

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 13, 2001

### 1. CALL TO ORDER:

The meeting was convened at 5:02 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, Cheryl Clementson.  
Absent: None.

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Tremaine.

### 4. MINUTES OF PREVIOUS MEETING:

#### A. Regular Meeting - October 17, 2000

Mr. Tremaine moved, to approve the minutes of the October 17, 2000 regular meeting,  
seconded by Mr. Tesche,  
and it passed without objection,

### 5. MAYOR'S REPORT:

Mayor Wuerch reported on his recent trip to Washington, D.C. to visit with Alaska's Congressional delegation. He said some issues discussed were construction of a new building to house the Health and Human Services Department, the Ship Creek area development, road priorities and hillside fire mitigation.

### 6. ADDENDUM TO AGENDA:

Mr. Tesche moved, to amend the agenda to include the addendum items,  
seconded by Mr. Tremaine,

Chair Von Gemmingen read the addendum items.

Mr. Tesche moved, to add item 12.P, AO 2001-33(S-1), to the addendum.  
seconded by Mr. Tremaine,  
and it passed without objection,

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

### 7. CONSENT AGENDA:

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

#### A. BID AWARDS:

1. Assembly Memorandum No. AM 151-2001, recommendation of award to Alaska Construction & Engineering, Inc. for the **King Street Upgrade-96th Court to Dimond Boulevard** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 20-C067) (\$2,089,102.55), Purchasing.
2. Assembly Memorandum No. AM 152-2001, recommendation of award to Alaska Pipe & Waterworks and Western Utilities to furnish **miscellaneous hydrant, pipe, plumbing and treatment parts and supplies** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 20-B110) (\$250,000), Purchasing.

#### B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-45, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$70,000,000 in aggregate principal amount of **Tax Anticipation Notes** of the Municipality; fixing certain details of said notes; providing for the form and manner of sale of said notes; pledging the receipts from ad valorem property taxes to be levied during Year 2001 and the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said notes; and related matters, Finance. public hearing 2-27-01.

- a. Assembly Memorandum No. AM 143-2001.
2. 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, and I-3; 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 3-13-01.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.B.

3. 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.**
  - a. Assembly Memorandum No. AM 149-2001.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.B.

4. Ordinance No. AO 2001-48, an ordinance amending Anchorage Municipal Code Chapter 14.60.030 **to allow the Administrative Hearing Officer to assess fines for violation of Anchorage Municipal Code Chapter 16.65** regarding the prohibition of smoking in public places, Health and Human Services and Assembly Member Clementson. public hearing ~~2-27-01~~ 3-13-01.
  - a. Assembly Memorandum No. AM 147-2001.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.B.

5. Ordinance No. AO 2001-51, an ordinance amending Anchorage Municipal Code (AMC 9.28.020, 9.28.021, 9.28.022, 9.28.023, 9.28.024, 9.28.025, 9.28.026, 9.48.130, and 10.50.035) to **replace the phrases *Driving While Intoxicated and (DWI)* with *Driving Under the Influence and (DUI)***, Legal Department. public hearing 2-27-01.
  - a. Assembly Memorandum No. AM 153-2001.
6. Ordinance No. AO 2001-52, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 2.30.030 I. relating to the **time requirements for public hearings of the Assembly and adjournment of Assembly meetings**, Assemblymember Tesche. public hearing ~~2-27-01~~ 3-13-01.
  - a. Assembly Memorandum No. AM 146-2001.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.B.

7. Resolution No. AR 2001-45, a resolution appropriating \$838 Year 2001 Special Assessment and Interest Collections, \$18,188 Year 2000 Special Assessment and Interest Collections, and \$543,798 Prior Year Special Assessment and Interest Collections within the Special Assessment Bond Redemption Fund (0899) for **2000 Special Assessment Bond Debt Service** for the Public Works Department, Finance. public hearing 2-27-01.
  - a. Assembly Memorandum No. AM 154-2001.
8. Resolution No. AR 2001-54, a resolution of the Assembly adopting the recommendations contained in the **Ship Creek Multi-Modal Transportation Plan** with changes recommended by the AMATS Technical Advisory Commission, Planning Department. public hearing ~~2-27-01~~ 3-13-01. **(addendum)**
  - a. Assembly Memorandum No. AM 119-2001.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.B.

9. Ordinance No. AO 2001-49, an ordinance repealing Ordinance 77-351 concerning a portion of Tract B-1, Waldron Subdivision, and amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) District and R-O SL (Residential Office) District with Special Limitations for **Tract 2A, Waldron Subdivision**; generally located south of Tudor Road and east of Shelikof Street (Campbell Park Community Council) (Planning and Zoning Commission Case No. 200-243), Assemblymember Traini. public hearing 3-13-01. **(addendum)**

#### C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-40, a resolution of the Anchorage Municipal Assembly supporting the **Great Alaska Shootout Basketball Tournament** and requesting that the National Collegiate Athletic Association reject Legislative Proposal No. 2000-106, Assemblymembers Sullivan, Abney, Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

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

2. Resolution No. AR 2001-46, a resolution of the Municipality of Anchorage appropriating \$17,500 from the State of Alaska, Department of Community and Economic Development, to the State Categorical Grants Fund (231), Planning Department, for the creation of an interactive web page that will support the Municipality's wetlands management efforts under the continuing implementation of the **Anchorage Coastal Management Program**, Planning Department.
  - a. Assembly Memorandum No. AM 155-2001.

3. Resolution No. AR 2001-47, a resolution of the Municipality of Anchorage appropriating \$37,190 to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **Women, Infants & Children nutrition services**, Health and Human Services.
  - a. Assembly Memorandum No. AM 156-2001.
4. Resolution No. AR 2001-48, a resolution authorizing the disposal of a municipal interest (via granting an easement) within **Tract B, Abbott Road Subdivision**, located in the vicinity of Abbott Road and Service High School, Water and Wastewater Utility.
  - a. Assembly Memorandum No. AM 157-2001.
5. Resolution No. AR 2001-49, a resolution of the Anchorage Municipal Assembly revising the 2001 General Government Operating Budget by appropriating \$5,000 from Areawide General Fund (101) Balance to the Cultural and Recreational Services Department to provide funding for **trail signage**, Assemblymember Taylor. (**NOT SUBMITTED – see item 7.C.9, AR 2001-53**)
  - a. Assembly Memorandum No. AM 175-2001.
6. Resolution No. AR 2001-50, a resolution of the Anchorage Municipal Assembly revising the 2001 General Government Operating Budget by appropriating the sum of \$50,000 from Areawide General Fund (101) Balance to the Department of Assembly to provide for **independent legal services**, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 150-2001.

(Clerk's Note: A motion to reconsider action on this item was made later in the meeting. See after item 9.L.)

7. Resolution No. AR 2001-51, a resolution of the Anchorage Municipal Assembly **supporting polling places at military installations**, Assemblymembers Sullivan, Abney, Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

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

8. Resolution No. AR 2001-52, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Arvid J. Bjornton for his 23 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

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

9. Resolution No. AR 2001-53, a resolution of the Anchorage Municipal Assembly revising the 2001 General Government Operating Budget by appropriating \$5,000 from the Anchorage Parks and Recreation Service Area Fund (161) Balance to the Cultural and Recreational Services Department to provide funding for **trail signage**, Assemblymember Taylor. (**addendum**)
  - a. Assembly Memorandum No. AM 123-2001.
10. Resolution No. AR 2001-55, a resolution of the Municipality of Anchorage adopting amendment number one to the 2000 Action Plan, a component of the **2000-2001 Housing and Community Development Consolidated Plan**, Planning Department. (**addendum**)
  - a. Assembly Memorandum No. AM 120-2001.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.C.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 180-2001, **Animal Control Advisory Board appointments** (LaVon Ausman, Michael Koy, Neil Koeniger), Mayor's Office.
2. Assembly Memorandum No. AM 181-2001, **Board of Ethics reappointment** (James Maley), Mayor's Office.
3. Assembly Memorandum No. AM 182-2001, **Public Safety Advisory Commission appointments** (Sam O'Connor, Scott Heyworth, Portia Parker, Randy Rhodes, Michael Smulski), Mayor's Office.
4. Assembly Memorandum No. AM 183-2001, **Sister City Commission appointments** (Suzanne Alexander, Franklin Andrews, Yolanda Clary, Jean Baker, Tanguy Libbrecht), Mayor's Office.
5. Assembly Memorandum No. AM 184-2001, **Women's Commission appointments** (Susan Faith, Susan Merritt, Elena Farias), Mayor's Office.
6. Assembly Memorandum No. AM 169-2001, **George Sullivan Arena** (License No. 1842) - Transfer of Ownership for a Recreational Site Liquor License (Fairview Community Council), Clerk's Office.
7. Assembly Memorandum No. AM 170-2001, **William A. Egan Civic & Convention Center** (License No. 3234) - Transfer of Ownership for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
8. Assembly Memorandum No. AM 171-2001, **Whales Tail/Captain Cook Hotel** (License No. 1224) - Application for a Restaurant Designation Permit Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

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

9. Assembly Memorandum No. AM 172-2001, **Chepo's Mexican Restaurant** (License No. 3765) - Transfer of Ownership for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Eagle River Community Council), Clerk's Office.

10. Assembly Memorandum No. AM 173-2001, **Godfather's Pizza** (License No. 1682) - Transfer of Ownership for a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Abbott Loop and Taku/Campbell Community Council), Clerk's Office.
11. Assembly Memorandum No. AM 158-2001, change order No. 2 to purchase order 202584 with Crestone International for providing **PeopleSoft Client Assistance services** for the Municipality of Anchorage, Finance Department (\$600,000), Purchasing.
12. Assembly Memorandum No. AM 159-2001, change order No. 1 to Contract 99VC540 with Big Sky Fire Protection for providing **fire sprinkler maintenance** for the Municipality of Anchorage, Department of Property and Facility Management (\$64,425), Purchasing.
13. Assembly Memorandum No. AM 160-2001, proprietary purchase of **computer hardware maintenance and software license renewal** from Compaq Computer Corporation for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$53,343.20), Purchasing.
14. Assembly Memorandum No. AM 161-2001, proprietary purchase of **EZ Street pavement patch** from Matlock Ltd. for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$60,000), Purchasing.
15. Assembly Memorandum No. AM 162-2001, recommendation of award to CRW Engineering Group for providing professional engineering services to complete a **pre-design report for the B-5 and B-6 sewer trunks** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 20-P048) (\$390,882), Purchasing.
16. Assembly Memorandum No. AM 163-2001, proprietary purchase for **underground locate services** with Alaska DigLine, Inc. d/b/a/ Locate Call Center of Alaska, Inc. for the Municipality of Anchorage, Various Utilities and Departments (\$62,280), Purchasing.
17. Assembly Memorandum No. AM 164-2001, amendment No. 2 to the 1998 term contract professional services agreement for **professional engineering services** with RBA Engineering, Inc. in the amount of \$25,000, Purchasing.
18. Assembly Memorandum No. AM 165-2001, contract amendment No. 5 to Cullips Excavating, Inc. for construction of **Raspberry Road Upgrade-Kincaid Park Entrance to Kincaid Park Elementary School**, Contract No. C-80359, Project No. 97-14 (\$139,500), Purchasing.
19. Assembly Memorandum No. AM 166-2001, cooperative purchase of **computer software and service** from Compaq Computer Corporation for the Municipality of Anchorage, Management Information Systems Department and Anchorage Water and Wastewater Utility (\$52,900), Purchasing.
20. Assembly Memorandum No. AM 167-2001, change order No. 1 to purchase order 62402 for providing **liquid fuels** for the Municipality of Anchorage, Property and Facility Management (\$1,546,171), Property and Facility Management.
21. Assembly Memorandum No. AM 168-2001, proprietary contract award to CH2M Hill for design and preparation of bid documents for **berm penetration and leachate facilities construction** (\$73,082), Solid Waste Services.
22. Assembly Memorandum No. AM 185-2001, cooperative purchase of **liquid potassium acetate** from Great Western Chemical for the Municipality of Anchorage, Public Works Department (\$70,000), Purchasing.
23. Assembly Memorandum No. AM 176-2001, The sunset of **Investment Advisory Commission, Youth Advisory Commission, Animal Control Advisory Board, and Municipal Airports Aviation Advisory Commission**, Municipal Clerk.
24. Assembly Memorandum No. AM 177-2001, **appointments to the Executive Staff** (Joe Beauchamp-Director, Facility Management; Howard Holtan, Director, Project Management & Engineering; Vince Mee, Director, Street Maintenance; Dave Mumford, Director, Traffic), Employee Relations. (**addendum**)
25. Assembly Memorandum No. AM 178-2001, **appointment to the Executive Staff** (Walt C. Monegan, Chief of Police), Employee Relations. (**addendum**)

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

E. INFORMATION AND REPORTS: None.

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: Clementson.

Mayor Wuerch congratulated and thanked the newly -appointed board and commission members.

## 8. REGULAR AGENDA:

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

to change the orders of the day to consider item 7.D.25,  
AM 178-2001.

Assembly Memorandum No. AM 178-2001, **appointment to the Executive Staff** (Walt C. Monegan, Chief of Police), Employee Relations. (**addendum**)

Mayor Wuerch recognized Walt Monegan, his wife Terri and daughter Haley.

Mr. Kendall moved, to approve AM 178-2001.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Monegan was sworn in as the Chief of Police for the Anchorage Police Department.

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. 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, and I-3; 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 3-13-01.

Mr. Tesche, Mr. Tremaine, and Ms. Clementson joined in introducing this ordinance. The public hearing was scheduled for March 13, 2001.

(Clerk's Note: On February 27, the public hearing for this item was rescheduled for March 27, 2001.)

Mr. Tesche indicated that the title had been corrected in line 13 to add I-3. He asked that the record reflect that the ordinance was introduced by the Chair at the request of the Mayor. He noted that this ordinance would be referred to the Planning and Zoning (P&Z) Commission for review prior to the public hearing of March 13, 2001.

2. 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.**
  - a. Assembly Memorandum No. AM 149-2001.

Ms. Taylor, Ms. Fairclough, and Mr. Tremaine joined in introducing this ordinance. It was referred to the Planning and Zoning Commission for review, to return at a later date for public hearing before the Assembly.

3. Ordinance No. AO 2001-48, an ordinance amending Anchorage Municipal Code Chapter 14.60.030 to **allow the Administrative Hearing Officer to assess fines for violation of Anchorage Municipal Code Chapter 16.65** regarding the prohibition of smoking in public places, Health and Human Services and Assembly Member Clementson. public hearing ~~2-27-01~~ 3-13-01.
  - a. Assembly Memorandum No. AM 147-2001.

Mr. Tesche, Ms. Clementson, and Mr. Tremaine joined in introducing this ordinance. The public hearing was scheduled for March 13, 2001.

In response to Mr. Traini's request, Mayor Wuerch said the Administration would provide a follow-up memo to advise how many administrative hearings the Hearing Officer has handled within the last year.

4. Ordinance No. AO 2001-52, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 2.30.030 I. relating to the **time requirements for public hearings of the Assembly and adjournment of Assembly meetings**, Assemblymember Tesche. public hearing ~~2-27-01~~ 3-13-01.
  - a. Assembly Memorandum No. AM 146-2001.

Mr. Tesche, Ms. Abney, and Mr. Tremaine joined in introducing this ordinance. The public hearing was scheduled for March 13, 2001.

5. Resolution No. AR 2001-54, a resolution of the Assembly adopting the recommendations contained in the **Ship Creek Multi-Modal Transportation Plan** with changes recommended by the AMATS Technical Advisory Commission, Planning Department. public hearing ~~2-27-01~~ 3-13-01. **(addendum)**
  - a. Assembly Memorandum No. AM 119-2001.

Mr. Tesche, Ms. Fairclough, Mr. Traini, and Mr. Tremaine joined in introducing this resolution. The public hearing was scheduled for March 13, 2001.

The Assembly then changed the orders of the day to consider item 9.K, AR 2001-32.

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.  
(CARRIED OVER FROM 2-6-01)

Mr. Tesche moved, to postpone action on AR 2001-32 indefinitely.  
seconded by Ms. Clementson,  
and it passed without  
objection,

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-40, a resolution of the Anchorage Municipal Assembly supporting the **Great Alaska Shootout Basketball Tournament** and requesting that the National Collegiate Athletic Association reject Legislative Proposal No. 2000-106, Assemblymembers Sullivan, Abney, Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Sullivan moved, to approve AR 2001-40.  
seconded by Mr. Traini,  
and it passed without  
objection,

There was a suggestion to change the orders of the day to consider item 7.D.8, AM 171-2001, and there were no objections.

Assembly Memorandum No. AM 171-2001, Whales Tail/Captain Cook Hotel (License No. 1224) - Application for a Restaurant Designation Permit Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

Mr. Tesche moved, to approve AM 171-2001.  
seconded by Mr. Traini,  
and it passed without  
objection,

2. Resolution No. AR 2001-51, a resolution of the Anchorage Municipal Assembly **supporting polling places at military installations**, Assemblymembers Sullivan, Abney, Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Sullivan moved, to approve AR 2001-51.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

3. Resolution No. AR 2001-52, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Arvid J. Bjornton for his 23 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Tremaine moved, to approve AR 2001-52.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Mr. Tremaine read the resolution, while Mr. Tesche presented it to Sergeant Bjornton.

Sergeant Bjornton said he was deeply honored. He said the Anchorage Police Department was the best department he had ever seen. He felt Walt Monegan would be an asset to the Municipality and the community as the Chief of Police, and he thanked the Mayor and the Administration for appointing and approving that promotion.

4. Resolution No. AR 2001-55, a resolution of the Municipality of Anchorage adopting amendment number one to the 2000 Action Plan, a component of the **2000-2001 Housing and Community Development Consolidated Plan**, Planning Department. **(addendum)**
  - a. Assembly Memorandum No. AM 120-2001.

Ms. Clementson, Mr. Kendall, and Ms. Fairclough joined in introducing this resolution, with a suggestion to schedule the public hearing for March 13, 2001.

Mr. Tremaine advised that the companion to this resolution, the Action Plan, was scheduled for public hearing on February 27, and it had been intended that the public hearings for both items be scheduled on the same date.

Mr. Kendall moved, to schedule the public hearing for AR 2001-55 for  
seconded by Ms. Abney, February 27, 2001.

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 171-2001, Whales Tail/Captain Cook Hotel (License No. 1224) - Application for a Restaurant Designation Permit Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

This item was considered earlier in the meeting. See after item C.1.

E. INFORMATION AND REPORTS: None.

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

- A. Assembly Memorandum No. AM 99-2001, Platting Board appointments (Bud Caress, Sharen Walsh, Christopher Capps, Gloria Shriver), Mayor's Office.  
(POSTPONED FROM 1-30-01)

Chair Von Gemmingen gave the history of the memorandum and noted there were no motions on the floor.

Ms. Clementson moved, to approve AM 99-2001.  
seconded by Mr. Kendall,

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

- B. Assembly Memorandum No. AM 100-2001, Urban Design Commission appointments (Jeff Dillon, Mary Cary, Alan Christopherson, Kurt Hulteen, Wende Wilber), Mayor's Office.  
(POSTPONED FROM 1-30-01)

Chair Von Gemmingen gave the history of the memorandum and noted there were no motions on the floor.

Ms. Clementson moved, to approve AM 100-2001.  
seconded by Mr. Kendall,

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

- C. Assembly Memorandum No. AM 101-2001, Zoning Board of Examiners and Appeals appointments (Jon Dunham, Ken Burkhart, Josh Fink), Mayor's Office.  
(POSTPONED FROM 1-30-01)

Chair Von Gemmingen gave the history of the memorandum and noted there were no motions on the floor.

Ms. Clementson moved, to approve AM 101-2001.  
seconded by Mr. Kendall,

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

- D. 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.
  1. Assembly Memorandum No. AM 130-2001.  
(CARRIED OVER FROM 2-6-01)

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

Ms. Fairclough moved, to approve AR 2001-31.  
seconded by Mr. Tremaine,

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

- E. 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; RECONSIDERED & CARRIED OVER FROM 2-6-01)

Chair Von Gemmingen gave the history of the resolution and noted a motion to approve was on the floor.

Ms. Clementson moved, to postpone action on AR 2001-13 indefinitely.  
seconded by Mr. Tesche,

No one from Sodality was present to speak to this issue.

Ms. Taylor advised that she had spoken with the applicant a few days ago, and due to the community's opposition to the location, she believed the applicant intended to withdraw the application for a conditional use permit at this location.

Question was called on the motion to postpone action on AR 2001-13 indefinitely and it passed:

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

NAYS: None.

- F. 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.  
(CARRIED OVER FROM 2-6-01)

Chair Von Gemmingen gave the history of the resolution and noted there were no motions on the floor.

Mr. Sullivan moved, to approve AR 2001-39.  
seconded by Mr. Traini,

Mr. Sullivan said Representative Kevin Meyer had introduced HB 92 to the Legislature which would double the mandatory distance, from 200 to 400 feet, between alcoholic beverage sales establishments and churches and schools. He said passage of this resolution would reflect Anchorage's support for the bill.

Office of Planning, Development and Public Works Director Craig Campbell provided a map that the Planning Department had developed reflecting liquor licenses throughout the Anchorage bowl and how they would be impacted by the 400-foot buffer proposed in HB 92.

In response to Mr. Tesche, Mr. Sullivan clarified that existing liquor sales establishments would be grandfathered, and only new conditional use permits, excluding restaurants with alcoholic beverage licenses, would be affected by passage and implementation of HB 92.

Ms. Abney moved, to schedule a public hearing for AR 2001-39 on March 27, 2001.  
seconded by Ms. Taylor,  
and it passed without objection,

- G. 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 AND 2-6-01)

Mr. Tesche moved, to approve AM 47-2001 subject to AR 2001-8, which was previously approved by the Assembly on January 30, 2001.  
seconded by Ms. Clementson,  
and it passed without objection,

- H. 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 AND 2-6-01)

Mr. Tesche moved, to approve AM 48-2001 subject to AR 2001-9, which was previously approved by the Assembly.  
seconded by Ms. Clementson,  
and it passed without objection,

- I. 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 AND 2-6-01)

Mr. Tesche moved, to approve AM 49-2001 subject to AR 2001-10, which was previously approved by the Assembly.  
seconded by Ms. Clementson,  
and it passed without objection,

- J. 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; CARRIED OVER FROM 2-6-01)

Ms. Clementson moved, to postpone action on AIM 4-2001 indefinitely.  
seconded by Mr. Sullivan,  
and it passed without objection,

- K. 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.  
(CARRIED OVER FROM 2-6-01)

This item was considered earlier in the meeting. See after item 8.B.

- L. 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.

(CARRIED OVER FROM 1-30-01; PUBLIC HEARING CLOSED & CARRIED OVER FROM 2-6-01)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt AO 2001-1 and a motion to substitute AO 2001-1(S) were on the floor.

Mr. Tremaine stated that numerous errors had been made by various governmental bodies with respect to this item throughout its long history. He said the issues before the Assembly at this time were buffers and access points. He said the road was within the urban boundary and adjacent to the rural boundary, both of which were affected by the Hillside Wastewater Management Plan, a recognized sub-plan of the Comprehensive Plan. Mr. Tremaine recapped the history of the limitations placed on the tract, the intent of the limitations, and the knowledge of the parties regarding the limitations. He said his substitute version would retain the essence of the intent for the buffers and the special limitation of one access point.

George Vakalis of the Anchorage School District said District staff had provided a marked-up copy of the (S) version reflecting the points on which the School District disagreed. He said it was the School District's preference that the original recommendations of the Planning and Zoning Commission be adopted, but if the (S) version was adopted, the School District recommended that it be approved with the School District's annotations intact.

Mr. Tremaine advised that the last sentence in Anchorage Municipal Code 21.10.402, the Planning and Zoning Commission Rules of Procedure, stated, "*No revisions to the application by the applicant will be considered which are subsequent to distribution of the packets to the Commission.*" Mr. Tremaine said the minutes of the September 18, 2000 Planning and Zoning Commission meeting reflected that the public hearing was closed, and Commissioner Hodel had moved for approval of rezoning to PLI subject to the proposed limitations as provided in Document J/1399 provided to the Commission by Mr. Steele that evening. Mr. Tremaine asked for a legal opinion regarding the P&Z's action on this item in light of the provision he had cited from AMC 21.10.402.

Municipal Attorney Bill Greene advised that this was an action by the Planning and Zoning Commission and was approved by the Assembly. He said if the applicant had submitted the changes, it would appear to be a violation of the regulation.

Mr. Tremaine moved, to remand AO 2001-1 to the Planning and Zoning Commission for proper consideration and public hearing.  
seconded by Mr. Tesche,

The question arose as to whether the applicant had provided Document J/1399, and discussion was heard. Mr. Tremaine said he did not believe the public had had an opportunity to review or comment on Document J/1399.

Ms. Fairclough moved, to postpone action on AO 2001-1 until 8:00 p.m.  
seconded by Ms. Abney,

Ms. Clementson moved, to postpone action on AO 2001-1 to a special meeting to be held at 4:30 p.m. on February 20, 2001.  
and it died for lack of a second,

Question was called on the motion to postpone action on AO 2001-1 until 8:00 p.m. and it passed:

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

(Clerk's Note: See after item 12.D for further action on this item.)

The meeting recessed at 6:30 p.m. and reconvened at 6:58 p.m.

Mr. Sullivan moved, to limit discussion on any agenda item to a maximum of one hour.  
seconded by Ms. Fairclough,  
and it passed without objection,

There was a suggestion to change the orders of the day to consider item 7.C.6, AR 2001-50, and there were no objections.

Resolution No. AR 2001-50, a resolution of the Anchorage Municipal Assembly revising the 2001 General Government Operating Budget by appropriating the sum of \$50,000 from Areawide General Fund (101) Balance to the Department of Assembly to provide for **independent legal services**, Assemblymember Tesche.

a. Assembly Memorandum No. AM 150-2001.

Mr. Tesche moved, to reconsider action on AR 2001-50.  
seconded by Mr. Tremaine,

AYES: Clementson.

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

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

Mr. Sullivan moved, to change the orders of the day to combine item 11.A,  
seconded by Mr. Tesche, AO 2001-5, with item 12.A, AO 2001-39; item 11.B.,  
and it passed without AO 2001-7, with items 12.B and 12.C, AO 2001-26 and  
objection, AO 2001-40; and items 11.C and 11.D, AO 2001-8 and  
AO 2001-21, with item 12.D, AO 2001-41.

10. **APPEARANCE REQUESTS:** None.

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, April 2001 Municipal General Government Bond Proposition Fact Sheets, Office of Management and Budget.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

This item was considered later in the meeting. See item 12.A.

- B. 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)

This item was considered later in the meeting. See items 12.B and 12.C.

- C. 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)
- D. 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)

Items 11.C and D were considered later in the meeting. See item 12.D.

12. **NEW PUBLIC HEARINGS:**

- A. Ordinance No. AO 2001-39, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$3,950,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **ambulances, emergency/areawide communications, Anchorage Cemetery and related capital improvements, Anchorage Senior Center expansion** and related capital improvements in the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 3, 2001, Assemblymember Sullivan.
1. Assembly Memorandum No. AM 127-2001.
- 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, April 2001 Municipal General Government Bond Proposition Fact Sheets, Office of Management and Budget.
- (CARRIED OVER FROM 1-23-01 AND 1-30-01)

Chair Von Gemmingen opened the public hearing for AO 2001-39 and AO 2001-5 and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 2001-39.  
seconded by Mr. Kendall,

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

Mr. Sullivan moved, to postpone action on AO 2001-5 indefinitely.  
seconded by Mr. Tesche,

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

Mr. Sullivan moved, immediate reconsideration of action on AO 2001-39.  
seconded by Ms. Fairclough,

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

- B. Ordinance No. AO 2001-26, 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 and the question of an increase in the Municipal tax cap limitations to pay associated operations and maintenance costs** at an election in and for the Municipality of Anchorage on April 3, 2001, Office of Management and Budget.
1. Assembly Memorandum No. AM 91-2001.
- C. Ordinance No. AO 2001-40, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$6,790,000 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** and the question of an increase in the Municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 3, 2001, Assemblymember Clementson.
1. Assembly Memorandum No. AM 128-2001.
- 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 for AO 2001-26, AO 2001-40 and AO 2001-7, and asked if anyone wished to speak.

DEANNA ESSERT, Sand Lake Community Council, objected to amending the TIP to remove \$2,000,000 from the Campbell Creek Trail connection enhancements for reallocation to other projects.

SHEILA HOWE, Northeast Community Council Board member, stated her support for widening Muldoon Road and adding sidewalks and lighting improvements. She said these are safety issues and the Muldoon community has been waiting 25 years for the funding that would enable their children to walk safely to and from school.

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

Ms. Clementson moved, to adopt AO 2001-26.  
seconded by Mr. Van Etten,

In response to Ms. Clementson's question regarding the earlier referenced \$2,000,000 for Campbell Creek Trail enhancements, Ms. Fairclough explained how the funds would be shifted between projects.

Mayor Wuerch expanded on Ms. Fairclough's explanation, stating that they need to ensure that the funds are allocated to the Muldoon Road corridor. He said they want to preserve the Campbell Creek Trail plan while, at the same time, ensuring that the Parks and Recreation bond has a high likelihood of public support. He felt that all of the projects could be accommodated and that the \$4,790,000 bond issue would have the best likelihood of passing with high public support.

In response to Mr. Tesche's and Ms. Clementson's questions, Project Management & Engineering Director, Howard Holtan, and Mayor Wuerch provided information regarding the status of the Ship Creek project as it related to the other projects.

Question was called on the motion to adopt AO 2001-26 and it passed:

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

NAYS: None.

Ms. Clementson moved, to postpone action on AO 2001-7 indefinitely.  
seconded by Mr. Kendall,  
and it passed without  
objection,

Ms. Clementson moved, to postpone action on AO 2001-40 indefinitely.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Mr. Van Etten moved, immediate reconsideration of action on AO 2001-26.  
seconded by Ms. Fairclough,

AYES: Clementson.

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

D. Ordinance No. AO 2001-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,610,000 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, Assemblymember Abney.

1. Assembly Memorandum No. AM 138-2001.

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)

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 for AO 2001-41, AO 2001-8 and AO 2001-21, and asked if anyone wished to speak.

JERRY HAGGARTY, Fairview resident, said the project to extend Gambell/Ingra was premature and there was no current demonstrated need. He said this project should be delayed in favor of more immediate and demonstrated needs. He said if it was placed on the ballot, it should be a separate bond issue from the other ARDSA bonds.

GERALDINE LOWE, President of the Fairview Community Council, stated her opposition to the Gambell/Ingra extension project. She said the study for this project had been done without the involvement or input of the council, and she echoed Mr. Haggarty's comments that the bond funds should be used for more immediate needs, including the Ship Creek area study.

MICHAEL KEENE, Hillside resident, stated his support for AO 2001-8, to include the Gambell/Ingra extension. He said this would address existing road problems and improve safety and recreational access in the Ship Creek area. He said it would also improve Port truck routing and revitalize the Ship Creek area.

SHEILA HOWE, Northeast Community Council, said the Ship Creek plan needed further study, and she felt that federal funds should be secured for the project instead of taxing Anchorage residents through the issuance of bonds for the project.

ROD PFLEIGER of the Anchorage Downtown Partnership said the Partnership strongly urged the Assembly to approve the bonding for the Gambell/Ingra extension. He said this item would address safety issues related to pedestrian walkways and street crossings. He said local funds could be used for the project at this time, and federal and state funds could be used for the project when they became available. He urged the Assembly not to separate this project from the other road bond issues.

TIFFANY HANKS said she lived at 11th Avenue and E Street, and she was aware of safety issues related to children crossing and walking along Gambell and Ingra. She said safety measures should be implemented to make Ingra safe for pedestrian traffic.

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

Mr. Tesche moved, to adopt AO 2001-41.  
seconded by Ms. Clementson,

Mr. Tesche said it was apparent that the necessity for the \$9,000,000 Gambell/Ingra extension project was being questioned by the community, and he was troubled that this project had been included in the bond proposition. Referring to a chart he had prepared, Mr. Tesche noted that the proposed \$39,000,000 bond proposition was the largest in the last 10 years. He said this was onerous in light of the recent controversy over property taxes and the pending Assembly consideration of whether to implement a local sales tax. He noted that the downtown community was divided over the issue. He said that while the project had merit, it may be doomed to failure unless it was further developed and there was greater community consensus.

Mr. Tesche moved, to amend AO 2001-41 to delete the Gambell/Ingra Street  
seconded by Ms. Clementson, extension and the associated \$9,000,000 for the project.

Mr. Tremaine moved, to amend the amendment to reduce the bond by \$7,500,000  
and it was accepted as a friendly and to reallocate \$1,500,000 for the Elmore Road project.  
amendment,

Municipal Attorney Bill Greene said bond counsel had advised that if the dollar amounts are changed, those changes would be inconsistent with other pertinent parts of the ordinance. He recommended bond counsel be permitted an opportunity to review the entire ordinance for necessary revisions, and then those changes should be read into the record for purposes of the bond transcript.

Question was called on the motion to amend AO 2001-41 and it passed:

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

Mr. Kendall moved, to postpone action on AO 2001-41 until later in the meeting  
seconded by Mr. Sullivan, to allow bond counsel an opportunity to review and revise the  
and it passed without ordinance to incorporate the amendment made by Mr. Tesche.  
objection,

(Clerk's Note: See after the following item for further action on this item.)

The Assembly then returned to item 9.L, AO 2001-1.

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.

(CARRIED OVER FROM 1-30-01; PUBLIC HEARING CLOSED & CARRIED OVER FROM 2-6-01)

Referring to page 14 of the Planning and Zoning (P&Z) Commission meeting minutes, Mr. Kendall said he did not believe Mr. Steele had presented new information to the P&Z but had simply clarified the information that was provided.

Municipal Attorney Bill Greene advised that it was acceptable for a P&Z Commission member to make an amendment that changed the ordinance.

Ms. Abney moved, the previous question.  
seconded by Ms. Clementson,

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

Question was called on the motion to remand AO 2001-1 to the Planning and Zoning Commission and it failed:

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

Question was called on the motion to substitute AO 2001-1(S) and it failed:

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

Question was called on the motion to adopt AO 2001-1 and it passed:

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

Mr. Kendall moved, immediate reconsideration of action on AO 2001-1.  
seconded by Mr. Tesche,

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

Mr. Tremaine moved, to change the orders of the day to move item 12.E,  
seconded by Ms. Fairclough, AO 2001-38, to the end of the agenda.

Mr. Kendall moved, a substitute motion to change the orders of the day to  
seconded by Ms. Clementson, return to item 12.D. and then consider items 12.I, 12.J, 12.K,  
and 12.L, AO 2001-22, AO 2001-23, AO 2001-30, and AO 2001-31.

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

Question was called on Mr. Tremaine's motion to change the orders of the day to move item 12.E., AO 2001-38 to the end of the agenda and it passed without objection.

The Assembly then returned to items 12.D, 11.C, and 11.D, AO 2001-41, AO 2001-8, and AO 2001-21.

D. Ordinance No. AO 2001-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,610,000 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, Assemblymember Abney.

1. Assembly Memorandum No. AM 138-2001.

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)

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)

Mr. Tesche read the amendments recommended by bond counsel for AO 2001-41.

Mr. Tesche moved, to amend AO 2001-41 on page 1, lines 14, 15, 20 and 21 to  
seconded by Mr. Kendall, read: "...not to exceed Thirty Two Million One Hundred Ten  
and it passed without Thousand Dollars (\$32,110,000)"; on page 2, line 12 to  
objection, change "\$39,610,000" to "\$32,110,000"; and on line 18 to  
change "29.78" to 25.78."

Municipal Attorney Bill Greene advised that the title should remain as advertised. Mr. Tesche and Mr. Kendall concurred.

Question was called on the motion to adopt AO 2001-41 as amended and it passed:

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

Mr. Tesche moved, immediate reconsideration of action on AO 2001-41.  
seconded by Ms. Taylor,

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

Mr. Tesche moved, to adopt AO 2001-21.  
seconded by Mr. Traini,

In response to Mr. Sullivan, Paul Laverty advised that the latest TIP approved by the Assembly for Ship Creek access for federal fiscal year 2001 was \$1.5 million for preliminary engineering and design. He said \$2 million was appropriated for the Ship Creek project for right of way in federal fiscal year 2002, and \$7.6 million was appropriated for utilities and construction for federal fiscal year 2003.

Project Management & Engineering Director Howard Holtan explained those figures in the TIP were line item appropriations by Congress. He said there was a missing link in the Municipality's transportation program that needs to be constructed now, and the Department of Transportation had represented they could deliver a project within nine years after funding on average, and they had stated they could construct this project in seven years. Mr. Holtan said the Municipality could construct it in two years, and that was why it was brought forward as a bond issue at this time. He said the funds have been available for some time and are just now being programmed for projects. He noted that the funds could be programmed for other needed projects as well. He said the federal funds could be used for follow-on projects that are also needed, but he said this project had the highest priority.

Question was called on the motion to adopt AO 2001-21 and it passed:

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

NAYS: Tesche, Van Etten, Clementson.

Mr. Kendall moved, immediate reconsideration of action on AO 2001-21.  
seconded by Mr. Tesche,

AYES: Tremaine, Clementson.

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

Mr. Tesche moved, to postpone action on AO 2001-8 indefinitely.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

- E. Ordinance No. AO 2001-38, an ordinance submitting at the Regular Municipal Election April 3, 2001 to the qualified voters of the Anchorage Roads and Drainage Service Area ("ARDSA") and the area to be annexed a ballot proposition to **extend the eastern boundary of ARDSA between Huffman and DeArmour Roads** to a line fifty feet (50') east of the West Section Line of Section 27, Township 12 North, Range 3 West, Seward Meridian. (A line approximately parallel to and 50 feet east of the current centerline of Elmore Road.), Legal Department.
1. Assembly Memorandum No. AM 126-2001.

Item 12.E. was continued until February 27, 2001.

- F. Ordinance No. AO 2001-42, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 3, 2001, a ballot proposition to amend Anchorage Municipal Charter Section 11.02(b) to **minimize the need for run off elections**, Assembly Chair Von Gemmingen and Assemblymember Clementson.
1. Assembly Memorandum No. AM 139-2001.
  2. Ordinance No. AO 2001-42(S), an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election April 3, 2001, a ballot proposition to amend Anchorage Municipal Charter Section 11.02(b) to minimize the need for run off elections, Assemblymember Tesche. (**addendum**)
  3. Assembly Memorandum No. AM 179-2001.

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. Tesche moved, to adopt AO 2001-42(S).  
seconded by Ms. Abney,

Mr. Tesche noted the differences between AO 2001-42 and AO 2001-42(S). He said his proposed ordinance made a simple change at line 42, which states that, "Run-off elections under this section are not required; however, in races where the names of no more than two candidates appeared on the initial ballot..." He said this would correct the problem that arose in the spring 2000 election without compromising the historic right of Alaskans to submit write-in ballots.

Chair Von Gemmingen noted that she had just received the sign-in sheet for public testimony on this issue, and one person signed up to testify. She reopened the public hearing and asked if anyone wished to speak.

ED EARNHART spoke in favor of minimizing the need for run-off elections, and he said an effective way to do this would be to reduce the percentage required to elect a candidate.

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

Mr. Tremaine moved, to amend AO 2001-42(S) to add the language after the word  
accepted as a friendly "ballot" on line 34, "...unless a write-in candidate receives  
amendment by Mr. Tesche more votes than a candidate whose name is on the ballot."  
and Ms. Abney,

Mr. Tremaine clarified that this provision was for a situation in which there were no more than two candidates on the ballot.

Question was called on the motion to adopt AO 2001-42(S) as amended and it passed:

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

NAYS: Sullivan, Traini, Kendall.

Mr. Tesche moved, to postpone action on AO 2001-42 indefinitely.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Mr. Tesche moved, immediate reconsideration of action on AO 2001-42(S).  
seconded by Mr. Tremaine,

AYES: Sullivan, Traini, Clementson.

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

- G. Ordinance No. AO 2001-36, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 3, 2001, a ballot proposition to amend Anchorage Municipal Charter Section 11.02(b) to **reduce the need for run off elections** by defining the phrase "votes cast", Assemblymember Tesche. (**NOT SUBMITTED** – see AO 2001-42(S), item 12.F.2)

(Clerk's Note: This item was not submitted.)

- H. Ordinance No. AO 2001-29, an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 5.08, Commission on Salaries and Emoluments, regarding **adjustments to the compensation of elected officials**, Assemblymember Abney.  
1. Assembly Memorandum No. AM 115-2001.

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. Abney moved, to adopt AO 2001-29.  
seconded by Ms. Clementson,

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

NAYS: Kendall.

Mr. Tremaine moved, to change the orders of the day to consider item 12.P,  
seconded by Mr. Tesche, AO 2001-33.

AYES: Traini, Abney, Tesche, Tremaine, Fairclough, Van Etten.

NAYS: Sullivan, Kendall, Von Gemmingen, Taylor, Clementson.

There was a suggestion to combine public hearings on the school bond issues, items I, J, K, and L, AO 2001-22, AO 2001-23, AO 2001-30, and AO 2001-31, and there were no objections.

- I. Ordinance No. AO 2001-22, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$81,835,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and costs** at an election in and for the Municipality of Anchorage on April 3, 2001, Anchorage School District.  
1. Assembly Memorandum No. AM 34-2001.
- J. Ordinance No. AO 2001-23, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$40,200,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and maintenance costs** at an election in and for the Municipality of Anchorage on April 3, 2001, Anchorage School District.  
1. Assembly Memorandum No. AM 34-2001.
- K. Ordinance No. AO 2001-30, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$122,035,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and costs** at an election in and for the Municipality of Anchorage on April 3, 2001, Assemblymembers Kendall and Fairclough.  
1. Assembly Memorandum No. AM 117-2001.
- L. Ordinance No. AO 2001-31, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$42,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and maintenance costs** at an election in and for the Municipality of Anchorage on April 3, 2001, Assemblymember Fairclough.  
1. Assembly Memorandum No. AM 118-2001.

Chair Von Gemmingen opened the public hearing for AO 2001-22, AO 2001-23, AO 2001-30, and AO 2001-31 and asked if anyone wished to speak.

CAROL COMEAU, Superintendent, Anchorage School District, spoke in support of AO 2001-22 and AO 2001-23. She urged the Assembly to adopt those ordinances as presented by the Anchorage School Board. She noted a correction to AO 2001-22 under electrical projects; that Russian Jack should be changed to College Gate.

DIANE SICKLES, Ptarmigan Elementary School teacher, emphasized the fact that today's children will be tomorrow's leaders. She spoke in support of Assembly approval of the school bond issues.

ED LOESCHER, Chugiak High School teacher, spoke in support of including the bond for the new Eagle River High School on the spring 2001 ballot. He said Chugiak is over capacity at this time, and he cited statistics that justified the need for a new high school in the Eagle River/ Chugiak area.

PAM MASSEY addressed the inferior facilities and delay in classroom renovations at Service High School. She said that Service area parents are prepared to vote against all school bond propositions until Service renovations are fully funded.

JIMMIE DANIELS, Ptarmigan Elementary School Principal, noted that many Anchorage area schools were overcrowded and in need of renovations. He said the Anchorage School District, the Assembly, and Anchorage residents must have a shared vision for quality education for Anchorage students. He spoke in support of approval of the school bond issues.

KITTÉ MILLER spoke in support of additional improvements to Polaris School. She said the Polaris community supported the bond issues as presented by the Anchorage School District.

DEVON MATRICARDI, Polaris senior, urged the Assembly to approve the 2001 school bond propositions because it was an issue of great importance for the benefit of the next generation of students.

PATTI PAIZ, Ptarmigan Elementary School PTA President, said the PTA supported building an addition to Ptarmigan Elementary School. She said the Ptarmigan PTA urged the Assembly to approve the bond propositions as presented by the Anchorage School Board to ensure that Anchorage students were given the opportunity to achieve their potential.

DIANE ETTER spoke in support of including East High School Phases 2 and 3, and Wendler Phase 2 in the bond issues as proposed by the Anchorage School District. She said the elementary schools have been renovated in recent years, and it was time to focus their efforts on East, Bartlett, Service, and Wendler.

SARA GANTT echoed Ms. Massey's comments regarding the substandard conditions of Service High School. She said despite the fact that the advisory groups and the School Board had recommended that Service receive funding of \$24 million for Phase 2 and \$8.4 million for Phase 3, renovations were not expected to be completed until 2008. She asked the Assembly to craft a school bond proposition that the South Anchorage voters could support.

HANS BERNARD, Student Advisor to the Anchorage School Board, urged the Assembly to approve the school bond issues as presented by the Anchorage School District.

MICHELLE NEFF, freshman at Bartlett High School, urged the Assembly to approve the school bond package, particularly the \$17 million that was allocated for Bartlett in December 2000. She said these funds would be used to update the science lab; improve the main entrance, security, and drop-off areas; add more parking; and construct a new auditorium.

NANCY DAVIS, Eagle River Elementary PTA Secretary, said the PTA Board supports a combined bond for the Eagle River High School so that it will have a better chance of passage. She encouraged the Assembly to adopt a previous suggestion to inform the community as bonds are paid off so voters will be aware that as they are being requested to approve and pay for new bond issues, old bonds are being paid off.

VERONICA KEANNAAINA, Eagle River resident, parent, and teacher's aide, spoke in support of improvements to the Chugiak High School and construction of a new Eagle River High School.

The meeting recessed at 9:45 p.m. and reconvened at 10:00 p.m.

Ms. Fairclough moved, to extend the public hearing until midnight.  
seconded by Ms. Taylor,

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

ALLEN STRAH stated his support for approval of the school bond issues that would provide for a new high school in Eagle River. He gave statistics on the growth of Eagle River and emphasized the overcrowded conditions at Chugiak High School. He urged the Assembly not to put a new Eagle River High School in a separate bond issue by itself.

JEFF LIPSCOMB, Service High School PTSA President, spoke in support of full funding for Service High School renovations. He suggested that \$1 million to \$10 million be allocated for planning and design of a new Eagle River High School and that the \$25 million in incremental funding needed to finish the renovations at Service High School be moved to item 12.K, AO 2001-30. He said this would satisfy everyone's needs and keep all the projects on track.

JOHN SMITH-HISLER said being a parent with two children at Service High School, he usually supports all bonds. However, he said it was going to be difficult to support these bond issues if Service is not funded for renovations this time. He urged the Assembly to find a way to allocate more funding to meet the needs of Service.

THERESE VOEHL reminded everyone that Chugiak, Eagle River, Eklutna, and Girdwood are all part of the Municipality of Anchorage. She urged the Assembly to approve the bond issues as one bond package and not separate out specific projects as separate bond propositions.

CRYSTAL KENNEDY, Education Representative for the Eagle River Valley Community Council, spoke in favor of a combined \$122 million school bond proposition that included funding for the Eagle River High School. She said splitting out the funding for a new school in Eagle River as a separate bond package was creating divisiveness throughout the entire community. She urged the Assembly to put forth the entire school bond package as a whole.

SHEILA HOWE, Northeast Community Council member, urged the Assembly to approve the school bond package as a whole.

KATHLEEN STEVENSEN, LEWIS SEARS, and BRITTANY EVANS, represented Bartlett High School. Ms. Stevensen said they had come before the Assembly three weeks ago to ask for support of the Muldoon Road project, and it had been approved. She thanked the Assembly and said they were now requesting the Assembly's support for the proposed \$17 million for Bartlett High School Phase 2.

ROBERT HAYES commended Ms. Comeau for her leadership and role in making the school system a better place since her tenure as Superintendent began. He also commended her for holding project contractors accountable for cost overruns instead of automatically allowing additional sums to be paid for contractor errors. He said contractors should be able to complete projects within budget, and the School Board should exercise more control over the process.

ROYCE MARTIN stated his support for a new high school in Eagle River.

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

Mr. Kendall moved, to adopt AO 2001-30.  
seconded by Ms. Fairclough,

Mr. Kendall spoke in favor of including a new high school in Eagle River in the school bond package, and he agreed that it would have a better chance of passage if it was included in the same package as the other Anchorage school bond issues.

Ms. Clementson moved, to amend AO 2001-30 on page 2 at line 11 and on page 5 at  
accepted as a friendly line 9 to replace "Russian Jack" with "College Gate."  
amendment by Mr. Kendall  
and Ms. Fairclough,

Mr. Tesche moved, the previous question.  
seconded by Ms. Fairclough,

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

Question was called on the motion to adopt AO 2001-30 as amended and it passed:

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

Mr. Kendall moved, immediate reconsideration of action on AO 2001-30.  
seconded by Ms. Fairclough,

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

Mr. Tremaine moved, to adopt AO 2001-22.  
seconded by Ms. Fairclough,

Mr. Tremaine moved, to amend AO 2001-22 to delete all projects except Service  
seconded by Ms. Abney, Phase 2B at \$10,230,000, Service Phase 3 at \$8,402,000, and  
Wendler Phase 2 at \$7,900,000 for a total of \$26,532,000.

Mr. Tremaine said since he was precluded from the opportunity to advocate for including Service and Wendler in the previous action, his only alternative was to propose them as a separate bond issue so that they could be included in the bond issues for the April ballot.

Ms. Abney concurred with Mr. Tremaine's comments and asked for the Assembly's support to allow this bond proposition to stand alone.

Ms. Comeau expressed concern that the addition would make the bond issue very large, and would appear onerous to voters who have just gone through the tax cap controversy. She said the School Board had not discussed this option, and the School Board had been advised, prior to obtaining the survey results for the School District, to be more conservative in its recommendation on the school bond issue. She said the School District was comfortable with the \$122 million in the two bond packages, and she felt they could work effectively with the one combined bond issue.

Chair Von Gemmingen echoed Mr. Traini's earlier comments that it was the School Board's job to provide a recommendation to the Assembly for the school bond issues. She said the School Board had done that, and she felt the Assembly should vote on what was before them and not try to rearrange the numbers in the bond propositions.

Question was called on the motion to amend AO 2001-22 and it failed:

AYES: Traini, Abney, Tremaine.

NAYS: Sullivan, Tesche, Von Gemmingen, Taylor, Van Etten, Clementson.

(Clerk's Note: Mr. Kendall and Ms. Fairclough were out of the room at the time of the vote.)

Mr. Tesche moved, to postpone action on AO 2001-22 indefinitely.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Tremaine moved, to postpone action on AO 2001-23 indefinitely.  
seconded by Mr. Tesche,  
and it passed without  
objection,

Mr. Sullivan moved, to postpone action on AO 2001-31 indefinitely.  
seconded by Ms. Abney,  
and it passed without  
objection,

Mr. Tremaine moved, to change the orders of the day to consider item 12.P.,  
seconded by Mr. Tesche, AO 2001-33.

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

NAYS: Sullivan, Kendall, Clementson.

Ordinance No. AO 2001-33, an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, **clarifying exercise of the veto power with respect to the municipal budget**, Assemblymembers Tesche, Abney, Traini, Tremaine, and Van Etten.

1. Assembly Memorandum No. AM 116-2001.
2. Ordinance No. AO 2001-33(S), an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, clarifying exercise of the veto power with respect to the municipal budget, Assemblymember Clementson.
3. Assembly Memorandum No. AM 144-2001.
4. Ordinance No. AO 2001-33(S-1), an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, clarifying exercise of the veto power with respect to the municipal budget, Assembly Chair Von Gemmingen. (**LAI D ON THE TABLE**)

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

ED EARNHART stated his support for this proposition. He said it was essential to maintain the balance of power between the Mayor and the Assembly. He said the Mayor must operate within the bounds of the established procedures to maintain that balance.

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

Mr. Tesche moved, to adopt AO 2001-33(S-1).  
seconded by Mr. Tremaine,

Mr. Tesche moved, to amend AO 2001-33(S-1) to substitute the title found at  
seconded by Mr. Tremaine, lines 29 and 30 of AO 2001-33 for the title in lines 15 through  
17 of the (S-1) version.

Mayor Wuerch noted that if this ordinance was adopted it would be a fundamental change in the form of Municipal government from a strong executive government to a council majority rule type of government. He said this would be a major change and it should be made clear to the voters.

Mr. Tremaine disagreed, stating that there was still a strong executive government with line-item veto power, and he felt this amendment would not change the fundamental form of Municipal government at all. He said it simply clarified the process if the budget was vetoed.

Question was called on the motion to amend the title of AO 2001-33(S-1) and it passed:

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

Ms. Clementson agreed with Mayor Wuerch that the (S-1) version would change the balance of power and would result in a fundamental change in the form of government.

Municipal Attorney Bill Greene advised that in 1990, the Charter § 5.02(c) was amended to add a provision that the Mayor also had line-item veto power and may, by veto, strike or reduce items in the budget or appropriation measure. Mr. Greene concurred with Ms. Clementson's statement that this was added to clarify that besides having general authority to veto, the Mayor also had line-item veto power.

Mr. Tesche moved, the previous question.  
 seconded by Ms. Taylor,

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

Mr. Kendall felt the present system worked well, and he supported maintaining the current language.

Mayor Wuerch said the (S-1) version would do away with the 21-day time limit in the sense that it would require continued meetings until resolution was reached, which may jeopardize the ability to begin the new fiscal year on January 1 with a budget in place. Mayor Wuerch asked Cheryl Frasca of the Office of Management and Budget (OMB), to address the 21-day issue.

Ms. Frasca explained the technical aspects of implementation of the budget, which involves OMB, Management Information Systems Department, the Finance Department, and others to get the approved budget uploaded into the Municipality's financial system. She said this was challenging at best, and more so with the new PeopleSoft software, and the 21-day requirement allows them to meet the January 1 deadline for budget implementation.

Chair Von Gemmingen said the 21 days would not be deleted if the new language were adopted. She said it was her intent that the Assembly would approve the budget by December 10th.

Mr. Sullivan pointed out that the ordinance, as worded, would not accomplish that intent. He noted that this year, the Assembly put forth a budget that did not balance, that had revenue sources that did not exist, and that had a property tax calculation based on a formula that was not accepted by the Charter. He said the Mayor had no choice at that point but to veto the entire budget.

In response to Ms. Clementson, Mr. Tesche said if a budget was not agreed upon by the 21-day deadline, the Assembly would continue to meet in order to arrive at a budget. He said they had the option of adopting an interim measure to keep the government operating until a budget could be approved.

Mayor Wuerch pointed out that the (S-1) version does not recognize the two-step process of adopting a budget and making the appropriations. He said the problem with the December 2000 budget was that the appropriations were made at the line-item level rather than at the department level. He said the budget was the plan, and the appropriation action allocates the funds to the departments to spend; two separate and distinct processes.

Mr. Tesche moved, to amend AO 2001-33(S-1) on line 31 to  
 seconded by Mr. Tremaine, read: "...necessary to adopt a budget and make the necessary  
 and it passed without appropriations."  
 objection,

Mr. Tremaine moved, the previous question.  
 seconded by Mr. Tesche,

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

Question was called on the motion to adopt AO 2001-33(S-1) as amended and it passed:

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

Mr. Tesche moved, immediate reconsideration of action on AO 2001-33(S-1).  
 seconded by Mr. Tremaine,

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

Mr. Tesche moved, to postpone action on AO 2001-33 and AO 2001-33(S)  
 seconded by Ms. Abney, indefinitely.  
 and it passed without  
 objection,

Mr. Traini moved, to change the orders of the day to consider a special order.  
seconded by Ms. Taylor,

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

NAYS: Sullivan, Kendall, Von Gemmingen, Fairclough.

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

There was a suggestion to combine the public hearings for items 12.M, 12.N, and 12.O, AO 2001-27, AO 2001-28, and AO 2001-32, and there were no objections.

- M. Ordinance No. AO 2001-27, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, at the April 3, 2001 Regular Election, the question of whether or not a **two percent (2%) general sales tax** shall be levied within the Municipality of Anchorage, Assemblymember Clementson.
1. Assembly Memorandum No. AM 186-2001, AO 2001-27; an ordinance providing for submission of a two percent general sales tax ballot proposition, Assemblymember Clementson. **(addendum)**
- N. Ordinance No. AO 2001-28, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, at the April 3, 2001 Regular Election, the question of whether or not a three percent (3%) seasonal general sales tax shall be levied within the Municipality of Anchorage, Assemblymember Clementson.
1. Assembly Memorandum No. AM 187-2001, an ordinance providing for submission of a three percent seasonal sales tax ballot proposition, Assemblymember Clementson. **(addendum)**
- O. Ordinance No. AO 2001-32, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, at the April 3, 2001, Regular Election, the question of whether or not a **general sales tax** shall be levied within the Municipality of Anchorage, Assemblymembers Traini, Abney, and Van Etten.
1. Assembly Memorandum No. AM 188-2001, sales tax ballot proposition, Assemblymember Traini. **(addendum)**

Chair Von Gemmingen opened the public hearing for AO 2001-27, AO 2001-28, and AO 2001-32 and asked if anyone wished to speak.

DIANE HOLMES said without additional revenue, the City could not offer nor afford new development. She said the Municipality needed to add revenue, not replace property tax revenues with sales taxes. She asked that it be done in a manner that would not adversely impact education, health, and public safety.

THERESA OBERMEYER stated her opposition to implementation of a sales tax. She said a sales tax impacts the poorest citizens who are already unable to pay for basic necessities such as food, clothing, and shelter.

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

Ms. Clementson moved, to postpone action on AO 2001-28 indefinitely.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Ms. Clementson moved, to postpone action on AO 2001-27 indefinitely.  
seconded by Ms. Fairclough,

Ms. Clementson suggested that public meetings be scheduled to identify acceptable forms of taxation and that information be disseminated to encourage public awareness and acceptance of the need for taxes.

Question was called on the motion to postpone AO 2001-27 indefinitely and it passed without objection.

Mr. Traini moved, to postpone action on AO 2001-32 indefinitely.  
seconded by Mr. Tesche,  
and it was withdrawn,

Mr. Traini acknowledged there was inadequate public input on this item, and at his request, Municipal Attorney Bill Greene advised the Assembly regarding the procedure for putting this item on the ballot for a special election.

Ms. Abney and Mayor Wuerch strongly advised putting this item on the ballot as they strongly felt the public should be given the opportunity to vote on the issue.

Mr. Traini withdrew his motion with the concurrence of Mr. Tesche.

Mr. Traini moved, to postpone action on AO 2001-32 until February 27, 2001.  
seconded by Mr. Tesche,

Mayor Wuerch moved, a substitute motion to amend AO 2001-32 by replacing "3%"  
seconded by Mr. Kendall, with "2%" and to adopt AO 2001-32.

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Clementson.

NAYS: Taylor, Van Etten.

Ms. Clementson moved, to amend AO 2001-32 to strike "services" on line 28.  
seconded by Mr. Kendall,  
and it passed without  
objection,

Question was called on the motion to amend and adopt AO 2001-32 as amended and it passed:

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

Ms. Abney moved, immediate reconsideration of action on AO 2001-32.  
seconded by Mr. Tesche,

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

Mr. Tesche moved, to change the orders of the day to consider item 12.V,  
seconded by Mr. Tremaine, AO 2001-37.  
and it passed without  
objection,

- P. Ordinance No. AO 2001-33, an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, **clarifying exercise of the veto power with respect to the municipal budget**, Assemblymembers Tesche, Abney, Traini, Tremaine, and Van Etten.
1. Assembly Memorandum No. AM 116-2001.
  2. Ordinance No. AO 2001-33(S), an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, clarifying exercise of the veto power with respect to the municipal budget, Assemblymember Clementson.
  3. Assembly Memorandum No. AM 144-2001.
  4. Ordinance No. AO 2001-33(S-1), an ordinance of the Municipality of Anchorage providing for submission of a ballot proposition to the qualified voters at the Regular Municipal Election on April 3, 2001, proposing an amendment to the Home Rule Charter Section 13.05, Assembly Action on the Municipal Budget, clarifying exercise of the veto power with respect to the municipal budget, Assembly Chair Von Gemmingen. (**LAI D ON THE TABLE**)

This item was considered earlier in the meeting. See after item 12.L.

- Q. 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.
1. Assembly Memorandum No. AM 140-2001.
- R. 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.
1. Assembly Memorandum No. AM 141-2001.
- S. Assembly Memorandum No. AM 106-2001, **Employee Relations Board appointment** (Michael Reeves), Mayor's Office.
- T. Resolution No. AR 2001-27, a resolution of the Anchorage Municipal Assembly appropriating \$150,000 from **seized and forfeited monies awarded from criminal narcotics cases** by the U.S. Drug Enforcement Agency to the Police Investigation Fund (257) for use by the Anchorage Police Department.
1. Assembly Memorandum No. AM 98-2001.
- U. 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.
1. Assembly Memorandum No. AM 122-2001.

Items 12.Q through 12.U were continued until February 27, 2001.

- V. Ordinance No. AO 2001-37, an ordinance placing a ballot proposition before the voters at the Regular Municipal Election on April 3, 2001 and providing for an **advisory vote on the question of whether the proceeds of any additional tax on alcohol that the Alaska Legislature may enact should be distributed to municipalities** which provide law enforcement and health and alcohol rehabilitation services for their residents, Assemblymember Tesche.
1. Assembly Memorandum No. AM 137-2001.

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. Tesche moved, to adopt AO 2001-37.  
seconded by Mr. Traini,

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

Mr. Tesche moved, immediate reconsideration of action on AO 2001-37.  
seconded by Mr. Tremaine,

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

- W. Ordinance No. AO 2001-2, an ordinance amending the zoning map and providing for the rezoning from R-1A (Single-Family Residential - Large Lot District) to R-1 (Single Family Residential District) for **BLM Lot 81** located within the SE 1/4 of Section 9, T12N, R3W, S.M., AK; generally located on the east side of Spruce Street and north of East 88th Avenue (Abbott Loop Community Council) (Planning and Zoning Commission Case 2000-091), Planning Department.
  - 1. Assembly Memorandum No. AM 4-2001.

Item 12.W was continued until February 27, 2001.

- 13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.
- 14. **SPECIAL ORDERS:** None.
- 15. **UNFINISHED AGENDA:** None.
- 16. **AUDIENCE PARTICIPATION:** None.
- 17. **ASSEMBLY COMMENTS:** None.
- 18. **EXECUTIVE SESSIONS:** None.
- 19. **ADJOURNMENT:**

The meeting adjourned at 12:00 midnight.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: July 10, 2001

LF/csc

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