

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of September 25, 2001

1. CALL TO ORDER:

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

2. ROLL CALL:

Present: Anna Fairclough, Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine (5:20 p.m.), Cheryl Clementson.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Shamberg.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - April 17, 2001

Mr. Tesche moved, to approve the minutes of the regular Assembly meeting of April 17, 2001.
seconded by Ms. Fairclough,
and it passed without objection,

B. Regular Meeting - April 24, 2001

Mr. Tesche moved, to approve the minutes of the regular Assembly meeting of April 24, 2001.
seconded by Ms. Fairclough,
and it passed without objection,

C. Regular Meeting - May 8, 2001

Mr. Sullivan moved, to approve the minutes of the regular Assembly meeting of May 8, 2001.
seconded by Ms. Fairclough,

Ms. Von Gemmingen noted a correction at line 11 of page 1. She said "Gemmingen" after "Chairman Dick Traini" needed to be deleted.

Question was called on the motion to approve the minutes of the regular Assembly meeting of May 8, 2001, as amended, and it passed without objection.

5. MAYOR'S REPORT:

Mayor Wuerch addressed the issue of the vandalism of Frontier Printing and how it had affected the community. He said this hate crime was a heinous criminal act, and there needed to be zero tolerance of that kind of behavior in our community. In response, the "Not in Our Town" fund had been established at the First National Bank of Alaska. He said the purpose of the fund was two-fold: (1) to raise money to provide a \$10,000 reward for information leading to the arrest and indictment of the perpetrators of this crime, and (2) to cover the losses of the company owners, Mike and Joann Maad. He said over \$10,000 in contributions had already been received, and they are now able to take credit cards by phone call or at the bank.

Mayor Wuerch said, last Wednesday, a funding request for over \$10 million for the improvement of our emergency preparedness and responsiveness for the protection of the community from terrorism and weapons of mass destruction was sent to Senator Stevens. He said those terms include everything from chemical, biological, nuclear, radiological, explosives, and weapons used against the community. Directing the Assembly to the document entitled, "Regarding WMD" (weapons of mass destruction) "Emergency Preparedness Funding Request," Mayor Wuerch said they would embark on a public information program to address the depth and breadth of our preparedness to deal with natural and terrorist disasters.

6. ASSEMBLY CHAIR'S REPORT:

There was no report from the Assembly Chair.

7. COMMITTEE REPORTS:

Mr. Tesche said the Public Safety Committee met earlier in the day to hear Mr. Paul Harris, Executive Director of the Alaska Police Corps. He said that organization was recently established to address the long-term need for recruitment of police

officers in Alaska and was funded by the Department of Justice. Mr. Tesche described various aspects of the program and said the purpose of the program was to recruit and provide highly motivated and trained police officers for the state of Alaska. He said the Anchorage Police Department and the Alaska Police Corps were reviewing important issues such as long-term retention of police officers and recruitment of candidates into this form of public service.

8. ADDENDUM TO AGENDA:

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

Chair Traini read the addendum items.

Ms. Taylor asked that AR 2001-297 be included in the agenda. Chair Traini directed that it be included as item 9.B.7.

Mr. Sullivan asked that Ordinance AO 2001-169 be included as agenda item 9.F.11. Chair Traini concurred.

Question was called on the motion to amend the consent agenda by adding addendum items and it passed without objection.

9. CONSENT AGENDA

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2001-288, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Michele Dodds for her 20 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Sullivan requested this item be considered on the Regular Agenda. See item 10.A.

2. Resolution No. AR 2001-291, a resolution of the Anchorage Municipal Assembly **welcoming Martin Luther King III and recognizing the 50th anniversary of the Anchorage branch of the NAACP**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

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

3. Resolution No. AR 2001-292, a resolution of the Anchorage Municipal Assembly to **recognize the Horticulture section of the Department of Cultural & Recreational Services** for their outstanding accomplishment during the summer of 2001, Assemblymember Kendall. **(addendum)**

Ms. Von Gemmingen asked to be added as a sponsor to this item.

Mr. Kendall requested this item be considered on the Regular Agenda. See item 10.A.

4. Resolution No. AR 2001-293, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Pamela J. Nelson for her 15 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, 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.A.

5. Resolution No. AR 2001-294, a resolution of the Anchorage Municipal Assembly **condemning acts violence and hatred against people of different race, creed, ethnic background or religion**, Assemblymembers Clementson, Fairclough, 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.A.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-281, a resolution authorizing the **disposal of a municipal interest via relinquishment** located in the vicinity of East 46th Avenue (Extended) between A Street and C Street, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 801-2001.
2. Resolution No. AR 2001-282, a resolution authorizing the Municipality of Anchorage to **purchase a 1.38-acre portion of Section 20, T13N, R2W**, located on the east side of Seward Highway between East Fireweed Lane and East Northern Lights Boulevard for a greenbelt, Heritage Land Bank/Real Estate Services.
 - a. Assembly Memorandum No. AM 802-2001.
3. Resolution No. AR 2001-283, a resolution of the Municipality of Anchorage adopting the **Year 2000 Anchorage Carbon Monoxide Attainment Plan**, Health and Human Services.
 - a. Assembly Memorandum No. AM 803-2001.

4. Resolution No. AR 2001-286, a revision to the 2001 General Government Operating Budget appropriating \$90,000 from Anticipated Unearned Revenue to the Development Services Department to fund change order No. 4 to professional services contract for **plan review services**, PO 202240, to Degenkolb Engineers, Development Services.
- a. Assembly Memorandum No. AM 806-2001.
5. Resolution No. AR 2001-295, a resolution of the Anchorage Municipal Assembly empaneling a special citizens task force to **review the administration and enforcement of municipal building, fire, and life safety codes**, Assemblymember Tesche. **(addendum)**

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

6. Resolution No. AR 2001-296, a resolution of the Anchorage Assembly **setting forth the process for reviewing the district boundaries of community councils**, Assemblymembers Tesche, Shamberg, and Traini. **(addendum)**

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

7. Resolution No. AR 2001-297, a resolution of the Anchorage Municipal Assembly **encouraging the Anchorage Police Department to partner with the Alaska Police Corps Program**, Assemblymembers Taylor, Tesche, Van Etten, Tremaine, Shamberg, Traini, Fairclough, and Sullivan. **(LAID ON THE TABLE)**

C. BID AWARDS:

1. Assembly Memorandum No. AM 807-2001, recommendation of award to West Coast Paper for furnishing **xerographic paper** to the Municipality of Anchorage, Information Technology Department (ITB 21-B067) (\$102,000), Purchasing.
2. Assembly Memorandum No. AM 808-2001, recommendation of award to Burn's International Security for furnishing **security guard services** to the Municipality of Anchorage, Municipal Light and Power (ITB 21-B074) (\$258,852.20), Purchasing.

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

3. Assembly Memorandum No. AM 809-2001, recommendation of award to Wilder Construction Company for **Boston Street and East 12th Avenue street improvements** for the Municipality of Anchorage, Office of Planning, development, and Public Works (ITB 21-C041) (\$1,409,416.50), Purchasing.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 810-2001, **challenge grant agreement** with Anchorage Downtown Partnership (\$187,500), Office of Management and Budget.

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

2. Assembly Memorandum No. AM 811-2001, recommendation of award to Applied Microsystems, Incl. for providing **Assembly agenda guidelines electronic conversion** for the Municipality of Anchorage, Information Technology (RFP 21-P028) (\$160,000), Purchasing.
3. Assembly Memorandum No. AM 812-2001, recommendation of award to NuStats for providing a 2001 **Anchorage household travel survey** for the Municipality of Anchorage, Traffic Department (RFP 21-P031) (\$138,000), Purchasing.
4. Assembly Memorandum No. AM 815-2001, recommendation of award to Land Design North for providing architectural/engineering support for **2002 park, playground, and parking improvements** for the Municipality of Anchorage, Public Works Department (RFP 21-P015, Project E) (\$118,000), Purchasing.

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

5. Assembly Memorandum No. AM 819-2001, proprietary purchase of a **subscription service** for Gartner Group Services from Gartner Group Inc. for the Municipality of Anchorage, Information Technology (\$113,000), Purchasing. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 96-2001, Internal Audit Report 2001-6 - **Mountain View Community Center**, Cultural and Recreational Services/ Internal Audit.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 10.E.

2. Information Memorandum No. AIM 97-2001, **Sole Source Procurement** for the month of August 2001, Purchasing.
3. Information Memorandum No. AIM 98-2001, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of August 2001, Purchasing.
4. Information Memorandum No. AIM 99-2001, waiver of formal procedures for **15th Avenue/DeBarr Road Resurfacing-Orca Street to Airport Heights Road** for the Municipality of

Anchorage, Office of Planning, Development, and Public Works (ITB 21-C055) (\$519,195),
Purchasing.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.E.

5. Information Memorandum No. AIM 100-2001, **revised Summary of Economic Effects - AMEA Collective Bargaining Agreement**, Assemblymember Clementson. **(addendum)**

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.E.

6. Information Memorandum No. AIM 101-2001, transmittal of **Schedule of Expenditures of Federal Awards, State Financial Assistance Report and required federal information for Fiscal Year 2000**, Finance. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-164, an ordinance adopting the **2002 General Government Capital Improvement Budget**, Office of Management and Budget. public hearing 10-16-01 & 10-23-01.
 - a. Assembly Memorandum No. AM 794-2001.
2. Resolution No. AR 2001-276, a resolution of the Municipality of Anchorage adopting the **2002-2007 General Government Capital Improvement Program**, Office of Management and Budget. public hearing 10-16-01 & 10-23-01.
 - a. Assembly Memorandum No. AM 794-2001.
3. Ordinance No. AO 2001-166, an ordinance amending Anchorage Municipal Code Chapter 28.40, **Ballots**, to include the facsimile signature of the Municipal Clerk. public hearing 10-16-01.
 - a. Assembly Memorandum No. AM 796-2001.
4. Ordinance No. AO 2001-167, an ordinance of the Anchorage Municipal Assembly amending AO 2001-24(S) to **extend the requirement for written consent of the owners of the property within the Alaskan Village Subdivision** from 120 days to 210 days, Assembly Chair Traini. public hearing 10-16-01.
 - a. Assembly Memorandum No. AM 814-2001.
5. Ordinance No. AO 2001-168, an ordinance authorizing the **acquisition and exchange, leaseback or other disposal of municipal land on or near the southeast corner of Northwood and International Airport Roads** and the Bering Street Vehicle Maintenance Facility northeast of the Tudor Road and Arctic Boulevard intersection, ~~Legal Department~~ Heritage Land Bank. public hearing ~~10-16-01~~ 10-23-01.
 - a. Assembly Memorandum No. AM 816-2001.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 10.F.

6. Resolution No. AR 2001-284, a resolution of the Municipality of Anchorage reappropriating \$300,000 as a contribution from the 2001 Finance Department Operating Budget (Fund 101) to the Information Technology Fund (608) for capital costs associated with the **municipal tax and appraisal system replacement projects**, Finance. public hearing 10-16-01.
 - a. Assembly Memorandum No. AM 804-2001.
7. Resolution No. AR 2001-285, a resolution of the Municipality of Anchorage appropriating \$526,412 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241), \$100,000 from Alaska Housing Finance Corporation to State Categorical Grants Fund (231), \$37,500 from Alaska Mental Health Trust Authority to State Categorical Grants Fund (231), \$37,970 cash match from the Municipality of Anchorage Department of Health and Human Services Operating Budget Fund (101) to the Federal Categorical Grants Fund (241), for the purpose of providing a **one year renewal grant to fund an innovative homeless prevention project**, Health and Human Services. public hearing 10-16-01.
 - a. Assembly Memorandum No. AM 805-2001.
8. Resolution No. AR 2001-287, a resolution of the Municipality of Anchorage appropriating \$1,750,000 as a grant from the United State Forest Service to the Federal Categorical Grants Fund (241) for the Anchorage Fire Department to provide **additional fire fighting equipment and response to the wildfire hazard** posed by the aftermath of the spruce bark beetle infestation, Fire Department. public hearing 10-16-01.
 - a. Assembly Memorandum No. AM 813-2001.
9. Resolution No. AR 2001-289, a resolution of the Municipality of Anchorage appropriating \$1,030,000 of revenues from within the Areawide General Capital Improvement Fund (401), \$62,000 from within the Anchorage Parks and Recreation Capital Improvement Fund (461), and \$126,000 within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility improvements at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Anchorage Golf Course, Ben Boeke/Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 817-2001.

(Clerk's Note: The public hearing for this item was scheduled for October 16, 2001.)

In response to Ms. Clementson, Office of Planning, Development and Public Works Director Craig Campbell said the Administration would provide an AIM concerning the intent with respect to the ice rinks.

10. Resolution No. AR 2001-290, a resolution of the Municipality of Anchorage appropriating \$1,304,844 from the State Department of Health and Social Services, and appropriating \$270,000 and \$122,080 from the General Government Operating Budget Areawide General Fund (101) Health and Human Services Department, to the State Categorical Grants Fund (231), to **fund essential human services** in the Municipality of Anchorage, Health and Human Services.
- a. Assembly Memorandum No. AM 818-2001.

(Clerk's Note: The public hearing for this item was scheduled for October 16, 2001.)

11. Ordinance No. AO 2001-169, an ordinance submitting to the qualified voters of the Municipality at the next regular election a ballot proposition to amend Charter Section 4.02 to **provide for three year terms for assembly members** for both multi-member and single member assembly election districts, Assemblymembers Sullivan, Clementson, and Kendall. **(LAID ON THE TABLE)**

Ms. Von Gemmingen asked to be added as a sponsor to this item.

Question was called on the motion to approve the remaining items on the consent agenda as amended 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 2001-288, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Michele Dodds for her 20 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Sullivan moved, to approve AR 2001-288
seconded by Mr. Tremaine,
and it passed without
objection,

Mr. Kendall read the resolution, while Mr. Tesche presented it to Officer Dodds.

2. Resolution No. AR 2001-291, a resolution of the Anchorage Municipal Assembly **welcoming Martin Luther King III and recognizing the 50th anniversary of the Anchorage branch of the NAACP**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Ms. Taylor moved, to approve AR 2001-291.
seconded by Ms. Clementson,
and it passed without
objection,

Ms. Shamberg read the resolution, while Ms. Taylor presented it to Celeste Hodge.

3. Resolution No. AR 2001-292, a resolution of the Anchorage Municipal Assembly to **recognize the Horticulture section of the Department of Cultural & Recreational Services** for their outstanding accomplishment during the summer of 2001, Assemblymember Kendall. **(addendum)**

Mr. Kendall moved, to approve AR 2001-292.
seconded by Mr. Sullivan,

Mr. Tesche moved, to amend AR 2001-292 to add a new sentence at line 36 to read, "To maintain the Mayor's program of promoting public-private partnerships, the Municipality will continue to support funding for existing horticulture programs at current levels and, as new public areas are landscaped, to increase public funding for horticulture in those areas and encourage additional private sector efforts."

seconded by Ms. Shamberg,
and it passed without
objection,

Question was called on the motion to approve AR 2001-292 as amended and it passed without objection.

Mr. Kendall read the resolution, while Mr. Sullivan presented it to Bill Robb.

All the remaining Assembly members asked to be added as co-sponsors to this resolution.

4. Resolution No. AR 2001-293, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Pamela J. Nelson for her 15 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Sullivan moved, to approve AR 2001-293.
seconded by Mr. Tremaine,
and it passed without
objection,

Mr. Sullivan read the resolution. Chair Traini noted that it would be mailed to Officer Nelson as she was not present tonight.

5. Resolution No. AR 2001-294, a resolution of the Anchorage Municipal Assembly **condemning acts violence and hatred against people of different race, creed, ethnic background or religion**, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

r. Sullivan moved, to approve AR 2001-294.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Sullivan read the resolution, while Ms. Clementson presented it to Mr. and Mrs. Maad.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-295, a resolution of the Anchorage Municipal Assembly empaneling a special citizens task force to **review the administration and enforcement of municipal building, fire, and life safety codes**, Assemblymember Tesche. **(addendum)**

Mr. Tesche moved, to set AR 2001-295 for public hearing on October 16, 2001.
seconded by Ms. Taylor,
and it passed without
objection,

2. Resolution No. AR 2001-296, a resolution of the Anchorage Assembly **setting forth the process for reviewing the district boundaries of community councils**, Assemblymembers Tesche, Shamberg, and Traini. **(addendum)**

Mr. Tesche moved, to postpone action on AR 2001-295 until October 16, 2001.
seconded by Mr. Tremaine,
and it passed without
objection,

C. BID AWARDS:

1. Assembly Memorandum No. AM 808-2001, recommendation of award to Burn's International Security for furnishing **security guard services** to the Municipality of Anchorage, Municipal Light and Power (ITB 21-B074) (\$258,852.20), Purchasing.

Mr. Sullivan moved, to approve AM 808-2001.
seconded by Mr. Tremaine,

In response to Mr. Sullivan, Purchasing Officer Bart Mauldin stated there would be no change in this contract from what was provided previously. He said there was a provision in the contract to add additional services, and a certain amount of those services were already included in the overall dollar amount, so they could reduce or increase services as needed.

Question was called on the motion to approve AM 808-2001 and it passed without objection.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 810-2001, **challenge grant agreement** with Anchorage Downtown Partnership (\$187,500), Office of Management and Budget.

Ms. Clementson moved, to approve AM 810-2001.
seconded by Mr. Tesche,

Mayor Wuerch and Rod Pfleiger responded to questions from Ms. Clementson regarding the additional services the partnership would provide.

Question was called on the motion to approve AM 810-2001 and it passed:

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

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

2. Assembly Memorandum No. AM 815-2001, recommendation of award to Land Design North for providing architectural/engineering support for **2002 park, playground, and parking improvements** for the Municipality of Anchorage, Public Works Department (RFP 21-P015, Project E) (\$118,000), Purchasing.

Ms. Von Gemmingen moved, to approve AM 815-2001.
seconded by Mr. Sullivan,

Cultural & Recreation Administration Director James Posey responded to Ms. Von Gemmingen's and Mr. Sullivan's questions regarding resurfacing the tennis courts at Lyn Ary Park.

Question was called on the motion to approve AM 815-2001 and it passed without objection.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 96-2001, Internal Audit Report 2001-6 - **Mountain View Community Center**, Cultural and Recreational Services/ Internal Audit.

Ms. Clementson moved, to accept AIM 96-2001.
seconded by Ms. Fairclough,

Ms. Clementson said she had received a letter from the Mountain View Community Council expressing concerns regarding the name of the facility. She said the Mountain View Community Center was funded by the taxpayers and operated by the Boys and Girls Club. She said she was grateful to the Boys and Girls Club for operating the community centers, but the name Mountain View Community Center needed to stay in the public's eye, and not the name of the Boys and Girls Club.

Mr. Sullivan said he had also received a letter expressing the same concerns Ms. Clementson had addressed. He said the letter he received also addressed the limited hours of operation that the facility was actually available to the public. He echoed Ms. Clementson's comments that the facility was built with taxpayer dollars, and it should have a much more expanded program for the general public than what the Boys and Girls Club was providing for the operation of its program. Mr. Sullivan asked that a report be provided to the Assembly detailing the hours the facility is open to the public.

Question was called on the motion to accept AIM 96-2001 and it passed without objection.

2. Information Memorandum No. AIM 99-2001, waiver of formal procedures for **15th Avenue/DeBarr Road Resurfacing-Orca Street to Airport Heights Road** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 21-C055) (\$519,195), Purchasing.

Ms. Von Gemmingen moved, to accept AIM 99-2001.
seconded by Mr. Sullivan,

In response to Ms. Von Gemmingen, Municipal Engineer Howard Holtan stated this project is further to the east of the project that was just completed this summer.

Question was called on the motion to accept AIM 99-2001 and it passed without objection.

3. Information Memorandum No. AIM 100-2001, **revised Summary of Economic Effects** - AMEA Collective Bargaining Agreement, Assemblymember Clementson. (**addendum**)

Ms. Von Gemmingen moved, to accept AIM 100-2001.
seconded by Ms. Clementson,
and it passed without
objection,

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-168, an ordinance authorizing the **acquisition and exchange, leaseback or other disposal of municipal land on or near the southeast corner of Northwood and International Airport Roads** and the Bering Street Vehicle Maintenance Facility northeast of the Tudor Road and Arctic Boulevard intersection, ~~Legal Department~~ Heritage Land Bank. public hearing ~~10-16-01~~ 10-23-01.
a. Assembly Memorandum No. AM 816-2001.

Ms. Clementson, Mr. Sullivan, and Mr. Tesche joined in introducing this ordinance.

Ms. Clementson moved, to schedule the public hearing for October 23, 2001.
seconded by Ms. Fairclough,
and it passed without
objection,

A work session was scheduled on October 23 to discuss AO 2001-168.

2. Resolution No. AR 2001-289, a resolution of the Municipality of Anchorage appropriating \$1,030,000 of revenues from within the Areawide General Capital Improvement Fund (401), \$62,000 from within the Anchorage Parks and Recreation Capital Improvement Fund (461), and \$126,000 within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility improvements at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Anchorage**

Golf Course, Ben Boeke/Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center, Cultural and Recreational Services.

a. Assembly Memorandum No. AM 817-2001. public hearing 10-16-01.

(Clerk’s Note: AR 2001-289: Mr. Kendall moved, seconded by Mr. Tesche to set the public hearing for October 16, 2001 and it passed without objection.)

3. Resolution No. AR 2001-290, a resolution of the Municipality of Anchorage appropriating \$1,304,844 from the State Department of Health and Social Services, and appropriating \$270,000 and \$122,080 from the General Government Operating Budget Areawide General Fund (101) Health and Human Services Department, to the State Categorical Grants Fund (231), to **fund essential human services** in the Municipality of Anchorage, Health and Human Services.
- a. Assembly Memorandum No. AM 818-2001. public hearing 10-16-01.

(Clerk’s Note: AR 2001-290: Mr. Kendall moved, seconded by Mr. Tesche to set the public hearing for October 16, 2001 and it passed without objection.)

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

- A. Ordinance No. AO 2001-81, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.070 regarding **bay windows**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 321-2001.
2. Information Memorandum No. AIM 78-2001, Planning and Zoning Commission recommendation for an ordinance amending Anchorage Municipal Code Section 21.45.070 to allow bay windows to encroach two feet into any required yard zoning setback, Planning.
3. Ordinance No. AO 2001-81(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.070 regarding bay windows, Planning.
4. Assembly Memorandum No. AM 675-2001.
5. Ordinance No. AO 2001-81(S-2), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.070 regarding bay windows, Planning Department & Assembly Member Tesche.
6. Assembly Memorandum No. AM 800-2001.
- (CONTINUED FROM 7-10-01 AND 7-24-01; POSTPONED FROM 8-28-01)

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

Mr. Tesche moved, to adopt AO 2001-81(S-2).
seconded by Mr. Tremaine,

Ms. Fairclough moved, a substitute motion to adopt AO 2001-81(S).
seconded by Ms. Clementson,

Citing articles on this subject, Ms. Fairclough outlined her reasons for supporting adoption of the (S) version.

Mayor Wuerch said the Administration supported adoption of the (S-2) version.

Question was called on the motion to substitute AO 2001-81(S) and it failed:

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

Question was called on the motion to adopt AO 2001-81(S-2) and it passed:

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

(Clerk’s Note: This item was reconsidered later in the meeting. See after _____).

- B. Resolution No. AR 2001-80, a resolution of the Anchorage Municipal Assembly **empaneling a special citizens task force to review and recommend any needed improvements to existing municipal building, fire, and life safety codes**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 271-2001, AR 2001-80; citizens task force to review building, fire and life safety codes, Municipal Manager.
- (POSTPONED FROM 3-13-01, 3-20-01, AND 6-19-01)

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

Mr. Tesche moved, to postpone action on AR 2001-80 indefinitely.
seconded by Mr. Kendall,
and it passed without
objection,

12. APPEARANCE REQUESTS:

- A. **Eva Johnson**, regarding a public health and safety concern on Knoll Circle.

Ms. Johnson said that since 1987, the residence at 2231 Knoll Circle has been an eyesore as well as a health and fire hazard. She said there was approximately 1,800 square feet of debris piled high, and a foul smell was emitted from the place. She said the building there was being used as a warehouse, not a private residence, and the back patio was also used for storage. Ms. Johnson described unsanitary and unsafe conditions that made it difficult, if not impossible, for service workers to work at the location without becoming sick. She said it had been fumigated to eradicate mice and rats. She said her family had complained to various Municipal departments, but nothing had been done to clean up the mess. She provided the Assembly members with photos of the mess.

Ms. Johnson and staff responded to lengthy Assembly member questions regarding this problem.

B. **Irene Spykoven**, regarding preparedness for survival of our communities in Alaska.

Ms. Spykoven addressed her concern regarding lack of preparedness to survive a catastrophic event. In light of the recent terrorist attacks on the World Trade Centers in New York, she said she was concerned about the safety of Alaska residents. She asked that awareness drills be conducted in the Alaskan communities throughout the state and that the community councils disseminate information on emergency preparedness.

Mayor Wuerch thanked Ms. Spykoven for attending and bringing forth her concerns. He addressed her concerns by reiterating his remarks from earlier in the meeting regarding the Municipality's intentions regarding emergency preparedness. In addition, he noted that antidotes to chemicals used in biological and germ warfare were currently available on the shelf for use in an emergency event in Anchorage. He said the Municipality also had detection equipment and hazardous materials teams, in addition to police and fire and other emergency responders.

Ms. Spykoven responded to Assembly member questions, and Assembly members provided comments, in particular regarding civil defense and volunteers in these difficult and uncertain times.

C. **Theresa Nangle Obermeyer, Ph.D.**, continuing trespass notice since January 16, 2001 at East High School.

Ms. Obermeyer encouraged everyone to be patriotic. She also urged everyone to be good examples for children. She said it was difficult raising children today, and good examples were needed. Ms. Obermeyer also said it was the duty of everyone to ensure that courts were good.

The meeting recessed at 7:05 p.m. and reconvened at 7:25 p.m.

13. CONTINUED PUBLIC HEARINGS:

- A. 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.
- (CARRIED OVER FROM 9-11-01)

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, to adopt AO 2001-157.
seconded by Mr. Tesche,

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

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

- B. 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.
- (CARRIED OVER FROM 9-11-01)

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

Mr. Kendall moved, to adopt AO 2001-154.
seconded by Mr. Van Etten,

Mr. Sullivan moved, to amend AO 2001-154 on line 11 to replace "June 2" with
seconded by Mr. Kendall, July 1."
and it passed without
objection,

Question was called on the motion to adopt AO 2001-154 as amended and it passed:

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

- C. 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.
- (CARRIED OVER FROM 9-11-01)

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

GAYLE KNAPPER, Chair of the Heritage Land Bank Advisory Commission, explained the role of the Commission and described the work it performed. She urged the Assembly to continue the Commission.

Mr. Tremaine suggested that the Assembly and the Heritage Land Bank Advisory Commission hold a joint meeting once a year. He also suggested that the Advisory Commission meet at least once a year in Girdwood to discuss Girdwood land issues. He pointed out that the Heritage Land Bank was a major property owner there, and many land issues were of great interest to Girdwood residents. He said that request had been brought up at the Girdwood Board of Supervisors meeting last week, and he had promised to bring it to the Heritage Land Bank Advisory Commission.

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

Mr. Tremaine moved, to adopt AO 2001-155.
seconded by Ms. Fairclough,

Ms. Fairclough moved, to amend AO 2001-155 on page 1 at lines 10 and 11 to replace
seconded by Ms. Taylor, "July 14" to "August 1."

Question was called on the motion to adopt AO 2001-155 as amended and it passed:

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

- D. 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.
- (CARRIED OVER FROM 9-11-01)

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

RICHARD BENEVIDES, Mountain View Community Recreation Center Advisory Commission member, said despite the conflict between the Boys and Girls Club and the community regarding the operation of the recreation center, he felt the Commission had done a good job resolving the conflicts. He urged the Assembly to vote in favor of reestablishing the Mountain View Community Recreation Center Advisory Commission.

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

Ms. Fairclough moved, to adopt AO 2001-156.
seconded by Mr. Tesche,

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

There was a suggestion that the public hearings for AR 2001-250 and AR 2001-271 be combined, and there were no objections.

- E. 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.
- (CARRIED OVER FROM 9-11-01)
- F. 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.
1. Assembly Memorandum No. AM 789-2001.
- (CARRIED OVER FROM 9-11-01)

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

Ms. Von Gemmingen moved, to approve AR 2001-250.
seconded by Mr. Sullivan,

Ms. Fairclough moved a substitute motion to approve AR 2001-271.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Municipal Engineer Howard Holtan responded to Assembly member questions regarding Jerry McCutcheon's correspondence on this item.

Question was called on the motion to approve AR 2001-271 and it passed:

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

NAYS: None.

ABSTAIN: Sullivan.

Ms. Fairclough moved, to postpone action on AR 2001-250 indefinitely.
seconded by Mr. Sullivan,
and it passed without
objection,

(Clerk's Note: The Assembly then took up reconsideration of item 11.A. AO 01-81(S-2).

Mr. Tesche moved, to immediately reconsider action on item 11.A,
seconded by Ms. Von Gemmingen, AO 2001-81(S-2).

(1st Vote) failed

AYES: Fairclough, Shamberg, Clementson.

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

(2nd Vote) failed

AYES: Taylor, Van Etten, Fairclough, Shamberg, Clementson.

NAYS: Sullivan, Von Gemmingen, Traini, Kendall, Tesche, Tremaine.

The Assembly then returned to item 13.G. under Continued Public Hearings,

G. 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; CARRIED OVER FROM 9-11-01)

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and the public hearing was continued to November 13, 2001.

Ms. Fairclough requested a written response addressing the size and potential for expansion of the new school site.

H. 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.
(CARRIED OVER FROM 9-11-01)

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

CHARLES WOHLFORTH distributed materials to the Assembly, which included a letter and resolution from the Government Hill Community Council. He said during his time on the Assembly, the toughest issue he faced was the tank farm issue for Government Hill. He said this amendment setting aside a future buffer would address the opposition to adoption of the Port of Anchorage Master Plan.

PEG MENTELE, Government Hill resident, spoke in favor of Mr. Tesche's amendment. She said it provided that the top part would be a buffer, which would keep the port and industrial uses separate from the community uses, and the community supported this amendment.

LISA MURKOWSKI said Ms. Mentele did a good job of providing the history of the defense fuels area property that is the subject of this resolution. She said they would like to have memorialized in writing the history of the property and their efforts to remediate it and work through to a disposition of the property that was agreeable to everyone. She said the purpose of Mr. Tesche's amendment was to memorialize what the parties had agreed to and what their intent was with respect to this amendment.

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

Mr. Sullivan moved, to continue the public hearing on AR 2001-223 until
seconded by Mr. Kendall, October 16, 2001.

Office of Planning, Development and Public Works Director Craig Campbell said the Administration would like the opportunity to review the proposed amendment..

Ms. Clementson said she would not be present at the meeting of October 16. She said if they did continue to October 16, she would ask that the Assembly take the community council's wishes into consideration. She said she would like to be added as a co-sponsor on Mr. Tesche's amendment.

Mr. Tesche postponement because amendment had been before the Assembly for some time now. In addition, they had had two or three meetings with Governor Sheffield on the issue, the last of which occurred last week between Governor Sheffield, Representative Murkowski, and himself. He emphasized that this was not a dedication of parkland.

Question was called on the motion to continue the public hearing until October 16, 2001, and it failed:

AYES: Sullivan, Von Gemmingen, Traini, Kendall, Clementson.

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

Chair Traini closed the public hearing.

Mr. Tesche moved, to approve AR 2001-223.
seconded by Ms. Taylor,

Mr. Tesche moved, to amend AR 2001-223 as provided in the floor amendment
seconded by Mr. Tremaine, and change the amendment at line 15 to replace the words
"park/green space" with "greenbelt/safety."

Mr. Sullivan moved, to amend AR 2001-223 at line 5 of the floor amendment to
seconded by Mr. Kendall, delete the word "Potential," and at line 15 to replace the words
"will be used" with "should be used."

Mr. Tesche said because the proposed amendment made a specific reference to the August 23, 1999 letter of George Vakalis, Mr. Sullivan's amendment was unnecessary. He said the language as stated in his amendment was clear enough to provide his intent, and if there were any questions, the reader could refer back to Mr. Vakalis's letter. He recommended a no vote on Mr. Sullivan's motion.

Question was called on Mr. Sullivan's motion to amend and it failed:

AYES: Sullivan, Traini, Kendall.

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

Ms. Fairclough moved, to amend AR 2001-223 at line 5 of the floor amendment to
accepted as a friendly delete the word "Potential."
amendment by Mr. Tesche
and Ms. Taylor,

Office of Planning, Development and Public Works Director Craig Campbell reiterated that the Administration did not support the Assembly taking action on this resolution at this time. He said the Assembly had denied the Administration's request for a continuance and was about to take action on an item the Administration felt they needed more time to review. He noted that September 11 had changed the way Americans viewed ports, docks, fuels, airports, security, and other items of importance to the safety and well-being of the residents of the country. He felt it was imprudent of the Assembly to take action before the Administration could review this item.

Question was called on the motion to amend AR 2001-223 and it passed:

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

NAYS: Sullivan.

Question was called on the motion to approve AR 2001-223 as amended and it passed:

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

NAYS: None.

Mr. Kendall moved, to reconsider action on AR 2001-223 and spread it on the
seconded by Mr. Sullivan, minutes.

Mr. Tesche said the motion was out of order.

Chair Traini ruled the motion in order.

Mr. Tesche appealed the ruling of the Chair.

Ms. Clementson called a point of order and asked the Clerk to read the appropriate section of Robert's Rules of Order.

Chair Traini read the portion, "Motion to Reconsider and Enter on the Minutes." Chair Traini withdrew his ruling and said Mr. Kendall's motion to reconsider and spread on the minutes was out of order.

Ms. Fairclough moved immediate reconsideration of action on AR 2001-223.
seconded by Mr. Tremaine,

At Mr. Kendall's request, Municipal Attorney Bill Greene provided his interpretation of the section of Robert's Rules that was in question. In essence, he said that the statement of intent was addressed a large society or organization. It did not normally apply to an Assembly of the nature of this body.

Question was called on Mr. Tesche's appeal of the Chair's ruling that Mr. Kendall's motion was not out of order and it failed:

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

Ms. Clementson moved, to appeal the ruling of the Chair that ruled Mr. Kendall's
seconded by Mr. Kendall, motion out of order.

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

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

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

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

- I. Resolution No. AR 2001-244, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8., located on Muldoon Heights Subdivision, Tract A; generally located on the east side of Muldoon Road and north of DeBarr Road (**Ding How Chinese Restaurant**) (Case 2001-138), Planning Department.
1. Assembly Memorandum No. AM 726-2001.
(CONTINUED FROM 8-28-01)

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

Ms. Fairclough moved, to approve AR 2001-244.
seconded by Mr. Tesche,

Ms. Clementson noted an error on page 4. She said there was no longer a Brown Jug in Muldoon; it was not a Fred Meyer liquor license.

Mr. Sherman Ernouf, representing Fred Meyer, responded to Ms. Clementson's and Ms. Fairclough's questions.

Ms. Clementson moved, to postpone action on AR 2001-244 until after item 13.L,
seconded by Mr. Tremaine, AO 2001-152.
and it passed without
objection,

- J. 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 (Spenard Community Council (Planning and Zoning Commission Case No. 2001-012), Planning Department.
1. Assembly Memorandum No. AM 626-2001.
(CARRIED OVER FROM 9-11-01)

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, to adopt AO 2001-134.
seconded by Ms. Von Gemmingen,

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

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

- K. 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.
(CARRIED OVER FROM 9-11-01)

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

DAVID GRENIER, Triad Engineering, representing the petitioner, provided a brief history on this parcel. He said the petitioner was requesting a change to allow for the development of 95 total condominium units on this parcel of land. He said the request was reasonable, justified, and in compliance with the Anchorage 2020 Plan.

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

Ms. Clementson moved, to adopt AO 2001-137.
seconded by Mr. Van Etten,

Mr. Grenier and staff responded to lengthy Assembly member questions.

Question was called on the motion to adopt AO 01-137 and it passed:

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

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

L. 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.
(CARRIED OVER FROM 9-11-01)

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

Mr. Van Etten moved, to adopt AO 2001-152.
seconded by Mr. Tesche,

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

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

The Assembly then returned to item 13.I, AR 2001-244.

. Resolution No. AR 2001-244, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8., located on Muldoon Heights Subdivision, Tract A; generally located on the east side of Muldoon Road and north of DeBarr Road (**Ding How Chinese Restaurant**) (Case 2001-138), Planning Department.
1. Assembly Memorandum No. AM 726-2001.
(CONTINUED FROM 8-28-01)

Ms. Clementson moved, to amend AR 2001-244 at line 23 on page 1 to insert a new
seconded by Ms. Taylor, No. 1 to read, "1. Liquor sales shall constitute no more than
and it passed without 25% of total gross receipts," with the remaining numbers to be
objection, renumbered accordingly.

Ms. Clementson moved, to amend AR 2001-244 on page 1 to insert a new No. 2 to
seconded by Mr. Van Etten, read, "2. External advertising of alcohol shall be prohibited,"
and it passed without with the remaining numbers to be renumbered accordingly.
objection,

Mr. Tremaine moved a friendly amendment to change the wording of the new No. 2
accepted by Ms. Clementson to read, "No alcohol advertising viewable externally"
and Mr. Van Etten,

Question was called on the motion to approve AR 2001-244 as amended and it passed:

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

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

Ms. Von Gemmingen moved, to extend the meeting to complete the agenda.
seconded by Mr. Tremaine,
and it passed without
objection,

There was a suggestion to combine the public hearings on AR 2001-251 and AR 2001-256, and there were no objections.

- M. 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.

(CARRIED OVER FROM 9-11-01)

- N. 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.
(CARRIED OVER FROM 9-11-01)

Chair Traini opened the public hearings on AR 2001-251 and AR 2001-256 and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Tremaine moved, to approve AR 2001-256 and AM 762-2001.
seconded by Mr. Tesche,

Office of Management and Budget Director Cheryl Frasca, Office of Planning, Development and Public Works Director Craig Campbell, Mr. Tremaine, and Municipal Attorney Bill Greene responded to Ms. Clementson's questions regarding the funding shortage to cover this item.

The Assembly agreed to defer this item until after consideration of item 14.E and 14.G.

Ms. Fairclough moved, to change the orders of the day to consider items 14.E,
seconded by Mr. Tremaine, AR 2001-261, and 14.G., AR 2001-279/
and it passed without
objection,

- 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.
1. Assembly Memorandum No. AM 771-2001.

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 2001-261.
seconded by Ms. Fairclough,

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

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

- Resolution No. AR 2001-279, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant/eating place per AMC 21.40.180.D.8., located on Minnesota Commons Subdivision, Block 1A; generally located on the southwest corner of West 29th Avenue and Minnesota Drive (**Home Town Restaurant**) (Case 2001-147), Planning Department.
1. Assembly Memorandum No. AM 799-2001.

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

Mr. Tesche moved, to approve AR 2001-279.
seconded by Ms. Taylor,

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

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

The Assembly then returned to items 13.M, AR 2001-251, and 13.N, and AR 2001-256.

- M. 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.
- (CARRIED OVER FROM 9-11-01)
- N. 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.
- (CARRIED OVER FROM 9-11-01)

Ms. Frasca explained that the remaining balance from the amount set aside in April for supplemental spending in areawide was approximately \$75,000. In addition, however, another million dollars was available after the first-quarter budget decisions had been made. In addition, the consent calendar contained a resolution for introduction to receive federal fire grant monies. Ms. Frasca explained that when that item was originally approved, \$550,000 was to pay back the Municipality who had fronted those funds, and it was due to come back into the Areawide Fund balance once the federal funds were received. She said the money was available to fund this item, they simply had to decide from which category it would come.

Question was called on the motion to approve AR 2001-256 and AM 762-2001 and it passed:

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

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

Mr. Tremaine moved, to postpone action on AR 2001-251 indefinitely.
seconded by Mr. Tesche,
and it passed without
objection,

- O. Ordinance No. AO 2001-101, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning **overlay districts** and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
1. Assembly Memorandum No. AM 439-2001.
- (CONTINUED FROM 8-28-01)

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

Mr. Tesche moved, to continue the public hearing for AO 2001-101 until
seconded by Mr. Tremaine, October 23, 2001.
and it passed without
objection,

14. NEW PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 781-2001.

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

Ms. Fairclough moved, to approve AR 2001-265.
seconded by Ms. Taylor,

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

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

- B. 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.
1. Assembly Memorandum No. AM 782-2001.

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 2001-266.
seconded by Ms. Fairclough,

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

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

- C. 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.
1. Assembly Memorandum No. AM 783-2001.

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 2001-267.
seconded by Ms. Shamberg,

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

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

- D. 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.
1. Assembly Memorandum No. AM 769-2001.

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

Ms. Shamberg moved, to approve AR 2001-130.
seconded by Ms. Fairclough,

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

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

- E. 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.
1. Assembly Memorandum No. AM 771-2001.

This item was considered earlier in the meeting. See after items 13.M and N.

- F. 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.
1. Assembly Memorandum No. AM 784-2001.

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

Mr. Tesche moved, to approve AR 2001-268.
seconded by Mr. Tremaine,

Mr. Tremaine moved, to amend AR 2001-268 at line 35 to add "September 25, 2001."
seconded by Ms. Von Gemmingen,
and it passed without objection,

Question was called on the motion to approve AR 2001-268 as amended and it passed:

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

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

- G. Resolution No. AR 2001-279, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant/eating place per AMC 21.40.180.D.8., located on Minnesota Commons Subdivision, Block 1A; generally located on the southwest corner of West 29th Avenue and Minnesota Drive (**Home Town Restaurant**) (Case 2001-147), Planning Department.
1. Assembly Memorandum No. AM 799-2001.

This item was considered earlier in the meeting. See after items 13.M and N.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS: None.

A special order was considered earlier in the meeting. See item 10.F.

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION: None.

19. ASSEMBLY COMMENTS:

Ms. Clementson advised that a work session was scheduled for 8:15 a.m. to 1:30 p.m. on Thursday, October 11, 2001. She asked that it be moved to Tuesday, October 9, 2001.

Chair Traini said he would poll everyone the next day to inquire as to their availability for Tuesday, October, 9, 2001. In response to Mr. Campbell, Chair Traini said he would confer with him on this subject the next day.

Mr. Tremaine asked that the joint meeting with the Anchorage School Board scheduled for Thursday, September 27, 2001, be rescheduled due to short notice. He said he would not be able to attend.

Ms. Shamberg noted that September 27th was also a holiday, Yom Kippur.

Ms. Fairclough invited everyone to the Chugiak/Eagle River "Outrageous Auction" on Saturday, September 29th, at Birchwood Airport.

Mr. Van Etten said that the NAACP and at least two other events were taking place on Saturday the 29th that the Assembly members were invited to as well. He said he would appreciate it if the Assembly members would join him on Sunday afternoon, September 30th, for a walk in Bicentennial Park to look at the land that's proposed for conversion to Little League ball fields. He said they were meeting at the Abbott-O-Rabbit baseball fields at O'Malley and Lake Otis at 2:30 p.m.

Ms. Von Gemmingen thanked her fellow Assembly members and the administration for their cooperation and working together during the past two years.

Mr. Sullivan said he was disappointed in the Assembly and at the discovery that the past application of a provision of Robert's Rules of Order had been incorrectly applied in the past. He said in the two and a half years he had sat on the Assembly and this provision had been incorrectly applied on numerous occasions during that time, and no one had spoken up to correct it during that time.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

Mr. Sullivan moved, to adjourn.
seconded by Ms. Clementson,

The meeting adjourned at 11:00 p.m.

Chairman Dick Traini

ATTEST:

Municipal Clerk

Date Minutes Approved: December 18, 2001

LF/csc