

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 6, 2001

1. CALL TO ORDER:

The meeting was convened at 5:15 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Sullivan, Dick Traini, Pat Abney, Dan Kendall, Allan Tesche, Fay Von Gemmingen, Dick Tremaine, Anna Fairclough, Melinda Taylor, Doug Van Etten.
Absent: Cheryl Clementson (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Fairclough.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Municipal Manager Harry Kieling advised that Mayor Wuerch was in Washington, D.C., where he had very productive discussions with a number of people, including Alaska's congressional delegation. Mr. Kieling conveyed the Mayor's concern regarding the increased potential for wildland fires this spring. He said a work session was scheduled for February 20, 2001, to present a briefing to the Assembly. Mr. Kieling said Mayor Wuerch had also discussed the health and human services issue and the Transit Center project with the delegation while in Washington, D.C. Mr. Kieling gave a brief update on the improvements that have been made with respect to the community patrols. He said they had reinstated the ride-along program, a surplus Municipal equipment program has been developed to benefit the community service patrols, and the Municipality would conduct its first academy for community patrol members on Saturday, February 17, 2001.

6. ADDENDUM TO AGENDA:

Ms. Abney moved, to amend the agenda to include the addendum items.
seconded by Ms. Fairclough,

Chair Von Gemmingen read the addendum items.

Mr. Sullivan asked that item C.8, AR 2001-39, be added to the addendum. There was no objection.

Question was called on the motion to amend the agenda and it passed without objection.

7. CONSENT AGENDA:

Mr. Van Etten moved, to approve all items on the consent agenda as amended.
seconded by Mr. Tesche,

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-43, an ordinance amending Anchorage Municipal Code Title 28, **Elections**, to modify certain procedures therein and to implement the Accu-Vote Ballot Tabulation System, Municipal Clerk. public hearing 2-27-01.
 - a. Assembly Memorandum No. AM 129-2001.
2. Ordinance No. AO 2001-44, an ordinance amending AMC 4.60.110 of the Anchorage Municipal Code and providing for a **change in the number of members from 15 to 11 of the Senior Citizens Advisory Commission**, Health and Human Services. public hearing 2-27-01.
 - a. Assembly Memorandum No. AM 136-2001.
3. Resolution No. AR 2001-28, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$506,104 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant and \$56,234 as a contribution from the 2001 Anchorage Metropolitan Police Service Area Operating Budget Fund (151), Anchorage Police Department, to the Federal Categorical Grants Fund (241) for the purpose of **underwriting projects to reduce crime and improve public safety**, Anchorage Police Department. public hearing 2-13-01.
 - a. Assembly Memorandum No. AM 122-2001.
4. Resolution No. AR 2001-33, a resolution of the Municipality of Anchorage appropriating \$2,368,420 from the Fund Balances of the four major operating funds **to cover the costs associated with debt service on the January 2000 Tax Anticipation Notes**, Finance. public hearing 2-13-01. **(addendum)**

- a. Assembly Memorandum No. AM 140-2001.
- 5. Resolution No. AR 2001-34, a resolution of the Municipality of Anchorage appropriating \$9,569,410 from the MOA Trust Fund Balance (730) as a **contribution to Areawide General Fund (101) 2000 General Government Operating Budget**, Office of Management and Budget. public hearing 2-13-01. (**addendum**)
 - a. Assembly Memorandum No. AM 141-2001.
- 6. Ordinance No. AO 2001-46, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by adding a definition of **Large Retail Establishment**; adding **Large Retail Establishment** as a conditional use in Zoning Districts B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1 and I-2; revising the maximum gross floor area for retail uses in Zoning District B-1B; and adding conditional use standards for **Large Retail Establishments**, Assemblymember Tesche. **PUBLIC HEARING DATE TO BE DETERMINED**. (**addendum**)

Mr. Tesche requested this item be considered on the Regular Agenda. Due to lack of time, action was carried over to February 13, 2001.

- 7. Ordinance No. AO 2001-47, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.45.235.C. regarding the **maximum heights of churches**, Assemblymember Taylor. **PUBLIC HEARING DATE TO BE DETERMINED**. (**addendum**)

Ms. Taylor requested this item be considered on the Regular Agenda. Due to lack of time, action was carried over to February 13, 2001.

C. RESOLUTIONS FOR ACTION:

- 1. Resolution No. AR 2001-30, a resolution of the Municipality of Anchorage appropriating \$6,306.17 from the Areawide General Fund (101) Balance to the Assembly to pay the **judgment for attorney fees and costs in the matter of Reed v. Municipality of Anchorage, Board of Adjustment**, Assembly Chair Von Gemmingen.
 - a. Assembly Memorandum No. AM 124-2001.
- 2. Resolution No. AR 2001-31, a resolution appropriating \$52,050 from the Areawide General Fund (101) to the Elections Budget (101-1021) for the purpose of funding the purchase of **hardware, software, programming, and on-site election services from Global Election Systems, Inc.**, Assemblymember Fairclough.
 - a. Assembly Memorandum No. AM 130-2001.

Mr. Tesche requested this item be considered on the Regular Agenda. Due to lack of time, action was carried over to February 13, 2001.

- 3. Resolution No. AR 2001-32, a resolution of the Anchorage Municipal Assembly directing the Planning and Zoning Commission to revise the draft **Ship Creek Multi-Modal Transportation Plan**, Assemblymember Tesche. (**addendum**)

Municipal Manager Harry Kieling requested this item be considered on the Regular Agenda. Due to lack of time, action was carried over to February 13, 2001.

- 4. Resolution No. AR 2001-35, a resolution of the Anchorage Municipal Assembly **recognizing and commending Kenneth Bellamy for his dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.C.

- 5. Resolution No. AR 2001-36, a resolution of the Anchorage Municipal Assembly **recognizing and commending Cheryl Bowers for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.C.

- 6. Resolution No. AR 2001-37, a resolution of the Anchorage Municipal Assembly **recognizing and commending Ella Craig for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.C.

- 7. Resolution No. AR 2001-38, a resolution of the Anchorage Municipal Assembly **recognizing and commending Rosalie Priest for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.C.

- 8. Resolution No. AR 2001-39, a resolution of the Anchorage Municipal Assembly supporting HB 92 which will increase the **distance between an establishment where alcoholic beverages are sold**

and a school or church from 200 to 400 feet, Assemblymember Sullivan. (LAID ON THE TABLE)

Mr. Sullivan requested this item be considered on the Regular Agenda. Due to lack of time, action was carried over to February 13, 2001.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 131-2001, Planning and Zoning Commission appointments (Toni Jones, Chuck Achberger, Henry Penney, Kenneth Klein), Mayor's Office.

Ms. Fairclough requested this item be considered on the Regular Agenda. Action was postponed until February 27, 2001 to permit a 10-day public comment period pursuant to AMC 21.10.010.B.

2. Assembly Memorandum No. AM 132-2001, Equal Rights Commission appointments (Chris Lyou, Holly Hill, Denise Morris, Rosalie Sandoval), Mayor's Office.
3. Assembly Memorandum No. AM 133-2001, Health and Human Services Commission appointments (Brenda Norton, Richard Oman, Wes Weir, Roosevelt Brown, Cindy Curtis), Mayor's Office.
4. Assembly Memorandum No. AM 134-2001, Police and Fire Retiree Medical Funding Program Board of Trustees reappointment (Gregory Stokes), Mayor's Office.
5. Assembly Memorandum No. AM 135-2001, Public Transit Advisory Board reappointment (George Nagel), Mayor's Office.
6. Assembly Memorandum No. AM 125-2001, Appeal S-10625 - Eagle Crossing Subdivision: Request to accept late brief, Municipal Clerk.
7. Assembly Memorandum No. AM 71-2001, Assembly approval of change order #2 to 1999-2001 contract with Sandberg, Wuestenfeld & Corey to provide legal services in the area of tort liability (\$50,000), Finance.
8. Assembly Memorandum No. AM 90-2001, 2001 professional services contract with Anchorage Economic Development Corporation (\$493,000), Mayor's Office.
9. Assembly Memorandum No. AM 142-2001, approval of the Ship Creek Intermodal Transportation Facility Memorandum of Agreement which transfers the \$4,300,000 FTA grant for the development of the Ship Creek Intermodal Transportation Facility to the Alaska Railroad Corporation (ARRC) for implementation, Public Transportation Department. (addendum)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 19-2001, Internal Audit Department 2000 Annual Report.
2. Information Memorandum No. AIM 21-2001, Anchorage Chamber of Commerce Resolutions, Municipal Manager. (addendum)
3. Information Memorandum No. AIM 22-2001, Quarterly Bar Violations Report and "Uncontested Establishment" Listing, Clerk's Office. . (addendum)

Question was called on the motion to approve the remaining items on the consent agenda as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

Mr. Tremaine moved,
seconded by Mr. Sullivan,
and it passed without
objection,

to change the orders of the day to consider item 9.G,
AO 2000-124.

Ordinance No. AO 2000-124, an ordinance **adopting the Girdwood Commercial Areas and Transportation Master Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code (Girdwood) (Planning and Zoning Commission Case 2000-032), Community Planning and Development.

1. Assembly Memorandum No. AM 742-2000.
2. Assembly Memorandum No. AM 1127-2000, AO 2000-124; Girdwood Commercial Areas and Transportation Master Plan, Planning Department.
3. Assembly Memorandum No. AM 75-2001, AO 2000-124 - Girdwood Commercial Area and Transportation Master Plan, Assemblymember Tremaine.
4. Assembly Memorandum No. AM 145-2001, Assemblymember Tremaine's amendments to Girdwood Commercial Areas and Transportation Master Plan, Planning Department. (addendum)

(CONTINUED FROM 9-26-00; POSTPONED FROM 10-3-00 AND 12-19-00, AND 1-23-01)

Chair Von Gemmingen gave the history of the ordinance and noted motions to adopt and amend AO 2000-124 were on the floor.

In response to Mr. Tremaine, Office of Planning, Development and Public Works Director Craig Campbell verified that the pending motion incorporated the changes recommended in Planning and Zoning (P&Z) Commission Resolution 2000-032.

Mr. Tremaine moved,
seconded by Mr. Tesche,
and it was withdrawn,

to substitute AO 2000-124(S).

Mr. Tremaine recapped the work session held earlier in the day on this item. He agreed with the Administration's and the Alaska Railroad's position that a rail spur corridor should be reserved so that future options were not precluded. He said he had explicitly included a provision in the (S) version for that. Referring to the public hearings held in Girdwood on this issue, Mr. Tremaine said it was overwhelmingly obvious Girdwood residents do not want a rail spur in their community, and the Board of Supervisors had voted twice to eliminate the rail spur from the Girdwood Transportation Master Plan. Mr. Tremaine felt his proposed change to include the preferred rail corridor alternative constituted a compromise that would allow the route to be reserved for future planning but not constructed in the immediate future.

Mr. Tesche spoke in favor of the motion. He said while it was clear there was not a need for a rail spur in Girdwood at this time, he felt it was imminent in light of current economic developments. Mr. Tesche felt Mr. Tremaine had balanced the competing interests in his proposed changes. He said the amendments were sound, and they represented a good resolution of the matter.

Ms. Abney supported the amendments in the (S) version as well. She noted that the Planning and Zoning Commission, in its report, had rejected the rail spur but recognized the need to plan for future transportation challenges and to re-evaluate current transportation trends on an ongoing basis. Ms. Abney said Mr. Tremaine had specifically addressed this issue in his proposed changes.

In response to Chair Von Gemmingen, Eileen Riley, Vice President of Capital Projects for the Alaska Railroad, responded that the Railroad does not currently receive subsidies on services that are not cost-effective. She said the Railroad had funded \$250,000 to review the feasibility of the spur and potential routes.

Mr. Traini opposed the proposed amendments, stating that the market would drive the need for a rail spur system into Girdwood, and private enterprise would determine when it would be feasible to construct the rail.

Mr. Tremaine pointed out that it is a State-owned railroad, funded with federal government subsidy dollars, working with the tourism industry, and the private sector and competition were not factors.

Chair Von Gemmingen said she had been advised that Mr. Tremaine's motion was invalid since AO 2000-124(S) was not yet submitted. She said he would have to make a motion to amend AO 2000-124.

Municipal Attorney Bill Greene advised that Mr. Tremaine could change AO 2000-124 into an (S) version by inclusion of his amendments. He said Mr. Tremaine's document entitled "Draft (S)" would omit other provisions of the ordinance that should be retained in the final version.

Mr. Tremaine withdrew his motion to substitute AO 2000-124(S), with the consent of his second. He then withdrew this original motion to amend AO 2000-124, with the consent of his second.

Mr. Tremaine moved, seconded by Mr. Tesche,	to amend AO 2000-124 by incorporating the amendments contained in the document titled "Proposed Amendments to AO 2000-124(S)."
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Chair Von Gemmingen stated her opposition to the motion. She said they had to look at the greater good of the entire Anchorage community, and she felt the proposed amendments were too restrictive for the general outlook of what would be good for all of Anchorage.

Mr. Campbell noted that the rail spur was included in the Commercial Development and Transportation Plan for Girdwood that was approved by the Planning and Zoning Commission on April 10, 2000. He also explained how the National Environmental Policy Act (NEPA) process vis-a-vis a moratorium would affect the project. He asked the Assembly not to act on this item until it had looked at the rail spur again, taking into consideration the environmental and economic feasibility through an organized process that is adopted by the federal, state, and local governments through the NEPA process.

Ms. Fairclough moved, and it died for lack of a second,	to amend AO 2000-124 to replace the date of "2016" with the date of "2006" throughout the entire document.
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Question was called on Mr. Tremaine's motion to amend AO 2000-124 and it failed:

AYES: Abney, Tesche, Tremaine, Taylor, Van Etten.

NAYS: Sullivan, Traini, Kendall, Von Gemmingen, Fairclough.

Mr. Tesche moved, seconded by Mr. Tremaine,	to amend AO 2000-124 by incorporating the amendments contained in the document titled "Proposed Amendments to AO 2000-124(S)," and that the date "2016" be replaced with "2012" throughout the entirety of the document.
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AYES: Abney, Tesche, Tremaine, Taylor, Van Etten.

NAYS: Sullivan, Traini, Kendall, Von Gemmingen, Fairclough.

Mr. Sullivan moved, seconded by Ms. Fairclough,	to postpone action on AO 2000-124 until a special meeting to be scheduled February 20, 2001.
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AYES: Sullivan, Traini, Abney, Kendall, Von Gemmingen, Fairclough, Taylor, Van Etten.

NAYS: Tesche, Tremaine.

The Assembly then changed the orders of the day to consider item 10, Appearance Requests.

Ron Alleva, regarding the rebuilding of the Brother Francis Shelter at its present location.

Mr. Alleva, owner of Grubstake Auction, said he owned ten lots adjacent to and within one block of the Brother Francis Shelter. He felt he was probably the largest single employer of shelter residents, and he had never complained about his neighbors. He supported rebuilding the Brother Francis Shelter, but was strongly and adamantly opposed to rebuilding it at its present location. He said the Planning and Zoning (P&Z) Commission had unanimously voted against the conditional use in 1985, and it had been overruled by the Assembly. When it came up for rezoning to public lands in 1989, the P&Z had again unanimously voted against the rezoning, and that had also been overruled by the Assembly. Because of this, Mr. Alleva said there had been nine deaths and numerous accidents in the immediate vicinity of the shelter because it was in an industrial area, which was not a safe location. He said high growth, increased traffic, and changes in traffic patterns made this area unsafe for homeless and unemployed people with mental and physical challenges or who had a history of drug and/or alcohol abuse. He said the Assembly should consider safety, economic, social, and environmental concerns as major factors in determining a different location for rebuilding the facility that provides dignity, care, and compassion for these people.

Mr. Tremaine moved,
seconded by Ms. Abney,
and it passed without
objection,

to change the orders of the day to consider items C.3, C.4, C.5,
C.6, and C.7, AR 2001-35, AR 2001-36, AR 2001-37,
AR 2001-38, and AR 2001-39.

8. REGULAR AGENDA:

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: See notes for items 7.B.6 and 7.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-35, a resolution of the Anchorage Municipal Assembly **recognizing and commending Kenneth Bellamy for his dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine moved,
seconded by Ms. Taylor,
and it passed without
objection,

to approve AR 2001-35.

Mr. Tremaine read the resolution, while Ms. Abney presented it to Mr. Bellamy.

Mr. Bellamy thanked the Assembly for the recognition and also for the opportunity to serve the community.

2. Resolution No. AR 2001-36, a resolution of the Anchorage Municipal Assembly **recognizing and commending Cheryl Bowers for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine moved,
seconded by Ms. Taylor,
and it passed without
objection,

to approve AR 2001-36.

Health and Human Services Director Jewel Jones said she would give the resolution to Ms. Bowers, who was not present tonight.

3. Resolution No. AR 2001-37, a resolution of the Anchorage Municipal Assembly **recognizing and commending Ella Craig for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine moved,
seconded by Ms. Taylor,
and it passed without
objection,

to approve AR 2001-37.

Mr. Tremaine read the resolution, while Ms. Abney presented it to Ms. Craig.

Ms. Craig thanked the Assembly, and said it had been an honor and a privilege to serve on the Senior Citizens Advisory Commission.

4. Resolution No. AR 2001-38, a resolution of the Anchorage Municipal Assembly **recognizing and commending Rosalie Priest for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tremaine moved, to approve AR 2001-38.
seconded by Mr. Tesche,
and it passed without
objection,

Mr. Tremaine read the resolution, while Ms. Abney presented it to Ms. Priest.

Ms. Priest thanked the Assembly and said she had enjoyed every minute of her service on the Senior Citizens Advisory Commission.

The meeting recessed at 6:30 p.m. and reconvened at 7:10 p.m.

Mr. Tremaine moved, to change the orders of the day to consider item 9.H.,
seconded by Ms. Taylor, AO 2000-151.
and it passed without
objection,

D. NEW BUSINESS: See note under item 7.D.1.

E. INFORMATION AND REPORTS: None.

9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:

- A. **NOTICE OF RECONSIDERATION:** Resolution No. AR 2001-26, a resolution of the Anchorage Municipal Assembly **supporting House Bill 13**, "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas", Assemblymembers Abney and Tesche.
(APPROVED 1-30-01; NOTICE OF RECONSIDERATION GIVEN BY MS. CLEMENTSON 1-31-01)
- B. **NOTICE OF RECONSIDERATION:** Resolution No. AR 2001-13, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a private club per AMC 21.40.180.D.8, located on SLM Subdivision, Block 4, Lot 4, generally located at the northeast corner of East 34th Avenue and Fairbanks Street (Brotherhood, Inc. dba **Sodality**) (Case 2001-002), Planning Department.
1. Assembly Memorandum No. AM 32-2001.
(APPROVED 1-30-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 1-31-01)

Items 9.A and 9.B. were considered later in the meeting. See item 15, Unfinished Agenda.

- C. Assembly Memorandum No. AM 47-2001, **Oaken Keg 52** (1803) License No. 792-2001/2002 Renewal for a Package Store Liquor License (Fairview and Downtown Community Councils), Clerk's Office.
(CARRIED OVER FROM 1-30-01)
- D. Assembly Memorandum No. AM 48-2001, **Oaken Keg 55** (1805) License No. 793-2001/2002 Renewal for a Package Store Liquor License (Spenard and Turnagain Community Councils), Clerk's Office.
(CARRIED OVER FROM 1-30-01)
- E. Assembly Memorandum No. AM 49-2001, **Oaken Keg 56** (1806) License No. 795-2001/2002 Renewal for a Package Store Liquor License (Spenard and Rogers Park Community Councils), Clerk's Office.
(CARRIED OVER FROM 1-30-01)
- F. Information Memorandum No. AIM 4-2001, 2001/2002 Liquor License Renewals: **APD List of "Uncontested Establishments"**, Clerk's Office.
1. Information Memorandum No. AIM 4-2001(A), 2001/2002 Liquor License Renewals: APD List of "Uncontested Establishments", Clerk's Office.
2. Information Memorandum No. AIM 20-2001, 2001/2002 Liquor License Renewals on Assembly Agenda January 30, 2001 List of Violations/Incidents Reported to the Anchorage Police Department.
(POSTPONED FROM 1-9-01, 1-23-01, AND 1-30-01)

Action on items 9.C, 9.D., 9.E., and 9.F was continued until February 13, 2001.

- G. Ordinance No. AO 2000-124, an ordinance **adopting the Girdwood Commercial Areas and Transportation Master Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code (Girdwood) (Planning and Zoning Commission Case 2000-032), Community Planning and Development.
1. Assembly Memorandum No. AM 742-2000.
2. Assembly Memorandum No. AM 1127-2000, AO 2000-124; Girdwood Commercial Areas and Transportation Master Plan, Planning Department.
3. Assembly Memorandum No. AM 75-2001, AO 2000-124 - Girdwood Commercial Area and Transportation Master Plan, Assemblymember Tremaine.
4. Assembly Memorandum No. AM 145-2001, Assemblymember Tremaine's amendments to Girdwood Commercial Areas and Transportation Master Plan, Planning Department. (**addendum**)
(CONTINUED FROM 9-26-00; POSTPONED FROM 10-3-00 AND 12-19-00, AND 1-23-01)

This item was considered earlier in the meeting. See after item 7.

- H. Ordinance No. AO 2000-151, an ordinance of the Municipality authorizing a sole source sale by the Heritage Land Bank (HLB) of the development rights and the establishment of a conservation easement on

HLB Parcel No. 5-018, a 159.83 acre parcel of land commonly known as **Tracts A & B, ASLS No. 97-29, Plat No. 98-18 (Klatt Bog)** to Ted Stevens Anchorage International Airport, Heritage Land Bank.

1. Assembly Memorandum No. AM 928-2000.
2. Ordinance No. AO 2000-151(S), an ordinance of the Municipality authorizing a sole source sale by the Heritage Land Bank (HLB) of the development rights and the establishment of a conservation easement on HLB Parcel No. 5-018, A 159.83 acre parcel of land commonly known as Tracts A & B, ASLS No. 97-29, Plat No. 98-18 (Klatt Bog) to Ted Stevens Anchorage International Airport, Heritage Land Bank.
3. Assembly Memorandum No. AM 928-2000(A).
4. Ordinance No. AO 2000-151(S-2), an ordinance of the Municipality authorizing a sole source sale by the Heritage Land Bank (HLB) of the development rights and the establishment of a conservation easement on HLB Parcel No. 5-018, A 159.83 acre parcel of land commonly known as Tracts A & B, ASLS No. 97-29, Plat No. 98-18 (Klatt Bog) to Ted Stevens Anchorage International Airport, Assemblymembers Taylor, Tesche, Tremaine, Abney, Van Etten, Traini, and Von Gemmingen. **(LAID ON THE TABLE)**
5. Assembly Memorandum No. AM 928-2000(A-2).

(CONTINUED FROM 1-23-01; PUBLIC HEARING WAS CLOSED AND ACTION POSTPONED FROM 1-30-01)

Chair Von Gemmingen gave the history of the ordinance and noted there were no motions pending.

Mr. Tesche moved, to adopt AO 2000-151(S-2) and to approve
seconded by Ms. Taylor, AM 928-2000(A-2).

Mr. Tesche explained the land exchange transaction would enable Airport officials to proceed with commercial development of Turnagain Bog and Klatt Bog, and in turn transfer certain property interests to the Municipality. Mr. Tesche noted Airport officials and representatives of the two neighborhoods that had opposed the exchange had arrived at a compromise earlier that day. He briefly highlighted the concessions made by the involved parties, and recommended the Assembly approve the ordinance and resolution as presented.

Ms. Taylor concurred with Mr. Tesche's comments and said both the neighborhoods and the airport had worked together in a cooperative effort to arrive at a resolution. She asked the Clerk to include the color map that was included in the first packet instead of the black and white illustration contained on the back of the (S-2) version of the document.

In response to Mr. Tremaine, MORTON PLUMB of the Airport said the (S-2) document was acceptable.

Chair Von Gemmingen added her thanks to Mr. Plumb and his staff for working with the Assembly and the community on this issue.

Mr. Tremaine moved, to amend AM 928-2000(A-2) on page 3, line 8, section 9, in
seconded by Mr. Tesche, the third sentence to read "55 acres" instead of "355 acres."
and it passed without objection,

Ms. Fairclough moved, to amend AO 2000-151(S-2) on page 2 at line 38 to read
seconded by Mr. Tremaine, "(S-2)" instead of "(S)."
and it passed without objection,

Mr. Tesche moved, to amend AO 2000-151(S-2) on page 1, line 9 to read,
seconded by Mr. Tremaine, "...an ordinance of..."
and it passed without objection,

Ms. Abney moved, to amend AM 928-2000(A-2) on page 2, section 7 at lines 44
seconded by Mr. Tremaine, through 47 to include a statement regarding the airport's
and it was withdrawn, responsibility for any kind of damage.

In response to Mr. Tremaine, Municipal Attorney Bill Greene advised that the terms and conditions referred to in section 2 of the ordinance would be the terms as set out in AM 928-2000(S). So it was mandatory that that term be included in the memorandum of understanding.

Ms. Abney withdrew her motion with her second's consent. However, she expressed concern that someone looking at this ordinance in the future may not know to look at the memorandum for those specified terms and conditions.

Mr. Greene advised that the Assembly memorandum would be a permanent part of the record in the Clerk's Office, and the ordinance would contain a cross-reference to the memorandum.

Question was called on the motion to adopt AO 2000-151(S-2) and to approve AM 928-2000(A-2), and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.
NAYS: None.

Mr. Kendall moved, immediate reconsideration of action on
seconded by Ms. Fairclough, AO 2000-151(S-2) and AM 928-2000(A-2).

AYES: None.

NAYS: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

10. APPEARANCE REQUESTS:

- A. **Ron Alleva**, regarding the rebuilding of the Brother Francis Shelter at its present location.

This item was considered earlier in the meeting. See after item 7.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-5, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$3,650,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **ambulances, emergency/areawide communications, Anchorage Cemetery and related capital improvements** in the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 60-2001.
 2. Information Memorandum No. AIM 12-2001, Bond Proposition Fact Sheets.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and the public hearing was continued until February 13, 2001.

- B. Ordinance No. AO 2001-6, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,780,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **public transportation and related capital improvements** at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 61-2001.
 2. Information Memorandum No. AIM 12-2001.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 2001-6.
seconded by Ms. Fairclough,

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

(Clerk's Note: Mr. Kendall was out of the room at the time of the vote.)

- C. Ordinance No. AO 2001-7, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$4,790,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area** at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 62-2001.
 2. Information Memorandum No. AIM 12-2001.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

STUART HALL, President of the Government Hill Community Council, stated his support for this bond issue. He noted that it included two projects affecting Government Hill. The first, which would provide for a trail connection between Sunset and Boulderwood Parks, would encourage the development of trails through the greenbelt area surrounding Government Hill. The other project was the completion of Phases 2 and 3 of the improvements to Suzanne Nightingale McKay Memorial Park. He said Phase 1 had been a wonderful improvement to the park, particularly the area surrounding the Sydney Laurence Memorial. He said Phases 2 and 3 had been expertly and imaginatively developed by staff and would allow completion of the project, including providing better public access, parking, and security. He said that the community council asked that the overhead fee for in-house management and design services be a discrete item in the bond issue.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and the public hearing was continued until February 13, 2001.

- D. Ordinance No. AO 2001-9, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$4,365,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **fire protection and related capital improvements in the Anchorage Fire Service Area** at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 64-2001.
 2. Information Memorandum No. AIM 12-2001.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Fairclough moved, to adopt AO 2001-9.
seconded by Mr. Tremaine,

Referring to the bond fact sheets, Mr. Tremaine commented that the fire station at Tudor and Baxter was proposed to have an aerial ladder multi-use truck, pumper tanker, and a medic ambulance. He said it was his understanding that if this item went to the voters and was passed, those pieces of equipment were required to be provided. He felt it was the Assembly's intent to have the flexibility to provide the equipment or not, and he asked that all of the bond fact sheets be checked for similar requirements. Secondly, Mr. Tremaine said it would be helpful to have on the bond fact sheets an indication of how many bonds were being retired as well as the value of the bonds being retired. He said in this case, more fire bonds were being retired for fire equipment than there were new bonds being issued, so residents would be paying less taxes for fire.

Bruce Holmes of the Office of Management and Budget explained that each year the Municipality makes its debt service payments, the principal amount of the bonds is lowered. However, the Municipality has the obligation for the term of the bonds, which means that while the principal has been reduced, the obligation to pay the debt service continues each year until the obligation is paid off. In this case, he said the fire bonds are 20-year bonds.

In response to Mr. Tesche's request for statistical data depicting the bond indebtedness over the term of the bond, Municipal Manager Harry Kieling said they would work with Mr. Tesche to provide a graphic depiction of that information.

Question was called on the motion to adopt AO 2001-9 and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.
NAYS: None.

(Clerk's Note: Mr. Kendall was out of the room at the time of the vote.)

- E. Ordinance No. AO 2001-8, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,360,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **road, storm drainage and related capital improvements in the Anchorage Roads and Drainage Service Area** at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 63-2001.
 2. Information Memorandum No. AIM 12-2001.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

PAUL LAVERTY asked that \$2,000,000 of the \$9,000,000 for the Ingra/Gambell extension be allocated instead to ongoing design, construction, and bid document preparation, that \$4,000,000 be allocated for the realignment and reconstruction of Whitney Road to the north of the Knik Power Plant, and that \$3,000,000 be allocated to fund a portion of the pavement replacement program projects identified in the current AMATS Transportation Improvement Program. Mr. Laverty pointed out that Whitney Road was one of the main thoroughfares for truck traffic into and out of the Port of Anchorage. He said it was the only Municipal and State designated route for trucks over 11,000 pounds gross vehicle weight and for double-size loads, and it was a project worthy of accelerated completion. He urged the Assembly to allocate the funds for the proposed Ingra/Gambell extension to these much more worthwhile projects instead.

STUART HALL, President of the Government Hill Community Council, referred the Assembly to the council's formal statement opposing the portion of the bond issue that provides for the Gambell/Ingra extension. He said this project was being fast-tracked outside of the normal prioritization process, and the Administration appeared to be saying that this project was more important than other needed projects already slated for construction. In addition, he noted that Whitney Road was the 27th roadway improvements project in AMATS' current schedule, and the council felt it deserved a higher priority. He said if they were going to take the precedential step of using locally funded bonds for this purpose, they needed to review the options and prioritize the projects. He said the council felt it was ill-advised to include the Gambell/Ingra extension as part of the local streets and roads bond measure. He added that if the Assembly felt this project should go to the voters, it should be a separate bond measure.

TOM McGRATH said a portion of the proposed bond proposition would commence a new road project while at the same time solving road and street problems throughout Anchorage. He said truck traffic ingress/egress via Gambell/Ingra would improve the flow to the Seward and Glenn Highways and would also draw traffic away from congested areas of town, especially from West Northern Lights Boulevard. Mr. McGrath said truck traffic would be able to leave the Port of Anchorage and go to the airport via West International Airport Road with few traffic lights, and the benefits in safety and reduced congestion would be evident. He thanked the Administration for bringing the proposal forward, and he urged the Assembly to approve the complete bond package.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and the public hearing was continued until February 13, 2001.

- F. Ordinance No. AO 2001-21, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, the question of issuance of \$9,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **design, construction, and right-of-way acquisition for roadway access between Gambell St./Ingra St. Extension-Ship Creek Avenue to Third Avenue**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 65-2001.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and the public hearing was continued until February 13, 2001.

- G. Resolution No. AR 2001-5, a resolution confirming and levying special assessments for **Special Assessment District No. 1P99, which constructed the south portion of 31st Avenue between A Street and C Street**, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Office of Planning, Development, and Public Works.
1. Assembly Memorandum No. AM 14-2001.
 2. Information Memorandum No. AIM 11-2001, substitute final assessment roll for AR 2001-5 confirming and levying special assessments for Special Assessment District 1P99 which constructed the south portion of 31st Avenue between A Street and C Street, Office of Planning, Development, and Public Works.
- (CARRIED OVER FROM 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Fairclough moved,
seconded by Ms. Taylor,

to approve AR 2001-5.

Mr. Sullivan moved,
seconded by Mr. Traini,
and it passed without
objection,

to amend AR 2001-5 on line 23 to insert the date "February 6, 2001," at line 33 to insert "1st" before "day of" and "May" before "of each year," at line 34 to insert the date "May 1st" before "2001," and to substitute the final roll dated January 30, 2001.

Question was called on the motion to approve AR 2001-5 as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

- H. Ordinance No. AO 2001-4, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 24.80 to **require real property owners to keep accessible parking spaces clear of snow and ice**, Assemblymember Abney.
1. Assembly Memorandum No. AM 24-2001.
- (CONTINUED FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

TOM McGRATH urged the Assembly to vote against AO 2001-4. He said businesses would try to comply in any event simply as a prudent business practice. He said if the ordinance became law, it would be unenforceable and it was discriminatory. He pointed out that right-of-way enforcement does not currently enforce improper placement of snow. Mr. McGrath said he shovels the sidewalk in front of his business, only to have Public Works pile snow back onto the sidewalk he had just shoveled. It was his rule to maintain visibility of the painted handicap symbols on the asphalt of his parking lot at all times, but he said some businesses have never established painted handicap symbols in their parking lots. He said there are hundreds of businesses in temporary facilities without any ADA standards whatsoever. Mr. McGrath said Anchorage businesses generally try to do a good job and do what is right.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Ms. Abney moved,
seconded by Mr. Tremaine,

to adopt AO 2001-4.

Ms. Abney said she had introduced this ordinance at the request of a large segment of the disabled community. She agreed with Mr. McGrath that many businesses do a fine job removing snow, but some do not. She said as time goes on, she hoped the community would become more ADA aware and responsible.

Question was called on the motion to adopt AO 2001-4 and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

- I. Ordinance No. AO 2001-1, an ordinance amending the zoning map and providing for the rezoning from R-1SL (Single-Family Residential District) with Special Limitations to PLI SL (Public Lands and Institutions District) with Special Limitations for **Turnagain View East Subdivision, Tract B-1**; generally located south of Leyden Road and west of Elmore Road (Site of Future South Anchorage High School) (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 2000-117), Planning Department.
1. Assembly Memorandum No. AM 3-2001.
 2. Ordinance No. AO 2001-1(S), an ordinance amending the zoning map and providing for the rezoning from R-1SL (Single-Family Residential District) with Special Limitations to PLI SL (Public Lands and Institutions District) with Special Limitations for Turnagain View East Subdivision, Tract B-1; generally located south of Leyden Road and west of Elmore Road (Site of Future South Anchorage High School) (Huffman/O'Malley Community Council) (Case 2000-117), Assemblymember Tremaine. **(LAID ON THE TABLE)**
- (CARRIED OVER FROM 1-30-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

GEORGE VAKALIS, representing the Anchorage School District, requested that the Assembly approve the rezone action as presented with a unanimous recommendation of approval by the Planning and Zoning Commission. Mr. Vakalis noted the current R-1SL zoning for the site only allows one access to the site, and the proposed PLI zoning would allow for multiple access sites. Secondly, the current residential zoning imposes a height limitation, which would negatively affect the auditoria (multi-purpose facility) in the new high school, and the PLI rezoning does not. Lastly, Mr. Vakalis said past policy had been to align the different school sites with appropriate zoning, which is PLI, Public Lands and Institutions. He said all but 6 of the 94 school sites in the district are currently zoned PLI.

MATT MOON, representing the Youth Advisory Commission and members of Dimond and Service High Schools, concurred with Mr. Vakalis' statements. He said if the new high school was constructed with the current R-1SL zoning, they would be able to hold only limited theatrical productions, there would be only a single road access, and traffic congestion would be increased. He said PLI zoning would eliminate these problems. Mr. Moon described the current overcrowded conditions at Dimond and Service High Schools and said if the PLI rezoning was not approved, Dimond would have relocatables for the next two to three years before the new Dimond High School was opened.

ANGELA KUENTZEL said she did not oppose the rezoning or the new school. She pointed out that one of the goals of the Comprehensive Plan required development of the community in an orderly, sequential manner with public facilities and services consistent with established land use policies. Ms. Kuentzel said the site should be developed in accordance with the intent of the Transition Area Standards and the original special limitations that were placed on the property. She requested the Assembly to approve the substitute version of the ordinance, which would incorporate both the original special limitations and their intent as well as those proposed by the Anchorage School District.

MICHELLE TABLER said she was one of many South Anchorage parents who wanted the high school built on the Elmore Road site. She asked that the rezone be approved and that the project move forward as expeditiously as possible. She added that if the rezone was not approved, it would further delay the project by up to two years. She said she and her neighbors felt Dimond and Service were so seriously overcrowded that sending their children to those schools would be detrimental to their education. She said the vast majority of people in that area very much want the new school to be built as presented by the architect. She urged the Assembly to approve the rezoning for the good of their children's education.

SHANNON HALL said she did not oppose the new school, but she requested that the Assembly retain the intent of the special limitations that were placed on the site in 1984. She said these limitations were placed on the property as a result of the public process, and they were part of the parcel when it was purchased as a school site in 1986. She said the purpose of the limitations was to protect the surrounding neighborhoods from undue negative impacts. She asked the Assembly to approve the substitute version of the ordinance, which incorporates both the original special limitations and their intent, together with those proposed by the Anchorage School District.

CHRIS ERSLYN said as a pediatric nurse practitioner in this community for the past 25 years, and with a 16-year-old at Service and a fifth grader at Huffman, it was her observation that children need smaller schools and more adult involvement. She said if this rezoning was not approved, the construction of the new school would be delayed by up to two years, and the student behavior problems we are witnessing all over town would only be aggravated by further overcrowding at our schools. She reiterated that it was of paramount importance to reduce the number of students per classroom and to increase the parent and teacher involvement.

TIMOTHY STEVENS, Elmore Road resident, said he was in favor of the PLI rezoning, but he had reservations about the special limitations proposed by the Anchorage School District. He asked the Assembly to maintain the intent of the special limitations established for the site in 1984, prior to the Anchorage School District's purchase of the property as a school site. He added that if we do not require publicly funded projects to abide by the land use policies established by the citizens of this city, how could we expect private developers to adhere to them.

STEVE ARNSTEIN spoke against eliminating the special limitations regarding the buffers. He specifically noted conflicts in vehicular and pedestrian traffic. He also pointed out that the restrictions were designed to buffer and protect the existing lower residential neighborhoods from impacts caused by higher-density development, and the buffering was especially needed with the construction of the new high school. He said the buffers could be maintained without impeding access, while maximizing community use, and it would be consistent with the Hillside Wastewater Management Plan.

MARYANNE SEE, member of the Urban Design Committee for the new school, endorsed the findings and unanimous decision of the Planning and Zoning (P&Z) Commission to recommend approval of the proposed rezoning. She urged the Assembly to carefully review the P&Z's findings of fact with respect to the issues, which were to amend site buffers, building height, and access restrictions. Ms. See said Anchorage citizens had long supported the need for this new school, as evidenced by parent, student, and public testimony on the issue. She said 5,000 students, approximately 38 percent, of the Anchorage student population, would be affected by the Assembly's decision, and she urged approval of the PLI rezoning.

JODI SOLOMON, fifth grade school teacher at Bear Valley Elementary, said two of her children attend Service, and her younger daughter attends Bear Valley. She said she advocated neighborhood schools, and she pointed out that schools enhance nearby neighborhoods and attract families to move into those neighborhoods. She said schools become the hub of the community, drawing the community together through common goals, objectives, and interests. She said the community wants this new high school to be built, and she asked that the Assembly approve the Planning and Zoning Commission's unanimous vote to rezone to PLI so the new school could be built.

MARCI HOSKINS concurred with Ms. Solomon's comments. She said she was the mother of four children, one of whom attends Service. She believed that many people in the community who opposed the new high school at this site were simply afraid of change. But she said change happens, and being a parent of children attending Anchorage community schools, she was very much aware of the need for the new high school. She urged the Assembly to approve the PLI rezoning.

CYD DUFFIN said she has been very involved in her own children's education, and as Assistant Principal at Chugiak High School, she has been involved with many other students in the Anchorage School District. As a South Area Anchorage High School Planning Committee member for the past two years, she expressed excitement and enthusiasm about the positive aspects that the new high school will bring Anchorage students. She said the school would be built, and she asked that the Assembly approve the rezoning of the South Area Anchorage High School site to PLI.

SHIRLEY COLSON, parent of three children in the Anchorage school system and a public participant on the design team for the South Anchorage Area High School, stated her support for the rezoning to PLI. She said the driving forces in the design of the new school included designing a safe, flexible high school; to relieve current overcrowding in existing Anchorage schools; and to incorporate adaptability into the design of the new school to meet future needs. She said our children need this new school without any further delay, and she urged the Assembly to approve the rezoning to PLI.

AMY McFARLAND said as a parent of school-age children, she had a strong interest in seeing an additional high school built. However, as an owner of property near the new school site, she also had an interest in seeing that the school was built consistent with the protections that were provided in AO 84-75 when the site was rezoned in 1984. She said the Anchorage School District has been aware of the access limitations since they purchased the property as a future school site in 1986 but had failed to plan for site access consistent with those limitations and was now asking that the site be rezoned to PLI with new special limitations providing for multiple access points to the site from Elmore Road. She said since the School District had failed to follow proper procedures for obtaining the special limitation, the rezoning application should be denied. She asked that the Assembly reject the rezoning application until the historical zoning expectations of nearby property owners receive proper attention.

SUSAN HESS expressed concern regarding any delay in the construction of the new South Anchorage Area High School. She asked the Assembly to vote logically to complete the rezoning of the new school site so that the overcrowding at Service and Dimond High Schools would be alleviated.

SCOTT BURGLAND said he and his wife support the construction of the new South Anchorage High School on the Elmore Road site, including the zoning changes required to allow the project proceed. He said he hoped his two children, now in Huffman Elementary School, would be attending the new high school in the future. He echoed Ms. Solomon's comments that neighborhood schools contribute to a sense of community. He said the engineering and architectural designs respond to the concerns of the people with a "not in my back yard" mindset, and he urged the Assembly to approve the PLI rezoning.

JACQUELINE HUTCHINS said when she purchased her home on Sailboard Circle ten years ago, she understood that a high school would be built in the neighborhood, and she had hoped her children would have the opportunity to attend. Her son, now 15 years old, attends Service, which is over capacity with numerous relocatables. Ms. Hutchins stated her support for the rezoning to PLI. She expressed concern regarding the one-year gap in the projected opening of the new Dimond High School and the new South Anchorage High School. She was also concerned that the entire Phase II renovations, and possibly the Phase III renovations, for Service High School would not be on the ballot. She stressed the importance of having Service High School renovated by the time the new high school opens. She said potential future boundary changes in this area may result in community disputes that would negatively impact the communities. She urged the Assembly to approve the rezoning to PLI at this time, and that the Assembly ensure that the renovations to Service High School are accomplished in a timely manner.

CAROL FRIES, President of Rabbit Creek Community Council, said the council had previously submitted testimony requesting that the special limitations currently in place for the new school site be retained, with the primary issue being the Elmore Road access. She restated many of the comments provided in earlier testimony on this issue, and pointed out that when people purchase homes in an area, they rely on the zoning designation and limitations that are currently in place. She said the council was also concerned that mistakes made at Golden View Middle School were being repeated at the new school site. She urged the Assembly to retain the special limitations currently associated with the parcel and said it may not necessarily result in a delay in the development of the school. She noted that there may also be liability issues that should be taken into consideration with respect to access at the intersection of Elmore and Huffman Road, and she said she would provide further written comments on that issue.

Vice Chairman Tremaine assumed the Chair.

CARL BASSLER asked that the Assembly not take action on the rezoning issue tonight, and that they remove the required access from Elmore Road. He said he was not against the school, but having more than one access would violate the intent of AO 84-75, which was the result of considerable City planning effort and public input. He noted that the 1985 Site Selection Study said access to a high school should be from a major non-residential street. Elmore Road was classified as a residential collector in the Official Streets And Highways Plan, which also recommends that a minor arterial be used to serve facilities, such as community schools, which serve one or more neighborhoods. DeArmoun Road was the only nearby street that was a minor arterial. Mr. Bassler said the residents and commuters should not have their rights trampled to allow an easy out for the School District, which did not properly address its responsibilities with respect to the school site.

LEE TAAS said building height and road access were workable and minor considerations compared to the current overcrowding that children face in our schools on a daily basis. She reiterated the benefits of having neighborhood schools, and she urged the Assembly to approve the rezoning to PLI for the benefit of our children and the community.

Chair Von Gemmingen returned to the Chair.

STEVEN SKROCKI stated his support for the Anchorage School District's proposed rezoning to PLI for the new South Anchorage High School. His observations with respect to the two factions on either side of the issue were that we need this new school, and had the issue come up earlier, there would have been the same opposition to it. He said there was a clear, obvious, and correct decision, and that was to approve what the School District needs to proceed with this project.

NANCY BRAIN said she was the parent of two children who would attend the new South Anchorage High School. She said for all the reasons that had been previously stated, she would urge the Assembly to approve the proposed zoning change so the new school could be built as soon as possible. She pointed out that any delay in this project would be detrimental to the community.

MARY RASMUSSEN spoke of her work on this project, and she reiterated the need for the high school. She described all the hard work and effort that had gone into creating the very best design possible for the project. However, she said the major consideration was the negative impact it would have on Anchorage students, both now in and in the future, if this project were to be delayed. She said the new school would enhance our community and facilitate an excellent education for Anchorage students. She urged the Assembly to approve the rezoning to PLI for the new school site.

JONATHAN STEELE said he was with the architectural firm ECI Hyer, the designers of the new school project. He said when the site was rezoned to R-1SL, it was an aggregate of 108 acres in the ownership of a single individual who intended residential development of the property in the R-1 configuration. At that time, the boundary of the site for the school had not been determined. So when the limitations dealing with access to the site were put into place, they did not pertain to the anticipated future school site, but to anticipated residential development of the site. Mr. Steele discussed other understandings and intentions at the time the Assembly supported selection of the site for a future school site, and said he simply wanted to add these insights for the Assembly's consideration in its deliberations on this issue.

RICHARD ALLEN said he was not opposed to the school, but he wanted the Assembly members to consider if this rezoning issue was taking place in their own neighborhoods and treat his neighborhood the way they would want to have their own neighborhoods treated.

ROBIN DEMPSEY, parent of three children, spoke of her sixth grader's concern regarding the disruption he would face in not only not being able to go to the new high school but also not going to Service either, which is where they had anticipated he would go. She said her son discussed this issue openly, and she was amazed at the concern he has expressed regarding it. Ms. Dempsey said she had a strong interest in the new high school being built as quickly as possible so that it poses less disruption to those students who were facing high school in the next few years. She echoed others' comments regarding the benefits of having Golden View Middle School in her neighborhood and said the traffic on the road to the school would never have discouraged her from purchasing a home in that neighborhood.

SUZANNE CULMELLIS, President of Bear Valley School PTA, said she had been requested by several parents to speak on this issue tonight. On behalf of those parents and the PTA Board, she urged the Assembly to support the rezoning to PLI so that construction of the new school could proceed according to schedule.

JEFF JESSE said they must consider that the needs of many must outweigh the wants of a few, and that delaying this project would jeopardize the future of many high school students who were facing the exit exam as we enter into high-stakes testing. He expressed his concern that the community was trying to visit the sins of the Anchorage School District onto the students, and the result would only be that it would be detrimental to the students, not to the school district. He urged the Assembly to approve the rezoning to PLI.

Ms. Fairclough moved,
seconded by Mr. Traini,
and it passed without
objection,

to extend the public hearing on AO 2001-1 to complete
the public testimony.

HELEN ARMSTRONG, President of Golden View PTSA, asked all of the Golden View parents in the audience who were in support of the rezoning to PLI to stand up. Ms. Armstrong said she had become aware of the opposition to the rezoning only a week ago, and she had heard that 60 "NIMB" (not in my backyard) homeowners in the area had signed a petition in opposition to the rezone. She said that was 30 percent of the homeowners within 300 feet of the school. And she had also heard that several of the Assembly members intended to support these 60 homeowners. Ms. Armstrong reminded the Assembly that this issue affected 5,000 children, and if this rezoning were not approved, it would result in a delay of one to two years on the construction of a new high school in this area. She urged the Assembly to approve the PLI rezoning.

ERIC BACON, Co-Chair of the Bowman Open Optional Program, stated that the buffers were originally designed to protect R-6 property owners from high-density subdivisions. He said they were never intended to limit the construction of a new high school. He said the intended use of the land was changed from residential to that of a school site in 1985, and after 15 years, he strongly urged the Assembly to adopt the rezoning measure. He said it would benefit the students of the new school, and it paralleled the change in the intended land use for this site. He said this school was needed now, so time was of the essence.

PEGGY ROBINSON, President of the Anchorage School Board, urged the Assembly to approve the rezoning tonight. She said the School Board had not determined the fate of those students who would be seniors when the new high school was built. She said she had been on the Joint Site Selection Committee for eight years, and the committee had discussed site access numerous times over the years. She said they had looked at different options, and at the end of the day, the only real option was access off of Elmore Road. Ms. Robinson addressed buffers and the height of the auditorium. She said the School District attempts to ensure that new high schools were able to have full theaters for their productions.

JUDY STEVENS said she was not opposed to the school being built on the selected site, but she was disenchanted with the way the system worked. She said she thought that our elected officials had enough integrity to follow through with the intent of ordinances and zoning at the time they were passed. She asked who would take responsibility for the people who would be killed at the Elmore Road and Huffman Road intersection when motorists could not stop coming down the hill due to icy conditions. She said the traffic problems on Huffman Road need to be addressed.

Mr. Traini noted that there would be a meeting from 6:30 to 8:30 p.m. on February 8, 2001, at Huffman Elementary School to discuss Elmore Road improvements.

DIANE RICHMOND said she lived across the street from the new school site. She said her children attend Anchorage schools, and she was not opposed to the school being in her back yard, although the project would affect her personally, including the loss of approximately 4,000 feet of her back yard. She said her concern was that the limitations placed on the site in 1984 be retained in the rezoning to PLI.

SHARON LONG urged the Assembly's favorable consideration of the rezone request. She asked the Assembly not to be fooled by the "O. J. Simpson technique" of impugning the process. She said revisions to rezone applications were common, and the Planning and Zoning process had integrity. She added that they had been subjected to the public process ad nauseam on the issue of this school. She said the facts were that overcrowding at Service and Dimond High Schools was outrageous. She asked the Assembly to vote yes and build the school.

RAY AMSDEN said he was employed in the Facilities Department with the Anchorage School District. He said at the time the School District acquired the site, it did not know what the site configurations and traffic impacts would be. He said it took time for the School District to gain a good understanding of these issues in order to be able to show the community what its expectations were in applying for the PLI rezoning. He added that in his tenure with the Anchorage School District, there had never been such controversy over rezoning a school site to PLI since that was the appropriate zoning designation for schools. He said it was the School District's intent to deliver a school that was comparable with other schools in this community, and the public, parents, community leaders, students, and many others had participated in the design process. He said it was the School District's belief that they had delivered a design to the Assembly that demonstrated the District's commitment to excellence in design and which also takes into consideration the District's concern and sensitivity to the neighbors in the area. He said the District hoped the Assembly would support the rezoning to PLI for the new school.

PETER JOHNSON said he had been an active member of the Huffman O'Malley Community Council for 15 years, and he gave an historical perspective of the site selection for the new high school. He said the community council's major concern during the early years was they wanted Elmore Road to be developed in concurrence with construction of the new school, but not before the school was built. He said the council recognized that Elmore Road would need to be in place once the school was built, and it was always their view that Elmore Road would be the primary access. Mr. Johnson stressed the importance of proceeding with the project.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Ms. Abney moved, to adopt AO 2001-1.
seconded by Mr. Traini,

(Clerk's Note: See item 15, Unfinished Agenda, for further action on this item.)

Mr. Tremaine moved, to extend the meeting until 12:00 midnight to complete the
seconded by Mr. Tesche, agenda.
and it failed with objections
by Mr. Traini and Mr. Van Etten,

Ms. Taylor moved, to extend the meeting until 11:30 p.m. to complete the agenda.
seconded by Mr. Traini,
and it failed with objections
by Mr. Kendall and Mr. Sullivan,

Mr. Tremaine moved, to change the orders of the day to consider items 9.A and 9.B,
seconded by Ms. Abney, AR 2001-26 and AR 2001-13.
and it passed without
objection,

12. **NEW PUBLIC HEARINGS:** None.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

14. **SPECIAL ORDERS:** None.

15. **UNFINISHED AGENDA:**

- A. **NOTICE OF RECONSIDERATION:** Resolution No. AR 2001-26, a resolution of the Anchorage Municipal Assembly **supporting House Bill 13**, "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas", Assemblymembers Abney and Tesche.
(APPROVED 1-30-01; NOTICE OF RECONSIDERATION GIVEN BY MS. CLEMENTSON 1-31-01)

Chair Von Gemmingen gave the history of the resolution and noted a question of whether to reconsider was before the body.

Municipal Attorney Bill Greene said the Department of Law had advised the House Committee on Community and Regional Affairs and the House Judiciary Committee that the Department of Law concurred with the State Attorney General and the Alaska Municipal League that House Bill 13, as it is presently structured, likely violates Article X, § 1, § 3, and § 5, as well as Article II, § 19, of the Alaska Constitution.

Question was called on whether to reconsider action on AR 2001-26 and it failed:

AYES: Sullivan, Von Gemmingen, Van Etten.
NAYS: Traini, Abney, Kendall, Tesche, Tremaine, Fairclough, Taylor.

- B. **NOTICE OF RECONSIDERATION:** Resolution No. AR 2001-13, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a private club per AMC 21.40.180.D.8, located on SLM Subdivision, Block 4, Lot 4, generally located at the northeast corner of East 34th Avenue and Fairbanks Street (Brotherhood, Inc. dba **Sodality**) (Case 2001-002), Planning Department.
 1. Assembly Memorandum No. AM 32-2001.
(APPROVED 1-30-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 1-31-01)

Chair Von Gemmingen gave the history of the resolution and noted a question of whether to reconsider was before the body.

Question was called on whether to reconsider action on AR 2001-13 and it passed:

AYES: Sullivan, Traini, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.
NAYS: Abney, Kendall, Tesche.

The Assembly then returned to item 11.I, AO 2001-1.

- C. Ordinance No. AO 2001-1, an ordinance amending the zoning map and providing for the rezoning from R-1SL (Single-Family Residential District) with Special Limitations to PLI SL (Public Lands and Institutions District) with Special Limitations for **Turnagain View East Subdivision, Tract B-1**; generally located south of Leyden Road and west of Elmore Road (Site of Future South Anchorage High School) (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 2000-117), Planning Department.
 1. Assembly Memorandum No. AM 3-2001.
 2. Ordinance No. AO 2001-1(S), an ordinance amending the zoning map and providing for the rezoning from R-1SL (Single-Family Residential District) with Special Limitations to PLI SL (Public Lands and Institutions District) with Special Limitations for Turnagain View East Subdivision, Tract B-1; generally located south of Leyden Road and west of Elmore Road (Site of Future South Anchorage High School) (Huffman/O'Malley Community Council) (Case 2000-117), Assemblymember Tremaine. (**LAI D ON THE TABLE**)
(CARRIED OVER FROM 1-30-01)

Mr. Tremaine moved, to substitute AO 2001-1(S).
seconded by Mr. Tesche,

(Clerk’s Note: See minutes of February 13, 2001 for further action on this item.)

- 16. **AUDIENCE PARTICIPATION:** None.
- 17. **ASSEMBLY COMMENTS:** None.
- 18. **EXECUTIVE SESSIONS:** None.
- 19. **ADJOURNMENT:**

The meeting adjourned at 11:00 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: July 10, 2001

LF/ccarl

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