

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for the Regular Meeting of June 23, 2009

1. CALL TO ORDER

The Regular Assembly Meeting of June 23, 2009 was convened by Chair Ossiander at 5:00 p.m.

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

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

3. PLEDGE OF ALLEGIANCE Assemblymember Gutierrez led the pledge.

4. MINUTES OF PREVIOUS MEETINGS There were none.

5. MAYOR'S REPORT

Acting Mayor Claman reported on the road repairs scheduled for portions of Minnesota and L Street that weekend.

6. ASSEMBLY CHAIR'S REPORT

Chair Ossiander addressed taking up the equal rights ordinance and accommodating all people wishing to testify.

7. COMMITTEE REPORTS

Ms. Johnston reported the Budget and Finance Committee would meet June 25th at noon in City Hall.

Dr. Selkregg reported the Community and Economic Development Committee would meet again in August.

Mr. Coffey reported the Title 21 Committee meeting scheduled for June 24th was cancelled due to scheduling a Special Assembly Meeting on June 24th.

8. ADDENDUM TO AGENDA

Chair Ossiander read the Addendum items. AM 389-2009 and AM 391-2009 were added as 9.C.2 and 9.D.17. AR 2009-129(S), AM 388-2009 and AO 2009-141(S) were also added as numbers 13.A.2, 13.A.3 and 14.J.2, respectively.

Mr. Coffey moved, to approve the inclusion of the Addendum items
Ms. Johnston seconded, into the Consent Agenda.
and this motion was passed, 10-0.

9. CONSENT AGENDA

Ms. Johnston moved, to approve the Consent Agenda.
Mr. Starr seconded,

Agenda items 9.C.1, 9.D.10, 9.D.11, 9.D.15, 9.E.2 and 9.E.3 were pulled for discussion and separate vote.

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

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

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2009-153, a resolution of the Municipality of Anchorage appropriating \$7,889 as a grant from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management and appropriating \$282 as a contribution from the 2009 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231), Anchorage Police Department, to purchase **terrorism response and prevention equipment**.

a. Assembly Memorandum No. AM 350-2009.

9.B.2. Resolution No. AR 2009-154, a resolution of the Municipality of Anchorage providing for the appropriation of a donation of \$10,000 from the Friends of the Library, to the Office of Economic and

- Community Development, Miscellaneous Operational Grants Fund (261) for **2009 Wish List Program** for the Anchorage Public Library.
- a. Assembly Memorandum No. AM 351-2009.
- 9.B.3. **Resolution No. AR 2009-155**, a resolution of the Municipality of Anchorage appropriating to the Miscellaneous Capital Project/Pass-Thru Fund (Fund 409) a \$40,000 contribution of tax revenues approved in the BP2009 Glen Alps Service Area General Government Operating Budget (Fund 105) for **road and drainage capital improvement projects within the Glen Alps Service Area** (Fund 105), Maintenance and Operations Department.
- a. Assembly Memorandum No. AM 352-2009.
- 9.B.4. **Resolution No. AR 2009-156**, a resolution of the Municipality of Anchorage appropriating \$30,000 from the Glen Alps Service Area (SA) Fund Balance (Fund 105) General Government Operating Budget (Fund 105) to the Glen Alps SA BP2009 General Operating Budget (Fund 105), Maintenance and Operations Department, for **road maintenance within the Glen Alps SA** (Fund 105).
- a. Assembly Memorandum No. AM 353-2009.
- 9.B.5. **Resolution No. AR 2009-157**, a resolution of the Municipality of Anchorage appropriating \$20,000 from the Totem Limited Road Service Area (LRSA) Fund Balance (Fund 124) to the Totem LRSA BP2009 General Operating Budget (Fund 124), Maintenance and Operations Department, for **road maintenance within the Totem LRSA** (Fund 124).
- a. Assembly Memorandum No. AM 354-2009.
- 9.B.6. **Resolution No. AR 2009-164**, a resolution of the Municipality of Anchorage providing for the appropriation of a donation of \$23,338, from the Friends of the Library, as a donation to the Office of Economic and Community Development, Miscellaneous Operational Grants (261) to **purchase library materials for the Chugiak-Eagle River Branch Library. (Addendum)**
- a. Assembly Memorandum No. AM 386-2009.

9.C. BID AWARDS

- 9.C.1. **Assembly Memorandum No. AM 359-2009**, recommendation of award to Alaska Interstate Construction, LLC for **Edward Street Upgrade, 6th Avenue to DeBarr Road** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 29-C019) (\$3,743,196.57), Purchasing.

Mr. Birch moved, to approve AM 359-2009.
Mr. Coffey seconded,

Mr. Birch supported the bid, which was significantly under the estimate. Purchasing Officer Bart Mauldin and Acting Mayor Claman addressed the slight reduction and the economic downturn affecting competitive bidding.

and the motion passed, 10-0.

- 9.C.2. **Assembly Memorandum No. AM 389-2009**, recommendation of award to Alaska Frontier Services for **Arctic Boulevard Surface Rehabilitation, Phase IVa – Tudor Road to 53rd Avenue** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 29-C021) (\$1,707,042.89), Purchasing. **(Laid on the Table)**

9.D. NEW BUSINESS

- 9.D.1. **Assembly Memorandum No. AM 360-2009**, **re-appointment of Administrative Hearing Officer** to the Executive Staff (Timothy G. Middleton), Department of Law.
- 9.D.2. **Assembly Memorandum No. AM 374-2009**, **Bidding Review Board** appointment (Calvin "Butch" West), Mayor's Office.
- 9.D.3. **Assembly Memorandum No. AM 361-2009**, **Diversity Advisory Commission** appointment (Laura Goss), Mayor's Office.
- 9.D.4. **Assembly Memorandum No. AM 362-2009**, **Historic Preservation Board** appointments (Miriam Aarons and Richard Porter), Mayor's Office.
- 9.D.5. **Assembly Memorandum No. AM 363-2009**, **Police and Fire Retirement Board of Trustees** appointment (David Koch), Mayor's Office.
- 9.D.6. **Assembly Memorandum No. AM 364-2009**, **Chugiak, Birchwood, Eagle River Rural Road Service 9.D. Area Board of Supervisors** appointments (Linda Kovac, Chris Hudson), Mayor's Office.
- 9.D.7. **Assembly Memorandum No. AM 365-2009**, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors** reappointments (Toni Vita and Bobbi Wells), Mayor's Office.
- 9.D.8. **Assembly Memorandum No. AM 366-2009**, **Three Amigo's Mexican Restaurant #4350** - Application for Transfer of Location of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Mountain View Community Council), Clerk's Office.
- 9.D.9. **Assembly Memorandum No. AM 367-2009**, recommendation of award to Alaska Standard, LLC for **Anchorage Memorial Cemetery roof replacement** for the Municipality of Anchorage, Maintenance and Operations Department (RFQ 29-Q049) (\$89,000), Purchasing.
- 9.D.10. **Assembly Memorandum No. AM 368-2009**, sole source award to Fison and Associates to provide services for the preparation of a **Comprehensive Economic Development Strategy (CEDS)** for the Municipality of Anchorage, Office of Economic and Community Development (OECD) (\$35,000), Purchasing.

Mr. Birch moved, to approve AM 368-2009.
Ms. Johnston seconded,

To Mr. Birch and Mr. Coffey, Community and Economic Development Department Director Mary Jane Michael responded the contract application had been delayed, but was now completed.

and the motion passed, 10-0.

9.D.11. Assembly Memorandum No. AM 369-2009, Change Order No. 1 to Purchase Order No. 284145 with The Boutet Company (Boutet) to provide services to develop a **Municipal Light & Power (ML&P) Transition Plan** for the Municipality of Anchorage, Municipal Light & Power Utility (Utility) (\$60,000), Purchasing.

Mr. Coffey moved, to approve AM 369-2009.
Mr. Starr seconded,

Mr. Coffey reported that Mayor-elect Dan Sullivan had requested that this matter be postponed to allow him to fully address the matter in the future.

Mr. Coffey moved, to postpone AM 369-2009 to July 21, 2009.
Dr. Selkregg seconded,
and the motion passed, 10-0.

9.D.12. Assembly Memorandum No. AM 370-2009, Utility Relocation Agreement Amendment No. 2 with General Communications Inc. (GCI), for the **72nd Avenue/Spruce Street /Lore Road (76th Avenue) Upgrade and the 80th Avenue Upgrade**, Project Nos. 03-01 and 03-03 (\$100,000), Project Management & Engineering.

9.D.13. Assembly Memorandum No. AM 371-2009, proprietary purchase of **original equipment manufactured parts** from New Flyer Industries Limited for the Municipality of Anchorage, Public Transportation Department (\$200,000), Purchasing.

9.D.14. Assembly Memorandum No. AM 372-2009, proprietary purchase of **Detroit Diesel engine and Allison Transmission parts and services** on an "as needed" basis from Pacific Power Products for the Municipality of Anchorage, Public Transportation Department (\$175,000), Purchasing.

9.D.15. Assembly Memorandum No. AM 373-2009, cooperative purchase of **recycling collection containers** from Toter, Inc. for the Municipality of Anchorage, Solid Waste Services (SWS) (\$353,133.50), Purchasing.

Mr. Starr moved, to approve AM 373-2009.
Mr. Coffey seconded,

Mr. Starr, Solid Waste Services Director Mark Madden, Dr. Selkregg, Mr. Coffey, Mr. Birch and Mr. Gutierrez addressed additional costs, a decline in the recycling market, bear-proof trash containers, can size and increased costs for transporting recyclables.

and the motion passed, 8-1.

AYES: Gray-Jackson, Flynn, Johnston, Osslander, Drummond, Birch, Gutierrez and Coffey.

NAYS: Starr.

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

9.D.16. Assembly Memorandum No. AM 381-2009, Change Order No. 3 to Purchase Order No. 290119 with Girdwood Volunteer Fire & Rescue, Inc. for partial funding for the purchase of an **emergency response fire apparatus** for the Municipality of Anchorage, Anchorage Fire Department (AFD) (\$138,707), Purchasing. (Addendum)

9.D.17. Assembly Memorandum No. AM 391-2009, **Girdwood Board of Supervisors** appointment (Russell Stahla), Mayor's Office. (Laid on the Table)

9.E. INFORMATION AND REPORTS

9.E.1. Information Memorandum No. AIM 64-2009, Internal Audit Report 2009-07 - **Child Care Assistance Program, Department of Health and Human Services**.

9.E.2. Information Memorandum No. AIM 65-2009, **2008 Comprehensive Annual Financial Report**, Finance.

Ms. Gray-Jackson moved, to accept AIM 65-2009.
Ms. Johnston seconded,

Ms. Gray-Jackson addressed the new contract and summarized the Audit Committee's responsibilities and the city's financial report. She and Mr. Gutierrez welcomed the new Audit Committee members. Mr. Starr requested the matter be postponed until information on the Performing Arts Center's outstanding loan was addressed.

Mr. Starr moved, to postpone AIM 65-2009 until after the dinner break.
Dr. Selkregg seconded,
and the motion passed without objection.

(Clerk's Note: Following completion of 14.J the Assembly returned to complete this matter.)

Mr. Starr stated that he would support approval that evening, with a request for additional information on the outstanding financial issues. Dr. Selkregg concurred.

and the motion passed without objection, 10-0.

9.E.3. Information Memorandum No. AIM 66-2009, **2008 Schedule of Expenditures of Federal Awards, State Financial Assistance Reports and Required Federal Information**, Finance.

Ms. Gray-Jackson moved, to accept AIM 66-2009.
Ms. Johnston seconded,

Ms. Gray-Jackson urged the Assembly to accept the report.

and the motion passed, 10-0.

- 9.E.4. Information Memorandum No. AIM 67-2009, contracts awarded between \$50,000 and \$500,000 through formal competitive processes for the month of May 2009, Purchasing.
- 9.E.5. Information Memorandum No. AIM 68-2009, Sole Source Procurement Report for the month of May 2009, Purchasing.
- 9.E.6. Information Memorandum No. AIM 69-2009, Monthly Investment Report to the Assembly - May 2009, Finance. (Addendum)

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Resolution No. AR 2009-158, a resolution of the Municipality of Anchorage appropriating \$175,224 from the State of Alaska, Department of Transportation & Public Facilities, and appropriating \$6,343 as a contribution from the 2009 Anchorage Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, **Seat Belt Enforcement**. (Public Hearing 7-7-09)
a. Assembly Memorandum No. AM 355-2009.
- 9.F.2. Resolution No. AR 2009-159, a resolution of the Municipality of Anchorage appropriating \$145,050 from fees collected from the sale of vehicle emission certificates to the I/M Revenue Account of the General Government Operating Fund (101), for payment to the Alaska Department of Environmental Conservation for **operation of the Vehicle Information Database and I/M tools software** in the Department of Health and Human Services. (Public Hearing 7-7-09)
a. Assembly Memorandum No. AM 356-2009.
- 9.F.3. Resolution No. AR 2009-160, a resolution of the Municipality of Anchorage appropriating \$250,000 from the Valli Vue Estates LRSA Fund Balance (Fund 113) to the **Valli Vue Estates LRSA BP2009 Operating Budget** (Fund 113), Maintenance and Operations Department, for summer paving program. (Public Hearing 7-7-09)
a. Assembly Memorandum No. AM 357-2009.
- 9.F.4. Resolution No. AR 2009-161, a resolution of the Municipality of Anchorage appropriating when tendered \$5,000,000 from the Federal Aviation Administration Airport Improvement Program grant to Merrill Field's Capital Improvement Fund for the **2009 Merrill Field Rehabilitate Taxiway Quebec (Phase 1 & Phase 2)** and revising the 2009 Merrill Field Capital Improvement Budget (581), Merrill Field Airport. P.H. 7-7-09.
a. Assembly Memorandum No. AM 358-2009.
- 9.F.5. Resolution No. AR 2009-163, a resolution ratifying a Letter of Agreement, amending the Collective Bargaining Agreement between the Municipality of Anchorage and the **Public Employees, Local 71 (L71)**, Employee Relations. (Public Hearing 7-7-09) (Addendum)
a. Assembly Memorandum No. AM 382-2009.
- 9.F.6. Ordinance No. AO 2009-82, an ordinance amending Anchorage Municipal Code Sections 8.75.010, 8.75.020, 10.05.025, and 10.50.015 regarding **Alcoholic Beverages**; and amending Section 14.60.030, Fine Schedule, accordingly, Department of Law. (Public Hearing 7-7-09)
a. Assembly Memorandum No. AM 383-2009. (Addendum)
- 9.F.7. Ordinance No. AO 2009-83, an ordinance amending Anchorage Municipal Code Sections 15.20.010 and 15.20.020 to add **Illegal Campsites** as a public nuisance and authorize abatement, Department of Law. (Public Hearing 7-7-09)
a. Assembly Memorandum No. AM 384-2009. (Addendum)
- 9.F.8. Ordinance No. AO 2009-84, an ordinance amending Anchorage Municipal Code Chapter 3.30, Sections 3.30.171 – 3.30.177, **Rule 17, Executives**, to update executive classifications and clarify permissible use of overtime and comp time, Assembly Chair Ossiander, Acting Mayor Claman. (Public Hearing 7-7-09) (Addendum)
a. Assembly Memorandum No. AM 385-2009.
- 9.F.9. Ordinance No. AO 2009-85, an ordinance amending Anchorage Municipal Code Section 3.30.1511 F., **Employer-Required General Furlough Leave Without Pay**, and modifying AO 2009-60 to clarify the furlough requirement for non-represented, Fair Labor Standards Act-exempt employees and provide for a salary reduction for a defined period, Employee Relations. (Public Hearing 7-7-09) (Addendum)
a. Assembly Memorandum No. AM 387-2009.

END OF CONSENT AGENDA

Ms. Drummond moved, to *Change the Order of the Day* to move AO 2009-129(S) and
Ms. Johnston seconded, AO 2009-64, Agenda items 13.A and 13.B, to the end of the
and this passed without objection. Agenda.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Assembly Memorandum No. AM 315-2009, Planning and Zoning Commission appointment (Sarah Scanlan), Mayor's Office. (Postponed from 5-26-09 to Permit a 10-day Public Comment Period Pursuant to AMC 21.10.010 b.; Postponed from 6-9-09)

Mr. Coffey moved, to approve AM 315-2009.
Mr. Flynn seconded,

Mr. Coffey reported that Mayor-elect Dan Sullivan had requested to make the decision about this appointment. He urged a NO-vote.

and the motion failed, 5-5.

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

1 11.B. Assembly Memorandum No. AM 318-2009, Urban Design Commission appointment (Michael
2 Bourdukofsky), Mayor's Office. *(Postponed from 5-26-09 to Permit a 10-day Public Comment Period*
3 *Pursuant to AMC 21.10.010 b.; Postponed from 6-9-09)*
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5 Mr. Coffey moved, to approve AM 318-2009.
6 Mr. Flynn seconded,
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8 Mr. Coffey reported that Mayor-elect Dan Sullivan requested to make the ultimate decision about this appointment. He
9 urged a NO-vote. Acting Mayor Claman urged a YES-vote.
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11 and the motion failed, 5-5.
12

1 AYES: Gray-Jackson, Flynn, Drummond, Gutierrez and Selkregg.

1 NAYS: Johnston, Ossiander, Birch, Starr and Coffey.
1.

16 11.C. Assembly Memorandum No. AM 331-2009, Animal Control Advisory Board appointment (Antonio
17 Huaiquivil), Mayor's Office. *(Postponed from 6-9-09)*
18

19 Mr. Coffey moved, to approve AM 331-2009.
20 Ms. Johnston seconded,
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22 Mr. Coffey reported that Mayor-elect Dan Sullivan supported this appointment. He urged a YES-vote.
23

24 and the motion passed without objection, 10-0.
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26 11.D. Assembly Memorandum No. AM 332-2009, Diversity Advisory Commission appointments (Tim
27 Juliussen and Lynne Koral), Mayor's Office. *(Postponed from 6-9-09)*
28

29 Mr. Coffey moved, to approve AM 332-2009.
30 Ms. Johnston seconded,
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32 Mr. Coffey reported that Mayor-elect Dan Sullivan supported these appointments. He urged a YES-vote.
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34 and the motion passed without objection, 10-0.
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36 11.E. Assembly Memorandum No. AM 333-2009, Historic Preservation Board appointment (Jewel Jones),
37 Mayor's Office. *(Postponed from 6-9-09)*
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39 Mr. Coffey moved, to approve AM 333-2009.
40 Ms. Johnston seconded,
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42 Mr. Coffey reported that Mayor-elect Dan Sullivan supported this appointment. He urged a YES-vote.
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44 and the motion passed without objection, 10-0.
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46 11.F. Assembly Memorandum No. AM 334-2009, Investment Advisory Board appointment (Wally
47 Powers), Mayor's Office. *(Postponed from 6-9-09)*
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49 Mr. Coffey moved, to approve AM 334-2009.
50 Dr. Selkregg seconded,
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52 Mr. Coffey reported that Mayor-elect Dan Sullivan had requested to make the ultimate decision about this appointment.
53 He urged a NO-vote.
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55 and the motion failed, 3-7.
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57 AYES: Gray-Jackson, Gutierrez and Selkregg.

58 NAYS: Flynn, Johnston, Ossiander, Drummond, Birch, Starr and Coffey.
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60 11.G. Assembly Memorandum No. AM 335-2009, Port Commission appointment (Scott Kim), Mayor's
61 Office. *(Postponed from 6-9-09)*
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63 Mr. Coffey moved, to approve AM 335-2009.
64 Ms. Johnston seconded,
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66 Mr. Coffey reported that Mayor-elect Dan Sullivan had requested to make the ultimate decision about this appointment.
67 He urged a NO-vote. Acting Mayor Claman urged a YES-vote.
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69 and the motion failed, 4-6.
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71 AYES: Gray-Jackson, Flynn, Drummond and Gutierrez.

72 NAYS: Johnston, Ossiander, Birch, Starr, Selkregg and Coffey.
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74 11.H. Assembly Memorandum No. AM 336-2009, Public Safety Advisory Commission appointment
75 (Denise Morris), Mayor's Office. *(Postponed from 6-9-09)*
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77 Mr. Coffey moved, to approve AM 336-2009.
78 Dr. Selkregg seconded,
79 and the motion passed, 10-0.
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11.I. Assembly Memorandum No. AM 337-2009, Senior Citizens Advisory Commission appointments (Elizabeth Leng and Janet Daniels), Mayor's Office. *(Postponed from 6-9-09)*

Mr. Coffey moved, to approve AM 337-2009.
Dr. Selkregg seconded,
and the motion passed, 10-0.

11.J. Assembly Memorandum No. AM 338-2009, Youth Advisory Commission appointments (Sydney Treuer and Octavia Butler), Mayor's Office. *(Postponed from 6-9-09)*

Mr. Coffey moved, to approve AM 338-2009.
Ms. Johnston seconded,
and the motion passed, 10-0.

11.K. Assembly Memorandum No. AM 344-2009, Parks and Recreation Commission appointment (Michael Fredericks), Mayor's Office. *(Postponed from 6-9-09)*

Mr. Coffey moved, to approve AM 344-2009.
Dr. Selkregg seconded,
and the motion passed, 10-0.

11.L. 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, 12-16-08, 1-20-09, 5-12-09 and 5-26-09)*

Mr. Coffey moved, to continue AO 2008-100 to [July 24] August 11, 2009.
Dr. Selkregg seconded,

Mr. Coffey, Acting Mayor Claman and Dr. Selkregg addressed a proposed S-version, additional issues that needed to be addressed and continuing the matter to August 11th.

and the motion passed, 10-0.

11.M. 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, 12-16-08, 1-20-09, 5-12-09 and 5-26-09)*

Mr. Coffey moved, to continue AO 2008-185 to August 11, 2009.
Dr. Selkregg seconded,

Mr. Coffey requested that this matter also be delayed, as was AO 2008-100, Agenda item 11.L.

and this motion passed, 10-0.

11.N. Ordinance No. AO 2009-50(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Code Chapter 2.60, **Office of the Ombudsman**, Assembly Chair Ossiander, Assembly Vice Chair Drummond. *(Public Hearing was Closed 6-9-09; Action was Postponed from 6-9-09)*

Ms. Drummond assumed the Chair. Ms. Ossiander stated that this matter would be addressed in the future.

Ms. Ossiander moved, to postpone indefinitely AO 2009-50(S).
Mr. Coffey seconded,
and the motion passed, 10-0.

(Clerk's Note: Ms. Ossiander resumed the Chair.)

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

13. **CONTINUED PUBLIC HEARINGS**

- 13.A. Resolution No. AR 2009-129, a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee **deleting the Knik Arm Crossing Project from the Anchorage Bowl 2025 Long-Range Transportation Plan** and updating the planning and consultation requirements, Traffic Department.
1. Assembly Memorandum No. AM 277-2009. *(Carried Over from 6-9-09, Continued from 6-16-09)*
 2. Resolution No. AR 2009-129(S), a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee deleting the Knik Arm Crossing Project from the Anchorage Bowl 2025 Long-Range Transportation Plan and updating the planning and consultation requirements, Assemblymember Flynn. *(Laid on the Table)*
 3. Assembly Memorandum No. AM 388-2009. *(Laid on the Table)*

(AR 2009-129 was Carried Over to the Special Meeting of June 24, 2009.)

13.B. Ordinance No. AO 2009-64, an ordinance of the Anchorage Municipal Assembly amending Anchorage Code Chapters 5.10 **Equal Rights Commission** and 5.20 **Unlawful Discriminatory Practices**.

1. Ordinance No. AO 2009-64(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Code Chapters 5.10 Equal Rights Commission and 5.20 Unlawful Discriminatory Practices.
2. Assembly Memorandum No. AM 342-2009.
3. Ordinance No. AO 2009-64(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Code Chapters 5.10 Equal Rights Commission and 5.20 Unlawful Discriminatory Practices, Assembly Chair Ossiander. *(Carried Over from 6-9-09, 6-16-09 and 6-17-09)*

Chair Ossiander addressed the public process, the overflow crowd and accommodating all those wishing to testify. She opened Continued Public Hearing.

CELIA WARRIOR testified.

RICHARD FOSTER testified.

SUSAN WHITECAVAGE testified.

SUE AHERNS testified.

EDDIE BURKE testified.

KARL SPOHN testified.

ENZINA MARRARI testified.

CHELSEA DYSON testified.

GREG SCHMIDT testified.

CRAIG GILLILAND testified.

BRYAN LANE testified.

MARILYN PASCO testified.

ANDREW SPOHN testified.

CHARLES KRICHBAUM testified.

BOGDAN ILNITSKY testified.

OLGA MOZALEVSKAYA testified.

WINDY THOMAS testified.

DAN SELIGER testified.

TREVOR STORRS testified.

RUSSELL MJOLSNES testified.

GAIL THOMAS testified.

PHILL SWIRES testified.

LINDA SPOHN testified.

GWEN HUFFORD testified.

TARAS ILNITSKIY testified.

LYNN JOSEPH testified.

JOHN M. PARK testified.

SIMON GILLILAND testified.

LINDA MAYWALD testified.

RAY DHAL testified.

LOU STOOORZA testified.

JOHN R. WRIGHT testified.

KATHY BAKER testified.

BOB BAKER testified.

CONSTANCE CAMPBELL testified.

1 JEANIE CAMPBELL testified.

2 ROY McMILLAN testified.

3 SHAUNA McMILLAN testified.

4 PAT PENNELL testified.

5 CATHLEEN TACCI testified.

6 CODY ANDERSON testified.

7 WILLIAM KOUGL testified.

8 LLOYD EGGAN testified.

9 Chair Ossiander reported that Public Hearing would be continued to July 7, 2009. *(Clerk's Note: There was no time left in the meeting. See Agenda item 20 for details on Adjournment.)*

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20 13.C. Ordinance No. AO 2009-43, an ordinance to amend Anchorage Municipal Code Chapter 14.60 to
21 **update references, fines**, and provide consistency; amend Section 8.20.030 to clarify fines for
22 separate offenses; amend Section 8.75.065 C. to correct a code reference; amend Section 8.75.090
23 to confer jurisdiction on the Administrative Hearing Officer (AHO); amend Sections 9.20.085 and
24 15.20.100 F. to remove AHO jurisdiction references; amend Section 25.70.050 A. to update the
25 maximum fine; and amend Section 26.10.070 for consistency with previous amendments, Department
26 of Law.

- 27 1. Assembly Memorandum No. AM 199-2009. *(Continued from 5-12-09 and 6-9-09)*

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

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31 Dr. Selkregg moved, to approve AO 2009-43.

32 Mr. Coffey seconded,

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34 Mr. Coffey moved,

35 Ms. Drummond seconded,

to amend AO 2009-43 beginning on Page 12, Line 45 to
Page 18, Line 18, *by reducing* all maximum penalty/fine
[~~\$4,000.00~~] \$250.00, except for the following, on Page 13,
with the penalty/fine remaining unchanged: 26.070.050 Solid
waste storage:

- Line 3, 26.70.050.C - Improper handling of waste (*up to*
\$1,000.00)
- Line 9, 26.70.050.I [G] - Improper placement of waste (*up*
to \$1,000.00)

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44 Mr. Coffey, Dr. Selkregg, Deputy Municipal Attorney Rhonda Westover and Mr. Birch addressed the fee schedules,
45 what was appropriate, the proposed changes and postponing to a later date.

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47 Mr. Coffey moved, to continue AO 2009-43 to July 7, 2009.

48 Mr. Birch seconded,

49 and the motion passed without objection, 10-0.

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51 13.D. Ordinance No. AO 2009-40, an ordinance repealing Anchorage Municipal Code Chapter 16.60
52 regarding the **Anchorage Food Code** and repealing the Anchorage Municipal Code of Regulations
53 16.60 regarding Food and Food Facilities and re-enacting Chapter 16.60 and amending the Fine
54 Schedule in Section 14.60.030, Health and Human Services.

- 55 1. Assembly Memorandum No. AM 158-2009.

- 56 2. Ordinance No. AO 2009-40(S), an ordinance repealing Anchorage Municipal Code Chapter
57 16.60 regarding the Anchorage Food Code and repealing the Anchorage Municipal Code of
58 Regulations 16.60 regarding Food and Food Facilities and re-enacting Chapter 16.60 and
59 amending the Fine Schedule in Section 14.60.030, Health and Human Services. *(Continued*
60 *from 5-12-09 and 5-26-09)*

61
62 Chair Ossiander stated that the Administration and the food industry had requested the matter be postponed to July.
63 She opened Public Hearing. There was no one to testify.

64
65 Mr. Coffey moved,

to continue AO 2009-40 Public Hearing to July 21, 2009.

66 Ms. Gray-Jackson seconded,

67 and the motion passed, 10-0.

- 68
69 13.E. Ordinance No. AO 2009-49, an ordinance amending Anchorage Municipal Code Chapter 23.10 and
70 Anchorage Code of Regulations Chapter 21.20 to **allow waiver of permit fees, plan review fees,**
71 **and land use permit fees for improvements to deteriorated property and property in a**
72 **deteriorated area**, Assemblymembers Flynn and Birch. *(Continued from 5-12-09)*

73
74 Chair Ossiander reported the sponsors had requested the matter be postponed indefinitely. She opened Public
75 Hearing. There was no one to testify and she closed Public Hearing.

76
77 Mr. Flynn moved,

to postpone indefinitely AO 2009-49.

78 Ms. Johnston seconded,

79
80 Mr. Coffey and Mr. Flynn addressed a new ordinance set for Public Hearing on July 7th.

and the motion passed, 10-0.

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2009-126, a resolution of the Anchorage Municipal Assembly **conditionally granting a ten-year real property tax exemption and a five-year tax deferral** consecutive to the exemption for certain deteriorated property, subject to stated conditions and limitations, Assemblymembers Coffey and Selkregg.
1. Information Memorandum No. AIM 50-2009.

Chair Ossiander opened Public Hearing. There was no one to testify.

Mr. Coffey moved, to *continue* AR 2009-126 Public Hearing to July 21, 2009.
Dr. Selkregg seconded,

Mr. Coffey stated there were still questions about the deteriorated properties. He urged a YES-vote to continue.

Mr. Gutierrez declared a possible conflict of interest. Chair Ossiander addressed Mr. Gutierrez's potential conflict and ruled that he did not have a conflict of interest. There were no objections.

and the motion passed without objection, 10-0.

- 14.B. Ordinance No. AO 2009-76, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the **issuance of General Obligation Refunding Bonds** of the Municipality to provide funds required to refund certain outstanding General Obligation Bonds of the Municipality; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the authorized municipal representative to determine the manner of sale of said bonds; and related matters, Finance.
1. Assembly Memorandum No. AM 322-2009.

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

Dr. Selkregg moved, to approve AO 2009-76.
Mr. Coffey seconded,

Mr. Starr addressed the issuance cost and the margin of net savings. He and Mr. Coffey urged approval.

and the motion passed, 10-0.

- 14.C. Ordinance No. AO 2009-79, an ordinance amending Anchorage Municipal Code Chapter 26.65, **Enhanced 911 System**, to clarify authority and responsibilities, improve administrative capabilities, and enhance due process, Finance.
1. Assembly Memorandum No. AM 325-2009.

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

Dr. Selkregg moved, to approve AO 2009-79.
Mr. Coffey seconded,

Mr. Starr and Chair Ossiander addressed the additional administrative surcharge fee for businesses with more than one hundred internal lines and affecting the school district and hotels.

and the motion passed, 10-0.

- 14.D. Resolution No. AR 2009-152, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use for a beverage dispensary use and license in the B-2B (Central Business District-Intermediate) District for Gourmet Associates LLC, dba **Marx Brothers Catering**, located within the Anchorage Museum at Rasmuson Center, 121 West 7th Avenue, within AOT, Block 73A, Lot 1; generally located north of West 7th Avenue between A and C Streets (Downtown Community Council) (Case 2009-096), Planning Department.
1. Assembly Memorandum No. AM 349-2009.

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

Dr. Selkregg moved, to approve AR 2009-152.
Mr. Coffey seconded,
and the motion passed, 10-0.

- 14.E. Ordinance No. AO 2009-26, an ordinance of the Anchorage Municipal Assembly to amend Anchorage Municipal Code and the zoning map of the Municipality of Anchorage by enacting a new Chapter 21.66, establishing the **Downtown Eagle River Overlay District**, Assemblymembers Ossiander, Starr.
1. Assembly Memorandum No. AM 95-2009.
 2. Ordinance No. AO 2009-26(S), an ordinance of the Anchorage Municipal Assembly to amend Anchorage Municipal Code and the zoning map of the Municipality of Anchorage by enacting a new Chapter 21.66, establishing the Downtown Eagle River Overlay District, Planning Department. (*Addendum*)
 3. Assembly Memorandum No. AM 380-2009. (*Addendum*)

Chair Ossiander opened Public Hearing. There was no one to testify.

Mr. Starr moved, to continue AO 2009-26(S) Public Hearing to July 21, 2009.
Mr. Coffey seconded,
and the motion passed, 10-0.

- 14.F. Ordinance No. AO 2009-69, an ordinance amending the recommended plan map for **U-Med/Universities and Medical District Framework Master Plan** and amending Anchorage Municipal Code Section 21.05.030A., Planning Department.
1. Assembly Memorandum No. AM 293-2009.

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

Mr. Coffey moved, to approve AO 2009-69.
Ms. Johnston seconded,

Ms. Gray-Jackson moved, to amend AO 2009-69 on Page 1, Section 1, *by adding on*
Dr. Selkregg seconded, Line 18 to read: Change the development designation for the
area generally located north of 40th Avenue between Laurel
and Folker Streets from Development Reserve to
Development Priority; show the 40th Avenue connection
between Lake Otis Parkway and Folker Street; remove the
Wright Street alignment north of 40th Avenue and close
Wright Street at the south side of 40th Avenue;

Ms. Gray-Jackson stated this was the wish of the neighborhood. She, Dr. Selkregg and Mr. Coffey urged support.

and the motion passed, 10-0.

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

- 14.G. Ordinance No. AO 2009-75, an ordinance authorizing a **right-of-way easement, for the placement of electrical facilities**, on a portion of an unsubdivided parcel being described in a court order recorded at Document Number 2008-044964-0 on August 6, 2008, between Anchorage Water and Wastewater Utility and Chugach Electric Association, Inc., Anchorage Water and Wastewater Utility.
1. Assembly Memorandum No. AM 321-2009.

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

Mr. Coffey moved, to approve AO 2009-75.
Ms. Johnston seconded,
and the motion passed, 10-0.

- 14.H. Ordinance No. AO 2009-66, an ordinance authorizing a **revocable use permit to Little Bear's Playhouse, Inc.**, a non-profit corporation, of premises located at 124 Egloff Drive in Girdwood, for a daycare center, Heritage Land Bank/Real Estate Services.
1. Assembly Memorandum No. AM 290-2009.

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

Dr. Selkregg moved, to approve AO 2009-66.
Ms. Johnston seconded,
and the motion passed, 10-0.

- 14.I. Ordinance No. AO 2009-70, an ordinance amending Anchorage Municipal Code Sections 10.40.010 and 10.40.015 regarding **Massage Practitioner license requirements**, Department of Law,
Assemblymember Selkregg.
1. Assembly Memorandum No. AM 294-2009.

Chair Ossiander opened Public Hearing.

ANNA RENNICK, co-owner of a massage therapy clinic, supported the ordinance.

CARL KANCER testified the current ordinance lacked qualifications for legitimate, certified massage therapists. He urged support.

ELAINE SIMMONS supported the background checks, but urged the Assembly to not overcharge for the license.

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

Dr. Selkregg moved, to approve AO 2009-70.
Ms. Johnston seconded,

Dr. Selkregg, Mr. Coffey, Mr. Gutierrez and Licensing Clerk Jacqueline Duke addressed background checks, changing to one-year licensing, the state having no requirements for massage therapists and illegitimate practitioners.

and the motion passed, 10-0.

- 14.J. Ordinance No. AO 2009-41, an ordinance amending Anchorage Municipal Code Sections 15.35.040 and 15.35.050, and adding a new section to **regulate the sale and installation of wood-fired boilers**, Health and Human Services.
1. Assembly Memorandum No. AM 159-2009.

2. Ordinance No. AO 2009-41(S), an ordinance amending Anchorage Municipal Code Sections 15.35.040 and 15.35.050, and adding a new section to regulate the sale and installation of wood-fired boilers, Health and Human Services. *(Laid on the Table)*

Chair Ossiander opened Public Hearing.

MARY ELLEN GORDON testified that wood particulates caused lung disorders and wood-burning stoves in the city should be banned. She supported the S-version.

BOBBY WELLS, Birchwood Community Council Chair and representing users of wood-fired boilers, supported the S-version.

RANDY McCAIN supported the S-version, which addressed outside wood-fired boilers differently than indoor equipment. He suggested addressing the distance of the structure from homes and the stack height.

MICHELLE FERREIRA, with the American Lung Association of Alaska, opposed use of outdoor wood-fired boilers and wood burning equipment which polluted the air and were public safety issues contributing to asthma and lung disease.

RANDY BIELFUS testified that the Assembly should not sell themselves short when all options may need to be considered in the future with the looming gas shortage.

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

Ms. Johnston moved, to approve AO 2009-41(S).
Ms. Drummond seconded,

Mr. Starr moved, to amend AO 2009-41(S) on Page 3, Lines 36-37, by
Mr. Birch seconded, changing to read: 1. The wood-fired boiler is located more than 100 feet from an adjacent property line and [450] 100 feet from any habitable structure that it is not serving at the time of the installation, unless that property or habitual structure is under common ownership;

Mr. Starr addressed the restrictions and supported more flexibility on the separation distance allowed for boilers. Ms. Drummond, Health and Human Services Air Quality Engineer Steve Morris and Ms. Johnston addressed the separation distance and other state's regulations.

(Clerk's Note: Chair Ossiander reported that Mr. Coffey was excused for the remainder of the meeting.)

and this passed without objection.

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

- 14.K. Resolution No. AR 2009-143, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management and contribution of \$3,619 from Anchorage Areawide Operating Fund (101) Municipal Manager Department, Office of Emergency Management 2009 Operating Budget to the State Categorical Grants Fund (231) to **Emergency Management Performance Grant (EMPG) activities** in the Municipal Manager Department.
1. Assembly Memorandum No. AM 288-2009.

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

Dr. Selkregg moved, to approve AR 2009-143.
Mr. Coffey seconded,
and the motion passed, 10-0.

- 14.L. Resolution No. AR 2009-150, a resolution of the Municipality of Anchorage appropriating \$139,464 from the State of Alaska, Department of Transportation & Public Facilities; and appropriating \$5,049 as a contribution from the 2009 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for **Impaired Driving Enforcement**.
1. Assembly Memorandum No. AM 320-2009.

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

Dr. Selkregg moved, to approve AR 2009-150.
Ms. Johnston seconded,

Mr. Starr, Police Chief Rob Heun, Mr. Coffey, Mr. Gutierrez, Dr. Selkregg and Mr. Birch addressed the Impaired Driving Enforcement Program and issues of overtime, drunk driving, staffing, the grant involving overtime, driving under the influence (DUI), public money, DUI enforcement included in regular daily duties and reviewing the grant.

and the motion passed, 7-2.

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

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

- 1 **15. SPECIAL ORDERS** There were none.
2
3 **16. UNFINISHED AGENDA** There was none.
4
5 **17. AUDIENCE PARTICIPATION** There was none.
6
7 **18. ASSEMBLY COMMENTS** There were none.
8
9 **19. EXECUTIVE SESSIONS** There were none.
10
11 **20. ADJOURNMENT**

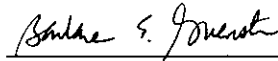
12
13 Mr. Gutierrez moved, to adjourn the Regular Meeting of June 23, 2009.
14 there was no second,
15 and there were no objections.
16

17 The Regular Assembly Meeting was adjourned at 10:55 p.m.
18
19
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21

22 
23

DEBBIE OSSIANDER, Assembly Chair

24 ATTEST:
25
26
27

28 
29

30 BARBARA GRUENSTEIN, Municipal Clerk
31 Date Minutes Approved: September 15, 2009.
32 MC/BG

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