

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 13, 2001

1. CALL TO ORDER:

The meeting was convened at 5:10 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

Absent: Pat Abney (excused.)

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Traini.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - November 21, 2000

Ms. Clementson moved, to approve the minutes of the November 21, 2000 regular meeting.

seconded by Ms. Fairclough,

and it passed without objection,

5. MAYOR'S REPORT:

Mayor Wuerch reported on a Municipal Light & Power outage earlier today. Power was swapped from Chugach Electric Association; power was out for less than 12 minutes in most buildings. He noted funding for a new SCADA system was included in the budget. The System Control and Data Acquisition system will help prevent this type of outage in the future. Mayor Wuerch also discussed proposed fee changes which would be forwarded to the Assembly for approval in the near future. Lastly, the Mayor noted he has tried to avoid presenting large numbers of last-minute Assembly items just prior to meetings. He asked Assemblymembers to try to adhere to the same policy.

6. ADDENDUM TO AGENDA:

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

seconded by Ms. Fairclough,

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

Mr. Tesche moved, to approve all items on the consent agenda as amended.

seconded by Mr. Tremaine,

A. BID AWARDS:

1. Assembly Memorandum No. AM 230-2001, recommendation of award to Alstom USA Inc. for furnishing two 115KV **SF6 power circuit breakers** for the Municipality of Anchorage, Municipal Light and Power (ITB 21-B005) (\$114,680), Purchasing.
2. Assembly Memorandum No. AM 231-2001, recommendation of award to Potelcom Supply for furnishing **transformers** to the Municipality of Anchorage, Municipal Light and Power (ITB 21-B002) (\$145,088.24), Purchasing.
3. Assembly Memorandum No. AM 246-2001, recommendation of award to Cullips Excavating, Inc. for **East 64th Avenue transportation improvements** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 21-C001) (\$248,252.75), Purchasing.
4. Assembly Memorandum No. AM 247-2001, recommendation of award to Western Peterbilt of Alaska for furnishing a **frontload refuse truck** to the Municipality of Anchorage, Solid Waste Services (ITB 20-B016) (\$155,844), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-60, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Investment Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department. *public hearing 3-27-01.*

- a. Assembly Memorandum No. AM 221-2001.
2. Ordinance No. AO 2001-61, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Youth Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 222-2001.
3. Ordinance No. AO 2001-67, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Animal Control Advisory Board** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 249-2001.
4. Ordinance No. AO 2001-68, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Municipal Airports Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150. *public hearing* 4-24-01.
 - a. Assembly Memorandum No. AM 250-2001.
5. Ordinance No. AO 2001-62, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential District) to B-3SL (General Business District) with Special Limitations for **Sperstad Subdivision, Block F, Lots 7, 8A, 10, 11 and 12; Block G, Lots 7A, 8A, 9A, 10, 11 and 12**; generally located on the west side of Arctic Boulevard, between West 53rd and West 56th Avenues (Taku Campbell Community Council) (Planning and Zoning Commission Case 2000-159), Planning Department. *public hearing* 4-17-01.
 - a. Assembly Memorandum No. AM 235-2001.
6. Ordinance No. AO 2001-63, an ordinance amending the zoning map and providing for the rezoning from R-2A (Two Family Residential District) to R-3 (Multiple-Family Residential District) for a **portion of the E 1/2, SW 1/4, Section 25, T13N, R3W, S.M., AK**; generally located on the curve of Muldoon and Tudor Roads, south of 36th Avenue (Scenic Foothills Community Council) (Planning and Zoning Commission Case 2000-172), Planning Department. *public hearing* 4-17-01.
 - a. Assembly Memorandum No. AM 236-2001.
7. Ordinance No. AO 2001-64, an ordinance amending the zoning map and providing for the rezoning from R-4 (Multiple-Family Residential District) to PLI (Public Lands and Institutions District) for a **portion of NW 1/4 NE 1/4 Section 14, T13N, R3W, S.M., AK (Proposed Tract B, Honeywood Subdivision, Preliminary Plat S-10662)**; generally located at the southwest corner of Turpin Street and Glenn Highway (Northeast Community Council) (Planning and Zoning Commission Case 2000-218), Planning Department. *public hearing* 4-24-01.
 - a. Assembly Memorandum No. AM 237-2001.
8. Ordinance No. AO 2001-65, an ordinance amending the zoning map and providing for the rezoning from R-2D (Two-Family Residential District) to B-1A SL (Local and Neighborhood Business District) with Special Limitations for **Green Acres Subdivision, Block 1, Lot 12A**; generally located on the southwest corner of 36th Avenue and Lake Otis Parkway (Rogers Park Community Council) (Planning and Zoning Commission Case 2000-242), Planning Department. *public hearing* 4-24-01.
 - a. Assembly Memorandum No. AM 238-2001.
9. Ordinance No. AO 2001-66, an ordinance authorizing the **disposal of 16,803 square feet from Lot 7A, Dowling Subdivision** (Plat 94-92), in Anchorage to the State of Alaska, Department of Transportation and Public Facilities, for right of way along Dowling Road and Old Seward Highway, Heritage Land Bank/ Real Estate Services. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 239-2001.
10. Ordinance No. AO 2001-69, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 3.20, Executive Organization, to add a new Section 3.20.065, **Assembly Confirmation Hearings**, regarding confirmation of key mayoral appointments, Assemblymember Tesche. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 251-2001.
11. Ordinance No. AO 2001-70, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 6.30, **Administration of Budget**, to add a new Section regarding Assembly oversight of litigation settlements, Assemblymember Tesche. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 253-2001.

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

12. Resolution No. AR 2001-70, a resolution **confirming and levying special assessments for Special Assessment District No. 5SR96**, which reconstructed streets in the Kempton Hills Subdivision Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Office of Planning, Development, and Public Works. *public hearing* 4-17-01.
 - a. Assembly Memorandum No. AM 220-2001.
13. Resolution No. AR 2001-71, a resolution of the Municipality of Anchorage appropriating \$3,329,800 from various sources to the Equipment Maintenance Internal Service Capital Fund (606) for the purpose of **purchasing vehicles and equipment**, Department of Facility Management. *public hearing* 3-20-01.
 - a. Assembly Memorandum No. AM 248-2001.
14. Ordinance No. AO 2001-71, an ordinance amending Anchorage Municipal Code Subsection 4.60.260A. to **reduce the number of members on the Housing and Neighborhood Development Commission** to eleven (11) members, Legal Department. *public hearing* 3-27-01. (**addendum**)
 - a. Assembly Memorandum No. AM 261-2001.
15. Ordinance No. AO 2001-72, an ordinance of the Municipality of Anchorage renumbering and amending Anchorage Municipal Code Section 9.12.010 to 9.29.019 and **modifying the penalties in Chapter 9.28, including the impound and forfeiture of vehicles used in the offense**, to

incorporate the addition of the new Section 9.28.019, Assemblymember Traini. *public hearing 3-27-01. (addendum)*

a. Assembly Memorandum No. AM 263-2001.

16. Ordinance No. AO 2001-78, an ordinance of the Municipality of Anchorage, Alaska, modifying the requirement governing the **Notice of Bonded Indebtedness** for the April 3, 2001 Regular Municipal Election, Finance. *public hearing 3-27-01. (addendum)*

a. Assembly Memorandum No. AM 278-2001.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-72, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Phillips Alaska** for being a corporate partner with the Municipality to provide recreational programs for Anchorage citizens, Assemblymembers Sullivan and Kendall.

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

2. Resolution No. AR 2001-69, a resolution of the Anchorage Municipal Assembly approving the **revised (schematic) design for the Wendler Middle School renovation**, Anchorage School District.

a. Assembly Memorandum No. AM 219-2001.

3. Resolution No. AR 2001-78, a resolution of the Anchorage Municipal Assembly **amending the community council district boundaries for the Airport Heights Community Council**, Assemblymember Van Etten.

a. Assembly Memorandum No. AM 270-2001, Municipal Manager. **(addendum)**

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

4. Resolution No. AR 2001-79, a resolution of the Anchorage Municipal Assembly **requesting that the State Department of Transportation modify its transportation ranking criteria** to more fairly account for volume of use, Assemblymember Fairclough.

a. Resolution No. AR 2001-79(S), a resolution of the Anchorage Municipal Assembly requesting that the State Department of Transportation modify its transportation ranking criteria to more fairly account for volume of use, Assemblymembers Fairclough, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

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

5. Resolution No. AR 2001-80, a resolution of the Anchorage Municipal Assembly **empanelling a special citizens task force to review and recommend any needed improvements to existing municipal building, fire, and life safety codes**, Assemblymember Tesche.

a. Assembly Memorandum No. AM 271-2001, Municipal Manager. **(addendum)**

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

6. Resolution No. AR 2001-81, a resolution of the Anchorage Municipal **consenting to the location of, and approving the Williams Lynxs Alaska CargoPort, LLC project** of the Alaska Industrial Development and Export Authority, Assembly Chair Von Gemmingen. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 224-2001, **Election Commission appointments** (Mable Zane Jones, Ethel Tuck), Mayor's Office.

2. Assembly Memorandum No. AM 254-2001, **Housing and Neighborhood Development Commission reappointments** (Margaret Evans, Meghan Moore, Patrick Fullerton), Mayor's Office.

3. Assembly Memorandum No. AM 255-2001, **Animal Control Advisory Board appointment** (Katie Nolan), Mayor's Office.

4. Assembly Memorandum No. AM 256-2001, **Chugiak-Eagle River Parks and Recreation Board of Supervisors appointment** (Ann Newbury), Mayor's Office.

5. Assembly Memorandum No. AM 257-2001, **Human Resources Advisory Board appointment** (Kathleen Carr), Mayor's Office.

6. Assembly Memorandum No. AM 258-2001, **On-Site Wastewater System Technical Review Board reappointments** (Carol Nesbett, Robert Shafer), Mayor's Office.

7. Assembly Memorandum No. AM 226-2001, **O'Malley's on the Green 2001-2001 Liquor License Renewals** for a Beverage Dispensary (#2696) and Package Store (#2884) Liquor License (Huffman/O'Malley Community Council), Clerk's Office.

8. Assembly Memorandum No. AM 227-2001, **Party Time/Boniface Liquors (#834)** - Transfer of Ownership for a Package Store Liquor License (Russian Jack and Northeast Community Councils), Clerk's Office.

9. Assembly Memorandum No. AM 228-2001, 2001-2002 Liquor License Renewals: **The Raven #4003, Quarterdeck/Captain Cook #932, Fletcher's/Captain Cook #2290, Crow's Nest/Captain Cook #290, The Corsair (tourism) #742, Courtyard by Marriott (tourism) #3694, Hawthorne Hotel/Benihana #3927** (Beverage Dispensary); **China Lights Chinese Restaurant #2219, Today's Pizza #2568, Twin Dragon #733, Organic Oasis Health Foods &**

Juice Bar #3921, Double D's Sandwich Shop #3368, Peking Wok Restaurant #2813, Thai House Restaurant #3057, Sawaddi Midtown #3970 (Restaurant/Eating Place); Y2K Liquors #3898, Brown Jug/Benson & New Seward #3478, Williams Express/NO PREMISE #1317, Williams Express/NO PREMISE #1991 (Package Store); VFW Post 9981 #2706 (Club); Anchorage Bucs #1747 (Recreational Site); Midnight Sun Brewing Co. #3486 (Brewery) (Fairview, Downtown, Spenard, Eagle River, Abbott Loop, Sand Lake, Bayshore/Klatt, Rogers Park, and Taku/Campbell Community Councils), Clerk's Office.

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

10. Assembly Memorandum No. AM 229-2001, 2001-2001 Liquor License Renewals: **Ginza Restaurant #3607** (Beverage Dispensary); **D St. Cafe #3976**, **Chuck E. Cheese #1744** (Restaurant/Eating Place); **Cusack's Restaurant & Brewpub #3485** (Brewpub); **Spirits of Alaska No. 1 #3556**, **New Party Time Liquors #2971** (Package Store) (Downtown, Spenard, Fairview, and Turnagain Community Councils), Clerk's Office.
11. Assembly Memorandum No. AM 225-2001, **2001 Audit Plan**, Internal Audit/ Municipal Audit Committee.
12. Assembly Memorandum No. AM 232-2001, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services (\$52,260), Purchasing.
13. Assembly Memorandum No. AM 233-2001, proprietary purchase for **periodical and serial renewals** to Bell & Howell for the Municipality of Anchorage, Department of Cultural and Recreational Services (\$72,000), Purchasing.
14. Assembly Memorandum No. AM 234-2001, proprietary purchase for furnishing **library materials** from the Gale Group to the Municipality of Anchorage, Department of Cultural and Recreational Services (\$83,000), Purchasing.
15. Assembly Memorandum No. AM 240-2001, proprietary purchase for providing **book leasing services** from McNaughton Book Service to the Municipality of Anchorage, Department of Cultural and Recreational Services (\$96,075), Purchasing.
16. Assembly Memorandum No. AM 241-2001, proprietary purchase from Motorola Communications, Inc. for furnishing a **communication console system** to the Municipality of Anchorage, Anchorage Fire Department (\$138,304), Purchasing.
17. Assembly Memorandum No. AM 242-2001, proprietary purchase of a **case management system** from Spokane County for the Municipality of Anchorage, Municipal Attorney's Office (\$100,000), Purchasing.
18. Assembly Memorandum No. AM 243-2001, change order No. 3 to purchase order 83951 with Carlos Tree Service, Inc. for providing **tree and bush cutting services** to the Municipality of Anchorage, Municipal Light and Power (ML&P) (\$225,000), Purchasing.
19. Assembly Memorandum No. AM 244-2001, change order No. 4 to vendor contract 80357 to exercise the last option period with Damco Paving Corporation for providing **miscellaneous asphalt and concrete repair services** for the MOA, Municipal Light and Power (ML&P) (\$350,000), Purchasing.
20. Assembly Memorandum No. AM 245-2001, proprietary procurement from various suppliers to support **fleet services operations** for the Municipality of Anchorage, Department of Property and Facility Management (\$190,000), Purchasing.

E. INFORMATION AND REPORTS: None.

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

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

Kathy Carr and Patrick Fullerton, newly-appointed board and commission members, introduced themselves to the Assembly.

8. REGULAR AGENDA:

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-70, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 6.30, **Administration of Budget**, to add a new Section regarding Assembly oversight of litigation settlements, Assemblymember Tesche. *public hearing* 3-27-01.
 - a. Assembly Memorandum No. AM 253-2001.

Messrs. Tesche, Traini and Sullivan joined in introducing this ordinance. The public hearing was scheduled for March 27, 2001.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-72, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Phillips Alaska** for being a corporate partner with the Municipality to provide recreational programs for Anchorage citizens, Assemblymembers Sullivan and Kendall.

Mr. Sullivan moved, to approve AR 2001-72.
seconded by Mr. Kendall,
and it passed without
objection,

Mr. Kendall read the resolution, while Mr. Sullivan presented it to Bob McManus and Nancy Shepester of Phillips.

Mr. McManus thanked the Assembly.

2. Resolution No. AR 2001-78, a resolution of the Anchorage Municipal Assembly **amending the community council district boundaries for the Airport Heights Community Council**, Assemblymember Van Etten.
a. Assembly Memorandum No. AM 270-2001, Municipal Manager. **(addendum)**

Mr. Van Etten moved, to schedule a public hearing for AR 2001-78 on March
seconded by Ms. Taylor, 27, 2001.

In response to Mr. Van Etten, Municipal Manager Harry Kieling explained the purpose of the memorandum he submitted.

Assistant Municipal Attorney Dennis Wheeler advised a public hearing on this resolution was necessary.

Messrs. Van Etten, Traini and Ms. Taylor joined in introducing this ordinance.

Question was called on the motion to schedule a public hearing for AR 2001-78 on March 27, 2001 and it passed without objection.

3. Resolution No. AR 2001-79, a resolution of the Anchorage Municipal Assembly **requesting that the State Department of Transportation modify its transportation ranking criteria** to more fairly account for volume of use, Assemblymember Fairclough.
a. Resolution No. AR 2001-79(S), a resolution of the Anchorage Municipal Assembly requesting that the State Department of Transportation modify its transportation ranking criteria to more fairly account for volume of use, Assemblymembers Fairclough, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Clementson and Von Gemmingen. **(addendum)**

Ms. Fairclough moved, to approve AR 2001-79(S).
seconded by Mr. Tesche,
and it passed without
objection,

4. Resolution No. AR 2001-80, a resolution of the Anchorage Municipal Assembly **empanelling a special citizens task force to review and recommend any needed improvements to existing municipal building, fire, and life safety codes**, Assemblymember Tesche.
a. Assembly Memorandum No. AM 271-2001, Municipal Manager. **(addendum)**

Mr. Tesche moved, to postpone action on AR 2001-80 until March 20,
seconded by Ms. Clementson, 2001 to allow Office of Planning, Development and Public
and it passed without Works Director Craig Campbell to be present.
objection,

5. Resolution No. AR 2001-81, a resolution of the Anchorage Municipal **consenting to the location of, and approving the Williams Lynxs Alaska CargoPort, LLC project** of the Alaska Industrial Development and Export Authority, Assembly Chair Von Gemmingen. **(addendum)**

Mr. Sullivan moved, to approve AR 2001-81.
seconded by Mr. Kendall,

In response to Mr. Tesche, Mr. Newcomer of Williams Alaska said all the land involved in this project was owned by the State of Alaska. He explained a technicality of the Alaska Industrial Development and Export Authority (AIDEA) process required Assembly approval of this project.

Question was called on the motion to approve AR 2001-81 and it passed without objection.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 228-2001, 2001-2002 Liquor License Renewals: **The Raven #4003, Quarterdeck/Captain Cook #932, Fletcher's/Captain Cook #2290, Crow's Nest/Captain Cook #290, The Corsair (tourism) #742, Courtyard by Marriott (tourism) #3694, Hawthorne Hotel/Benihana #3927** (Beverage Dispensary); **China Lights Chinese Restaurant #2219, Today's Pizza #2568, Twin Dragon #733, Organic Oasis Health Foods & Juice Bar #3921, Double D's Sandwich Shop #3368, Peking Wok Restaurant #2813, Thai House Restaurant #3057, Sawaddi Midtown #3970** (Restaurant/Eating Place); **Y2K Liquors #3898, Brown Jug/Benson & New Seward #3478, Williams Express/NO PREMISE #1317, Williams Express/NO PREMISE #1991** (Package Store); **VFW Post 9981 #2706** (Club); **Anchorage Bucs #1747** (Recreational Site); **Midnight Sun Brewing Co. #3486** (Brewery)

(Fairview, Downtown, Spenard, Eagle River, Abbott Loop, Sand Lake, Bayshore/Klatt, Rogers Park, and Taku/Campbell Community Councils), Clerk's Office.

Ms. Clementson moved, to approve AM 228-2001.
seconded by Mr. Sullivan,

Ms. Clementson moved, to divide the question, to separate The Raven license
seconded by Mr. Tesche, from the others in the memorandum.
and it passed without
objection,

Question was called on the motion to approve all items in AM 228-2001 with the exception of The Raven license, and it passed without objection.

Ms. Clementson recalled the Assembly voted to protest renewal of The Raven license last year, but there was a misunderstanding of the reasons for the protest, between the Assembly and the State Alcoholic Beverage Control Board.

Ms. Clementson moved, to postpone action on The Raven liquor license renewal
seconded by Mr. Tesche, until March 27, 2001, and schedule a public hearing on a
and it passed without resolution on the same date.
objection,

(Clerk's Note: A resolution regarding The Raven license was introduced later in the meeting.)

E. INFORMATION AND REPORTS: None.

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

- A. Resolution No. AR 2001-68, a resolution of the Anchorage Municipal Assembly supporting legislation proposed to the Alaska State Legislature to institute **changes in the required eviction notification to mobile and manufactured home community dwellers and tenants before redevelopment** of that community, Assemblymembers Taylor, Clementson, Fairclough, Traini, Tremaine, Van Etten, and Von Gemmingen.
1. Assembly Memorandum No. AM 269-2001, Municipal Manager. (**addendum**)
(POSTPONED FROM 2-27-01)

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

Ms. Taylor moved, to postpone action on AR 2001-68 until March 20, 2001
seconded by Mr. Tesche, to allow consideration in conjunction with a piece of
and no further action was legislation regarding Alaskan Village Trailer Court.
taken,

Ms. Taylor moved, to approve AR 2001-68.
seconded by Mr. Tremaine,

Mr. Tesche moved, to amend AR 2001-68 on line 37 to add a new sentence
seconded by Mr. Tremaine, to read: "Residents evicted during winter months as a result of
a change in land use should be reimbursed their reasonable,
actual costs of relocation, not to exceed \$5,000, unless they
are given at least one year's prior notice."

Chair Von Gemmingen spoke against the amendment.

Mayor Wuerch also opposed the amendment. He would not support the resolution if amended as proposed.

Ms. Fairclough moved, to amend the amendment to read: "...should be given at
and it was accepted as a friendly least one year's prior..." thereby deleting reference to
amendment, relocation reimbursement.

Mr. Tremaine moved, to amend Mr. Tesche's amendment to read: "...evicted
and it was accepted as a friendly **between September 30 and April 1** as a result..."
amendment,

Question was called on Mr. Tesche's motion to amend as amended and it failed:

AYES: Tesche, Tremaine.

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

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

Question was called on the motion to approve AR 2001-68 and it passed:

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

NAYS: None.

- B. Assembly Memorandum No. AM 39-2001, grant subrecipient agreement with Anchorage Neighborhood Housing Services to **administer the World Changers Housing Rehabilitation Project** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (\$41,200), Purchasing. (POSTPONED TO 2-27-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 1-24-01; NOTICE OF RECONSIDERATION WAS WITHDRAWN BY MS. ABNEY 1-30-01; POSTPONED FROM 2-27-01)

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

Municipal Manager Harry Kieling requested another week’s delay on this item. He explained the Administration wanted the Housing and Neighborhood Development (HAND) Commission to meet and consider the issue, but when a meeting on March 8 was attempted, a quorum of members was unavailable. He acknowledged further delays were undesirable, but pointed out consideration by the HAND Commission was important. Mr. Kieling also requested postponement of item 11.A to allow consideration by the HAND Commission.

Mr. Sullivan moved, to postpone action on AM 39-2001 until March 20, 2001.
seconded by Mr. Kendall,
and it passed without
objection,

10. APPEARANCE REQUESTS:

- A. **Ms. D’Ette Owen**, Community Director-Woodside Village & Tyee Apartments: Presentation of a \$20,000 grant to fund an after school recreation program.
B. **Capt. Angela Billings**, Elmendorf Air Force Base: Air Show.

See after item 11.A. for these appearances.

11. CONTINUED PUBLIC HEARINGS:

- A. Resolution No. AR 2001-55, a resolution of the Municipality of Anchorage adopting amendment number one to the 2000 Action Plan, a component of the **2000-2002 Housing and Community Development Consolidated Plan**, Planning Department.
1. Assembly Memorandum No. AM 120-2001.
2. Assembly Memorandum No. AM 120-2001(A), Legal Department. (**addendum**)
(CONTINUED FROM 2-27-01)

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

Mr. Tremaine moved, to continue the public hearing for AR 2001-55 until
seconded by Mr. Sullivan, March 20, 2001.
and it passed without
objection,

(Clerk’s Note: See comments regarding postponement of this item under item 9.B earlier in the meeting.)

The Assembly then returned to item 10, Appearance Requests.

- A. **Ms. D’Ette Owen**, Community Director-Woodside Village & Tyee Apartments: Presentation of a \$20,000 grant to fund an after school recreation program.

Ms. Owen explained over the years, the owners and residents of the Woodside Village and Tyee Apartments have reaped the benefits of the Municipality’s programs free of charge. The Rec and Roll Program and the Police Department’s Bike Rodeo, among others, have helped many children in the area. Also, vandalism and graffiti were greatly reduced after the programs began. The new owners of the apartments recognize the benefits of these youth programs, and wish to contribute toward an after school recreation program. Ms. Owen presented a check on behalf of the owners of the soon-to-be renamed Chester Creek Estates and Chester Park Estates.

An unidentified representative of Cultural and Recreational Services accepted the money from Ms. Owen. He introduced Brenda Schimmeyer and Teri Peters, two of those involved in fruition of the Youth at Risk Program. He thanked the owners of the apartments, as well as the Administration and Assembly for supporting these types of public/private partnerships that benefit the community.

- B. **Capt. Angela Billings**, Elmendorf Air Force Base: Air Show.

Major Hyde appeared in Ms. Billings’ place. On behalf of Colonel Douglas Fraser, Major Hyde announced the Arctic Thunder 2001. He explained this was the annual Air Show and Open House at Elmendorf, on June 30 and July 1. He presented a video overview of the Air Show, and invited everyone to attend.

The meeting recessed at 6:30 p.m. and reconvened at 7:15 p.m.

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2001-56, a resolution of the Municipality of Anchorage appropriating \$199,000 from the Southcentral Foundation to the Federal Categorical Grants Fund (241) for **emergency alcohol services** in the Department of Health and Human Services.

1. Assembly Memorandum No. AM 192-2001.

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

Mr. Tesche moved, to approve AR 2001-56.
seconded by Ms. Clementson,

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

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

B. Ordinance No. AO 2001-53, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District for its fiscal year 2001-2002** and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District.

1. Assembly Memorandum No. AM 121-2001.
2. Information Memorandum No. AIM 27-2001, School Budget Advisory Commission Report, Municipal Clerk.

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

PEGGY ROBINSON, president of the Anchorage School Board, discussed the proposed budget. She noted a new format for the Anchorage School District (ASD) budget, called "budget basics." She hoped the new format would be more user-friendly for Assemblymembers and citizens. Ms. Robinson noted the proposed operating budget amount was over \$2 million less than the current operating budget. She noted the food service budget was completely self-supporting; no tax dollars will be used for that portion of the budget. Debt service will increase by over \$5 million. However, this includes projects previously approved by voters. State and Federal grants and local revenues will increase by about \$1 million. Ms. Robinson requested the Assembly adopt the budget as proposed.

CAROL COMEAU, ASD Superintendent, explained proposed changes to the amounts listed in the budget. At a worksession earlier today, there was a discussion regarding calculations of the local tax limitation. ASD staff compiled the budget based on a Consumer Price Index of 1.6 percent. This resulted in an increase to the local amount of \$441,236. Mr. Tremaine suggested a review of the calculations for the 5-year population change, another component for the local tax limitation formula. Ms. Comeau received new information from Municipal staff that shows a 5-year population change of .29 percent rather than .33 percent figure used to calculate the proposed budget. She verified certification of each years' population with the Alaska Department of Community and Economic Development. Based on the new 5-year population figure, the amount of taxes available under the local tax limitation would be reduced by \$41,045. She requested the local tax contribution and upper limit of the budget be increased by \$400,191.

Mr. Tremaine felt the Alaska Department of Labor's 5-year population figures should be used rather than those of the Department of Community and Economic Development. He was concerned using the latter department's figures would artificially limit the School District's budget.

Ms. Comeau said she would discuss the matter with Municipal Office of Management and Budget staff. She pointed out the District could return at a later date with adjusted figures, if necessary.

Ms. Fairclough commended the District staff and citizen groups who worked on the budget.

In response to Chair Von Gemmingen, Mr. Sullivan declined to declare a potential conflict of interest. He noted he has mentioned the possible conflict on two former occasions, and both times was found not to have a conflict.

Mr. Tremaine declared a possible conflict of interest, because his wife is employed by the Anchorage School District. Her salary makes up a significant portion of their family income. However, his wife's employment status has changed from last year. She has not received a layoff notice this year, whereas last year she was notified she may be laid off due to a pending Assembly action.

Ms. Fairclough moved, the question "does Mr. Tremaine have a substantial financial
seconded by Mr. Tesche, interest in the matter before the Assembly?"

In response to Ms. Taylor, Mr. Sullivan confirmed his wife is a teacher for the Anchorage School District. He said her salary situation remains the same as it was in the past, when the Assembly voted twice that there was not a conflict of interest for a member whose spouse was a tenured teacher.

Question was called on whether Mr. Tremaine had a substantial financial interest in the matter before the Assembly and it failed:

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

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

Mr. Tesche moved, the question “does Mr. Sullivan have a substantial financial
seconded by Mr. Kendall, interest in the matter before the Assembly?”

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

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

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

Mr. Tesche moved, to adopt AO 2001-53.
seconded by Ms. Taylor,

Mr. Tesche moved, to amend AO 2001-53 on line 14 to read:
seconded by Ms. Clementson, “...the amount of \$427,314,998 has been approved...” and on
line 15 to read: “...the amount of \$135,244,321 shall be the
amount of money to be appropriated...”

Mr. Tremaine reiterated his concerns about the 5-year population figures.

Mr. Tremaine moved, to amend the amendment to change the figures to read:
and it was withdrawn, “...\$427,356,043....\$135,285,366...”

Cheryl Frasca of the Office of Management and Budget explained a requirement that the source of population data be the
State Department formerly known as Community and Regional Affairs. She added the .33 percent number which Mr.
Tremaine used in his calculation was correct last fall; since then the State provided notification of the correct number, .29
percent.

Mr. Tremaine withdrew his motion.

Question was called on Mr. Tesche’s motion to amend and it passed:

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

Question was called on the motion to adopt AO 2001-53 as amended and it passed:

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

Mr. Tesche moved, immediate reconsideration of action on AO 2001-53.
seconded by Mr. Kendall,

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

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

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

NIKKI HAARS of the American Cancer Society and Smokefree Anchorage Coalition, spoke on behalf of the Coalition. Ms.
Haars said the Coalition supported the ordinance and encouraged Assembly adoption.

ANNETTE MARLEY, of the Alaska Native Health Board, also spoke in support of the ordinance.

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

Ms. Clementson moved, to adopt AO 2001-48.
seconded by Ms. Fairclough,

Ms. Clementson spoke in support of the ordinance.

In response to Mr. Traini, Municipal Manager Harry Kieling addressed the attached statement of economic effects, which
indicated there would be no cost impact from adoption of the ordinance. He hoped the proposed change would be a practical
approach to the few anticipated violators. There are only three individuals he knew of who will not comply with the new
smokefree ordinance, so the Administrative Hearing Officer could likely handle the anticipated increase in workload.

Mr. Traini requested a report within six months regarding the economic effects of this ordinance.

Mr. Kieling pointed out the original ordinance provided for an evaluation after one year; he suggested that would be a good
time frame.

Mr. Traini agreed.

Question was called on the motion to adopt AO 2001-48 and it passed:

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

- D. Resolution No. AR 2001-54, a resolution of the Assembly adopting the recommendations contained in the **Ship Creek Multi-Modal Transportation Plan** with changes recommended by the AMATS Technical Advisory Commission, Planning Department.
1. Assembly Memorandum No. AM 119-2001.

Chair Von Gemmingen noted Assemblymembers have not received all information regarding this item, and Planning Department staff suggested a continuance for the public hearing. Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one.

Mr. Tremaine moved, to continue the public hearing for AR 2001-54
seconded by Mr. Van Etten, until March 27, 2001.
and it passed without
objection,

Mr. Tremaine moved, to schedule a worksession to discuss the Ship Creek
seconded by Mr. Van Etten, Multi-Modal Transportation Plan on March 27, 2001.
and it passed without
objection,

- E. Ordinance No. AO 2001-49, an ordinance repealing Ordinance 77-351 concerning a portion of Tract B-1, Waldron Subdivision, and amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) District and R-O SL (Residential Office) District with Special Limitations for **Tract 2A, Waldron Subdivision**; generally located south of Tudor Road and east of Shelikof Street (Campbell Park Community Council) (Planning and Zoning Commission Case No. 2000-243), Assemblymember Traini.

Chair Von Gemmingen noted a packet of information from the Planning and Zoning Commission was forthcoming, so the public hearing would be continued to March 20, 2001. She opened the public hearing and asked if anyone wished to speak. There was no one.

Mr. Traini moved, to continue the public hearing for AO 2001-49 until
seconded by Mr. Tesche, March 20, 2001.
and it passed without
objection,

- F. Ordinance No. AO 2001-52, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 2.30.030 I. relating to the **time requirements for public hearings of the Assembly and adjournment of Assembly meetings**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 146-2001.

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

TOM MCGRATH felt the legislative process should be timely, but not hasty. He pointed out a super majority vote is required to extend public hearings past 10:30, and the meeting past 11:00, for a good reason. It should be difficult to change these times, as Assembly members themselves often remark that it is difficult to make decisions very late at night. Mr. McGrath spoke against adoption of the ordinance, because late-night decisions would disenfranchise citizens. Many people cannot stay awake long enough to be present until midnight.

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

Mr. Tesche moved, to adopt AO 2001-52.
seconded by Ms. Taylor,

Mr. Tesche spoke in support. He felt the danger of Assemblymembers acting under the influence of sleepiness late at night was outweighed by the danger of prolonging the public process.

Mr. Kendall spoke against the ordinance. He pointed out existing rules were enacted for good reason and worked well.

Mr. Sullivan opposed the ordinance. He could remember only one or two times during his tenure when a vote to extend the meeting failed. Therefore, he questioned whether a problem actually exists that should be cured. He concurred with Mr. McGrath's comments.

Mr. Traini supported the ordinance. He noted on occasion people present to testify are forced to wait until another night because one or two Assemblymembers vote against extending the meeting.

Ms. Clementson felt the Assembly does not do its best work after 11:00 p.m. Often, legislation that is rushed during late-night session has to be revisited at a later date. She suggested the Assembly better manage its time and plan meetings around issues.

Question was called on the motion to adopt AO 2001-52 and it passed:

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

NAYS: Sullivan, Kendall, Fairclough, Clementson.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Resolution No. AR 2001-82, a resolution of the Anchorage Municipal Assembly Anchorage **protesting a beverage dispensary license renewal for The Raven**, Assemblymembers Clementson, Fairclough, and Traini. **(NOT SUBMITTED) (LAID ON THE TABLE)**

Ms. Clementson, Ms. Fairclough and Mr. Traini joined in introducing this resolution. The public hearing was scheduled for March 27, 2001.

(Clerk’s Note: See minutes of March 20, 2001 regular meeting for further action on this item.

B.

Ms. Clementson moved, to obtain outside legal counsel to advise the Assembly
seconded by Mr. Tesche, on Board of Adjustment appeal S-10625, Eagle Crossing
and it passed without Subdivision.
objection,

15. UNFINISHED AGENDA: None.

16. AUDIENCE PARTICIPATION:

TOM MCGRATH noted the building which housed the Trapline massage parlor in the Spenard area was substantially damaged recently by fire. The Municipal Code stipulates when a building is more than 50 percent damaged, it cannot be rebuilt. He asked the Assembly to keep tabs on this issue, and ensure this business is not reestablished. Mr. McGrath added the many wheeled and temporary buildings in the Spenard area create problems by taking up required parking places, and extending into the public right-of-way. The buildings do not have sanitation facilities or disabled access. Also, many of them operate without complying with Municipal Code chapter 21, among other problems. He asked the Assembly encourage investigation and enforcement of these violations.

Mr. Kendall requested a report from the Administration regarding the Trapline building.

Municipal Attorney Bill Greene advised the Assembly that ex parte rules may come into play in this issue, as grandfather rights are in question.

Mr. Sullivan expressed interest in a worksession to discuss the issue of temporary buildings. Mr. Traini concurred.

17. ASSEMBLY COMMENTS:

Ms. Fairclough pointed out some business signs along 5th Avenue are offensive to some people. They are attached to utility poles, which is illegal. She asked the Administration to review and respond to this situation.

Mr. Tesche requested a status report on the sign ordinance.

Mr. Kendall announced the birth of his grandson, Roman Gregory.

Mr. Traini requested a report from the Administration on membership of the Parks and Recreation Advisory Commission.

Mr. Sullivan congratulated everyone who made the 2001 Special Olympics World Winter Games Alaska a huge success.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 8:30 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2001

VC/db

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