

1
2
3
4
5
6
7
8
9
0
-

**MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY**

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

Minutes for the Regular Meeting of September 29, 2009

1
2
3
4
5
6
7
8
9
0
-

1. CALL TO ORDER

The Regular Assembly Meeting of September 29, 2009 was convened by Chair Ossiander at 5:06 p.m.

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

PRESENT: Matt Claman, 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 Drummond led the pledge.

4. MINUTES OF PREVIOUS MEETINGS There were none.

5. MAYOR'S REPORT

Mayor Dan Sullivan thanked all those who had expressed their condolences to him and his family for the loss of his father, Mayor George Sullivan, who passed away on September 23rd. He reported the Mayor's Unity Dinner, held on Friday, was a great success.

6. ASSEMBLY CHAIR'S REPORT

Chair Ossiander reported on the upcoming scheduled worksessions, the upcoming Alaska Municipal League (AML) Meeting, an independent attorney's report received by the Assembly, requesting the Municipal Attorney to review the matter and addressing the budget and labor contracts.

Chair Ossiander recognized newly appointed members to board and commissions and thanked them for their service.

7. COMMITTEE REPORTS

Mr. Coffey reported on the Title 21 Committee reviewing Design Standards, the Title 21 Review being completed by the end of the year and provisional standards being addressed in 2010. He reported on the current energy issues, utility companies working cooperatively to address a gas shortage, the Regulatory Commission of Alaska (RCA) and concerns of availability, deliverability and storage of natural gas.

Dr. Selkregg reported the Housing Workgroup was addressing the lack of workforce housing and the Health Committee was addressing the status of public health, respectively. The new Cheney Lake Overlook was dedicated in memory of her sister and she thanked former Assemblymember Ken Stout for his involvement in that project.

Mr. Starr reported the Audit Committee would be making recommendations for appointments to the Board of Ethics. He reported there had been an 8.5 earthquake and tsunami in American Samoa earlier that day.

Mr. Gutierrez urged people to get flu shots and to use hand sanitizer for protection from flu viruses. Mr. Coffey and Mr. Claman commented on the matter.

Mr. Birch reported the Anchorage Chamber of Commerce Board Meeting addressed many issues, including nominating candidates for *The Top Forty Under Forty*. He expressed his appreciation to Anchorage Water and Wastewater Utility (AWWU) for completing the utility upgrade to Huffman Road.

Mr. Flynn reported the Legislative Committee was working with the Administration to develop the Legislative Program. He addressed the current flu viruses.

Ms. Gray-Jackson reported that, as a member of the Budget and Finance Committee, she had provided a substitute version to AR 2009-221 that included the mayor's current updates to the 2009 budget.

Mayor Dan Sullivan reported that the Budget would be introduced on October 2nd.

8. ADDENDUM TO AGENDA

Chair Ossiander called for a motion and read the Addendum items. AR 2009-241, Floor Amendment # 1 to AIM 98-2009 and AO 2009-115 were added and assigned Agenda numbers 9.B.6, 9.E.5.a and 9.F.11, respectively.

Ms. Johnston moved, to approve the inclusion of the Addendum and Laid on the
Mr. Coffey seconded, Table Items into the Consent Agenda.
and this motion was passed, 11-0.

1 AYES: Claman, Gray-Jackson, Flynn, Johnston, Ossiander, Drummond, Birch, Gutierrez, Starr, Selkregg and
2 Coffey.
3 NAYS: None.
4

5 **9. CONSENT AGENDA**

6
7 Mr. Coffey moved, to approve the Consent Agenda.
8 Ms. Johnston seconded,
9

0 Agenda items 9.A.2, 9.A.3, 9.A.4, 9.B.6, 9.D.3, 9.E.3, 9.E.4, 9.E.5 and 9.F.11 were pulled for discussion and separate
1 vote.

2 and the motion, as amended, was passed, 11-0.

3
4
5 AYES: Claman, Gray-Jackson, Flynn, Johnston, Ossiander, Drummond, Birch, Gutierrez, Starr, Selkregg and
6 Coffey.
7 NAYS: None.
8

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

10 9.A.1. Resolution No. AR 2009-212, a resolution of the Anchorage Municipal Assembly and Mayor Dan
11 Sullivan recognizing and honoring **William T. Kaas** for his 35 years of service to the community as a
12 police officer with the Anchorage Police Department, Assemblymembers Birch, Claman, Coffey,
13 Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Starr and Mayor Dan Sullivan.
14 (*Postponed from 9-15-09*)
15

16 Mr. Coffey and Chair Ossiander reported that Officer William Kaas could not be present that evening.
17

18 9.A.2. Resolution No. AR 2009-228, a resolution of the Anchorage Municipal Assembly recognizing and
19 celebrating September 15, 2009 through October 15, 2009 as **National Hispanic Heritage Month**,
20 Assemblymembers Gray-Jackson, Gutierrez, Birch, Claman, Drummond, Flynn, Johnston, Ossiander,
21 Selkregg and Starr.
22

23 Ms. Gray-Jackson moved, to approve AR 2009-228.
24 Mr. Coffey seconded,
25 and this passed without objection, 11-0.
26

27 Ms. Drummond read the resolution recognizing September 15, 2009 through October 15, 2009 as National Hispanic
28 Heritage Month. Ms. Johnston and Ms. Gray-Jackson commented about the celebration.
29

30 Frank Jenkins thanked Assemblymembers for taking up AO 2009-64 and he presented an engraved plaque to
31 Assemblymembers Claman, Gray-Jackson, Flynn, Johnston, Gutierrez, Selkregg and Drummond.
32

33 9.A.3. Resolution No. AR 2009-238, a resolution of the Anchorage Municipal Assembly and Mayor Dan
34 Sullivan recognizing and honoring **Mia L. Nistler** for her 42 years of service to the Municipality of
35 Anchorage and Solid Waste Services Department, Assemblymembers Birch, Claman, Coffey,
36 Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Selkregg, Starr and Mayor Dan
37 Sullivan. (**Addendum**)
38

39 Mr. Flynn moved, to approve AR 2009-238.
40 Ms. Johnston seconded,
41 and this passed without objection, 11-0.
42

43 Mr. Flynn read and Mr. Starr presented the resolution to Mia Nistler, recognizing her for her 42 years of service at Solid
44 Waste Services. Ms. Nistler stated she was retiring the next day and had started working under Mayor George
45 Sullivan. She responded to questions from Chair Ossiander, Mayor Dan Sullivan, Dr. Selkregg and Mr. Flynn.
46

47 9.A.4. Resolution No. AR 2009-240, a resolution of the Anchorage Municipal Assembly **recognizing and**
48 **remembering George M. Sullivan**, the Municipality of Anchorage's First Mayor, for his leadership,
49 public service and rich legacy, Assembly Chair Ossiander and Assemblymembers Birch, Claman,
50 Coffey, Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Selkregg and Starr. (**Addendum**)
51

52 Mr. Coffey moved, to approve AR 2009-240.
53 Ms. Johnston seconded,
54 and this passed without objection, 11-0.
55

56 Chair Ossiander read the resolution, recognizing and remembering George M. Sullivan, the (*unified*) Municipality's first
57 mayor, for his leadership, public service and rich legacy in Alaska and in Anchorage. His son, Mayor Dan Sullivan,
58 thanked the Assembly for the recognition and stated his father lived a full life.
59

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

61 9.B.1. Resolution No. AR 2009-229, a resolution of the Anchorage Municipal Assembly stating its **protest**
62 **regarding the renewal of beverage dispensary liquor license #806 for Nura Abdul-Halim, Office**
63 **Cocktail Lounge**, located at 545 East Northern Lights Boulevard, and authorizing the Municipal Clerk
64 to take certain action, Assembly Chair Ossiander, Vice-Chair Drummond and Assembly Public Safety
65 Committee Chair Gutierrez.
66

67 9.B.2. Resolution No. AR 2009-230, a resolution of the Municipality of Anchorage appropriating \$10,000 from
68 the Alaska Department of Environmental Conservation and a contribution of \$423 from the Anchorage
69 Fire Service Area Operating Fund (131), Anchorage Fire Department 2009 Operating Budget, to the

State Categorical Grants Fund (231) to maintain the Municipality's **oil spill response capabilities**, Anchorage Fire Department.

a. Assembly Memorandum No. AM 520-2009.

9.B.3. Resolution No. AR 2009-231, a resolution of the Municipality of Anchorage appropriating \$4,625 from the State of Alaska, Alaska Police Standards Council and appropriating \$193 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 provide **armor training**.

a. Assembly Memorandum No. AM 521-2009.

9.B.4. Resolution No. AR 2009-232, a resolution of the Municipality of Anchorage appropriating \$9,063 from the U.S. Environmental Protection Agency to the Federal Categorical Grants Fund (241) for the **Air Quality Program** in the Department of Health and Human Services.

a. Assembly Memorandum No. AM 522-2009.

9.B.5. Resolution No. AR 2009-233, a resolution of the Municipality of Anchorage providing for the appropriation of \$20,000 from Target Corporation to the Anchorage Public Library, Miscellaneous Operational Grants (261), for the **Community Read Program 2010**.

a. Assembly Memorandum No. AM 523-2009.

9.B.6. Resolution No. AR 2009-241, a resolution of the Anchorage Municipal Assembly in response to the Levesque Report and the recent **release of public records**. (*Laid on the Table*)

Ms. Gray-Jackson moved, to approve AR 2009-241.
Ms. Johnston seconded,

Ms. Gray-Jackson and Mr. Claman addressed the matter.

Mr. Claman moved, to postpone Assembly action on AR 2009-241 to the next meeting and hold an executive session to meet privately with the Municipal Attorney to discuss the matter.
Ms. Drummond seconded,
(and this motion was later withdrawn)

Chair Ossiander, Mr. Claman, Municipal Attorney Dennis Wheeler and Mr. Starr addressed this being a confidential matter, the requirements for an executive session, requiring fund certification, Code requirements, funding process, approving union contracts without knowledge of the city's financial status and referencing information and communication among members of the former Administration. Mr. Wheeler responded to questions from Chair Ossiander, Mr. Claman, Dr. Selkregg and Mr. Starr concerning labor law provision, federal requirements, Anchorage Fire Fighters, federal requirements, requesting a third opinion and Mr. Claman withdrawing his motion and scheduling a worksession.

Dr. Selkregg moved, to postpone Assembly action on AR 2009-241 to be able to get a third opinion on the matter and to hold a worksession and to get information and a summary of implications.
Mr. Coffey seconded,
(and the motion was amended).

Mr. Coffey, Mr. Gutierrez, Mr. Wheeler, Dr. Selkregg and Chair Ossiander addressed a fund certification, the review being completed by November, holding a worksession on November 13th and dismissing the motion to hold a worksession.

Dr. Selkregg moved, to postpone indefinitely AR 2009-241.
Mr. Gutierrez seconded,

Mayor Sullivan, Mr. Coffey, Dr. Selkregg, Ms. Johnston, Mr. Weaver, Mr. Claman, Ms. Gray Jackson, Mr. Gutierrez Mr. Starr, Mr. Birch (*Ms. Drummond assumed the Chair*) and Ms. Ossiander addressed postponing indefinitely, the resolution being well intended, focusing on the facts, the Assembly's responsibility, determining the scope of the investigation, taking months to fully address the matter, worksessions open to the public, the Levesque Report, certification of funds, the Municipal Attorney, supporting the resolution and moving forward and waiting for legal opinions and analysis. (*Ms. Ossiander resumed the Chair.*)

and the motion to postpone indefinitely failed, 5-6.

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

Mr. Claman moved, to amend AR 2009-241 on Page 1, by deleting Lines 15-20:
Ms. Drummond seconded, [WHEREAS, recently the Assembly has received copies of a financial report by the former Chief Financial Officer of the Municipality which was sent by e-mail to then Mayor Begich on December 9, 2008 detailing her concern as to the Municipal revenues and department expenditures after the adoption of the 2009 General government Operating Budget (November 25, 2008) but prior to Assembly action on labor agreements December 16 and 17, 2008 (See AIM 98-2009); and]

Mr. Birch and Mr. Claman commented on the matter.

and this motion passed, 6-5.

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

1
2 Dr. Selkregg moved,
3 Mr. Coffey seconded,
4 and this was amended and passed, 11-0.

to amend AR 2009-241 on Page 2, beginning on Line 12, by adding to read: 1) The Administration, through the Department of Law, is requested to review and analyze the Levesque report dated September 23, 2009, to include an examination of the facts and the law associated with both the report and all other information, reports and analysis relevant to the issues, including legal opinions from any available sources, including the Jermain, Dunnagan and Owens report, the questions asked in AR 2009-77(S) and to make a written report to the Assembly no later than November 15, 2009.

5 Mr. Claman and Dr. Selkregg addressed the resolution language and limiting the legal review to the issues raised.
6 and the main motion, as amended, passed, 10-1.

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

9
10 **9.C. BID AWARDS**

11 9.C.1. Assembly Memorandum No. AM 516-2009, recommendation of award to WEG Electric Motors Corporation for furnishing a **16.8/22/28 MVA power transformer** to the Municipality of Anchorage, Municipal Light & Power Utility (ML&P) (ITB 29-B044) (\$601,524), Purchasing.

12 **9.D. NEW BUSINESS**

13 9.D.1. Assembly Memorandum No. AM 517-2009, **Police and Fire Retirement Board** appointments (Lucinda Mahoney, Larry Baker), Mayor's Office.

14 9.D.2. Assembly Memorandum No. AM 518-2009, Amendment No. 14 to contract with QAP, Inc., **Fireweed Lane/LaTouche Street Upgrade, New Seward Highway to Northern Lights Blvd.**, Project No. 04-18 (\$172,000), Project Management & Engineering.

15 9.D.3. Assembly Memorandum No. AM 531-2009, recommendation authorizing a **long-term property lease for the storage of power poles and other large inventory items**, Lots 1 and 2 of Block 27A, East Addition Subdivision, (3rd Avenue and Karluk Street) from Alleva Investments, LLC., for the Municipal Light & Power Utility (ML&P) (NTE \$600,000). (**Addendum**)

16 Mr. Flynn moved, to approve AM 531-2009.
17 Mr. Coffey seconded,

18
19 To Mr. Flynn, Municipal Light and Power (ML&P) Manager Jim Posey answered questions about the long-term property lease. Municipal Manager George Vakalis, Mr. Claman and Dr. Selkregg addressed the site and a lease-purchase agreement.

20 and the motion passed without objection, 11-0.

21 9.D.4. Assembly Memorandum No. AM 532-2009, **Police and Fire Retirement Board** appointment (Daniel Moore), Mayor's Office. (**Addendum**)

22 **9.E. INFORMATION AND REPORTS**

23 9.E.1. Information Memorandum No. AIM 88-2009, Internal Audit Report 2009-11 - **Accounts Payable Section, Anchorage Water and Wastewater Utility**.

24 9.E.2. Information Memorandum No. AIM 95-2009, **Executive Appointments** (Darrel Hess, Special Admin Asst II-DHHS; David Ryan, Controller-Finance), Employee Relations Department.

25 9.E.3. Information Memorandum No. AIM 96-2009, **August 2009 Financial Reports**, Office of Management and Budget.

26 Dr. Selkregg moved, to accept AIM 96-2009.
27 Ms. Johnston seconded,

28
29 Dr. Selkregg and Office of Management and Budget Director Cheryl Frasca addressed determining the status of all departments, projections from the Treasury Department, monthly financial reports and protecting financial investments.

30 Mr. Starr, Ms. Frasca, Mr. Claman and Dr. Selkregg addressed the overtime report, each department finding funds within their budget to manage overtime, reporting by the end of January, executive summaries, monthly summaries, future expenses, layoffs, labor contracts and discussing details at the worksession.

31 and the motion passed without objection 11-0.

32 9.E.4. Information Memorandum No. AIM 97-2009, **Monthly Investment Report to the Assembly – August 2009**, Finance.

33 Dr. Selkregg moved, to accept AIM 97-2009.
34 Mr. Coffey seconded,

35 Dr. Selkregg and Chief Fiscal Officer Lucinda Mahoney addressed the investment scenario and market performance.

36 and the motion passed, 11-0.
37

- 1 9.E.5. Information Memorandum No. AIM 98-2009, Release of public records – Risk Factors and
- 2 Financial Markets FY 2008 Budget, as internally reported to Mayor by CFO, Assemblymember
- 3 Starr. (Addendum)
- 4 a. Floor Amendment # 1 to AIM 98-2009 – Release of public records. Assemblymember Starr.
- 5 (Laid on the Table)

7 Mr. Starr moved, to accept AIM 98-2009.
8 Mr. Coffey seconded,

9 Mr. Starr addressed the release of public records, getting all the information including spread sheets, issues having
10 significant impacts on the future of the city and communications between members of the former Administration.

11 Mr. Starr moved, to approve Amendment #1, amending AIM 98-2009 on Page
12 Mr. Coffey seconded, 1, Line 35, by adding the following text and attachment: Text:
13 A copy of the December 15, 2008 request to Sharon
14 Weddleton, CFO, for financial estimates and verifications, and
15 the December 16, 2008 response are attached.

16 Mr. Starr, Dr. Selkregg, Office of Management and Budget Director Cheryl Frasca and Mr. Claman addressed
17 knowledge of the \$17,000,000 budget deficit prior to addressing the budgets and labor contracts, revenues not being
18 available to cover expenses and not sharing the financial information with Assemblymembers.

19 and the motion passed, 9-2.

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

22 Mr. Coffey addressed the budget process, actions of the Administration and the Assembly, Charter Rules,
23 communications among member of the former administration, a possible \$33,000,000 deficit that was never disclosed
24 to the Assembly prior to the Assembly vote on the labor contracts and dealing with the consequences.

25 and this passed without objection, 11-0.

- 26 9.E.6. Information Memorandum No. AIM 99-2009, Budget Update: Fiscal Year 2009 Revenue Shortfall,
- 27 Office of Management & Budget. (Addendum)

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

- 29 9.F.1. Ordinance No. AO 2009-112, an ordinance amending Anchorage Municipal Code Sections 11.70.020,
30 11.70.030 and 11.70.040 regarding **Prohibited Acts Aboard a Public Transportation Vehicle** and
31 amending Anchorage Municipal Code Section 14.60.030 regarding penalties for violations thereof,
32 Public Transportation Department. *(Public Hearing 10-13-09)*

33 a. Assembly Memorandum No. AM 527-2009.

- 34 9.F.2. Ordinance No. AO 2009-113, an ordinance of the Municipality of Anchorage, Alaska approving
35 submission by the Anchorage Water and Wastewater Utility on behalf of the Anchorage Water Utility
36 (AWU) and the Anchorage Wastewater Utility (ASU) of **proposed rate changes to the Regulatory**
37 **Commission of Alaska**. *(Public Hearing 10-13-09)*

38 a. Assembly Memorandum No. AM 528-2009.

- 39 9.F.3. Ordinance No. AO 2009-114, an ordinance to provisionally adopt new Sections 21.07.060,
40 **Transportation and Connectivity**; 21.07.070, **Neighborhood Protection Standards**; 21.07.080,
41 **Landscaping, Screening, and Fences**; 21.07.090, **Off-Street Parking and Loading**; and 21.07.100,
42 **Exterior Lighting**, amending Anchorage Municipal Code Title 21 subject to concurrent final passage
43 and approval of all provisionally adopted chapters of Title 21 (Planning and Zoning Commission Case
44 No. 2007-153), Assemblymember Coffey. *(Public Hearing 10-13-09)*

45 a. Assembly Memorandum No. AM 530-2009.

- 46 9.F.4. Resolution No. AR 2009-234, a resolution of the Municipality of Anchorage appropriating \$656,929
47 from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice
48 Assistance Grant, and appropriating \$23,790 from the Anchorage Metropolitan Police Service Area
49 Fund (151), Anchorage Police Department 2009 Operating Budget as a contribution to the Federal
50 Categorical Grants Fund (241) Anchorage Police Department, for the purpose of **underwriting**
51 **projects to reduce crime and improve public safety**. *(Public Hearing 10-13-09)*

52 a. Assembly Memorandum No. AM 524-2009.

- 53 9.F.5. Resolution No. AR 2009-235, a resolution of the Municipality of Anchorage appropriating \$1,460,676
54 as a grant from the Alaska Department of Health and Social Services to the State Categorical Grants
55 Fund (231) to fund the **Child Care Assistance Program** in the Department of Health and Human
56 Services. *(Public Hearing 10-13-09)*

57 a. Assembly Memorandum No. AM 525-2009.

- 58 9.F.6. Resolution No. AR 2009-236, a resolution of the Municipality of Anchorage appropriating \$1,013,263
59 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231)
60 for the provision of **Community Health Nursing Services** in the Department of Health and Human
61 Services. *(Public Hearing 10-13-09)*

62 a. Assembly Memorandum No. AM 526-2009.

- 63 9.F.7. Resolution No. AR 2009-237, a resolution of the Municipality of Anchorage appropriating a
64 supplemental grant award of \$242,178 from the State of Alaska, Department of Transportation and
65 Public Facilities to the State Categorical Grants Fund (231) to fund the **Air Quality Public and**
66 **Business Awareness Education Campaign** in the Department of Health and Human Services.

67 a. Assembly Memorandum No. AM 529-2009. *(Public Hearing 10-13-09)*

- 68 9.F.8. Resolution No. AR 2009-239, a resolution of the Municipality of Anchorage appropriating, when
tendered, \$1,438,000 from the Alaska Department of Health and Social Services as a grant to the

1 State Categorical Grants Fund (231), for the provision of **Public Health Preparedness and**
2 **Response for Bioterrorism** in the Department of Health and Human Services. *(Addendum)*

- 3 a. Assembly Memorandum No. AM 519-2009. *(Public Hearing 10-13-09)*
4 9.F.9. Assembly Memorandum No. AM 533-2009, Anchorage Community Development Authority
5 appointment (Lucinda Mahoney), Mayor's Office. *(Public Comment 10-13-09) (Addendum)*
6 9.F.10. Assembly Memorandum No. AM 534-2009, **Platting Board** appointment (Daniel R. Young), Mayor's
7 Office. *(Public Comment 10-13-09) (Addendum)*
8 9.F.11. Ordinance No. AO 2009-115, an ordinance of the Anchorage Municipal Assembly amending
9 Anchorage Municipal Code Chapter 6.40, **Reports and Audits**, Assemblymember Claman and
0 Assembly Chair Ossiander. *(Public Hearing 10-[43] 27-09) (Laid on the Table)*

1 Mr. Claman requested the Public Hearing date be change to October 27th.

2 Mr. Claman moved, *to introduce AO 2009-115, with Public Hearing set for*
3 Ms. Drummond seconded, *October [43] 27, 2009.*
4 Mr. Coffey was the concurring third.

5
6
7
8 **END OF CONSENT AGENDA**
9

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

11 11.A. Ordinance No. AO 2008-135(S), an ordinance amending Anchorage Municipal Code Chapter 3.70
12 regarding **Assembly Approval of Collective Bargaining Agreements, Amendments and**
13 **Administrative Letters** retroactive to December 1, 2008, Assembly Vice-Chair Coffey. *(Public*
14 *Hearing Closed 1-20-09; Action Postponed from 1-20-09, 2-24-09, 3-24-09, 6-9-09, 7-21-09, 8-25-09)*

15 Mr. Coffey had moved, *to approve AO 2008-135(S).*
16 Ms. Johnston had seconded,
17 *(Motion to approve on the floor from January 20, 2009.)*

18 Mr. Coffey moved, *to amend AO 2008-135(S) on Page 3, Line 1, by changing*
19 Mr. Birch seconded, *to read: [City-Manager] Mayor's Designee.*
20 and this passed without objection.

21 Mr. Coffey moved, *to amend AO 2008-135(S) on Page 1, Lines 18-19, by*
22 Dr. Selkregg seconded, *changing to read: Administrative Agreement means a written*
23 and this passed without objection. *document executed by the [City-Manager] Mayor's*
24 **Designee...**

25 Mr. Flynn moved, *to amend AO 2008-135(S) on Page 2, Lines 27-28, by*
26 Ms. Johnston seconded, *deleting to read: A labor agreement must be approved by [a*
27 and this passed without objection. *majority of the members of] the employee organization and*
28 *by the assembly.*

29 Mr. Flynn moved, *to amend AO 2008-135(S) on Page 4, Lines 21-23, by*
30 Mr. Coffey seconded, *deleting: [3. Actions by a municipal employee in*
31 and this passed without objection. *violation of the provisions this section 3.70.130 shall*
32 **subject the municipal employee to the fines and**
33 **penalties AMC 1.45.010.]**

34 Mayor Sullivan, Mr. Coffey, Mr. Gutierrez, Assembly Counsel Julia Tucker, Mr. Claman and Dr. Selkregg addressed
35 side agreements from 2008, fiscal consequences, bringing clarity to the process, language on Page 2, not being easily
36 resolved, contracts possibly being null and void, recouping funds from employees or from the unions, concern that
37 there would be recourse to any employee and deleting Section 2.

38 Mr. Claman moved, *to amend AO 2008-135(S) on Page 4, Lines 14-19, by*
39 Ms. Drummond seconded, *deleting: [2. Payments received as a result of any labor*
40 and this passed without objection. *agreement or administrative agreement which has not*
41 **been ratified by the Assembly shall be recovered by the**
42 **Municipality from the bargaining unit which represents**
43 **the employees who have received a financial benefit,**
44 **direct or indirect, from the non-ratified labor agreement**
45 **of administrative agreement.]**

46 Mr. Starr addressed the ordinance and urged approval.

47 Mr. Coffey moved, *to amend AO 2008-135(S) on Page 4, beginning on Line 5,*
48 Mr. Gutierrez seconded, *by changing to read: E. Remedial actions: In the event*
49 and this passed without objection. *that the provisions of this section are violated by*
50 **administrative action [the following remedial actions**
51 **shall apply] and [1.] in the absence of Assembly**
52 **approval, any labor agreement, ...**

53 Assembly Counsel Julia Tucker addressed the amendment and recommended changed language.

54 Following a short recess, a change of language was proposed by Ms. Tucker.

55 Ms. Drummond moved, *to substitute the Coffey Amendment, amending AO 2008-*
56 Dr. Selkregg seconded, *135(S) on Page 4, beginning on Line 5, by deleting to read:*

1 and this was amended,
2 and approved without objection.

E. Remedial actions: In the event that the provisions of this section are violated by administrative action [the following remedial actions shall apply and 1. In the absence of Assembly approval, ...

3
4
5
6 and the main motion, as amended, was approved, 11-0.

7
8 AYES: Claman, Gray-Jackson, Flynn, Johnston, Ossiander, Drummond, Birch, Gutierrez, Starr, Selkregg and
9 Coffey.
0 NAYS: None.

1
2 Mr. Claman moved, to reconsider AO 2008-135(S).
3 Ms. Gray-Jackson seconded,

4
5 Mr. Claman and Ms. Tucker addressed deleting language previously identified by Mr. Flynn.

6
7 and this motion failed, 5-6.

8
9 AYES: Claman, Gray-Jackson, Drummond, Gutierrez and Selkregg.
0 NAYS: Flynn, Johnston, Ossiander, Birch, Starr and Coffey.

- 1
2 11.B. Ordinance No. AO 2009-16, an ordinance of the Anchorage Municipal Assembly amending Anchorage
3 Municipal Code Title 8, Penal Code, by adding a new section in Chapter 8.75 addressing
4 **unauthorized implementation of labor agreements**, Vice-Chair Coffey and Assemblymember Starr.
5 (*Public Hearing Closed 2-24-09; Action Postponed from 2-24-09, 3-24-09, 6-9-09, 7-21-09, 8-25-09*)
6 a. Ordinance No. AO 2009-16(S), an ordinance of the Anchorage Municipal Assembly amending
7 Anchorage Municipal Code Title 8, Penal Code, by adding a new section in Chapter 8.75
8 addressing unauthorized implementation of labor agreements, Vice-Chair Coffey and
9 Assemblymember Starr. (**Laid on the Table**)

10
11 Chair Ossiander reported Public Hearing was closed.

12
13 Mr. Starr moved, to approve AO 2009-16(S).
14 Mr. Coffey seconded,

15
16 Mr. Starr, Mr. Claman, Mr. Coffey, Ms. Gray-Jackson, Mr. Gutierrez, Dr. Selkregg, Municipal Attorney Dennis Wheeler,
17 Assembly Counsel Julia Tucker and Ms. Johnston addressed improving language, the process, harsh penalties,
alternatives, Code requirements, implementation being problematic, employees being disciplined through a Human
Resource process, difficulty proving intent and convincing a jury beyond a reasonable doubt, subjecting the city to
potential criminal penalties and adding an effective date.

18
19 Ms. Johnston moved, to amend AO 2009-16(S) on Page 1, Line 26 by adding to
20 Mr. Coffey second, read: Section 2. This ordinance shall become effective
21 and this was approved without objection. December 31, 2009 upon its passage and approval by the
22 Assembly.

23
24 Mr. Flynn moved, to postpone indefinitely AO 2009-16(S).
25 Mr. Starr seconded,

26
27 Mr. Claman, Ms. Tucker and Mr. Coffey addressed postponing indefinitely, the Penal Code and intentional actions.

28
29 and this motion failed, 1-10.

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

33
34 Mr. Claman, Mr. Starr, Mr. Coffey and Dr. Selkregg addressed the investigation, the city not being prepared for a court
35 case, reviewing other options, the expense, there being question of the mayor and his administration following the law
36 and unenforceable rules.

37
38 and the main motion, as amended, failed, 5-6.

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

42
43 **12. APPEARANCE REQUESTS**

- 44 12.A. **Debra McGhan**, North America Outdoor Institute, to request a resolution of support to provide
45 Emergency Preparedness training for instructors and students in 4th through 12th grades.

46
47 Debra McGhan asked that her appearance be rescheduled.

48
49 **13. CONTINUED PUBLIC HEARINGS**

- 50 13.A. Ordinance No. AO 2009-74, an ordinance amending provisions of Anchorage Code Chapter 12.35
51 related to deteriorated property and to provide for **waiver of certain municipal fees as an economic**
52 **development incentive**, Assemblymembers Flynn and Birch.
53 1. Floor Amendment #1 to AO 2009-74 Workforce housing 081109.
54 2. Floor Amendment #2 to AO 2009-74 (delete SWS).
55 3. Floor Amendment #3 to AO 2009-74 (temporary Right-Of-Way Permit fees).

(Continued from 7-7-09 and 7-21-09)

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

Mr. Flynn moved, to continue AO 2009-74 Public Hearing to January 12, 2010.
Dr. Selkregg seconded,
and this passed without objection, 11-0.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2009-109, an ordinance amending Anchorage Municipal Code Sections 12.25.020 and 12.25.040 regarding the **tax increase limitation**, pursuant to Proposition 9 amendments to Anchorage Municipal Charter, Section 14.03, and implementing the inclusion of payments in lieu of taxes by any municipal utility, department, agency, public corporation or authority, in the maximum attainable tax revenue amount, phased over a three year period, Office of Management and Budget.
1. Assembly Memorandum No. AM 510-2009.

Chair Ossiander opened Public Hearing.

BOB MEYER testified about changing the calculations of municipal utility service assessments in 2003 and not mentioning a tax cap, Prop (*Proposition*) 9 and being able to get the facts.

ROB TIMMONS, with the Municipal Taxpayers League, testified that Prop 9 was a tremendous effort and had been approved by voters. He urged a YES-vote. He responded to a question from Dr. Selkregg.

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

Mr. Coffey moved, to approve AO 2009-109.
Dr. Selkregg seconded,
and this passed without objection, 11-0.

14.B. Ordinance No. AO 2009-110, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 6.10.085, **Appropriations During Fiscal Year**, to provide for public hearing on budget reductions in excess of \$100,000 in any category, Assemblymembers Gray-Jackson, Gutierrez and Drummond.

Chair Ossiander opened Public Hearing.

JOELLE HALL, from Chugiak, testified in support of the concept and addressing the appropriations.

VINCE BELTRAMI testified in support of the constraints and involving public process on the budget reductions. He urged a YES-vote. He responded to questions from Mr. Birch, Ms. Johnston and Ms. Gray-Jackson.

RICHARD BRAUN opposed the ordinance because it was already in Code.

JERRY HAMILTON testified in support of the ordinance.

J.R. LANGMAN testified the ordinance, as written, would stop a lot of rhetoric.

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

Mr. Gutierrez moved, to approve AO 2009-110.
Ms. Drummond seconded,

Mr. Gutierrez, Mr. Starr and Mr. Claman addressed the matter.

Mr. Claman moved, to postpone AO 2009-110 to October 27th and have the
Mr. Flynn seconded, matter heard by the Budget and Finance Committee.

Mr. Claman and Mr. Coffey addressed postponing.

and the motion passed, 6-5.

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

NAYS: Birch, Gutierrez, Starr, Selkregg and Coffey.

14.C. Resolution No. AR 2009-221, a resolution of the Anchorage Municipal Assembly **revising and appropriating funds for the 2009 General Government Operating Budget**, Assemblymembers Gray-Jackson, Gutierrez and Drummond.

1. Assembly Memorandum No. AM 513-2009.
2. Resolution No. AR 2009-221(S), a resolution of the Anchorage Municipal Assembly revising and appropriating funds for the 2009 General Government Operating Budget, Assemblymembers Gray-Jackson, Gutierrez and Drummond. (*Laid on the Table*)
3. Assembly Memorandum No. AM 535-2009. (*Laid on the Table*)

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

Ms. Johnston moved, to continue AR 2009-221(S) Public Hearing to October 27,
Mr. Coffey seconded, 2009 to be discussed with the first 2010 Budget Hearing.

1 and this passed without objection, 11-0.

- 2
3 14.D. Ordinance No. AO 2009-111, an ordinance repealing and re-enacting Anchorage Municipal Code
4 Chapter 7.25 regarding the **Disposition of Disposable Property**, Anchorage Police Department.
5 1. Assembly Memorandum No. AM 511-2009.

6
7 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

8
9 Dr. Selkregg moved, to approve AO 2009-111.
0 Mr. Flynn seconded,
1 and this passed without objection, 11-0.

- 2
3 14.E. Resolution No. AR 2009-218, a resolution of the Municipality of Anchorage appropriating a State of
4 Alaska Municipal Matching Grant per Senate Bill 75 in the amount of \$4,080,000 to be applied towards
5 the **Girdwood Wastewater Treatment Facility Upgrade Project**, Anchorage Water and Wastewater
6 Utility.
7 1. Assembly Memorandum No. AM 505-2009.

8
9 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

10
11 Dr. Selkregg moved, to approve AR 2009-218.
12 Ms. Johnston seconded,
13 and the motion passed without objection.

- 14
15 14.F. Resolution No. AR 2009-210, a resolution of the Municipality of Anchorage appropriating \$199,000
16 from the Southcentral Foundation to the Anchorage Fire Department, State Categorical Grants Fund
17 (231), to partially fund the **Emergency Alcohol Community Services Program, Community
18 Services Patrol contract**, Anchorage Fire Department.
19 1. Assembly Memorandum No. AM 490-2009.

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

22
23 Dr. Selkregg moved, to approve AR 2009-210.
24 Mr. Gutierrez seconded,
25 and the motion passed without objection.

- 26
27 14.G. Resolution No. AR 2009-213, a resolution of the Municipality of Anchorage appropriating \$169,500
28 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231),
29 for provision of **HIV Prevention Work** in the Department of Health and Human Services.
30 1. Assembly Memorandum No. AM 493-2009.

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

33
34 Dr. Selkregg moved, to approve AR 2009-213.
35 Ms. Johnston seconded,
36 and the motion passed without objection.

- 37
38 14.H. Resolution No. AR 2009-214, a resolution of the Municipality of Anchorage appropriating \$106,280
39 from the State of Alaska Department of Health and Social Services to the State Categorical Grants
40 Fund (231) for the **Aging and Disability Resource Center** in the Department of Health and Human
41 Services.
42 1. Assembly Memorandum No. AM 494-2009.

43
44 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

45
46 Dr. Selkregg moved, to approve AR 2009-214.
47 Mr. Gutierrez seconded,
48 and the motion passed without objection.

- 49
50 14.I. Resolution No. AR 2009-215, a resolution of the Municipality of Anchorage appropriating a federal
51 Health and Human Services grant award through the State of Alaska, Department of Health and Social
52 Services in the amount of \$572,250 to the State Categorical Grants Fund (231), Public Transportation
Department, for **Coordinated Senior Transportation Services** within the Municipality of Anchorage.
1. Assembly Memorandum No. AM 495-2009.

53
54 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.

55
56 Dr. Selkregg moved, to approve AR 2009-215.
57 Ms. Gray-Jackson seconded,
58 and the motion passed without objection.

- 59
60 14.J. Resolution No. AR 2009-219, a resolution of the Anchorage Municipal Assembly appropriating
61 \$2,599,578 from the U.S. Department of Justice, Community Oriented Policing Services and \$122,783
62 from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department
63 2009, 2010, 2011 and 2012 Operating Budgets as contributions to the Federal Categorical Grants
64 Fund (241), Anchorage Police Department, for the purpose of a **COPS Hiring Recovery Program**.
65 1. Assembly Memorandum No. AM 506-2009.

1 Chair Ossiander opened Public Hearing. There was no one to testify and she closed Public Hearing.
2

3 Mr. Gutierrez moved, to approve AR 2009-219.
4 Ms. Gray-Jackson seconded,
5 and the motion passed without objection.
6

7 15. **SPECIAL ORDERS** There were none.
8

9 16. **UNFINISHED AGENDA** There was none.
0

1 17. **AUDIENCE PARTICIPATION** There was none.
2

3 18. **ASSEMBLY COMMENTS** There were none.
4

5 19. **EXECUTIVE SESSIONS** There were none.
6

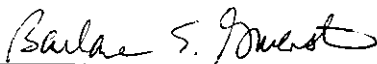
7 20. **ADJOURNMENT**
8

9 Mr. Flynn moved, to adjourn the Regular Meeting of September 29, 2009.
10 and there were no objections.
11

12 Chair Ossiander adjourned the meeting at 9:46 p.m.
13
14
15
16
17

18 
19 _____
20 DEBBIE OSSIANDER, Assembly Chair

21 ATTEST:
22
23
24
25
26
27

28 
29 _____
30 BARBARA GRUENSTEIN, Municipal Clerk
31 Date Minutes Approved: October 27, 2009.
32 MC/BG
33
34

(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.)