

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of September 11, 2001

1. CALL TO ORDER:

Assembly Chairman Dick Traini convened the meeting at 5:00 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Anna Fairclough, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine, Cheryl Clementson.

Absent: None.

Chair Traini asked that a moment of silence be observed for those who had lost their lives and those who had lost loved ones in the tragic terrorist attack that had occurred in New York earlier in the day.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Von Gemmingen.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - March 27, 2001

Ms. Von Gemmingen moved, to approve the minutes of the regular
seconded by Ms. Fairclough, Assembly meeting of March 27, 2001.
and it passed without
objection,

B. Special Meeting (#1) - April 10, 2001

Mr. Tesche moved, to approve the minutes of the first special
seconded by Ms. Von Gemmingen, Assembly meeting of April 10, 2001.
and it passed without
objection,

Ms. Von Gemmingen later noted that Representative Bunde's name was misspelled at line 55 of page 1.

C. Special Meeting (#2) - April 10, 2001

Mr. Tesche moved, to approve the minutes of the second
seconded by Ms. Von Gemmingen, special Assembly meeting of April 10,
and it passed without 2001.
objection,

D. Regular Meeting - August 14, 2001

Ms. Fairclough moved, to approve the minutes of the regular
seconded by Mr. Tesche, Assembly meeting of August 14, 2001.

Ms. Shamberg moved, to amend the minutes at line 63 of page 1, to
seconded by Mr. Tremaine, replace "Abney" with "Shamberg," and at
and it passed without line 61 of page 12 to replace "suspending"
objection, with "suspending."

Question was called on the motion to approve the minutes of the regular Assembly meeting of August 14, 2001, as amended, and it passed without objection:

5. MAYOR'S REPORT

Mayor Wuerch addressed the tragedy that had befallen the World Trade Centers in New York earlier in the day. He said Anchorage citizens had risen to the crisis, and they had experienced an incredible response of the emergency response and public safety teams in addressing preparedness for potential terrorist attacks on Anchorage. He said the Emergency Operations Center (EOC) was mobilized and operational since 6:20 a.m., minutes after the first notice of the attacks was received. He updated the Assembly on the status of travelers stranded in Anchorage due to the terrorist attacks. Mayor Wuerch said it would be a couple of days before the full impact of the events would be known locally, and longer before they could determine the ramifications to the nation. He said the immediate concern in Anchorage were any new events that might occur in Anchorage, the state, or the nation, as well as the destabilizing effects of the disturbing and graphic visual images in the news media. He said there would be a joint meeting of the Public Safety Commission and the Minority Community Police Advisory Task Force on Wednesday evening at 6:00 p.m.

He said they would continue to communicate with various community leaders and the media in an attempt to keep them informed.

Mayor Wuerch commended the Anchorage Police and Fire Departments and other agencies that had participated in the training exercises and practice drills for emergency situations so that they would be prepared and able to respond to a crisis event such as the one that had occurred earlier in the day. He said the fact that they had been able to mobilize the EOC so quickly was a testament to those emergency responders' training, professionalism, and willingness to be prepared to respond in a crisis event. Mayor Wuerch also thanked the military commanders from Fort Rich and Elmendorf who had maintained communications with the Administration and were also prepared to respond in an emergency situation. He urged everyone to remember those who were lost in the tragedy and to say a prayer for them and their families.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini said he intended to open the public hearing on item 14.P, Ordinance AO 2001-135, for testimony from one individual because that individual would not be present when this item came back before the Assembly. He said it would then be his intention to send this ordinance to the people who were in charge of animal control, and it was more appropriately considered under Title 17 instead of Title 21.

He said he could add nothing to the Mayor's comments on the events of the day. He said it was simply horrific that individuals could do that to other human beings, simply tragic.

7. COMMITTEE REPORTS

There were no committee reports.

8. ADDENDUM TO AGENDA

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

Chair Traini read the addendum items.

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

9. CONSENT AGENDA

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

Ms. Clementson asked that her no vote be reflected on items B.3 on page 2 and B.8 on the addendum.

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2001-269, a resolution of the Anchorage Municipal Assembly **recognizing and honoring ~~Capital~~ Captain Bruce H. Richter or his 16 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, ~~Taylor~~, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 10.A.

2. Resolution No. AR 2001-272, a resolution of the Anchorage Municipal Assembly **recognizing and honoring David D. Mumford for his years of service** to the Municipality of Anchorage, Assemblymembers Fairclough, Clementson, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Sullivan requested this item be considered on the Regular Agenda. See item 10.2.

B. RESOLUTIONS FOR ACTION - OTHER:

1. Resolution No. AR 2001-257, a resolution of the Municipality of Anchorage appropriating \$94,387 of proceeds received from the golf course surcharge revenue to the Areawide Capital Improvement Fund (401) for the **2000 payment of the golf course loan**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 765-2001.
2. Resolution No. AR 2001-258, a resolution of the Municipality of Anchorage appropriating \$30,000 of Fund Balance from the Girdwood Valley Service Area Fund (106) and contributing the appropriation to the Girdwood Valley Capital Improvement Fund (406) to provide required matching funds for SB-29, **Girdwood Service Area Road and Drainage System Rehabilitation Grant**, Street Maintenance.
 - a. Assembly Memorandum No. AM 766-2001.
3. Resolution No. AR 2001-259, a resolution approving the submission of an **Empowerment Zone application** by the Municipality of Anchorage to the U.S. Department of Housing and Urban Development, Planning Department.

- a. Assembly Memorandum No. AM 767-2001.

Ms. Shamberg requested this item be considered on the Regular Agenda. See item 10.B.

4. Resolution No. AR 2001-260, a resolution of the Municipality of Anchorage authorizing the application for matching capital grant funds through the **Municipal Capital Project Matching Grant Program - AS 37.06** - for State Fiscal Year 2003, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 770-2001.
5. Resolution No. AR 2001-263, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$38,400 from the State of Alaska, Department of Education and \$42,000 as a contribution from the Library 2001 Operating Budget within the Areawide General Fund (101), to the State Categorical Grants Fund (231) for the **Public Library Assistance grant** under Cultural and Recreational Services Department/Library.
 - a. Assembly Memorandum No. AM 773-2001.
6. Resolution No. AR 2001-264, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into an increase in the Transfer of Responsibilities Agreement (TORA) in the amount of \$50,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (231) for **summer landscaping and winter ice and snow removal at selected bus stops** within the Anchorage Area through an Enhancement Youth Work Program, Public Transportation.
 - a. Assembly Memorandum No. AM 774-2001.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10.B.

7. Resolution No. AR 2001-270, a resolution amending Special Assessment District ISD97 to **exempt a certain property included on the original assessment roll** and authorizing a refund as a result of manifest clerical error on Real Property 002-102-44, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 785-2001.
8. Resolution No. AR 2001-273, a resolution of the Anchorage Municipal Assembly appropriating \$20,000 from Areawide General Fund (101) Balance to NonDepartmental to be used as a **grant to Anchor Arms Inc.**, Assemblymembers Taylor, Tesche, Shamberg, Van Etten, Tremaine, and Sullivan. (**addendum**)
 - a. Assembly Memorandum No. AM 790-2001.
9. Resolution No. AR 2001-274, a resolution of the Municipality of Anchorage appropriating up to \$50,000 as a loan from the Areawide General Cash Pool (Fund 101) to Real Estate Services for **leasehold improvements**, Finance. (**addendum**)
 - a. Assembly Memorandum No. AM 791-2001.

C. BID AWARDS:

1. Assembly Memorandum No. AM 775-2001, recommendation of award to Frontier Excavating, Inc. for **Lathrop Sewer Upgrade** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 21-C050) (\$170,826), Purchasing.
2. Assembly Memorandum No. AM 786-2001, recommendation of award to Goodfellow Brothers, Inc. for **2001 Merrill Field Improvements, Gravel/Ski Runway** for the Municipality of Anchorage, Merrill Field Airport (ITB 21-C047) (\$963,615), Purchasing.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10.C.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 768-2001, amendment No. 1 to Project Management services contract with RISE Alaska, LLC, for the **Anchorage 6th Avenue Replacement Jail**, Project Management and Engineering Department, Project No. 00-32 (\$376,555).
2. Assembly Memorandum No. AM 776-2001, proprietary purchase of **UHF Radio Communications System Upgrade** from Motorola Communications, Inc. for the Municipality of Anchorage, Anchorage Police Department (\$210,983.50), Purchasing.
3. Assembly Memorandum No. AM 777-2001, proprietary purchase of **PeopleSoft application services** from PeopleSoft USA, Inc. to the Municipality of Anchorage, Information Technology Department (\$250,000), Purchasing.
4. Assembly Memorandum No. AM 778-2001, recommendation of award to HDR Alaska for providing architectural/engineering services for Project G - **Cedar Hollow Subdivision Area Storm Improvements** for the Municipality of Anchorage, Office of Planning, Development, and Public Works & Project Management and Engineering (RFP 21-P021) (\$241,969), Purchasing.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10.D.

5. Assembly Memorandum No. AM 779-2001, contract amendment No. 1 to the professional service contract with DOWL Engineers for **professional surveying service** increasing the contract expenditure limit (\$200,000), Project Management and Engineering.
6. Assembly Memorandum No. AM 780-2001, change order #1 to Shannon & Wilson, Inc. for providing professional consultant service for a **Landfill Water Quality Monitoring Program** for the Municipality of Anchorage, Solid Waste Services (\$18,211.80).
7. Assembly Memorandum No. AM 787-2001, recommendation of award to Vopak USA, Inc. and to Cryotech Deicing Technology for furnishing **liquid magnesium chloride and liquid potassium acetate** to the Municipality of Anchorage, Street Maintenance Department (\$451,000), Purchasing.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 90-2001, Internal Audit Report 2001-5 – **Anchorage Senior Center, Health and Human Services/Internal Audit**.
2. Information Memorandum No. AIM 91-2001, report of Project Management & Engineering Department's **construction contract amendments**.
3. Information Memorandum No. AIM 95-2001, waiver of formal procedures for **West Northern Lights Boulevard and East 20th Avenue Surface Rehabilitation** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 21-C054) (\$790,218), Purchasing.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-130, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions** (Transportation Planning Manager/AMATS Coordinator, Fleet and Facility Maintenance Director, Traffic Director), Employee Relations. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 769-2001.
2. Resolution No. AR 2001-261, a resolution of the Municipality of Anchorage appropriating the sum of \$230,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$5,390 as a contribution from the 2001 Anchorage Metropolitan Police Service Area Operating Budget, Anchorage Police Department Fund (151), to the State Categorical Grants Fund (231) for this **Traffic Enforcement Program**, Anchorage Police Department. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 771-2001.
3. Resolution No. AR 2001-262, a resolution approving construction of the **Lake Otis Heights Water Main Extension** (W01-022) and providing for the eventual assessment against benefited properties, Water and Wastewater Utility. ~~P.H. 10-16-01.~~
 - a. Assembly Memorandum No. AM 772-2001.

Mayor Wuerch requested this item be considered on the Regular Agenda. See item 10.F.

4. Resolution No. AR 2001-265, a resolution of the Municipality of Anchorage appropriating \$229,500 as a grant 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 **HIV/AIDS prevention services**, Health and Human Services. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 781-2001.
5. Resolution No. AR 2001-266, a resolution of the Municipality of Anchorage appropriating \$436,336 as a grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from the U.S. Department of Health and Human Services to fund **Family Planning Services**, Health and Human Services. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 782-2001.
6. Resolution No. AR 2001-267, a resolution of the Municipality of Anchorage appropriating \$1,071,837 as a grant 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. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 783-2001.
7. Resolution No. AR 2001-268, a resolution of the Municipality of Anchorage accepting and appropriating \$5,853,658 as a State of Alaska legislative grant per Senate Bill 29 to the Port of Anchorage Capital Improvement Program Fund (571) and revising the 2001 Port of Anchorage Capital Budget for the **Port of Anchorage Intermodal Marine Facility Project**, Port of Anchorage. P.H. 9-25-01.
 - a. Assembly Memorandum No. AM 784-2001.
8. Resolution No. AR 2001-271, a resolution of the Municipality of Anchorage Assembly appropriating up to \$522,984 in the Deferred Revenue Account of the Heritage Land Bank General Fund (221) to the Areawide General Capital Improvement Fund (401) for the **Chester Creek Aquatic Restoration Project**, Heritage Land Bank. P.H. 9-11-01. (**addendum**)

- a. Assembly Memorandum No. AM 789-2001.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10.F.

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

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

NAYS: None.

10. REGULAR AGENDA

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2001-269, a resolution of the Anchorage Municipal Assembly **recognizing and honoring ~~Capital~~ Captain Bruce H. Richter or his 16 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, ~~Taylor~~, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor moved, to approve AR 2001-269.
seconded by Mr. Sullivan,

Ms. Taylor asked that her name be removed from this item. Ms. Taylor said that resolutions are done to recognize honorable service. She said there were dishonorable incidents in the course of this individual's career, and she could not, in good conscience, support the resolution.

Ms. Taylor moved, to postpone action on AR 2001-269
seconded by Mr. Tesche, indefinitely.

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

NAYS: Sullivan, Kendall, Clementson.

2. Resolution No. AR 2001-272, a resolution of the Anchorage Municipal Assembly **recognizing and honoring David D. Mumford for his years of service** to the Municipality of Anchorage, Assemblymembers Fairclough, Clementson, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Sullivan moved, to approve AR 2001-272.
seconded by Ms. Fairclough,
and it passed without
objection,

Mr. Sullivan read the resolution, while Ms. Taylor presented it to Mr. Mumford.

Mr. Mumford thanked the Assembly and the Administration. He urged them to continue to support Lance Wilber, his replacement in the position. He said he would be taking a position as the Public Works Director in Billings, Montana.

B. RESOLUTIONS FOR ACTION - OTHER:

1. Resolution No. AR 2001-259, a resolution approving the submission of an **Empowerment Zone application** by the Municipality of Anchorage to the U.S. Department of Housing and Urban Development, Planning Department.

- a. Assembly Memorandum No. AM 767-2001.

Ms. Shamberg moved, to approve AR 2001-259.
seconded by Mr. Tremaine,

Ms. Shamberg moved, to amend AR 2001-259 at line 7 to add the
seconded by Ms. Fairclough, word "DEVELOPMENT" after "URBAN."
and it passed without
objection,

Ms. Fairclough moved, to amend AM 767-2001 at line 10 to
seconded by Mr. Tremaine, replace the word "eight" with "seven."
and it passed without
objection,

Question was called on the motion to approve AR 2001-259 as amended and it passed:

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

NAYS: Von Gemmingen, Shamberg, Clementson.

Ms. Fairclough moved, immediate reconsideration of action on
seconded by Ms. Taylor, AR 2001-259.

AYES: Clementson.

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

(Clerk's NOTE: A vote on the reconsideration was not registered for Mr. Tremaine.)

2. Resolution No. AR 2001-264, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into an increase in the Transfer of Responsibilities Agreement (TORA) in the amount of \$50,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (231) for **summer landscaping and winter ice and snow removal at selected bus stops** within the Anchorage Area through an Enhancement Youth Work Program, Public Transportation.
 - a. Assembly Memorandum No. AM 774-2001.

Mr. Van Etten moved, to approve AR 2001-264.
seconded by Ms. Taylor,

In response to Mr. Van Etten, Gary Taylor Operations and Maintenance Superintendent in Public Transportation explained the intent of the resolution and how the program would work.

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

NAYS: None.

C. BID AWARDS:

1. Assembly Memorandum No. AM 786-2001, recommendation of award to Goodfellow Brothers, Inc. for **2001 Merrill Field Improvements, Gravel/Ski Runway** for the Municipality of Anchorage, Merrill Field Airport (ITB 21-C047) (\$963,615), Purchasing.

Mr. Van Etten moved, to approve AM 786-2001.
seconded by Ms. Fairclough,

In response to Mr. Van Etten, Merrill Field Director Dave Lundy said he would provide a copy of the Merrill Field master plan.

Question was called on the motion to approve AM 786-2001 and it passed:

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

NAYS: None.

(Clerk's Note: A vote on approval of Assembly Memorandum No. AM 786-01 was not registered for Mr. Tesche.)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 778-2001, recommendation of award to HDR Alaska for providing architectural/engineering services for Project G - **Cedar Hollow Subdivision Area Storm Improvements** for the Municipality of Anchorage, Office of Planning, Development, and Public Works & Project Management and Engineering (RFP 21-P021) (\$241,969), Purchasing.

Ms. Fairclough moved, to approve AM 778-2001
seconded by Mr. Tremaine,

Municipal Engineer Howard Holtan responded to Ms. Fairclough's questions and explained the purpose of the project.

Question was called on the motion to approve AM 778-2001 and it passed:

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

NAYS: None.

(Clerk's Note: A vote on the approval of Assembly Memorandum No. AM 778-01 was not registered for Ms. Clementson.)

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 2001-262, a resolution approving construction of the **Lake Otis Heights Water Main Extension** (W01-022) and providing for the eventual assessment against benefited properties, Water and Wastewater Utility. ~~P.H. 10-16-01.~~

Mayor Wuerch moved,
seconded by Mr. Kendall

postpone action on AR 2001-262
indefinitely.

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

NAYS: None.

(Clerk's Note: A vote on the postponement of Assembly Memorandum No. AM 778-01 indefinitely was not registered for Ms. Clementson.)

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- A. Resolution No. AR 2001-127, a resolution **revising the Central Business District parking meter zones** authorizing the Municipal Traffic Engineer to designate parking meters in the area of 2nd Avenue to 9th Avenue and 'A' Street to 'I' Street in accordance with Title 9.34.010.A., Office of Planning, Development, and Public Works.

1. Assembly Memorandum No. AM 377-2001.

(CARRIED OVER FROM 5-8-01 AND 5-15-01; POSTPONED FROM 5-22-01;
CARRIED OVER FROM 8-14-01)

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

Ms. Von Gemmingen noted that this item was generally supported by the downtown business owners and the Downtown Anchorage Partnership, and it was not a controversial issue. She felt that the parking meters should be implemented in the core areas and the free zones should be in the outskirts of downtown.

Mr. Tesche concurred with Ms. Von Gemmingen's comments. He also felt Mr. Sullivan and Mr. Tremaine were correct that the Assembly should consider the enforcement aspect first. He said after listening to Ms. Fairclough's and Ms. Von Gemmingen's views, he was convinced that they should implement a portion of this plan immediately.

Mr. Tesche moved,
seconded by Ms. Clementson,

to amend AR 2001-127 to replace
Section 3 with a new Section 3 to read, "In
order to give the Mayor an opportunity to
prepare a plan for downtown parking
enforcement, installation of meters in the
downtown core area may begin no earlier
than October 17, 2001."

Mr. Tesche said this motion would give the Mayor and the Administration a chance to look at the issue of downtown parking enforcement to consider his suggestion for a charter amendment. Staff could then make its recommendation to the Assembly as to how parking enforcement could be increased and/or improved downtown. He said that could be done prior to the regular Assembly meeting of October 16th, and the Assembly would have a final opportunity to make additional modifications to the resolution at that time. He said he would like to see the plan adopted in concept, but not implemented until the enforcement proposal was before them.

Chair Traini pointed out that Mr. Tesche's motion was in conflict with Section 2, which states that the resolution shall be effective upon passage and approval. Chair Traini offered a friendly amendment that Section 3 be substituted for Section 2. Mr. Tesche said he would, with Ms. Clementson's consent, accept the proposed amendment.

Mr. Tremaine and Mr. Sullivan felt they should postpone action on AR 2001-127 until the Administration could develop a proposed parking enforcement plan for presentation to the Assembly.

At Ms. Fairclough's request, Mr. Mumford highlighted the pertinent points of the contractor's study results regarding the turnover rate in the parking zones and other information that had been provided during the work session.

Mayor Wuerch noted that Parking Authority Director Kevin Kenney and the consultant who had prepared the study were available to respond to questions.

Ms. Fairclough said she opposed the motion. At Ms. Fairclough's request, Rick Williams, of Melvin Mark Development Company out of Portland, Oregon, introduced himself as the contractor and consultant on this project. He explained why, in 1980, the parking meters had been taken out and free parking provided. Ms. Fairclough said Mr. Williams had recommended that the free parking be eliminated. She said the enforcement problem was with the free parking, and if it was eliminated, they would no longer have an enforcement problem and the Administration would not have to develop an enforcement plan. She said since this was not a revenue issue, she suggested that Section 2 be amended to read January 1, 2002, which would give the Downtown Partnership an opportunity to provide recommendations to the Assembly and the project could proceed.

Mr. Tremaine moved,
seconded by Mr. Sullivan,

a substitute motion to postpone action on
AR 2001-127 until October 16, 2001.

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

Question was called on Mr. Tremaine's motion to postpone action on AR 2001-127 until October 16, 2001, and it passed:

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

In response to Ms. Fairclough, Mayor Wuerch said it was the Administration's understanding that the Assembly was requesting an implementation plan and an enforcement plan. He said he intended to consult with the Board of Directors of the Parking Authority with respect to off-street parking and the consultant with respect to on-street parking in the development of the plan and submit it to the Assembly by October 16, 2001.

- B. Resolution No. AR 2001-86, a resolution of the Anchorage Municipal Assembly urging the Anchorage Parking Authority to **continue allowing use of the city-owned parking lot on Third Avenue between C and E Streets for Fur Rendezvous activities**, Assemblymembers Sullivan and Kendall.
 (POSTPONED FROM 3-20-01; CARRIED OVER FROM 5-15-01, 8-14-01, AND 8-28-01)

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

Mr. Sullivan moved, to postpone action on AR 2001-86 until
 seconded by Mr. Kendall, October 23, 2001.
 and it passed with objection
 by Ms. Clementson and
 Chair Traini,

Ms. Clementson pointed out that some of these items were so old, no one remembered if there had even been any testimony on them, let alone what the testimony had been. She suggested that if matters were not resolved at the time they were up for consideration, the public would be better served if they postponed the item indefinitely and then brought it back as a new item at a later date when it could be resolved in a timely manner. Ms. Clementson advocated the old practice that unless passed by a majority two-thirds vote of the Assembly to keep an item alive, it would die after five meetings. She said that would force the Assembly to keep issues before the public.

- C. Ordinance No. AO 2001-102, an ordinance of the Anchorage Municipal Assembly creating the **Northwood Transportation Study Area** and imposing a moratorium on building permits for new development and on redevelopment which creates identified impacts. The moratorium also applies to zoning, site plan, conditional use and platting approvals. The moratorium applies to the area bounded by Spenard Road, International Airport Road, and Minnesota Drive and shall be in effect until November 5, 2001 or until the Municipality adopts a study area report, whichever occurs first, Assemblymembers Sullivan and Von Gemmingen.
 1. Assembly Memorandum No. AM 441-2001.
 (POSTPONED FROM 7-24-01; CARRIED OVER FROM 8-14-01 AND 8-28-01)

Chair Traini gave the history of the ordinance and noted there were no motions on the floor.

Mr. Sullivan moved, to postpone action on AO 2001-102
 seconded by Ms. Von Gemmingen, indefinitely.
 and it passed without
 objection,

12. APPEARANCE REQUESTS

- A. **David Calechman**, regarding the need for public involvement in a new master plan for Cheney Lake Park.

Mr. Calechman strongly encouraged the Assembly to involve the public in all phases of the revision of the Cheney Lake Park master plan, especially as members of the task force and in decision-making capacities. He asked that they ensure satisfactory notice, including notice at the lake, and that they hold broad public hearings to ensure ample opportunity for public participation. Mr. Calechman said public park development had a significant impact on neighborhoods and on the public at large, and residents did not want or deserve surprises. He said the master plan was a conceptual document, and the public wanted to be involved in the vision that was developed for Cheney Lake.

In response to Ms. Clementson, Municipal Engineer Howard Holtan advised that the contractor would begin localized pavement repair and planing the entire pavement from Northern Lights to Debarr for replacement beginning the latter part of next week. He explained that this needed to be done due to a material failure, and the pavement was being replaced at the contractor's expense.

The meeting recessed at 6:30 p.m. and reconvened at 7:00 p.m.

There was a suggestion to change the orders of the day to consider item 14.A., AR 2001-254, and there were no objections.

13. CONTINUED PUBLIC HEARINGS

- A. Ordinance No. AO 2001-138, an ordinance of the Municipality of Anchorage authorizing the **purchase of Crossroads Business Park, Tracts 5A and 5B**, Anchorage, Assemblymembers Sullivan and Von Gemmingen.
(CARRIED OVER FROM 7-24-01; CONTINUED FROM 8-14-01 AND 8-28-01)

Item 13.A., AO 2001-138 was continued to September 25, 2001.

14. NEW PUBLIC HEARINGS

- A. Resolution No. AR 2001-254, a resolution approving and ratifying a **five year collective bargaining agreement between the Municipality of Anchorage and the Anchorage Municipal Employees Association** ("AMEA") and approving similar adjustments to the compensation of non-represented employees, Employee Relations.
1. Assembly Memorandum No. AM 764-2001.

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mayor Wuerch moved, to approve AR 2001-254.
seconded by Ms. Fairclough,

Mayor Wuerch noted that a corrected Summary of Economic Effects was available as a result of the work session earlier in the day. He asked Office of Management and Budget Director Cheryl Frasca to brief the Assembly on the changes.

Ms. Clementson expressed concern with the flaws in the process that had taken place with respect to the AMEA contract. She emphasized the importance of the process since this would be the first of five contracts to be negotiated between AMEA and the Municipality.

Ms. Fairclough said she had been one of the Assembly members who met with Dave Otto, who had explained interest-based bargaining. She said the meeting was not confidential or done in secret, and she did not interpret it as a meeting that required public attendance. She described other aspects of that meeting and issues that were discussed.

Ms. Von Gemmingen said she learned about interest-based bargaining under this agreement, and she was pleased with what she learned about the way the agreement was reached. She said it was a new, novel, and cooperative way of doing business. She stated her firm belief that AMEA employees and non-reps deserved a pay raise. She echoed Ms. Clementson's concern regarding the Administration's tardiness in providing an accurate Summary of Economic Effects and no one knew how much the contract was going to cost. She noted that the new corrected Summary of Economic Effects provided by Director of Internal Audit Mr. Raskums this evening indicated the total price of the contract would be \$19.9 million; however there were two blank boxes that contained no figures for the non-reps for 2004/2005. She said if the non-reps received an amount comparable to what the AMEA employees received for those two years, it would add over \$10 million to the total cost of the contract. She said the Administration's Summary of Economic Effects provided similar data, i.e., a total cost of \$18.4 million with two empty boxes for the non-reps for 2004/2005. Ms. Von Gemmingen said she was disturbed that the public had not had an opportunity to review the figures and the Assembly members had received them after the public hearing had closed after having no testimony and after a motion to approve had been made. She reiterated Ms. Clementson's comments regarding the egregious flaws in the process and said that it disturbed her greatly.

Ms. Frasca responded to Mr. Tesche's questions regarding revenues, budget, and tax cap issues. Ms. Frasca said the Administration intended to stay within the charter in terms of what would be recommended to the Assembly. Mr. Tesche asked Ms. Frasca to respond to Ms. Clementson's and Ms. Von Gemmingen's concerns about the empty boxes for 2004/2005. Ms. Frasca said that the explanatory notes explained that the salary increase for those empty boxes would be based on either the CPI or a wage reopener, and because they do not know what those figures would be that far into the future, staff had simply provided what the additional cost could be if the Assembly were to approve a 1-, 2-, or 3-percent increase.

Mr. Tesche said he was happy that the Administration and AMEA representatives met in good-faith collective bargaining and, through a new process, reached an agreement that appeared to be fair to both parties. Mr. Tesche said he would vote in support of the motion.

Mr. Tremaine echoed Mr. Tesche's comments regarding the agreement that had been reached. He said he shared Ms. Clementson's and Ms. Von Gemmingen's concerns regarding what the true cost of the contract would be, while at the same time, he acknowledged that in the out years, they would not know what the true cost was because there were too many variables. He said he was concerned about where the funds would come from for the contract. He asked if the Administration could explain how much they would be over the tax cap, including this contract, in the continuation budget.

Mayor Wuerch responded that they would be zero dollars over the tax cap and other revenues. He said the Administration would present a balanced budget to the Assembly for approval. He addressed the relative impacts of year 2002 increases. Mayor Wuerch addressed the concerns that various Assembly members had voiced, and he provided a summary of the collective bargaining agreement process. With respect to

how they would implement the 1.6-percent increase in cost and still stay within the budget, Mayor Wuerch said they would continue to seek efficiencies and to streamline Municipal processes so that more services could be delivered at less cost. He highlighted several of those efficiencies that had resulted in cost and labor savings in the recent past. He said he felt the Administration had delivered to the Assembly a fair, balanced, and reasonable solution and, hopefully, a new era of labor/management negotiations within the Municipality of Anchorage. He asked that the Assembly support this contract.

Chair Traini voiced his support for this package. He said he had first been on the Assembly in 1991, and he had observed the worst bargaining practices he had ever seen in his life. He reminded the Assembly that it was not their function to do the negotiating with the AMEA but simply to review the contract and approve it. He commended the Mayor for his work on this effort and said he had started a good process, one which works for all parties involved. He said the Administration had submitted a contract for Assembly approval that was fiscally responsible to their constituents.

Chair Traini asked for a call of the house.

Question was called on the motion to approve AR 2001-254 and it passed:

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

Mr. Tesche moved, immediate reconsideration of action on
 seconded by Ms. Fairclough, AR 2001-254.

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

Chair Traini expressed his appreciation to Mr. Otto and Barbara Huff of the AMEA for their efforts in the negotiations. He said it was a good process, and the Assembly appreciated it.

There was a suggestion that the public hearings for AO 2001-159 and AO 2001-160 be combined, and there were no objections.

- B. Ordinance No. AO 2001-159, an ordinance amending Anchorage Municipal Code Chapter 2.25, **Assembly Composition and Apportionment Plan**, to rename and re-establish the geographic boundaries of Assembly election districts, Assemblymembers Tesche, Traini, and Tremaine.
 - 1. Assembly Memorandum No. AM 763-2001.
- C. Ordinance No. AO 2001-160, an ordinance amending Anchorage Municipal Code Title 2 **reapportioning and establishing the number and nature of Assembly election districts**, Assemblymembers Clementson and Sullivan.

Chair Traini opened the public hearings for AO 2001-159 and AO 2001-160 and asked if anyone wished to speak.

TERRY MARTIN said of the three work sessions held on the reapportionment, never once was it mentioned that whichever plan was approved by the Assembly tonight must go to the Justice Department for pre-clearance. He said when providing the plan to the Civil Rights Section, the numbers must reflect a balance and any deviation of racial makeup, and that was not included on any of the maps he had seen to date. He stated his opposition to double-member districts. He said he would do his best to ensure that the Civil Rights Section was provided the maps. In addition, he would have a petition that would be submitted to the City Clerk to put this issue on the ballot and before the voters for the April election.

JONATHAN LACK testified in favor of single-member districts. He said he was previously a candidate for the Anchorage Assembly, and he was aware that the districts are far too large for candidates to reach voters effectively. He said candidates raise exorbitant amounts of money in a bid to reach the voters through the media, which is basically a vehicle for name recognition only, not for the purpose of expressing candidates' views or debating the issues. Mr. Lack said smaller districts would allow Assembly members to attend more of their community council meetings, and they would allow constituents to have better access to their Assembly members. He asked that the Assembly support them.

ED EARNHART, resident of midtown, said the steering committee of the Taku Campbell Community Council had met last week to consider the information they had been provided, and they had unanimously agreed that they wanted to stay with a two-member district. Personally, Mr. Earnhart testified in opposition to single-member districts. He pointed out that with two-member districts, one or the other Assembly member for a district should be able to attend their community council meeting most of the time. Mr. Earnhart said he had been helping with elections in Anchorage for 25 years, and people were happy with the two-member districts and felt they would best serve the needs and interests of Anchorage citizens.

JEFF LOGAN testified in support of AO 2001-160 and single-member districts. He said he believed municipal government should inherently be local government. He urged that the Assembly approve AO 2001-160 and reduce the districts to workable sizes so that the Assembly members could fairly represent all their constituents.

STUART HALL, President of the Government Hill Community Council, said the council's position on this issue was the same as it had been for the last 20 years. He said the council requested all voters and

residents of Anchorage be treated the same with respect to representation on the Assembly. He said either all districts should elect one Assembly member, or they should all elect two. He said the council did not have a preference, they simply wanted equal representation and equal votes before the Assembly.

JIM MORTON testified in support of the double-member districts. His expressed his concerns regarding his district, especially with respect to the College Gate area. He reiterated others' comments that with two-member districts, Assembly members were able to attend their community council meetings, and constituents feel they have more access to their Assembly representatives.

BETTY ATKINSON said long ago, she had served on a committee representing the Federation of Community Councils that had been asked by the Assembly to provide a proposal, and the committee had proposed the single-member district for downtown. She said the reason the committee had proposed a single-member district for downtown was because it would be more compact and it seemed like it would be an easier area to represent than the outlying districts.

TERRY BURRELL introduced MIKE ADAMS, and said she agreed with Mr. Earnhart's and Ms. Atkinson's comment. Ms. Burrell stated her support for two-member Assembly districts. She expressed dismay that District 6 had been put into District 8, and District 6 residents had no common interests whatsoever with District 8. She said District 6 was now totally disenfranchised with the rest of their district. She asked that they be allowed input and more time to resolve this matter.

Chair Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Tesche moved,
seconded by Mr. Tremaine,

to adopt AO 2001-159 with the map
entitled "2001 Assembly Reapportionment
Map, Version 91101."

Mr. Tesche said this issue had not raised the degree of public participation that he had anticipated, and he was unconvinced that there was overwhelming support at this time to change the current basic system or structure of Assembly apportionment. He said it has worked basically well for a decade, and he felt if it was not broken, they should not attempt to fix it.

Mr. Kendall moved,
seconded by Mr. Sullivan,

a substitute motion to approve AO 2001-160
with the map entitled "Single-Member
District Option B," without the district
population numbers.

Mr. Kendall said it was his philosophical belief that government should be as close to the people as possible, and single-member districts representing the smallest number of people possible was the way to do that. He said the Assembly members would have to work harder, but he did not oppose two-year terms for the Assembly members as opposed to three-year terms.

Chair Traini clarified that Mr. Kendall's motion would substitute the Single District Option B with the dual-member district being Eagle River/Chugiak. Mr. Kendall said that was correct.

In response to Mr. Tesche, Mr. Kendall said he would not support rotation of the single-member district to Eagle River. Mr. Tesche said for the same reason he supported AO 2001-159, he opposed the single-member district option. In addition, he said the Single-Member District Option B was not a pure single-member district as it preserved a dual-member district in Eagle River.

Mr. Sullivan stated his support of the substitution motion. He asked if Mr. Kendall would accept as a friendly amendment to the substitution motion that Option A, revised 9/11/01, be considered instead of Option B for the single-member map they would use. Mr. Kendall agreed. Mr. Sullivan urged the Assembly members to support it. He said local government was best served when it was serving a smaller population.

Ms. Clementson said she did not have a problem with dual-member districts and that they appeared to work fairly well in the district she represented. She noted that it added an interesting balance to the representation of an area where the residents had diverse views on various issues. She said she would be voting in support of the substitute motion in an effort to get a dialogue started and to continue the dialogue to find a better way to represent their constituents. She suggested that it was an issue that should go before the voters in the end. She said it would be a difficult proposition to have two-year terms, and she said if they were going to consider single-member districts for everyone, the voters should be asked if they were interested and change the charter to make them three-year terms.

Mr. Tremaine moved,
accepted by Mr. Kendall
but not by Mr. Sullivan,

a friendly amendment to divide Eagle
River into two parts.

At Ms. Von Gemmingen's request, Chair Traini clarified that the Eagle River/Chugiak area was not included in the substitute motion, and they were currently discussing 10 districts.

Ms. Von Gemmingen spoke in support of three-year terms and she felt they needed to have a charter change to three years for single-member districts before they go all single-member districts, including the Eagle River/Chugiak area. She also felt this was an issue that should be put before the voters. Ms. Von Gemmingen concurred with the people who provided public comment regarding candidate campaigning for the Assembly. She said she supported voting on the single-member district issue tonight.

Mr. Kendall pointed out that the Assembly had time between now and the next election to propose a charter amendment. He said they should vote as close as they could to get to single-member districts, and if they did not agree with Mr. Tremaine's amendment, they should simply vote on AO 2001-160.

Question was called on the motion to substitute and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson.

NAYS: Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine,.

Mr. Tremaine moved,
not accepted by Mr. Tesche,

a friendly amendment to delete Assembly District 3 from his map into the single-member district Option A, 3 and 4, that were submitted in August 2001.

Mr. Tremaine moved,
seconded by Mr. Kendall,

a substitute motion to delete Assembly District 3 from the map entitled "2001 Assembly Reapportionment Map, Version 91101" into the single-member district Option A, 3 and 4, that were submitted in August 2001.

Mr. Tremaine said he believed the residents of Anchorage should be able to choose their representation. He said the Assembly members and residents of West Anchorage wished to have single-member districts and he felt they should have that opportunity.

After lengthy debate, Mr. Tesche asked the Municipal Attorney to prepare an amendment to the home rule charter that the Assembly could consider placing on the ballot the elimination of the poison pill that was making this issue a difficult one to resolve. He said he would vote against the substitute motion.

Mr. Kendall said Mr. Tremaine's motion to substitute had nothing to do with two-year terms or three-year terms. He said it simply divided a district into three single-member districts, which would move in the direction that he felt they should be taking anyway. He said he would be voting in support of the substitute motion.

Question was called on the motion to substitute and it failed:

AYES: Sullivan, Kendall, Tremaine.

NAYS: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Clementson.

In response to Mr. Tremaine, Municipal Attorney Bill Greene stated that to the best of his knowledge, the current Assembly election districts were pre-cleared with the Justice Department, and they were subject to the Voting Rights Act at the time.

Mr. Sullivan moved,
seconded by Mr. Kendall,

to amend AO 2001-159 to use the map entitled "Version 91101 Revised."

Mr. Sullivan said the revised map includes a change in District 3 to the southern end to correct the split-up of residents of the Campbell Lake area, and that the Campbell Lake area would be part of District 6 instead of District 3. He said his amendment would keep the more traditional lines of the district intact while still getting to the population numbers that are needed.

Ms. Fairclough assumed the Chair.

Question was called on the motion to amend AO 2001-159 and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson.

NAYS: Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine.

Question was called on the motion to approve AO 2001-159 and it passed:

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

NAYS: Sullivan, Kendall, Clementson.

Mr. Tesche moved,
seconded by Mr. Tremaine,

immediate reconsideration of action on AO 2001-159.

Question was called on the motion to for immediate reconsideration and it failed:

AYES: Sullivan, Kendall.

NAYS: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.

Mr. Tesche requested a point of personal privilege. He asked that the Chair initial and date the "2001 Assembly Reapportionment Map, Version 91101," which was just approved. Mr. Tesche requested that the Municipal Clerk take possession of the map immediately to ensure there was no confusion as to which map was approved and to be used.

Ms. Fairclough moved,
seconded by Ms. Taylor,
and it passed with objections
by Ms. Clementson and
Mr. Tremaine.

to change the orders of the day to
consider item 14.P, AO 2001-135.

- P. Ordinance No. AO 2001-135, an ordinance of the Anchorage Assembly providing for the rezoning of approximately 42 acres from R-2A SL (Two-Family Residential District with Special Limitations) to R-2A SL (Two-Family Residential District with Special Limitations) for **Fire Lake Subdivision #2, Block 1, Lots 1A, 3A, 4A, 5 - 8, and Block 2, Lots 1 - 8; Fire Lake Heights, Lots 1 - 5; T15N, R1W, Section 31, SW 1/4 SW 1/4 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4; Fire Lake Subdivision, Lot 3, Tracts H, I1, I2, K1, K2, K3, L1, and M**, generally located south of Fish Hatchery Road and East Knob Hill Drive, for the purpose of adding an additional special limitation limiting the number of dogs over the age of four months to no more than three (3) per lot (Chugiak Community Council) (Planning and Zoning Commission Case 2001-019), Planning Department.
1. Assembly Memorandum No. AM 627-2001.

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

JANET McGURGIN said they were not prepared for their case to be heard tonight. She said they would not be present when their case would be considered by the Assembly. She said the zoning amendment would help to ensure that the residents could enjoy the peaceful enjoyment of their homes and neighborhood. Ms. McGurgin said about six years ago a neighbor had established a dog-mushing facility within the petition area, and the animal control rules and regulations did little to eliminate the noise and order problems neighbors experienced as a result of the dog-mushing facility in their neighborhood. She said they were seeking a special limitation that would prevent this type of land use in their residential neighborhood.

Chair Traini asked if anyone else wished to speak. There was no one.

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

to continue the public hearing on
AO 2001-135 until November 20, 2001.

The Assembly then returned to item 14.D, AR 2001-243.

- D. Resolution No. AR 2001-243, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a package store per AMC 21.40.180.D.8., located on Abbott Loop Fred Meyer Subdivision, Tract 1, Frag Lot 1A per Plat 2000-43; generally located on the south side of Abbott Road between Independence Drive and Lake Otis Parkway (**Fred Meyer of Alaska, Inc.**) (Case 2001-140), Planning Department.
1. Assembly Memorandum No. AM 725-2001.

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

LINDA MAWOLD testified against approval of the liquor license for Fred Meyer. She said she had no ill feelings toward Fred Meyer, but she did not feel the community needed another liquor store.

MICHAEL BENSON, representative of Fred Meyer, said the Municipal Planning Department had recommended Assembly approval of this item, and Fred Meyer had met all the requirements for the conditional use permit. Mr. Benson described Fred Meyer as a responsible corporate neighbor and community benefactor. He said Fred Meyer was a very responsible liquor operator, and a liquor store at this location would provide a one-stop shop.

Ms. Fairclough moved,
seconded by Mr. Tremaine
and it passed without
objection with eleven
Assembly members present,

to extend the meeting until 11:00 p.m. to
complete the public hearings on 14.D,
AR 2001-243; 14.E, AR 2001-255; and
14.I, AR 2001-249.

TERRY BURRELL said she had post-polio syndrome, and she was one person who could stop at one drink because that was all it took to stop her spasms. She said Fred Meyer had a respectable reputation around town, and she did not see the bums that hang around other liquor stores. She urged the Assembly to consider everyone's right to be pain-free.

MICHELE CZAJKOWSKI addressed the conditional use permit in relation to the transfer of the liquor license at Fred Meyer. She read an excerpt of a letter from former Assembly member, now Representative Kevin Meyer, which stated that he had suggested that they buy a license from Brown Jug or Tesoro so that they did not increase the number of liquor stores in the area. She urged the Assembly to either place another condition on the conditional use permit that would require Fred Meyer to get a license within the Abbott Loop Community Council area or deny their application for a permit.

DENISE THOMPSON said she had been eagerly anticipating the arrival of Fred Meyer in her area, including the Fred Meyer liquor store so she could get her dinner wine at the same time she shopped for dinner. She said denial of this request would limit residents' choices in the hillside area. She urged approval of this item.

SHELIA BORER spoke in favor of approval of the liquor license and said she was elated that Fred Meyer would be available to hillside residents. She said she too looked forward to the convenience of one-stop shopping at Fred Meyer.

AL GRAZEL, said he lived in the Abbott Loop Community Council area, and he viewed Fred Meyer as a good corporate neighbor. He said he felt Fred Meyer met the criteria of the Comprehensive Plan, they have a good track record in Anchorage, and he looked forward to them being able to operate a complete Fred Meyer store, including the liquor store, in the hillside area.

DICK ROSSTON said he lived on hillside, and he also represented Fred Meyer and could answer some of the questions that were asked earlier. He said there were approximately 19,662 people in the Abbott Loop Community Council area. He said the council had voted 18 to 7 against the conditional use permit for Fred Meyer. In addition, he had asked Fred Meyer representatives about their attempts to buy other liquor licenses within the area, and they had told him that they had contacted all of the other facilities but were unable to purchase any of those licenses.

Chair Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Von Gemmingen moved, to approve AR 2001-243.
seconded by Mr. Sullivan,

At Mr. Van Etten's request, Police Chief Walt Monegan said there were no Notices of Violations (NOVs) from any of the other Fred Meyer stores. He said they looked like they were a good neighbor, but the Police Department had no official comments on this item.

In response to Ms. Von Gemmingen, Chair Traini advised that other Fred Meyer representatives had intended to be present tonight, but due to the tragic events earlier in the day, air traffic had been canceled, and the representatives were unable to attend.

Mr. Tremaine moved, to amend AR 2001-243 at Section 2 to add
seconded by Mr. Tesche, "3. No advertisement or notice for liquor
visible from Lake Otis Parkway,"
renumbering the remaining numbers
appropriately.

Ms. Clementson moved, a friendly amendment to change "from
accepted by Mr. Tremaine Lake Otis Parkway" to "from the outside
and Mr. Tesche, of the building."

Fred Meyer representatives said the liquor advertising amendment was acceptable.

Mr. Van Etten clarified that "No advertisement or notice for liquor visible from the outside of the building" included no liquor advertising outside anywhere on the Fred Meyer property. Chair Traini said that was the correct interpretation of the amendment.

Question was called on the motion to approve AR 2001-243 as amended and it passed:

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

NAYS: Clementson.

Ms. Fairclough moved, to extend the meeting to complete items
seconded by Mr. Tremaine, 14.E, AR 2001-255, and 14.I, AR 2001-
and it passed without 249.
objection,

- I. Resolution No. AR 2001-249, a resolution of the Municipality of Anchorage appropriating \$227,650 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program**, Health and Human Services.
 1. Assembly Memorandum No. AM 749-2001.

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Von Gemmingen moved, to approve AR 2001-249.
seconded by Ms. Taylor,
and it passed without
objection,

The Assembly then returned to item 14.E., AR 2001-255.

- E. Resolution No. AR 2001-255, a resolution of the Municipality of Anchorage appropriating \$228,000 from various operating budget funds and General Fund balances, to pay **personnel litigation costs and expenses**, Legal Department.
1. Assembly Memorandum No. AM 788-2001.

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Tremaine moved, seconded by Mr. Tesche, and it passed without objection, to go into executive session to discuss pending litigation which involves matters which may tend to defame or injure the reputation of persons.

The meeting recessed at 11:00 p.m. for the purpose of holding an executive session and reconvened at 11:25 p.m.

Mr. Tesche moved, seconded by Ms. Clementson, to approve AR 2001-255.

Ms. Clementson moved, seconded by Mr. Kendall, and it passed without objection, that the tapes of the this evening's executive session on AR 2001-255 not ever be released.

Question was called on the motion to approve AR 2001-255 and it passed:

AYES: Von Gemmingen, Taylor, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Van Etten were out of the room at the time of the vote.)

- F. Ordinance No. AO 2001-154, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Board of Building Regulation Examiners and Appeals** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 728-2001.
 2. Information Memorandum No. AIM 92-2001.
- G. Ordinance No. AO 2001-155, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Heritage Land Bank Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 729-2001.
 2. Information Memorandum No. AIM 93-2001.
- H. Ordinance No. AO 2001-156, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Mountain View Community Recreation Center Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 730-2001.
 2. Information Memorandum No. AIM 94-2001.

Items 14.F through 14.H were continued until September 25, 2001.

- I. Resolution No. AR 2001-249, a resolution of the Municipality of Anchorage appropriating \$227,650 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program**, Health and Human Services.
1. Assembly Memorandum No. AM 749-2001.

This item was considered earlier in the meeting. See after item 14.D.

- J. Resolution No. AR 2001-250, a resolution of the Municipality of Anchorage appropriating up to \$522,984 in the deferred revenue account of the Heritage Land Bank General Fund (221) to the Federal Grant Fund (241) for the **Chester Creek Aquatic Restoration Project**, Heritage Land Bank.
1. Assembly Memorandum No. AM 750-2001.
- K. Resolution No. AR 2001-251, a resolution of the Municipality of Anchorage appropriating \$310,000 as a loan from the Areawide General Fund (101) Cash Pool Balance to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of the **Rabbit Creek View and Rabbit Creek Heights Subdivision re-survey and monumentation of the new platted lots**, Project Management & Engineering.
1. Assembly Memorandum No. AM 752-2001.
 2. Assembly Memorandum No. AM 762-2001, contract amendment No. 3 to the professional services contract with Kean and Associates, increasing the funding \$237,000 for Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Improvement Assessment District 1V96, Project Management and Engineering.
- L. Resolution No. AR 2001-256, a resolution of the Municipality of Anchorage appropriating \$310,000 from the Areawide General Fund (101) to the Miscellaneous

Capital/Pass-Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of the **Rabbit Creek View and Rabbit Creek Heights Subdivision re-survey and monumentation of the new platted lots**, Assemblymember Tremaine.

- M. Ordinance No. AO 2001-157, an ordinance of the Municipality of Anchorage authorizing sale of Heritage Land Bank Parcel 3-007, described as **Tract "C", Municipal Industrial Subdivision**, Section 16, T13N, R3W, S.M., located at Wrangell Street and Reeve Boulevard in Anchorage, and containing 7.02 acres. Heritage Land Bank.
1. Assembly Memorandum No. AM 731-2001.
- N. Resolution No. AR 2001-223, a resolution of the Assembly adopting the **Port of Anchorage Master Plan**, Port.
1. Assembly Memorandum No. AM 676-2001.
- O. Ordinance No. AO 2001-134, an ordinance amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) District to B-3 SL (General Business) District with Special Limitations for **Tract 1, ATU Subdivision**, generally located at the northeast corner of East 40th Avenue and Denali Street (Spennard Community Council (Planning and Zoning Commission Case No. 2001-012), Planning Department.
1. Assembly Memorandum No. AM 626-2001.

Items 14.J through 14.O were continued until September 25, 2001.

- P. Ordinance No. AO 2001-135, an ordinance of the Anchorage Assembly providing for the rezoning of approximately 42 acres from R-2A SL (Two-Family Residential District with Special Limitations) to R-2A SL (Two-Family Residential District with Special Limitations) for **Fire Lake Subdivision #2, Block 1, Lots 1A, 3A, 4A, 5 - 8, and Block 2, Lots 1 - 8; Fire Lake Heights, Lots 1 - 5; T15N, R1W, Section 31, SW 1/4 SW 1/4 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4; Fire Lake Subdivision, Lot 3, Tracts H, I1, I2, K1, K2, K3, L1, and M**, generally located south of Fish Hatchery Road and East Knob Hill Drive, for the purpose of adding an additional special limitation limiting the number of dogs over the age of four months to no more than three (3) per lot (Chugiak Community Council) (Planning and Zoning Commission Case 2001-019), Planning Department.
1. Assembly Memorandum No. AM 627-2001.

This item was considered earlier in the meeting. See after item 14.C.

- Q. Ordinance No. AO 2001-136, an ordinance amending the zoning map and providing for the rezoning from approximately 2.5 acres from PLI (Public Lands and Institutions District) to R-3 SL (Multi-Family Residential District with Special Limitations) for **T14N, R2W, Section 11, Lot 59, S.M., A.K.**, generally located between VFW Road and Eagle River Road (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2001-011), Planning Department.

Item 14.Q was continued until October 23, 2001.

1. Assembly Memorandum No. AM 628-2001.
- R. Ordinance No. AO 2001-137, an ordinance amending the zoning map and providing for the rezoning of approximately 9.49 acres from R-O SL (Residential-Office District with Special Limitations) to R-O SL (Residential-Office District with Special Limitations) for **Tract A, Lake Otis Acres Subdivision**, generally located south of Dowling Road and east of Laurel Street, for the purpose of increasing the number of allowable dwelling units from 80 to 95 (Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-018), Planning Department.
1. Assembly Memorandum No. AM 629-2001.
- S. Ordinance No. AO 2001-152, an ordinance amending the zoning map and providing for the **rezoning of approximately 0.1928 acres** from R-1 (Single Family Residential District) to PLI (Public Lands and Institutions District) for Block 4, Lot 28, Wickersham Subdivision #1, generally located on the southwest corner of Cache Drive and Bartlett Drive, (Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-067), Planning Department.
1. Assembly Memorandum No. AM 723-2001.

Items 14.R and 14.S were continued until September 25, 2001.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS

- A. The public hearings on the following items were rescheduled from September 25, 2001, to October 16, 2001:
1. Ordinance No. AO 2001-141, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030.D.4., to add the area recommended for public sewerage the 7 1/2 acre Tract A of Bluebell Subdivision and the 7 1/2 acre Tract A of Ashland Subdivision, generally located east of Goldenview Drive in the South Hillside area., Planning Department.

- 2. Ordinance No. AO 2001-142, an ordinance amending the zoning map and providing for the rezoning of approximately 7.46 acres from R-3SL (Multiple-Family Residential District with Special Limitations) and R-6 (Suburban Residential-Large Lot District) to R-7 (Intermediate Rural Residential District) for **Tract A, Bluebell Subdivision**, generally located on the east side of Goldenview Drive and north of East 172nd Avenue extended (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2000-208), Planning Department.

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

to change the public hearing on
AO 2001-141 and AO 2001-142 to
October, 16, 2001.

17. UNFINISHED AGENDA:

Resolution No. AR 2001-255, a resolution of the Municipality of Anchorage appropriating \$228,000 from various operating budget funds and General Fund balances, to pay **personnel litigation costs and expenses**, Legal Department.

- 1. Assembly Memorandum No. AM 788-2001.

Ms Clementson moved,
seconded by Mr. Sullivan,

to reconsider action on AR 2001-255.

Ms. Clementson asked if there were sufficient funds available to pay this bill.

Ms. Frasca said there were funds available to pay for this litigation. She said \$123,000 would come out of the Areawide 101 Fund, \$25,000 would come out of the 2001 Employee Relations operating budget, and \$80,000 would come out of the current year Department of Health and Human Services IM program budget. Ms. Frasca said the \$25,000 and \$80,000 figures were already appropriated, and the \$123,000 was out coming out of the Areawide Fund balance. Ms. Frasca said there were additional revenues coming into the fund as well, so it would not be drawn down for very long.

Ms. Clementson asked Ms. Frasca to provide the Assembly with a chart showing how much was coming out and for what reasons and how much was going in and from what sources to the Areawide Fund.

Ms. Clementson withdrew her motion to reconsider with the consent of Mr. Sullivan.

18. AUDIENCE PARTICIPATION: None.

19. ASSEMBLY COMMENTS: None.

20. EXECUTIVE SESSIONS

- A. **Litigation** (AR 2001-255).

(Clerk's Note: An executive session on this item was held. See after 14.E.)

21. ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Chairman, Dick Traini

ATTEST:

Municipal Clerk

Date Minutes Approved: November 13, 2001

VMC/csc