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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 May 17, 2005

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1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 5:00 p.m. in the 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.

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

ABSENT: None.

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3. PLEDGE OF ALLEGIANCE Assemblymember Birch led the pledge.

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4. MINUTES OF PREVIOUS MEETINGS

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4.A. Regular Meeting of April 12, 2005.

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Ms. Jennings seconded, April 12, 2005.
and this motion was accepted unanimously,
with Mr. Sullivan, Mr. Birch and Mr. Bauer abstaining,

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4.B. Regular Meeting of April 19, 2005.

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Ms. Ossiander seconded, April 19, 2005.

Mr. Coffey moved, to amend the Meeting Minutes of 4-19-05 on Page 11, Lines
Ms. Jennings seconded, 58-60, concerning his comment on the Ace's Hockey Team.
and this motion was unanimously approved,

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Chair Fairclough called the Question on the main motion, as amended,

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and the motion was passed unanimously,

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4.C. Special Meeting of April 26, 2005.

Mr. Coffey moved, to approve the Special Meeting Minutes of
Ms. Ossiander seconded, April 26, 2005.
and this motion was passed unanimously,

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5. MAYOR'S REPORT None.

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6. ASSEMBLY CHAIR'S REPORT None.

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7. COMMITTEE REPORTS

Mr. Bauer reported that he had been with an Anchorage Patrol Officer on Saturday night, who had responded to the scene of a shooting and murder in east Anchorage. He stated more officers were needed in Anchorage. He announced there would be a Public Safety Committee Meeting on Friday at 11:00 a.m.

Mr. Sullivan reported that the Legislative Committee was watching the activities of the State Legislature, which was in the seventh day of a Special Session.

Mr. Coffey reported the Title 21 Committee would meet on Thursday at noon in the Assembly Conference Room.

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8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion and read the Addendum items. She called for additional items to be added. Items AO 2005-70, AR 2005-102 and AO 2005-44(S) were added. She assigned to these items Agenda Numbers 9.F.10, 9.A.6 and 14.E, respectively. She then called for additional Addendum items, and there being none, she called for a vote to incorporate the Addendum items into the Regular Agenda.

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1 Mr. Coffey moved, to approve the inclusion of the Addendum items into the
2 Mr. Stout seconded, Regular Agenda.
3 and this motion was passed,
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5 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
6 NAYES: None.

7
8 Chair Fairclough called for a motion on the Consent Agenda.

9
10 Mr. Tesche moved, to approve the Consent Agenda.
11 Mr. Traini seconded,
12

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

16 **9. CONSENT AGENDA**

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

18 9.A.1. Resolution No. AR 2005-103, a resolution of the Anchorage Municipal Assembly recognizing and
19 honoring **Shari K. Bays** for her 24 years of service with the Municipality of Anchorage, Mayor Begich;
20 Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
21 Tesche and Traini.
22

23 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See item 10.A.1*)
24

25 9.A.2. Resolution No. AR 2005-104, a resolution of the Anchorage Municipal Assembly recognizing and
26 honoring **Patsy A. Clark** for her 20 years of service with the Anchorage Police Department; Mayor
27 Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout,
28 Sullivan, Tesche and Traini.

29 9.A.3. Resolution No. AR 2005-105, a resolution of the Anchorage Municipal Assembly recognizing and
30 honoring **Senior Patrol Officer Bruce E. Bryant** for his 16 years of service with the Anchorage Police
31 Department, Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander,
32 Shamberg; Stout, Sullivan, Tesche and Traini.

33 9.A.4. Resolution No. AR 2005-118, a resolution of the Anchorage Municipal Assembly recognizing May
34 2005 as **National Bike Month** and encouraging citizens to get outside and ride a bicycle safely to
35 work and for play, Mayor Begich; Assemblymembers Shamberg, Bauer, Birch, Fairclough, Coffey,
36 Jennings, Ossiander, Stout, Sullivan, Tesche and Traini.

37 9.A.5. Resolution No. AR 2005-120, a resolution of the Anchorage Municipal Assembly honoring the **Kincaid**
38 **Elementary School 2004-2005 Math Olympiad Team**; Mayor Begich; Assemblymembers Bauer,
39 Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.
40 **(Addendum)**
41

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

44 9.A.6. Resolution No. AR 2005-102, a resolution of the Anchorage Municipal Assembly recognizing the 30-
45 year anniversary of the **House of Harley-Davidson** and Buell in Spenard honoring Barry and Karen
46 Matteson for their civic contributions; Mayor Begich and Assemblymembers Sullivan, Bauer, Birch,
47 Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Tesche and Traini. **(Laid on the Table)**
48

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

50 9.B.1. Resolution No. AR 2005-106, a resolution of the Anchorage Municipal Assembly supporting the
51 continued planning for and eventual construction of a **natural gas spur line** from Fairbanks or from
52 the Nenana Basin to South Central Alaska; Assemblymember Coffey.
53

54 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See item 10.B.1*)
55

56 9.B.2. Resolution No. AR 2005-107, a resolution of the Anchorage Municipal Assembly urging State officials
57 to act as quickly as possible to ensure that Anchorage has sufficient sources of **natural gas** to support
58 current needs and new economic development in the near term and long term, Mayor's Office.
59

60 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (*See item 10.B.2*)
61

62 9.B.3. Resolution No. AR 2005-108, a resolution of the Municipality of Anchorage appropriating \$10,000 from
63 the AT&T Alascom to the Miscellaneous Operational Grants Fund (261) for the "**Good News, Great**
64 **Kids**" Program; Mayor's Office.

65 a. Assembly Memorandum No. AM 326-2005.

66 9.B.4. Resolution No. AR 2005-109, a resolution of the Municipality of Anchorage appropriating the sum of
67 \$7,245 from the State of Alaska, Department of Transportation & Public Facilities and \$13,240 as a
68 contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police
69 Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department,
70 for the **Drug Recognition Expert Training Program**.

71 a. Assembly Memorandum No. AM 327-2005.
72

73 Mr. Bauer requested this item be pulled for review on the Regular Agenda. (*See item 10.B.4*)
74

75 9.B.5. Resolution No. AR 2005-110, a resolution of the Municipality of Anchorage appropriating the sum of
76 \$3,582 from the State of Alaska, Department of Transportation & Public Facilities and \$6,350 as a

1 contribution from the 2005 Anchorage Police Service Area Fund (151) to the State Categorical Grants
2 Fund (231) Anchorage Police Department, for the **Accident Reconstruction Training Program**.
3 a. Assembly Memorandum No. AM 328-2005.

4
5 Mr. Bauer requested this item be pulled for review on the Regular Agenda. (See item 10.B.5)

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7 9.B.6. Resolution No. AR 2005-111, a resolution of the Municipality of Anchorage appropriating \$8,250
8 through the Anchorage Museum Association and \$280 as a contribution from the CY05 Museum
9 Operating Budget, Areawide General Fund (101) for administrative fees to Miscellaneous Operational
10 Grants Fund 261 to fund additional **security for the Anchorage Museum of History and Art**
11 (\$8,530); Office of Economic & Community Development.
12 a. Assembly Memorandum No. AM 329-2005.

13
14 **9.C. BID AWARDS**

15 9.C.1. Assembly Memorandum No. AM 302-2005, recommendation of award to ERA Helicopters LLC for
16 providing **wildfire helicopter services** for the Municipality of Anchorage, Anchorage Fire Department
17 (ITB 25-B030) (\$237,000); Purchasing.

18 9.C.2. Assembly Memorandum No. AM 303-2005, recommendation of award to Securitas Security Services
19 USA, Inc. to provide **security guard services** at various municipal facilities for the Municipality of
20 Anchorage, Maintenance & Operations Department (ITB 25- B013) (\$688,904.38); Purchasing.

21
22 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.C.2)

23
24 9.C.3. Assembly Memorandum No. AM 304-2005, recommendation of award to Anchorage Sand & Gravel,
25 Central Paving Products, and Skookum Rock Quarry for furnishing various **aggregates, filter rock,**
26 **AC hot mix, Type II and VI fill** to the Municipality of Anchorage, Maintenance & Operations
27 Department, Street Maintenance Division (ITB 25-B037) (AS&G \$246,700) (Central Paving \$244,700)
28 (Skookum \$256,500); Purchasing.

29 9.C.4. Assembly Memorandum No. AM 305-2005, recommendation of award to Valmont Industries for
30 furnishing **steel transmission structures** to the Municipality of Anchorage, Municipal Light & Power
31 (ITB 25-B003) (\$4,067,896); Purchasing.

32
33 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.C.4)

34
35 9.C.5. Assembly Memorandum No. AM 306-2005, recommendation of award to Tam Construction Inc. for
36 **59th Avenue/Dow Place Storm Drain – Rowan Street to Dowling Road** for the Municipality of
37 Anchorage, Project Management & Engineering (ITB 25-C012) (\$330,222), Purchasing.

38 9.C.6. Assembly Memorandum No. AM 307-2005, recommendation of award to Wilder Construction
39 Company for **Cell 7 construction** for the Municipality of Anchorage, Solid Waste Services (ITB 25-
40 C017) (\$8,610,300); Purchasing.

41 9.C.7. Assembly Memorandum No. AM 308-2005, recommendation of award to Yukon Equipment for
42 furnishing a **mobile tire shredder** to the Municipality of Anchorage, Solid Waste Services Department
43 (ITB 25-B029) (\$1,121,590); Purchasing.

44
45 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.C.7)

46
47 9.C.8. Assembly Memorandum No. AM 309-2005, recommendation of award to Construction Machinery, Inc.
48 for furnishing an **articulating six wheel drive end dump truck** to the Municipality of Anchorage, Solid
49

50 9.C.9. Assembly Memorandum No. AM 341-2005, recommendation of award to Pruhs Corporation for **2005**
51 **Merrill Field Airport Improvements** for the Municipality of Anchorage, Merrill Field Airport (ITB 25-
52 C018) (\$2,110,235.87); Purchasing. (**Addendum**)

53 9.C.10. Assembly Memorandum No. AM 342-2005, recommendation of award to Hot Wire Electric Inc. to
54 furnishing and install a new **security system** for the Municipality of Anchorage, Port of Anchorage
55 (ITB 25-C016) (\$368,000); Purchasing. (**Addendum**)

56
57 **9.D. NEW BUSINESS**

58 9.D.1. Assembly Memorandum No. AM 337-2005, **Chuck E. Cheese's #1744 – Transfer of Ownership** for a
59 Restaurant/Eating Place and Restaurant Designation Liquor License (Midtown, Rogers Park, North
60 Star Community Councils); Clerk's Office.

61
62 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.1)

63 9.D.2. Assembly Memorandum No. AM 338-2005, **Oaken Keg #52 – Operating Terms & Conditions**
64 (Fairview Community Council); Clerk's Office.

65 9.D.3. Assembly Memorandum No. AM 339-2005, **2005/2006 Liquor License Renewals**: Northern China
66 Restaurant #1582, 3 Amigos Mexican Restaurant #3746, Chuck E. Cheese's #1744, Bombay Deluxe
67 #4158, China King Restaurant #4133, Chinese Seafood Restaurant #4328 - Restaurant/Eating Place;
68 Don Jose's Mexican Restaurant #3311, Hawthorn Suites Hotel #3927, Pancho's Villa Restaurant #74,
69 Stuart Anderson's Cattle Company #1090, Chili's Grill & Bar #4200, Asia Gardens/Brandy's #83 -
70 Beverage Dispensary; AMVETS Post #49 #3588, Kulis ANG NCO Club #603, Fraternal Order of
71 Eagles #4174 #3031, American Legions Post #28 #59 - Club; Grumpy's Liquor #855, Spirits #1011 -
72 Package Store (Spenard, Eagle River, Abbott Loop, Sand Lake, Midtown, Downtown, Chugiak,
73 Northeast, Rogers Park, North Star, Russian Jack, Taku/Campbell, Airport Heights, Turnagain
74 Community Councils); Clerk's Office.

75
76 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.3)

- 1 9.D.4. Assembly Memorandum No. AM 310-2005, proprietary contract to the Tazlina Hotshots to provide
2 **wildfire mitigation work** for the Municipality of Anchorage, Anchorage Fire Department (\$100,000);
3 Purchasing.
- 4 9.D.5. Assembly Memorandum No. AM 311-2005, proprietary services contract with Law Enforcement
5 Advanced Development Consultants for providing **Special Weapons and Tactics (SWAT) Academy**
6 for the Municipality of Anchorage, Police Department (\$72,000); Purchasing.
- 7 9.D.6. Assembly Memorandum No. AM 312-2005, recommendation to award to R&M Consultants for
8 providing professional design services for **Hiland Road (Water) Intertie Phase II** for the Municipality
9 of Anchorage, Anchorage Water & Wastewater Utility (RFP 24-P067) (\$343,927); Purchasing.
- 10 9.D.7. Assembly Memorandum No. AM 313-2005, reimbursable agreement with the State of Alaska,
11 Department of Transportation and Public Facilities (ADOT&PF) for **Reka Drive Sewer Upgrade –**
12 **Phase 1A** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$55,000);
13 Purchasing.
- 14 9.D.8. Assembly Memorandum No. AM 314-2005, contract Amendment No. 20 to Purchase Order 240585 to
15 the Anchorage Downtown Partnership, Ltd. for providing services to operate the **Community Service**
16 **Patrol and Transfer Station** for the Municipality of Anchorage; Department of Health & Human
17 Services (\$1,169,670).
- 18 9.D.9. Assembly Memorandum No. AM 315-2005, proprietary purchase of **computer software maintenance**
19 **and support** from SAS Institute, Inc. for the Municipality of Anchorage, Information Technology
20 Department (ITD) (\$37,230), Purchasing.
- 21 9.D.10. Assembly Memorandum No. AM 316-2005, Amendment No. 5 to USKH, Inc. professional
22 architectural/engineering services Contract No. 230433 for **capital improvement projects** for the
23 Municipality of Anchorage; Merrill Field Airport (\$326,900).
- 24 9.D.11. Assembly Memorandum No. AM 317-2005, proprietary purchase of **computer hardware and**
25 **software maintenance support** OpenERP Solutions for the Municipality of Anchorage, Municipal
26 Light & Power (ML&P) (\$38,460); Purchasing.
- 27

28 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.D.11)

29

- 30 9.D.12. Assembly Memorandum No. AM 318-2005, proprietary purchase to Itron, Inc. for a **mobile collector**
31 **unit** for the Municipality of Anchorage, Municipal Light & Power (ML&P) (\$35,157); Purchasing.
- 32

33 Mr. Birch requested this item be pulled for review on the Regular Agenda. (See item 10.D.12)

34

- 35 9.D.13. Assembly Memorandum No. AM 319-2005, recommendation of award to Lounsbury & Associates for
36 providing professional engineering services for the **Spenard Road Reconstruction – Minnesota**
37 **Drive to Minnesota Drive On-Ramp** for the Municipality of Anchorage, Project Management &
38 Engineering (Project A) (\$406,708); Purchasing.
- 39 9.D.14. Assembly Memorandum No. AM 320-2005, Amendment No. 4 to contract with DOWL Engineers for
40 the **W. Northern Lights Blvd. Upgrade**, Project No. 01-10 (\$117,500); Project Management &
41 Engineering.
- 42 9.D.15. Assembly Memorandum No. AM 321-2005, proprietary purchases to Dynatest Consulting, Inc.
43 (\$50,750) and Resource Data, Inc. (\$27,200) for the **Pavement Condition Survey** for the Municipality
44 of Anchorage, Project Management & Engineering (PM&E); Purchasing.
- 45 9.D.16. Assembly Memorandum No. AM 322-2005, proprietary services contract with Parsons Brinckerhoff for
46 providing services to **analyze tariff rates** for the Municipality of Anchorage, Port of Anchorage
47 (\$47,000); Purchasing.
- 48 9.D.17. Assembly Memorandum No. AM 323-2005, contract Amendment No. 5 to Purchase Order 230706
49 with Clean Harbors Environmental Services, Inc. for **Hazardous Waste Collection Facility**
50 **Operations** for the Municipality of Anchorage, Solid Waste Services (\$800,891.77), Purchasing.
- 51 9.D.18. Assembly Memorandum No. AM 324-2005, proprietary purchase with dbSpectra for providing **8**
52 **channel radio combiners** to the Municipality of Anchorage, Traffic Department (\$38,500);
53 Purchasing.
- 54 9.D.19. Assembly Memorandum No. AM 340-2005, **Alexis Import/Export #4437- New Wholesale, Malt**
55 **Beverage/Wine Liquor License (Midtown Community Council); Clerk's Office. (Addendum)**
- 56

57 9.E. INFORMATION AND REPORTS

- 58 9.E.1. Information Memorandum No. AIM 30-2005, Assembly request for information regarding **animal care**
59 **and control hearing decisions**; Health & Human Services.
- 60 9.E.2. Information Memorandum No. AIM 31-2005, Notice of Award for Invitation to Bid 25B035 for furnishing
61 **ductile iron pipe and miscellaneous fittings** to the Municipality of Anchorage, Anchorage Water and
62 Wastewater Utility (AWWU) (\$777,992.62); Purchasing.
- 63 9.E.3. Information Memorandum No. AIM 32-2005, **Sole Source Procurement Report** for the month of
64 February 2005; Purchasing.
- 65 9.E.4. Information Memorandum No. AIM 33-2005, **Sole Source Procurement Report** for the month of
66 March 2005; Purchasing.
- 67

68 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See item 10.E.4)

69

70 9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 71 9.F.1. Ordinance No. AO 2005-68, an ordinance amending Anchorage Municipal Code Section 4.60.110 to
72 increase the membership of the **Senior Citizens Advisory Commission**; Mayor's Office. (*Public*
73 *Hearing 5-31-05*)
74 a. Assembly Memorandum No. AM 336-2005.
- 75 9.F.2. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code
76 Chapter 1.15, **Code of Ethics**; Legal Department. (*Public Hearing 6-28-05*)
- 77

1 Mr. Traini requested this item be pulled for review on the Regular Agenda. (See item 10.F.2)

- 2
- 3 9.F.3. Resolution No. AR 2005-112, a resolution recommending selection of a site in **Southwest Anchorage**
4 for an elementary school, to consist of approximately 15 acres, generally located in the Kincaid
5 Estates Subdivision, within the NE1/4, SE1/4 and SW1/4 of Section 9, T12N, R4W, S.M., Alaska; and
6 selection of a site in Southwest Anchorage for a middle school, to consist of approximately 27 acres,
7 generally located in the southern portion of an unsubdivided parcel, being south of Tract A, Lancaster
8 Subdivision, in the SW1/4 of Section 10, T12N, R4W, S.M., Alaska; Planning Department. (*Public*
9 *Hearing set for 5-31-05*)
10 a. Assembly Memorandum No. AM 330-2005.
- 11 9.F.4. Resolution No. AR 2005-113, a resolution of the Municipality of Anchorage appropriating the sum of
12 \$135,195 as a grant from the U.S. Environmental Protection Agency and a contribution of \$323,000
13 from the 2005 Operating Budget, Fund 101, Department of Health and Human Services as a match to
14 the Federal Categorical Grants Fund (241), Department of Health and Human Services for **air quality**
15 **monitoring, enforcement and planning**. (*Public Hearing 5-31-05*)
16 a. Assembly Memorandum No. AM 331-2005.
- 17 9.F.5. Resolution No. AR 2005-114, a resolution of the Anchorage Assembly appropriating \$2,220,000 in
18 Interfund Loan Proceeds from the General Cash Pool to the Information Technology Capital
19 Improvement Fund (608) for funding the costs of the **Information Technology Capital Improvement**
20 **Fund** (608) portion of the approved 2005 General Government Capital Improvement Budget;
21 Information Technology Department. (*Public Hearing 5-31-05*)
22 a. Assembly Memorandum No. AM 332-2005.
- 23 9.F.6. Resolution No. AR 2005-115, a resolution of the Municipality of Anchorage appropriating \$125,000
24 from **Upper O'Malley Limited Road Service Area** (LRSA) Fund Balance (Fund 143) to Upper
25 O'Malley LRSA BY2005 Operating Budget (Fund 143) for summer road maintenance program;
26 Maintenance & Operations Department. (*Public Hearing set for 5-31-05*)
27 a. Assembly Memorandum No. AM 333-2005.
- 28 9.F.7. Resolution No. AR 2005-116, a resolution of the Municipality of Anchorage, Alaska, confirming and
29 levying assessments for the water special improvements within **Levy-Upon-Connection (LUC) Roll**
30 **05-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency;
31 Anchorage Water & Wastewater Utility. (*Public Hearing set for 6-14-05*)
32 a. Assembly Memorandum No. AM 334-2005.
- 33 9.F.8. Resolution No. AR 2005-117, a resolution of the Municipality of Anchorage, Alaska, confirming and
34 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
35 **05-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency;
36 Anchorage Water & Wastewater Utility. (*Public Hearing set 6-14-05*)
37 a. Assembly Memorandum No. AM 335-2005.
- 38 9.F.9. Resolution No. AR 2005-119, a resolution of the Anchorage Municipal Assembly and Mayor Mark
39 Begich to name the trail at Baxter Bog the "**Alicia Iden Nature Trail**" in honor of her outstanding
40 contributions and dedication to community service; Mayor's Office. (*Public Hearing 6-28-05*)
41 (**Addendum**)
- 42 9.F.10. Ordinance No. AO 2005-70, an ordinance amending the zoning map and providing for the rezoning of
43 approximately 6,250 square feet, from B-3 (General Business District) to R-4 (Multiple Family
44 Residential District), for Lot 20, Block 9, Fairview Subdivision, generally located north of Mt. View
45 Drive and on the east side of North Bragaw Street; Planning Department. (*Public Hearing 6-14-05*)
46 (**Laid on the Table**)
47

48 Mr. Tesche explained this was a small zoning action in Mt. View that had been requested by Habitat for Humanity.

49
50 Mr. Tesche moved, *to introduce AO 2005-70, with Public Hearing scheduled for*
51 Mr. Traini seconded, *June 14, 2005.*
52 Mr. Sullivan was the concurring third,
53

54 Chair Fairclough called the Question on the remainder of Consent Agenda.

55
56 and this motion, as amended, was passed,
57

58 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
59 NAYES: None.
60

61 Chair Fairclough announced the unanimous approval of the amended Consent Agenda, with the exception of the
62 pulled items and proceeded into discussion of those items.
63

64 **END OF CONSENT AGENDA**

65 66 67 **10. REGULAR AGENDA**

68 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 69 10.A.1. Resolution No. AR 2005-103, a resolution of the Anchorage Municipal Assembly recognizing and
70 honoring **Shari K. Bays** for her 24 years of service with the Municipality of Anchorage, Mayor Begich;
71 Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
72 Tesche and Traini.
73

74 Mr. Tesche moved, *to approve AR 2005-103.*
75 Ms. Ossiander seconded,
76 and this motion was passed,
77

1 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
2 NAYES: None.

3
4 Mr. Tesche read the resolution and Mr. Bauer presented the award to Shari K. Bays, honoring her for her 24 years of
5 service. Ms. Bays thanked the Assembly, Fire Chiefs and a large group of Anchorage Firefighters present, recognizing
6 her. Mr. Sullivan thanked her for her decades of service. Mayor Begich thanked her for her years of service and
7 stated that the Fire Department personnel present showed a great display of support. .

8
9 10.A.5. Resolution No. AR 2005-120, a resolution of the Anchorage Municipal Assembly honoring the **Kincaid**
10 **Elementary School 2004-2005 Math Olympiad Team**; Mayor Begich; Assemblymembers Bauer,
11 Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.
12 **(Addendum)**

13
14 Mr. Sullivan moved, to approve AR 2005-120.
15 Ms. Jennings seconded,
16 and this motion was approved,

17
18 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
19 NAYES: None.

20
21 Mr. Sullivan read and Ms. Jennings presented the resolution to the group of students from Kincaid Elementary School,
22 honoring them for their participation with the International Math Olympiad Program. Recognized students included
23 Kyle Moore, Jake Alward, Ellie Simpson, Caleb Crockett, Mike Sedor, Sagan Osborne, Ryan Watson, Brandon
24 Markson and Alex Sedor. Their math teacher and coach, Gary Caves, joined them.

25
26 To Ms. Jennings, Mr. Caves responded there were groups of five math problems that had to be completed by the
27 students in twenty-five minutes. Ms. Jennings congratulated the team.

28
29 Ms. Ossiander congratulated the team and challenged the students to continue with math competitions and succeed
30 past calculus.

31
32 **10.B. RESOLUTIONS FOR ACTION - OTHER**

33 10.B.1. Resolution No. AR 2005-106, a resolution of the Anchorage Municipal Assembly supporting the
34 continued planning for and ~~eventual~~ prospective construction of a **natural gas spur line** from
35 Fairbanks or from the Nenana Basin to South Central Alaska; Assemblymember Coffey.

36
37 Mr. Sullivan moved, to approve AR 2005-106.
38 Mr. Coffey seconded,

39
40 To Mr. Sullivan, Alaska Enstar Natural Gas President Tony Izzo responded that Assembly support was important to
41 help resolve future energy needs for Alaska. He stated there were many options being considered to ensure federal
42 funding and that future energy needs would be met for the region. Mr. Izzo accepted Mr. Sullivan's amendments.

43
44 Mr. Sullivan moved, to amend AR 2005-106 *by changing* on Page 1, Line 35, to
45 Mr. Coffey seconded, read: WHEREAS, the construction of a natural gas spur
46 and this was accepted without objection, pipeline from Fairbanks or from the Nenana Basin to South
47 Central Alaska ~~would~~ "may help" provide adequate, reliable
48 and ~~low~~ low cost energy.

49
50 Mr. Sullivan moved, to amend AR 2005-106 *by changing* on Page, Line 41, and
51 Mr. Coffey seconded, **in the title**, to read: ...the continued planning for and
52 ~~eventual~~ ~~possible~~ "**prospective**" construction of a natural
53 gas spur line...

54
55 Mr. Izzo stated that natural gas was currently being used at a rapid rate to heat homes and businesses in Southern
56 Alaska. With a dwindling supply of natural gas, energy resources would be much more expensive and would include
57 propane and diesel fuels. It was important to continue to look for ways to resolve the impending decline in the Cook
58 Inlet natural gas supply. He urged Assembly approval.

59
60 Mr. Coffey supported the resolution and understood it was important to continue to search for alternative sources for
61 natural gas in this area.

62
63 Mr. Tesche recommended using the same change of wording in the title, on Line 9, to be consistent with the Sullivan
64 Amendment. He further recommended using the word 'prospective' in place of 'possible.' Mr. Sullivan and Mr. Coffey
65 accepted these as friendly amendments.

66
67 and the amended Sullivan Amendment was approved without objection,

68
69 Chair Fairclough called the Question on the main motion.

70
71 and the main motion, as amended, was unanimously passed,

72
73 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
74 NAYES: None.

75
76 10.B.2. Resolution No. AR 2005-107, a resolution of the Anchorage Municipal Assembly urging State officials
77 to act as quickly as possible to ensure that Anchorage has sufficient sources of **natural gas** to support

1 current needs and new economic development in the near term and long term; Mayor's Office;
2 Assemblymembers Jennings, Traini, Bauer, Stout, Birch, Coffey, Fairclough, Sullivan, Ossiander,
3 Shamberg and Tesche.

4
5 Ms. Jennings moved, to approve AR 2005-107.
6 Mr. Tesche seconded,

7
8 Ms. Jennings requested to be added as a cosponsor. She agreed that the looming shortage of gas needed to be
9 recognized and this was an important resolution. All Assemblymembers requested to be added as cosponsors.

10
11 Ms. Jennings moved, to amend AR 2005-107 *by deleting* on Page 1, Line 21 to
12 Mr. Coffey seconded, read: WHEREAS, [the] South Central Alaska faces [an
13 and this was passed without objection, ~~imminent crisis of~~ profound implications unless new supplies
14 of natural gas in Alaska are developed.

15
16 Chair Fairclough called the Question on the main motion.

17
18 and the main motion, as amended, was passed,

19
20 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
21 NAYES: None.

22
23 10.B.4. **Resolution No. AR 2005-109**, a resolution of the Municipality of Anchorage appropriating the sum of
24 \$7,245 from the State of Alaska, Department of Transportation & Public Facilities and \$13,240 as a
25 contribution from the 2005 Anchorage Police Operating Budget, Anchorage Metropolitan Police
26 Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department,
27 for the **Drug Recognition Expert Training Program**.

28 a. Assembly Memorandum No. AM 327-2005.

29
30 Mr. Bauer moved, to approve AR 2005-109.
31 Mr. Stout seconded,

32
33 To Mr. Bauer, Anchorage Police Chief Walt Monegan responded the officers' special training was already complete,
34 and those officers were committed to working with traffic until they were tenured. Trained officers were often used as
35 certified teachers to train other officers.

36
37 and this motion passed without objection,

38
39 10.B.5. **Resolution No. AR 2005-110**, a resolution of the Municipality of Anchorage appropriating the sum of
40 \$3,582 from the State of Alaska, Department of Transportation & Public Facilities and \$6,350 as a
41 contribution from the 2005 Anchorage Police Service Area Fund (151) to the State Categorical Grants
42 Fund (231) Anchorage Police Department, for the **Accident Reconstruction Training Program**.

43 a. Assembly Memorandum No. AM 328-2005.

44
45 Mr. Bauer moved, to approve AR 2005-110.
46 Ms. Jennings seconded,

47
48 Mr. Bauer stated his questions had been answered by Chief Monegan in item 10.B.4, concerning police training.

49
50 and this motion passed without objection,

51
52 **10.C. BID AWARDS**

53 10.C.2. **Assembly Memorandum No. AM 303-2005**, recommendation of award to Securitas Security Services
54 USA, Inc. to provide **security guard services** at various municipal facilities for the Municipality of
55 Anchorage, Maintenance & Operations Department (ITB 25- B013) (\$688,904.38); Purchasing.

56
57 Mr. Coffey moved, to approve AM 303-2005.
58 Mr. Bauer seconded,

59
60 To Mr. Coffey, Deputy Municipal Manager Michael Abbott responded this contract did not include additional staff at
61 City Hall. Municipal Manager Denis LeBlanc responded the funding for additional guards had been approved, but was
62 currently on hold until structural improvements were made with the building. He would keep the Assembly informed of
63 the plans.

64
65 Ms. Jennings was concerned with the lack of medical benefits being offered to contract employees. She spoke of the
66 recent death of a contract security guard. Municipal Purchasing Officer Bart Mauldin responded that benefits were
67 rarely considered with these types of contracts. To meet nondiscrimination standards, a company providing benefits
68 was often required to offer benefits to all employees.

69
70 Chair Fairclough questioned if the issue of benefits should be addressed at this time, when the contract needed to be
71 awarded. She requested consideration of the issue being addressed for future contracts, understanding it would be a
72 more expensive contract. Mayor Begich responded that the Administration would gladly discuss a broader policy,
73 including benefits to contractors in the future. He urged the body to move forward on this contract that evening.

74
75 Mr. Traini proposed consideration of an armed security guard, which he had calculated would be \$1230.00.

1 Deputy Municipal Manager Michael Abbott responded that the Assembly could address changes as contract
2 amendments. Mr. Traini stated this was justified because of the increased violence across the nation. Chair
3 Fairclough responded that she would accept a resolution for introduction that evening to address that issue separately.

4
5 To Chair Fairclough, the Mayor responded that the use of armed security guards had been discussed and it had been
6 determined the current contract was the best approach. Mr. Traini responded there were many cities in the nation
7 using city police officers for government security.

8
9 To Mr. Bauer, Mr. Mauldin responded that he was reluctant to dictate conditions of employment with contractors, with a
10 potential of running into significant additional costs. Future impacts to the municipal budget needed to be reviewed.

11
12 Ms. Jennings stated that she still would not support the recommendation of award for this contract. She requested the
13 Municipal Manager's Office review the issue of offering health benefits to contract employees.

14
15 Municipal Facility Administrator John Huzey stated the new contract with Securitas Security Services offered a
16 voluntary benefits plan for contract employees which had minimal coverage. Securitas had looked into an improved
17 benefits package and was limited because of costs. To Mr. Bauer, Mr. Huzey responded the new contract paid \$14 to
18 \$18 per hour. To Mr. Traini, Mr. Huzey responded that Securitas was an international company and offered the same
19 benefits to all of their employees. To Mr. Stout, Mr. Huzey responded the company offered options of paying for
20 benefits and the employees were informed of those options available to them. To Mr. Bauer, Mr. Huzey responded the
21 newly contracted municipal security officers would wear a standard police-type uniform.

22
23 Ms. Ossiander stated the issue before the body that evening was approving an already-negotiated contract. She
24 recommended a worksession to discuss all considerations of new parameters for future contracts.

25
26 To Ms. Fairclough, Municipal Attorney Fred Boness responded that the Municipality of Anchorage had the right to
27 reject bids and that would be done if this contract was not approved by the Assembly.

28
29 Chair Fairclough called the Question on the main motion.

30
31 and this motion was passed,

32
33 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout and Traini.

34 NAYES: Bauer and Jennings.

35
36 10.C.4. Assembly Memorandum No. AM 305-2005, recommendation of award to Valmont Industries for
37 furnishing **steel transmission structures** to the Municipality of Anchorage, Municipal Light & Power
38 (ITB 25-B003) (\$4,067,896); Purchasing.

39
40 Mr. Tesche moved, to approve AM 305-2005.
41 Ms. Jennings seconded,

42
43 Mr. Birch declared possible conflicts of interest with 9.C.4, 9.D.11 and 9.D.12 because he was currently on the
44 Chugach Electric Association Board of Directors. Chair Fairclough ruled Mr. Birch had a conflict of interest with these
45 items and directed him not to participate.

46
47 Mr. Tesche recommended approval.

48
49 and this motion was passed,

50
51 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.

52 NAYES: None.

53 ABSTAIN: Birch.

54
55 10.C.7. Assembly Memorandum No. AM 308-2005, recommendation of award to Yukon Equipment for
56 furnishing a **mobile tire shredder** to the Municipality of Anchorage, Solid Waste Services Department
57 (ITB 25-B029) (\$1,121,590); Purchasing.

58
59 Ms. Shamberg moved, to approve AM 308-2005.
60 Ms. Ossiander seconded,

61
62 Ms. Shamberg questioned the cost of this equipment. Municipal Purchasing Officer Bart Maudlin responded this was a
63 specialized piece of equipment and had involved a bidding process.

64
65 To Ms. Shamberg, Solid Waste Services Director Robert Hall responded there was no longer a shredding service
66 offered in the Valley. The landfill was receiving increased numbers of tires and the department had specified a
67 machine that was transportable.

68
69 To Mr. Bauer, Mr. Hall responded this machine could shred tires into small pieces that might one day be used for other
70 projects, including creating rubberized roads for noise abatement. Mr. Hall responded his department had discussed
71 that possibility with the State Department of Environmental Conservation for future projects.

72
73 To Mr. Traini, Mr. Hall responded that the Anchorage School District (ASD) was using rubberized asphalt for their
74 playgrounds, but he did not think the rubber product created from this machine would meet the standards because of
75 the shredded size and metal content. He concurred with Mr. Traini that the subject should be discussed with the ASD.

76
77 and this motion was unanimously passed,

1
2 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
3 NAYES: None.
4

5 **10.D. NEW BUSINESS**

6 10.D.1. Assembly Memorandum No. AM 337-2005, Chuck E. Cheese's #1744 – Transfer of Ownership for a
7 Restaurant/Eating Place and Restaurant Designation Liquor License (Midtown, Rogers Park, North
8 Star Community Councils); Clerk's Office.
9

10 Ms. Ossiander moved, to approve AM 337-2005.
11 Mr. Tesche seconded,
12

13 Ms. Ossiander stated that Chuck E. Cheese was on the Agenda twice, approving and disapproving the liquor license.
14 Municipal Clerk Barbara Gruenstein explained the protest was for owing taxes and the taxes had been paid that day.
15

16 Ms. Ossiander moved, to amend AM 337-2005 *by changing* on Page 1, *to read:*
17 Mr. Tesche seconded, ...this memorandum will [~~PROTEST~~] [APPROVE] "NON-
18 and this was amended and approved, PROTEST" the transfer of ownership for a restaurant/eating
19 place...
20

21 Mr. Coffey stated the proper action would be to approve a 'non-protest.' It was accepted as a friendly amendment.
22

23 and the main motion, as amended, was passed,
24

25 AYES: Tesche, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
26 NAYES: None.
27

28 *(Clerk's Note: Shamberg was temporarily out of Chambers at the time of the vote.)*
29

30 10.D.3. Assembly Memorandum No. AM 339-2005, 2005/2006 Liquor License Renewals: Northern China
31 Restaurant #1582, 3 Amigos Mexican Restaurant #3746, Chuck E. Cheese's #1744, Bombay Deluxe
32 #4158, China King Restaurant #4133, Chinese Seafood Restaurant #4328 - Restaurant/Eating Place;
33 Don Jose's Mexican Restaurant #3311, Hawthorn Suites Hotel #3927, Pancho's Villa Restaurant #74,
34 Stuart Anderson's Cattle Company #1090, Chili's Grill & Bar #4200, Asia Gardens/Brandy's #83 -
35 Beverage Dispensary; AMVETS Post #49 #3588, Kulis ANG NCO Club #603, Fraternal Order of
36 Eagles #4174 #3031, American Legions Post #28 #59 - Club; Grumpy's Liquor #855, Spirits #1011 -
37 Package Store (Spenard, Eagle River, Abbott Loop, Sand Lake, Midtown, Downtown, Chugiak,
38 Northeast, Rogers Park, North Star, Russian Jack, Taku/Campbell, Airport Heights, Turnagain
39 Community Councils); Clerk's Office.
40

40 Ms. Ossiander moved, to approve AM 339-2005.
41 Mr. Tesche seconded,
42

43 Mr. Coffey declared a possible conflict of interest with establishments in this memorandum. His law firm represented
44 the Chinese Seafood Restaurant and Chili's Bar and Grill, and he requested to abstain on those matters. Chair
45 Fairclough recognized his abstention and directed him to participate with the other liquor license renewals.
46

47 and this motion was approved,
48

49 AYES: Tesche, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
50 NAYES: None.
51

51 ABSTAIN: Coffey abstained from participating with Chinese Seafood Restaurant and Chili's Bar and Grill.
52 *(Clerk's Note: Shamberg was temporarily out of Chambers at the time of the vote)*
53

54 10.D.11. Assembly Memorandum No. AM 317-2005, proprietary purchase of **computer hardware and**
55 **software maintenance support** OpenERP Solutions for the Municipality of Anchorage, Municipal
56 Light & Power (ML&P) (\$38,460); Purchasing.
57

58 Mr. Birch moved, to approve AM 317-2005.
59 Ms. Ossiander seconded,
60

61 Mr. Birch requested to abstain from participating with this item, involving the same possible of a conflict of interest, as
62 was discussed in 9.C.4. Chair Fairclough recognized the appearance of a conflict of interest and requested him to
63 abstain. She called the Question.
64

65 and this motion was passed,
66

67 AYES: Tesche, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.
68 NAYES: None.
69

69 ABSTAIN: Birch.
70

70 *(Clerk's Note: Shamberg was temporarily out of Chambers at the time of the vote)*
71

72 10.D.12. Assembly Memorandum No. AM 318-2005, proprietary purchase to Itron, Inc. for a **mobile collector**
73 **unit** for the Municipality of Anchorage, Municipal Light & Power (ML&P) (\$35,157); Purchasing.
74

75 Mr. Birch moved, to approve AM 318-2005.
76 Ms. Ossiander seconded,
77

1 Mr. Birch requested permission to abstain from participating with this item, with the appearance of a conflict of interest
2 because of his participation on the Board of Chugach Electric. Chair Fairclough recognized his abstention and called
3 the Question.

4
5 and this motion was passed,

6
7 AYES: Tesche, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer, Traini and Jennings.

8 NAYES: None.

9 ABSTAIN: Birch.

10 (Clerk's Note: *Shamberg was temporarily out of Chambers at the time of the vote*)

11
12 **10.E. INFORMATION AND REPORTS**

13 10.E.4. Information Memorandum No. AIM 33-2005, **Sole Source Procurement Report** for the month of
14 March 2005; Purchasing.

15
16 Ms. Jennings moved, to accept AIM 33-2005.

17 Mr. Coffey seconded,

18
19 Ms. Jennings proposed to amend a technical correction needed in the price figure for Diebold Election Systems.

20
21 Ms. Jennings moved, to amend AIM 33-2005 on Page 4, Item 5, *by changing,*

22 Mr. Coffey seconded, [~~\$13,850.50~~] to "\$12,400."

23 and this was unanimously approved,

24
25 Chair Fairclough called the Question on the main motion.

26
27 and this motion, as amended, was unanimously passed,

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

30 NAYES: None.

31
32 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

33 10.F.2. Ordinance No. AO 2005-69, an ordinance repealing and reenacting Anchorage Municipal Code
34 Chapter 1.15, **Code of Ethics**; Legal Department. (*Public Hearing 6-28-05*)

35
36 Mr. Traini moved, to introduce AO 2005-69, with Public Hearing set for

37 Ms. Jennings seconded, June 28, 2005.

38 Mr. Bauer was the concurring third,

39
40 Mr. Traini requested at least two worksessions be scheduled to study this issue of the Code of Ethics. He requested
41 the Ethics Board be present to defend their proposals. Because the implementation of proposed changes would
42 impact the city government, he requested the Assembly staff complete a step-by-step analysis of the proposal.

43
44 Mr. Tesche stated that Municipal Code was not as clear as it should be, concerning an Assemblymember
45 simultaneously serving on a utility board, such as Chugach Electric. He requested that the Assembly get the board's
46 advice and consultations concerning this matter.

47
48 Mr. Birch concurred that a worksession was in order. It was his assessment of the Code of Ethics that he did not have
49 a conflict of interest with his position on the Chugach Electric Board, because the reference was to organizations
50 receiving donations and grants. To his knowledge the Municipality did not make donations to the electrical co-op. He
51 thought it was appropriate to examine this issue.

52
53 Mr. Coffey stated that he welcomed clarification of provisions in the Code of Ethics. Assemblymembers were not
54 permitted to go before a board, commission, school board, agency or the Assembly. His seeking advice from the
55 Municipal Attorney's Office had created public comment.

56
57 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

58 11.A. Ordinance No. AO 2005-37, an ordinance amending the zoning map and providing for the rezoning of
59 approximately 2.8 acres, from R-1A (Single-Family Residential District) to R-O SL (Residential-Office
60 District with Special Limitations) for **Lot 1, Block 3, Highlands Subdivision**, and a portion of Tract
61 D2, Atwood Subdivision, generally located at 2000 Atwood Drive (Turnagain and South Addition
62 Community Councils) (Planning and Zoning Commission Case 2004-174); Planning Department.
63 (*Public Hearing closed 5-03-05; Postponed from 5-03-05*)

64 1. Assembly Memorandum No. AM 147-2005.

65
66 Mr. Sullivan proposed amendments which he had discussed with the applicants and the Turnagain Community Council
67 (TCC).

68
69 Mr. Sullivan moved, to amend AO 2005-37 under Section 2, on Page 1, *by adding*
70 Mr. Coffey seconded, on Line 32, "c) Outdoor functions hosted at the property may
71 not begin earlier than 10 a.m. and must not conclude no later
72 than 11 p.m." and "d) When the number of invitees to the
73 property exceeds the number of off street parking spaces,
74 alternative means of transportation that does not require
75 parking on the street shall be provided."
76

1 Mr. Sullivan stated that the amendments dealt with the main concerns of the neighbors. The applicant had agreed that
2 they would provide shuttle service to accommodate large numbers of guests. Also included, for a good-neighbor
3 policy, was for outdoor events to have defined start and finish times. He urged a YES-vote.

4
5 To the Chair, the Atwood estate representative Ms. Wicks concurred that they had agreed to the conditions.

6
7 To Mr. Traini, Mr. Sullivan responded that any complaint of a violation could be addressed by Code Enforcement.
8 Turnagain Community Council Subcommittee Chair John Isaacs responded they had approved the conditions.

9
10 Chair Fairclough called the Question on the Sullivan Amendment.

11
12 and this motion was passed 10-0,
13 with Mr. Tesche out of Chambers at the time of the vote,

14
15 Ms. Jennings moved, to amend AO 2005-37 under Section 2, on Page 1, by
16 Mr. Coffey seconded, adding; "[e]e) There shall be no more than six employees
17 and this was later amended, working in the facility." and "[e]f) There shall be **no more**
18 **than [an average of] six outdoor events per year.**"

19
20 To Ms. Jennings, Ms. Wicks responded that they had approved the amendments and requested clarification that an
21 outdoor event was truly outdoors and not guests happening to be outside from an indoor event.

22
23 To Mr. Tesche, Ms. Jennings responded that the six employees did not include contractors, but were strictly
24 employees of the Atwood Foundation. Mr. Boness concurred that the amendment would travel with the property. He
25 stated that the wording of 'an average of' six outdoor events per year needed clarification. Ms. Jennings responded
26 that it was her intent to allow no more than six outdoor events from May 1st to November 1st. Mr. Boness, the petitioner
27 and the TCC representative concurred with specifying the number, but thought it was not necessary for the specific
28 dates. Mr. Sullivan concurred.

29
30 To Mr. Traini, Mr. Isaacs responded the TCC Subcommittee would report back to the council.

31
32 Mr. Coffey moved, to amend the Jennings Amendment by bifurcating
33 Ms. Jennings seconded, 5.[e]e. from 5.[d]f.

34
35 Chair Fairclough stated the Jennings Amendments would be renumbered, following the approval of the Sullivan
36 Amendments. Mr. Coffey stated that Municipal Code 21.20.020 referenced prohibiting adverse effects that would
37 impact the neighbors. He thought that clarity was needed, concerning the number of outdoor events. Ms. Jennings
38 accepted this as a friendly amendment.

39
40 and the motion to bifurcate was carried 9-2,

41
42 Chair Fairclough called the Question on the first bifurcated amendment, concerning six employees at the mansion.

43
44 and the motion was passed, 10-1,
45 with Mr. Stout opposing,

46
47 Chair Fairclough called the Question on the seconded bifurcated amendment, concerning the six outdoor events.

48
49 and this motion was carried 6-5,

50
51 AYES: Tesche, Shamberg, Birch, Bauer, Traini and Jennings.

52 NAYES: Ossiander, Sullivan, Fairclough, Coffey and Stout.

53
54 Mr. Coffey supported the rezone with the special limitations.

55
56 Mr. Sullivan supported the rezone. Mr. Atwood and his daughter had maintained offices in the mansion, performing
57 the functions of the Foundation for many years. This rezone maintained the historical use of the property and had
58 corrected the zoning classification.

59
60 Ms. Jennings supported the rezone. All parties had worked together through the process, with compromises on all
61 sides.

62
63 Mr. Tesche supported the rezone. He stated this was an unusual commercial rezoning within a residential area in a
64 most prestigious Anchorage neighborhood. The residents had been supportive of this rezone and the changes, to
65 maintain the historic use of the property.

66
67 Mr. Traini supported the rezone because it had received support from the Council and the neighbors.

68
69 Mr. Stout supported the rezone. It was a worthwhile project and was supported by the neighbors.

70
71 Ms. Shamberg supported the rezone. She had witnessed similar rezones in Denver and San Francisco work well and
72 did not think it was an unusual situation.

73
74 Chair Fairclough put the Question on the main motion.

75
76 and this motion, as amended, was unanimously passed,

77

1 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
2 NAYES: None.

3
4 11.B. Assembly Memorandum No. AM 288-2005, Community Development Authority Board of Directors
5 appointments (Hubert Gellert, Jeff Sinz, William Smith, Joelle Hall, Jana Hayenga, Mary Jane Michael,
6 Louise Lazur, Joanne Zito-Brause, Michael Zoske); Mayor's Office. (Postponed from 5-03-05)
7 (Postponed to 6-14-05)

8
9 Mr. Coffey moved, to approve AM 288-2005.
10 Ms. Shamberg seconded,

11
12 Mr. Coffey stated the Heritage Land Bank (HLB) and the Development Authority were in the process of changing and
13 professional expertise was needed for decisions on the important issues.

14
15 Ms. Ossiander stated that when the Development Authority was originated an amendment was approved by the
16 Assembly, requiring newly appointed members to have certain expertise and backgrounds. She stated the resumes of
17 these new appointees did not include banking or real estate backgrounds.

18
19 Mayor Begich stated that there were members who had banking experience and real estate backgrounds. Once the
20 Authority was fully functional, there would be worksessions scheduled regularly to update and inform the Assembly of
21 the issues.

22
23 Mr. Sullivan proposed bifurcation, putting forth for approval, members Mr. Gillert, Mr. Sinz, Mr. Smith, Ms. Michael and
24 Ms. Lazur. To Mayor Begich, Mr. Sullivan responded the names Joelle Hall, Jana Hayenga, Joanne Zito-Brause and
25 Michael Zoske would be discussed separately.

26
27 Mr. Sullivan moved, to amend AM 288-2005 by bifurcating Mr. Gillert, Mr. Sinz,
28 Mr. Smith, Ms. Michael and Ms. Lazur.

29
30 Mayor Begich stated that many of these individuals had related experience, were highly qualified professionals with
31 diverse backgrounds and created a combination for the best opportunity to move issues forward. To Chair Fairclough,
32 he opposed bifurcation and encouraged Assembly approval of all the names presented.

33
34 Mr. Tesche opposed the amendment. He stated the only purpose of bifurcation would be to review qualifications of the
35 new, four individuals. He questioned of the role of the Assembly, examining the qualifications or simply respecting and
36 confirming mayoral appointments. He recommended examining the individuals to determine if there was a reason
37 these individuals were not qualified to serve or if it was a matter of personal preference.

38
39 Mr. Coffey stated if mayoral appointments were confirmed by the body, the body was examining the statutory
40 qualifications of relevant expertise and experience and it did not involve a personal preference.

41
42 Chair Fairclough stated there had been a worksession in the past, allowing Assemblymembers the opportunity to have
43 a two-way dialogue, to understand the qualifications of the individuals.

44
45 Mr. Sullivan stated that the new Development Authority would have the responsibility of handling and developing
46 valuable municipal property, deciding upon items of vast importance to the city. That required the highest standards of
47 board member to serve. The role of the Assembly was to question mayoral appointees. He urged consideration of a
48 worksession to interview the appointees.

49
50 Mr. Birch supported the motion and felt it was a fiduciary responsibility to review the candidates proposed by the
51 Mayor. He had fundamental concerns with the shroud of secrecy surrounding the work and land disposal of the
52 Development Authority, which had not included an open process. He supported a worksession to meet the proposed
53 candidates.

54
55 Mr. Traini opposed bifurcating, which would send the message they were happy with the current members, but
56 questioned the new appointees. He urged consideration for postponement until May 31st. He requested a
57 worksession to review and approve the appointees' qualifications and then take action on the ordinance, as it was.

58
59 Mr. Traini moved, to postpone AM 288-2005 until ~~[May 31st]~~ "June 14th" allowing
60 Mr. Tesche seconded, a scheduled worksession to review the new appointees'
61 and this was amended, qualifications.

62
63 To Mr. Coffey, Mayor Begich and Chair Fairclough confirmed that delaying this issue would not deactivate the board.

64
65 Mr. Tesche supported postponement to allow a worksession to review qualifications of all applicants.

66
67 Ms. Jennings opposed both bifurcation and postponement. She wished to support the appointees that evening.

68
69 Ms. Ossiander opposed the motion to postpone. She did not want to interview individuals, but clarified her original
70 request that applicants have banking backgrounds or expertise in real estate. She supported bifurcation.

71
72 Mr. Coffey supported the motion to postpone. He thought the worksession to review the applicants' background would
73 show respect to all appointments and give them an opportunity to question the individuals.

74
75 To Chair Fairclough, Assembly Budget and Legislative Affairs Director Elvi Gray-Jackson responded a worksession
76 would be scheduled for June 14th. Mr. Traini accepted this as a friendly amendment and the second concurred.

1 To Ms. Jennings, Chair Fairclough responded that the main motion to approve and the motion to bifurcate would
2 remain on the table.

3
4 Municipal Clerk Barbara Gruenstein stated the Question on the Traini Amendment.

5
6 and the motion to postpone to June 14th was approved,

7
8 AYES: Tesche, Shamberg, Fairclough, Coffey, Birch, Stout, Bauer and Traini.

9 NAYES: Ossiander, Sullivan and Jennings.

10
11 11.C. Ordinance No. AO 2005-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage
12 Municipal Code Section 15.75 regarding **Pesticide Control** to modify drift protection and public notice
13 for commercial pesticide application and application by the Municipality of Anchorage;
14 Assemblymembers Coffey, Ossiander, Fairclough, Stout, Sullivan and Traini.

15 1. Assembly Memorandum No. AM 153-2005.

16 2. Ordinance No. AO 2005-38(S), an ordinance of the Anchorage Municipal Assembly amending
17 Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift protection
18 and public notice for commercial pesticide application and application by the Municipality of
19 Anchorage; Assemblymembers Coffey and Ossiander.

20 3. Ordinance No. AO 2005-38(S-1), an ordinance of the Anchorage Municipal Assembly
21 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
22 protection and public notice for commercial pesticide application and application by the
23 Municipality of Anchorage; Assemblymember Tesche.

24 4. Ordinance No. AO 2005-38(S-2), an ordinance of the Anchorage Municipal Assembly
25 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
26 protection and public notice for commercial pesticide application and application by the
27 Municipality of Anchorage.

28 5. Ordinance No. AO 2005-38(S-3), an ordinance of the Anchorage Municipal Assembly
29 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
30 protection and public notice for commercial pesticide application and application by the
31 Municipality of Anchorage; Assemblymember Ossiander. (*Public Hearing was Closed 5-03-*
32 *05; Postponed from 5-03-05*)

33
34 Chair Fairclough read this ordinance title and recognized Ms. Ossiander for a motion on the newest Substitute Version.

35
36 Ms. Ossiander moved, to approve AO 2005-38(S-3).

37 Mr. Coffey seconded,

38
39 Mr. Coffey moved, to amend AO 2005-38(S-3) on Page 2, Line 35, *by changing*
40 Mr. Traini seconded, [~~residence~~] to "residential" and commercial building located...

41
42 Ms. Jennings thought the wording of residence had a different meaning from residential building and it should remain
43 unchanged. Mr. Coffey responded there was reference to multi-unit residential dwellings and multi-tenanted
44 commercial buildings elsewhere in the document.

45
46 To Ms. Ossiander and Mr. Coffey, Municipal Attorney Fred Boness responded that 'residential' offered more clarity.

47
48 Question was called on the Coffey Amendment.

49
50 and the motion was carried,

51
52 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout and Traini.

53 NAYES: Bauer and Jennings.

54
55 Mr. Coffey moved, to amend AO 2005-38(S-3) on Page 3, Line 4, following
56 Mr. Traini seconded, "boundary" *by adding to read: "Or to the ground within three*
57 *(3) horizontal feet of the structure being treated."*

58
59 Mr. Coffey stated that for carpenter ants, this would allow spraying of the building and the ground immediately adjacent
60 to the infected area.

61
62 and this motion was approved 10-1,
63 with one objection from Ms. Jennings,

64
65 Mr. Coffey stated this final document had brought a balanced approach, identified limitations of broadcasting
66 chemicals and still offered protection to adjacent properties by maintaining the notification system.

67
68 Mr. Sullivan thanked Ms. Ossiander for her efforts in bringing resolution to the issues. The final document was fairly
69 balanced, involving input from all sides of the issue. He urged a YES-vote.

70
71 Mayor Begich requested consideration of the wording on Page 3, Line 6.

72
73 Mr. Sullivan moved, to amend AO 2005-38(S-3) on Page 3, Line 4, *by changing*
74 Mr. Coffey seconded, to read: [O#] "**And**" to the ground within three (3)
75 and this was approved, horizontal feet of the structure being treated.

76
77 To Ms. Ossiander, Municipal Attorney Fred Boness concurred with the change in wording.

1
2 Chair Fairclough called the Question on the main motion.

3
4 and the main motion, as amended, was passed,

5
6 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

7 NAYES: None.

8
9 Mr. Traini moved for immediate reconsideration and urged a NO-vote. Mr. Coffey seconded and urged a NO-vote.

10 Mr. Traini moved, *for immediate reconsideration of AO 2005-38(S-3),*
11 Mr. Coffey seconded, *as amended.*
12 and this motion failed,

13
14
15 AYES: Shamberg and Ossiander.

16 NAYES: Tesche, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

17
18 **12. APPEARANCE REQUESTS** None.

19
20 **13. CONTINUED PUBLIC HEARINGS**

21 13.A. Ordinance No. AO 2005-66, an ordinance amending the zoning map and providing for the rezoning
22 consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural
23 Residential District) to R-O SL (Residential-Office District with Special Limitations) or any other zoning,
24 for **Hillcrest Subdivision**, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park
25 Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and
26 the west side of Short Street, south of Abbott Road and north of Lakewood Court (Bayshore/Klatt
27 Community Council) (Planning and Zoning Commission Case 2004-151); Assemblymembers Coffey,
28 Sullivan, Traini, Birch, Bauer, Stout and Shamberg. (*Continued from 5-03-05*)

29
30 Chair Fairclough read this ordinance title and opened Public Hearing.

31
32 JIM GAIL opposed the ordinance and thought it represented poor planning. The plan had failed unanimously at the
33 Planning and Zoning Board (P&Z). To Mr. Coffey, Mr. Gail responded that the narrow strip of land involving Short
34 Street and the trailer court would be used as a thoroughfare for traffic accessing the businesses. To Mr. Sullivan, Mr.
35 Gail responded there was no rezone that would work and any kind of plan would hurt the existing residents. To Ms.
36 Shamberg, Mr. Gail responded he was representing himself.

37
38 With no additional public testimony, Chair Fairclough closed Public Hearing and stated the Question.

39
40 Mr. Coffey moved, to approve AO 2005-66.
41 Mr. Sullivan seconded,

42
43 Mr. Smith presented the development plan with a traffic flow plan, including explanations of proposed state and city
44 highway improvements. His plan included changes for residential complexes with parking underneath, in the rear and
45 1600 square foot offices in the front. As a courtesy, Mr. Smith had promised to put in a water line to the residents at
46 the rear of the property.

47
48 To Ms. Shamberg, Mr. Smith responded that he had not decided if they would combine residential in the business
49 complexes and wanted to keep that option open. He stated he would continue to work with Planning Department.

50
51 Mr. Coffey stated the developer had proposed 27-36 units and the Administration had recommended a maximum
52 coverage of 84. He stated there was a large gap between those numbers, which could be reviewed by the P&Z.

53
54 Ms. Shamberg commended Mr. Smith for his efforts, accommodating the neighborhood. She urged consideration of
55 the R-O zone, with commercial and higher density residential. Planning Department Administrator Jerry Weaver
56 responded the components of the Comprehensive Plan could apply with higher density. He recommended
57 consideration of reviewing surrounding areas, which were also properties in transition. He stated that Mr. Smith would
58 be allowed five-story development and recommended consideration of the first floor being office, with the rest being
59 residential. He stated it was important to approve residential density of 84 units or above.

60
61 Mr. Sullivan questioned the availability of enough parking to accommodate a proposed minimum of 84 residential
62 dwelling units for that development. Mr. Weaver responded it would require the developer to be creative and may
63 require underground parking. Mr. Sullivan was also concerned with the added traffic and noise to the surrounding
64 neighbors.

65
66 To Mr. Traini, Mr. Smith responded that it was not feasible to build 84 residential units on this property. The maximum
67 number that he had calculated for development would be 45. The neighbors understood the plan for the property, with
68 the proposed improvements of the Department of Transportation (DOT), and had agreed with this plan.

69
70 Mr. Traini moved, to amend AO 2005-66 on Page 2, Line 2, by replacing
71 Mr. Coffey seconded, [~~minimum of 84~~] [~~maximum of 45~~] to "minimum of 45."

72
73 Mr. Traini stated it was his intention to lower the high density, which often led to social problems.

74
75 Mr. Coffey proposed a site plan to review access and utility extension. He stated he would support 'minimum.' By
76 leaving a minimum number, there would be a better opportunity to meet density requirements and he recommended
77 that this matter to be reviewed by the P&Z Board. Mr. Traini accepted this change as a friendly amendment.

1
2 To Mr. Sullivan, Mr. Smith responded that once the highway improvements were completed on Abbott Road, it would
3 be impossible for traffic to cut across because there would be a median. DOT had indicated the highway
4 improvements were scheduled within 4-5 years and his development would be completed in a couple of years.

5
6 Ms. Shamberg supported the site plan review by P&Z Board, allowing them to decide on the number of units.

7
8 Mr. Stout did not approve of extremely high density and questioned whether the accompanying social and traffic
9 problems were good solutions for the city. Mr. Weaver responded that Mr. Smith would be required to present a
10 complete development plan to the P&Z. To Mr. Stout, Mr. Smith responded that he and his partners would try to
11 develop a design with the proposed 45 residential dwelling units.

12
13 Mr. Coffey stated this was a property in transition. The Assembly wanted to support proper zoning and allow
14 development while protecting the existing code provisions. A good solution involved the site plan review by the P&Z
15 Board, even if it was a slow process.

16
17 Ms. Ossiander stated a solution might be an area-wide rezone, contingent on the Title 21 rewrite. Setting a
18 development plan for just one part of this area might affect development of adjacent properties and she requested
19 consideration of waiting to address a rezone when there was a larger area ready for development.

20
21 Ms. Jennings supported the P&Z Board's decision on development. They had not supported the rezone in the past
22 because this was an area in transition. She opposed lowering the density.

23
24 Chair Fairclough called the Question on the Traini Amendment, as amended.

25
26 and the motion carried,

27
28 AYES: Tesche, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer and Traini.

29 NAYES: Shamberg, Ossiander and Jennings.

30
31 Mr. Sullivan stated a fair compromise had been reached on a difficult issue. These lots were a very unique size and
32 shape and were going to be difficult to develop any other way. While following the Comprehensive Plan, residential
33 density was important, but they needed to be careful not to lose neighborhood character and create angry neighbors.
34 The development would elevate the neighborhood with new utility access, new construction and road access with the
35 proposed Abbott Interchange. He would support the R-O SL rezone.

36
37 Mr. Birch supported the rezone. It was a compromise and provided a reasonable buffer between the rural residential
38 and the business-oriented property in the area.

39
40 Mr. Coffey supported the rezone. It followed many provisions of the Comprehension Plan with density, development
41 within a quarter-mile of a major street, minimum density of units per acre and it was in the best interest of the
42 neighbors in the rear, with a water utility installation and new road.

43
44 Ms. Shamberg supported the rezone. The P&Z Board could suggest a number of residential units, instead of the
45 Assembly suggesting an arbitrary number.

46
47 Mr. Traini supported the R-O SL rezone.

48
49 To Ms. Jennings, Mr. Weaver responded that the Assembly had moved in a positive direction in implementing the
50 2020 Comprehensive Plan and this rezone was on track with that direction.

51
52 Chair Fairclough put the Question on the main motion.

53
54 and the main motion, as amended, was passed,

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

57 NAYES: Ossiander and Fairclough.

58
59 Mr. Traini stated this needed to be resolved and the developer needed to be allowed to begin development. He moved
60 for immediate reconsideration and Mr. Coffey urged a NO-vote.

61
62 Mr. Traini moved, *for immediate reconsideration of AO 2005-66, as amended.*

63 Mr. Coffey seconded,

64 and the motion to reconsider failed,

65
66 AYES: Shamberg and Fairclough.

67 NAYES: Tesche, Ossiander, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.

68
69 **14. NEW PUBLIC HEARINGS**

70 14.A. Resolution No. AR 2005-99, a resolution of the Municipality of Anchorage accepting when tendered
71 \$4,655,000 from the Federal Aviation Administration Airport Improvement Program Grant, and
72 \$122,500 from the State of Alaska Department of Transportation and Public Facilities Grant; and
73 appropriating said grants and \$122,500 from Airport Unrestricted Net Assets to Merrill Field's Capital
74 Improvement Fund for the **2005 Merrill Field Runway Rehabilitation, Taxiway, and Security**
75 **Improvements** and revising the 2005 Merrill Field Capital Improvement Budget (581); Merrill Field
76 Airport.

77 1. Assembly Memorandum No. AM 300-2005.

1
2 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
3 and called for a motion.

4
5 Mr. Coffey moved, to approve AR 2005-99.
6 Mr. Sullivan seconded,
7 and this motion carried without objection,
8

9 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
10 NAYES: None.

11
12 14.B. Resolution No. AR 2005-96, a resolution approving construction of the **Eagle Lot 18A (W05-010)**
13 **Water Line Extension**, and providing for the eventual assessment against benefited property,
14 Anchorage Water & Wastewater Utility.
15 1. Assembly Memorandum No. AM 297-2005.
16

17 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
18 and called for a motion.

19
20 Mr. Coffey moved, to approve AR 2005-96.
21 Ms. Jennings seconded,
22 and this motion carried without objection,
23

24 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
25 NAYES: None.

26
27 14.C. Resolution No. AR 2005-97, a resolution approving construction of the **Eagle Lot 18A (S05-010)**
28 **Sanitary Sewer Line Extension**, and providing for the eventual assessment against benefited
29 property, Anchorage Water & Wastewater Utility.
30 1. Assembly Memorandum No. AM 298-2005.
31

32 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
33 and called for a motion.

34
35 Mr. Traini moved, to approve AR 2005-97.
36 Ms. Jennings seconded,
37 and this motion carried without objection,
38

39 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
40 NAYES: None.

41
42 14.D. Resolution No. AR 2005-98, a resolution of the Anchorage Municipal Assembly approving an alcoholic
43 beverages conditional use in the B-3 District for a new restaurant, or eating place use per AMC
44 21.40.180 D.8. for **Qdoba Mexican Grill Restaurant**, located on Lot 1A, Country Village Subdivision;
45 site address being 702 East Benson Boulevard, generally located on the southwest corner of East
46 Benson Boulevard and the New Seward Highway (Midtown and Rogers Park Community Councils)
47 (Case No. 2005-055), Planning Department.
48 1. Assembly Memorandum No. AM 299-2005.
49

50 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
51 and called for a motion.

52
53 Mr. Coffey moved, to approve AR 2005-98.
54 Ms. Ossiander seconded,
55

56 To Ms. Jennings, restaurant operator Doug Foster responded that requirements of Department of Transportation right-
57 of-way permits, certified site lighting and glare requirements had been met. Planning Department Administrator Jerry
58 Weaver concurred. Mr. Foster responded that the Planning and Zoning Board (*P&Z*) had removed the requirement for
59 western boundary landscaping improvements. Mr. Weaver responded that Building Safety had issued an interior
60 renovation permit and had not required any landscaping requirements, but the Planning Department believed those
61 landscaping improvements were appropriate for the liquor conditional use. Mr. Foster stated they were not opposing
62 completing the landscaping, but were concerned the improvements would be removed when the highway was
63 improved or the proposed hotel was built on the adjacent property.
64

65 To Mr. Sullivan, Mr. Foster responded they had remodeled the building and had been in operation for over 45 days.
66 He was only renting the building and the landlords had also objected to the lack of a boundary definition and shared
67 the concern that improvements may have to be removed in the future. Mr. Weaver explained that Mr. Foster was the
68 applicant for the alcohol conditional use, and these were required, standard improvements for an applicant.
69

70 To Mr. Coffey, Mr. Weaver responded the standards for improvements on this property required specific perimeter
71 landscaping to the parking lots. Mr. Coffey stated the applicant needed to comply with the standards set forth, but
72 there could be changes in the ordinance. He supported the conditional use application.
73

74 Mr. Stout recommended making changes to some of the general ordinances which made it difficult for applicants to
75 open a business. He supported the conditional use.
76

1 Ms. Jennings supported the conditional use. The landscaping requirements were inconvenient, but she hoped Mr.
2 Foster could work out an agreement with the landowners to make the necessary improvements. She thought the
3 landscaping would improve their business and make midtown a more attractive place.

4
5 Mr. Sullivan stated that because there would be a variety of activities and improvements in this area, he proposed to
6 extend the expected deadline date for completing the landscaping.

7
8 Mr. Sullivan moved, to amend AR 2005-98, on Page 2, Line 9, *by changing* the
9 Mr. Stout seconded, required date for completion from August 1, [2005] to
10 and this was passed without objection, "2006."

11
12 To Mr. Sullivan, Mr. Weaver responded a performance guarantee could be included. Mr. Foster responded he was
13 more concerned with the street definition, to guarantee the improvements would not be removed in the future.

14
15 Mr. Sullivan moved, to amend AR 2005-98 on Page 2, Line 12, following
16 Ms. Ossiander seconded, 'performance bond,' *by adding* "other performance
17 and this was later withdrawn, guarantee." And *by adding* this wording throughout the
18 document when referring to performance bond.

19
20 To Mr. Sullivan, Mr. Traini stated that Line 19, referring to performance bond, referenced other forms of performance
21 bonding. Mr. Sullivan agreed the included text would cover the intent and withdrew his amendment, with the
22 concurrence of the second.

23
24 To Mr. Coffey, Mr. Weaver responded the applicant would be required to post a bond.

25
26 Mr. Coffey moved, to amend AR 2005-98 on Page 2, Line 12, *by deleting* to
27 Ms. Ossiander seconded, read: [~~Prior to this conditional use becoming effective, a~~] A
28 performance bond is required... and *by adding* on Page 2,
29 Line 21, "The performance bond shall be posted **once the**
30 landscaping is completed."

31
32 Ms. Jennings recommended improved wording, which was accepted as a friendly amendment by Mr. Coffey and Ms.
33 Ossiander.

34
35 and this motion was approved,

36
37 AYES: Tesche, Shamberg, Ossiander, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

38 NAYES: Sullivan.

39
40 Question was called on the main motion.

41
42 and the main motion, as amended, was unanimously passed,

43
44 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

45 NAYES: None.

46
47 14.E. Ordinance No. AO 2005-44, an ordinance amending the zoning map and providing for the rezoning of
48 **Deborah Subdivision Block 10, Lots 1, 2, 3, 4, 5 and 10**, and a portion of a relinquished right of way
49 (Tract A) from R-1A (Single Family Residential District) to B-3SL (General Business District with
50 Special Limitations), generally located east of Old Glenn Highway and north of Juanita Loop (Eagle
51 River Community Council) (Planning and Zoning Commission Case 2004-163); Assemblymember
52 Fairclough.

53 1. Ordinance No. AO 2005-44(S), an ordinance amending the zoning map and providing for the
54 rezoning of Deborah Subdivision Block 10, Lots 1, 2, 3, 4, 5 and 10, and a portion of a
55 relinquished right of way (Tract A) from R-1A (Single Family Residential District) to B-3SL
56 (General Business District with Special Limitations), generally located east of Old Glenn
57 Highway and north of Juanita Loop (Eagle River Community Council) (Planning and Zoning
58 Commission Case 2004-163); Assemblymember Fairclough. (**Laid on the Table**)

59
60 Ms. Ossiander stated this involved a rezone in the Eagle River area. She passed out the new substitute version.

61
62 Chair Fairclough read this ordinance title and opened Public Hearing.

63
64 TIM POTTER, representing property owner Lex Griffith, opposed the proposed rezone. He presented alternatives,
65 which were supported by residents in the area. The compromises in the site plan followed the 2020 Comprehensive
66 Plan, included additional buffers, site lighting restrictions, no access to North Juanita Loop, additional restrictions of
67 hotels and motels and restaurants with drive-through service. There was a request for a site plan review and public
68 hearing.

69
70 MARTIN WEINSTEIN stated he had filed the protest and had collected the signatures against the rezone, but the
71 group was now in support of the new plan proposed by Mr. Potter and Mr. Griffith. To Mr. Coffey, he responded they
72 supported no access on Juanita Loop. To Mr. Traini, he responded that they supported the new site plan review and
73 public hearing process by the Planning and Zoning (P&Z) Board. He commended Mr. Potter for his expertise in
74 facilitating the communications.

75

1 GARY MORGAN, owner of property being affected by the rezone, commended Mr. Potter for his facilitation. He
2 approved of the new plan proposed by Mr. Potter and supported the site plan being reviewed with public testimony
3 before the P&Z.

4
5 To Chair Fairclough, Municipal Attorney Fred Boness stated that a valid protest had been filed and certified and he
6 would defer the issue to the Legal Department.

7
8 KERWIN FAIRBANKS, affected property owner and signer of the petition, now supported the new rezone proposed
9 with improvements.

10 JERRY FULMER, property owner, supported Mr. Potter's proposed rezone and would also drop the protest if the
11 limitations and conditions were enforced.

12
13
14 With no additional public testimony, Chair Fairclough closed Public Hearing and stated the Question.

15
16 Mr. Ossiander moved, to approve [~~the compromised version of~~] AO 2005-44 **(S)**.
17 Ms. Jennings seconded,

18
19 To Mr. Coffey, Municipal Attorney Fred Boness concurred that the new document should be considered a substitute
20 version. Ms. Ossiander accepted this as a friendly amendment and Ms. Jennings concurred.

21
22 Ms. Ossiander stated one of the contentions had been the access to the north Juanita Loop and the lack of buffer
23 between the commercial and residential zoning. She listed the differences and compromises that had been added to
24 the new version. Mr. Potter responded that additions included restricting access to Juanita Loop and open space and
25 buffers. With the additional improvements and a site plan review with a public hearing, Ms. Ossiander urged a YES-
26 vote. She commended Mr. Potter and members of the community for talking through the disagreements on the issues.

27
28 Ms. Jennings praised Mr. Potter for his efforts to resolve this issue, making the development work for the neighbors
29 and community.

30
31 Ms. Ossiander moved, to amend AO 2005-44(S) by incorporating the site plan,
32 Mr. Sullivan seconded, listed as Exhibit A in the original packet.
33 and this motion was carried without opposition,

34
35 To Chair Fairclough, Mr. Boness responded that because there had been a legal protest filed and certified with the
36 Municipal Clerk's Office, the Assembly was required to act with a super majority vote. Chair Fairclough urged a YES-
37 vote.

38
39 Mr. Sullivan urged a YES-vote.

40
41 Chair Fairclough put the Question, on the main motion.

42
43 and the main motion, as amended, was unanimously passed,

44
45 AYES: Tesche, Shamborg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
46 NAYES: None.

47
48 **15. SPECIAL ORDERS**

49 15.A. Resolution No. AR 2005-122, a resolution of the Anchorage Assembly authorizing the Municipal
50 Administration to amend existing security services contracts to provide the presence of **armed**
51 **personnel** assigned to duty at regularly public meetings of the Anchorage Assembly;
52 Assemblymember Traini. **(Laid on the Table)**

53
54 Mr. Traini moved, to introduce and approve AR 2005-122.
55 Mr. Tesche seconded,

56
57 Mr. Traini stated this was simple and straight forward. There were concerns with security across the nation and he
58 requested Assembly action on the resolution that evening.

59
60 Ms. Ossiander opposed the resolution. She thought it was obsessive, was a waste of money and would send a bad
61 message.

62
63 Mr. Tesche stated he would feel safer with armed guard protection and he supported the resolution. Things had
64 changed in the nation in the last five years and more security was necessary. He hoped that an armed security guard
65 would never be forced to use a weapon, but would be used as a deterrent for action.

66
67 Ms. Jennings stated she was still concerned about the armed security guards coming after them because the
68 Assembly had not approved health benefits in their contract. She opposed the resolution.

69
70 Ms. Shamborg stated they did not need to respond to terrorism that was occurring in other parts of the world by arming
71 guards in the Assembly Chambers and she opposed the resolution.

72
73 Mr. Stout stated it was not a bad idea, but thought it might involve a considerable amount of training, which was not
74 provided in the resolution. He would oppose the resolution, as it was.

75

1 Mr. Bauer stated that an armed security guard would not have enough reaction time to deal with someone with a
2 weapon, and a guard would be more reactive, with a greater chance of members being hit. He felt security
3 considerations should include additional door access and metal detectors.

4
5 Mr. Traini stated that the intent of his resolution was to create safety for the Assembly. He did not feel that they should
6 ignore terrorists' activities in the world.

7
8 Chair Fairclough put the question on the main motion, and called for Municipal Clerk Barbara Gruenstein to conduct a
9 roll call vote.

10
11 AYES: Tesche, Coffey and Traini.

12 NAYES: Shamberg, Ossiander, Sullivan, Fairclough, Birch, Stout, Bauer and Jennings.

13
14 **16. UNFINISHED AGENDA** None.

15
16 **17. AUDIENCE PARTICIPATION**

17
18 KRIS KRZANOWSKI appeared to publicly thank the Assemblymembers who had helped her and her husband the
19 previous month. They had turned what had been a helpless situation into a solution and gave back their home and
20 their savings. She specifically thanked Chair Fairclough and Mr. Coffey for their assistance.

21
22 **18. ASSEMBLY COMMENTS**

23
24 Mr. Traini stated there was a conflict with the Municipal Police Officers not being allowed access to the Port of
25 Anchorage. Mayor Begich responded that the issue would be looked into.

26
27 Mr. Sullivan congratulated Ms. Shamberg and her husband for their 30-year wedding anniversary. He stated that he
28 and his wife were celebrating their 20-year anniversary the following day.

29
30 To Mr. Tesche, Deputy Municipal Manager Michael Abbott responded the Matanuska-Susitna Borough Assembly had
31 approved a tobacco tax, similar to the ordinance recently approved by the Municipal Assembly. Mr. Tesche responded
32 that this action would deter residents from Anchorage traveling to the Valley to buy tobacco products.

33
34 **19. EXECUTIVE SESSIONS** None.

35
36 **20. ADJOURNMENT**

37
38 Chair Fairclough called for a motion to adjourn the meeting.

39
40 Mr. Traini moved, to adjourn the Regular Assembly Meeting.
41 Mr. Sullivan seconded,
42 and this motion was unanimously passed,

43
44 The Regular Assembly Meeting was adjourned at 10:35

45
46
47
48
49
50
51 _____
52 ANNA FAIRCLOUGH, Assembly Chair

53 ATTEST:

54
55
56
57 _____
58 BARBARA GRUENSTEIN, Municipal Clerk
59 Date Minutes Approved: June 18, 2005.
60 MC/BG

61
62 *(Approved Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska,
63 telephone (907)343-4505, or on the Municipal Web Site at www.Muni.org~Assembly~Minutes~year~month/day)*

64
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