWARDS** There were none.

32
33 **9.D. NEW BUSINESS**

- 34 9.D.1. Assembly Memorandum No. AM 516-2008, **Budget Advisory Commission** appointment (Anthony
35 Cange), Mayor's Office.
36 9.D.2. Assembly Memorandum No. AM 517-2008, **Parks and Recreation Commission** appointment (Tim
37 Benintendi), Mayor's Office.
38 9.D.3. Assembly Memorandum No. AM 518-2008, **Appointment of Department of Director: Department**
39 **of Neighborhoods** (Corrine L. O'Neill), Employee Relations Department.
40 9.D.4. Assembly Memorandum No. AM 525-2008, **Cellar, LLC #4820** - Application for Transfer of Ownership
41 and Location Package Store Liquor License (Downtown Community Council), Clerk's Office.
42 9.D.5. Assembly Memorandum No. AM 526-2008, **Dish #4685** - Application for Transfer of Ownership of a
43 Restaurant Eating Place Liquor License and Restaurant Designation Permit (Midtown Community
44 Council), Clerk's Office.
45 9.D.6. Assembly Memorandum No. AM 527-2008, **Lone Star Steakhouse & Saloon #3494** - Application for
46 the Transfer of Ownership of a Beverage Dispensary Liquor License (Midtown Community Council),
47 Clerk's Office.
48 9.D.7. Assembly Memorandum No. AM 528-2008, **Manhattan Pizza #4817** - Application for a New
49 Restaurant Eating Place Liquor License and Restaurant Designation Permit (Spenard Community
50 Council), Clerk's Office.
51 9.D.8. Assembly Memorandum No. AM 529-2008, **Cattle Company #1090** - Application for the Transfer of
52 Ownership (stock) of a Beverage Dispensary Liquor License and the Application for a Restaurant
53 Designation Permit (Midtown Community Council), Clerk's Office.
54 9.D.9. Assembly Memorandum No. AM 530-2008, **Celestial Meads #4671** - Application for the Transfer of
55 Location of Winery Liquor License (Taku/Campbell Community Council), Clerk's Office.
56 9.D.10. Assembly Memorandum No. AM 531-2008, **Homewood Suites #4354** - Restaurant Designation
57 Permit for a Beverage Dispensary-Tourism License (South Addition Community Council), Clerk's
58 Office.
59

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

- 61
62 9.D.11. Assembly Memorandum No. AM 532-2008, **O'Malley's On the Green #2696** - Application for Transfer
63 of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Abbott
64 Loop Community Council), Clerk's Office.
65 9.D.12. Assembly Memorandum No. AM 533-2008, **O'Malley's On the Green #4815** - Application for Transfer
66 of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Abbott
67 Loop Community Council).
68 9.D.13. Assembly Memorandum No. AM 519-2008, proprietary purchase to furnish **LED street light fixtures**
69 from BetalED, c/o Arctic Sales, Inc. for the Municipality of Anchorage, Office of Economic &
70 Community Development (\$2,199,471), Purchasing.
71

72 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.D.13*)

- 73
74 9.D.14. Assembly Memorandum No. AM 520-2008, proprietary purchase of a **Microsoft Premier Support**
75 **Services Agreement** from Microsoft Corporation for the Municipality of Anchorage, Information
76 Technology Department (ITD) (\$60,000), Purchasing.
77 9.D.15. Assembly Memorandum No. AM 521-2008, approval of Amendment No. 1 to McKenna Brothers
78 Paving Inc. contract (27M&O243) to increase contract by \$55,000 for the contract period ending

- 1 September 30, 2008 for an amount Not To Exceed (NTE) \$550,000 for year round road maintenance
2 on an "as required" basis within the **Girdwood Valley Service Area (SA)**, Maintenance and
3 Operations Department.
- 4 9.D.16. Assembly Memorandum No. AM 522-2008, approval of Amendment No. 6 to GLS, LLC contract
5 (26M&O268) to increase contract by \$50,000 for contract period August 31, 2008 for an amount Not
6 To Exceed (NTE) \$650,000 for year round road maintenance within the **South Goldenview Rural**
7 **Road Service Area (RRSA)**, Maintenance and Operations Department.
- 8 9.D.17. Assembly Memorandum No. AM 523-2008, recommendation of award to provide professional
9 engineering services for the **32nd Avenue Upgrade, Muldoon Road to Brookridge Drive, Project A:**
10 to Professional and Technical Services Inc. for \$630,000, and to provide professional engineering
11 services for the **Arlene Drive/Pelican Drive/Kingfisher Drive Reconstruction, Project B:** to
12 Lounsbury & Associates, Inc. for \$800,000, for the Municipality of Anchorage, Project Management &
13 Engineering Department (RFP 27-P051) (\$1,430,000), Purchasing.
- 14 9.D.18. Assembly Memorandum No. AM 524-2008, Amendment No. 1 to professional services contract with
15 Steph Engineering, LLC, **Chester Creek Aquatic Ecosystem Restoration**, Project No. 01-05
16 (\$235,761), Project Management & Engineering.

17 9.E. INFORMATION AND REPORTS

- 18 9.E.1. Information Memorandum No. AIM 59-2008, Internal Audit Report 2008-9 – **2007 Procurement Card**
19 **Program, Purchasing Department.**

20 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.E.1*)
21

- 22 9.E.2. Information Memorandum No. AIM 66-2008, Executive Appointments (Chiquita Cothron, Legal
23 Assistant-Assembly; Susan Paine, Land Management Officer-Heritage Land Bank; Jenny Evans,
24 Communications Director-Mayor's Office; Darrel Hess, Project Manager-OECD; Lee Damron, Parks
25 Division Manager-Anch Parks & Rec; Michael Barber, ~~[Intern]~~ Lighting Program Manager OECD;
26 Laura Herman, Director of Marketing-Port of Anchorage; Randy Virgin, Director of Sustainability-
27 OECD; Daniel Monteleone, Safety Director-Risk Management; James Feldman, Constituent Relation
28 Asst.-Mayor's Office; Cathy Hammond, Special Projects Coordinator-Planning), Employee Relations.
29
30

31 The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.E.2*)
32

- 33 9.E.3. Information Memorandum No. AIM 67-2008, 2008 Comprehensive Annual Report (CAFR) and
34 Detailed Statements, Finance.

35 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.E.3*)
36

- 37 9.E.4. Information Memorandum No. AIM 68-2008, Notice of Pending Contract Amendment, **100th Avenue at**
38 **Old Seward Highway Signalization**, CYS Management Services Inc., Project No. 04-22, Project
39 Management & Engineering.
40

41 9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 42 9.F.1. Ordinance No. AO 2008-92, an ordinance amending Anchorage Municipal Code Sections 3.97.025B.
43 and 3.97.030A. to **add service area boards**, Assemblymember Johnston and Mayor Begich. P.H. 9-
44 9-08.
45 a. Assembly Memorandum No. AM 494-2008.
- 46 9.F.2. Ordinance No. AO 2008-95, an ordinance of the Municipality of Anchorage creating **Special**
47 **Assessment District 08-55** for the Reconstruction of Cliffside Drive and Eastridge Drive, and
48 determining to proceed with proposed improvements therein, Project Management and Engineering.
49 P.H. 9-9-08.
50 a. Assembly Memorandum No. AM 511-2008.
- 51 9.F.3. Resolution No. AR 2008-168, a resolution of the Municipality of Anchorage appropriating \$1,430,000
52 from the **Federal Seized and Forfeited Monies Police Investigation Fund (257) Other Fines and**
53 **Forfeitures to the Police Investigation Fund (257)** for use by the Anchorage Police Department. P.H.
54 9-9-08.
55 a. Assembly Memorandum No. AM 513-2008.
- 56 9.F.4. Resolution No. AR 2008-169, a resolution of the Municipality of Anchorage appropriating \$114,332
57 from the U.S. Environmental Protection Agency to the Federal Categorical Grants Fund (241) for the
58 Air Quality Program to conduct **air quality monitoring for benzene** in the Department of Health and
59 Human Services. P.H. 9-9-08.
60 a. Assembly Memorandum No. AM 514-2008.
- 61 9.F.5. Resolution No. AR 2008-170, a resolution appropriating \$1,000,000 from a State of Alaska
62 Department of Environmental Conservation (ADEC) grant agreement with the Municipality of
63 Anchorage, to the Anchorage Roads and Drainage Service Area (ARDSA) Capital Improvement Fund
64 (441) for the **South Fork of Chester Creek Channel Restoration**, Project Management &
65 Engineering. P.H. 9-9-08.
66 a. Assembly Memorandum No. AM 515-2008.

67 Acting Chair Selkregg called for a vote on the remainder of the Consent Agenda.
68

69 and the motion to approve the Consent Agenda, as amended, was passed, 8-0.
70

71 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and
72 Coffey.

73 NAYS: None.

74 ABSENT: Starr, Gutierrez and Claman, each excused.
75

76
77
78

1 The amended Consent Agenda was approved and Acting Chair Selkregg led the body into discussion of the pulled
2 items.

3
4 **END OF CONSENT AGENDA**

5
6 **10. REGULAR AGENDA**

7 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were none.

8
9 **10.B. RESOLUTIONS FOR ACTION - OTHER**

10 **10.B.2. Resolution No. AR 2008-171**, a resolution of the Municipality of Anchorage appropriating \$46,500 to
11 **Special Assessment District 08-10** for construction of a gas line serving the Potter Heights
12 Subdivision Area, Finance. (*Addendum*)

13 a. Assembly Memorandum No. AM 534-2008.

14
15 Mr. Flynn moved, to approve AR 2008-171,

16 Ms. Ossiander seconded,

17
18 Mr. Coffey disclosed a possible conflict of interest because he was a member of the Enstar Advisory Board. He stated
19 that he had no financial or personal interest. Acting Chair Selkregg ruled that Mr. Coffey did not have a conflict of
20 interest and ordered that he participate. There were no objections.

21
22 and this was approved without objection,
23 with Starr, Gutierrez and Claman, each as an excused absence.

24
25 **10.C. BID AWARDS** There were none.

26
27 **10.D. NEW BUSINESS**

28 **10.D.10. Assembly Memorandum No. AM 531-2008, Homewood Suites #4354 - Restaurant Designation**
29 **Permit for a Beverage Dispensary-Tourism License (South Addition Community Council), Clerk's**
30 **Office.**

31
32 Mr. Flynn moved, to approve AM 531-2008,

33 Mr. Coffey seconded,

34
35 To Mr. Flynn, Municipal Manager Michael Abbott responded that the specific conditions would be included with the
36 conditional use permit. Mr. Coffey responded this was a designation to a conditional use permit with allowances for
37 underage employees to wash dishes, bus tables and other duties. He urged approval.

38
39 and this was passed without objection,
40 with Starr, Gutierrez and Claman, each as an excused absence.

41
42 **10.D.13. Assembly Memorandum No. AM 519-2008**, proprietary purchase to furnish **LED street light fixtures**
43 **from BetaLED, c/o Arctic Sales, Inc. for the Municipality of Anchorage, Office of Economic &**
44 **Community Development (\$2,199,471), Purchasing.**

45
46 Ms. Ossiander moved, to take up AM 519-2008 with AR 2008-164,

47 Mr. Coffey seconded, Agenda item 14.D,

48 and this was approved without objection,
49 with Starr, Gutierrez and Claman, each as an excused absence.

50
51 **10.E. INFORMATION AND REPORTS**

52 **10.E.1. Information Memorandum No. AIM 59-2008**, Internal Audit Report 2008-9 – **2007 Procurement Card**
53 **Program, Purchasing Department.**

54
55 Ms. Ossiander moved, to accept AIM 59-2008,

56 Mr. Coffey seconded,

57
58 Ms. Ossiander stated the Internal Audit Report stated that procurement cards for charitable contributions had totaled
59 over \$130,000. Recent oversight and controls for charitable contributions implemented by the Administration in
60 January apparently did not govern policy and procedures (P&P) for purchases with procurement cards and the
61 Administration was going to consider including general government in the overall P&P. Chief Fiscal Officer Sharon
62 Weddleton responded that P&P implemented for charitable contributions had agreed that processing charitable
63 contributions through P-cards represented weak internal controls, so P&P prohibited making charitable contributions
64 using P-cards and was now strictly limited to municipal utilities. Broadening charitable contributions to include general
65 government would be a move in the right direction. Ms. Ossiander stated that she strongly supported the idea.

66
67 and this was approved without objection, 8-0.
68 with Starr, Gutierrez and Claman, each as an excused absence.

69
70 **10.E.2. Information Memorandum No. AIM 66-2008, Executive Appointments** (Chiquita Cothron, Legal
71 Assistant-Assembly; Susan Paine, Land Management Officer-Heritage Land Bank; Jenny Evans,
72 Communications Director-Mayor's Office; Darrel Hess, Project Manager-OECD; Lee Damron, Parks
73 Division Manager-Anch Parks & Rec; Michael Barber, [Intern] Lighting Program Manager OECD;
74 Laura Herman, Director of Marketing-Port of Anchorage; Randy Virgin, Director of Sustainability-
75 OECD; Daniel Monteleone, Safety Director-Risk Management; James Feldman, Constituent Relation
76 Asst.-Mayor's Office; Cathy Hammond, Special Projects Coordinator-Planning), Employee Relations.

77
78 Mr. Flynn moved, to accept AIM 66-2008,

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

Mr. Coffey seconded,

Deputy Municipal Manager Heather Handyside requested a clerical correction.

Mr. Coffey moved, to amend AIM 66-2008 on Page 1, Line 18 and the title by
Mr. Flynn seconded, changing to read: Michael Barber, [Intern] "Lighting Program
Manager" OECD;

To Ms. Ossiander, Municipal Manager Michael Abbott responded that Mr. Barber would be in that position for a short period of time and the Administration did not intend to fill that position.

and this was approved without objection.

and the main motion, as amended, was approved without objection, 8-0.
with Starr, Gutierrez and Claman, each as an excused absence.

10.E.3. Information Memorandum No. AIM 67-2008, 2008 Comprehensive Annual Report (CAFR) and Detailed Statements, Finance.

Ms. Ossiander moved, to accept AIM 67-2008,
Mr. Flynn seconded,

Ms. Ossiander stated that the Cooperative Services Authority showed a loss because other agencies were not participating with the city to combine orders. She requested a report on the matter. Ms. Gray-Jackson responded that the Budget and Finance Committee would research the matter.

and this was approved without objection,
with Starr, Gutierrez and Claman, each as an excused absence.

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

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

11.A. Assembly Memorandum No. AM 503-2008, Planning and Zoning Commission appointment (John Weddleton), Mayor's Office. (*Postponed from 7-29-08 to permit a 10-day Public Comment Period pursuant to AMC 21.10.010B.*)

Acting Chair Selkregg read the memorandum title and called for a motion.

Mr. Flynn moved, to approve AM 503-2008,
Mr. Coffey seconded,

Mr. Coffey stated that he had high regards for Mr. Weddleton's professionalism and he urged support. He took the opportunity to voice his opinion that appointed members should not come to a board or commission with personal agendas.

Ms. Ossiander concurred and stated that the Planning and Zoning Commission was most effective when commissioners represented the entire community.

Acting Chair Selkregg stated that it was common for people available to serve to have interests on items reviewed by the boards or commissions. She supported Mr. Weddleton's appointment.

and the motion passed without objection, 8-0.

AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and Coffey.

NAYS: None.

ABSENT: Starr, Gutierrez and Claman, each excused.

11.B. Assembly Memorandum No. AM 504-2008, Urban Design Commission appointment (Doug Gasek), Mayor's Office. (*Postponed from 7-29-08 to permit a 10-day Public Comment Period pursuant to AMC 21.10.010B.*)

Acting Chair Selkregg read the memorandum title and called for a motion.

Ms. Gray-Jackson moved, to approve AM 504-2008,
Mr. Coffey seconded,
and the motion passed, 8-0.

AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and Coffey.

NAYS: None.

ABSENT: Starr, Gutierrez and Claman, each excused.

12. **APPEARANCE REQUESTS**

12.A. **Bill A. Madsen**, to request an official inquiry be ordered regarding what appears to be illegal and unethical activities of the Mayor.

1 BILL A. MADSEN requested that the Assembly look into Mayor Begich's unethical and possibly illegal behavior and
2 urged that an independent party investigate and report on the matter. Acting Chair Selkregg stated that the Assembly
3 did not act as a review board and recommended that Mr. Madsen take the matter to the Board of Ethics. Ms.
4 Ossiander and Mr. Coffey concurred.

5
6 12.B. **Greg Roczicka**, opposing Ballot Measure 2. (*Laid on the Table*)

7
8 GREG ROCZICKA, a former member of the State Board of Game and resident of Bethel, testified against Ballot
9 Measure 2, which proposed stopping airborne hunting. People did not understand the issue and he urged for the
10 Assembly to spread the word. To Mr. Birch, Mr. Roczicka responded that local testimony and surveys showed that
11 areas without predator control had no moose and increased personal property damage. Mr. Coffey thanked Mr.
12 Roczicka for testifying. Mr. Birch concurred.

13
14 13. **CONTINUED PUBLIC HEARINGS**

15 13.A. Ordinance No. AO 2008-58, an ordinance of the Anchorage Municipal Assembly amending Anchorage
16 Municipal Code Chapter 3.87 providing for a **Retiree Medical Funding Program** for police officers
17 and fire fighters, Assemblymember Tesche.

18 1. Assembly Memorandum No. AM 244-2008. (*Carried Over From 7-29-08*)

19
20 Acting Chair Selkregg called for a motion.

21
22 Mr. Coffey moved, *to combine* Public Hearing on 13.A, 13.B, 13.C and 13.D,
23 Ms. Ossiander seconded, *Agenda items* AO 2008-58, AO 2008-59, AO 2008-60 and
24 and there were no objections. *AR 2008-78,*

25
26 To Acting Chair Selkregg, Chief Fiscal Officer Sharon Weddleton responded that the Police and Fire Medical Trust
27 Board had unanimously approved the Administration's new proposal, which would be introduced on September 9th for
28 action on September 30th. Acting Chair Selkregg stated that this involved new ordinances and people would be able to
29 testify to all ordinances. Mr. Coffey stated that the current ordinances would not be considered in a decision and he
30 would support postponing indefinitely. Ms. Weddleton requested that the ordinances be continued to October, when
31 the ordinances could be postponed indefinitely when the alternatives were to be passed.

32
33 Acting Chair Selkregg opened Combined Public Hearing. There was no one to testify and she closed Public Hearing.

34
35 Mr. Coffey moved, *to postpone* AO 2008-58, AO 2008-59, AO 2008-60 and
36 Mr. Flynn seconded, *AR 2008-78 to October 14, 2008,*

37
38 Mr. Coffey stated that these ordinances would not be considered in a decision and he would prefer postponing all
39 indefinitely.

40
41 Mr. Birch stated that he would support a motion to postpone indefinitely.

42
43 To Ms. Gray-Jackson, Mayor Begich responded that all parties preferred a back-up option until a final agreement was
44 reached.

45
46 To Ms. Drummond, Mr. Flynn stated that once a matter was postponed indefinitely, it would have to be reintroduced.

47
48 and the motion failed, 4-4.

49
50 AYES: Gray-Jackson, Selkregg, Drummond and Flynn.

51 NAYS: Birch, Ossiander, Johnston and Coffey.

52 ABSENT: Starr, Gutierrez and Claman, each excused.

53
54 Mr. Coffey moved, *to postpone indefinitely* AO 2008-58,
55 Ms. Drummond seconded,

56
57 Mr. Coffey urged support for postponing indefinitely.

58
59 Mr. Birch stated that he had moved for immediate reconsideration, but the electronic system was not working.

60
61 Ms. Gray-Jackson stated that she would support the matter being left on the table.

62
63 Acting Chair Selkregg stated that she would support postponing indefinitely.

64
65 and the motion passed, 7-1.

66
67 AYES: Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and Coffey.

68 NAYS: Gray-Jackson.

69 ABSENT: Starr, Gutierrez and Claman, each excused.

70
71 13.B. Ordinance No. AO 2008-59, an ordinance of the Anchorage Municipal Assembly amending Anchorage
72 Municipal Code Section 3.88.020 to enlarge the time for the municipality to make annual deposits to
73 the **Police and Fire Retirees Medical Trust** to ensure full funding of the municipality's obligations to
74 the Municipal Prefunding Investment Program, Assemblymember Tesche.

75 1. Assembly Memorandum No. AM 244-2008. (*Carried Over From 7-29-08*)

76
77 (*Clerk's Note: See Agenda item 13.A for related discussion and action.*)

78

1 Mr. Coffey moved, to postpone indefinitely AO 2008-59,
2 Mr. Birch seconded,
3 and the motion passed, 7-1.

4
5 AYES: Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (participating telephonically) and Coffey.
6 NAYS: Gray-Jackson.
7 ABSENT: Starr, Gutierrez and Claman, each excused.

8
9 13.C. Ordinance No. AO 2008-60, an ordinance of the Anchorage Municipal Assembly appropriating
10 \$1,938,573 to Fund 713 to remedy the diminution of benefits to the **Anchorage Police and Fire**
11 **Retirees Medical Trust (APFRMT)** as a consequence of the application of the unreliable formula
12 related to the municipal contributions to the health reimbursement arrangement set forth in Anchorage
13 Municipal Code (AMC) 3.87.060, Assemblymember Tesche.
14 1. Assembly Memorandum No. AM 244-2008. (Carried Over From 7-29-08)

15
16 (Clerk's Note: See Agenda item 13.A for related discussion and action.)

17
18 Mr. Coffey moved, to postpone indefinitely AO 2008-60,
19 Mr. Birch seconded,
20 and the motion passed, 7-1.

21
22 AYES: Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (participating telephonically) and Coffey.
23 NAYS: Gray-Jackson.
24 ABSENT: Starr, Gutierrez and Claman, each excused.

25
26 13.D. Resolution No. AR 2008-76, a resolution of the Anchorage Municipal Assembly supporting the
27 approval of an increase in the employer contribution to the **Police and Fire Retirees Medical**
28 **Benefits**, Assemblymember Tesche.
29 1. Assembly Memorandum No. AM 244-2008. (Carried Over From 7-29-08)

30
31 (Clerk's Note: See Agenda item 13.A for related discussion and action.)

32
33 Mr. Coffey moved, to postpone indefinitely AR 2008-76,
34 Ms. Drummond seconded,
35 and the motion passed, 7-1.

36
37 AYES: Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (participating telephonically) and Coffey.
38 NAYS: Gray-Jackson.
39 ABSENT: Starr, Gutierrez and Claman, each excused.

40
41 13.E. Resolution No. AR 2008-121, a resolution approving **Updated Heritage Land Bank Policies** for
42 management of Heritage Land Bank Land and the Heritage Land Bank Fund.
43 1. Assembly Memorandum No. AM 368-2008. (Carried Over From 7-29-08)

44
45 Acting Chair Selkregg read the resolution title and opened Public Hearing. There was no public testimony and she
46 closed Public Hearing and called for a motion.

47
48 Ms. Drummond moved to continue AR 2008-121 to August 19th with a worksession
49 Ms. Gray-Jackson seconded, scheduled for August 15th,
50 and this was later withdrawn.

51
52 Mr. Coffey moved, to reopen AR 2008-121 Public Hearing,
53 Mr. Flynn seconded,
54 and this was later withdrawn.

55
56 Ms. Ossiander opposed reopening Public Hearing and stated that another worksession was not necessary. Heritage
57 Land Bank (HLB) Director Bill Mehner responded a worksession was scheduled that Friday to review the HLB Work
58 Plan. Mr. Birch stated that he had requested additional information, but a worksession was not necessary. Ms.
59 Drummond withdrew her motion with the concurrence of the second. Mr. Coffey withdrew his motion with concurrence
60 of the second.

61
62 Mr. Coffey moved, to approve AR 2008-121,
63 Ms. Drummond seconded,

64
65 Ms. Ossiander moved, to amend AR 2008-121, Heritage Land Bank Policies, Page
66 Mr. Coffey seconded, 4, IX.A, **Land Management Policies**, by adding to read: The
67 and this was later amended, HLB shall consult regularly with other municipal agencies
68 "and the Municipal Assembly" to determine whether HLB land
69 is needed to fulfill various municipal purposes. If an agency
70 has identified a municipal need for HLB land (present or
71 future), [and provides sufficient justification in support of the
72 need] "**and provides sufficient justification in support of**
73 **the need**" the HLB may either (a) initiate a process to
74 remove the land from the HLB inventory and transfer to Real
75 Estate Services for transfer of management authority to the
76 requesting municipal agency, or (b) create an Intra-

1 governmental Authorization, and retain the land in the HLB
2 inventory.;

3
4 Ms. Ossiander stated the current language was limiting. Preserving land needed to be justified, which could be
5 identified by the Assembly.

6
7 Mr. Coffey stated that this was a transfer of land from HLB to Real Estate Services. He supported the first portion of
8 the amendment, but not requiring justification of the need. Mayor Begich responded the Administration would accept
9 both parts of the amendment.

10
11 To Ms. Ossiander, Mr. Mehner responded there was no need to change language and the HLB would change the
12 property identification, determined by municipal needs.

13
14 Acting Chair Selkregg questioned the rationale of deleting the language.

15
16 Ms. Drummond proposed including the deleted language which was in brackets. Ms. Ossiander accepted her
17 proposal as a friendly amendment.

18
19 and the motion, as amended, was passed without objection.

20
21 Ms. Ossiander moved, to amend AR 2008-121, Heritage Land Bank Policies, Page
22 Mr. Coffey seconded, 7, IX.C, **Land Disposal Policies**, by adding to read: The
23 and this passed without objection. HLB may dispose of land when it is determined there is no
24 current or "considered" [~~planned~~] municipal use for the land
25 and market conditions are determined to be favorable.;

26
27 and the main motion, as amended, was passed, 8-0.

28
29 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and
30 Coffey.

31 NAYS: None.

32 ABSENT: Starr, Gutierrez and Claman, each excused.

33
34 Ms. Drummond moved, to Change the Order of the Day to take up time-sensitive
35 Mr. Coffey seconded, items 14.B, 14.A, 14.C, 14.D, 9.D.13, 13.K, 13.F, 13.G,
36 and this was approved without objection. 13.H and 13.J.

37
38 (*Clerk's Note: Acting Chair Selkregg moved the body to take up 14.B.*)

39
40 13.F. Ordinance No. AO 2008-88, an ordinance authorizing the **purchase of six lots located in Mountain**
41 **View** in Anchorage, from Habitat for Humanity, with an appropriation from the Heritage Land Bank
42 Fund Balance (221) to the Heritage Land Bank Capital Fund (421) for \$27,786 plus closing costs.
43 1. Assembly Memorandum No. AM 452-2008. (*Carried Over From 7-29-08*)

44
45 Acting Chair Selkregg read the ordinance title and opened Public Hearing. There was no one to testify and she closed
46 Public Hearing and called for a motion.

47
48 Mr. Flynn moved, to approve AO 2008-88,
49 Ms. Gray-Jackson seconded,
50 and this was later substituted.

51
52 Ms. Ossiander opposed the ordinance. The lots needed to be retained for city use, including future school expansion.
53 She opposed selling the lots to the private sector and she had not heard enough to support the expenditures.

54
55 Ms. Ossiander opposed the ordinance. Heritage Land Bank (HLB) should maintain and sell properties that supported
56 the community. While she supported the work done by Habitat for Humanity, she urged consideration of offering the
57 lots to the private sector for specific municipal use, including a park or an edition to Tyson Elementary School. The
58 School district had not made a request. She had not heard enough to support the expenditure.

59
60 Mr. Birch also opposed the ordinance. There would be no community benefit from this acquisition.

61
62 Mr. Flynn proposed to substitute the motion, with concurrence from Mr. Coffey.

63
64 Mr. Flynn moved, to substitute [~~to approve AO-2008-88~~] "to continue AO
65 Ms. Gray-Jackson seconded, 2008-88 to August 19, 2008."
66 and the motion failed, 3-4.

67
68 AYES: Gray-Jackson, Selkregg and Flynn.

69 NAYS: Birch, Drummond, Ossiander and Coffey.

70 ABSENT: Starr, Gutierrez and Claman, each excused.

71 (*Clerk's Note: Ms. Johnston, participating telephonically, was temporarily disconnected.*)

72
73 Mr. Coffey moved, to approve AO 2008-88,
74 Mr. Flynn seconded,

75
76 Mr. Coffey stated that the city was proposing to acquire this land that was basically unusable. Heritage Land Bank
77 (HLB) Director Bill Mehner responded that Habitat for Humanity had purchased ten lots, but would only four, and had
78 offered to sell the remaining six lots to the city. This was an appropriate purchase for the city to add to the school yard

1 or for a park or for open space and would benefit the community. The lots were available for less than Habitat for
2 Humanity's costs.

3
4 and the motion failed, 0-7.

5
6 AYES: None.

7 NAYS: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

8 ABSENT: Starr, Gutierrez and Claman, each excused.

9 *(Clerk's Note: Ms. Johnston, participating telephonically, was temporarily disconnected.)*

10
11 *(Clerk's Note: It was determined that Ms. Johnston, participating telephonically, had been permanently disconnected
12 and she was an excused absence for the remainder of the meeting.)*

13
14 *(Clerk's Note: Acting Chair Selkregg moved the body to take up 13.G. Following completion of 14.C, Ms. Ossiander
15 moved to reconsider AO 2008-88 and the body returned to reconsider this matter.)*

16
17 Ms. Ossiander moved, for immediate reconsideration of AO 2008-88,
18 Mr. Birch seconded,

19
20 Mr. Flynn objected to reconsideration.

21
22 Mayor Begich stated that if the motion to reconsider failed the Administration would resubmit the document.

23
24 Mr. Flynn moved, to spread the motion for immediate reconsideration of AO
25 and this was later withdrawn. 2008-88 on the minutes to be acted upon the following day,
26

27 Ms. Ossiander stated that she had never seen a motion refused the privilege of a vote. Reconsidering AO 2008-88
28 would allow a majority of members to participate with the vote.

29
30 To Acting Chair Selkregg, Municipal Clerk Barbara Gruenstein read from *Robert's Rules of Order* and stated that it
31 was her understanding the motion to reconsider took precedence over the motion on the floor.

32
33 Mr. Flynn withdrew his motion.

34
35 Mr. Birch stated that it was appropriate to vote on the motion for immediate reconsideration. He urged a NO-vote.

36
37 and the motion to reconsider failed, 2-5.

38
39 AYES: Selkregg and Drummond.

40 NAYS: Gray-Jackson, Birch, Ossiander, Flynn and Coffey.

41 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.

42
43 *(Clerk's Notes: Acting Chair Selkregg moved the body to take up Agenda item 1B, Audience Participation.)*

44
45 13.G. Resolution No. AR 2008-111, a resolution to name features of the **Anchorage Museum at**
46 **Rasmuson Center**, Mayor's Office. *(Carried Over From 7-29-08)*

47
48 Acting Chair Selkregg read the resolution title and opened Public Hearing.

49
50 JED WHITTAKER opposed naming features at the Anchorage Museum for private contributors. To Mr. Birch, Mr.
51 Whittaker acknowledged that he was wearing a t-shirt supporting the Loussac Library.

52
53 CHRIS SWALLING, Museum Naming Committee Chair, member of the Museum Building Committee and the Museum
54 Foundation, testified in support of the resolution. Mr. Birch thanked Mr. Swalling and the Naming Committee for their
55 work.

56
57 There was no additional testimony and Acting Chair Selkregg closed Public Hearing and called for a motion.

58
59 Mr. Coffey moved, to approve AR 2008-111,
60 Mr. Birch seconded,

61
62 Mr. Coffey thanked the committee for their work. The Rasmusons needed to be recognized and publicly thanked and
63 the naming was appropriate.

64
65 Ms. Drummond supported the naming and stated that many museums were named for donors and this donation was
66 not out of the ordinary. The community supported the museum and she would support the resolution.

67
68 Acting Chair Selkregg stated that large facilities across the nation were often named for contributors and the
69 Anchorage Museum at Rasmuson Center naming was appropriate.

70
71 and the motion passed, 7-0.

72
73 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

74 NAYS: None.

75 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.

76
77 13.H. Ordinance No. AO 2008-87, an ordinance amending Anchorage Municipal Code Section 10.75.010 to
78 **reduce the fee for progress inspections and to add fees for special occupancy inspections, fire**

1 **protection systems report review, and standby fire service operations, Anchorage Fire**
2 **Department.**

3 1. Assembly Memorandum No. AM 451-2008. *(Carried Over From 7-29-08)*
4

5 Acting Chair Selkregg read the ordinance title and opened Public Hearing. There was no one to testify and she closed
6 Public Hearing and called for a motion.
7

8 Mr. Coffey moved, to approve AO 2008-87,
9 Mr. Flynn seconded,
10 and the motion passed without objection, 7-0.
11

12 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

13 NAYS: None.

14 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.
15

16 13.I. **Ordinance No. AO 2008-85**, an ordinance amending Anchorage Municipal Code Section 31.20.020 to
17 **revise the requirement for payment of a dividend from the Anchorage Water and Wastewater**
18 **Utility** to the Municipality of Anchorage under certain conditions.

19 1. Assembly Memorandum No. AM 449-2008. *(Carried Over From 7-29-08)*
20

21 Acting Chair Selkregg read the ordinance title and opened Public Hearing.
22

23 BUTCH WEST, Anchorage Water and Wastewater Utility (AWWU) Board Chair, testified that utility dividend payments
24 to the city were required under Code. Mr. West responded to questions from Mr. Flynn, Mr. Coffey and Mr. Birch
25 concerning revising Code, lifting restrictions, Regulatory Commission of Alaska (RCA) approval, and when dividends
26 could be available. Mr. Birch stated the capital needed to remain with the utility to support the utility. Chief Fiscal
27 Officer Sharon Weddleton responded to questions from Ms. Ossiander, Mr. Flynn and Mr. Coffey concerning the
28 flexibility of the amendment, AWWU holding less operating cash and the AWWU Board's supporting the ordinance.
29

30 There was no additional testimony and Acting Chair Selkregg closed Public Hearing and called for a motion.
31

32 Mr. Coffey moved, to approve AO 2008-85,
33 Ms. Drummond seconded,
34

35 Mr. Flynn stated that he would support waiting to decide this matter. It was appropriate to give AWWU some time to
36 make the changes.
37

38 Mr. Coffey stated that this ordinance would allow additional flexibility until AWWU made changes. He would support
39 the board's unanimous support and he would support the original ordinance.
40

41 To Mr. Birch, Ms. Weddleton responded that cash reserves could be used to delay bond sales or to pay off debts. Mr.
42 Birch stated the reserves could provide a buffer to meet unanticipated catastrophic maintenance costs of the plant and
43 equipment. Ms. Weddleton responded that the municipality could loan the money if there were catastrophic events.
44

45 and the motion passed, 6-1.
46

47 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander and Coffey.

48 NAYS: Flynn.

49 ABSENT: Starr, Gutierrez and Claman and Johnston, each excused.
50

51 13.J. **Ordinance No. AO 2008-80**, an ordinance amending Anchorage Municipal Code Section 21.35.020 to
52 establish land use definitions for **Public Health and Safety Laboratories, Public Safety Facilities**
53 **and Outdoor Shooting Ranges**, amending Section 21.40.020 to permit these as uses in the PLI
54 District, and adding a new Section 21.50.410 to provide conditional use standards for outdoor shooting
55 ranges, Planning Department.

56 1. Assembly Memorandum No. AM 414-2008. *(Carried Over From 7-29-08)*
57

58 Acting Chair Selkregg read the ordinance title. Ms. Ossiander stated that Planning Director Tom Nelson would
59 continue to provide revisions to Title 21, Chapter 5. It was her intent to move for a continuation of AO 2008-80 until
60 Chapter 5 was completed. Acting Chair Selkregg opened Public Hearing. There was no one to testify and she called
61 for a motion.
62

63 Ms. Ossiander moved, to continue AO 2008-80 to September 9, 2008,
64 Mr. Coffey seconded,
65

66 To Mr. Coffey, Deputy Municipal Manager Heather Handyside responded the Administration supported postponement.
67

68 To Mr. Birch, Mayor Begich responded that existing shooting ranges would not be negatively impacted by the new
69 range.
70

71 and the motion passed without objection, 7-0.
72

73 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

74 NAYS: None.

75 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.
76

77 *(Clerk's Note: Acting Chair Selkregg moved the body to take up 14.E)*
78

- 1 13.K. Ordinance No. AO 2008-78, an ordinance of the Anchorage Municipal Assembly amending Anchorage
- 2 Municipal Ethics Code Section 1.15.035, Additional Provisions for Elected Officials, to clarify that a
- 3 member's participation in official action may be excused in the public interest, Assemblymember
- 4 Selkregg.
- 5 1. Assembly Memorandum No. AM 406-2008. (*Continued from 7-15-08; Carried Over from 7-*
- 6 *16-08 and 7-29-08*)
- 7 2. Ordinance No. AO 2008-78(S), an ordinance of the Anchorage Municipal Assembly amending
- 8 Anchorage Municipal Ethics Code Section 1.15.035, Additional Provisions for Elected
- 9 Officials, to clarify that a member's participation in official action may be excused in the public
- 10 interest, Assemblymember Selkregg.
- 11

12 Acting Chair Selkregg read the ordinance title and opened Public Hearing. There was no one to testify and she closed
13 Public Hearing and called for a motion.

14 Ms. Drummond moved, to approve AO 2008-78,
15 Ms. Gray-Jackson seconded,

16 Acting Chair Selkregg proposed an amendment. Ms. Gray-Jackson responded that Dr. Selkregg's amendment was
17 included in the substitute version (*S-version*). Assembly Counsel Julia Tucker recommended a substitute motion.

18 Ms. Ossiander moved, to substitute to approve [~~AO 2008-78~~] AO 2008-78(S),"
19 Ms. Gray-Jackson seconded,

20 Acting Chair Selkregg stated that this change would allow public officials to disclose close associations and would
21 leave the Assembly to determine a conflict of interest. She urged a YES-vote.

22 and the motion passed without objection, 8-0.

23 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and
24 Coffey.

25 NAYS: None.

26 ABSENT: Starr, Gutierrez and Claman, each excused.

27 (*Clerk's Note: Acting Chair Selkregg moved the body to take up 13.F.*)

28 **14. NEW PUBLIC HEARINGS**

- 29 14.A. Ordinance No. AO 2008-94, an ordinance authorizing the Municipality to execute a Participation
- 30 Agreement, an Operation and Maintenance Agreement and a Lease Agreement between Chugach
- 31 Electric Association (CEA) and Municipal Light & Power (ML&P) for the joint development,
- 32 construction, operation, and ownership of the **South Central Alaska Power Project Generation**
- 33 **Facility**; authorizing ML&P to expend up to \$3,000,000 to fund its share of the project's 2008 capital
- 34 expenditures; and authorizing ML&P to proceed, with CEA, to procure the turbines for the project.
- 35 1. Assembly Memorandum No. AM 498-2008.

36 Acting Chair Selkregg read the ordinance title and opened Public Hearing.

37 JEFF LIPSKY, Director of Chugach Electric Association (CEA) testified in support of the participation agreement,
38 which would create reliable and beneficial energy and substantial savings for local residents. Mr. Lipsky responded to
39 questions from Mr. Coffey, Mr. Birch and Ms. Drummond concerning specifics of the 30-year agreement, including
40 CEA finalizing long term financial commitments to secure financing, expected gas volumes, use of Beluga gas, setting
41 rates, a future power generation for the Railbelt and the roles of CEA.

42 MARC MARLOWE urged the Assembly to oppose AO 2008-84, which was a bad idea that would increase ratepayers'
43 costs and cost 20% more than what was proposed. Mr. Marlowe responded to questions from Mr. Birch and Acting
44 Chair Selkregg concerning scrapping the merger plans and using the money for improvements like heated sidewalks.

45 PAUL D. KENDALL testified that the city did not have the right to decide on a merger. The people owned the utility
46 and needed to decide. New technology and alternative energy needed to be sought.

47 STEVE RIZZO opposed the joint ownership and stated that there were other ways for ML&P to spend their money. A
48 merger should not be considered. Everyone needed to review everything about the merger which would be expensive.

49 There was no additional testimony and Acting Chair Selkregg called for a motion.

50 Ms. Ossiander moved, to continue AO 2008-94 to August 19, 2008,
51 Mr. Coffey seconded,
52 and the motion passed without objection.

53 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston (*participating telephonically*) and
54 Coffey.

55 NAYS: None.

56 ABSENT: Starr, Gutierrez and Claman, each excused.

57 Mr. Coffey requested a two-hour worksession be scheduled on Friday to review the additional information.

58 Ms. Ossiander stated there had already been a worksession and she recommended a committee meeting.

59 Mr. Coffey stated this was a \$400,000,000 dollar deal and he preferred a worksession.

1 Ms. Gray-Jackson stated that she preferred a worksession and urged for all Assemblymembers to be involved.

2
3
4 Acting Chair Selkregg requested that questions be submitted to the Administration. She scheduled the worksession
5 for 12:00 to 2:00. p.m. on Friday, August 15th.

6
7 *(Clerk's Note: Acting Chair Selkregg moved the body to 14.C.)*

- 8
9 14.B. Ordinance No. AO 2008-86, an ordinance amending Anchorage Municipal Code Section 8.15.010 to
10 raise the minimum value of property in the crime of theft by **shoplifting**; amending Section 8.75.160 to
11 raise the value threshold and add a civil violation alternative remedy; and amending Section 14.60.030
12 to establish a fine and confer jurisdiction on the Administrative Hearing Officer, Department of Law.
13 1. Assembly Memorandum No. AM 450-2008.

14
15 Acting Chair Selkregg read the ordinance title and opened Public Hearing. There was no one to testify.

16
17 Ms. Drummond moved, *to continue* AO 2008-86 Public Hearing to
18 Mr. Coffey seconded, September 9, 2008,

19
20 Ms. Ossiander stated that the Anchorage Police Department and several constituents had requested additional time.

21
22 Mr. Birch stated that the Prosecutor's Office was also working on the matter.

23
24 and the motion passed without objection.

25
26 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn, Johnston *(participating telephonically)* and
27 Coffey.
28 NAYS: None.
29 ABSENT: Starr, Gutierrez and Claman, each excused.

30
31 *(Clerk's Note: Acting Chair Selkregg moved the body to take up 14.A.)*

- 32
33 14.C. Ordinance No. AO 2008-93, an ordinance amending Anchorage Municipal Code Chapter 23.05 to
34 require construction and renovation of municipal public facilities to meet a **sustainable building**
35 **standard and to provide incentives for public and privately developed facilities**, Office of
36 Economic & Community Development; Assemblymember Selkregg.
37 1. Assembly Memorandum No. AM 497-2008.

38
39 Acting Chair Selkregg read the ordinance title and opened Public Hearing.

40
41 LORI STRAUSS, Sustainable Building Task Force member, testified that the Task Force had worked to develop
42 *(standards for)* high performance public buildings and incentives for private buildings to create healthier environments,
43 long term sustainability and lower energy costs. To Mr. Birch, she responded that more employees were needed to
44 complete audits and home inspections. To Mayor Begich, Ms. Strauss responded that "green" building standards were
45 supported by the Building Operations Management Association, the American Institute of Architects, American
46 Landscape Architects and the Home Builders Association. To Mr. Coffey, Ms. Strauss responded the cost to achieve
47 a LEED *(Leadership in Energy and Environmental Design)* building would be returned with long term savings.

48
49 PAUL D. KENDALL requested to exercise his freedom of speech and speak freely. Acting Chair Selkregg requested
50 that Mr. Kendall speak only to sustainable building standards. Mr. Kendall testified that setting standards was a waste
51 of time because energy sources were not sustainable or renewable.

52
53 SARAH ELLEN HUTCHINSON with the Alaska Center for the Environment *(ACE)* urged a YES-vote for setting LEED
54 standards for public buildings, which would save about 30% of energy costs over the long term. Green schools
55 provided cleaner environments, showed higher academic achievement for children and would save about 33% of
56 energy costs. To Ms. Drummond, Ms. Hutchinson responded that ACE would strongly support the same LEED
57 standards applied to the Anchorage School District *(ASD)*.

58
59 There was no additional public testimony and Acting Chair Selkregg closed Public Hearing and called for a motion.

60
61 Mr. Coffey moved, *to approve* AO 2008-93,
62 Ms. Gray-Jackson seconded,

63
64 To Ms. Ossiander, Municipal Manager Michael Abbott responded the refund did not include inspection fees. Obtaining
65 the *(LEED)* certification depended on credits earned, which had varying factors to achieve, but there was value to
66 using the standards as a guideline. Clark Middle School was being built to the standards, but the cost for certification
67 was \$50,000. Ms. Ossiander urged the Assembly to consider supporting Sections B and C, but not necessarily
68 Section A.

69
70 Ms. Drummond stated that it was entirely appropriate that new ASD construction be to LEED standards. To Acting
71 Chair Selkregg, Ms. Drummond responded that she had not prepared amendment language to include the ASD.
72 Deputy Municipal Manager Heather Handyside responded that Director of Sustainability Randy Virgin had prepared
73 appropriate language. Mayor Begich responded the city needed to do what was right to ensure long term savings.

74
75 To Mr. Coffey, Mr. Virgin responded that Section B allowed flexibility for renovation projects and Section A required
76 meeting the standards for new construction. It was assumed that the design team completing the project would have
77 experience with LEED certification. Mayor Begich offered an amendment for clarification.

78

1 Mayor Begich moved,
 2 Mr. Coffey seconded,
 3 and this was approved without objection.

to amend AO 2008-93, Section 1, beginning on Page 3, Line 5, *by changing* subsection [b.] to Section "C." For all projects where sustainable building standards are appropriate, evaluation criteria for procurement of design services shall include experience with sustainable design.; And, *by renumbering* all remaining section numbers accordingly: [G-] "D," [D-] "E," [E-] "F" and [F-] "G."

9 Mr. Coffey stated that there would be substantial increased costs for leased buildings with smaller renovation projects. Many cities had minimum square footage requirements. Mayor Begich responded that most city projects were over 5,000 square feet. Mr. Virgin responded that the Administration would consider including a minimum square footage.

11 Ms. Drummond moved,
 12 Ms. Gray-Jackson seconded,
 13 and this was later substituted.

to amend AO 2008-93 on Page 3, beginning on Line 9 *by deleting* Section [C]"D" ~~Anchorage School District new construction or renovation. The Construction or renovation of Anchorage School District facility shall meet the following criteria:~~

1. ~~The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system shall be used as a reference guide for all Anchorage School district capital improvement construction projects;~~
2. ~~For all projects where sustainable building standards are appropriate, evaluation criteria for procurement of design services shall include experience with sustainable design; and~~
3. ~~For projects over 20,000 square feet in size LEED certification shall be required unless determined by the ASD to not be technically or economically feasible.];~~

32 Ms. Drummond stated that this amendment would include the ASD under the provisions, including guidelines for renovations, but not requiring complete LEED certification for renovations. She urged support for the amendment.

35 To Ms. Ossiander, Assistant Superintendent George Vakalis responded that the ASD had worked on the ordinance with the Task Force. The ASD applied LEED design standards and supported other energy efficiencies. Not all LEED standards applied to Alaska and the economic benefit may not pay for itself over a reasonable period of time. A cost benefit analysis was necessary to determine the savings. He requested consideration of allowing the Building Board (*Board of Building Regulation Examiners and Appeals*) to help make decisions if there were conflicts. ASD Facility Manager Ray Amsden responded the ASD used high standards for design criteria. To Acting Chair Selkregg, Mr. Vakalis responded that not all LEED criteria could apply to Alaska, including a requirement that materials used be manufactured within 500 miles of the project site. Mr. Virgin supported getting the LEED silver certification for schools, which would entitle the ASD to a reimbursement of a percentage of permitting fees. Mayor Begich stated the certification costs were worth the benefits and long term savings.

46 To Mr. Flynn, Mayor Begich responded the Administration was open to an amendment that would include a review by the Building Board.

49 Mr. Coffey, Mr. Virgin responded that it was possible for the ASD to meet LEED standards. Mr. Vakalis encouraged the Assembly to include a mechanism to address problems with unusual criteria. Mr. Coffey stated that language could be included that would allow more flexibility.

53 To Ms. Drummond, Mr. Abbott responded that the Administration was creating appropriate language to add, which could be taken up later in the meeting.

56 *(Clerk's Note: To allow time to create amendment language, Acting Chair Selkregg moved the body to complete the remainder of the Agenda, beginning with 14.D. Upon completion of 14.H, the body returned to complete this matter.)*

59 Mr. Coffey stated the amendment would substitute the motion on the floor, with the additional language offered by the Administration.

62 Mr. Coffey moved,
 63 Mr. Flynn seconded,

to substitute by amending AO 2008-93 on Page 3, beginning on Line 9 *by deleting* Section [C]"D" ~~Anchorage School District new construction or renovation. The Construction or renovation of Anchorage School District facility shall meet the following criteria:~~

1. ~~The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system shall be used as a reference guide for all Anchorage School district capital improvement construction projects;~~
2. ~~For all projects where sustainable building standards are appropriate, evaluation criteria for procurement of design services shall include experience with sustainable design; and~~
3. ~~For projects over 20,000 square feet in size LEED certification shall be required unless determined by~~

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

the ASD to not be technically or economically feasible.];

And, to amend Section 1 on Page 2, Line 21 *by adding to read: A. New Construction.* The Municipality "including the Anchorage School District" shall construct its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environment Design (LEED) rating system, and shall be responsible for ensuring public facilities and buildings meet the requirements as set out in this section and are operated accordingly.;

And, to amend Section 1 on Page 2, Line 39 *by adding to read: B. Renovation.* The Municipality "including the Anchorage School District" shall renovate public facilities and buildings "larger than 5,000 square feet," including private construction for Municipal leasing or renting, to sustainable building standards where technically and economically feasible.;

And, to amend Section 1 on Page 3, Line 39 *by adding to read: "E. Exception Procedure. If the Municipality determines that it would not be economically feasible to satisfy the prerequisites for LEED certification in the case of a specific project, it may apply to the building board of appeals for an exemption to the requirement. The board shall act on an exemption application within 30 days, following its regular procedures to the full extent possible."*

Mr. Coffey stated that it was appropriate for the Building Board to review an ASD application for exemptions on project issues that would not be economically feasible to satisfy the prerequisites for LEED certification. Ms. Drummond and Mayor Begich concurred.

and the motion passed without objection.

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

AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

NAYS: None.

ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.

(Clerk's Note: Ms. Ossiander moved to reconsider 13.F and the body returned to AO 2008-88.)

- 14.D. Resolution No. AR 2008-164, a resolution of the Municipality of Anchorage appropriating \$1,700,000 as an inter-fund loan from the Public Finance Fund (191) to the Anchorage Roads and Drainage Service Area Fund (141), at a variable interest rate equal to the general cash pool rate plus one percent, for the purchase and installation of **energy-efficient roadway light fixtures**, to be repaid over a term of not more than seven years through energy savings from replacement of existing roadway lighting, Office of Economic and Community Development; Assemblymember Selkregg.
 1. Assembly Memorandum No. AM 507-2008.
 2. 9.D.13. Assembly Memorandum No. AM 519-2008, proprietary purchase to furnish **LED street light fixtures** from BetaLED, c/o Arctic Sales, Inc. for the Municipality of Anchorage, Office of Economic & Community Development (\$2,199,471), Purchasing.

Acting Chair Selkregg read the resolution title and opened Public Hearing.

SARAH ELLEN HUTCHINSON, with the Alaska Center for Environment, testified in support of using light-emitting diode (LED) street lights and urged a YES-vote for the resolution. She responded to questions from Mr. Flynn concerning improved quality of light, improved public safety and energy efficiencies.

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

Mr. Flynn moved, to approve AR 2008-164,
Ms. Drummond seconded,

Ms. Gray-Jackson stated that she supported using the improved LED street lights in the city.

Mayor Begich stated the city was setting the standard for other cities and costs would be realized within seven years. He urged support.

Acting Chair Selkregg thanked the Administration for addressing this issue and stated that she would support use of energy-efficient roadway lighting.

and the motion passed without objection, 7-0.

AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

NAYS: None.

1 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.

2
3 Ms. Ossiander moved, to approve AM 519-2008, Agenda item 9.D.13,
4 Mr. Coffey seconded,
5 and this was approved without objection, 7-0.
6

7 (Clerk's Note: The body moved to take up Agenda item 13.K.)
8

9 14.E. Resolution No. AR 2008-163, a resolution approving and ratifying a five year collective bargaining
10 agreement between the Municipality of Anchorage and the **Public Employees, Local 71**, Employee
11 Relations.
12 1. Assembly Memorandum No. AM 495-2008.

13 Acting Chair Selkregg read the resolution title and opened Public Hearing. There was no one to testify and she closed
14 Public Hearing and called for a motion.

15
16 Mr. Flynn moved, to approve AR 2008-163,
17 Ms. Drummond seconded,
18
19

20 To Mr. Birch, Municipal Manager Michael Abbott responded the five year averages of CPI increases were included.
21

22 and the motion passed without objection.
23

24 AYES: Gray-Jackson, Birch, Selkregg, Drummond, Ossiander, Flynn and Coffey.

25 NAYS: None.

26 ABSENT: Starr, Gutierrez, Claman and Johnston, each excused.
27

28 14.F. Resolution No. AR 2008-166, a resolution of the Anchorage Municipal Assembly approving an
29 alcoholic beverages conditional use in the B-2A (Central Business District Core) for a package store
30 use and license per AMC 21.40.150 D.12, for **Cellar, LLC**; located at 343 West 6th Avenue, #2, within
31 AOT, Block 49, Tract A, Fragment Lot 3; generally located at the northeast corner of West 6th Avenue
32 and D Street Extended (Downtown Community Council) (Case 2008-116), Planning Department.
33 1. Assembly Memorandum No. AM 510-2008.
34

35 Acting Chair Selkregg read the resolution title and opened Public Hearing.
36

37 SAMARA DALUSHA and SCOTT ANYA, part owners of Cellar, LLC, stated they were present to answer questions.

38 To Mr. Flynn they responded they understood and accepted the amendments. Mr. Coffey stated this amendment
39 would get all downtown establishments in line with (*consistent*) operations, hours and staffing.
40

41 There was no additional public testimony and Acting Chair Selkregg closed Public Hearing and called for a motion.
42

43 Mr. Flynn moved, to approve AR 2008-166,
44 Mr. Coffey seconded,
45

46 Mr. Flynn moved, to amend AR 2008-166, beginning on Page 2, Line 13,
47 Mr. Coffey seconded, Section 3, *by adding* new sections to read:

48 7. RESTRICTIONS ON PRODUCTS SOLD:

- 49 a. No cheap wines such as White Port, in any
- 50 size. No fortified wines less than \$10.00 a
- 51 bottle.
- 52 b. No six packs of beer less than \$6.00.
- 53 c. No liquor products less than 750 milliliters.
- 54 Any products where the 750 milliliter size has
- 55 a shelf price of \$10.00 or less will not be
- 56 stocked.
- 57 d. Licensee shall place a sticker or other
- 58 identifying mark on all products sold as
- 59 individual containers.

60 8. STAFFING REQUIRED:

- 61 a. TAMS or equivalent training must be
- 62 provided to all store personnel before hiring.
- 63 b. Immediate dismissal of any employee
- 64 convicted of sale to minors or intoxicated
- 65 persons.

66 9. ADVERTISING RESTRICTIONS:

- 67 a. No price or beer signs in the windows. No
- 68 low price newspaper advertising.

69 10. COMMUNITY REVIEW REQUIREMENTS:
70
71
72
73
74
75
76
77
78
79
80

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

- a. Semi-annual review of operations by the Downtown Community Council, if desired by the Downtown Community Council.
- b. Video tapes of customers viewable on request by the Downtown Community Council held for a period of five days.

11. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise "at a location visible to the public."

Mr. Flynn stated that the intention was to impose the same restrictions on all Downtown liquor [packaging] "package" stores.

Mr. Coffey stated that liquor stores needed to take a social responsibility that would lead to operations that reflected the general community and to not oversell to inebriants. He wished the owners good luck with their new venture.

and the motion to amend passed without objection.

Mr. Flynn welcomed the new owners to the Downtown neighborhood.

and the main motion, as amended, was approved, 7-0.

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

14.G. Resolution No. AR 2008-157, a resolution of the Municipality of Anchorage, Alaska, accepting a U.S. Environmental Protection Agency (EPA) grant in the amount of \$3,563,400 for funding the **Northern Communities Water and Wastewater Improvements Projects**, Anchorage Water and Wastewater Utility.
 1. Assembly Memorandum No. AM 486-2008.

Acting Chair Selkregg read the resolution title and opened Public Hearing. There was no one to testify and she closed Public Hearing and called for a motion.

Ms. Ossiander moved, to approve AR 2008-157,
 Mr. Flynn seconded,

Ms. Ossiander urged support for this project.

and the motion passed without objection, 7-0.

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

14.H. Resolution No. AR 2008-158, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating an Alaska Drinking Water Fund loan offer in the amount of \$1,840,000 for financing a portion of the costs of the **Northeast Water Improvements Projects**, Anchorage Water and Wastewater Utility.
 1. Assembly Memorandum No. AM 487-2008.

Acting Chair Selkregg read the resolution title and opened Public Hearing. There was no one to testify and she closed Public Hearing and called for a motion.

Mr. Flynn moved, to approve AR 2008-158,
 Ms. Ossiander seconded,
 and the motion passed, 7-0.

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

(Clerk's Note: Acting Chair Selkregg returned the body to take up 14.C.)

15. **SPECIAL ORDERS** None.

16. **UNFINISHED AGENDA** None.

17. **AUDIENCE PARTICIPATION**

JED WHITTAKER recommended that traffic signals be coordinated for pedestrian safety and to conserve energy. He stated that the Municipal Manager had commented that people would need to make \$14.44 an hour to afford a one-bedroom apartment and he urged that the Assembly address a 'living wage' ordinance for Anchorage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

18. ASSEMBLY COMMENTS

Acting Chair Selkregg thanked the Assembly for their patience that evening. She stated for record that she had dedicated the meeting to her son who had died three years ago and August 12th was his birthday.

Mr. Birch recognized and thanked his neighbor Mr. Lipsky for his participation that evening.

Mr. Coffey thanked Dr. Selkregg for a job well done, chairing the meeting that evening.

19. EXECUTIVE SESSIONS There were none.

20. ADJOURNMENT

Acting Chair Selkregg called for a motion to adjourn the meeting.

Ms. Osslander moved, to adjourn the Regular Assembly Meeting,
and there were no objections.

The Regular Assembly Meeting was adjourned at 10:03 p.m.



SHEILA SELKREGG, Acting Assembly Chair

ATTEST:



BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Amended and 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)

