MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for the Regular Meeting of January 20, 2009

1. CALL TO ORDER

The Regular Assembly Meeting of January 20, 2009 was convened by Chair Drummond at 5:03 p.m.

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

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

3. PLEDGE OF ALLEGIANCE Assemblymember Starr led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – November 18, 2008.

Ms. Ossiander moved, to approve the Meeting Minutes of November 18, 2008.
Ms. Johnston seconded,
and this passed without objection.

5. MAYOR'S REPORT

Acting Mayor Claman reported on his attending the Conference of Mayors in Washington, D.C. He responded to Ms. Ossiander's questions about the $17 million budget deficit and stated the Assembly had been informed about the investment status in late 2008.

6. ASSEMBLY CHAIR'S REPORT

Chair Drummond reported that on January 6th the Assembly had Changed the Order of the Day to take up nominating an Assembly Vice Chair, with a vote of 7 to 2, but eight affirmative votes were required to approve the motion.

Mr. Flynn moved, *to Change the Order of the Day* to take up Special Orders,
Mr. Gutierrez seconded, to nominate an Assembly Vice Chair.

Ms. Ossiander, Mr. Gutierrez and Mr. Coffey commented about addressing the Assembly action taken on January 6th. Mr. Star, Ms. Gray-Jackson, Dr. Selkregg and Chair Drummond requested a legal opinion. Deputy Municipal Attorney Rhonda Westover responded that when voting the Charter described the full body of eleven. Chair Drummond stated that absences or conflicts did not define the body. Ms. Ossiander stated that a legal opinion was needed from a professional versed in parliamentary law.

and the motion passed, 9-1.

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

(Clerk's Note: The body took up Special Orders, elected Mr. Coffey as Vice Chair and returned to the Chair's Report.)

Chair Drummond recognized Dr. Selkregg for her ten years of service to the Municipality of Anchorage.

7. COMMITTEE REPORTS

Mr. Gutierrez reported on the Joint Meeting of the Public Safety Committee and the Budget and Finance Committee held on January 16th. The next Public Safety Committee Meeting would be on Feb 11th in City Hall.

Ms. Gray-Jackson reported on the January 15th Budget and Finance Committee Meeting and that she was finalizing a 2009 (Budget and Finance Committee) Work Plan. The next Committee meeting would be on February 19th.

Ms. Ossiander reported that the January 15th Title 21 Committee Meeting was cancelled due to icy roads. Finalizing Chapter 3 would be postponed to February 3rd, to allow time for the Committee to finalize amendments.

Dr. Selkregg reported the Anchorage Economic and Community Development Committee would meet January 21st to hear energy reports. A public forum was planned in February to present information on renewable resources.

Mr. Flynn reported that the Legislative Committee met on January 16th and finalized the 2009 Legislative Program, which would be distributed that evening.

Ms. Johnston reported that she would attend the Alaska Municipal League Board Meeting in January.

8. ADDENDUM TO AGENDA

Chair Drummond called for a motion and read the Addendum items. AR 2009-19 and AR 2009-18 were added and assigned Agenda numbers 9.B.4 and 9.B.5, respectively.

Mr. Coffey moved, Mr. Flynn seconded,	to approve the inclusion of the Addendum items into the Consent Agenda.
Mr. Flynn moved, Mr. Coffey seconded, and this was approved without objection.	*to add* AR 2009-19 and AR 2009-18 to the Addendum.

and the motion, as amended, passed without objection.

Chair Drummond called for a motion on the Consent Agenda.

Mr. Coffey moved, Mr. Flynn seconded,	to approve the Consent Agenda.

Chair Drummond called for Assemblymembers to request items to be pulled for discussion on the Regular Agenda.

9. CONSENT AGENDA

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

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2009-1, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) design for **Sand Lake Elementary School Renewal**, Anchorage School District.
a. Assembly Memorandum No. AM 1-2009.

9.B.2. Resolution No. AR 2009-8, a resolution of the Anchorage Municipal Assembly approving the alternate preliminary (conceptual) design for the **Service High School Renewal Project**, Anchorage School District.
a. Assembly Memorandum No. AM 35-2009.

9.B.3 Resolution No. AR 2009-16, a resolution adopting the **2009 Legislative Program** for the Municipality of Anchorage, Mayor's Office. ***(Addendum)***

Mr. Flynn requested this item be pulled for review on the Regular Agenda. *(See item 10.B.3)*

9.B.4. Resolution No. AR 2009-19, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to application of a new general wholesale liquor license, **Southern-Odom Wine and Spirits of Alaska, LLC** License #4861, D/B/A/ Sothern-Odom Wine and Spirits of Alaska located at 1800 Ship Creek Avenue, Anchorage, Alaska 99501. ***(Laid on the Table)***

9.B.5 Resolution No. AR 2009-18, a resolution of the Anchorage Assembly to identify **spending reductions required to balance the projected deficit** of more than $17 million in the FY 2009 Municipal Budget. ***(Laid on the Table)***

Ms. Gray-Jackson requested this item be pulled for review on the Regular Agenda. *(See item 10.B.5)*

9.C. BID AWARDS

9.C.1. Assembly Memorandum No. AM 43-2009, recommendation of award to EP Roofing, Inc. for the **Sullivan Arena roof replacement** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 28-C070) ($1,199,000), Purchasing.

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

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 44-2009, proprietary purchase of **TriTech VisiCad software maintenance support** from TriTech Software Systems for the Municipality of Anchorage, Anchorage Fire Department (AFD) ($106,527.06), Purchasing.

9.D.2. Assembly Memorandum No. AM 45-2009, proprietary purchase to Alcan Electrical and Engineering, Inc. for providing **two Closed Circuit Television (CCTV) cameras and associated access control equipment** to the Municipality of Anchorage, Port of Anchorage ($37,812), Purchasing.

9.E. INFORMATION AND REPORTS

9.E.1. Information Memorandum No. AIM 4-2009, **clerical corrections to AMEA collective bargaining agreement** ratified by the Assembly on December 2, 2008 (AR 2008-266), Employee Relations Department.

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

9.E.2. Information Memorandum No. AIM 3-2009, **contracts awarded between $50,000 and $500,000 through formal competitive processes** for the month of December 2008, Purchasing.

9.E.3. Information Memorandum No. AIM 5-2009, **Sole Source Procurement Report** for the month of December 2008, Purchasing.

9.E.4. Information Memorandum No. AIM 7-2009, **Request from Acting Mayor Matt Claman.** ***(Addendum)***

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

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

9.F.1. Ordinance No. AO 2009-7, an ordinance amend Anchorage Municipal Code Section 23.45.105.6 **Required Operational Permit**, to establish fees, Anchorage Fire Department. P.H. 2-24-09.
a. Assembly Memorandum No. AM 46-2009.

9.F.2. Ordinance No. AO 2009-8, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $69,880,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of capital improvements to **Service High School, Eagle River High School and Girdwood K-8 School** at the election to be held in the Municipality on April 7, 2009, Anchorage School District. P.H. 2-3-09.
a. Assembly Memorandum No. AM 26-2009.

9.F.3. Ordinance No. AO 2009-9, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $27,480,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements for **Districtwide Building Systems Renewals, Replacements, Renovations and Acquisitions** at the election to be held in the Municipality on April 7, 2009, Anchorage School District. P.H. 2-3-09.
a. Assembly Memorandum No. AM 26-2009.

9.F.4. Resolution No. AR 2009-15, a resolution of the Municipality of Anchorage, Alaska, accepting a State of Alaska Clean Water Fund loan agreement in the amount of $1,000,000 for financing a portion of the costs of the **Old Glenn Highway (Northern Communities) Sewer Interceptor Project**, Anchorage Water and Wastewater Utility. P.H. 2-3-09.
a. Assembly Memorandum No. AM 47-2009.

9.F.5. Ordinance No. AO 2009-10, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $43,900,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the **Anchorage Roads And Drainage Service Area** at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.
a. Assembly Memorandum No. AM 48-2009. ***(Addendum)***

9.F.6. Ordinance No. AO 2009-11, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $2,600,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of constructing, renovating and equipping park and trail improvements and recreational facilities, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the **Anchorage Bowl Parks and Recreation Service Area**, without cost to Chugiak, Eagle River, Girdwood and other taxpayers outside the service area, at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.
a. Assembly Memorandum No. AM 49-2009. ***(Addendum)***

9.F.7. Ordinance No. AO 2009-12, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $4,500,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **Facilities Renovations and Related Capital Improvements**, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.
a. Assembly Memorandum No. AM 50-2009. ***(Addendum)***

9.F.8. Ordinance No. AO 2009-13, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $1,550,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **Public Safety and Transportation Improvements** and related capital improvements, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.
a. Assembly Memorandum No. AM 51-2009. ***(Addendum)***

9.F.9. Ordinance No. AO 2009-14, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $4,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of public safety facilities (police) and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the **Anchorage Metropolitan Police Service Area** at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.
a. Assembly Memorandum No. AM 52-2009. ***(Addendum)***

9.F.10 Ordinance No. AO 2009-15, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Not To Exceed $1,800,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of fire protection capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the **Anchorage Fire Service Area** at the election to be held in the Municipality on April 7, 2009, Finance. P.H. 2-3-09.

a. Assembly Memorandum No. AM 53-2009. ***(Addendum)***

Chair Drummond called for a vote on the amended Consent Agenda.

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

AYES: Starr, Gutierrez, Gray-Jackson, Birch *(participating telephonically)*, Drummond, Coffey, Selkregg, Ossiander, Flynn and Johnston.
NAYS: None.

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

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

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.3 Resolution No. AR 2009-16, a resolution adopting the **2009 Legislative Program** for the Municipality of Anchorage, Mayor's Office. ***(Addendum)***

Mr. Flynn moved, Mr. Coffey seconded, and this was approved without objection.	*to postpone* AR 2009-16 until later in the evening.

(Clerk's Note: Following the dinner break the Assembly returned to take up AR 2009-16.)

Mr. Flynn moved, Ms. Johnston seconded,	to approve AR 2009-16.
Ms. Ossiander moved, Mr. Gutierrez seconded, *and this was later amended,*	to approve Ossiander Amendment #1, amending AR 2009-16, *by adding* to read: "1. Right of First Refusal for Mobile Home Parks. Mobile Home Parks are one of the last forms of truly affordable housing for low income families in Anchorage, Alaska. The Municipality of Anchorage recognizes that mobile home parks are particularly vulnerable to loss through redevelopment [~~thereby~~] **whereby** tenants, many of whom are long-term homeowners and residents, are subject to permanent displacement. The Municipality of Anchorage urges the State of Alaska to adopt legislation providing that any tenant who has resided in a mobile home park for 1280 days preceding a notice of change of the land use of the mobile home park shall be given the right of first refusal to purchase or lease the underlying mobile home park parcel if the mobile home park property is subdivided or there is a proposed change in use of the underlying property."

Mr. Coffey recommended a language change. Ms. Ossiander concurred. She explained the amendment which would help protect mobile home owners from being uprooted when a mobile home park was sold. There were comments from Dr. Selkregg, Mr. Gutierrez, Chair Drummond, Cook Inlet Housing Authority President and CEO Carol Gore, Mr. Coffey and Mr. Flynn.

and the motion passed, 9-0,
with Mr. Birch as an excused absence.

Ms. Ossiander moved, Mr. Coffey seconded,	to approve Ossiander Amendment #2, amending AR 2009-16, *by adding* to read: "2. Amending the Horizontal Regime Act by requiring a Reserve Account. Currently the State of Alaska Horizontal Regime Act (Chapter 34.07) permits but does not require creation of a reserve account. In some situations this has created problems for home owners who have had to come to local government for redress. This act covers properties which are owned by multiple individuals (condominiums). A reserve account, which is now in place for many such properties, would be set aside to fund large necessary common infrastructure repairs and upgrades (ex: sewer, water and private roads). Section 34.07.380 of the act now says that such expenses are to be charged to the apartment owners according to the percentage of the undivided interest in the common areas and facilities. However the costs for such repairs may become so large as to be unmanageable if not planned for in advance."

Ms. Ossiander explained that reserve accounts were designed to protect individual owners from immense bills for upgrading infrastructure like roads, sewer and water.

and this passed without objection, 9-0,
with Mr. Birch as an excused absence.

Ms. Ossiander moved,
Mr. Coffey seconded,
to approve Ossiander Amendment #3, amending AR 2009-16, Section 6, on Page 5, *by deleting*: [~~$1,000,000 for the Downtown Library request~~].

Ms. Ossiander, Mr. Flynn, Dr. Selkregg, Mr. Gutierrez and Chair Drummond commented on there not being sufficient money to finish existing library projects, the opportunity of private donations, the site being commercially developed, complementing the visitor's center and the budget deficit.

Mr. Flynn called for the Question. There were no objections.

and the motion failed, 4-5.

AYES: Starr, Selkregg, Ossiander and Johnston.
NAYS: Gutierrez, Gray-Jackson, Drummond, Coffey and Flynn.
ABSENT: Birch, excused.

Mr. Coffey moved,
Ms. Ossiander seconded,
to amend AR 2009-16, Legislative Priorities, Public Health Recovery Center, on Page 12-3, *by replacing* to read: (hospital) Chronic alcoholism and public inebriants [~~$30,000,000~~] $2,000,000; [~~Clitheroe~~] "Site selection and design of a replacement for the facility."

Mr. Coffey stated the request for $30,000,000 was unrealistic because there was no plan. He proposed proceeding with a site selection and initial design. Dr. Selkregg, Mr. Gutierrez, Ms. Gray-Jackson and Municipal Manager Michael Abbott supported the change.

and the motion was passed, 9-0,
with Mr. Birch as an excused absence.

Mr. Starr requested a clerical correction to Project 7-4, concerning a snow disposal site. Mr. Abbott responded to questions from Mr. Starr, Ms. Ossiander, Mr. Coffey and Dr. Selkregg concerning the ranking of priorities.

and the main motion, as amended, was passed, 9-0,
with Mr. Birch as an excused absence.

10.B.5 Resolution No. AR 2009-18, a resolution of the Anchorage Assembly to identify **spending reductions required to balance the projected deficit** of more than $17 million in the FY 2009 Municipal Budget. Assembly Chair Drummond, Vice Chair Coffey, Assemblymembers Johnston and Starr. ***(Laid on the Table)***

Mr. Coffey moved,
Ms. Johnston seconded,
to approve AR 2009-18.
(Clerk's Note: The resolution was later revised.)

Ms. Gray-Jackson, Mr. Coffey, Ms. Johnston, Dr. Selkregg and Mr. Gutierrez addressed the involvement of the Budget and Finance Committee, addressing labor agreements in a bipartisan fashion, the Administration and the Assembly working together and what constituted unfair labor practices.

Ms. Johnston requested to be added as a sponsor.

Mr. Gutierrez moved,
Ms. Gray-Jackson seconded,
to postpone AR 2009-18 until after the dinner break.

Mr. Coffey recommended continuing discussion to better determine what specifics needed to be addressed.

and the motion was withdrawn without objection.

Mr. Gutierrez moved,
Ms. Gray-Jackson seconded,
to amend AR 2009-18 on Page 2, Lines 22-25 *by changing* to read: **Section 3.** [~~The Mayor~~] [~~Chief Financial Officer is requested~~] Chief Fiscal Officer [~~, in conjunction with the Assembly Budget and Finance Committee,~~] , in conjunction with the Assembly Budget and Finance Committee, to identify opportunities to reduce wages and other expenses associated with the Municipality's union employees, non-represented employees and executive employees to achieve a balanced budget, and to furnish a report to the Assembly.

Mr. Coffey, Ms. Gray-Jackson and Mr. Gutierrez commented on the proposed amendment.

Ms. Ossiander recommended substituting the Mayor for the Chief Financial Officer and deleting the Budget and Finance Committee, which at first Mr. Gutierrez supported, but then opposed.

and the motion failed, 2-8.

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

Mr. Starr requested to be added as a cosponsor. He, Mr. Coffey, Ms. Gray-Jackson and Dr. Selkregg commented on getting additional information, Assemblymembers meeting with union representatives, recommending a worksession and requirements of collective bargaining.

Dr. Selkregg moved, there was no second and the motion was lost.

to amend AR 2009-18, Section 1, Line 14-20, *by changing* to read: **Section 1.** Representatives of each bargaining unit representing municipal employees are requested to engage in a dialogue with the Assembly [~~to establish a framework to resolve the FY 2009 budget shortfall issues~~] "to set general labor relation policies and directions for contract negotiation."

Dr. Selkregg, Ms. Gray-Jackson and Mr. Coffey commented about the Assembly meeting with union representatives.

Mr. Gutierrez moved,
Mr. Starr seconded,
and there were no objections.

to postpone AR 2009-18 until after the dinner break and after completing the Legislative Program.

*(Clerk's Note: The body returned to take up AR 2009-18. Chair Drummond read the newly revised portions, including a change to **Section 1:** [~~Representatives of each bargaining unit representing municipal employees are requested to engage in a dialogue with the Assembly to establish a framework to resolve the FY 2009 budget shortfall issues.~~] The administration will not engage in collective bargaining with any municipal unions until February 4, 2009, allowing the Assembly time to adopt a resolution to provide guidance setting general labor relations policy and direction for contract negotiations, pursuant to section 3.70.090. And, a change to **Section 3:** [~~Chief Financial Officer~~] Mayor.)*

Dr. Selkregg, Mr. Coffey, Ms. Gray-Jackson and Mr. Starr commented about the Assembly's expectations, involvement with union representatives and addressing the budget shortfall.

Dr. Selkregg moved,
Mr. Coffey seconded,

to amend the Coffey Amendment, amending AR 2009-18 (revised), *by adding* to read: **Section 1.** [~~Representatives of each bargaining unit representing municipal employees are requested to engage in a dialogue with the Assembly to establish a framework to resolve the FY 2009 budget shortfall issues.~~] "The administration will not engage in collective bargaining with any municipal unions until February 4, 2009, allowing the Assembly time to adopt a resolution to provide guidance setting general labor relations policy and direction for contract negotiations, pursuant to section 3.70.090 **through discussions with representatives of the municipal bargaining units.**"

Dr. Selkregg, Mr. Coffey and Mr. Gutierrez commented about the intent of the amendment, addressing the budget shortfall and Assemblymembers meeting with union representatives.

and the motion to amend failed, 5-4.

(Clerk's Note: Six affirmative votes were needed to approve.)

AYES: Starr, Coffey, Selkregg, Flynn and Johnston.
NAYS: Gutierrez, Gray-Jackson, Drummond and Ossiander.
ABSENT: Birch, excused.

Chair Drummond called for a vote on the motion to approve the revised resolution.

and the main motion, as revised, passed, 9-0,
with Mr. Birch as an excused absence.

10.C. BID AWARDS

10.C.1. Assembly Memorandum No. AM 43-2009, recommendation of award to EP Roofing, Inc. for the **Sullivan Arena roof replacement** for the Municipality of Anchorage, Maintenance & Operations Department (ITB 28-C070) ($1,199,000), Purchasing.

Mr. Flynn moved,
Dr. Selkregg seconded,

to approve AM 43-2009.

Mr. Coffey declared a potential conflict of interest because he was a one-sixth owner of the Alaska Aces Hockey Team, which used the Sullivan Arena. Chair Drummond ruled that Mr. Coffey did not have a substantial financial, public or private interest in the matter and ordered him to participate. There were no objections.

and the motion was approved without objection, 10-0.

10.D. NEW BUSINESS None were pulled for review.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 4-2009, **clerical corrections to AMEA collective bargaining agreement** ratified by the Assembly on December 2, 2008 (AR 2008-266), Employee Relations Department.

Ms. Ossiander moved *(to get clarity)*, *to accept* AIM 4-2009.
Mr. Coffey seconded *(to get clarity,*

Mr. Starr summarized submitting contract modifications in resolution form. Dr. Selkregg and Mr. Gutierrez concurred.

Ms. Ossiander moved, to request the Administration to resubmit AIM 4-2009 to the Assembly in resolution form.
Mr. Starr seconded,

Mr. Coffey commented about this involving a clerical correction. Acting Mayor Claman responded that he would resubmit the matter as a resolution.

Acting Mayor Claman moved, *to postpone indefinitely* AIM 4-2009.
Dr. Selkregg seconded,
and this passed without objection, 10-0.

10.E.4. Information Memorandum No. AIM 7-2009, **Request from Acting Mayor Matt Claman. *(Addendum)***

Mr. Starr moved, *to accept* AIM 7-2009 and *to refer* to the Audit Committee for a review.
Mr. Coffey seconded,

Mr. Starr, Mr. Gutierrez, Ms. Johnston, Acting Mayor Claman and Mr. Coffey addressed side agreements being presented in this manner and getting financial and legal reviews. Chair Drummond referred the matter to the Audit Committee for their review.

and this was approved, 10-0.

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

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Ordinance No. AO 2008-100, an ordinance amending Anchorage Municipal Code Sections 3.87.020, 3.87.050, 3.87.060 and 3.87.070, to provide a **Retiree Medical Funding Program** for certain police officers and fire fighters, Finance.

1. Assembly Memorandum No. AM 560-2008. *(Public Hearing was Closed 10-28-08; Action was Postponed from 10-28-08, 11-18-08, and 12-16-08)*

Mr. Coffey moved, *to postpone* AO 2008-100 to May 12, 2009.
Ms. Gray-Jackson seconded,

Mr. Coffey, Dr. Selkregg and Ms. Gray-Jackson commented on the Assembly addressing the matter, the budget shortfall, waiting for a Superior Court decision, the city's commitment to address the matter and postponing.

and the motion passed, 6-4.

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

11.B. Resolution No. AR 2008-185, a resolution of the Anchorage Municipal Assembly supporting the approval of an increase in the employer contribution to the **Police and Fire Retirees Medical Benefits**, Finance. *(Public Hearing was Closed 10-28-08; Action was Postponed from 10-28-08, 11-18-08, and 12-16-08)*

Ms. Ossiander moved, *to postpone* AR 2008-185 to May 12, 2009.
Mr. Coffey seconded,
and the motion passed, 10-0.

11.C. Resolution No. AR 2008-313, a resolution of the Anchorage Municipal Assembly relating to **Assembly ratification of contracts and amendments** in compliance with AMC 3.70.130, Assemblymembers Starr, Johnston, Coffey and Birch. *(Carried Over from 12-2-08; Postponed from 12-16-08)*

Mr. Coffey stated the Assembly was addressing the matter in ordinance form and the resolution was not needed.

Mr. Coffey moved, *to postpone indefinitely* AR 2008-313.
Mr. Starr seconded,
and the motion passed, 10-0.

11.D. Resolution No. AR 2008-333, a resolution of the Anchorage Municipal Assembly to address the current financial environment through **monthly evaluation and reporting to the Assembly on the state of municipal finances**, Assemblymembers Selkregg, Ossiander and Drummond. *(Postponed from 12-16-08) (Motion to approve on the floor 12-16-08.)*

Dr. Selkregg had moved, to approve AR 2008-333.
Mr. Gutierrez had seconded,

Ms. Gray-Jackson reported the Budget and Finance Committee recommended approval.

and the motion passed without objection, 10-0.

11.E. Resolution No. AR 2008-334, a resolution of the Anchorage Municipal Assembly in support of sound financial management by **postponement of new hires and certain municipal contracts until after first quarter budget review**, subject to monthly reporting on the state of municipal finances, Assemblymembers Selkregg, Ossiander and Drummond. *(Postponed from 12-16-08)*
1. Assembly Memorandum No. AM 882-2008. *(Motion to approve on the floor 12-16-08.)*

Dr. Selkregg had moved, to approve AR 2008-334.
Ms. Drummond had seconded,

Ms. Gray-Jackson reported the Budget and Finance Committee recommended further discussion.

Mr. Coffey moved, to amend AR 2008-334 on Page 2, Section 1, beginning on
Ms. Ossiander seconded, Line 6, *by changing* to read: This deferral shall include part-time, full-time, and temporary hires of all municipal departments, including the Assembly [~~(but excludes emergency hires related to community health and safety).~~] "unless the Acting Mayor certifies to the Assembly that the new hire is essential to the continued operations of the Municipality and the Assembly approves the new hire."

Mr. Gutierrez, Ms. Gray-Jackson, Dr. Selkregg and Ms. Ossiander commented on a separation of powers, the Assembly not having authority and the Budget and Finance Committee addressing new hires. Acting Mayor Claman urged a NO-vote for the amendment.

and the motion passed, 7-3.

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

Ms. Ossiander, Mr. Gutierrez, Dr. Selkregg and Ms. Gray-Jackson commented on the Assembly authority, the Assembly not being informed of the $17 million deficit before passing the budgets and the Budget and Finance Committee recommending a worksession. Acting Mayor Claman urged a NO-vote.

Mr. Coffey called for the Question.

and calling the Question was approved, 8-2.

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

and the main motion, as amended, was passed, 8-2.

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

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2008-107, an ordinance of the Anchorage Assembly amending the zoning map and providing for the rezoning of approximately 16.54 acres, from R-3 (Multiple-Family Residential) to B-3 SL (General Business) with Special Limitations for **Tract A, Block 2, Doubletree Center Subdivision #1**; generally located on the east side of Arctic Boulevard and north of West International Airport Road (Midtown and Spenard Community Councils) (Planning and Zoning Commission Case 2008-083), Planning Department. *(Carried Over from 11-18-08; Continued from 11-25-08 and 12-2-08)*
1. Assembly Memorandum No. AM 672-2008.

Chair Drummond opened Public Hearing. There was no one to testify. Mr. Coffey requested, on behalf of the developers, for the Public Hearing to be continued until after they were back in town.

Mr. Coffey moved, *to continue* AO 2008-107 to February 24, 2009.
Dr. Selkregg seconded,
and the motion passed, 9-0,
with Mr. Birch as an excused absence.

13.B. Ordinance No. AO 2008-123, an ordinance of the Anchorage Municipal Assembly to provisionally adopt a new Chapter 21.03, **Review and Approval Procedures**, amending Anchorage Municipal Code Title 21 subject to concurrent final passage and approval of all provisionally adopted chapters of Title 21, Assemblymember Ossiander.

1. Assembly Memorandum No. AM 753-2008. *(Continued from 12-2-08 and 1-6-09)*

Ms. Ossiander reported that this would be continued to the next meeting to allow additional time to for the Title 21 committee to review the final amendments. Chair Drummond opened Public Hearing and there was no one to testify.

Ms. Ossiander moved, *to continue* AO 2008-123 Public Hearing to February 3rd.
Dr. Selkregg seconded,
and the motion passed, 9-0,
with Mr. Birch as an excused absence.

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2008-321, a resolution of the Anchorage Municipal Assembly naming a proposed pathway at the Anchorage Museum at Rasmuson Center as '**The Richard and Eunice Silberer Walk**', Mayor's Office.

Chair Drummond opened Public Hearing.

DUANE HEYMAN, member of the Anchorage Museum at Rasmuson Center Naming Committee, testified in support of naming the proposed pathway.

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

Dr. Selkregg moved, to approve AR 2008-321.
Ms. Gray-Jackson seconded,
and the motion passed, 9-0,
with Mr. Birch as an excused absence.

14.B. Resolution No. AR 2008-322, a resolution of the Anchorage Municipal Assembly naming an unnamed park parcel (Lot 8A, Block 3V, Plat of Rabbit Creek View and Rabbit Creek Heights Subdivision Replat) as '**Bear Tracks Park**', Mayor's Office.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Ms. Johnston moved, to approve AR 2008-322.
Dr. Selkregg seconded,
and the motion passed, 9-0,
with Mr. Birch as an excused absence.

14.C. Ordinance No. AO 2009-3, an ordinance amending Anchorage Municipal Code Section 6.50.060 to provide an interim reduction in the maximum percentage applicable to the **annual dividend payout**, until such time as the Trust's market value recovers to a level equal to or greater than the Trust's market value at December 31, 2007, adjusted for inflation, Finance Department.

1. Assembly Memorandum No. AM 39-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Ms. Johnston moved, to approve AO 2009-3.
Dr. Selkregg seconded,

To Mr. Starr, Chief Fiscal Officer Sharon Weddleton described the Trust Fund being monitored and stated the findings had been reported to the Assembly at an October 17th worksession.

and the motion passed, 9-0,
with Mr. Birch as an excused absence.

14.D. Ordinance No. AO 2008-135, an ordinance amending Anchorage Municipal Code Chapter 3.70 regarding **Assembly Approval of Collective Bargaining Agreements, Amendments and Administrative Letters** retroactive to December 1, 2008, Department of Law.

1. Ordinance No. AO 2008-135(S), an ordinance amending Anchorage Municipal Code Chapter 3.70 regarding Assembly Approval of Collective Bargaining Agreements, Amendments and Administrative Letters retroactive to December 1, 2008, Department of Law. ***(Laid on the Table)***

Mr. Coffey moved, *to combine* Public Hearing on AO 2008-135(S) and
Mr. Starr seconded, AO 2008-133, Agenda items 14.D and 14.E.
and there was no objection.

Chair Drummond opened Combined Public Hearing. There was no one to testify and she closed Combined Public Hearing and called for a motion on AO 2008-135(S).

Mr. Coffey moved, to approve AO 2008-135(S).
Ms. Johnston seconded,

Mr. Coffey explained the changes included in the S-version. Dr. Selkregg supported postponing. Mr. Starr stated that Code Section 1.45.010 may require amending.

Mr. Coffey moved, *to continue* AO 2008-135(S) to February 24, 2009.
Dr. Selkregg seconded,
and the motion passed, 9-0,
with Mr. Birch as an excused absence.

14.E. Ordinance No. AO 2008-133, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.70.010 regarding **Assembly Approval of Collective Bargaining Contracts, Amendments, and Administrative Letters**; and adding a new section to the Municipal Code prohibiting implementation in violation of 3.70.010, Assemblymembers Starr, Johnston and Coffey.

(Clerk's Note: See 14.D for details of Combined Public Hearing for Agenda items 14.D and 14.E.)

Chair Drummond reported that AO 2008-133 would also be continued to February 24th.

14.F. Resolution No. AR 2009-12, a resolution ratifying an amendment to the collective bargaining agreement between the Municipality of Anchorage and the **Anchorage Police Department Employees Association**, Employee Relations Department.
1. Information Memorandum No. AIM 6-2009, Summary of Economic Effects for AIM 1-2009, AR 2009-12, and AR 2009-13, Employee Relations Department.

Mr. Coffey moved, *to combine* Public Hearing on AR 2009-12, AIM 1-2009 and AR 2009-13, items 14.F, 14.G and 14.H.
Mr. Starr seconded,
and this passed without objection.

Chair Drummond opened Combined Public Hearing. There was no one to testify and she closed Combined Public Hearing and called for a motion on AR 2009-12.

Mr. Coffey moved, to approve AR 2009-12.
Mr. Starr seconded,

Mr. Coffey, Mr. Starr and Ms. Ossiander commented on the summary of economic effects, addressing other side agreements and methods of paying a union representative.

and the motion passed, 10-0.

14.G. Information Memorandum No. AIM 1-2009, **clerical corrections to APDEA collective bargaining agreement** ratified by the Assembly on December 16, 2008 (AR 2008-307), Employee Relations Department.
1. Information Memorandum No. AIM 6-2009.

(Clerk's Note: See item 14.F for details of Combine Public Hearing on AR 2009-12, AIM 1-2009 and AR 2009-13.)

Mr. Coffey moved, to accept AIM 1-2009.
Mr. Gutierrez seconded,

Labor Relations Director Lisa Arnold responded to questions from Ms. Ossiander and Mr. Coffey concerning the report from Municipal Auditor Peter Raiskums and corrections needed to Appendix A.

and the motion passed, 10-0.

14.H. Resolution No. AR 2009-13, a resolution approving **Administrative Letters 09-02 and 09-03**, interpreting and clarifying the collective bargaining agreement between the Municipality of Anchorage and the Anchorage Police Department Employees Association pursuant to Anchorage Municipal Code Section 3.70.130B, Employee Relations Department.
1. Information Memorandum No. AIM 6-2009.

(Clerk's Note: See item 14.F for details of Combine Public Hearing on AR 2009-12, AIM 1-2009 and AR 2009-13.)

Mr. Coffey moved, to approve AR 2009-13.
Mr. Gutierrez seconded,

To Mr. Coffey, Municipal Manager Michael Abbott explained the summary of economic effects.

and the motion passed, 10-0.

14.I. Resolution No. AR 2008-323, a resolution of the Municipality of Anchorage, Alaska, approving the additional scope of work to **Northern Communities Water Extension Phase I** and providing for assessment of benefited properties at time of service connection, Anchorage Water and Wastewater Utility.
1. Assembly Memorandum No. AM 848-2008.

Ms. Ossiander stated that she had requested additional time to talk to residents. Chair Drummond opened Public Hearing. There was no one to testify.

Ms. Ossiander moved, *to continue* AR 2008-323 Public Hearing to February 24th.
Mr. Coffey seconded,
and the motion passed, 10-0.

14.J. Ordinance No. AO 2009-1, an ordinance **dedicating municipal lands in Commodore Park Subdivision and Muldoon Estates Subdivision** for long-term park or recreational purposes, Anchorage Parks and Recreation.
1. Assembly Memorandum No. AM 28-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Mr. Coffey moved, to approve AO 2009-1.
Mr. Flynn seconded,
and the motion passed, 10-0.

14.K. Ordinance No. AO 2009-2, an ordinance authorizing **disposal by sale of an Alpine Trespass Hut and ground lease of a portion of Heritage Land Bank Parcels Nos. 6-282 and 6-292**, located in the Upper Girdwood Valley to Chugach Adventure Guides, Heritage Land Bank.
1. Assembly Memorandum No. AM 29-2009.

Chair Drummond reported that the Assembly had previously determined that Mr. Flynn did not have a conflict of interest in this matter and that he would participate. There were no objections. She opened Public Hearing.

MICHAEL OVERCAST, with Chugiak Power Guides, testified in support of the ordinance.

There was no additional testimony and Chair Drummond closed Public Hearing.

Mr. Gutierrez moved, to approve AO 2009-2.
Ms. Gray-Jackson seconded,
and the motion passed, 10-0.

14.L. Ordinance No. AO 2009-4, an ordinance authorizing **sale of five tax foreclosed properties in Nels Kleven Subdivision** (located in Mt. View on North Bliss Street) to Cook Inlet Housing Authority to facilitate redevelopment of affordable housing, Heritage Land Bank/Real Estate Services.
1. Assembly Memorandum No. AM 40-2009.

Chair Drummond opened Public Hearing.

CAROL GORE, Cook Inlet Housing Executive Director and CEO, testified in support of the ordinance and stated their primary goal was to improve the properties. Cook Inlet Housing had crews ready to begin development.

There was no additional testimony and Chair Drummond closed Public Hearing.

Mr. Flynn moved, to approve AO 2009-4.
Mr. Gutierrez seconded,

Ms. Ossiander, Mr. Coffey, Dr. Selkregg, Mr. Gutierrez and Mr. Flynn commented on Cook Inlet Housing developing the lots, the assessed and market values of the property, benefiting the city, the reputation of the developer and considering development of other city properties.

and the motion passed, 9-1.

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

14.M. Ordinance No. AO 2009-5, an ordinance authorizing Anchorage Community Development Authority to **acquire lots and tracts within Northpointe Bluff Subdivision**, and a leasehold interest on adjacent land owned by the Alaska Railroad Corporation, at foreclosure sale, Anchorage Community Development Authority.
1. Assembly Memorandum No. AM 41-2009.

Mr. Flynn declared a potential conflict of interest because the property was owned by his employer. He responded to Mr. Coffey's questions concerning various aspects of his potential conflict. Mr. Coffey recommended that Mr. Flynn be allowed to participate. Chair Drummond ruled that Mr. Flynn did not have a conflict of interest and ordered him to participate in the matter. There were no objections.

Chair Drummond opened Public Hearing.

JED WHITTAKER testified the city followed a pattern, giving Marc Marlowe some sweetheart deals.

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

Mr. Coffey moved, *to postpone* AO 2009-5 to February 3, 2009, with a
Mr. Starr seconded, worksession scheduled on January 30th.
and this passed without objection, 10-0.

14.N. Ordinance No. AO 2009-6, an ordinance amending Anchorage Municipal Code Sections 9.34.020, 9.34.030 and 9.34.040 to **update parking meters** to current parking meter technology, Anchorage Community Development Authority.
1. Assembly Memorandum No. AM 42-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Dr. Selkregg moved, to approve AO 2009-6.
Mr. Coffey seconded,

To Mr. Starr, Mr. Gutierrez and Dr. Selkregg, Anchorage Community Development Authority *(ACDA)* Executive Director Ron Pollock explained the new multi-space meters along the E Street Corridor.

and the motion passed, 10-0.

14.O. Resolution No. AR 2009-3, a resolution of the Municipality of Anchorage appropriating a grant in the amount of $381,061 from the Department of Transportation and Public Facilities, State of Alaska, for the **Municipal Share-A-Ride Program** to the State Categorical Grants Fund (231), Public Transportation Department.
1. Assembly Memorandum No. AM 23-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Dr. Selkregg moved, to approve AR 2009-3.
Mr. Gutierrez seconded,

To Mr. Starr, Public Transportation Director Jody Karcz responded about assessing needs and using vanpools.

and the motion passed, 10-0.

14.P. Resolution No. AR 2009-4, a resolution of the Municipality of Anchorage appropriating a Transfer of Responsibilities Agreement (TORA) in the amount of $257,216 with the State of Alaska, Department of Transportation and Public Facilities, to finance the **Public Transportation Marketing Program** to the State Categorical Grants Fund (231), Public Transportation Department.
1. Assembly Memorandum No. AM 24-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Dr. Selkregg moved, to approve AR 2009-4.
Mr. Gutierrez seconded,

To Mr. Coffey, Mr. Flynn and Ms. Gray-Jackson, Public Transportation Director Jody Karcz explained this involved a federal grant for a marketing program.

and the motion passed, 10-0.

14.Q. Resolution No. AR 2009-5, a resolution of the Municipality of Anchorage appropriating a Transfer of Responsibilities Agreement in the amount of $176,241 with the State of Alaska, Department of Transportation and Public Facilities, to the State Categorical Grants Fund (231), Public Transportation Department, for summer landscaping and winter ice and snow removal at selected bus stops within the Anchorage area through a **Transit Enhancement Work Program**.
1. Assembly Memorandum No. AM 25-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Mr. Gutierrez moved, to approve AR 2009-5.
Dr. Selkregg seconded,

To Mr. Starr and Mr. Flynn, Public Transportation Director Jody Karcz explained the considerations when determining *(bus)* stops and the programs involving agreements with the Department of Transportation.

and the motion passed, 10-0.

14.R. Resolution No. AR 2009-6, a resolution of the Municipality of Anchorage appropriating $750,000 from the U.S. Department of Justice, Office on Violence Against Women, to the Federal Categorical Grants Fund (241) to provide **Domestic Violence Prevention Services** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 27-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Mr. Flynn moved, to approve AR 2009-6.

Mr. Coffey seconded,

Mr. Starr urged Senator Begich to support these very successful and important programs in the community.

and the motion passed, 10-0.

14.S. Resolution No. AR 2009-7, a resolution of the Municipality of Anchorage appropriating $296,714 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241) and $192,615 from the Alaska Housing Finance Corporation to State Categorical Grants Fund (231) to provide the **LINK Homeless Assistance Project** in the Department of Health and Human Services.

1. Assembly Memorandum No. AM 31-2009.

Chair Drummond opened Public Hearing. There was no one to testify and she closed Public Hearing.

Mr. Gutierrez moved, to approve AR 2009-7.
Ms. Gray-Jackson seconded,
and the motion passed, 10-0.

15. SPECIAL ORDERS

Ms. Ossiander moved, *to nominate* Mr. Coffey for Assembly Vice Chair.
Ms. Johnston seconded,
and the motion was approved.

There were no additional nominations and Chair Drummond closed nominations and called for a vote.

Ms. Ossiander urged unanimous support to nominate Mr. Coffey.

Municipal Clerk Barbara Gruenstein conducted the vote by secret ballot. Chair Drummond reported that Mr. Coffey was the Assembly Vice Chair, with a vote of 8 to 2.

(Clerk's Note: The body returned to complete the Assembly Chair's Report.)

16. UNFINISHED AGENDA There was none.

17. AUDIENCE PARTICIPATION

Visiting Boy Scout Troop 214, from South Anchorage, introduced themselves as Scouts Zack Minster, Cory Gunson and Reece Garroutte, who were working to earn their Citizenship in the Community Scout Badges.

DENNIS FRANKS testified about his daughter being attacked in the Dena'ina Center. He responded to questions from Ms. Ossiander, Mr. Gutierrez, Dr. Selkregg and Mr. Starr concerning SMG Security, the Ombudsman's involvement, involving the police and making sure incidents like this would not happen again.

18. ASSEMBLY COMMENTS

Ms. Gray-Jackson congratulated Barack Obama on his being sworn in that morning as the 44th President of the United States.

19. EXECUTIVE SESSIONS There were none.

20. ADJOURNMENT

Chair Drummond adjourned the Regular Assembly Meeting at 11:03 p.m.

Debbie Ossiander
~~HARRIET DRUMMOND~~, Assembly Chair

ATTEST:

Barbara S. Gruenstein
BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: May 26, 2009.
MC/BG

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