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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of July 26, 2005

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1. CALL TO ORDER

17 The Assembly Meeting was convened by Acting Chair Coffey, substituting for Chair Fairclough, at 5:00 p.m. in the
18 Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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

22 PRESENT: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Dan Coffey, Chris Birch, Ken Stout,
23 Paul Bauer, Dick Traini and Pamela Jennings.

24 ABSENT: Anna Fairclough, excused.

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27

3. PLEDGE OF ALLEGIANCE Assemblymember Tesche led the pledge.

28 Chair Coffey called for a moment of silence to remember the Anchorage citizens killed in a tragic accident. The four
29 Boy Scout leaders killed included Ron Bitzer, Michael Shibe, Michael Lacroix and Scott Powell. A fifth scout leader,
30 Larry Call, was hospitalized with injuries. Mayor Begich, on behalf of the city, sent condolences to the families. He
31 and his wife, First Lady Deborah Bonito, had been personal friends of Scott Powell and Mike Shibe and their families.
32 All these men were community leaders and Anchorage would mourn the loss. Chair Coffey, on behalf of the
33 Assembly, expressed condolences to the families.

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4. MINUTES OF PREVIOUS MEETINGS

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4.A. Regular Meeting – May 31, 2005.

38 Mr. Birch moved, to approve the Regular Meeting Minutes of
39 Mr. Stout seconded, May 31, 2005,
40 and this motion was passed unanimously.

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4.B. Regular Meeting – June 14, 2005.

44 Mr. Traini moved, to approve the Regular Meeting Minutes of
45 Mr. Sullivan seconded, June 14, 2005,
46 and this motion was passed unanimously.

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5. MAYOR'S REPORT

50 Mayor Begich recognized two Municipal employees for their service with the United States Armed Services.
51 Anchorage Police Senior Patrol Officer Mitchell Paige was recognized as a Major with the 1102 Garrison Support Unit.
52 Anchorage Police Officer Jane Lowery was recognized as a Major with the Alaska Army National Guard and
53 Commander of the Headquarters Detachment of the Joint Forces Element. Mayor Begich thanked each, for service to
54 the community and to the country.

55
56 Mayor Begich recognized James La Belle, Senior in the audience, as a new appointment to the Housing and
57 Neighborhood Development Commission.

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6. ASSEMBLY CHAIR'S REPORT

61 Chair Coffey announced the towing ordinance, AO 2005-90, had been rescheduled to 8:00 p.m. on August 9th.

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7. COMMITTEE REPORTS

65 Ms. Ossiander stated the Title 21 Committee would have weekly meetings, which were open to the public. This week
66 they would discuss the first two chapters, dealing with the responsibilities of boards and commissions. Meeting
67 schedules and agendas would be posted on the municipal web site and meeting summaries would also be posted for
68 public review. The Girdwood Committee would meet on August 4th, to discuss the Girdwood Chapter.

69
70 Mr. Stout reported the Ethics Advisory Committee had recently held a Joint Meeting with the Anchorage School Board.
71 The matters discussed, including Ethics Laws for Municipal employees, had been under review for the past five years.

72
73 Mr. Sullivan announced the Finance Committee would meet on Thursday at noon in the Assembly Conference Room
74 in City Hall, to begin initial discussion on the city sales tax ordinances.

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8. ADDENDUM TO AGENDA

1 Chair Coffey called for a motion and read the Addendum items. He called for additional items and AO 2005-72(S) was
2 added, to which he assigned Agenda number 11.C.2. With no additional items, he called for a vote to incorporate the
3 Addendum items into the Agenda.

4
5 Mr. Birch moved, to approve the inclusion of the Addendum into the Agenda,
6 Mr. Stout seconded,
7 and this motion was passed unanimously,
8

9 Chair Coffey called for a motion on the Consent Agenda.

10
11 Mr. Tesche moved, to approve the Consent Agenda,
12 Mr. Stout seconded,
13

14 Chair Coffey called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
15 discussion.

16
17 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

18 9.A.1. Resolution No. AR 2005-177, a resolution of the Anchorage Municipal Assembly congratulating **Ben**
19 **Couturier** on becoming the youngest person ever to complete the Race Across America bicycle
20 endurance race; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings,
21 Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.
22

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

24
25 **9.B. RESOLUTIONS FOR ACTION - OTHER**

26 9.B.1. Resolution No. AR 2005-178, a resolution of the Municipality of Anchorage appropriating the sum of
27 \$2,925 from the State of Alaska, Department of Transportation & Public Facilities and \$130 as a
28 contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police
29 Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department,
30 for the **Impaired Driving Enforcement Blitz Program**; Anchorage Police Department.

31 a. Assembly Memorandum No. AM 497-2005.

32 9.B.2. Resolution No. AR 2005-179, a resolution of the Municipality of Anchorage appropriating the sum of
33 \$18,500 from the Alaska Department of Environmental Conservation as a Pass Through Grant from
34 the U.S. Environmental Protection Agency to the State Categorical Grants Fund (231) Department of
35 Health and Human Services for **fine particulate (PM-2.5) monitoring**.

36 a. Assembly Memorandum No. AM 498-2005.

37 9.B.3. Resolution No. AR 2005-180, a resolution of the Municipality of Anchorage appropriating \$40,000 of
38 Unappropriated Prior Year Expense Recovery Revenues (9672) to the Areawide Capital Improvement
39 Fund 401, Maintenance and Operations Department for **bathroom renovation repairs** at the
40 Anchorage Senior Center; Maintenance & Operations Department.

41 a. Assembly Memorandum No. AM 499-2005.

42 9.B.4. Resolution No. AR 2005-181, a resolution of the Municipality of Anchorage appropriating \$25,000 from
43 Section 6/Campbell Airstrip Road Limited Road Service Area Fund Balance (Fund 112) to Section
44 6/Campbell Airstrip Road Limited Road Service Area BY2005 Operating Budget (Fund 112) for year
45 round road maintenance services within **Section 6/Campbell Airstrip Road Limited Road Service**
46 **Area**; Maintenance & Operations Department.

47 a. Assembly Memorandum No. AM 500-2005.

48 9.B.5. Resolution No. AR 2005-189, a resolution of the Anchorage Municipal Assembly recommending
49 imposition of operating conditions on the BVG liquor license DBA **Call of the Wild**, as recommended
50 by the Campbell Park Community Council; Assemblymember Traini. (**Addendum**)
51

52 Mr. Tesche requested this item be pulled and combined with 11.D, a related resolution, which would be taken up at
53 8:00 p.m. (Clerk's Note: For related Assembly discussion and action, see item 11.D, AO 2005-159.)
54

55 9.B.6. Resolution No. AR 2005-191, a resolution of the Municipality of Anchorage appropriating \$61,912 from
56 the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency
57 Management, to the State Categorical Grants Fund (231) to support Anchorage in the preparation and
58 execution of **Alaska Shield/Northern Edge 05 Exercise**; Office of Emergency Management.

59 a. Assembly Memorandum No. AM 514-2005. (**Addendum**)
60

61 **9.C. BID AWARDS**

62 9.C.1. Assembly Memorandum No. AM 488-2005, recommendation of award to Austin Jordan & Associates,
63 Inc. for providing **manhole riser and barrel joint seal material** to the Municipality of Anchorage,
64 Anchorage Water and Wastewater Utility (ITB 25-B061) (\$117,891); Purchasing.

65 9.C.2. Assembly Memorandum No. AM 489-2005, recommendation of award to Alas-Co General
66 Construction Co. for the **People Mover Customer Service Center tenant improvements** for the
67 Maintenance and Operations Department (ITB 25-C039) (\$142,030); Purchasing.

68 9.C.3. Assembly Memorandum No. AM 490-2005, recommendation of award to Sonshine Enterprises, Inc.
69 for the **Ship Creek Boat Ramp slope protection repair** for the Port of Anchorage (ITB 25-C043)
70 (\$129,346.75); Purchasing.

71 9.C.4. Assembly Memorandum No. AM 491-2005, recommendation of award to Palmerco Construction, Inc.
72 for the **Creekside Town Center Road Improvements, Phase 1 - 16th Avenue Intersection** for the
73 Project Management and Engineering Department (ITB 25-C042) (\$1,533,015); Purchasing.
74

75 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.C.4)

76
77 **9.D. NEW BUSINESS**

- 1 9.D.1. Assembly Memorandum No. AM 492-2005, Housing and Neighborhood Development
2 **Commission** appointments (Jim Nordlund, James La Belle, Sr.); Mayor's Office.
3 9.D.2. Assembly Memorandum No. AM 493-2005, approval of contract with United Way of Anchorage for
4 management of Human Services **Community Matching Grant Program** (\$270,000); Health and
5 Human Services.
6 9.D.3. Assembly Memorandum No. AM 494-2005, Change Order #1 to Vendor Contract #25MLP066 to
7 **Alaska Pump and Supply, Inc.**, for the Municipality of Anchorage; Municipal Light & Power Utility
8 (\$30,000); Purchasing.
9 9.D.4. Assembly Memorandum No. AM 495-2005, recommendation of award to DOWL Engineers for
10 providing professional engineering services for **Tudor Road/Lake Otis Parkway Intersection**
11 **Improvements**, (Project F), for the Municipality of Anchorage; Project Management & Engineering
12 (RFP 25-P015) (\$944,000); Purchasing.

13
14 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.D.4)

- 15
16 9.D.5. Assembly Memorandum No. AM 496-2005, recommendation of award to CRW Engineering Group for
17 providing professional engineering services for **Bayshore West Subdivision Area Street**
18 **Reconstruction RID**, (Project D), for the Municipality of Anchorage; Project Management and
19 Engineering (\$599,000), Purchasing.
20 9.D.6. Assembly Memorandum No. AM 515-2005, cooperative purchase agreement for the **Microsoft Select**
21 **Agreement** from ASAP Software Express, Inc. (ASAP) for the Municipality of Anchorage; Information
22 Technology Department (\$1,213,000); Purchasing. (**Addendum**)
23 9.D.7. Assembly Memorandum No. AM 516-2005, contract Amendment No. 8 to Purchase Order 231576
24 with Paratransit Services, Inc. for providing a coordinated transportation system "**AnchorRIDES**" for
25 the Municipality of Anchorage; Public Transportation Department (\$124,856); Purchasing.
26 (**Addendum**)

27
28 **9.E. INFORMATION AND REPORTS**

- 29 9.E.1. Information Memorandum No. AIM 48-2005, Notice of Award to North Star Paving and Construction,
30 Inc. for **PZ411 Water Intertie construction contract** for the Municipality of Anchorage; Anchorage
31 Water & Wastewater Utility (\$1,782,752); Purchasing.
32 9.E.2. Information Memorandum No. AIM 49-2005, Notice of Change Order No. 1 to Contract 241311 with
33 PileCap Inc. for **pile sleeve repair** for the Municipality of Anchorage; Port of Anchorage (\$157,000);
34 Purchasing.
35 9.E.3. Information Memorandum No. AIM 50-2005, Notice of pending contract amendment, Alaska
36 Construction & Paving, Inc. **Hartzell Road Extension, E. 79th Avenue to Lore Road**, Project No. 03-
37 14; Project Management & Engineering.
38 9.E.4. Information Memorandum No. AIM 51-2005, **contracts awarded between \$50,000 and \$100,000**
39 **through formal competitive processes** for the month of June 2005; Purchasing.
40 9.E.5. Information Memorandum No. AIM 52-2005, **Sole Source Procurement Report** for the month of June
41 2005; Purchasing.

42
43 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.E.5)

44
45 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 46 9.F.1. Ordinance No. AO 2005-94, an ordinance of the Anchorage Municipal Assembly amending Anchorage
47 Municipal Code Section 3.88.030 to designate the Municipal Treasurer as the Program Administrator
48 of the **Prefunding Investment Board**; Employee Relations. (*Public Hearing 8-9-05*)
49 a. Assembly Memorandum No. AM 509-2005.

50
51 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.F.1)

- 52
53 9.F.2. Ordinance No. AO 2005-95, an ordinance amending Anchorage Municipal Code Chapter 23.45 to add
54 a new section repealing Section D107.1 of Appendix D, regarding **fire apparatus access roads** in
55 one- and two- family residential developments, from the local amendments to the International Fire
56 Code, 2000 Edition; Real Estate Services. (*Public Hearing 8-9-05*)
57 a. Assembly Memorandum No. AM 510-2005.

58
59 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.F.2)

- 60
61 9.F.3. Ordinance No. AO 2005-96, an ordinance amending Anchorage Municipal Code Section 21.50.320 to
62 permit and provide standards for **automobile display lots** in conjunction with large retail
63 establishments (Planning and Zoning Commission Case 2005-036); Planning Department. (*Public*
64 *Hearing 8-23-05*)
65 a. Assembly Memorandum No. AM 511-2005.
66 9.F.4. Ordinance No. AO 2005-97, an ordinance amending Anchorage Municipal Code Section 21.50.160 to
67 amend a subsection and add a new subsection exempting **catering and special events permits**
68 involving the retail sale and dispensing of alcoholic beverages from the conditional use process
69 (Planning and Zoning Commission Case 2005-053); Planning Department. (*Public Hearing 8-23-05*)
70 a. Assembly Memorandum No. AM 512-2005.

71
72 Mr. Traini requested this item be pulled for Review on the Regular Agenda. (See item 10.F.4)

- 73
74 9.F.5. Resolution No. AR 2005-162, a resolution of the Municipality of Anchorage providing for a **revision of**
75 **the Anchorage School District Financial Plan for FY 2005-2006**; Anchorage School District.
76 a. Assembly Memorandum No. AM 450-2005. (*Public Hearing 8-9-05*)
77 9.F.6. Resolution No. AR 2005-182, a resolution of the Municipality of Anchorage appropriating an amount
78 not to exceed \$160,000, as a contribution from the Chugiak Fire Service Area Fund (104) Balance, to

1 the Chugiak Fire Service Area Capital Improvement Fund (404) to provide for the purchase of a new
2 **emergency response fire apparatus** for use by the Chugiak Volunteer Fire Department; Anchorage
3 Fire Department. (*Public Hearing 8-9-05*)

4 a. Assembly Memorandum No. AM 501-2005.

5 9.F.7. Resolution No. AR 2005-183, a resolution adopting the Amended 2005 Action Plan and awarding a
6 grant of \$500,000 to the Anchorage Community Land Trust for the **Mountain View Arts and Cultural**
7 **Building**; Community Development Division. (*Public Hearing 8-9-05*)

8 a. Assembly Memorandum No. AM 502-2005.

9 9.F.8. Resolution No. AR 2005-184, a resolution of the Municipality of Anchorage appropriating \$835,000
10 from the Building Safety Fund 181 Fund Balance to the Development Services Department Building
11 Safety Fund 181 for implementation of the **Code Enforcement Tracking System Project**. (*Public*
12 *Hearing 8-9-05*)

13 a. Assembly Memorandum No. AM 503-2005.

14 9.F.9. Resolution No. AR 2005-185, a resolution accepting a grant from the State of Alaska, Division of
15 Homeland Security and Emergency Management in the amount of \$126,079 to the Port of Anchorage
16 for **surveillance and access control equipment**; Port of Anchorage. (*Public Hearing 8-9-05*)

17 a. Assembly Memorandum No. AM 504-2005.

18 9.F.10. Resolution No. AR 2005-186, a resolution of the Municipality of Anchorage authorizing the acceptance of
19 a Federal Highway Administration Congestion Mitigation and Air Quality (CMAQ) grant and appropriating
20 \$262,666 from the Federal Highway Administration through State of Alaska, Department of Transportation
21 and Public Facilities, to the Public Capital Improvement Fund (485) for the purchase of **vanpool vehicles**;
22 Public Transportation Department. (*Public Hearing 8-9-05*)

23 a. Assembly Memorandum No. AM 505-2005.

24 9.F.11. Resolution No. AR 2005-187, a resolution of the Municipality of Anchorage authorizing the acceptance
25 of a Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality (CMAQ) grant and
26 appropriating \$166,355 from the Federal Highway Administration through State of Alaska, Department
27 of Transportation and Public Facilities, to the Public Transportation Capital Improvement Fund (485)
28 for the purchase of **intelligent transit systems and automated operating systems**; Public
29 Transportation Department. (*Public Hearing 8-9-05*)

30 a. Assembly Memorandum No. AM 506-2005.

31 9.F.12. Resolution No. AR 2005-188, a resolution of the Municipality of Anchorage accepting and appropriating
32 **2005 State of Alaska Legislative Grants** per Senate Bill 46 (\$45,450,500); Office of Management &
33 Budget. (*Public Hearing 8-9-05*)

34 a. Assembly Memorandum No. AM 507-2005.

35
36 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.F.12*)

37
38 9.F.13. Resolution No. AR 2005-156, a resolution confirming the assessment roll and levying special
39 assessments for services on property specially benefited in the **Downtown Business Improvement**
40 **District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for
41 assessment billing, payment due dates, application of payments, delinquency, penalties, interest and
42 costs for delinquency and enforcement and appropriating the sum of \$625,120 in assessment
43 revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners
44 in Special Assessment District 1SD97; Office of Management & Budget. (*Public Hearing 8-9-05*)

45 a. Assembly Memorandum No. AM 508-2005.

46 9.F.14. Ordinance No. AO 2005-98, an ordinance of the Anchorage Municipal Assembly amending Anchorage
47 Municipal Code by adding a new Chapter 8.90 regarding the **Sale of Methamphetamine Precursor**
48 **Drugs** within the Municipality of Anchorage; Mayor Begich; Assemblymembers Tesche, Traini and
49 Shamberg. (*Public Hearing 8-9-05*)

50
51 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (*See item 10.F.14*)

52
53 Chair Coffey called the Question on the motion to approve the amended Consent Agenda and it was passed.

54
55 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

56 NAYES: None.

57 ABSENT: Fairclough, excused.

58
59 Chair Coffey proceeded into discussion of the pulled items.

60 61 END OF CONSENT AGENDA

62 63 64 10. REGULAR AGENDA

65 10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

66 10.A.1. Resolution No. AR 2005-177, a resolution of the Anchorage Municipal Assembly congratulating **Ben**
67 **Couturier** on becoming the youngest person ever to complete the Race Across America bicycle
68 endurance race; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings,
69 Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

70
71 Ms. Ossiander moved, to approve AR 2005-177,
72 Ms. Jennings seconded,
73 and this was approved without objection.

74
75 Ms. Ossiander presented and Mr. Sullivan read the resolution, honoring Ben Couturier for his extraordinary effort and
76 accomplishment and for being the youngest member to complete the Race Across America. World-class riders from
77 across the globe competed in this bicycle endurance race, the longest race in the world, covering over 3000 miles. Mr.
78 Couturier, at the age of 18, completed the race in eleven days, three hours and ten minutes, finishing in seventh place.

1
2 Mr. Couturier told the story of his cycling adventure, while showing photographs of the race.

3
4 Ms. Ossiander stated that Mr. Couturier, a Chugiak citizen and highly recognized in the community, held a place of
5 honor in the recent Bear Paw Festival parade.

6
7 Mr. Tesche, Ms. Jennings, Mr. Bauer and Chair Coffey congratulated him on his achievement.

8
9 **10.C. BID AWARDS**

10 10.C.4. Assembly Memorandum No. AM 491-2005, recommendation of award to Palmerco Construction, Inc.
11 for the **Creekside Town Center Road Improvements, Phase 1 - 16th Avenue Intersection** for the
12 Project Management and Engineering Department (ITB 25-C042) (\$1,533,015); Purchasing.
13 **(Postponed to 8-09-05)**

14
15 Ms. Ossiander moved, to approve AM 491-2005,
16 Mr. Stout seconded,

17
18 Ms. Ossiander stated the Assembly had requested but had not seen a plan for the \$500,000 analysis.

19
20 Ms. Ossiander moved, to postpone AM 491-2005, to August [23] "9", 2005, until the
21 Mr. Traini seconded, Assembly had received the financial analysis report,
22 and this was amended and passed.

23
24 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

25 NAYES: None.

26 ABSENT: Fairclough, excused.

27
28 Ms. Ossiander stated that Assemblymembers had not received a financial analysis report of this development.
29 Heritage Land Bank Executive Director Robin Ward acknowledged her request and stated that she would supply the
30 Assembly with those details. Mayor Begich stated state funding was specifically for this project and did not involve
31 municipal money. He requested a date be set to hear this issue.

32
33 Mr. Tesche moved to amend the Ossiander motion, by changing the postponement date to August 9th, which was
34 seconded by Mr. Stout and accepted as a friendly amendment by Ms. Ossiander. Mayor Begich responded they
35 would provide the information they had.

36
37 Chair Coffey requested a worksession be scheduled for August 5th at 3:00 p.m.

38
39 **10.D. NEW BUSINESS**

40 10.D.4. Assembly Memorandum No. AM 495-2005, recommendation of award to DOWL Engineers for
41 providing professional engineering services for **Tudor Road/Lake Otis Parkway Intersection**
42 **Improvements**, (Project F), for the Municipality of Anchorage; Project Management & Engineering
43 (RFP 25-P015) (\$944,000); Purchasing.

44
45 Mr. Sullivan moved, to approve AM 495-2005,
46 Mr. Bauer seconded,

47
48 Mr. Sullivan moved, to postpone AM 495-2005 until August [23] 9th, 2005, with a
49 Ms. Jennings seconded, worksession scheduled at 11:30 on August 8th,
50 and it was amended and approved.

51
52 Mr. Sullivan requested postponement because many questions remained on this project, and he recommended a
53 worksession to discuss an overall view, including funding projections and a summary of work completed.

54
55 To Mr. Tesche, Mayor Begich responded the delay was too long. It was important that the project move ahead now.
56 Municipal Engineer Howard Holtan concurred, and responded that postponing to the end of August would put the
57 project at risk, having fieldwork that needed to be completed in the summer. He recommended consideration of
58 moving up the date. To Mr. Tesche, Mayor Begich responded that August 9th would be better. Mr. Tesche so moved,
59 second by Mr. Traini. This was accepted as a friendly amendment by Mr. Sullivan.

60
61 Ms. Jennings opposed any postponement because the roads and intersections needed to be addressed now.

62
63 Mr. Sullivan requested a worksession for Monday, August 8th. Mayor Begich responded the Administration would
64 supply the requested information in a packet, prior to the worksession. Mr. Traini recommended the worksession be
65 held in the Assembly Conference Room at 11:30 and this was accepted as a friendly amendment by Mr. Sullivan.
66 Chair Coffey requested information on the Dowling and Abbott Road projects and the East Transportation Study. The
67 Mayor concurred.

68
69 Question was called on the main motion, as amended, and it was passed with one objection from Ms. Jennings and an
70 excused absence for Ms. Fairclough.

71
72 **10.E. INFORMATION AND REPORTS**

73 10.E.5. Information Memorandum No. AIM 52-2005, **Sole Source Procurement Report** for the month of June
74 2005; Purchasing.

75
76 Mr. Birch moved, to accept AIM 52-2005,
77 Ms. Jennings seconded,

78

1 Mr. Birch requested explanations of items mentioned in the memorandum, including the University of Alaska Institute
2 of Social and Economic Research monographs and a description of the utility easement cost analysis.

3
4 and the motion was approved,
5 with an excused absence for Ms. Fairclough.

6
7 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

8 10.F.1. Ordinance No. AO 2005-94, an ordinance of the Anchorage Municipal Assembly amending Anchorage
9 Municipal Code Section 3.88.030 to designate the Municipal Treasurer as the Program Administrator
10 of the **Prefunding Investment Board**; Employee Relations. (*Public Hearing 8-9-05*)
11 a. Assembly Memorandum No. AM 509-2005.

12
13 Mr. Sullivan moved, to introduce AO 2005-94 with Public Hearing set for
14 Mr. Stout seconded, August 9, 2005,
15 and Ms. Jennings was the concurring third.

16
17 To Mr. Stout, Municipal Fiscal Officer Jeff Sinz responded this ordinance changed the designated administrator for the
18 Prefunding Investment Board. Currently there was a municipal program administrator who provided program
19 information to the Medical Trust Program and also provided information to the Prefunding Board. As the work load
20 increased, the assignment of the Prefunding Administrator was proposed to be under the Municipal Treasurer. The
21 investment program duties were more closely aligned with that department and there would not be any additional
22 municipal costs. It was an appropriate proposal.

23
24 Mayor Begich recommended a worksession to fully understand the functions of municipal departments.

25
26 Question was called on the main motion, which was unanimously approved, with an excused absence for Ms.
27 Fairclough.

28
29 10.F.2. Ordinance No. AO 2005-95, an ordinance amending Anchorage Municipal Code Chapter 23.45 to add
30 a new section repealing Section D107.1 of Appendix D, regarding **fire apparatus access roads** in
31 one- and two- family residential developments, from the local amendments to the International Fire
32 Code, 2000 Edition; Real Estate Services. (*Public Hearing 8-9-05*)
33 a. Assembly Memorandum No. AM 510-2005.

34
35 Ms. Ossiander moved, to introduce AO 2005-95 with Public Hearing set for.
36 Mr. Stout seconded, August 9, 2005,
37 and Ms. Jennings was the concurring third.

38
39 Ms. Ossiander requested clarification, because it was of high interest to constituents in her district. Municipal Manager
40 Denis LeBlanc responded that, since the 2000 Municipal Fire Codes and Appendix were adopted, there were updates
41 needed to accommodate changes. A task force was being formed to craft language for additional access, as
42 development was in progress.

43
44 Ms. Ossiander moved, to *postpone indefinitely* AO 2005-95,
45 Mr. Birch seconded,

46
47 Mr. Birch stated this subject was of high interest for his district. He supported postponement.

48
49 Question was called on motion to postpone.

50
51 and it was unanimously approved,
52 with an excused absence for Ms. Fairclough.

53
54 10.F.4. Ordinance No. AO 2005-97, an ordinance amending Anchorage Municipal Code Section 21.50.160 to
55 amend a subsection and add a new subsection exempting **catering and special events permits**
56 involving the retail sale and dispensing of alcoholic beverages from the conditional use process
57 (Planning and Zoning Commission Case 2005-053); Planning Department. (*Public Hearing [8-23-05]*
58 9-13-05)
59 a. Assembly Memorandum No. AM 512-2005.

60
61 Mr. Traini moved, to introduce AO 2005-97 with Public Hearing on [~~August 23~~]
62 Mr. Tesche seconded, "September 13," 2005 and a worksession scheduled for
63 and Ms. Jennings was the concurring third, September 9th,

64
65 Mr. Traini stated that some bars had operated for almost a year on a catering permit and they had not intended to
66 allow that activity without a conditional use permit, when alcoholic beverages were continually served.

67
68 Mr. Coffey requested a worksession be scheduled on September 9th, from 12:00 to 1:00. There were no objections.

69
70 Mr. Tesche requested that Municipal Clerk Barbara Gruenstein notify the Downtown Community Council of the
71 worksession and Public Hearing dates. Mr. Traini responded that all community councils needed to be notified. Ms.
72 Gruenstein concurred.

73
74 Mr. Bauer requested the Public Safety Committee be involved with the process.

75
76 The motion, as amended, was approved without objection,
77 with an excused absence for Ms. Fairclough.

1 10.F.12. Resolution No. AR 2005-188, a resolution of the Municipality of Anchorage accepting and appropriating
2 **2005 State of Alaska Legislative Grants** per Senate Bill 46 (\$45,450,500); Office of Management &
3 Budget. (*Public Hearing 8-9-05*)

4 a. Assembly Memorandum No. AM 507-2005.

5
6 Ms. Ossiander moved, to introduce AR 2005-188 with Public Hearing set for
7 Mr. Sullivan seconded, August 9, 2005,
8 and Ms. Jennings was the concurring third.
9

10 Ms. Ossiander supported increased lighting on the Glenn Highway. The state had offered to install lighting, with
11 provisions that the city accept all future maintenance. She requested thorough clarification, to examine the conditions.
12 Municipal Attorney Fred Boness responded the grant agreement had conditions which would not be accepted by
13 simply approving this document. Ms. Ossiander requested to be kept informed with the issues. Mayor Begich
14 responded the Municipality would not accept responsibility of maintenance on these projects and any proposed
15 agreement would be reviewed and approved by the Assembly.
16

17 To Mr. Traini, Mayor Begich requested that conditions be listed for each state grant. Mr. Traini requested that all listed
18 conditions include a description of who imposed the conditions.
19

20 To Chair Coffey, Mr. Boness responded the State Legislative Affairs Agency issued a legal opinion that the Governor
21 did not have authority to impose grant conditions above and beyond those imposed by the legislature. Mr. Traini
22 responded it was important to know if the Legislature or the Governor imposed the conditions of each grant, to
23 determine validity of the conditions.
24

25 Question was called and the motion was approved without objection.
26

27 10.F.14. Ordinance No. AO 2005-98, an ordinance of the Anchorage Municipal Assembly amending Anchorage
28 Municipal Code by adding a new Chapter 8.90 regarding the **Sale of Methamphetamine Precursor**
29 **Drugs** within the Municipality of Anchorage; Mayor Begich; Assemblymembers Tesche, Traini,
30 Shamberg and Jennings. (*Public Hearing 8-9-05*)

31
32 Ms. Jennings moved, to introduce AO 2005-98 with Public Hearing set for
33 Mr. Tesche seconded, August 9, 2005,
34 and Mr. Stout was the concurring third.
35

36 Ms. Jennings requested to be added as a cosponsor.
37

38 To Chair Coffey, Mayor Begich responded that state legislation had been pending for two years, which if approved,
39 would supercede local actions. He responded there were local merchants who supported the effort.
40

41 Mr. Tesche, Mr. Traini and Mayor Begich supported this document and stated it would make a positive difference.
42

43 Question was called on the motion, as amended, was unanimously approved.
44

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

46 11.A. Resolution No. AR 2005-160, a resolution of the Anchorage Assembly to consider the existing
47 **Creekside Town Center Master Plan Framework**, which has been approved by the Planning and
48 Zoning Commission, as part of its policy and to provide for review of all subsequent development
49 plans and pending matters for the conformance with the Creek Town Center Master Plan Framework
50 and the Anchorage 2020 Comprehensive Plan until the final Town Center Master Plan is adopted;
51 Assemblymembers Bauer and Stout. (*Postponed from 7-12-05; Postponed to 7-23-05*)
52

53 Mr. Stout moved, to postpone AR 2005-160 to August 23, 2005,
54 Mr. Bauer seconded,
55

56 Mr. Stout stated more time was needed to work on some additional information they had received.
57

58 To Mr. Tesche, Deputy Municipal Manager Michael Abbott responded this delay would not effect potential
59 development.
60

61 Mr. Sullivan requested including only relevant properties when addressing the Town Center Master Plan.
62

63 Question was called on the main motion. It was unanimously approved, with an excused absence for Ms. Fairclough.
64

65 11.B. Resolution No. AR 2005-166, a resolution of the Municipality of Anchorage authorizing Municipal Light
66 & Power to enter into an agreement with Chugach Electric Association and Golden Valley Association
67 to create the **Alaska Railbelt Energy Authority**, a Joint Action Agency under the law of the State of
68 Alaska (AS 42.45.300-.320); Municipal Light & Power. (*Postponed from 7-12-05*)
69 1. Assembly Memorandum No. AM 470-2005.
70

71 (*Clerk's Note: An Ossiander motion to approve, seconded by Fairclough, was On the Floor*)
72

73 Mr. Birch moved, to amend AR 2005-166 on Page 2, Line 5, by adding "Section
74 5. If federal legislation granting tax-exempt financing status
75 to the Joint Action Agency (JAA) is not signed into law by the
76 President prior to January 31, 2006, the Mayor or his
77 designee is directed to send a letter of withdrawal from the

JAA on February 1, 2006 pursuant to Section [44] 13(b) of the agreement,"

Mr. Birch stated this addressed the Municipal interest and concern in moving forward while preserving their ability to end the arrangement if necessary, particularly if the tax-exempt financing did not appear.

To Mr. Traini, Municipal Light and Power (ML&P) General Manager James Posey responded the JAA was still critically important, regardless of the status of federal tax-exempt financing. The formation of this agency would be in the best interest of the Municipality. This proposed amendment might exclude the city from future joint projects.

To Mr. Sullivan, Mr. Posey responded 13.b of the agreement indicated that utilities could withdraw.

To Mr. Tesche, Mr. Posey responded that the benefit of this JAA would come from the partnership, sharing costs and management of large projects and working together to manage the state assets. Presidential approval of the federal legislation would add the benefit of tax-exempt financing.

Mr. Birch stated when this was presented to the Assembly there had been an urgency to approve it before August 1st because of the availability of tax-exempt financing. Now immediacy was not that important and it might not have an impact on the Municipality. He had not received a requested response to his four questions, which he had presented in writing to the Municipal Attorney concerning the cost of withdrawing from the agreement. The answers to those questions were important to enlighten the Assembly and he would only support the JAA with this amendment.

Mr. Traini opposed the amendment. It was important to support ML&P.

Mr. Birch stated it was important for the Municipality to retain the right to remove itself from the JAA without cost or consequence. Municipal Attorney Fred Boness responded a contract provision allowed for unilateral withdrawal upon notice. There was also a provision that would allow the Municipality to decline to participate in any project without further financial obligations. Mr. Boness responded this agreement would not be bound by ML&P labor contracts.

Mr. Sullivan understood the requirement of a written, six-month notice, prior to withdrawal. He thought this may be general use language.

Mr. Sullivan moved,	to amend the Birch Amendment, <i>by adding</i> to read: is not
Ms. Ossiander seconded,	signed into law by the President prior to January 31, 2006,
and this was later withdrawn.	the Mayor or his designee [is directed] " may " send a letter to
	" the JAA " of withdrawal from the JAA by February 1, 2006,
	pursuant to Section [44] " 13 "(b) of the agreement,"

Mr. Sullivan stated this would allow a possible, but not mandatory, withdrawal.

Mr. Tesche did not think the amendment was necessary. Mr. Boness concurred. Mr. Tesche was concerned about the message this may send to participants. He urged a NO-vote.

Ms. Ossiander stated there were significant concerns that remained, depending on the direction of development and it was important to keep a close eye on this agreement as things progressed.

Mr. Sullivan concurred with Mr. Tesche that the agency agreement did allow for withdrawal and he withdrew his amendment. The seconded concurred.

Chair Coffey called the Question on the Birch Amendment.

And the motion failed 6-4.

AYES: Coffey, Birch, Stout and Bauer.
NAYES: Tesche, Shamberg, Ossiander, Sullivan, Traini and Jennings.
ABSENT: Fairclough, excused.

Chair Coffey called the Question on the main motion.

And the main motion passed 9-1.

AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Bauer, Traini and Jennings.
NAYES: Stout.
ABSENT: Fairclough, excused.

Mr. Tesche moved for reconsideration and urged a NO-vote.

Mr. Tesche moved,	for <i>immediate reconsideration</i> of AR 2005-166,
Mr. Traini seconded,	
and this motion failed 7-3.	

AYES: Ossiander, Sullivan and Stout.
NAYES: Tesche, Shamberg, Coffey, Birch, Bauer, Traini and Jennings.
ABSENT: Fairclough, excused.

11.C. Ordinance No. AO 2005-72, an ordinance authorizing exchange of a portion of **Heritage Land Bank Parcel 6-036** for a portion of Tract A-2D; Alpine View Estates Subdivision.
1. Assembly Memorandum No. AM 368-2005. (*Postponed from 6-14-05*)

1 Mr. Stout, Chair of the Ethics Committee, stated it would be in the best interest of the group if Mr. Coffey would
2 consider removing himself from participation, before Assembly action. He stated there would likely be some
3 perception that there was a conflict of interest, whether there was or not.

4
5 Mr. Tesche moved, to approve, based on the information presented that evening,
6 Mr. Stout seconded, that Assemblymember Coffey does have a conflict of interest
7 and should be excused from all participation in this matter,
8

9 Mr. Tesche appreciated Mr. Coffey's candor in discussing this matter, with his comments and responses regarding any
10 possible future business actions with the bar owners and his participation as a representative of the subject area.
11 Because this type of conflict would not be easily excused by simple disclosure, he supported Mr. Coffey abstaining
12 from participation of this matter.

13
14 Chair Coffey appreciated the discussion and the opportunity to fully air this issue and he would abide by the wish of the
15 body.

16
17 Ms. Jennings stated that Mr. Coffey was always fair and responsible with his dealings as an Assemblymember and he
18 always looked at both sides when reaching a decision. In this particular case, a conflict of interest seemed apparent.

19
20 Mr. Sullivan stated that he, Mr. Coffey and other Assemblymembers had lived their whole lives in Anchorage, and had
21 conducted business, professionally and personally, with many people. They were elected representatives and the
22 voters had made the determination of representation, with an understanding of their standards of ethics when they
23 were elected. He would not support that Mr. Coffey had a conflict of interest for those reasons.

24
25 Chair Coffey called the Question on the motion of Mr. Coffey's conflict of interest.

26
27 And the motion failed 6-4.

28
29 AYES: Tesche, Shamberg, Stout and Jennings.
30 NAYES: Ossiander, Sullivan, Birch, Bauer and Traini.
31 ABSENT: Fairclough, excused.
32 ABSTAIN: Coffey.

33
34 Chair Coffey stated the motion failed and he would participate.

35
36 Mr. Traini moved, to approve AR 2005-189.
37 Mr. Tesche seconded,

38
39 Chair Coffey stated that Public Hearing had been closed and that Chair Fairclough had previously ruled that public
40 testimony would be limited to the owner and one representative of the community.

41
42 AME W. INANOV, 19-year resident of Bancroft Subdivision and representative of the Campbell Park Community
43 Council, supported AR 2005-189, which reflected the resolutions of the council. She stated the concerns between the
44 residents and the bar had been addressed since December, 2004. The problems were supposedly being addressed,
45 with accommodations from the owners, but nothing had happened. The council was requesting help from the
46 Assembly to maintain safety and quiet enjoyment of their neighborhood. There had been no problems with previous
47 establishments, Tony Roma's and Chichi's, but when the Call of the Wild began operations in the fall of 2004, there
48 were serious noise problems and safety issues, in particular the gunshots fired in the neighborhood, including a series
49 of shots fired the preceding Sunday. There were also cars screeching through the subdivision. The liquor license had
50 been renewed in March with various promises for improvements from the owners, which had not been fulfilled. The
51 owners continued to meet with the council, but they had been unsuccessful in finding resolution. They were now
52 requesting conditions be placed on the license that could be monitored and enforced, with consequences. All of their
53 requests were to be completed by the owner by September 1st, without cost to the subdivision.

54
55 To Ms. Shamberg, Ms. Ivanov responded there had been some noise abatement and the security personnel seemed
56 to be controlling the noise in the parking lot, but residents' complaints continued. Gunshots have been fired in the
57 vicinity numerous times. There were signs in the bar, saying, "Too wild bar."

58
59 To Ms. Ossiander, Ms. Ivanov responded that residents understood the Assembly could only make recommendations
60 to the Alcohol Beverage Control (ABC) Board. She urged the Assembly to adopt the council recommendations. The
61 resolution needed to be corrected by saying that the corporation be responsible and not the president.

62
63 To Mr. Traini, Ms. Ivanov responded the Call of the Wild owner had stated that he would not agree to any changes in
64 the council resolution if it was submitted to the Assembly. She stated they were being threatened and the owners of
65 the Call of the Wild had left a council meeting, refusing to work with the council on the resolution.

66
67 To Mr. Bauer, Ms. Ivanov explained the council intent with conditions included in AR 2005-189. She explained the
68 road accesses and easements in the subdivision. The council preferred that patrons not exit from the bar into the
69 neighborhood. The club was considered the "local hot spot."

70
71 Mr. Tesche requested that copies of the council meeting minutes and resolution be saved for the record.

72
73 Mr. Tesche moved, to include the Campbell Park Community Council Meeting
74 Mr. Traini seconded, Minutes and Resolution of July 7th with the official records of
75 and this was passed without objection. the Assembly proceeding,
76

77 To Chair Coffey, Municipal Clerk Barbara Gruenstein responded they would be part of the official record. Mr. Birch
78 concurred. (Clerk's Note: See the Community Council Meeting Minutes and Resolution of July 7th, attached.)

1
2 CURT NADING, owner of the Call of the Wild, testified they did not disagree with the neighborhood, but they could not
3 agree with the wording used in the resolution. They were committed to operating the business in a safe and orderly
4 manner from this point on. They intended to develop the site, sell the business and liquor license and move on. But
5 conditions being placed on the license would devalue the property. The council meeting minutes had mistakenly
6 reported they left the meeting suddenly and were not working with the residents. They would continue to work in good
7 faith, making improvements and changes. The shots fired were off-premise and should not be connected to their
8 business. Mr. Nading requested that no conditions be forwarded to the ABC Board, which would potentially affect the
9 property value.

10
11 To Mr. Birch, Mr. Nading responded the conditions attached to a liquor license were for the specific location. If they
12 wished to sell the liquor license with the property, having conditions would decrease its marketability. Mr. Nading
13 stated the property was currently listed for lease or sale. It was their intention to accommodate the requests of the
14 neighborhood, but they did not want conditions attached to the license.

15
16 To Mr. Tesche, Mr. Nading responded they were willing to work with the seven conditions listed in the resolution, but
17 they did not want them attached to the liquor license. They felt the current language needed improving, because it
18 was not enforceable as it was.

19
20 Ms. Shamberg stated that Mr. Nading was building a fence, but had objected to installing a sound barrier. Mr. Nading
21 responded they had worked on all the items specifically, but there was no exact language to follow in the requests. He
22 responded they were directing traffic from the bar onto Tudor, instead of into the subdivision.

23
24 To Mr. Bauer, Mr. Nading responded they had doormen, but they did not frisk or use metal detectors for weapons. He
25 responded that there were only a couple of rowdy customers who had made it bad for everybody. He responded they
26 had the finances to handle all of the requests.

27
28 *(Chair Coffey returned the body to discussion of this item after the Assembly finished Public Hearing on a time certain*
29 *item concerning bicycle helmets.)*

30
31 Mr. Sullivan stated that language improvements were needed in the ordinance. While he agreed there had been
32 rowdiness and noise violations, there needed to be more proof of constant criminal activity before recommending a
33 security monitoring system. Mr. Nading stated it was unfair and he wanted to be treated like any other facility in the
34 city. They were not opposed to maintaining cameras used for recording, but the bar had no violations or citations and
35 had not done anything illegal or broken any laws. There were, from time to time, patrons who made noise with their
36 motorcycles or cars. Mr. Nading stated the language would make it difficult to enforce. Mr. Nading was willing to work
37 together to resolve the concerns.

38
39 To Mr. Tesche, Mr. Nading responded they were not going to have automobile races in their parking lot. They had
40 fewer complaints than other establishments, when police addressed annoyances. There were no police reports saying
41 there had been gunshots on the premise. They thought they were doing a good job. Mr. Tesche asked what other
42 bars in town had neighbors complaining of gunshots, snow machine jumping contests, noise violations and cars
43 screeching on the roads. Mr. Nading responded that his establishment was no different than other places in town.

44
45 To Mr. Traini, Mr. Nading responded the bar name had not been purchased, was registered by the corporation and
46 was not associated with the Call of the Wild in the Valley. He agreed with the council resolution, but thought the
47 language needed to be clarified.

48
49 To Ms. Jennings, Ms. Ivanov supported her proposed language improvements and made additional recommendations.

50
51 To Ms. Ossiander, Deputy Municipal Manager Michael Abbott responded the Traffic Department needed more
52 information, but their initial recommendation was that there would not be a problem restricting access into the adjoining
53 neighborhood. Mr. Sullivan responded that consideration was needed for residents in the subdivision, who would also
54 have restricted access.

55
56 To Mr. Traini, Municipal Attorney Fred Boness responded the council's recommendations would not be found arbitrary
57 and capricious by the ABC Board and he urged Assembly support. Mr. Traini stated that the neighborhood had
58 suffered from the decisions made by the establishment, which catered to a specific clientele. Sales of homes were
59 being affected because of the bar. Residents were frightened of being shot. There were snow machine races. The
60 owner was irresponsible. Even though the owners came to the community council meetings, telling members not to
61 worry about it and promising they would work with them, nothing had changed. This issue needed to be addressed
62 and the neighbors needed to be protected.

63
64 Mr. Tesche stated the disturbances had gone beyond the community council's control and the Assembly needed to
65 help resolve the disturbances of a very irresponsible bar threatening an established, prominent neighborhood. They
66 needed to offer protection to the neighborhood, residents and family values. He urged Assembly approval of the
67 conditions listed in the ordinance.

68
69 Chair Coffey stated that there would not be enough time to return to the bicycle helmet ordinance that evening. He
70 announced that issue would be Carried Over. There were no objections. Mr. Traini moved, seconded by Mr. Birch, to
71 extend the meeting to complete the Call of the Wild issue and this was approved without objection.

72
73 Mr. Sullivan moved, to substitute AR 2005-159(S) for [~~AR 2005-189~~],
74 Mr. Bauer seconded,

75
76 Mr. Sullivan stated it was their responsibility to make recommendations that met the standards of the ABC Board. He
77 did not think the new resolution would meet those standards. AR 2005-159(S) offered better language to present to
78 the ABC Board.

1
2 To Mr. Bauer, Mr. Abbott responded that access could be addressed by the Traffic Department. Mr. Coffey responded
3 the private parking lot was blocked with barricades, but not the public right of way.
4

5 Ms. Jennings preferred how AR 2005-189 addressed noise and security and she urged a NO-vote for substitution.
6

7 Mr. Traini stated the community council did not support AR 2005-159(S). He would not support substitution.
8

9 Mr. Tesche stated the Municipal Attorney had reviewed AR 2005-189 and thought it would be accepted by the ABC
10 Board. Mr. Coffey had contributed to the conditions, which were more specific and defensible. The neighborhood did
11 not support AR 200-159(S) and he would not support substitution. To his question, Mr. Boness responded that
12 discharging firearms in the city was illegal.
13

14 Ms. Shamberg stated she would be supporting AR 2005-189.
15

16 Mr. Bauer stated he had information that there had been criminal activity in the bar's parking lot. Security cameras
17 were needed to help identify this activity. He would not support substitution.
18

19 Mr. Coffey stated AR 2005-159(S) covered all the issues more accurately and would be approved by the ABC Board.
20 He called the Question.
21

22 And the motion to approve AR 2005-159(S) failed 8-2.
23

24 AYES: Sullivan and Coffey.

25 NAYES: Tesche, Shamberg, Ossiander, Birch, Stout, Bauer, Traini and Jennings.

26 ABSENT: Fairclough, excused.
27

28 Mr. Traini moved, to amend AR 2005-189 on Page 2, Line 2, *by changing in*
29 Mr. Tesche seconded, Section 1. [~~in the neighborhood~~] "at the property line,"
30 and this was approved without objection.
31

32 Mr. Traini moved, to amend AR 2005-189 on Page 2, Line 4, *by changing in*
33 Ms. Ossiander seconded, Section 2. [~~Mr. Nading~~] "B.V.G, Inc.,"
34 and this was approved without objection.
35

36 Mr. Traini moved, to amend AR 2005-189 on Page 2, Line 7, *by changing in*
37 Mr. Tesche seconded, Section 3. [~~littering~~] "loitering,"
38 and this was approved without objection.
39

40 Mr. Traini moved, to amend AR 2005-189 on Page 2, Line 13, *by changing in*
41 Mr. Tesche seconded, Section 5. [~~Block~~] "Deter,"
42 and this was approved without objection.
43

44 Mr. Traini moved, to amend AR 2005-189 on Page 2, Line 5, *by changing in*
45 Mr. Sullivan seconded, Section 2. ...testing on Friday and Saturday nights
46 and this motion was later amended. during a [~~6~~] "3" month period...
47

48 Ms. Jennings moved, to amend the Traini Amendment *by adding* ...testing on "a"
49 Mr. Sullivan seconded, Friday and Saturday night[s], once a month, during a [~~3~~]
50 and this was approved without objection. "6" month period...
51

52 Mr. Traini stated the neighbors felt strongly about requiring security cameras, listed in Section 5.
53

54 Ms. Jennings moved, to amend AR 2005-189 on Page 2, Line 5, at the end of the
55 Mr. Birch seconded, sentence, *by adding* ... erection of the barriers, "and make
56 and this was approved without objection. the results of that testing available to the Campbell Park
57 Community Council once a month,"
58

59 Ms. Jennings moved, to amend AR 2005-189 on Page 2, Line 8, *by deleting in*
60 Mr. Birch seconded, Section 3. ...noise and disturbances [~~in adjacent~~
61 ~~neighborhood~~] until all patrons...*and by including a legislative*
62 *note, to define that* "premises includes the parking lot,"
63

64 Mr. Tesche opposed the Jennings Amendment. This would not hold the bar accountable for the activities of their
65 patrons leaving the premises, when security needed to address them.
66

67 Mr. Sullivan stated that security could not be held responsible for activities off the premises. Security employees could
68 not prevent loitering, noise and disturbances in the adjoining neighborhood. They were limited to preventing
69 disturbances within the property line. He supported the Jennings Amendment.
70

71 Mr. Birch concurred and stated the responsibilities were limited to the property.
72

73 Question was called on the Jennings Amendment.
74

75 And the motion was approved 9-1,
76 with one objection from Mr. Tesche.
77

78 Mr. Bauer moved, to amend AR 2005-189 on Page 2, Line 16, *by adding to*

1 Mr. Traini seconded,

*the end of the sentence, Section 6. ...identify possible
2 criminal activity, "subject to police department monitoring,"*

3
4 Mr. Bauer stated this would coordinate efforts with the police department, to be able to collect evidence and pursue
5 disturbances. There was no duty to act on the evidence, but this was a long-term strategy with the possibility of the
6 security cameras being a deterrent. Mr. Coffey responded that the security cameras were generally shared with police
7 if there were robberies or other crimes.

8
9 Ms. Ossiander opposed the Bauer Amendment.

10
11 Question was called on the Bauer motion.

12
13 And the motion failed 6-4.

14
15 AYES: Tesche, Shamberg, Bauer and Traini.

16 NAYES: Ossiander, Sullivan, Coffey, Birch, Stout and Jennings.

17 ABSENT: Fairclough, excused.

18
19 Mr. Traini moved,
20 Mr. Bauer seconded,
21 and this was approve without objection.

to amend AR 2005-189 on Page 2, Line 15, *by adding* to
Section 6. Permanently mount "outdoor" security camera(s)
[~~and recorders that continuously monitor and record to help~~
22 identify possible criminal activity] as necessary to monitor the
23 parking lot, "with a 30-day continuous recorder system,"
24 which shall be made available to the police department [~~upon~~
25 request],"

26
27 To Ms. Jennings, Mr. Coffey responded that the number of cameras did not need to be included, if the language
28 indicated that the entire parking lot needed to be monitored.

29
30 To Mr. Coffey, Anchorage Police Chief Walter Monegan recommended omitting 'upon request.' Mr. Traini concurred.

31
32 With no further discussion, Chair Coffey called the Question.

33
34 And the main motion, as amended, was passed. .

35
36 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

37 NAYES: None.

38 ABSENT: Fairclough.

39
40 **12. APPEARANCE REQUESTS** None.

41
42 **13. CONTINUED PUBLIC HEARINGS**

43 13.A. Ordinance No. AO 2005-77, an ordinance of the Anchorage Assembly amending Anchorage Municipal
44 Code Chapter 9.38 regarding parental responsibility, applicability of traffic laws, conduct of bicycle
45 riders, repealing bicycle registration requirements, and requiring **bicycle helmets** for minors;
46 Assemblymember Shamberg. (*Continued from 6-28-05 and 7-12-05; Carried Over to [8-9-05] 8-23-*
47 *05*)

48 1. Assembly Memorandum No. AM 373-2005.

49
50 Chair Coffey read this ordinance title and opened Public Hearing.

51
52 JOHN WEDDLETON supported helmet use and made additional recommendations that would also improve safety. To
53 Ms. Shamberg, he responded he was a former member of the Arctic Bicycle Club. To Mr. Sullivan, he responded the
54 safest place for a cyclist making a right turn, was in the right lane, directly behind the car, to be highly visible in their
55 rearview mirror.

56
57 PAM BELL supported the helmet law, minimizing traumatic brain injuries (TBIs), which affected the victims, the
58 persons whose cars they hit and all of their families. Financially, it affected the entire community.

59
60 MATT CLAMAN supported the ordinance. There were no statistics showing gains from education, but there were
61 numerous studies and statistics that showed using helmets reduced TBIs.

62
63 PEGGY COBEY, an avid bicyclist, health care provider and former head injury victim, supported the helmet law. She
64 spoke of fracturing her skull, which impaired her vision.

65
66 ADAM BARTLETT supported the bicycle ordinance. He supported Anchorage's becoming bike-friendly and the
67 ordinance would benefit the growth of the city. To Mr. Stout, Mr. Bartlett responded he was an avid cyclist who rode
68 bicycles year-round, had ridden to McGrath and had participated with the Iditarod Trail Invitational.

69
70 CHRIS ZAFREN, school psychologist, educator and parent, testified in support of the ordinance. TBIs were worth
71 preventing and she spoke of the tremendous costs of educating injured children, requiring intensive, special education.

72
73 MARK FISH opposed the helmet law. He would raise his children valuing freedom in this country.

74
75 MAUREEN McGLONE, whose nephew was a victim of a TBI from not wearing a helmet, supported the code change.
76 She spoke of the traumatic changes in her families' lives, the constant therapy and the tremendous cost to taxpayers.

77

1 TIM WOODY, cyclist, with children who all wore helmets, supported the new helmet law. He made recommendations
2 for additional safety improvements.
3

4 LAURIE HERMAN, Providence Hospital Regional Director for Government Affairs, explained the hospital's
5 commitment to provide helmets to all children who were unable to afford them. Mr. Tesche thanked the hospital, Ms.
6 Herman and Providence Chief Executive Director Al Parish for their generous offer. To Mr. Traini, Ms. Herman
7 responded the helmets would be offered through the Safe Kids Program. To Mr. Sullivan, she responded the free
8 helmets were based on need, but they would give helmets to all children who asked for them. To Mr. Bauer, Ms.
9 Herman responded the helmets would be free for every child, seventeen years old and under.
10

11 SCOT PASTOR, firefighter and father, supported the helmet requirement. He had witnessed a fatal bike accident,
12 which could have been prevented.
13

14 STEVE COLT, professional economist, testified in favor of the ordinance. The new law would be good for business
15 and the economy and would help reduce healthcare costs.
16

17 BILL COFER, whose daughter's life had been saved by wearing a helmet, testified in support of the ordinance.
18

19 KAROL FINK, Safe Kids Coordinator with Providence, supported safety education and wearing helmets. To Ms.
20 Ossiander, she responded that while she was in California her bicycle had been licensed.
21

22 JANICE TOWER, Executive Director of the Alaska Academy of Pediatrics, testified in support of the ordinance. She
23 was involved with bike rodeos and shared statistics of education and using safety precautions.
24

25 JEAN BUNDY, mother of five children, all of whom wore helmets, testified in support of the ordinance.
26

27 JUDITH STEPHANIE MAGMAN spoke against the ordinance because it took away the freedom of choice. There were
28 many other things the Assembly could do to protect freedom and promote safety, including enforcing curfew laws. She
29 also disapproved of bike licensing. To Mr. Tesche, Ms. Magman responded that kids would be kids and she knew they
30 would never listen to their parents.
31

32 DAVID LINDBLOM opposed the ordinance. The Assembly needed to stand up and do the right thing and not be
33 emotionally influenced by people testifying, with stories of their injuries. The decision should to be left up to the
34 parents.
35

36 KEVIN KEELER supported the ordinance. It was important to educate children about bike safety and wearing bike
37 helmets was fashionable.
38

39 VERONICA BUNYA, who had been in a bike accident, supported wearing helmets.
40

41 DANIEL KANE opposed the ordinance because it took away freedom.
42

43 LEONARD FANCHARD, avid bike rider, member of the Arctic Bike Club and coach for Mighty Bikes, supported the
44 ordinance. It would encourage youngsters to do the right thing.
45

46 DUSTIN DARDIN opposed the ordinance and thought a helmet could be a hindrance and might be harmful.
47

48 With no further public testimony, Chair Coffey closed Public Hearing and called the Question.
49

50 Ms. Jennings moved, to approve AO 2005-77,
51 Mr. Stout seconded,
52

53 *(Clerk's Note: See Agenda item 18, Assembly Comments, for additional discussion and action on continuing this item*
54 *until August 23rd.)*
55

56 14. NEW PUBLIC HEARINGS

- 57 14.A. Resolution No. AR 2005-168, a resolution of the Municipality of Anchorage appropriating \$135,875
58 from the Federal Office for Domestic Preparedness, under the 2004 Assistance to Firefighters Grant
59 Program, and a contribution of \$59,140 from the Anchorage Fire Service Area Fund (131), Anchorage
60 Fire Department 2005 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage
61 Fire Department, for the development and implementation of **enhanced automated fire inspection**
62 **procedures and plan review** capabilities; Anchorage Fire Department.
63 1. Assembly Memorandum No. AM 471-2005.
64

65 Coffey read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and called
66 the Question.
67

68 Mr. Traini moved, to approve AR 2005-168,
69 Mr. Bauer seconded,
70 and this motion was passed.
71

72 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

73 NAYES: None.

74 ABSENT: Fairclough, excused.
75

- 76 14.B. Resolution No. AR 2005-169, a resolution of the Municipality of Anchorage appropriating the sum of
77 \$391,723 from the State of Alaska Department of Transportation and Public Facilities to the State

1 Categorical Grants Fund (231) for **Air Quality Public and Business Awareness Education**
2 **Campaign**; Health and Human Services.

- 3 1. Assembly Memorandum No. AM 472-2005.
4

5 Chair Coffey read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
6 called the Question.

7
8 Mr. Traini moved, to approve AR 2005-169,
9 Mr. Bauer seconded,
10 and this motion was passed.

11
12 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

13 NAYES: None.

14 ABSENT: Fairclough, excused.
15

- 16 14.C. **Resolution No. AR 2005-170**, a resolution accepting a State of Alaska grant re-appropriation of
17 unexpended funds in the amount of \$436,507 to the Port of Anchorage Capital Fund (571) for the **Port**
18 **of Anchorage Intermodal Expansion Project**.

- 19 1. Assembly Memorandum No. AM 473-2005.
20

21 Chair Coffey read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
22 called the Question.

23
24 Mr. Tesche moved, to approve AR 2005-170,
25 Mr. Traini seconded,
26 and this motion was passed.

27
28 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

29 NAYES: None.

30 ABSENT: Fairclough, excused.
31

32 Chair Coffey stated the Administration had requested the body take up time-sensitive items, prior to 8:00 p.m. Mr.
33 Tesche moved, seconded by Mr. Traini, to Change the Order of the Day to take up 14.L and 14.M. and there were no
34 objections.

- 35
36 14.D. **Resolution No. AR 2005-171**, a resolution of the Municipality of Anchorage, Alaska, confirming and
37 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
38 **05-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency;
39 Anchorage Water & Wastewater Utility. **(Carried Over to 8-09-05)**

- 40 1. Assembly Memorandum No. AM 474-2005.

- 41 14.E. **Resolution No. AR 2005-172**, a resolution confirming and levying special assessments for **Special**
42 **Assessment District 4SR00** which reconstructed streets within the Windsor Village Subdivision Area,
43 and setting the date of assessment installment payments, interest on unpaid assessments, and
44 providing for penalties and interest in the event of delinquency; Project Management & Engineering.

- 45 1. Assembly Memorandum No. AM 475-2005. **(Carried Over to 8-09-05)**

- 46 14.F. **Resolution No. AR 2005-173**, a resolution confirming and levying special assessments for **Special**
47 **Assessment District 1SR02** which reconstructed Warwick Drive, and setting the date of assessment
48 installment payments, interest on unpaid assessments, and providing for penalties and interest in the
49 event of delinquency; Project Management & Engineering. **(Carried Over to 8-09-05)**

- 50 1. Assembly Memorandum No. AM 476-2005.

- 51 14.G. **Resolution No. AR 2005-174**, a resolution confirming and levying special assessments for **Special**
52 **Assessment District 2R02** which provided gravel street upgrade improvements to Falling Water
53 Drive and White Water Circle, and setting the date of assessment installment payments, interest on
54 unpaid assessments, and providing for penalties and interest in the event of delinquency; Project
55 Management & Engineering. **(Carried Over to 8-09-05)**

- 56 1. Assembly Memorandum No. AM 477-2005.

- 57 14.H. **Ordinance No. AO 2005-80**, an ordinance amending Anchorage Municipal Code Section 4.60.275 to
58 increase the membership of the **Youth Advisory Commission**; Mayor's Office. **(Carried Over to 8-**
59 **09-05)**

- 60 1. Assembly Memorandum No. AM 479-2005.

- 61 14.I. **Ordinance No. AO 2005-87**, an ordinance authorizing a lease of **floating dock moorage space** and
62 land use area at the Port of Anchorage to the United States Coast Guard.

- 63 1. Assembly Memorandum No. AM 480-2005.
64

65 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify he closed Public Hearing and
66 called the Question.

67
68 Mr. Bauer moved, to approve AO 2005-87,
69 Mr. Stout seconded,
70 and this motion was unanimously approved.

71
72 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Train and Jennings.

73 NAYES: None.

74 ABSENT: Fairclough, excused.
75

76 Mr. Traini moved, seconded by Ms. Ossiander, to Change the Order of the Day to take up 11.D and it was approved
77 with two objections. Ms. Shamberg objected. Ms. Jennings also objected because there were many people waiting
78 for the Assembly to take up the bicycle helmet ordinance.

- 1
2 14.J. Ordinance No. AO 2005-88, an ordinance amending Anchorage Municipal Code Section 3.30.127,
3 *Length of Service*, regarding **service recognition pay**; Employee Relations. (**Continued to 8-9-05**)
4 1. Assembly Memorandum No. AM 481-2005.
5

6 Mayor Begich requested that Public Hearing be opened and continued to the next meeting, to allow time to make
7 administrative corrections in the document. Chair Coffey opened Public Hearing and there was no public testimony.
8

9 Mr. Tesche moved, *to continue* AO 2005-88 to August 9, 2005,
10 Ms. Jennings seconded,
11 and this was approved without objection.
12

- 13 14.K. Ordinance No. AO 2005-90, an ordinance repealing Assembly Ordinance 2005-63 and amending
14 Anchorage Municipal Code Chapter 9.54 to clarify applicability to **Tow Operators**, to add definitions,
15 and for tow operator participation in the Anchorage Police Department Rotational Tow Program,
16 retroactive to January 1, 2005; Legal Department. (**Carried Over to 8-09-05**)
17 1. Assembly Memorandum No. AM 438-2005.
18 14.L. Ordinance No. AO 2005-91, an ordinance confirming and authorizing construction of a **new Civic and**
19 **Convention Center Facility** on Block 80, Anchorage Original Townsite and a 600 to 700-car parking
20 garage on the South One-Half of Block 70, Anchorage Original Townsite; Office of Economic &
21 Community Development.
22 1. Assembly Memorandum No. AM 439-2005.
23

24 Chair Coffey read this ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and
25 called the Question.
26

27 Mr. Tesche moved, *to approve* AO 2005-91,
28 Mr. Traini seconded,
29

30 Mr. Tesche stated this was a minor housekeeping matter for Downtown and recommended approval.
31

32 and this motion was passed.
33

34 AYES: Tesche, Shamberg, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.
35 NAYES: None.
36 ABSENT: Fairclough, excused.
37

- 38 14.M. Ordinance No. AO 2005-92, an ordinance amending Anchorage Municipal Code Section 12.45.010
39 regarding **rental tax on rental of motor vehicles**, to add a new exception to the definition of fees and
40 costs; Finance.
41 1. Assembly Memorandum No. AM 486-2005.
42

43 Chair Coffey declared a conflict of interest with this item and requested Mr. Traini to take the Chair. Acting Chair Traini
44 directed Mr. Coffey to abstain because of his ownership of Dollar Rent-A-Car.
45

46 Acting Chair Traini read this ordinance title and opened Public Hearing. With no one to testify, he closed Public
47 Hearing and called the Question.
48

49 Mr. Tesche moved, *to approve* AO 2005-92,
50 Ms. Jennings seconded,
51 and this motion was passed.
52

53 AYES: Tesche, Shamberg, Ossiander, Sullivan, Birch, Stout, Bauer, Traini and Jennings.
54 NAYES: None.
55 ABSENT: Fairclough, excused.
56 ABSTAIN: Coffey.
57

58 **15. SPECIAL ORDERS** None.
59

60 **16. UNFINISHED AGENDA** None.
61

62 **17. AUDIENCE PARTICIPATION** None.
63

64 **18. ASSEMBLY COMMENTS**
65

66 Mr. Sullivan requested an accompanying map of the assessment roll for AR 2005-156 to help determine parcel
67 location and zones of the Downtown Business Improvement District. Mayor Begich concurred.
68

69 Mr. Bauer recommended that in the future, detailed discussion of issues could be completed at worksessions, rather
70 than at Assembly Chamber Meetings. Chair Coffey concurred.
71

72 Ms. Shamberg requested the bicycle ordinance be continued to the 23rd of August. Chair Coffey called for a motion.
73

74 Mr. Traini moved, *to continue* AO 2005-77 to August 23, 2005,
75 Mr. Tesche seconded,
76 and this was approved without objection.
77

78 **19. EXECUTIVE SESSIONS**

1 19.A. **Contract negotiations** with the Plumbers and Steamfitters.

2
3 Mr. Traini moved, to move into Executive Session to discuss labor matters,
4 Mr. Tesche seconded, prior to contract negotiations.
5

6 To Mr. Traini, Municipal Attorney Fred Boness responded that Municipal Code allowed for Executive Sessions, for the
7 Administration to receive guidance and advice in respect to upcoming labor negotiations. Mr. Coffey responded a
8 letter of formal notice was addressed to the Assembly, dated July 25th, declaring they were in formal negotiations.
9 Mayor Begich responded the Administration had not formally started negotiations and they were seeking advice from
10 the Assembly, because once they entered legal contract negotiations, Executive Sessions would not be allowed.
11

12 To Mr. Tesche, Mr. Boness responded the Executive Session was legally justified.

13
14 and the motion was unanimously approved.
15

16 *(Clerk's Note: The Executive Session was held in the Assembly Dining Room; began at 6:25 and ended at 7:10 p.m.)*
17

18 Mr. Tesche moved, that the recorded tapes of the Executive Session remain
19 Ms. Jennings seconded, confidential for a period of ten years, from this date, July 26,
20 and this was approved unanimously, 2005,
21 with an excused absence for Ms. Fairclough.
22

23 **20. ADJOURNMENT**

24
25 Mr. Traini moved, to adjourn the Regular Assembly Meeting,
26 Ms. Jennings seconded,
27 and this motion was unanimously passed,
28 with an excused absence for Ms. Fairclough.
29

30 The Regular Assembly Meeting was adjourned at 11:20 p.m.
31
32
33
34
35
36

37 _____
DAN COFFEY, Acting Assembly Chair

38 ATTEST:
39
40
41
42
43
44

45 _____
BARBARA GRUENSTEIN, Municipal Clerk
46 Date Minutes Approved: September 27, 2005.
47 MC/BG
48

49 *(Copies of Approved Documents and Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250,*
50 *Anchorage, Alaska, telephone (907)343-4311, or on the Municipal Web Site, www.muni.org ~Assembly)*
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**Campbell Park Community Council
Meeting Minutes and Resolution
of July 7, 2005**

By Vote of the Anchorage Assembly, Included
with the Assembly Meeting Minutes of July 26, 2005

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