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**MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY**

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

Minutes for the Regular Meeting of July 7, 2009

16 **1. CALL TO ORDER**

17
18 The Regular Assembly Meeting of July 7, 2009 was convened by Chair Ossiander at 5:05 p.m.

19
20 **2. ROLL CALL** A Quorum was achieved with Assemblymembers present.

21
22 PRESENT: Matt Claman, Elvi Gray-Jackson, Patrick Flynn (*excused at 10:00 p.m.*), Jennifer Johnston, Debbie
23 Ossiander, Harriet Drummond, Chris Birch, Mike Gutierrez, William Starr, Sheila Selkregg and Dan
24 Coffey.

25 ABSENT: None.

26
27 **3. PLEDGE OF ALLEGIANCE** Assemblymember Flynn led the pledge.

28
29 **4. MINUTES OF PREVIOUS MEETINGS** There were none.

30
31 **5. MAYOR'S REPORT**

32
33 Mayor Dan Sullivan reported that his Administration was off to a good start and he introduced new staff members
34 present.

35
36 **6. ASSEMBLY CHAIR'S REPORT**

37
38 Chair Ossiander welcomed Mayor Sullivan. She welcomed Mr. Claman's return to the Assembly.

39
40 **7. COMMITTEE REPORTS**

41
42 Mr. Coffey reported the Title 21 Committee would meet July 8th to continue its review of Chapter 7.

43
44 Dr. Selkregg reported the Economic and Community Development Committee would resume meetings in August.

45
46 Mr. Gutierrez reported that the subject of chronic inebriates would be addressed publicly on July 10th at the Fairview
47 Recreation Center.

48
49 Ms. Johnston reported on the success of the Girdwood Forest Fair.

50
51 Mr. Claman reported that he was introducing AO 2009-83(S) that evening, regarding illegal campsites.

52
53 Chair Ossiander reported that the annual Eagle River Bear Paw Festival would begin Wednesday, July 8th.

54
55 **8. ADDENDUM TO AGENDA**

56
57 Chair Ossiander called for a motion and read the Addendum items. AM 379-2009(A) and AM 408-2009 were added
58 as Agenda numbers 9.D.4 and 9.D.13.

59
60 Ms. Johnston moved, to approve the inclusion of the Addendum items
61 Mr. Birch seconded, into the Consent Agenda.
62 and this motion was passed, 11-0.

63
64 **9. CONSENT AGENDA**

65
66 Mr. Coffey moved, to approve the Consent Agenda.
67 Dr. Selkregg seconded,

68
69 Agenda items 9.D.1, 9.D.3, 9.D.10, 9.D.11, 9.E.1, 9.E.2, 9.E.3, 9.F.1, 9.F.2, 9.F.3 and 9.F.7 were pulled for discussion
70 and separate vote.

71
72 and the motion, as amended, was passed without objection.

73
74 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

75 9.A.1. Resolution No. AR 2009-171, a resolution of the Anchorage Municipal Assembly recognizing and
76 honoring **Guadalupe Marroquin** for her 5 years 9 months of service to the Municipality of Anchorage.

1 Mayor Sullivan and Assemblymembers Flynn, Birch, Claman, Coffey, Drummond, Gray-Jackson,
2 Gutierrez, Johnston, Ossiander, Selkregg and Starr.

3
4 **9.B. RESOLUTIONS FOR ACTION - OTHER**

5 9.B.1. Resolution No. AR 2009-165, a resolution of the Municipality of Anchorage appropriating an
6 anticipated \$53,971 from Cook Inlet Tribal Council, Inc. to the State Categorical Grants Fund (231) for
7 participation in the **Substance Abuse and Mental Health Services Administration Strategic**
8 **Prevention Framework** in the Department of Health and Human Services.

9 a. Assembly Memorandum No. AM 392-2009.

10 9.B.2. Resolution No. AR 2009-168, a resolution of the Municipality of Anchorage appropriating \$60,000 from
11 an Alaska Mental Health Trust Authority (AMHTA) grant through State of Alaska, the Department of
12 Transportation and Public Facilities, to the Public Transportation Capital Improvement Fund (485) for
13 the purchase of **paratransit vehicles**, Public Transportation Department.

14 a. Assembly Memorandum No. AM 402-2009.

15 9.B.3. Resolution No. AR 2009-170, a resolution establishing **delinquent dates for the first and second half**
16 **of yearly personal property tax payments** for Tax Year 2009, Finance.

17 a. Assembly Memorandum No. AM 405-2009.

18 9.B.4. Resolution No. AR 2009-172, a resolution of the Municipality of Anchorage providing for the
19 appropriation of a donation of \$70,997 from the State of Alaska, Department of Education, Division of
20 State Libraries to the Office of Economic and Community Development, State Grants Fund (231), for
21 the **Ready to Read Resource Center Grant** for the Anchorage Public Library.

22 a. Assembly Memorandum No. AM 407-2009.

23
24 **9.C. BID AWARDS** There were none.

25
26 **9.D. NEW BUSINESS**

27 9.D.1. Assembly Memorandum No. AM 376-2009, 222 Inc. #3009 - Application for Transfer of Ownership
28 and Location of a Beverage Dispensary Liquor (*No Premise*), Clerk's Office.

29
30 Mr. Coffey declared a potential conflict of interest. Chair Ossiander addressed Mr. Coffey's potential conflict and ruled
31 that he did have a conflict of interest and ordered that he not participate in the matter. There were no objections.

32
33 Mr. Birch moved, to approve AM 376-2009.
34 Ms. Johnston seconded,

35
36 Ms. Drummond addressed community concerns about the history of this applicant. She requested the matter be
37 reviewed by the Chief of Police and the Public Safety Committee. Mr. Claman, Assembly Counsel Julia Tucker, Mr.
38 Gutierrez, Mr. Coffey and Chair Ossiander addressed the matter.

39
40 Ms. Drummond moved, to amend AM 376-2009 on Page 1, beginning on Lines 35-37,
41 Mr. Gutierrez seconded, by changing to read: [Approval of this memorandum will
42 and the motion passed, 9-1. APPROVE the application for transfer of ownership and
43 location of a beverage dispensary liquor license for the
44 establishment named above.] The Assembly PROTESTS the
45 transfer of ownership and location of a beverage dispensary
46 liquor license for the establishment named above, until the
47 applicant satisfies Public Safety Committee concerns and
48 receives Assembly approval.

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

53
54 Mr. Birch, Dr. Selkregg, Ms. Drummond and Mr. Gutierrez addressed the applicant and the committee meeting.

55
56 and the main motion, as amended, was passed, 9-1.

57
58 AYES: Claman, Gray-Jackson, Flynn, Johnston, Ossiander, Drummond, Gutierrez, Starr and Selkregg.
59 NAYS: Birch.
60 ABSTAIN: Coffey.

61
62 9.D.2. Assembly Memorandum No. AM 377-2009, Alaska Liquor #4919 - Application for a New Package
63 Store Liquor License (Campbell Park Community Council), Clerk's Office.

64 9.D.3. Assembly Memorandum No. AM 378-2009, Imperial Palace #4761 - Application for Transfer of
65 Ownership of a Restaurant Eating Place Liquor License and Restaurant Designation Permit (Mountain
66 View Community Council), Clerk's Office.

67
68 Mr. Birch moved, to approve AM 378-2009.
69 Mr. Gutierrez seconded,

70
71 Mr. Birch repeated his request that Social Security numbers be eliminated from public records. He urged approval.

72
73 and the motion passed without objection, 11-0.

74
75 9.D.4. Assembly Memorandum No. AM 379-2009, Cattle Company Steakhouse #2190 - Application for
76 Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit
77 (Midtown Community Council), Clerk's Office.

78 a. Assembly Memorandum No. AM 379-2009(A). (*Addendum*)

- 1 9.D.5. Assembly Memorandum No. AM 390-2009, Marx Bros Catering #4923 - Application for Transfer of
2 Ownership and Location of a Beverage Dispensary Liquor License and Restaurant Designation Permit
3 (Downtown Community Council), Clerk's Office.
4 9.D.6. Assembly Memorandum No. AM 395-2009, proprietary professional services contract with Dr. Michael
5 Levy, MD to provide **Medical Director services** for the Municipality of Anchorage, Anchorage Fire
6 Department (\$147,940), Purchasing.
7 9.D.7. Assembly Memorandum No. AM 396-2009, approval of a contract with United Way of Anchorage for
8 management of the **Human Services Community Matching Grant (HSCMG) program** for State of
9 Alaska (SOA) Fiscal Years (FY) 10, 11, 12, and 13, Health and Human Services.
10 9.D.8. Assembly Memorandum No. AM 397-2009, Utility Relocation Agreement with Chugach Electric
11 Association, Inc. (CEA) in the amount of \$147,542.64 for the **Gambell Street Paving and Drainage**
12 **Rehabilitation Project from Klatt Road to 120th Avenue**, Project No. 08-009, Maintenance &
13 Operations Department.
14 9.D.9. Assembly Memorandum No. AM 398-2009, Change Order No. 2 to Purchase Order No. 290141 with
15 Watson & Sons General Construction, Inc. for the **Lobby and Bathroom Renovation Project** for the
16 Municipality of Anchorage, Merrill Field Airport (\$10,241), Purchasing.
17 9.D.10. Assembly Memorandum No. AM 399-2009, cooperative purchase agreement for professional
18 information technology services with Resource Data, Inc. (RDI) in support of the **HP3000**
19 **Replacement Project** for the Municipality of Anchorage, Municipal Light & Power (ML&P) (\$315,335),
20 Purchasing.
21

22 Mayor Sullivan moved, to postpone AM 399-2009 to July 21, 2009.
23 Mr. Starr seconded,
24 and the motion passed, 11-0.
25

- 26 9.D.11. Assembly Memorandum No. AM 400-2009, Utility Relocation Agreement with Alaska Communications
27 Systems, Inc. (ACS) for **40th Avenue Extension/Upgrade, Lake Otis Parkway to Dale Street**,
28 Project No. 06-11 (\$260,000), Project Management & Engineering.
29

30 Mr. Gutierrez moved, to approve AM 400-2009.
31 Ms. Johnston seconded,
32

33 Mr. Gutierrez and Project Manager Jerry Hanson addressed the project to relocate and underground utilities.
34

35 and the motion passed without objection.
36

- 37 9.D.12. Assembly Memorandum No. AM 403-2009, Change Order Number 13 to Contract with Renegade
38 Equipment, LLC, **Northwood Drive Upgrade - Spenard Road to International Airport Road**, Project
39 No. 01-12 (\$85,246.37), Project Management & Engineering.
40 9.D.13. Assembly Memorandum No. AM 408-2009, Approval of Legal Services Required by the Assembly -
41 Not to Exceed \$5,000. *(Laid on the Table)*
42

43 9.E. INFORMATION AND REPORTS

- 44 9.E.1. Information Memorandum No. AIM 70-2009, April 2009 Financial Reports, Office of Management &
45 Budget.
46

47 Ms. Johnston moved, to accept AIM 70-2009.
48 Mr. Coffey seconded,
49

50 Ms. Johnston stated that budgets of the Anchorage Fire Department and other municipal departments reflected their
51 working with the Administration and doing more with less.
52

53 and the motion passed, 11-0.
54

- 55 9.E.2. Information Memorandum No. AIM 71-2009, May 2009 Financial Reports, Office of Management &
56 Budget.
57

58 Ms. Johnston moved, to accept AIM 71-2009.
59 Dr. Selkregg seconded,
60 and the motion passed, 11-0.
61

- 62 9.E.3. Information Memorandum No. AIM 72-2009, AWWU Regulatory Report – Update on Outstanding
63 Regulatory Matters, Anchorage Water and Wastewater Utility.
64

65 Mr. Gutierrez moved, to accept AIM 72-2009.
66 Ms. Johnston seconded,
67

68 Mr. Gutierrez, Dr. Selkregg, Anchorage Water and Wastewater Utility Chief Financial Officer Glenda Gibson, Mr.
69 Coffey and Office of Management and Budget Director Cheryl Frasca addressed the court case, summary costs and
70 future litigation.
71

72 and the motion passed without objection, 11-0.
73

- 74 9.E.4. Information Memorandum No. AIM 73-2009, Change Order Status, Contract No.: 290393, Bartlett
75 Pool Renovation, Maintenance & Operations Department.
76

77 9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1 9.F.1. Ordinance No. AO 2009-86, an ordinance submitting a ballot proposition to the qualified voters of the
2 Municipality of Anchorage at the Regular Municipal Election of April 6, 2010, to **amend the**
3 **Anchorage Municipal Charter Article II, Bill of Rights, Paragraph (7)**, to expand the rights
4 guaranteed to the people of Anchorage by prohibiting discrimination based upon sexual orientation,
5 Mayor's Office. (*Public Hearing [7-21-09] 8-11-09*)
6

7 Mr. Claman moved, *to introduce AO 2009-86 with Public Hearing set for*
8 Mr. Coffey seconded, *August [24] 11, 2009.*
9 Ms. Drummond was the concurring third.

10
11 9.F.2. Ordinance No. AO 2009-87, an ordinance submitting a ballot proposition to the qualified voters of the
12 Municipality of Anchorage, at the Regular Municipal Election of April 6, 2010, to **amend Anchorage**
13 **Municipal Charter Article XVII, Section 17.01, Equal Rights**, to expand Assembly authority to enact
14 ordinances prohibiting discrimination based on sexual orientation, Mayor's Office. (*Public Hearing [7-*
15 *21-09] 8-11-09*)
16

17 Mr. Claman moved, *to introduce AO 2009-87 with Public Hearing set for*
18 Mr. Coffey seconded, *August [24] 11, 2009.*
19 Ms. Drummond was the concurring third.

20
21 9.F.3. Ordinance No. AO 2009-88, an ordinance amending Anchorage Municipal Code Sections 17.05.010,
22 17.05.040, 17.25.010, 17.25.040, 17.40.020, 17.40.030, 17.40.040, 17.40.085, 17.40.090, 17.70.010,
23 and 17.70.020, to address **aggressive animals** by enhancing enforcement capabilities and increasing
24 penalties, Health and Human Services. (*Public Hearing [7-21-09] 8-11-09*)
25 a. Assembly Memorandum No. AM 394-2009.

26
27 Mr. Gutierrez moved, *to introduce AO 2009-88 with Public Hearing set for*
28 Ms. Johnston seconded, *[July 24] August 11, 2009.*
29 Ms. Gray-Jackson was the concurring third.
30

31 9.F.4. Ordinance No. AO 2009-89, an ordinance authorizing **reconveyance of Tract A, Southport**
32 **Subdivision Area E**, Plat 97-79 and amending Anchorage Ordinance 2006-96 to delete Section 2,
33 Anchorage Parks and Recreation Department. (*Public Hearing 7-21-09*)
34 a. Assembly Memorandum No. AM 406-2009.

35 9.F.5. Resolution No. AR 2009-166, a resolution of the Municipality of Anchorage, Alaska, confirming and
36 levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**
37 **09-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency,
38 Anchorage Water & Wastewater Utility. P.H. 8-11-09. (*Public Hearing 8-11-09*)
39 a. Assembly Memorandum No. AM 393-2009.

40 9.F.6. Resolution No. AR 2009-167, a resolution of the Municipality of Anchorage appropriating \$150,000 of
41 revenues from within the Areawide General Capital Improvement Fund (401) for **facility**
42 **improvements** at the Alaska Center for the Performing Arts, Inc. for \$80,000 of revenues from within
43 the Areawide General Capital Improvement Fund (401) for facility improvements at the Egan Civic and
44 Convention Center, Office of Economic & Community Development. (*Public Hearing 7-21-09*)
45 a. Assembly Memorandum No. AM 401-2009.

46 9.F.7. Regular No. AR 2009-169, a resolution of the Municipality of Anchorage re-appropriating \$700,000 of
47 Areawide Capital Improvement Fund 401 Public Facilities General Obligation Bond Proceeds as a
48 contribution to the Anchorage Parks and Regular CIP Fund 461 to provide additional funding for
49 **Anchorage Pool Facility Rehabilitation Projects**, Maintenance and Operations Department. (*Public*
50 *Hearing 7-21-09*)
51 a. Assembly Memorandum No. AM 404-2009.

52
53 Mayor Sullivan moved, *to postpone indefinitely AR 2009-169.*
54 Mr. Coffey seconded,
55

56 Mayor Sullivan, Mr. Claman and Office of Management and Budget Director Cheryl Frasca addressed new funding
57 sources for the projects.

58 and this passed without objection, 11-0.

61 END OF CONSENT AGENDA

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

64 11.A. Ordinance No. AO 2009-43, an ordinance to amend Anchorage Municipal Code Chapter 14.60 to
65 **update references, fines**, and provide consistency, amend Section 8.20.030 to clarify fines for
66 separate offenses; amend Section 8.75.065 C. to correct a code reference; amend Section 8.75.090
67 to confer jurisdiction on the Administrative Hearing Officer (AHO); amend Sections 9.20.085 and
68 15.20.100 F. to remove AHO jurisdiction references; amend Section 25.70.050 A. to update the
69 maximum fine; and amend Section 26.10.070 for consistency with previous amendments, Department
70 of Law. (*Public Hearing was Closed 6-23-09; Action was Postponed from 6-23-09*)
71 1. Assembly Memorandum No. AM 199-2009.
72

73 Chair Ossiander reported that Public Hearing was closed and there were motions on the floor from June 23rd.

74
75 Mr. Coffey had moved, *to approve AO 2009-43.*
76 Dr. Selkregg had seconded,
77

78 Mr. Coffey requested a NO-vote on his motion from June 23rd to amend the fee schedule.

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Mr. Coffey had moved,
Ms. Johnston had seconded,
and the motion failed unanimously, 0-11.

to amend AO 2009-43 beginning on Page 12, Line 45 to Page 18, Line 18, *by reducing* all maximum penalty/fine [~~\$1,000.00~~] **\$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*)

Mr. Starr moved,
Ms. Johnston seconded,

to amend AO 2009-43, Page 11, Line 30, *by changing* to read: 25.30.020 Improper parachuting or hang gliding penalty/fine [~~50.00 to 500.00~~] [~~75.00~~] **25.00 to 75.00**.

Mr. Claman, Mr. Starr, Chair Ossiander, Mr. Gutierrez, Ms. Gray-Jackson and Mayor Sullivan addressed landing on municipal property, rescue costs, permitting and public safety.

Mayor Sullivan moved,
Mr. Birch seconded,
and the motion passed, 11-0.

to postpone AO 2009-43 to July 21, 2009.

11.B. Ordinance No. AO 2009-56(S), an ordinance to **provisionally adopt new Sections 21.07.010, General Provisions; 21.07.020, Natural Resource Protection; 21.07.030, Private Open Space; 21.07.040, Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges; 21.07.050, Utility Distribution Facilities; and 21.07.140, Operational Standards**, 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 241-2009. (*Continued from 5-12-09; Public Hearing Closed 5-26-09; Amended 5-26-09; Postponed from 5-26-09*)

Chair Ossiander reported there was a motion to approve on the floor from May 26, 2009.

Ms. Ossiander had moved,
Mr. Coffey had seconded,

to approve AO 2009-56(S).

Mr. Coffey moved,
Ms. Johnston seconded,
and this was approved unanimously.

to approve Amendment 9, amending AO 2009-56(S), Section 21.07.020 D.3.d, on Page 19, Lines 3-5, *by changing* to read: ~~d. (Stream crossings, either by roads, driveways, or trails, shall be designed to facilitate wildlife passage along the stream, and minimize wildlife-human conflicts.) Roads driveways, trails, including bridges shall be subject to the setback requirements of this title and shall be designed to facilitate wildlife passage along streams and to minimize wildlife-human conflicts.~~

Mr. Starr moved,
Mr. Birch seconded,
and the motion passed, 11-0.

to approve Amendment 11, amending AO 2009-56(S), Section 21.07.020 D.2 on Page 18, Lines 28-35, *by deleting* to read: This subsection shall apply within 200 feet on either side of the ordinary high water of the following streams: ~~[Eklutna River (downstream from the Old Glenn Highway); Thunderbird Creek;] Peters Creek and its tributaries, [Fire Creek (downstream from the Glenn Highway);] Eagle River, South Fork of Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek (upstream form Lake Otis Parkway), North Fork of Little Campbell Creek (upstream from Elmore Road), Rabbit Creek, Little Rabbit Creek, Indian Creek, Bird Creek, Penguin Creek, California Creek, Glacier Creek, Virgin Creek and Portage Creek, Thunderbird Falls and Eklutna in their entirety.~~

Mr. Starr moved,
Dr. Selkregg seconded,
and the motion passed, 11-0.

to approve Amendment 12, amending AO 2009-56(S) Section 21.07.020 D.2, on Page 18, Line 30, *by changing* to read: Peters Creek and its tributaries upstream from the Old Glenn Highway.

and the main motion, as amended, was passed without objection, 11-0.

11.C. Ordinance No. AO 2009-35, an ordinance amending Anchorage Municipal Code Chapter 23.10, governing **building permits**, and amending Anchorage Municipal Code Section 23.15.H.101.3 governing sign permits, to clarify code compliance enforcement after work is completed in accordance with approved plans and specifications, Assembly Vice-Chair Coffey, Assemblymember Selkregg.
1. Assembly Memorandum No. AM 146-2009.
2. Ordinance No. AO 2009-35(S), an ordinance amending Anchorage Municipal Code Chapter 23.10, governing building permits, and amending Anchorage Municipal Code Section 23.15.H.101.3 governing sign permits, to clarify code compliance enforcement after work is completed in accordance with approved plans and specifications, Assembly Vice-Chair Coffey, Assemblymember Selkregg.

1 3. Ordinance No. AO 2009-35(S-1), an ordinance amending Anchorage Municipal Code Chapter
2 23.10, governing building permits, and amending Anchorage Municipal Code Section
3 23.15.H.101.3 governing sign permits, to clarify code compliance enforcement after work is
4 completed in accordance with approved plans and specifications, Assemblymembers Coffey,
5 Selkregg. (*Public Hearing was Closed 4-14-09; Postponed from 4-14-09 and 6-9-09*)
6

7 Mr. Coffey moved, to approve AO 2009-35(S-1).
8 Ms. Johnston seconded,
9

10 Mr. Coffey addressed the changes and urged approval.
11

12 and the motion passed without objection, 11-0.
13

14 **12. APPEARANCE REQUESTS** There were none.
15

16 **13. CONTINUED PUBLIC HEARINGS**

17 13.A. Ordinance No. AO 2009-61, an ordinance amending Anchorage Municipal Code Sections 8.65.020,
18 8.75.160, 14.60.030, 9.28.019, 9.28.020, 9.28.022, and 9.48.010, regarding **penal code, traffic laws,**
19 **and administrative adjudication of shoplifts**, to comply with state law, Department of Law.
20 1. Assembly Memorandum No. AM 266-2009. (*Carried Over from 6-9-09 and 6-16-09;*
21 *Continued from 6-16-09*)
22

23 Chair Ossiander opened Continued Public Hearing. There was no one to testify and she closed Public Hearing.
24

25 Mr. Coffey moved, to approve AO 2009-61.
26 Mr. Flynn seconded,
27 and the motion passed without objection, 11-0.
28

29 13.B. Ordinance No. AO 2009-71, an ordinance repealing and re-enacting Anchorage Municipal Code
30 Chapter 8.80 regarding **fees for excessive police responses**, Department of Law, Assemblymember
31 Selkregg. (*Carried Over from 6-9-09 and 6-16-09; Continued from 6-16-09*)
32 1. Assembly Memorandum No. AM 311-2009.
33

34 Chair Ossiander opened Public Hearing. There was no one to testify.
35

36 Mr. Flynn moved, to continue AO 2009-71 Public Hearing to September
37 Dr. Selkregg seconded, 15, 2009.
38 and the motion passed without objection, 11-0.
39

40 13.C. Resolution No. AR 2009-131, a resolution of the Anchorage Municipal Assembly **revising the 2009**
41 **General Government Operating Budget** and appropriating \$241,480 from Areawide General Fund
42 (101) Balance to reinstate certain positions, Assemblymembers Gray-Jackson, Gutierrez, Selkregg.
43 1. Assembly Memorandum No. AM 279-2009. (*Carried Over from 5-26-09; Continued from 6-16-09*)
44

45 Chair Ossiander opened Public Hearing. Four people testified.
46

47 PAT PETROVELLI supported additional funding for Graffiti Busters.
48

49 ANNA BROOKS supported reinstating the eliminated position in the Office of Equal Opportunity (*OEO*).
50

51 LAURA WALDRON supported reinstating the cut *OEO* position.
52

53 MICHELE PAMER supported keeping the funding for Graffiti Busters, which made a difference in South Anchorage.
54

55 There was no additional public testimony and Chair Ossiander closed Public Hearing.
56

57 Ms. Gray-Jackson moved, to approve AR 2009-131.
58 Mr. Gutierrez seconded,
59

60 Ms. Gray-Jackson addressed the needed revisions to the General Operating Budget. She, Dr. Selkregg, Mr.
61 Gutierrez, Ms. Johnston, Mr. Claman, Mr. Birch and Mayor Sullivan addressed funding for dealing with gangs, crime,
62 graffiti, Office of Equal Opportunity, fund certification, the current budget deficit and balancing the budget.
63

64 Dr. Selkregg moved, to amend AR 2009-131 by *bifurcating and voting on*
65 Mr. Gutierrez seconded, each item independently.
66 and this motion failed, 5-6.
67

68 AYES: Gray-Jackson, Flynn, Drummond, Gutierrez, and Selkregg.
69 NAYS: Claman, Johnston, Ossiander, Birch, Starr and Coffey.
70

71 Mr. Coffey, Mr. Flynn, Mr. Birch, Mr. Claman, Mr. Starr, Mr. Gutierrez, Ms. Gray-Jackson, Dr. Selkregg and Ms.
72 Johnston addressed the budget deficit, setting priorities and being fiscally responsible.
73

74 and the main motion failed, 4-7.
75

76 AYES: Gray-Jackson, Drummond, Gutierrez and Selkregg.
77 NAYS: Claman, Johnston, Flynn, Ossiander, Birch, Starr and Coffey.
78

1 13.D. Ordinance No. AO 2009-55, an ordinance of the Anchorage Assembly amending the zoning map, and
2 providing for the rezoning of approximately 2.65 acres from R-3 (Multiple-Family Residential District) to
3 B-3 (General Business District), for **Lots 1-12, Block 1, and Block 2, Lots 1A, 10, S ½ of Lot 11, N**
4 **½ of Lot 11, and Lot 12, Sunny Acres Subdivision**; generally located east of Muldoon Road
5 between East 10th Avenue and East 12th Court (Northeast Community Council) (Planning and Zoning
6 Commission Case 2009-003), Assemblymember Selkregg. (*Carried Over from 6-9-09 and 6-16-09;*
7 *Continued from 6-16-09*)
8

9 Chair Ossiander stated the applicant had requested the rezone be postponed to August 11th. Mr. Coffey stated that
10 the Assembly had previously determined that he had a conflict of interest in the matter and he would abstain. There
11 were no objections. Chair Ossiander opened Public Hearing. There was no one to testify.

1 Mr. Flynn moved, *to continue AO 2009-55 Public Hearing to August 11, 2009.*
1 Ms. Drummond seconded,
15 and the motion passed, 10-0,
16 with Mr. Coffey abstaining.
17

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

- 20 1. Ordinance No. AO 2009-64(S), an ordinance of the Anchorage Municipal Assembly amending
21 Anchorage Code Chapters 5.10 Equal Rights Commission and 5.20 Unlawful Discriminatory
22 Practices.
- 23 2. Assembly Memorandum No. AM 342-2009.
- 24 3. Ordinance No. AO 2009-64(S-1), an ordinance of the Anchorage Municipal Assembly
25 amending Anchorage Code Chapters 5.10 Equal Rights Commission and 5.20 Unlawful
26 Discriminatory Practices, Assembly Chair Ossiander. (*Carried Over from 6-9-09, 6-16-09, 6-*
27 *17-09 and 6-23-09*)
28

29 Ms. Drummond moved, *to Change the Order of the Day to move AO 2009-64*
30 Mr. Flynn seconded, *to the end of the Agenda.*
31 and the motion passed, 11-0.
32

33 *(Clerk's Note: Following completion of Agenda item 14.P, the Assembly returned to take up AO 2009-64.)*
34

35 Chair Ossiander opened Continued Public Hearing. *(Clerk's Note: During Public Hearing, Mr. Claman questioned*
36 *many of those testifying about their rights under the State of Alaska Constitution.)*
37

38 JOHN M. DAHLEN testified.

39 PETER GIESSEL testified.

40 BILL MERRILL testified.

41 SERGEY ILNITSKIY and DAVID ILNITSKIY testified.

42 JEFF COX testified.

43 ZORI ILNITSKAYA testified.

44 BILL LEIGHT testified.

45 SUZANNE SALERA testified.

46 MIKE MOFFITT testified.

47 FIDEL MORFIN testified.

48 *(Clerk's Note: At 10:00 p.m. Mr. Flynn was excused from the meeting and departed.)*
49

50 MARK GIRMSCHIED testified.

51 TONY SMITH testified.

52 DYLAN SAUNDERS testified.

53 URSULA WUERTH testified.

54 MARGARET SANTOS testified.

55 J. MICHELE PAMER testified.

56 SEAN H. NEACE testified.

57 KEITH BUCZAK testified.

58 DENNIS MERSDORF testified.

59 NAOMI MERSDORF testified.
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1
2 ERIN EALUM testified.

3
4 TOM STEIGLEMAN testified.

5
6 RACHEL PUNZALAN testified.

7
8 ELIZABETH MARIN testified.

9
10 AL ROBISON testified.

11
12 RICK REINHART testified.

13
14 (Clerk's Note: See Agenda item 20 for details of Adjournment)

15
16 **14. NEW PUBLIC HEARINGS**

- 17 14.A. Ordinance No. AO 2009-74, an ordinance amending provisions of Anchorage Code Chapter 12.35
18 related to deteriorated property and to provide for **waiver of certain municipal fees as an economic**
19 **development incentive**, Assemblymembers Flynn and Birch.

20
21 Chair Ossiander opened Public Hearing. There was no one to testify.

22
23 Mr. Flynn moved, to continue AO 2009-74 to August 11, 2009.
24 Mr. Coffey seconded,

25
26 Mr. Flynn and Dr. Selkregg addressed waiving certain municipal fees.

27
28 and this passed without objection, 11-0.

- 29
30 14.B. Ordinance No. AO 2009-77, an ordinance amending Anchorage Municipal Code Chapter 12.40,
31 **Excise Tax on Cigarettes and Tobacco Products**, to allow sharing of information for enforcement
32 purposes with local, state, or federal government agencies, Finance.
33 1. Assembly Memorandum No. AM 323-2009.

34
35 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

36
37 Mr. Coffey moved, to approve AO 2009-77.
38 Ms. Johnston seconded,
39 and the motion passed, 11-0.

- 40
41 14.C. Ordinance No. AO 2009-78, an ordinance amending Anchorage Municipal Code Chapter 12.45,
42 **Rental Tax on Rental of Motor Vehicles**, to reduce the financial burden on small proprietor rental
43 agencies and to allow sharing of information obtained pursuant to this chapter with local, state, or
44 federal government agencies for the purpose of enforcing this chapter, Finance.
45 1. Assembly Memorandum No. AM 324-2009.

46
47 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

48
49 Ms. Johnston moved, to approve AO 2009-78.
50 Ms. Drummond seconded,
51 and the motion passed, 11-0.

- 52
53 14.D. Ordinance No. AO 2009-80, an ordinance repealing and re-enacting Anchorage Municipal Code
54 Section 6.50.030 to **update the Investment Guidelines for Municipal Funds**, Finance.
55 1. Assembly Memorandum No. AM 326-2009.

56
57 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

58
59 Mr. Coffey moved, to approve AO 2009-80.
60 Ms. Johnston seconded,

61
62 Mayor Sullivan requested that the ordinance be postponed to July 21st.

63
64 Mr. Birch moved, to postpone AO 2009-80 to July 21, 2009.
65 Mr. Starr seconded,
66 and this passed without objection, 11-0.

- 67
68 14.E. Resolution No. AR 2009-149, a resolution of the Municipality of Anchorage appropriating \$735,000
69 from the MOA Trust Fund (730) for **expert financial management and support services** provided in
70 Calendar Year 2009, Finance.
71 1. Assembly Memorandum No. AM 319-2009.

72
73 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

74
75 Ms. Johnston moved, to approve AR 2009-149.
76 Mr. Birch seconded,
77 and the motion passed without objection, 11-0.

78

1 14.F. Ordinance No. AO 2009-81, an ordinance amending Anchorage Municipal Code Section 25.60.015
2 Definitions, Section 25.60.050 Reservations, Use and Disinterment of Burial Sites, Section 25.60.058
3 Columbarium, Section 25.60.065 Fees, and Section 25.60.100 Cemetery Perpetual Maintenance Non-
4 Expendable Trust Fund, all regarding **management of the Anchorage Memorial Park Cemetery**,
5 Health and Human Services.
6 1. Assembly Memorandum No. AM 347-2009.

7
8 Chair Ossiander opened Public Hearing.

9
10 REBECCA KASTEN questioned the proposed changes to the memorial park. Chair Ossiander and Mr. Claman
11 addressed the cemetery's recent audit, complying with Code, best practices and existing policies.

12
13 There was no additional testimony and Chair Ossiander closed Public Hearing.

14
15 Dr. Selkregg moved, to approve AO 2009-81.
16 Ms. Johnston seconded,
17

18 Dr. Selkregg and Health and Human Services Director Diane Ingle addressed cemetery plots.
19
20 and the motion passed without objection, 11-0.

21
22 14.G. Ordinance No. AO 2009-28, an ordinance of the Anchorage Municipal Assembly amending Anchorage
23 Municipal Code Section 21.90.060 to include areas with significant risk exposure to wildfire, high
24 winds, or other natural disaster in the target areas and factors considered in review of an electric
25 utility's five-year program for placing existing **overhead lines underground**, Assemblymembers
26 Johnston, Selkregg, Coffey and Gutierrez.
27 1. Assembly Memorandum No. AM 316-2009.

28
29 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

30
31 Dr. Selkregg moved, to approve AO 2009-28.
32 Mr. Coffey seconded,
33

34 Mr. Flynn, Ms. Johnston, Dr. Selkregg, Mr. Gutierrez, Mr. Starr, Mayor Sullivan, Mr. Coffey and Mr. Gutierrez
35 addressed the proposed changes to undergrounding overhead lines, costing time and money, accountability, working
36 with the utilities and public safety.

37
38 and the motion passed, 11-0.

39
40
41 14.H. Resolution No. AR 2009-163, a resolution ratifying a Letter of Agreement, amending the Collective
42 Bargaining Agreement between the Municipality of Anchorage and the **Public Employees, Local 71**
43 **(L71)**, Employee Relations.
44 1. Assembly Memorandum No. AM 382-2009.

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

46
47 Mr. Coffey moved, to approve AR 2009-163.
48 Ms. Johnston seconded,
49

50 Mr. Coffey, Dr. Selkregg, Employee Relations Director Nancy Usera and Labor Relations Director Lisa Arnold
51 addressed the summary of economic effects, the expenditures and the projected savings.

52
53 Mr. Coffey moved, to postpone AR 2009-163 to July 21st.
54 Mr. Claman seconded,
55 and the motion passed without objection, 11-0.

56
57 14.I. Ordinance No. AO 2009-84, an ordinance amending Anchorage Municipal Code Chapter 3.30,
58 Sections 3.30.171 – 3.30.177, **Rule 17, Executives**, to update executive classifications and clarify
59 permissible use of overtime and comp time, Assembly Chair Ossiander and Acting Mayor Claman.
60 1. Assembly Memorandum No. AM 385-2009.

61
62 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

63
64 Mr. Coffey moved, to approve AO 2009-84.
65 Ms. Johnston seconded,
66

67 Mr. Coffey, Mayor Sullivan and Dr. Selkregg addressed the changes pertaining to executive employees.

68
69 Mayor Sullivan moved, to amend AO 2009-84 on Page 8, Line 3, *by changing read:*
70 Mr. Coffey seconded, **Section 2.** This ordinance shall become effective
71 and the motion passed, 11-0. [~~immediately upon passage and approval by the Assembly~~
72 on August 3, 2009.

73
74 and the main motion, as amended, passed, 11-0.

75
76 14.J. Ordinance No. AO 2009-85, an ordinance amending Anchorage Municipal Code Section 3.30.1511 F.,
77 **Employer-Required General Furlough Leave Without Pay**, and modifying AO 2009-60 to clarify the

1 furlough requirement for non-represented, Fair Labor Standards Act-exempt employees and provide
2 for a salary reduction for a defined period, Employee Relations.
3 1. Assembly Memorandum No. AM 387-2009.

4
5 Chair Ossiander opened Public Hearing. One person testified.

6
7 CHRISTIAN MILLER opposed the proposed change and the exempt status of the employee.

8
9 There was no additional testimony and Chair Ossiander closed Public Hearing.

10
11 Mr. Coffey moved, to approve AO 2009-85.
12 Dr. Selkregg seconded,

13
14 Assistant Municipal Attorney Ken Ford and Dr. Selkregg addressed furlough leave, exempt status and other options.
15
16 and the motion passed, 11-0.

17
18 14.K. Ordinance No. AO 2009-82, an ordinance amending Anchorage Municipal Code Sections 8.75.010,
19 8.75.020, 10.05.025, and 10.50.015 regarding **Alcoholic Beverages**; and amending Section
20 14.60.030, Fine Schedule, accordingly, Department of Law.
21 1. Assembly Memorandum No. AM 383-2009.

22
23 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

24
25 Mr. Coffey moved, to approve AO 2009-82.
26 Ms. Johnston seconded,
27 and the motion passed, 11-0.

28
29 14.L. Ordinance No. AO 2009-83, an ordinance amending Anchorage Municipal Code Sections 15.20.010
30 and 15.20.020 to add **Illegal Campsites** as a public nuisance and authorize abatement, Department
31 of Law.
32 1. Assembly Memorandum No. AM 384-2009.
33 2. Ordinance No. AO 2009-83(S), an ordinance amending Anchorage Municipal Code Sections
34 15.20.010 and 15.20.020 to add **Illegal Campsites** as a public nuisance and authorize
35 abatement, Department of Law. (**Addendum**)

36
37 Chair Ossiander opened Public Hearing. Eight people testified.

38
39 DAVID DUNSMORE opposed the limitations of the ordinance. He proposed improvements.

40
41 MIKE ROGERS stated that people would die if the ordinance was approved and enforced. He proposed postponing.

42
43 KENNETH ANDERSON urged the Assembly to consider the homeless.

44
45 SUSAN KLEIN opposed the ordinance and testified that campsites were needed for the homeless.

46
47 REBECCA KASTEN supported providing assistance to the homeless, including helping them get to homeless shelters.

48
49 MICHAEL DUNSMORE testified there were too many restrictions and not enough support for the homeless. He
50 responded to a question from Mr. Claman.

51
52 MARCIN DRUSDZEL testified the ordinance would disrupt the homeless and would not resolve the problem.

53
54 JOSEPH ROBINSON testified that more communication was needed to determine how to help the homeless.

55
56 LYNNE SANGSTER testified that chronically homeless people needed services and assistance.

57
58 DON BARNHARDT testified that homeless people needed assistance. The ordinance needed additional review.

59
60 There was no additional public testimony and Chair Ossiander closed Public Hearing.

61
62 Dr. Selkregg moved, to postpone AO 2009-83(S) to September 15, 2009.
63 Ms. Gray-Jackson seconded,

64
65 Mr. Birch, Health and Human Services Director Diane Ingle, Mr. Coffey, Mr. Claman, Mr. Gutierrez, Ms. Gray-Jackson,
66 Dr. Selkregg and Anchorage Police Chief Rob Heun addressed homelessness, chronic inebriates, protection of public
67 places, public safety, alternatives, needing additional review and approving the matter that evening.

68
69 and the motion failed, 5-6.

70
71 AYES: Flynn, Drummond, Birch, Gutierrez and Selkregg.
72 NAYS: Claman, Gray-Jackson, Johnston, Ossiander, Starr and Coffey.

73
74 Mr. Gutierrez moved, to approve AO 2009-83(S).
75 Mr. Claman seconded,

76
77 Mr. Gutierrez, Acting Municipal Attorney Rhonda Westover, Ms. Gray-Jackson and Dr. Selkregg addressed the matter.
78

1 and the motion passed, 11-0.

2
3 14.M. Resolution No. AR 2009-158, a resolution of the Municipality of Anchorage appropriating \$175,224
4 from the State of Alaska, Department of Transportation & Public Facilities, and appropriating \$6,343
5 as a contribution from the 2009 Anchorage Operating Budget, Anchorage Metropolitan Police Service
6 Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, **Seat Belt**
7 **Enforcement**.
8 1. Assembly Memorandum No. AM 355-2009.

9
10 Chair Ossiander opened Public Hearing. Two people testified.

11
1 LAURA WALDRON opposed enforcement and testified that a two-year old child could unfasten a seat belt.

1 ELIZABETH MARIN supported using seat belts and testified that parents needed to be responsible for their children.

15
16 There was no additional public testimony and Chair Ossiander closed Public Hearing.

17
18 Mr. Starr and Police Chief Rob Heun addressed police enforcement, using overtime and funding sources.

19
20 Dr. Selkregg moved, to approve AR 2009-158.
21 Mr. Birch seconded,
22 and the motion passed, 11-0.

23
24 14.N. Resolution No. AR 2009-159, a resolution of the Municipality of Anchorage appropriating \$145,050
25 from fees collected from the sale of vehicle emission certificates to the I/M Revenue Account of the
26 General Government Operating Fund (101), for payment to the Alaska Department of Environmental
27 Conservation for **operation of the Vehicle Information Database and I/M tools software** in the
28 Department of Health and Human Services.
29 1. Assembly Memorandum No. AM 356-2009.

30
31 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

32
33 Mr. Coffey moved, to approve AR 2009-159.
34 Ms. Johnston seconded,

35
36 Mr. Starr and Mr. Birch addressed the funding appropriations, costs of emissions testing and deleting the program. Dr.
37 Selkregg, Mayor Sullivan, Health and Human Services Director Diane Ingle and Mr. Claman addressed state control
38 and addressing the program locally.

39
40 Mr. Coffey stated the Assembly had previously determined that he had a conflict of interest in this matter. Chair
41 Ossiander ruled that Mr. Coffey did have a conflict and ordered him to not participate. Dr. Selkregg and Mr. Claman
42 opposed the Chair's ruling because the matter had to do with the state control of the program and did not impact those
43 who owed Mr. Coffey money. (Clerk's Note: There was no motion to overrule the Chair's ruling.)

44
45 and the motion passed, 8-2.

46
47 AYES: Claman, Gray-Jackson, Flynn, Johnston, Ossiander, Drummond, Gutierrez and Selkregg.
48 NAYS: Birch and Starr.
49 ABSTAIN: Coffey.

50
51 14.O. Resolution No. AR 2009-160, a resolution of the Municipality of Anchorage appropriating \$250,000 from
52 the Valli Vue Estates LRSA Fund Balance (Fund 113) to the **Valli Vue Estates LRSA BP2009**
53 **Operating Budget** (Fund 113), Maintenance and Operations Department, for summer paving program.
54 1. Assembly Memorandum No. AM 357-2009.

55
56 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

57
58 Ms. Johnston moved, to approve AR 2009-160.
59 Mr. Birch seconded,
60 and the motion passed, 10-0.
61 with Mr. Coffey temporarily out of Chambers at the time of the vote.

62
63 14.P. Resolution No. AR 2009-161, a resolution of the Municipality of Anchorage appropriating when
64 tendered \$5,000,000 from the Federal Aviation Administration Airport Improvement Program grant to
65 Merrill Field's Capital Improvement Fund for the **2009 Merrill Field Rehabilitate Taxiway Quebec**
66 **(Phase 1 & Phase 2)** and revising the 2009 Merrill Field Capital Improvement Budget (581), Merrill
67 Field Airport.
68 1. Assembly Memorandum No. AM 358-2009.

69
70 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

71
72 Ms. Johnston moved, to approve AR 2009-161.
73 Mr. Birch seconded,
74 and the motion passed, 11-0.

75
76 15. **SPECIAL ORDERS** There were none.

77
78 16. **UNFINISHED AGENDA** There was none.

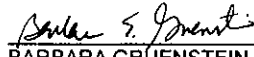
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- 17. **AUDIENCE PARTICIPATION** There was none.
- 18. **ASSEMBLY COMMENTS** There were none.
- 19. **EXECUTIVE SESSIONS** There were none.
- 20. **ADJOURNMENT**

Chair Ossiander adjourned the Regular Assembly Meeting of July 7th at 10:55 p.m.


DEBBIE OSSIANDER, Assembly Chair

ATTEST:


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

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